

REPORT

OF

THE COMMISSIONER

FOR

SCHEDULED CASTES

AND

SCHEDULED TRIBES

1978-79

(Twenty-sixth Report)

OFFICE OF THE COMMISSIONER
FOR
SCHEDULED CASTES AND SCHEDULED TRIBES

As required under Article 338 of the Constitution, I have the honour to submit my Report upon the working of the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution, for the year 1978-79 (Twenty-sixth Report).

This is my third Report after I took over as Commissioner for Scheduled Castes and Scheduled Tribes on 24th November, 1976.

Shishir Kumar

SHISHIR KUMAR
Commissioner

New Delhi
31st March, 1980

The President,

(through the Minister for Home Affairs)

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CHAPTER 1

INTRODUCTORY AND GENERAL REVIEW

On the morrow of a new decade it is appropriate to review the immediate past in terms of achievements made, potentialities untapped and promises ahead. How about 'the tryst with destiny' in the case of Scheduled Castes and Scheduled Tribes?

1.2. The uninhibited march towards equality, upward mobility towards economic viability and assured social proximity to the national mainstream may be the dependable variables to determine a purposeful reappraisal of the advancement of the weaker sections, more particularly the Scheduled Castes and the Scheduled Tribes. With the tasks and ideals so pronouncedly declared and imperative mandates so specifically provided in our Constitution, every assessment of our endeavours need must bear and reflect upon the answer to the all embracing question as to how far the members of these classes have been viably integrated and brought at par with the rest of the people. Thirty-two years are no small period to stabilise transformation in a society and yet may not be long enough to fully atone the sins of centuries. Efforts have been made, perhaps not commensurate with the magnitude of the problems. The results achieved could not therefore, answer to the crying needs in a manner of a leveler.

1.3. Perhaps, in the process of weaving a national fabric out of many diversities, some of them irreconcilable, a cautious approach to the problems during the early decades of Independence had a logic. The stress in our development strategies during the period was more on the aggregative than on the distributive dimension. The nation, no doubt, grew to a stature. A type of economic growth helped sustain the political system and the stability of the policy in its turn acted as a shock-absorber to the many fluctuations alternating between acceleration and stagnation in the development processes. But a time is often reached in a nation's history when a historical need having been completed, the hitherto less emphasised or inadequately stressed aspects of the national commitment, if not, attended to or neglected further, may pose a threat to the very ediffice of the system. We seem to have reached a stage where a more meaningful and viable advancement of the weaker sections and the dispossessed can be considered a necessary condition for the stability of the nation and its political system. The responses, so far, to the challenges of time have not been as adequate despite the emphasis, in later years, on growth with social justice.

1.4. The nation can legitimately claim an all-round growth. But the same cannot be said of the weaker sections like the Scheduled Castes and Scheduled Tribes. We have not succeeded in getting for them freedom from poverty, inequalities and injustices. In spite of constitutional guarantees, protective legislations and numerous developmental programmes, the vast majority of the members of these communities still continue to be impoverished. The Scheduled Castes are not owners of productive resources and continue to suffer from social ostracism. The Scheduled Tribes living in relatively underdeveloped parts of the country are slowly losing control of productive resources as a result of some of our unimaginative laws and development schemes.

1.5. Significant strides have been made in the various fields of development. Agricultural output has risen consistently and there has been diversification and expansion in our industrial capability, which have, in their turn, resulted in the growth of banking, trade and commerce as also increased employment and better earnings in the case of certain sections of the people. But, by and large the beneficiaries in the rural and urban sectors have been the affluent sections. The weaker sections, the bulk of which include the Scheduled Castes and Scheduled Tribes, have yet to derive tangible benefits. According to an estimate of the year 1977-78, of the 290 million people living below poverty line, 160 million were below 75% of the poverty line and the bulk of them constitute the Scheduled Castes and the Scheduled Tribes.

1.6. The glaring fact that emerges out of the reading of the situation is that poverty cannot be eradicated by merely producing more. For instance, along side the spread of improved methods of food production there must be structural and institutional changes regarding the ownership of land tenancy rights. We are almost closing on the twentieth century and the goal continues to elude us with only two decades left. It is for consideration whether it is not appropriate that the perspectives of the twenty first century should inform our strategies during the remaining decades of the twentieth. With the thorough and meaningful review of the results of the past strategies in concrete terms of gains made and deficiencies identified, we may be able to build up a wholesome strategy, the operation of which might put a sizeable cake of national wealth into the hands of today's weaker sections in a targeted period so that by the end of the century the nation could legitimately claim to have completely integrated and brought these communities at par with the rest of the people. In short, the target should be to wipe out inequalities both social and economic during these crucial two decades. Priorities of development may have to be drawn up in ascending order, putting emphasis on the Scheduled Castes and the Scheduled Tribes and the backward classes of comparatively lower order among them constituting the majority of our people. It

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may be Antodaya with a difference, in as much as, it will project the class as a whole for rapid growth rather than individuals on selective basis. Any such scheme, must ensure enough employment guarantees and massive programmes as also ownership of the means of production, trade, commerce and industry. What is called for is a massive new deal to offer, a dedicated new zeal to implement and renewed emphasis on distributive justice.

Atrocities on Scheduled Castes and Scheduled Tribes

1.7. Protective legislations enacted for safeguarding the social and economic rights of the Scheduled Castes and Scheduled Tribes alone are not enough to produce the desired results. For abiding transformation, active support and involvement of larger sections of the society is needed at the present stage of our development. Change of age-old beliefs and prejudices which are against the constitutional sanctions and civilised conduct calls for a climate to change the outworn prejudices by mobilising and enthusing the people on constructive lines in order to accelerate the pace of social and economic progress.

1.8. Atrocities on the Scheduled Castes, a continuing feature have, of late, been registering a perceptible rise giving cause for great concern. There are instances where the weaker sections are subjected to physical violence even while trying to exercise their fundamental right to vote in elections. Loud noises are heard whenever any atrocity is reported in any part of the country. The State machinery down to the district level starts probing into the incidents and some cases are also registered. But seldom are the root causes properly analysed so as to keep an effective vigil on the bases of socio-economic tensions. During 1976, 1977 and 1978 as many as 6,197, 10,879 and 15,053 atrocity cases against Scheduled Castes were reported. According to the information which is not complete, in 1979, 13,426 cases of atrocities were reported against Scheduled Castes and this figure may touch the figure for 1978, if not more. In the case of Scheduled Tribes also 1065, 1138 and 1632 cases were reported during the years 1976, 1977 and 1978 respectively. The largest number of cases in 1978 in descending order in respect of Scheduled Castes were reported from Uttar Pradesh (5,660), Madhya Pradesh (3,240), Bihar (1,911), Maharashtra (1,046), Rajasthan (886), Kerala (767), Gujarat (540) etc., etc. An analysis of some of these crimes indicates that they are a direct outcome generally of agrarian tensions which are not attended to promptly, and take the shape of ugly violent incidents. These incidents also arise as a result of ineffective enforcement of Minimum Wages Act, rural indebtedness, practice of bonded labour and social disabilities and lack of mobility on the part of Scheduled Caste agricultural labour to shift to other congenial places of work. It is reported that at times the affluent farmers who employ the landless persons are able to draw the support of the revenue and police and even of the politicians. There are many areas which can be easily identified as incident-prone areas and it will not be wrong to surmise that these occurrences reveal a failure on the part of the revenue, police and development departments in promptly attending to the grievances of the weaker sections of the society. The situation has been further aggravated due to the failure to get the land reform measures implemented through normal administrative action with needed determination and vigour. The bulk of the agricultural labourers and share-croppers belong to the Scheduled Castes/Tribes and other castes of low ritual status and the assertion of their rights has caused active hostility among the vested interests in rural areas. It was, therefore, suggested in the earlier Reports that the State Governments should direct the revenue and police authorities to solve the problems of the weaker sections in the incident-prone areas in a co-ordinated manner so as to avoid loss of life and destruction of property. Only a few State Governments like Gujarat have taken concrete steps in this direction by constituting revenue-cum-police teams to visit the rural areas and resolve the disputes. The Central Government has also to play an important role in this matter and not remain passive spectators in this task. The State Governments have set up police cells at various levels for investigating the cases of harassment and atrocities on Scheduled Castes/Tribes. This problem can be solved to a large extent if the police does not restrict itself only to the maintenance of law and order but jointly with other departments, makes efforts for the solution of the social and economic problems that are faced by the weaker sections of the society as active agents of conflict resolution. What is required is 'social intelligence' instead of 'police intelligence' which is weak and deficient about the problems of social and agrarian unrest that are brewing in rural areas. Another important point which needs urgent attention is the speedy disposal of atrocity cases by the law courts. Inordinate delay in the disposal of these cases undermines the confidence of the victims of atrocities in the judicial system, emboldens the perpetrators of these crimes after their release on bail, demoralizes the complainants and makes the witnesses vulnerable to pressures and thus allows the tension in the affected villages to continue unabated. At times these cases are prolonged for years. It was, therefore, suggested in the earlier Report that Special Courts with mobile units should be set up. It is hoped that the State Governments will persuade the High Courts for constituting these Special Courts for trial of atrocity cases. A study in depth of some atrocity cases which had occurred in the past in the States of Bihar, Uttar Pradesh, Madhya Pradesh, Maharashtra, Andhra Pradesh and Tamil Nadu would indicate the social and economic problems which continue to remain unresolved. These studies should be assigned to expert bodies for a detailed analysis and to pinpoint the short-comings in the implementation of various socio-economic, political and administrative measures.

Powers of the Union to deal effectively with the matter of atrocities on members of the Scheduled Castes/Scheduled Tribes :

1.9. In the Report for the year 1977-78, it was stated that cases of atrocities due to socio-economic causes should not be treated as ordinary violation of law and order assigned in the State List. It was further pointed out that in matters of protection of weaker sections the Centre has an over-riding responsibility which it cannot afford to overlook as the word "State" occurring in Article 46 of the Constitution meant the Nation in totality rather than mere component units. Effective intervention of the Central Government in cases of atrocities on the Scheduled Castes and Scheduled Tribes appeared to be also obligatory and modalities of such intervention may be worked out in consultation with the State Governments. This issue has been again considered very carefully and in order to know the extent of executive powers that the Union Government possesses under the Constitution, to effectively deal with the matter of atrocities committed on members of Scheduled Castes and Scheduled Tribes in the States, reference has to be made to certain Articles of the Constitution.

1.10. Article 46 of the Constitution casts upon the Union and States alike an imperative obligation "to protect the members of the Scheduled Castes and Scheduled Tribes from social injustice and all forms of exploitation". The word "State" occurring in this Article does not mean State Government but includes the Union as well, as would be clear from a reference to Article 36. It is true that Article 46 finds a place in the Chapter on "Directive Principles of State Policy" and is not therefore enforceable in courts of law. But the principles mentioned therein have been expressly declared by Article 37 as fundamental in the governance of the country. The Directive Principles were not, for the lack of their justiciability, a "pious wish" or a "needless fraud" as was apprehended by Prof. K. T. Shah, a member of the Constituent Assembly at one stage of its deliberations. Allaying those apprehensions Dr. B. R. Ambedkar, Chairman of the Drafting Committee, emphasised their importance in the following words:

"The Directive Principles are like instruments of Instructions which were issued to the Governor General. What is called Directive Principles is merely another name for the Instruments of Instructions. The only difference is, that they are instructions to the Legislature and the Executive. Whoever captures powers will not be free to do what he likes with it. In the exercise of it, he will have to respect these instruments of Instructions which are called directive principles. These were not intended to be mere pious declarations. In enacting this part of the Constitution, the Constituent Assembly is giving directions to future Legislature and the future Executive to show in what manner they are to exercise the legislative and executive power that they have. Surely it is not the intention to introduce in this part of the Constitution these principles as mere pious declarations. It is the intention of the Assembly that in future both the Legislature and the Executive should not pay merely lip-service to these principles but that they should be made the basis of all legislative and executive action that they may be taking hereafter and in the matter of the government of the country."

1.11. If "protection of the members of the Scheduled Castes and Scheduled Tribes from social injustice and all forms of exploitation" is an imperative obligation on the Union and the States and constitutes a fundamental tenet in the governance of the country, there can be no doubt that their subjection to atrocities would constitute the worst kind of social injustice and exploitation and should, therefore, obviously be a matter of the greatest concern both for the Union and the States. The responsibility resting on the shoulders of the Union Government cannot be passed on to the States with a feeling of helplessness in the matter of taking adequate and effective steps. Such a feeling would only be based on the misconception that in dealing with the situation arising therefrom, it would be going beyond the sphere of its own executive powers as specified in certain provisions of the Constitution and should therefore leave it to the State.

1.12. In considering the above matter, some basic facts have to be borne in mind:

- **(i) The Indian Constitution in contrast to purely federal form of Government presents a combination of a federal structure with unitary features. This aspect of the Constitution is indisputable and a reference to Articles 248, 249, 250, 254, 256, 257, 258 and 365 by way of illustration should suffice for that purpose.**
- **(ii) All parts of the Constitution are to be read with the same sanctity.[1]**
- **(iii) Articles 73 and 162 no doubt provide that the executive powers of the Union and the States are co-extensive with their legislative powers, but it is necessary to note that both these Articles open with the words "subject to the provisions of this Constitution." While, therefore, the executive powers of the Union are limited to matters on which it is competent for it to legislate, the limitation will be entirely inoperative in respect of matters covered by other provisions of the Constitution.**

1.13. The question now is whether the power to legislate on matters relating to social injustice and exploitation are outside the purview of the Union on account of its inclusion in any

1. Vide Gopalan v. The State (1950) S.C.R. 31 quoted in Basu's Commentary of Indian Constitution.

entry of List 2 (State List) of the Seventh Schedule to the Constitution. For an answer to this question, it is necessary to determine the proper meaning of the expressions "social injustice and exploitation". Injustice, of course, means negation of justice and we are therefore, to see what is meant by the expression "Justice". The Preamble of the Constitution speaks of "JUSTICE, social, economic and political." The last three words should not, however, be interpreted as meaning that social, economic and political justice are quite separate and exclusive spheres of justice. They are clearly over-lapping concepts, and in fact social justice is itself comprehensive enough to include economic and political justice. The expression "exploitation" too connotes everything that hampers or retards the full growth of an individual for the benefit of somebody else and denies to him the dignity of a human personality. It does not necessarily imply physical oppression, and the mere use of another human being for one's own purposes and benefits may legitimately be said to amount to exploitation. If these two expressions are given their due and proper meaning, it can, undoubtedly, be said that the worse sufferers from social injustice and exploitation have been the members of the Scheduled Castes/Tribes.

1.14. Where, then, is the power to legislative on these matters in any of the Lists of the Seventh Schedule? The answer obviously is that this power is not to be found in any of the Lists with the result that the provision of the Article 248 is attracted and it gives the Union exclusive powers in respect of them.

1.15. The only provision in the Constitution which is pleaded by the States for appropriating to themselves the exclusive right to deal with these matters is entry 1 of List II of the Seventh Schedule which speaks of "Public Order". The argument is that social injustice and exploitation may, and often, do lead to public disorder and the State alone has, therefore, the right to legislate and necessarily also to take executive action in respect of them.

1.16. What does "Public Order" in List II of the Seventh Schedule connote? This expression finds place in Article 19(3) also and in that context, it has been the subject matter of authoritative pronouncement by the Supreme Court. There the hon'ble Mr. Justice Hidayatullah observed:

*"It will thus appear that as "Public Order" in the rulings of this Court (earlier cited) was said to comprehend disorders of less gravity than those affecting "security of state", "Law and Order" also comprehends disorders of less gravity than those affecting "public order". One has to imagine three concentric circles. Law and order represents the largest circle within which is the next circle representing 'public order' and the smallest circle represents 'security of the state'. It is then easy to see that An act may affect 'law and order', but not 'public order', just as an act may affect public order but not security of the State".**

The position emerging from the above decision was summed up by a learned judge of the Allahabad High Court in the following words :

*"The position therefore is that while public order is included in and is a part of order, it does not cover the entire area of order with the result that though all public disorders are certainly disorders, all disorders are not public disorders, the latter being those aggravated forms of disorders which effect the public at large".***

1.17. Entry No. 2 of List II of the Seventh Schedule confines itself to public disorders and leaves other disorders out of its scope leaving them to be dealt with by the Union under its residuary powers. A perusal of the Lists would make it clear that the grades in importance of matters enumerated in the various Lists do not alone form the basis of distribution of powers and numerous factors had to be taken into account by the framers of the Constitution in marking out fields of legislation. It is not difficult to conceive that many of the subjects entered in List I may have a tendency to lead to public disorder, but it cannot on that account be said that legislation in regard to all of them is legislation relating to public order and therefore falling within entry 1 of List II.

1.18. In this connection, a reference to the 42nd and 44th Amendments of the Constitution is very important. It would be seen that the 42nd Amendment had inserted a new Article 257A which was in the following terms :

"257A. Assistance to States by deployment of armed forces or other forces of the Union—

(1) The Government of India may deploy any armed force of the Union or any other force subject to the control of the Union for dealing with any grave situation of law and order in any State.

(2) Any armed force or other force or any contingent or unit thereof deployed under clause (1) in any State shall act in accordance with such directions as the Government of India may issue and shall not, save as otherwise provided in such directions, be subject to the superintendence or control of the State Government or any officer or authority subordinate to the State Government.

(3) Parliament may, by Law specify the powers, functions, privileges and liabilities of the members of any force or any contingent or unit thereof deployed under clause (1) during the period of such deployment."

It had also introduced an entry 2A in List I. When the 44th Amendment was taken up for consideration by Parliament the Bill as passed by

*AIR 1965 S.C. p. 740.

**AIR 1968 Allahabad p. 100.

the Lok Sabha deleted both the above provisions. When, however, the Bill came up before the Rajya Sabha, the deletion of entry 2A from List I was opposed and the deletion was ultimately voted down with the result that entry 2A in List I was retained and it is in the following terms:

"2A...Deployment of any armed force of the Union or any other force subject to the control of the Union or any contingent or unit thereof in any State in aid of the civil power; powers, jurisdiction, privileges and liabilities of the members of such forces while on such deployment."

1.19. When the 44th Amendment Bill as amended by the Rajya Sabha was, in due course, sent to the Lok Sabha, an amendment to entry 2A in List I was moved by a member suggesting an insertion of the words "only with the consent of the State" after the words "any State". This amendment was negatived by the Lok Sabha and entry 2A of List I as now existing in the Constitution was retained. The suggestion for the insertion of the words "with the consent of the State" in entry 2A of List I was obviously made with a view to excluding the interference of the Union unless allowed by the State. This attempt was, however, repelled and the power of legislating laws on the deployment of any armed force of the Union or any other contingent or unit thereof in any State in aid of civil power of the State remained vested in the Union. The position, therefore, at present is that there is no such provision as Article 257A in the Constitution whereas there is a provision as entry 2A in List I. The power of the Union to legislate necessary brings in also its executive power. Entry 2A of List I was not in any way dependent upon or consequential to Article 257A as existing prior to the 44th Amendment and it cannot be suggested that entry 2A of List I necessarily fell with the deletion of Article 257A introduced by the 42nd Amendment. Entry 2A of List I exists in the Constitution by its own force and in its own right and, as mentioned at the outset, this provision too has as much sanctity as any other provision of the Constitution and has to be given its full effect. It is not possible to suggest that the deployment of any armed force of the Union or any other force subject to the control of the Union or any contingent or any unit thereof in any State can, under entry 2A of List I, only be in aid of civil power and that aid involves a need felt and expressed by the State. A State may really be in need of aid on account of the inadequacy of its resources or the ineffectiveness of its policies and programmes and yet be either not conscious of it or be reluctant to allow the Union to aid it. This would not, however, render the deployment as anything other than aid. The fact that entry 2A in List I gives a power to the Union to legislate on it and to exercise executive authority in respect of it shows that no request in that behalf by the State is at all necessary because of the paramount obligation of the Union in respect of the governance of the country. This conclusion is strengthened by the consideration that the introduction of the words "with the consent of the State" was not accepted by Parliament.

1.20. It must also be mentioned that the power conferred under entry 2A of List I does not presuppose the existence of a law in that regard before any executive action is taken by the Union and all that it requires is the competence to legislate in respect of this entry. In respect of entry 2A of List I, the State has no power at all to make laws. The criterion for deciding the extent of executive power under the proviso to Article 73 is not the actual existence of a law but the power of making a law. Since that power rests only in the Union, it naturally follows that the executive action by the Union of the nature mentioned in entry 2A of List I is exercisable by the Union alone. Entry 2A of List I clinches the issue and is decisive in regard to the power of the Union respecting the matter mentioned therein.

1.21. Attention has particularly to be drawn to the power of the Union to issue directions to the State under Articles 256 and 257(1). Article 256 expressly provides that the executive power of the Union shall extend to the giving of such directions to a State as may appear to the Union to be necessary for the purpose of ensuring compliance with the laws made by Parliament. That power is almost an unfettered power, provided of course that it is exercised within the limits and terms of that Article. So far as the imperative nature of the directions under the powers conferred by Article 256 is concerned, it may be gathered from the fact that a duty has been cast upon the States to carry out those directions and that duty has been described as 'obligations' in the heading of that Article. Article 365 shows the strength of the imperativeness of the directions issued by the Union under Article 256 since it empowers the Union, in certain circumstances, to hold that the Government of the State cannot be carried out in accordance with the provisions of the Constitution if the State has failed to comply with, or to give effect to, any directions given in the exercise of the executive power of the Union. No higher sanction for those directions is conceivable. Article 256 further makes it obvious that if an Act made by Parliament such as the Indian Penal Code or the Criminal Procedure Code is not being properly enforced by a State, it is open to the Union to issue directions as to their enforcement which would necessarily include laying down the modes of their enforcement also, because the directions would otherwise be ineffective and negatory. What would be the nature of the directions will depend upon the situation in each case, but it cannot be denied that the power to issue directions implies the power to lay down the details also in respect of them and to exercise all such ancillary and incidental powers as are necessary for making the power effective.

1.22. It is, therefore, indisputable that if atrocities are committed in a State on the members of the Scheduled Castes and Scheduled

Tribes and such atrocities amount to offences under the Indian Penal Code, the Union is fully empowered to issue directions for proper enforcement of the Indian Penal Code and the Criminal Procedure Code and issue directions as to the mode of their enforcement. As a necessary incident to it, the Union is also equally empowered to ask the State Government to utilise the services of such Police, Army or other personnel, as the Union may place at the latter's disposal, if the State is lacking in effectiveness in dealing with it. This would not at all amount to infringement of constitutional provisions or acting beyond the scope and ambit of the executive powers of the Union. Indeed it would be a performance of a duty imposed on the Union by the Constitution.

Reservation of seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha and State Legislatures :

1.23. An important political safeguard provided by the framers of our Constitution was reservation of seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha and the Vidhan Sabhas initially for a period of 10 years and subsequently extended by 10 years by amending Article 334 of the Constitution in 1959 and 1969. While deciding to reserve seats, the framers of the Constitution had taken note of the acute educational and economic backwardness of the Scheduled Tribes. In addition, the Scheduled Castes suffer from the stigma of untouchability and the Scheduled Tribes from isolation and chronic neglect. The Constitution envisaged a fast enough pace of development for the tribal areas so that they could be brought to the level of development in the surrounding regions in the concerned States within a period of 10 years after the commencement of the Constitution. This, however, could not be achieved.

1.24. A view expressed at the time of the framing of the Constitution was that there should not be any time limit for reservation of seats. It seems that the time-frame of 10 years laid down in the Constitution was perhaps meant to galvanise action on the part of the nation to ameliorate the conditions of these communities in as short a time as possible. Late Pandit Govind Ballabh Pant, the then Home Minister, while piloting the first amendment to Article 334 of the Constitution for extending the period of reservation by another 10 years in 1959 had aptly summed up that "We have not been able to touch a fringe of the question." He further stated that the problem "is yet to be tackled continuously for longer period so that members of these classes may be able to stand on their own feet." A study of electoral contests reveals that a very negligible number of Scheduled Caste and Scheduled Tribe candidates were returned from general constituencies.

1.25. There is a clear nexus between the representation of Scheduled Castes and Scheduled Tribes in the Legislatures and political power without which the other safeguards and concessions provided for these categories of people would lose much of their essence. In the Chapter II of this Report dealing with constitutional safeguards some reasons which necessitate the continuation of reservation in the representation of these communities in the Lok Sabha and Vidhan Sabhas have been indicated. Considering the importance of the matter and with a view to impressing upon the Union Govt. the urgency to go in for early amendment of Article 334 to extend the period of reservation well in time before its expiry on 25th January, 1980, as to allow sufficient time for ratification by State Assemblies, it was suggested as early as March, 1979, to the then Prime Minister and the Home Minister the question of extending the period of reservation by 10 years or more. It was felt that a reasonable time-frame would place before the country a target worthy of achievement with all the resources mobilised. The protective measures should not lull the under-privileged, rather these should be able to spur them towards self-reliance in quickest possible time. The efforts of both the State and the disadvantaged groups should combine to achieve the desired millieu. What is needed is more accelerated pace of growth with social justice and a massive and meaningful involvement of the disadvantaged groups.

Educational Development

1.26. The chapter on the 'Educational Development' in this Report brings out the position regarding the educational status of these communities. The general illiteracy level according to 1971 census was 70.66 per cent (males 60.49 per cent and females 81.56 per cent) whereas in rural areas, for Scheduled Castes, it was 87.23 per cent (males 79.96 per cent and females 94.94 per cent). In some States the position if illiteracy among Scheduled Castes and Scheduled Tribes was appalling. For example, among Scheduled Castes in the rural areas, the percentage of illiteracy in Bihar was 94.16 (males 89.12 per cent and females 99.26 per cent); in Rajasthan it was 92.77 (males 86.64 and females 99.45) and in Uttar Pradesh it was 90.89 (males 84.23 and females 98.26). Similarly, among Scheduled Tribes in the rural areas, in Andhra Pradesh it was 95,22 (males 92.27 per cent and females 98.24 per cent); in Arunachal Pradesh it was 95.08 (males 91.69 per cent and females 98.44 per cent) and in Rajasthan it was 93.83 (males 88.44 per cent and females 99.59 per cent).

1.27. An analysis of the enrolment figures for the year 1977-78 shows that the all-India percentages of the relevant age groups attending schools in classes I to V for Scheduled Castes and Scheduled Tribes were 75.5 and 66.1 respectively, as compared to 85.7 per cent for the rest of the community. In some States/ Union Territories the enrolment position of these communities was far worse. For example, the percentages of enrolment in Classes I to V, to the population of the corresponding age groups among Scheduled Castes during that year were as low as 40.4 in Jammu & Kashmir, 42.8 in

Rajasthan and 46 in Bihar. Among the Scheduled Tribes their percentages were as low as 35.5 in Rajasthan, 46.6 in Madhya Pradesh and 48.7 in West Bengal. The dropouts of students before completing Class V, belonging to Scheduled Castes (50 per cent) and Scheduled Tribes (45 per cent) are more as compared to the drop-outs in the general studies (43 per cent).

1.28. In Classes VI to VIII, the all-India percentages of the relevant age-groups attending schools, for Scheduled Castes and Scheduled Tribes for the year 1977-78 were 25.5 and 17.7 respectively, against 37.9 for the general population. In some States, however, these percentages for Scheduled Castes were as low as 9.4 in Bihar, 14.6 in Orissa, 14.8 in Rajasthan, 19.2 in Assam and 19.3 in West Bengal while for Scheduled Tribes these were 9.0 in Orissa, 11.1 in Rajasthan, 13.4 in West Bengal, 14.1 in Tripura, 15.5 in Tamil Nadu, 15.6 in Goa, Daman & Diu and 15.9 in Arunachal Pradesh.

At the level of classes IX and above, the enrolment position of Scheduled Castes/Scheduled Tribes is still worse. In 1973-74, for which the relevant comparable figures are available, the all-India percentages of enrolment of Scheduled Castes/Scheduled Tribes to enrolment of all children, for these classes, were 11.00 and 7.7 respectively, against 21.2 for the general population. In some States/Union Territories again, these percentages for Scheduled Castes were as low as 4.8 in West Bengal, 5.7 in Bihar, 6.5 in Chandigarh, 7.4 in Karnataka, 8.8 in Madhya Pradesh and 8.2 in Punjab. For Scheduled Tribes, these were as low as 2.8 in Andhra Pradesh, 3.9 in Dadra & Nagar Haveli, 5.0 in West Bengal, 6.0 in Orissa, 6.2 each in Gujarat and Tripura, 8.5 in Bihar and 9.8 in Tamil Nadu.

1.29. In so far as enrolment in the professional and other higher courses is concerned, the position is rather deplorable. In the case of Scheduled Castes, the co-efficient* of equality for all professional courses which was 29.3 in 1964-65 increased to 39.0 in 1974-75, while for the Scheduled Tribes it rose from 10.3 in 1964-65 to 20.3 in 1974-75. This increase is also insignificant if we consider that during the year 1974-75, out of every 100 students enrolled in professional and other higher courses, only about 4 and 1 students belonged to the Scheduled Castes and the Scheduled Tribes, respectively. Among the Scheduled Castes, for some courses like Agriculture, Commerce, Law, Nursing and Physical Education the coefficient in 1974-75 was as low as 35.6, 36.3, 35.6, 36.3, 35.6, 32.9 and 27.4 respectively. Among the Scheduled Tribes, for the same year, it was still lower, being 15.9, 17.4, 15.9, 17.4, 8.7 and 10.1 for Agriculture, Commerce, Engineering & Technology, Law, Medicine (other than Allopathy) and Veterinary Science, respectively.

1.30. It will be seen from the above paragraphs that there is great disparity in the spread of education among Scheduled Castes and Scheduled Tribes. Inter-State, intra State and community-wise imbalances in the growth of education amongst members of these communities are noticeable. The inter-State disparities in taking benefit of the Government of India scheme for award of post-matric scholarships to Scheduled Caste and Scheduled Tribe students during 1977-78 would be evident from the table below :

S. No.	State/U.T.	Sch. Castes		Sch. Tribes	
		% of total S.C. population	% of total PMS awards to S.C. students	% of total S. T. population	% of total PMS awards to S.T. students
1	2	3	4	5	6
1	Andhra Pradesh	7·05	10·25	5·48	2·31
2	Assam . .	1·11	2·49	3·90	14·07
3	Bihar . .	10·16	4·20	11·97	18·44
4	Gujarat . .	2·29	5·71	9·12	18·20
5	Haryana . .	2·30	1·15	..	..
6	Himachal Pradesh.	0·98	0·31	0·34	1·20
7	Jammu & Kashmir.	0·46	0·16	..	..
8	Karnataka .	5·18	6·03	0·64	0·42
9	Kerala . .	2·43	2·55	0·47	1·38
10	Madhya Pradesh	6·97	1·51	23·82	4·69
11	Maharashtra .	3·85	15·70	9·32	5·75
12	Manipur . .	0·02	0·06	0·81	4·69
13	Meghalaya .	0·0004	0·01	1·98	4·29
14	Nagaland . .	..	..	1·11	3·75
15	Orissa . .	4·01	0·94	12·32	4·19
16	Punjab . .	4·06	3·70	..	..
17	Rajasthan . .	5·11	1·78	7·61	5·40
18	Tamil Nadu .	8·89	5·21	1·09	0·30
19	Tripura . .	0·23	0·16	1·09	0·70
20	Uttar Pradesh .	23·15	26·76	0·48	1·47
21	West Bengal .	10·79	10·01	6·32	3·71
22	Andaman & Nicobar Islands	..	..	0·04	0·02
23	Chandigarh .	0·04	0·01	..	..
24	Delhi . .	0·77	1·23	..	..
25	Goa, Daman & Diu.	0·02	0·02	0·02	Negligible.
26	Lakshadweep .	..	..	0·07	0.24
27	Mizoram . .	..	..	0.76	4.56
28	Pondicherry .	0·09	0·05	..	..
29	Arunachal Pradesh.	Negligible.	N.A.	0·90	N.A.
30	Dadra & Nagar Haveli.	Negligible.	Negligible.	0·16	0·04

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

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

It will be seen from the above table that in the States of Bihar, Haryana, Himachal Pradesh, Jammu & Kashmir, Madhya Pradesh, Orissa, Punjab, Rajasthan, Tamil Nadu and Tripura, the percentage of post-matric scholarship awards to Scheduled Caste students is less than the percentage of their population to the total population of the respective States. In the case of Scheduled Tribes it would be seen that in Andhra Pradesh, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tamil Nadu, Tripura and West Bengal the percentage of PMS awards to Scheduled Tribe students is less than the percentage of their population to the total population of the respective States.

1.31. It has been repeatedly stressed in the earlier Reports that Central initiative in the shape of liberal financial grants is necessary to help financially backward States to augment their schemes of financial assistance to Scheduled Caste and Scheduled Tribe students at the pre-matric stages of education and educationally more backward communities among these categories so that they are able to derive full benefit of the post-matric scholarships scheme. This is an area which has been left entirely to the care of the State Governments and no appreciable progress will be possible unless Government of India comes forward with a Scheme to help the State Governments. At the same time, as a result of various educational development schemes, first generation graduates from educationally backward Scheduled Tribe communities and numerically and educationally weak Scheduled Caste communities have to face competition from comparatively more educationally advanced Scheduled Caste/Scheduled Tribe communities which results in denial of employment opportunities to them. This calls for a positive discrimination in favour of educationally less advanced Scheduled Caste/Scheduled Tribe communities in giving them educational facilities and employment opportunities.

1.32. In the medical and engineering colleges admissions are made either on the basis of entrance tests or on the basis of the candidates' merit in the qualifying examinations. Scheduled Caste/Scheduled Tribe candidates are given relaxation of marks in the entrance tests, in most of the States. In the six Indian Institutes of Technology, direct admission of Scheduled Caste/Scheduled Tribe candidates receiving more than 50 per cent marks was also made till 1978-79, in addition to admissions through the Joint Entrance Examination. From the year 1979-80 however, direct admission of Scheduled Caste/Scheduled Tribe candidates has been stopped and they are admitted only through the Joint Entrance Examination with the result that only 88 Scheduled Caste and 11 Scheduled Tribe candidates could get admission to these Institutes against 246 and 82 seats reserved for Scheduled Caste and Scheduled Tribe candidates respectively during that year. Arrangements for extra coaching in Science and Maths to Scheduled Caste/Scheduled Tribe students exist in some Backward Classes hostels in some States, at Higher Secondary/+2 stage, which helps them to some extent in securing better marks in the qualifying examinations. It would be useful if such schemes are started by all the States/UTs and Central assistance is also provided to the State Governments to supplement their funds for the implementation of these schemes to enable all the deserving Scheduled Caste/Scheduled Tribe students at +2 stage to receive intensive coaching in the above mentioned subjects. Extra coaching is also provided to these students by some I.I.Ts. and medical colleges after their admission to these Institutes/colleges. However, it is reported that due to the very high standard of academic performance expected from the students in these institutes, the performance of Scheduled Caste/Scheduled Tribe students has not been encouraging, with the result that some of them were not able to complete their courses successfully and some of them were expelled from Indian Institute of Technology due to their poor performance.

1.33. Concerted efforts are, therefore, required to be made by all the State Governments/U.T. Administrations by giving incentives at pre-matric level, like pre-matric stipends, free books, stationery, uniforms, mid-day meals and extra coaching to Scheduled Caste/Scheduled Tribe students, to ensure that the high rate of drop-outs among the students of these communities is checked and an increasing number from them are able to secure admission and complete professional and higher courses. In the case of Scheduled Caste/Scheduled Tribe girls who lag far behind even the Scheduled Caste/Scheduled Tribe boys in the field of education, universal coverage should be ensured in the matter of giving the above mentioned incentives to them.

1.34. There are about 100 million illiterate persons in the country in the age-group 15-35 who have crossed the school-going age. A vast majority of them is constituted of the Scheduled Castes, the Scheduled Tribes and women. While efforts are being made by Government to universalise elementary education upto the age of 14 years, it is equally important that educational facilities should be extended to the population in the age-group 15-35 in order to remedy their educational deprivation and to develop their potentiality. It was with this end in view that the National Adult Education programme was initiated on the 2nd October, 1978, envisaging provision of adult education during the Sixth Five Year Plan. Since the rate of illiteracy is disproportionately high among the Scheduled Castes and the Scheduled Tribes, these communities have been included among the special priority categories to be taken care of during the implementation of the programme. While starting Adult Education Centre, the areas of Scheduled Castes and Scheduled Tribes concentration will be given preference. The schemes are to be implemented by State Governments. Some voluntary organisations are also being associated with the implementation of the programme. It is hoped that various State Govts. will give due consideration to the policy of according special

priority to the areas of Scheduled Castes and Scheduled Tribes concentration while starting the above mentioned centres.

Different categories of workers among Scheduled Castes/Scheduled Tribes

1.35. It is well known that a large number of workers among Scheduled Castes and Scheduled Tribes are engaged in agriculture. The table at Annexure I of this Chapter indicates the total number of workers and percentage of cultivators and agricultural labourers among the Scheduled Castes and Scheduled Tribes. There is high participation rate of Scheduled Castes (males 54%, females 17%) and Scheduled Tribes (males 56%, females 20%) in the working force as compared to general population (males 51%, females 10%) which indicates that they are perforce compelled to accept any work which provides them employment and remuneration. It will be further seen from the table that there is pronounced landlessness among Scheduled Caste workers (51%) as compared to Scheduled Tribes (33.04%) while only 20.20% of agricultural labourers were reported in the rest of the population.

1.36. According to 1971 Census, in the States of Andhra Pradesh, Bihar, Gujarat, Haryana, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Punjab, Tamil Nadu, Uttar Pradesh and West Bengal, the percentage of Scheduled Caste agricultural labourers ranged between 42.17 to 77.18. In the Union Territory of Pondicherry, Scheduled Caste agricultural labourers constituted 77.27%. As regards cultivators, leaving aside Himachal Pradesh, Jammu & Kashmir, Rajasthan, Tripura and Uttar Pradesh, in other States and Union Territories, the percentage of Scheduled Caste cultivators ranged between 0.33 to 33.47. Another study made by the Census Organisation had indicated that 51% of land holdings of Scheduled Caste cultivators were less than 2.4 acres compared to others in whose case the percentage was 34. This shows high incidence of landlessness among the Scheduled Castes in the country. As regards Scheduled Tribes, in the States of Andhra Pradesh, Gujarat, Karnataka, Kerala, Maharashtra and West Bengal, the percentage of Scheduled Tribe agricultural labourers ranged between 42.33 and 62.33. In so far as cultivators were concerned, leaving aside the States of Andhra Pradesh, Karnataka, Kerala and West Bengal, in other States and Union Territories, the percentage of Scheduled Tribe cultivators ranged between 41.14 and 94.16.

1.37. This analysis would indicate that landlessness is not an acute problem among Scheduled Tribes in some tribal areas. However, agricultural operations in these unirrigated inferior quality of lands does not provide sustenance for the whole year. Besides, the tribals face problems in matters relating to occupancy rights, alienation of their land etc. The picture of employment amongst these communities looks more dismal if we take into consideration underpayment of wages fixed under Minimum Wages Act. The small pieces of land cultivated by Scheduled Castes and unproductive land holdings of Scheduled Tribes leads to low productivity and consequently low purchasing power. The net result is that bulk of the Scheduled Caste and Scheduled Tribe people are forced to work as agricultural labourers, in mining and quarrying, tanning and currying, scavenging, shifting cultivation, seasonal collection of minor forest produce, etc.

Programmes of Economic Development for Scheduled Castes

1.38. Schemes for the economic development of Scheduled Castes are crucial. Not much could be achieved from the programmes taken up under Backward Classes Sector and therefore right from the First Plan emphasis was laid that the Scheduled Castes must get their due share from the General Sectors of development. The earmarking of funds, quantification and Special Component Plan for Scheduled Castes mean one and the same thing. What is necessary is that funds from different State Development Departments including Central Ministries/Departments should flow for the economic development of various occupational categories of Scheduled Castes like agricultural labourers, small and marginal cultivators, leather workers and other artisans and migrant unskilled urban working class. A comprehensive programme for the development of all land holdings of the Scheduled Castes including land distributed to them from ceiling surplus, Govt. lands allotted to them, and their own private lands should be drawn up. Animal husbandry, sericulture, decentralised leather industry etc. etc. should cover Scheduled Caste families. It is felt that the different development departments should open a separate budget head for the funds earmarked for Scheduled Castes and these should be made non-lapsable and non-divertible. At the same time monitoring and evaluation of the schemes to be financed by General Sectors for Scheduled Castes should be undertaken on a continuous basis so that inadequacies in the implementation of the schemes are identified and rectified. A convention should be developed that matters relating to Special Component Plan for Scheduled Castes get top priority and their processing and disposal should be specially reviewed by the Chief Secretary of the State.

1.39. The full implications of the special responsibility of the Government of India for the economic development of Scheduled Castes has been realised by ensuring that all blocks with 20% or more of Scheduled Caste population are covered under the I.R.D. scheme. It is recommended that the benefits in the I.R.D. programme should be earmarked to the extent of the proportion of the Scheduled Castes amongst the target groups in each case and till such figures are available, it should be 50% of the total benefit.

1.40. The approach of shelving the issues relating to the economic development of Scheduled Castes under the argument that the subject

matter of a particular scheme falls within the purview of the responsibility of the State Governments and that there are no Central or Centrally sponsored schemes would not help in solving the problems. The Planning Commission has a responsibility to discharge and they should come forward with a scheme for giving Special Central Assistance for Scheduled Castes to enthuse the States to earmark sizeable funds for Scheduled Castes from different sectors under the Special Component Plan. The Planning Commission should identify some schemes in each State which can make a massive impact in improving the economic conditions of Scheduled Castes and provide adequate funds for their implementation. One such scheme was discussed by the Commissioner during his tour in the coastal districts of Orissa, under which each Scheduled Caste landless and small and marginal cultivator family can be given 150 coconut fruit bearing palms along the 10,000 kms. of canal embankments as well as rehabilitation of landless Scheduled Caste families on Government waste land for coconut plantations. The beneficiaries will have the right on the usufruct from the palms and pay a nominal annual rent to the Government. The beneficiaries settled on waste sandy Govt. land will be able to also derive income from the irrigated intercrops. The total cost of the scheme for coconut plantation on the canal embankments will roughly be of the order of Rs. 35 crores and will benefit about 70,000 families and along with 25,000 families settled on land would cover about 1/5 of the total population of Scheduled Castes landless workers in the State. If such schemes can be identified in various States, a time bound programme with provision of necessary funds should be drawn up for implementation in a phased manner. Another scheme in the State of Bihar which has proved of immense benefit to the share croppers and small and marginal farmers is to bring under cultivation waste land on the river banks by installing a pump and giving necessary inputs to the beneficiaries. A scheme of this type could be taken up under DPAP, SFDA, MFALA to be supplemented in respect of Scheduled Caste beneficiaries by providing them money for becoming members of the cooperative societies, purchase of seedlings, etc. etc. If help can be given for marketing of the produce substantial improvement can be made in the economic conditions of the Scheduled Castes and weaker sections of the society.

Communal ownership over lands, forests and other resources

1.41. Many tribal communities in India have communal ownership/control and management over lands, forests and other resources. In some parts of north-east India such rights have been recognised under statute. In other parts of the country these have not been recognised but such rights are respected not only within the tribal communities but also by their non-tribal neighbours. The continuance of these relationships was termed as 'concessions' in some cases and 'rights' in others : Non-recognition of the system actually prevailing among the tribals has created a number of problems. Firstly, the banks and financial institutions have not been able to formulate their rules and regulations with reference to such rights. As a result these institutions have failed to extend to the tribals the facilities of mid-term and long-term loans for development. Only in some areas, as a concession, short-term loans are made available on group guarantee scheme or on some type of endorsement by the administration. The stagnation in development in tribal areas is to a large extent outcome of non-recognition of communal ownership over lands, forests and other resources. Even where corporate rights have been recognised statutorily, the follow up action in the matter of formulations of appropriate rules and procedure have not been taken. As a result these areas are also not in a better position than the areas where the corporate rights are not officially recognised. In spite of the various measures adopted, incidence of alienation of tribal lands continues and is highest around the industrial and mining complexes, growing towns and areas of immigration. Actual restoration of alienated land is not attached adequate importance and statistics based on acreage of land restored by courts is considered an index of administrative efficiency. The State Tribal Welfare Departments have to play a vital role in this regard by constantly reviewing whether actual benefit is derived by Scheduled Tribe persons from the working of protective legislations. If actual possession of alienated tribal lands is restored to the tribals and necessary facilities are provided to cultivate them a good deal of unrest in tribal areas may be removed.

1.42. Another undesirable outcome of this state of affairs is that in view of the failure of the tribal entrepreneurs to come up, non-tribal entrepreneurs take advantage of the situation and the benefits of development activities largely go to such persons. This has led to influx of large number of outsiders in the tribal areas on the one hand and alienation of resources of the tribals on the other. Much of the social and political tension that is found in the tribal areas can be related to this factor.

Forests and Tribals

1.43. The National Commission on Agriculture had recommended certain strategies for the development of tribal areas. One of the strategies is to go in for high investment and high profits for forests in tribal areas. In other words, the Commission wanted rapid commercialisation of the tribal habitats. There is a point of view held by many foresters also that this approach has resulted in disturbance of the eco-system and degradation of the environment. It has also disrupted the economic and social life of the tribals.

1.44. For the development of tribal areas, Tribal Development Corporations and Forest Development Corporations have been set up in different States but these corporations do not function in a coordinated manner. Some of them

are merely commercial institutions while some have tried to combine commercial interests with ameliorating activities. Again whereas some of these corporations are working as apex bodies with primary cooperatives linked up with them as their operative units, others function as unitary bodies with branches manned by paid employees only. It is reported that about 2,400 Large Size Agricultural Multipurpose Cooperative Societies (LAMPS) have been established in the tribal areas to provide to the tribal members, production as well as consumption credit and to undertake marketing of agricultural and minor forest produce and also to distribute agricultural production requisites and consumer goods so that the tribal gets all the facilities from one source and is not required to approach too many institutions for his needs. There are a number of problems like coverage of Scheduled Tribe population, overlapping of jurisdiction of various societies, personnel, linkages with marketing organisations, availability of seasonal working capital for marketing and D.R.I. finance for processing of tribal farms and forest produce. The impact of the corporations with different organisational framework and operative goals on the life of the tribals and on the economic and social development of the areas concerned require a deep probe.

1.45. Forests are a source of a variety of minor forest products. *Sabai* grass is used in paper making. Lemon grass, eucalyptus leaves are used for production of essential oils. Collection of minor oil seeds like *Mahua, neem, Karni, kusam* and *sal* is fairly widespread in the tribal areas for their utilisation in soap making and other industrial uses. A variety of vegetable tanning material is produced in the forests. *Harra, bahera* and *amla* and *barks* of certain trees are utilised for meeting requirement of vegetable tanning materials by leather industry. The production of *katha* and other products from *Khair* trees found in forests is widely prevalent, collection of different varieties of gums and resin provide gainful employment to a large number of people. A number of fruits, flowers, leaves, steams or roots of trees, shrubs, creepers and herbs are used in the manufacture of drugs, spices and insecticides. *Tendu* leaves used as wrappers of tobacco to produce *bidi* is collected largely from the forests in Madhya Pradesh, Orissa, Maharashtra, Bihar and Uttar Pradesh, *Lac* cultivation is done by about 3 million persons belonging to Scheduled Tribes primarily in Chota Nagpur and Santhal Parganas of Bihar and parts of West Bengal, Madhya Pradesh, Maharashtra, Uttar Pradesh and Orissa. It has been estimated that present seasonal employment in the harvesting of MFP is not less than 250 million man-days. MFP is collected by tribals and buyers are generally the contractors and agents of the Forest Department. The wages that the tribals get is very low compared with that paid to agricultural labourers. The minor forest produce has become an important source for meeting the cash requirements of the tribals and it has also come to be looked upon as an important source of revenue of the Forest Department. The price payable to the tribals is calculated in terms of his labour input, sometimes even ignoring the cost of transportation because of variation in distance. What is necessary is that the tribal should get full return for the MFP collected by him and the price paid to him should have a corelation with the sale price of the products in the market. If this step is taken by the States, it would mean that MFP is not viewed as a source of State income, reasonable price is ensured to the tribal collectors, leading to the improvement in the economic conditions of Scheduled Tribes. Besides, a positive policy should be evolved to associate the tribals in the growing of minor forest produce rather than their remaining merely as collectors.

1.46. In addition, social forestry including plantation of fuel-wood and small timber providing fodder and grazing, raising fruit trees like mango, jack-fruit, kendu etc. and non-edible oil trees on community lands, panchayat lands, marginal degraded forest lands and on individual farmers lands should be planted as a supplement to minor forest produce resource regeneration. In Bihar, tasar cultivation can be done on a large scale under social forestry programme. In Gujarat, a scheme has been drawn up under which plantations have been raised over 100 hectares of land owned by 64 tribals. These lands are unsuitable for good agriculture and remunerative returns. Under the scheme each tribal hands over one or two hectares of his land to the forest department for raising teak and bamboo plantation and he is given a subsistance allowance of Rs. 250 per hectare per year which is equivalent to his expected average annual earnings from cultivation of such land till the time of exploitation. At the end of 15 years period, teak trees will be exploited by the Forest Department and sold on behalf of land owner. The cost of plantation and also the subsistance allowance paid without charging any interest will be deducted and balance net amount paid to him. A similar scheme has been drawn up to provide landless tribal persons sustained job opportunities by permanently engaging a family on raising plantations of suitable species under the direct supervision and guidance of forest department who would supply the required material. In lieu of the labour put in, each family will be paid a monthly remuneration of Rs. 250 over a period of 15 years. At the end of this period, the family will be given 20% share in the net profits derived from the sale of the mature trees.

Tribal Development Projects

1.47. The new approach to tribal development was evolved in the beginning of the Fifth Plan and was broadly divided into three parts, namely, areas of tribal concentration, dispersed tribals and primitive tribes. An area development approach with special focus on development of tribals was evolved by dividing the 50% tribal concentrated areas in 16 States and 2 Union Territories into 179 ITDPs, leaving the predominantly

tribal States/Union Territories of Nagaland, Meghalaya, Mizoram, Arunachal Pradesh, Laksnadweep and Dadra & Nagar Haveli in which the total developmental efforts is geared for the welfare of the tribals. This approach covers about 65% of the total Scheduled Tribe population and 10% of the Scheduled Tribes are also likely to be covered by relaxing the norm and covering tribal pockets with more than 10,000 Scheduled Tribe population under the area development approach from the beginning of Sixth Plan. The remaining 25% of the dispersed tribal population in the blocks with substantial tribal population outside the Sub-Plan areas would be covered under the economic programmes of Integrated Rural Development. However, it is necessary that assistance should also be provided to these dispersed tribals for programmes like education, health, nutrition, etc., etc. from the Backward Classes Sector. About 50 primitive tribes at pre-agricultural level of technology and near stagnation population have been identified and some work has been started for their protection and development. In the Chapter on Tribal Development their problems have been discussed at length.

1.48. One cannot be satisfied by looking at the financial and physical targets achieved in the tribal sub-Plan areas. In fact, the States concerned and the Ministry of Home Affairs have not carried out evaluation studies on the working of ITDPs and this important aspect has not been given the desired attention. A rapid evaluation of the working of ITDPs in the States like Madhya Pradesh, Orissa, Bihar etc. is urgently called for. There are numerous problems of administrative structure and personnel which need a closer examination. The integration of sectoral programmes at the ITDP level has not been fully achieved so far and in many States and the Project officers do not play an effective role as envisaged. The Project Officers are not even aware of the schemes that are being implemented by the different departments. The Government of Gujarat had initiated the idea of placing at the disposal of the Project Officer some funds which he could use for the proper implementation of various sectoral programmes as well as initiating new developmental schemes, and this practice has been adopted by Andhra Pradesh, Assam, Karnataka, Maharashtra, Manipur, Orissa, Rajasthan, and Tripura. This approach should also be followed by other State Governments. It was also suggested that the funds allotted to the ITDPs should be non-lapsable and non-divertible. The Government of Maharashtra have decided to treat the outlays for tribal sub-plans as non-lapsable. The State Government is introducing a practice according to which the Government will purchase securities for an amount equivalent to the shortfall in the expenditure in the Sub-Plan areas during the financial year. These securities could be encashed in the following year and will be available for investment in the tribal areas. This practice could be followed by other State Governments to avoid lapsing of funds from the State Sector as well as special Central assistance. In some States, the entire Sub-Plan outlays have been brought under one demand instead of separate sub-heads under each major functional head to ensure non-divertibility. This would ensure that if any department desires to divert these funds for any other sectoral activity not covered in the Sub-Plan, it will not be able to do so without prior approval of the Sub-Plan authority. This method should also be followed by all States to avoid diversion of funds from tribal Sub-Plan areas to non-tribal areas outside the Sub-Plan areas. There has been inadequate association of local tribal leadership in formulation of programmes. The Project Committee at the ITDP level should be involved in planning and review of implementation of developmental programmes and the Project authorities should be delegated adequate administrative and financial powers for sanctioning of schemes.

Shifting Cultivation

1.49. It is estimated that about 5.28 lakhs Scheduled Tribe families are engaged in shifting cultivation over an area of 5.42 lakhs hectares. As shifting cultivation is an age-old practice with the tribals and the cost of terracing and preparing the land is very high the programme to regulate shifting cultivation, apart from terracing of fields for cultivation, should necessarily include the programme of plantation crops like rubber and coffee, fruit trees and development of minor forest produce to provide an alternative to shifting cultivation. The steps that have been taken by the Government of Orissa for weaning away the shifting cultivators appear to be on the right lines. But care has to be exercised that wherever tribals who practise shifting cultivation on hills are given terraced fields or reclaimed bottom valley lands for cultivation, their lands are not alienated by the non-tribals. A case of this nature came to notice in Guptganga village of Juangpirh area where 54.50 acres of land under the control and use of the tribals has been allotted to 56 families of Juangs whose main occupation is shifting cultivation on the hill slopes after the survey operation was completed for the first time in this area. It was found that about 20 acres out of 54.50 acres of land allotted to the Juangs is being cultivated by the non-tribals. The Juangs have also not been given the necessary documents about the ownership of land allotted to them by the Revenue Department. This may be an exceptional case but constant supervision is necessary to protect the land interests of Scheduled Tribe beneficiaries. As sizeable areas are turned under horticulture, the shifting cultivators will be forced to turn to more marginal areas which they would have normally avoided, if the lands allotted to them for cultivation are alienated by others. Another point worthy of attention is that the land on which the tribals practise shifting cultivation and are now to be utilised for growing fruit trees for which the tribals have an innate liking should continue to remain under the ownership of the tribals who were practising shifting cultivation on this land.

The laws against alienation of tribal lands if properly implemented may be a sufficient safeguard that such lands on which fruit trees have been grown with the investment by the Government do not pass into the hands of the non-tribals. It would not be possible for State Governments to put a stop to shifting cultivation for many years to come. Therefore, it would be better that along with schemes for control of shifting cultivation, those aspects of shifting cultivation like construction of field channels and rudimentary bunds across slopes to reduce soil erosion practised by many tribal communities in the north-east India are promoted.

Situation in North-East India

1.50. In the North East, a paradoxical situation has come to prevail. On the one hand massive welfare activities have been undertaken. Infrastructure for development have also been created in an impressive manner. But at the same time, actual development benefiting the bulk of the indigenous population has not taken place and this has created a sense of deep frustration and perhaps also alienated a large number of people from the administrative and political system operating in that area. This highlights the inadequacy of only economic approach in isolation of total programme of socio-economic development.

1.51. One important feature to be noticed in North East is that where urbanisation has taken place rapidly, the urban migrants are mostly non-tribals. It has also been found that among the migrants to urban areas a good number are illiterate. On the other hand, a good percentage of literate tribals are staying back in the rural areas. This pattern of demographic structure has social and political implications. It is unfortunate that these have not received adequate attention not only of the policy makers but also of the social scientists. It has to be examined whether the new mood of tribal revivalism on the one hand and crystallisation of new type of political pattern on the other can be related to this.

Reservation in Services

1.52. The principle of reservation in services for the weaker sections of the society was a recognised practice even in some years preceding the Independence. However, our Constitution promulgated in 1950 has sought to ensure not only the continuity of such a policy by providing requisite strength to it in various provisions of its Articles but has also provided a statutory machinery to investigate all matters relating to safeguards including the service safeguards for the members of Scheduled Castes and Scheduled Tribes. The policy of reservation derives its sanction from the directory, mandatory and enabling provisions in Articles 46, 335 and 16(4) of the Constitution.

1.53. Since the establishment of the organisation of Commissioner for Scheduled Castes and Scheduled Tribes in November, 1950 under Article 338 of the Constitution, the various suggestions and recommendations following investigations into the working of the service safeguards have helped in the evolution of a viable reservation policy, the goal being the adequate representation of these classes. It has been a continuous process, each experience leading to further evolution of the policy and perfecting of the reservation machinery. An attempt has been made in this Report to review some of the past efforts in order to arrange in a perspective the adequacies as also the inadequacies of the system so far devised. The policy of reservation has stood the scrutiny of important judicial pronouncements and some of the decisions have helped to further concretise some of the aspects of reservation.

1.54. A look back at the past thirty years does indeed show progressive crystallisation of the policy of reservation; and yet the inescapable impression remains that there are still miles to go before the achievement of the goal of adequate representation can be claimed with any degree of satisfaction.

1.55. While assessing the progress, it would be pertinent to note the position of representation of these classes as obtaining today. As against the fixed percentage of 15% and 7½% of reservation in services for Scheduled Castes and Scheduled Tribes respectively what has been actually achieved? A mere 4.75% in Class I (Group A), 7.37% in Class II (Group B) and 12.59% in Class III (Group C) in Central services for the Scheduled Castes; and a more gloomy picture of 0.94%, 1.03% and 3.11% in Class I, Class II and Class III respectively as on 1-1-1979 is discernible in the case of the Scheduled Tribes. The notional increase in representation registered over that obtaining on 1-1-1978 has been of the order of 0.26%, 0.44% and 1.09% (Class I, II, III) in the case of the Scheduled Castes and 0.10%, 0.16% and 1.10% in the case of Scheduled Tribes. The position as it obtained in 1957 in the three classes of service, it was 0.71%, 2.01% and 7.03% for the Scheduled Castes; and it was 0.10%, 0.32% and 0.62% for the Scheduled Tribes. After nearly a decade and a half i.e. till 1971 the position could show only a marginal improvement showing the representation at 0.70, 4.41 and 10 per cent in Classes I, II and III in the case of Scheduled Castes; and 0.45, 0.48 and 1.85 per cent in the case of Scheduled Tribes. In the services under Public Sector Undertakings, the representation of Scheduled Castes in Class I, Class II and Class III was 2.03, 3.53 and 16.30 per cent, respectively and for the Scheduled Tribes the corresponding percentages were 0.47, 0.91 and 7.41. As regards the Insurance Sector, their representation as on 1-1-1979 was 0.52, 0.27 and 4.45 per cent for Scheduled Castes in Class I, Class II and Class III, respectively; the corresponding percentages for Scheduled Tribes being 0.10, 0.12 and 0.44. The data for the Public Sector financial Institutions and the Nationalised Banks reveal that the percentage of Scheduled Caste officers was only 2.12; and among the Clerks 11.69; and for

the Scheduled Tribes the percentages were 0.35 and 2.18 respectively. The position of representation in the States and Union Territories is no better if not worse. Details of the position may be seen in Chapter 3 of this Report.

1.56. The picture that emerges indicates that the progress towards adequate representation has been at a snail's pace. This gives a lie to all the clamour for a revision and even scrapping of the policy of reservation. It is not for nothing that no time limit was prescribed for pursuing the policy of reservation in services as was done in the case of reservation of representation to the Lok Sabha and the Vidhan Sabhas. The reservation in services is, therefore, conditioned upon the achievement of the goal of adequate representation. Numerous handicaps were anticipated and efforts continued to remove them in the long march to adequacy consistent with the needs of efficiency. It is obvious that so long as the deficiency in representation continues, the policy of special opportunity distinct from mere equality of opportunity will have to be continued. What is imperative in the situation is to pursue the policy with more vigour and determination even by enhancing the prescribed minimum percentage of reservation to get the desired result in quickest possible period of time and much before it acquires the stigma of vested interests as is very unjustifiably alleged in certain quarters.

1.57. In order to reach the desired level of representation for Scheduled Castes and Scheduled Tribes within a reasonable time frame, a fresh look at the scheme seems to be warranted. While the principle of reservation in posts filled by promotion is sound and upheld by the Supreme Court, the benefits, however, for members of Scheduled Castes and Scheduled Tribes in the form of higher representation in Government services, seem to be marginal. It is, therefore, desirable to place more emphasis on direct recruitment at all induction levels. It is necessary to increase the percentages of reservations for Scheduled Castes and Scheduled Tribes to 20 per cent and 10 per cent instead of the present 15 per cent and 7½ per cent respectively, in all direct recruitment particularly in those services and cadres where the level of representation of Scheduled Castes and Scheduled Tribes is still poor. Unless this policy is adopted, the desired level of representation may never be achieved in the forseeable future.

1.58. One reason for this poor state of affairs is said to be non-availability of suitable candidates belonging to Scheduled Castes and Scheduled Tribes. While this may be a valid reason, it is felt that recruitment of Scheduled Castes and Scheduled Tribes could have been improved substantially if each Selection Committee/ D.P.C. or the Appointing Authority had followed strictly in letter and spirit the various relevant Government orders regarding relaxations and concessions available to Scheduled Caste and Scheduled Tribe candidates. This is so particularly in non-technical or quasi-technical posts in Groups C and D.

Establishment of a Scheduled Castes and Scheduled Tribes Commission by an Executive Order.

1.59. It may not be relevant at this stage to question the propriety to set up, by an executive order, a separate Commission for Scheduled Castes and Scheduled Tribes in July 1978 alongside the Commissioner for Scheduled Castes and Scheduled Tribes appointed by the President as a constitutional obligation under Article 338 of the Constitution. The Commission so set up had no perceptibly different spheres of work than those assigned to the Commissioner. Perhaps, the Govt. was aware of the obvious anomaly inherent in a situation when two parallel set ups, one of which enjoying constitutional status, are called upon to discharge similar functions without at the same time not intended to infringe upon the authority of each other. The Government notification had, therefore, taken care to mention that the functions of the Commission would not be lessening the authority of the Commissioner. This significant insertion in the notification was done, perhaps, to forestall any possible criticism on the score that the authority and obligation of the Commissioner in matters of investigating into the working of the constitutional safeguards could not, in terms of the provision of Article 338 as authentically explained and clarified by the Ministry of Law in 1951, be shared by or delegated to any person or authority who was not subordinate or answerable to the Commissioner for Scheduled Castes and Scheduled Tribes. But there was not even a modicum of institutional co-ordination envisaged, while setting up the new Commission. Of course the Commissioner was also made a full Member of the Commission in his individual capacity.

1.60. It was intended to subsequently amend Article 338 to replace the single member institution of the Commissioner for Scheduled Castes and Scheduled Tribes with a multi-member Commission for Scheduled Castes and Scheduled Tribes. This, however, could not be done. It would, therefore, be appropriate to note that the duality has affected the more effective functioning of the organisation of the Commissioner without at the same time providing any significant strength to the Commission itself. Never before the Office of the Commissioner was put to as severe a strain as during the last one and a half years. The analogous position of the two organisations has tended to encourage many Departments, Undertakings and also some of the State Governments and Union Territory administrations to become lukewarm towards the queries and investigations of the Commissioner.

1.61. The field offices, the eyes and ears, taken away from the Commissioner some time back (a step adversely commented by many Committees including the Parliamentary Committee on the Welfare of the Scheduled Castes and Scheduled Tribes) and now transferred to the Commission have been of absolutely no help to the Commissioner. The delay in sanctioning

to the Commission the staff for its Headquarters and in the fields resulted in making the staff from the regional offices to work in rotation at the Headquarters of the Commission, thereby dislocating the normal functioning of these offices. Whatever little assistance the Commissioner's organisation used to get from these offices has under the circumstances been denied. It is evident that for reasons for which the newly set up Commission may not be accountable, it remained ineffective if not a non-stater for quite some time during the first few months of its formation. Another obstacle in its effective functioning and for which the Commission must share all the blame, was its failure so far to evolve any procedure of work which was required to be one of its first task in terms of the Govt. notification setting it up. The atmosphere of confusion and uncertainty have contributed also in hampering the functioning of the existing constitutional machinery of the Commissioner for Scheduled Castes and Scheduled Tribes. A more appropriate course should have been to first amend the relevant Article of the Constitution and then set up the Commission in terms of the Constitution rather than creating by executive order a machinery supposed to be apparently independent and to act as a judge and auditor of the performance of the State with regard to the various constitutional safeguards guaranteed to the members of the Scheduled Castes and the Scheduled Tribes. Little attention seems to have been paid to the fact that any such authority would in the very nature of its functioning, be infringing upon the authority and jurisdiction of the existing constitutional authority in the matter.

1.62. However, now that the Commission has been constituted and has completed almost half of its tenure, it is suggested that the amendment of the Constitution be given the priority and till such time as an amendment is effected the Commissioner may be enabled to extend his due control and authority over the regional offices in order to conform to the opinion of the Ministry of Law given in confirmation of the principle delegatus non protest delegare and in consideration of the raison detre of Article 338 of the Constitution.

1.63. Considering the fact that the recommendations either of the Commissioner or for that matter of the Commission cannot be mandatory, there appears to be much force in the demand that there should be a separate Ministry of Scheduled Castes and Scheduled Tribes at the Centre headed by the Prime Minister and the Departments concerned in the State Governments by the Chief Ministers. Since the safeguards for special classes under the Constitution is a charge on the Nation, it is appropriate that these should be dealt with at the highest level both at the Centre and in the States. More so, because the goal set before the nation is to bring these under-privileged classes at par with the rest of the community within a reasonable time frame, it is necessary that a separate machinery meant exclusively for this task should be established at the Centre. The prime need today is not only to incorporate the results of the investigations in the shape of recommendations by the Commissioner or the Commission but also to get things done as expeditiously as possible which can be best ensured by a separate Ministry charged with exclusive attention to the problems of the Scheduled Castes and Scheduled Tribes.

ANNEXURE I

Statement showing State-wise percentage of cultivators and agricultural labourers belonging to Scheduled Castes and Scheduled Tribes to total number of workers belonging to Scheduled Castes and Scheduled Tribes according to 1971 Census

Name of State/Union Territory	Total workers among Scheduled Castes (In lakhs)	Number of Cultivators belonging to Scheduled Castes	Number of Agricultural Labourers belonging to Scheduled Castes	Total workers among Scheduled Tribes (In lakhs)	Number of Cultivators belonging to Scheduled Tribes	Number of Agricultural Labourers belonging to Scheduled Tribes
1	2	3	4	5	6	7
Andhra Pradesh . . .	29·77	4,26,990 (14·34)	2,126,833 (71·44)	7·82	282,239 (36·09)	383,595 (49·05)
Assam*	2·57	137,652 (53·56)	39,712 (15·45)	5·45	474,066 (86·98)	29,632 (5·44)
Bihar	30·85	352,966 (11·44)	2,380,857 (77·18)	17·85	1,061,562 (61·90)	481,950 (28·10)
Gujarat	6·02	110,371 (18·33)	280,355 (46·57)	15·07	728,380 (48·33)	637,842 (42·33)
Haryana	5·18	83,252 (16·07)	261,211 (50·43)	No ST	No ST	No ST
Himachal Pradesh . . .	3·04	214,290 (70·49)	28,446 (9·36)	0·70	57,627 (82·32)	2,149 (3·07)
Jammu & Kashmir . .	1·06	71,675 (68·62)	9,764 (9·21)	No ST	No ST	No ST

ANNEXURE I—*Contd.*

1	2	3	4	5	6	7
Karnataka	15·31	427,174	720,609	0·97	25,569	43,870
		(27·90)	(47·07)		(26·36)	(45·23)
Kerala	7·60	15,242	500,810	1·12	19,813	69,817
		(20·06)	(65·90)		(17·69)	(62·33)
Madhya Pradesh	21·97	823,214	959,724	33·34	2,072,230	1,108,611
		(37·47)	(43·68)		(62·15)	(4·33)
Maharashtra	11·70	152,642	639,605	13·64	561,134	707,842
		(13·05)	(54·67)		(41·14)	(51·89)
Manipur	0·04	2,935	464	1·45	129,728	602
		(73·38)	(11·60)		(89·47)	(6·42)
Meghalaya	0·01	157	126	3·69	289,494	35,431
		(15·70)	(12·60)		(78·45)	(9·60)
Nagaland	No SC	No SC	No SC	2·25	201,851	2,204
					(89·71)	(0·98)
Orissa	11·11	304,910	546,525	17·67	925,564	648,976
		(27·44)	(49·19)		(52·38)	(36·73)
Punjab	9·57	102,281	554,947	No ST	No ST	No ST
		(10·69)	(57·99)			
Rajasthan	13·49	717,809	286,787	10·23	835,627	117,151
		(53·21)	(21·26)		(81·68)	(11·45)
Tamil Nadu	30·45	559,682	1,942,505	1·37	61,698	51,204
		(18·38)	(63·79)		(45·04)	(37·38)
Tripura	0·54	25,840	16,377	1·42	107,122	28,628
		(47·85)	(30·33)		(75·43)	(20·16)
Uttar Pradesh	62·63	2,719,571	2,641,117	0·81	63,604	6,819
		(43·42)	(42·17)		(78·52)	(8·42)
West Bengal	25·36	846,951	1,079,390	9·51	296,661	465,700
		(33·40)	(42·56)		(31·19)	(48·97)
Andaman & Nicobar Islands	No SC	No SC	No SC	0·05	2	3
					(0·004)	(0·006)
Arunachal Pradesh	0·001	17	30	2·11	199,634	3,142
		(17·00)	(30·00)		(94·61)	(1·49)
Chandigarh	0·10	43	545	No ST	No ST	No ST
		(0·43)	(5·45)			
Dadra & Nagar Haveli	0·004	228	53	0·32	24,281	5,783
		(50·00)	(12·00)		(75·88)	(8·07)
Delhi	1·92	634	7,851	No ST	No ST	No ST
		(0·33)	(4·09)			
Goa, Daman & Diu	0·06	453	853	0·03	601	1,476
		(7·55)	(14·22)		(0·20)	(49·20)
Lakshadweep	No SC	No SC	No SC	0·07	4	
					(0·005)	
Pondicherry	0·31	1,319	23,953	No ST	No ST	No ST
		(4·25)	(77·27)			
TOTAL	290·66 (Lakhs)	8,101,567 (27·87)	150,44,761	146·24 (Lakhs)	84,18,491 (57·56)	48,32,427 (33·04)

Total number of workers in the country excluding Scheduled Castes & Scheduled Tribes 1366.78 Lakhs
Total number of cultivators in the country excluding Scheduled Castes / Scheduled Tribes 616·57 Lakhs.
Percentage of cultivators in the country excluding Scheduled Castes / Scheduled Tribes 45·11.
Total number of Agricultural labourers in the country excluding Scheduled Castes / Scheduled Tribes 276·12 Lakhs.
Percentage of Agricultural labourers in the country excluding Scheduled Castes / Scheduled Tribes 20·20.
***Includes Mizoram also.**

CHAPTER 2

CONSTITUTIONAL SAFEGUARDS PROVIDED FOR THE SCHEDULED CASTES AND SCHEDULED TRIBES

Various safeguards have been provided in the Constitution for promoting and safeguarding the interests of the persons belonging to the Scheduled Castes, Scheduled Tribes, other Backward Classes and Anglo Indians. These safeguards can be broadly grouped as follows :—

I. Protective Safeguards

(a) Educational Safeguards — Articles 15(4) and 29.

(b) Safeguards for Employment — Articles 16(4), 320(4) and 333.

(c) Social Safeguards—Articles 17 and 25.

(d) Economic Safeguards for Scheduled Tribes — Article 19.

(e) Abolition of Forced Labour — Article 23.

(f) Protection from Social injustice and all forms of exploitation — Article 46.

(g) Administration of Scheduled and Tribal Areas — Articles 244 and 339.

II. Political Safeguards

(a) Reservation of seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha and Vidhan Sabhas — Articles 330, 332 and 334.

(b) Representation of Anglo Indians in the Lok Sabha and Vidhan Sabhas — Articles 331, 333 and 334.

(c) Appointment of a Minister incharge of Tribal Welfare in Bihar, Madhya Pradesh and Orissa — Article 164.

(d) Special provisions in respect of Nagaland, Assam and Manipur — Articles 371(A), 371(B) and 371(C).

III. Developmental Safeguards

(a) Promoting the educational and economic interests of the Scheduled Castes and Scheduled Tribes — Article 46.

(b) Grants from Central Government to the States for Welfare of Scheduled Tribes and raising the level of administration of Scheduled Areas — Article 275.

(c) Provision for free legal aid — Article 39A.

IV. Other Backward Classes

(a) Appointment of a Commission to investigate the conditions of Backward Classes — Article 340.

2.2. Some of the main constitutional safeguards provided for the Scheduled Castes, Scheduled Tribes, Anglo-Indians and other Backward Classes are discussed in the subsequent paragraphs.

Organisation of the Commissioner for Scheduled Castes and Scheduled Tribes

2.3. It is provided in the Constitution that there shall be a Special Officer for the Scheduled Castes and the Scheduled Tribes who shall investigate all matters relating to the safeguards provided for the Scheduled Castes and the Scheduled Tribes in the Constitution and report to the President upon the working of these safeguards at such intervals as the President may direct and the President shall call all such reports to be laid before each House of Parliament. References to the Scheduled Castes and the Scheduled Tribes in that Article shall be construed to include references to such other Backward Classes as the President may by order specify and also to the Anglo-Indian community.

2.4. The post of the Special Officer was initially filled on the 18th November, 1950 in pursuance of the above provision in the Constitution and he was designated as Commissioner for Scheduled Castes and Scheduled Tribes. So far, 26 Reports of the Commissioner for Scheduled Castes and Scheduled Tribes have been submitted to the President. The Commissioner started his work with a very limited staff whose strength increased with the expansion of work. Simultaneously, a field organisation was also provided to the Commissioner and the first Regional Officer designated as the Assistant Commissioner for Scheduled Castes and Scheduled Tribes was appointed in January, 1952 and located at Shillong to look after the States of Assam, West Bengal, Manipur and Tripura. By 1965, the number of these regional offices located in different parts of the country increased to 17. The Commissioner was also required to perform certain non-statutory functions like representation of the Government of India on some managing committees and also advising the Union Government regarding schemes received from the State Governments, upto 1967 when his office was re-organised.

Re-organisation of the office of the Commissioner for Scheduled Castes and Scheduled Tribes

2.5. It was suggested by the Union Department of Social Welfare in 1967 that the office of the Commissioner for Scheduled Castes and Scheduled Tribes should be re-organised because it was felt by that Department that it should also have a field machinery of its own for the evaluation of various centrally sponsored schemes. Accordingly, the Department disbanded the regional offices of the Commissioner and created their own zonal offices with the officers and staff of the regional offices of the Commissioner for Scheduled Castes and Sche-

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duled Tribes. The Department thought that these zonal offices would also be sending reports to the Commissioner, little appreciating that the Commissioner was required to make his own assessment on the basis of the reports received from his own officers and not from the officers subordinate to a Government Department, thus circumventing the spirit underlying Article 338 of the Constitution. This view was also supported by the ruling given by the Ministry of Law in 1951 that duties assigned to the Commissioner for Scheduled Castes and Scheduled Tribes cannot be passed on to "any authority or person not subordinate and answerable to the Special Officer". And yet the field organisation of the Commissioner was withdrawn and placed under the Director General, Backward Classes Welfare.

2.6. The then Commissioner for Scheduled Castes and Scheduled Tribes suggested that the Department of Social Welfare should not divest the Commissioner of his field organisation in order to create their own field organisation. It was also supported by various committees which strongly resented the taking away of the field machinery from the Commissioner and recommended that the Commissioner for Scheduled Castes and Scheduled Tribes must have a field organisation as he had earlier. These committees included Committee on Untouchability, Economic and Educational Development of the Scheduled Castes (under the Chairmanship of Shri Ellayaperumel), Study Team on Tribal Development Programme (under the Chairmanship of Shri Shilu Ao) and Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes (under the Chairmanship of Shri D. Basumatari). Some views of the Basumatari Committee are given below :—

> "The Committee are firmly of the view that by abolishing the field organisation of the Commissioner, the Government have not only crippled the organisation of the Commissioner and deprived him of his "eyes and ears" in the country but have also denigrated his office, his status, his authority and his capacity to discharge his constitutional obligations."
>
> "The Committee, therefore, strongly recommended that the Commissioner should be provided with a field organisation of his own. They also suggested that the Government should take urgent action to enable Commissioner to reconstruct and set up the field organisation at all necessary levels. The strength of the organisation as also the Placement of officers and staff should be decided by the Commissioner himself."

After the reorganisation, the Commissioner was left with his headquarters office at Delhi only.

Proposals for re-organisation/expansion of Commissioner's Office

2.7. After re-organisation of the Commissioner's office, a number of proposals were made to strengthen the headquarters office and also to have some regional offices. In March, 1970, a proposal was made to set up a number of research teams and services teams some of which were to be located at headquarters and some in the sensitive areas of different parts of the country. In 1972, there was a proposal of opening 18 regional offices to cover the whole country, over and above 5 research units and 5 service units at the headquarters. Additional staff for the Commissioner and field organisation was recommended and supported by the Parliamentary Committee, as well as by the then Ministry of Education and Social Welfare (1972) and by the then Union Minister of Home Affairs (1975). In spite of the above proposals the Organisation of the Commissioner was not strengthened. The Commissioner's office has been functioning almost with the 1967 based staff which was not found adequate even at that time.

Appointment of the Commission for Scheduled Castes & Scheduled Tribes

2.8. As mentioned in the last Report a 5-Member Commission* for Scheduled Castes and Scheduled Tribes was set up in July, 1978 by an executive order in addition to the constitutional office of the Commissioner for Scheduled Castes and Scheduled Tribes set up under Article 338 of the Constitution. The multi-member Commission was assigned almost similar functions as being performed by the Commissioner for Scheduled Castes and Scheduled Tribes. The Government of India also transferred to the Commission the field offices from the Director General, Backward Classes, which were taken away from the Commissioner in 1967. The Government sought to amend Article 338 of the Constitution through the Constitution (46th Amendment Bill), 1978 to clothe the multi-member Commission with the statutory authority. This Bill, however, fell through in the Lok Sabha.

Abolition of Untouchability

2.9. Under Article 17 of the Constitution, 'Untouchability' was abolished and its practice in any form forbidden. Article 25(2)(b) is also relevant for throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus. The Untouchability (Offences) Act, 1955 was enacted by Parliament under Article 35(a)(ii) of the Constitution. This Act was amended by the Untouchability (Offences) Amendment and Miscellaneous Provisions Act, 1976 and came into force with effect from 19th November, 1976. It has been renamed as Protection of Civil Rights Act, 1955. Important features of the Act mentioned below are discussed in the subsequent paragraphs.

***1. Shri Bhola Paswan Shastri, M.P., Chairman.**
2. Shri Shishir Kumar, Ex-M.P. & Commissioner for Scheduled Castes/Scheduled Tribes, Member.
3. Shri A. Jayaraman, Ex-M.P., Member.
4. Shri T. S. Negi, Speaker, Himachal Pradesh Vidhan Sabha, Member.
5. Shri S. K. Mallick, I.C.S. (Retd.), Member.

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

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

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

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

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

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

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

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

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

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

Annual Report to Parliament on the Protection of Civil Rights Acts

2.10. In regard to point No. 1 regarding the co-ordination by the Central Government of the efforts made by the various State Governments for abolishing untouchability and laying an annual Report on the Table of both Houses of Parliament, mentioned in the above para, a Protection Civil Rights Cell has been established in the Ministry of Home Affairs under an officer of the rank of D.I.G. of Police. This Cell is expected to coordinate the measures taken by the State Governments for the abolition of untouchability and prepare an annual Report which the Central Government is required under sub-section (4) of Section 15A of the Act to lay on the Table of both Houses of Parliament. The Ministry of Home Affairs had laid the Report on the working of the Act for the year 1977 on 20th and 21st December, 1978 on the Table of Lok Sabha and the Rajya Sabha respectively. The Ministry of Home Affairs have laid down under their rule making power [Section 16B(i)] that the State Governments should furnish to the Ministry a summary of the measures taken by them under sub-Sections (1) and (2) of Section 15(A) of the Act during the preceeding calendar year. **It is regretted that the Report for the year 1978 was not laid on the Table of both Houses of Parliament till the end of 1979. The Report for the year 1979 is also due and it is hoped that the Reports separately for the years 1978 and 1979 would be laid in Parliament at an early date. Although the Act does not provide for a discussion in Parliament on the Report laid by the Central Government, it is suggested that a discussion on the Report would bring out in sharper focus the prevalence of untouchability and the steps that are still required to be taken for its abolition.**

Adequate facilities including Legal Aid

2.11. In so far as point No. 2 is concerned regarding the grant of adequate facilities including legal aid to the persons subjected to untouchability, it may be mentioned that under Centrally Sponsored Programme, a scheme for strengthening the machinery for implementation of the Protection of Civil Rights Act was included in the Fifth Plan and continued in the Sixth Plan. During the year 1978-79, an amount of Rs. 45 lakhs was disbursed to 10 States. In the guidelines issued by the Ministry of Home Affairs in August, 1978 it was suggested that the State Governments should utilise the funds for creation of public awareness among the persons who suffer from disabilities, the authorities who are entrusted with the task of implementation of the Act, the social workers and the public in general, by organising seminars, workshops, re-orientation courses; appointment of supervisor officer to be entrusted with the task in the field for proper supervision from the stage a case is lodged to the decision by Court with a view to suggesting review or appeal before these cases are time-barred and opening of a research wing in the cells already set up by the State Governments whose main duty will be to conduct periodic surveys to find out the untouchability prone areas. From the available information in respect of the States of **Bihar, Maharashtra and Rajasthan** it is observed that an amount of Rs. 1.6 lakhs Bihar (Rs. 1.10 lakhs), Maharashtra (0.25 lakh) and Rajasthan (0.25 lakh) was to be spent by the State Governments on grant of legal aid. In **Bihar,** the amount of Rs. 1.10 lakhs was sanctioned for grant of legal aid and compensation to victims of atrocities. In practically all the States there are general schemes of grant of legal aid to the poor including Scheduled Castes and Scheduled Tribes which in many cases is 'poor' legal aid to the poor. Available information* indicates that the States/Union Territories of **Andhra Pradesh, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya**

*For State-wise details please see Appendix I.

Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Tamil Nadu, Tripura, Uttar Pradesh, West Bengal and **Goa, Daman & Diu, Dadra & Nagar Haveli** and **Pondicherry** have under implementation schemes for grant of legal aid to Scheduled Castes/Tribes for various purposes. **It is suggested that the remaining State Governments should also introduce schemes for grant of legal aid to the poor Scheduled Caste and Scheduled Tribe persons.** It has been observed that the income limit prescribed by State Governments for giving help under the legal aid schemes specially designed for Scheduled Castes/Tribes varies from Rs. 1,500 per annum in rural areas of Andhra Pradesh to Rs. 6,000 per annum only in Punjab. It is also noticed that amounts allocated by the State Governments for grant of legal aid remain unutilised in many States due to lengthy procedures and lack of competent legal assistance at the proper time. **It is, therefore, suggested that the Ministry of Home Affairs should examine this question in greater detail with a view to streamlining the procedures for timely disbursement of legal aid. The annual income limit prescribed by most of the State Governments is on the low side and needs to be enhanced. Funds for this purpose should be provided by the State Governments out of their State Plan budget and not from the special allocations made by the Central Government for strengthening the machinery for the implementation of the Protection of Civil Rights Act.**

Appointment of Officers for supervision over prosecutions under Protection of Civil Rights Act

2.12. Regarding point No. 3 about the appointment of officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of the Act, no State Government has taken action in the desired manner. Only the Government of **Gujarat** is considering the question of appointment of an officer to study the judgements of the courts which have resulted in acquittal with a view to preparing guidelines for police officers investigating the cases under the Act and filing complaints in the courts. It appears that most of the State Governments are content with the working of the special cells established by them and expect these cells to implement this provision of the Act. These cells at the State, District or at lower levels do collect information about the registration and disposal of cases by the law courts. But it is not known whether they initiate or excercise supervision over the day to day proceedings in the courts where offenders under the Act are tried.

2.13. Every offence punishable under the Protection of Civil Rights Act is congnizable and therefore prosecutions in cases of offences under the Act are usually conducted by the Government pleaders and public prosecutors. The underlying idea in the Act for appointment of officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of the Protection of Civil Rights Act seems to be to make available expert legal advice to the public prosecutors in these cases. At times the accused persons belong to affluent sections of the society and are able to secure the services of competent lawyers and many cases are acquitted due to inadequate presentation of evidence by the public prosecutors. **It is in the light of the above mentioned facts that the suggestion made in the Act for appointment of officers for initating or exercising supervision over the prosecutions launched under the Act should be examined by the State Governments.**

Setting up of Special Courts

2.14. In regard to the setting up of Special Courts for trial of offences under the Act, available information indicates that only the Government of **Andhra Pradesh** has set up Mobile Courts at the respective district headquarters in each of the five districts, namely, East Godavari, West Godavari, Mahaboobnagar, Cuddapah and Chittoor for trial of cases under Protection of Civil Rights Act and under the provisions of the I.P.C. offences committed against Scheduled Castes and Scheduled Tribes. The selection of five districts was made by the State Government on the basis of the reported high incidence of offences against Scheduled Castes and Scheduled Tribes in these districts, It has also been provided that these Courts should move even to villages as and when necessary for securing quick disposal of cases. The Governments of **Tamil Nadu** and **Uttar Pradesh** are consulting their respective High Courts for setting up Special Courts. The Government of **Gujarat** has a proposal under consideration to set up a Mobile Court at Rajkot for the Saurashtra and Kutch areas and another at Ahemadabad or Mehasana for the rest of the areas. The Government of **Maharashtra** had taken up the question of setting up of Special Courts with the Bombay High Court which was not agreed to. However, the Bombay High Court issued instructions to their subordinate courts to ensure expeditious disposal of the cases and directed that no case under the Act should be kept pending for more than six months. In this connection, it may be pointed out that the Special Courts can be set up under Section 11(1) of the Criminal Procedure Code, 1973 for trying cases pertaining to the atrocities on Scheduled Castes/Scheduled Tribes and under Section 15(A)(2)(iii) of the Protection of Civil Rights Act for trial of offences. **'The suggestion for establishing Special Courts has to be considered in the light of urgent necessity "to instil confidence among the members of the Scheduled Castes regarding the Government's determination to bring quick justice and ensure punishment to the offenders with deterrent rapidity". The stand that is generally taken by many State Governments and the High Courts that small number of offences registered under the Protection of Civil Rights Act do not warrant the establishment of Special Courts is, therefore, not in line with the social objectives**

that are proposed to be achieved by the enforcement of the provisions of the Protection of Civil Rights Act. It is hoped that the remaining State Governments would consider the desirability of establishing Special Courts for expeditious disposal of cases relating to the atrocities on Scheduled Castes/Scheduled Tribes and offences under the Protection of Civil Rights Act and Criminal Procedure Code.

Setting up of Committees

2.15. In regard to the setting up of committees* at appropriate levels to assist the State Governments in formulating or implementing the measures to ensure that the rights arising out of the abolition of untouchability are made available to them, it is observed that State Level Committees under the Chairmanship of the Chief Ministers have been set up in **Gujarat, Himachal Pradesh** and **Rajasthan.** In the States/Union Territory of **Karnataka, Madhya Pradesh, Maharashtra, Uttar Pradesh, West Bengal** and **Pondicherry** State Level Committees have been set up under the Chairmanship of the Minister incharge of Scheduled Castes Welfare. In the States of **Andhra Pradesh, Orissa** and **Tamil Nadu** the State Level Committees are functioning under the Chairmanship of non-officials/officials with official and non-official members. District Level Committees have been established in **Andhra Pradesh, Gujarat, Himachal Pradesh, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Rajasthan** and **Uttar Pradesh** and Committees at taluk/tehsil level have also been set up in **Gujarat, Karnataka, Kerala, Orissa** and **Uttar Pradesh** and in **Orissa** such committees have also been set up at Sub-divisional level. There should be a link between the functioning of the Committee at the State level with committees at the district/sub-divisional/tehsil levels. The committee at the higher level should examine not only the registration and disposal of cases registered under the Protection of Civil Rights Act but the prevalence of the practice of untouchability and the measures necessary for eradicating it. **In all these committees adequate representation should be given to non-officials and social workers working in the rural areas. If these committees are vigilant and prompt action is taken on various suggestions and recommendations made by them there is no reason to doubt that the problem can be tackled. The involvement of the Scheduled Castes and non-Scheduled Castes in the programme for removal of untouchability should be secured through effective functioning of these committees. It is observed that in some States these committees are dorment and seldom meet to transact business. It should be the duty of the senior officers who visit the districts to find out if meetings of these committees are taking place regularly and action initiated on the various suggestions made at these meetings.**

Periodic Surveys

2.16. In the Act a suggestion has been put forward that periodic surveys of the working of provisions of the Act with a view to suggesting measures for its better implementation should be undertaken. As mentioned earlier, the State Governments are required to submit a summary of the measures taken by them under sub-sections (1) and (2) of Section 15(A) of the Act every year. Copies of the reports submitted by the State Governments have not been made available to this Organisation. **It is, however, hoped that in their Reports the State Governments would indicate their assessment about the working of the provisions of the Act and suggest measures for their better implementation. The cells that have been set up in the various States are expected to perform this task and based on the situation obtaining in each State/Union Territory measures have to be initiated for the effective enforcement of the provisions of the Protection of Civil Rights Act.** Details of the steps taken by the State Governments in this regard have been discussed in Chapter 7 on 'untouchability'.

Identification of Untouchability Prone Areas

2.17. The identification of untouchability prone areas has to be conducted by the State Governments. In **Gujarat,** the problem of harassment of the Scheduled Castes by non-Scheduled Castes has been observed in the districts of Ahmedabad (rural), Mahasana, Sabarkantha and Surinder Nagar where revenue-cum-police cells have been set up. The working of these cells has been discussed in the Chapter on 'Land and Agriculture' in this Report. In **Maharashtra,** the Special Cell has listed out a number of places as sensitive areas in 19 districts. In **Kerala,** the interior areas of Kasargode and Hosdurg taluks in Cannanore district have been identified. The Government of **Uttar Pradesh** has asked the Special Police Cell as well as the Research Survey and evaluation Centre in the Harijan and Social Welfare Directorate to identify such areas. The Government of **West Bengal** has entrusted the task to the 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. In **Madhya Pradesh,** the Special Cell under the State Tribal and Harijan Welfare Department will undertake survey of the problem. In many State Governments grants are given to non-official agencies for removal of untouchability and as part of their programme, many non-official agencies notably All India Harijan Sevak Sangh, undertake periodic surveys to identify untouchability prone areas. The findings of an all India survey undertaken by the Sangh are mentioned in the Chapter on 'Social Development'. The Organisation of the Commissioner for Scheduled Castes and Scheduled Tribes has been conducting surveys about the practice of untouchability since its inception and the findings are incorporated in the Annual Reports. Untouchability is rampant in the rural areas of our country specially in backward and inaccessible areas. **There is lot**

*For State-wise details please see Appendix II.

of information available on the basis of the surveys conducted by various institutions from time to time about the areas in which untouchability is widely prevalent. It is for the Central and State Governments to ensure that concrete steps are initiated in cooperation with the public for combating this practice.

Summary Trial

2.18. Section 15(1) of the Act provides that all untouchability offences where the punishment does not exceed three months can be tried summarily by the judicial magistrate of the 1st Class or in a metropolitan area by a Metropolitan Magistrate. This is an innovative step introduced in 1976 in the Act to ensure speedy disposal of cases. It is not known whether this important provision of the Act has been implemented.

Collective Fines

2.19. The State Governments have been empowered under Section 10(A)(1) of the Act to impose collective fines on the inhabitants of an area who are concerned in or abetting the commission of untouchability offences. The Ministry of Home Affairs had in September, 1977 prescribed the manner of inquiry to be conducted by the State Governments before imposing collective fines. Available information indicates that except the Government of **Gujarat** which had imposed a punitive fine in one village, no other State Government has taken recourse to this provision of the Act. In Marathwada region of **Maharashtra State** where large scale organised destruction of life and property of Scheduled Castes and Nav-Buddhas took place some time back, the State Government did not consider it advisable to impose collective fines on the villagers and the suggestion made in this regard by the Commissioner for Scheduled Castes and Scheduled Tribes and subsequently repeated by the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes was turned down.

Rule making power of Central Government

2.20. Section 16(B)(1) empowers the Central Government to make rules to carry out the provisions of the Protection of Civil Rights Act. As mentioned earlier, except the rules that have been notified by the Central Government under Section 10(A)(1) of the Act about the manner in which enquiry should be conducted before imposing collective fines on the inhabitants of an area who are concerned in or abetting the untouchability offences and the State Governments to submit an annual Report on the working of the Protection of Civil Rights Act, no other rules for implementation of the various provisions of the Act have been notified. There are many provisions of the Act for which it is necessary for the Central Government to notify the rules to enable the State Governments/ Union Territory Administrations who are to implement the various provisions of the Act to take prompt action on the various measures envisaged in the Act. **It is hoped that the Central Government will take urgent action to notify rules for proper implementation of the Act. One of the important points on which rules should be notified by the Central Government relate to the setting up of Special Courts for trial of offences under the Act.**

Bonded Labour

2.21. Even after 32 years of independence, which was won under the banner of the high and noble ideals of Gandhiji, it is rather astonishing that this country continues to tolerate the scourge of such bruetal slavery, such bruetal bondage forced by man upon man. It is more than 28 years since our Constitution prohibited 'Begar' and other forms of forced labour under Article 23, yet the practice of traffic in human beings in the form of bonded labour continued in the country with different names in different places. Some State Governments enacted legislation to abolish this practice before and after independence but in the absence of stringent enforcement and lukewormness on the part of the State Governments not much success could be achieved in abolishing the prevalence of bonded labour system.

2.22. The question of bondage is not merely economic and social even though the victims by and large are from Scheduled Castes and Scheduled Tribes at the very bottom of the socio-economic order. The basic fact of the phenomenon is that the existence of bonded labour is one of the erosions of human rights in a democratic country. Thus its existence hits the very basic democratic structure of the country.

The pioneering role of Commissioner's Organisation to identify bonded labourers

2.23. If we go through the Annual Reports of the Commissioner for Scheduled Castes and Scheduled Tribes, right from 1951 onwards, we would find mention of places where bonded/ forced labour was noticed and recommendations made for its eradication. The subsequent paras would reveal that this Organisation was pioneer in exposing the prevalence of Bonded Labour in different parts of the country. Commissioner's Organisation feel satisfaction that it is because of repeated mention of this system in almost all the Annual Reports from 1951 onwards that the Central Government enacted a Central Legislation for abolition of this system. Reference of bonded labour as mentioned in different Annual Reports has been summarised as follows :—

(i) In the first Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the year 1951 a reference was made of the data collected from the general village schedules of 813 villages by the Agricultural Labour Enquiry Committee appointed by the Government of India which disclosed the existence of forced labour in some form or other in 74 villages in **Punjab, Uttar Pradesh, Bihar,**

Orissa, Madras, Pepsu, Madhya Bharat and **Jammu & Kashmir.** The Commissioner pointed out that forced labour was still in existence and mostly the Scheduled Castes and Scheduled Tribes people were suffering on account of this unlawful practice. The Commissioner, therefore, recommended that Government should issue very clear instructions to the authorities concerned to deal with the cases of forced labour in a very strict manner and give exemplary punishment to the offenders whether Government servants or private individuals or bodies.

(ii) Commissioner for Scheduled Castes and Scheduled Tribes undertook a tour in the agency areas (now forming part of Andhra Pradesh) and a mention was made about his observations in the Annual Report for the year 1953, that 'Muthdari' system would have to go away along with the 'Zamindari' system in order to make the tribals free from 'begar' or forced labour. The Muthdar though a tribal himself had peculiar way of terrorising the tribals. He was more harmful to the tribals than Zamindars.

(iii) It was mentioned in 1956-57 Report that the practice of begar was prevalent in one form or other in the States of **Orissa, Madhya Pradesh, (Vindhya Pradesh Region), Bombay, Punjab** and **Rajasthan** and it was recommended that State Governments should issue instructions to their touring officers to ensure that whenever they found prevalence of the practice of begar or forced labour the persons concerned were suitably warned and the Scheduled Castes and Scheduled Tribes victims of this custom encouraged to report such illegal practice against them to the authorities concerned.

(iv) The Report for the year 1959-60 recommended that in some areas in the State of **Madhya Pradesh** where some type of serfdom still existed, investigation may be made to find out the extent of such practices and how far the rates of wages reckoned for such workers were in keeping with the provisions of the minimum Wages Act.

(v) In the Report for the year 1960-61, it was mentioned that the practice of bonded labour was in existence in some parts of **Kerala, Madhya Pradesh, Madras, Orissa** and **Rajasthan** and it was also stated that though definite information from other areas was not available, it was not unlikely that different types of forced and bonded labour existed in several other States as well. The salient findings of a survey of the various aspects of this system undertaken during that year in **Rajasthan** was given in detail in that report and it was recommended that the Government of **Rajasthan** should exercise strict vigilance about the working of the Sagri System Abolition Act, 1961. It was also suggested that immediate steps should be taken by the Government of **Orissa** to extend the Orissa Debt Bondage Abolition Regulation, 1948 to the Scheduled Areas of Mayurbhang and Sundargadh districts and also to frame rules under that Regulation.

(vi) The Report for the year 1961-62 indicated the existence of bonded labour in the States of **Kerala, Madras, Madhya Pradesh, Orissa, Rajasthan, Jammu & Kashmir, Maharashtra** and **Uttar Pradesh.** It was recommended that the Government of **Maharashtra** should find out the extent of the practice of begar prevalent in that State and devise suitable legislative measures to put a stop to it and that the law banning the **Gothi** system in **Orissa,** should be made more stringent and adequate punishment for offenders be prescribed thereunder. The administrative officers should be asked to make special efforts while on tour to detect cases of 'Gothi', and propaganda should also be carried on to arouse public feeling to condemn this practice. It was further recommended that the Government of **Mysore** should take suitable step to put an end to the evil practice of **Jeetha** system and also to other forms of bonded or forced labour.

(vii) In the Report for the year 1962-63, it was mentioned that the system continued in various customary forms in some parts of **Jammu & Kashmir, Kerala, Madras, Madhya Pradesh, Mysore, Maharashtra, Rajasthan** and **Uttar Pradesh** and details regarding this practice in **Madhya Pradesh** and **Orissa** were given in that Report. It was reported that a system called 'vavla' which is similar to the 'Hali' system of Surat is prevalent mostly among the Dubla tribals in **Dadra & Nagar Haveli.** It was recommended that the **Gothi** system in **Orissa** should be abolished altogether and employment of **Gothis** made a cognisable offence, with more strict penalties and vigilant enforcement and to end the practice of **Sagri** system in **Rajasthan** the Police Department should be given special instructions to take cognisance of Sagri cases. The Department of Social Welfare should also instruct its field officers to help the police in reporting against the offenders. Voluntary agencies working among the Scheduled Tribes, in the areas where Sagri system prevailed should also take special interest in this problem and in the effective implementation of the provisions of the Rajasthan Sagri System Abolition Act, 1961. It was also recommended that the very existence of forced and bonded

labour system, whatever its magnitude be militates against the aims and objects of a welfare State aspiring for a free and equalitarian society. Concerted efforts should be made by all the State Governments/Union Territory Administrations concerned to find out the conditions of service, and the number of persons involved in such unwholesome practice and to take steps to free them from such serfdom, by allotting to them cultivable waste lands and other necessary facilities so that they can rehabilitate themselves as free men.

(viii) During the year 1963-64 detailed surveys were undertaken by this Organisation regarding the practice of bonded labour in **Mysore, Orissa** and **Rajasthan.** The findings of these surveys were incorporated in that Report. It was suggested that a close watch should be kept on the number of persons entering into labour agreements under the Orissa Debt Bondage Abolition Rules, 1963 in **Orissa** and the field staff of the welfare and revenue departments of the State Government should periodically check up from the labourers whether they were actually being paid in accordance with the terms and conditions fixed. There was an apprehension that the provision under rule 9 of the Orissa Debt Bondage Abolition Rules, 1963, by which the offences could be compounded by the Tehsildars might not have served the best interests of the tribals leading to the evasion of the provisions of the Regulation. It was also suggested that to make the provisions of the Rajasthan Sagari System Abolition Act, 1961 more stringent, the offences under the Act should be made non-bailable. The report also indicated that there was a need to enforce the provisions of the enactments concerning the debt relief and the abolition of Sagari system in **Rajasthan,** by mobile courts, by visiting the affected villages in Dungarpur District. The Sagaris in **Rajasthan,** generally, took loans for unproductive purposes. There was, therefore, a great need for arranging for small, short-term loans for unproductive purposes, at nominal rates of interest. The concerned District Social Welfare Officers in Rajasthan, should make inquiries and report cases of **Sagaris** to the police for action under the Rajasthan Sagri System Abolition Act, 1961. The Report also suggested that an integrated scheme of land settlement, including provision for reclamation of land, supply of seeds, fertilizers and bullocks, construction of houses, etc., should be drawn up for the benefit of Sagaris in **Rajasthan.** In another recommendation it was suggested that the problem of banded labour in **Uttar Pradesh,** should be given urgent attention so that the Koltas could be able to lead a free life. The report also mentioned that the special survey of the economic conditions of the bonded labourers in **Kerala,** should be completed before the proposed legislative measure for the abolition of the system of bonded labour, was given final shape, so that the law could be comprehensive and suitable to the actual conditions.

(ix) During the year 1964-65, it was repeated again that the system was prevalent in **Andhra Pradesh, Jammu & Kashmir, Kerala, Madhya Pradesh, Madras, Maharashtra, Mysore, Orissa, Rajasthan** and **Uttar Pradesh** and the Union Territory of **Dadra & Nagar Haveli.** Some more details received from the State Governments of **Kerala, Maharashtra** and **Uttar Pradesh** were given in that Report. During that period mention of survey of indebtedness undertaken by the Commissioner's Organisation in **Maharashtra** to ascertain the incidence of bonded labour was also made. The survey revealed that bonded labour system was prevalent in Thana District, as a few cases were detected in some of the Tribal Development Blocks in the District. During the course of tours by the Commissioner in the districts of Hamirpur and Barabanki of **Uttar Pradesh,** it was found that the cultivators advanced loans to the Scheduled Castes persons working with them. It was observed that no interest was charged on the loan, but the debtors had to work as servants of the cultivators till the loans were repaid. A recommendation was made that suitable action should be taken by the State Government to fix reasonable minimum wages for agricultural labourers and to see that they were strictly enforced.

(x) In the Report for the year 1965-66 a reference was made about a peculiar kind of prostitution among the Scheduled Castes and also a denotified community called **'Bedar'** existing in some Northern Districts of **Mysore.** During this period a limited survey was also conducted by this organisation in 8 selected villages of Maredumilli Tribal Development Block of East Godavari District where the tribal population was nearly 80 per cent. The survey revealed that the incidence of bonded labour was in existence in different forms. In that report it was pointed out that the Government of **Andhra Pradesh** should examine the working of the Andhra Pradesh (Scheduled Tribes) Debt Relief Regulation, 1960, and the Andhra Pradesh (Scheduled Areas) Money lenders Regulation, 1960, and introduce proper inspection and checks to ensure their satisfactory working. Moreover, the

Scheduled Tribes living outside the Scheduled Areas should also be provided relief through a suitable legislation. In another recommendation it was stated that the State Government of **Bihar** should expedite measures to effectively control money-leading both through the tightening of the provisions of the Bihar Money-lending Act, 1939 and framing of suitable regulations under the Fifth Schedule. The proposal of the Government of **Gujarat** for creation of additional posts of inspectors of money-lending for the Scheduled Areas should be sanctioned by the Government of India at an early date. Till the staff was sanctioned and posted the Extension Officers for Cooperation in the Tribal Development Blocks should be instructed to regularly inspect and check up the establishments of money-lenders so that at least some check could be exercised. These officers should be vested with the necessary powers under the Bombay Money-lenders Act, 1946. It was also recommended in the report that the Government of **Maharashtra** should control illicit money-lending by providing more severe punishments under the Bombay Money lenders Act, 1946 for major types of offences in money-lending.

(xi) In the Report for the year 1966-67, it was mentioned that a modified forms of servitude connected with agriculture still continued to exist and persons belonging to the Scheduled Castes and Scheduled Tribes fell prey to this system on account of their poverty. It was mentioned that they had sometimes to borrow money from moneylenders whom they agreed to serve in return till the loans were repaid. It was also mentioned in the Report that members of the Scheduled Tribes were the worst sufferers in this respect because they were more illustrate and yielded easily to the guiles of the moneylenders.

(xii) In the Report for the year 1967-68 it was recommended that in order to deal with forced labour in an effective and enduring manner, it was necessary to enact suitable legislation to treat its practice as a cognizable offence, set up a stringent field machinery, provide short term and long term credit facilities and raise the repaying capacity of the Scheduled Castes and Scheduled Tribes people concerned by improving their economic conditions. The experimental scheme undertaken by the Government of **Madhya Pradesh** for providing short term credit even for non-productive purposes to members of Scheduled Tribes should be usefully extended to other states. Attempt should also be made to promote the habit of thrift among them by persuasion, and in this field voluntary agencies could play a useful and significant role. One effective method to save the tribals from the clutches of money-lenders should be to write off their old debts.

(xiii) In the year 1968-69, a reference about the prevalence of bonded labour system in **Rajasthan, Uttar Pradesh, Tamil Nadu** and **Dadra & Nagar Haveli** was also made. In this connection a survey conducted among the Koltas and other artisan class of Jaunsar-Bawar area of District Dehradun in **Uttar Pradesh** was also made. The practice was found in all the five villages surveyed.

(xiv) Annual Report for the year 1969-70 also contained the information regarding the prevalence of bonded labour system in different States. In this Report more details about the system prevalent in **Tamil Nadu, Uttar Pradesh, Gujarat, Mysore** were given. It was recommended in the Report that the practice of bonded labour still existed in some States and Union Territories, it was suggested that concerted efforts should be made by the State Governments/Union Territory Administrations concerned to find out the conditions of service, number of persons subjected to these practices and immediate steps to be taken to free them from such serfdom by taking suitable legislative and executive measures. Cultivable waste lands and other necessary facilities should also be provided to them so that they rehabilitated themselves as free men.

(xv) The Report for the year 1970-71 indicated that the practice of bonded labour still existed in one form or the other in many States. It was suggested that surveys and studies should be undertaken by the concerned State Governments/ Union Territory Administrations to find out the exact position. In the States/ Union Territories where legislative measures had not so far been taken to abolish the system of bonded labour, necessary legislation should be enacted immediately. The offenders should be dealt with severely and bonded labour should be made a cognizable offence.

(xvi) In the Report for the year 1971-73, it was stated that the system of bonded labour or forced labour existed in some States or Union Territories. Although some States and Union Territories had denied its existence, there was every reason to believe that this evil practice was still prevalent. Few State Governments who had denied the existence earlier confirmed the prevalence of the system when questions were raised in Parliament. During the report under reference it was recommended that the evil practice of **'Begar'** and some

other forms of forced/bonded labour had been criticised by some Members of Parliament in the Rajya Sabha and Lok Sabha during the year 1973. It was observed that most of the States/ Union Territories were reluctant to accept that bonded labour was prevalent in their areas. The replies that were received in this Organisation indicated that the practice had completely died out which however, was not a fact. It was felt that until the States/Union Territories recognised bonded labour as a serious problem, they would not be able to chalk out suitable legislative and developmental measures to stop this evil practice. It was also recommended in the report that practice of bonded labour was prevalent in some parts of Scheduled Areas of **Andhra Pradesh,** but the communication received from the State Government indicated the practice of bonded labour was extinct. This view of the State Government was obviously based on the replies received from the District Collectors. It was suggested that a detailed study of the subject must be carried out by the State Tribal Research Institute, as it was difficult to believe that the economic condition of bonded labourers had improved to such an extent that during a period of 8 years, this practice had completely disappeared. This report also indicated the system of bonded labour existing in the State of **Bihar.** A study undertaken by the Study Team of this organisation in the district of Palamau revealed that the said practice was prevalent in some parts of the Palamau district. In that report it was suggested that the following steps should be undertaken by the State Governments/Union Territory Administrations for ameliorating the conditions of the bonded labourers :—

(a) Intensive studies should be made of the practice of bonded labour wherever found and such backward areas where there was probability of its prevalence.

(b) Scaling down of old debts and payment to the creditor of whatever amount arrived at through this process by either a cooperative society or a Government Department in respect of those bonded tribals who had been in bondage for a specified period should be done. For this purpose, suitable provision should be made in the Backward Classes Sector.

(c) Prosecution of the moneylenders who were carrying on the business of money lending without the permission of the competent authority.

(d) Enforcement of the Minimum Wages Act and a vigorous propaganda for payment of wages in cash to the labourers engaged by the landlords for working on their land.

(e) Allotment of cultivable land to as many bonded labourers as possible together with agricultural inputs for bringing the land under cultivation.

(f) Appointment of suitable staff to guide the bonded labourers for assertion of their rights for getting payment of wages in cash and settlement of old debts under the provisions of existing law.

(g) Reputed non-official agencies should be entrusted with the schemes for improvement of economic conditions of bonded labourers.

(xvii) In the Report for the year 1973-74, it was stated that indebtedness among the members of the weaker sections of the society was a major cause for the prevalence of bonded labour system. The report also indicated that several study reports confirmed that the system was still in existence in some form or the other in the States and Union Territories of **Bihar, Gujarat, Himachal Pradesh, Karnataka, Kerala, Uttar Pradesh, Madhya Pradesh, Rajasthan, Tamil Nadu** and **Lakshdweep.** It was stated in the Report that some of the State Governments/Union Territory Administrations talk about the *dejure* position only and would not accept the *defacto* position of the existence of bonded labour in their areas. Only when some studies were conducted which brought into focus the existence of this evil in a particular area, the concerned State Governments/Union Territory Administrations conceded it reluctantly to maintain that the problem was a local one and confined to a particular area. During this period it was recommended that there was no denying the fact that the problem existed mainly in tribal and other rural and backward areas. But it had to be met by taking remedial measures by removing the shortcomings found in the existing legislation and introducing new suitable legislative measures, wherever such legislation were non-existing. Since the problem of bonded/forced labour was a direct out come of indebtedness this problem could be met by providing suitable clauses under Debt Regulation Acts as had already been done by States like **Uttar Pradesh** and **Bihar.** Further, it was not enough to make provision for their removal of this practice under law, it had widely to be made known to the concerned people who were usually illiterate, by a suitable publicity machinery. Even when these people knew about the existence of such legal provisions they

would not utilise it unless and until they were assured that they would not have to go back to their masters to seek future loans and bind themselves again under these debts. As suggested above, this problem along with the problem of indebtedness would have to be tackled on both the fronts—firstly, of scaling down and wiping out the past debt commitments and secondly to provide a suitable machinery for meeting their future financial needs.

(xviii) The Report for the year 1974-75 again mentioned about the practice of traffic in human beings in the shape of **begar** or forced labour which continued in the country in one form or the other. It indicated that the upper-stratum in the village side continue this exploitation and the worst sufferers were backward classes, particularly the Scheduled Castes and the Scheduled Tribes.

(xix) In the Report for the years 1975-77 position regarding the States which had denied the existence of bonded labour system was given. Detailed information regarding surveys for identification of bonded labour system and position regarding States which had identified bonded labourer were given in the Report for the year 1977-78.

2.24. If we study the different observations and recommendations as well as detailed surveys conducted by this Organisation during previous years regarding the prevalence of bonded labour system in different parts of the country, we would find that the office of the Commissioner for Scheduled Castes and Scheduled Tribes during the last two and a half decades have been referring about the prevalence of the bonded labour system in different States and Union Territories of the country, but the Bonded Labour System (Abolition) Ordinance, 1975 came into being only on 25th October, 1975, which was replaced by an Act of Parliament and came into force on 19th February, 1976. It may be seen that the problem was identified in the year 1951 itself but it took the Central Government about 25 years to pass a Central Legislation. It was only after the abolition of bonded labour by Central Legislation in 1976 that this problem was tackled in a few States to some extent as a result of which bonded labourers in thousands were liberated and some of them rehabilitated. It has been stated in the Annual Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the years 1975-77 that if the recommendations of the Commissioner had been accepted earlier and prompt action taken thereon thousands of bonded labourers who died as slaves even after independence could have the satisfaction atleast of dying as free men in a free country.

Surveys for identification of bonded Labourers

2.25. A Delhi based organisation 'Welfare Society for the Handicapped Scheduled Castes and Backward Classes People' brought to the notice of the Commissioner for Scheduled Castes and Scheduled Tribes that bonded labourers were being kept by an owner of a brick-kiln in **Haryana.** A team consisting of Shri V. K. Adya, Research Officer and Shri Net Ram, P.A. was deputed to Kurampur Pai in Bhadurgarh Tehsil in **Haryana** for an on-the-spot enquiry in January, 1979. The study revealed that the brick-kiln owner had employed one person from **Rajasthan** who arranged the services of 30 labourers from **Rajasthan** to work at the brick-kiln as **Nikasi** labour. They were being paid at the rate of Rs. 4.75 for every thousand bricks to be taken out from the kiln and Rs. 2.75 for loading every thousand bricks. Subsequently these rates were revised to Rs. 5 for taking out one thousand bricks from the kiln and Rs. 3 for loading charges. Besides the owner had also agreed to pay commission to the **Nikasi** worker for getting the work done by other labourers. It was alleged by the **Nikasi** Labourer that the owner had shown a large sum outstanding in his name and the prevailing rate of Rs. 5.80 for taking out one thousand bricks from kiln and Rs. 3.50 for loading thousand bricks was not being paid to the workers. It appeared that the owner had also not paid the commission to the worker for the work he got done from other workers at his Kharkoda brick-kiln. The study revealed that the worker along with his family was being wrongfully confined by the owner of the brick-kiln against their wishes as they no longer desired to work under him and wanted to go to their native place in **Rajasthan.** The matter was subsequently discussed with the S.D.M. Bhadurgarh and arrangement was made to release the labourers from bondage but the reported labourers appeared to have been pressurised by the owner and subsequently gave in writing that they would continue working under the same owner.

2.26. It is understood that the organisation which reported this matter to us subsequently moved a court of law in District Jhunjhunu in Rajasthan and got these labourers released from the clutches of the owner of the brick-kiln. It was also reported that 200 more labourers working in different brick-kilns in **Haryana** were also got released by this organisation. This is highly commendable on the part of the organisation who got them release. It is astonishing to note that the State Government of **Haryana** have all along disputed the existence of bonded labour in the State and the Ministry of Labour have also not indicated about the existence of bonded labour in **Haryana.** In a recent communication received from the Labour Commissioner **Haryana,** the problem of bonded labour has been reported in the State. **It is apprehended that many workers in different brick-kilns might be leading a life of bondage. It is, therefore, suggested that Labour Departments of different State Governments should, therefore, undertake surveys in all the brick-kilns in their respective States and identify the number of bonded labourers, if any, and get them released and rehabilitated.**

2.27. During the recent tour of **Maharashtra**, the Commissioner for Scheduled Castes and Scheduled Tribes had an occasion to discuss with the Minister for Tribal Welfare the problems of bonded labour and its prevalence in some parts of the State. It was pointed out that in a paper recently brought out by the Tribal Research and Training Institute, Pune about the practice of bonded labour, it has been mentioned that the system has been found prevalent among Worlis in Thana District. Bhumisena of **Maharashtra** has also reported its existence in Palgarh Tehsil. In 1976, a survey was conducted in 20 villages and out of 261 cases, 100 persons were interviewed. Some of the important observations are summarised below :—

(a) 50 per cent bonded labourers were bonded for less than Rs. 600 and 50 per cent were bonded for Rs. 600—1500.

(b) 33 per cent were bonded for less than six years and 67 per cent were bonded for more than six years with maximum bondage period upto 21 years.

(c) 33 per cent did not remember the amount of the original loan and 87 per cent did not know the present balance and 70 per cent did not know the interest charged.

(d) 79 per cent became bonded after marriage.

2.28. It may be recalled here that this office also conducted a survey on the incidence of bonded labour system in Nandurbar and Shahada Talukas of Dhulia District in **Maharashtra.** The details of this survey were given in the Annual Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the years 1975-77 wherein it was stated clearly that elements of bonded labour system definitely existed in these areas. However, the State Government did not accept the prevalence of the system and decided to make some test checks in these Talukas and instructed the police and revenue authorities of the district to take action under the provisions of Minimum Wages Act, 1948. Till the drafting of this Report no information has been received from the State Government of **Maharashtra** as to what action the police and revenue authorities of the district concerned have taken in this regard.

2.29. There are two aspects of the problem; (1) the identification of undetected bonded labourers and (2) to initiate suitable programmes for rehabilitation of freed bonded labourers. National Labour Institute conducted a workshop for training of administrators and project officers dealing with Rural Development in 1977 for motivating them in identification, release and rehabilitation of the bonded labourers. The institute also conducted in collaboration with the Gandhi Peace Foundation, a national workshop on the subject in November, 1977. The National survey conducted by Gandhi Peace Foundation with N.L.I. was a result of this collaboration. This survey was carried out in **Andhra Pradesh, Bihar, Gujarat, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tamil Nadu** and **Uttar Pradesh.** More than 1,000 village in 295 districts of these States were covered by the Survey between May and October, 1978. The objectives of the survey were (1) to assess the extent of bondage in ten States, (2) to calculate estimates of the total number of bonded labourers in these States, (3) to highlight the socio-economic conditions under which bonded labourers work and live, and (4) to assist the State Governments and the Central Government in the preparation of schemes for the release and rehabilitation of bonded labourers. The survey concentrated on the identification of debt bondage in the agricultural sector.

2.30. A preliminary analysis of the data collected (excluding Orissa where the Survey results are yet to be finalised) reveals that the total number of bonded labourers amounts to 22.4 lakhs. The State-wise estimates of the incidence of bonded labourers have been indicated as follows :—

Andhra Pradesh	3,25,000 bonded labourers (i.e. 4·96 per cent of all agricultural labourers)
Bihar	1,11,000 (1·7 per cent)
Gujarat	1,71,000 (9·5 per cent)
Karnataka	1,93,000 (7·6 per cent)
Madhya Pradesh	4,67,000 (11·8 per cent)
Maharashtra	1,05,000 (2·1 per cent)
Rajasthan	67,000 (9·4 per cent)
Tamil Nadu	2,50,000 (6.0 per cent)
Uttar Pradesh	5,55,000 (10·5 per cent)

2.31. Some of the significant conclusions of this preliminary survey have been summarised as follows :—

(i) 66 per cent of the bonded labourers belong to Scheduled Castes and 18.3 per cent to Scheduled Tribes. But 84.2 per cent of the masters are Caste Hindus.

(ii) 41.3 per cent of the bonded labourers take loans of less than Rs. 300, 28.1 per cent take Rs. 300—700, 15 per cent take Rs. 700—1100, and 15 per cent need loans exceding Rs. 1,100.

(iii) 11.6 per cent of the bonded labourers have to pay interest rates higher than 40 per cent per annum; 10.5 per cent pay interests between 25 per cent and 40 per cent, 45 per cent do not have to pay interest.

(iv) 47.5 per cent of the bonded labourers incur debts for meeting their daily needs (domestic consumption), whereas only 33.6 per cent take loans for festivals or ceremonies (social obligations). This finding falsifies the popular assumption that the majority of the bonded labourers go into bondage because of their irrational spending of money on festive occasions. The fact that nearly 50% are driven into bondage for meeting

their domestic/consumption expenditure reveals the increasing impoverishment of the landless and weaker sections of the rural population.

(v) This can be further substantiated by the following data on the asset structure. 62 per cent of the bonded labourers do not possess any cultivable land, 67 per cent have no livestock, 91 per cent have no poultry, 14 per cent have no hut or house of their own, 20.5 per cent do not possess any homestead land.

(vi) The below-subsistance level-wages prevalent contribute substantially to the poverty of the bonded labourers and their incapacity to repay the loan. Nearly 30 per cent of them get less than Rs. 10 per month, 38 per cent earn wages between Rs. 10 and Rs. 40, 25 per cent earn Rs. 40—80, and only 7 per cent get more than Rs. 80 per month. The average monthly payment amounts to Rs. 35.8.

(vii) 10 per cent of the bonded labourers had worked as such either since childhood or for more than 10 years, 65 per cent work since 3 years or less, 33 per cent are under bondage since 1 year or less.

(viii) 60 per cent of the bonded labourers have to work for an indefinite period of time, till the master says that the loan is repaid. 80 per cent have even lost their freedom to seek other employment during the off-season; during the season 90 per cent of the bonded labourers are claimed by their masters as private property.

(ix) 21 per cent of the bonded labourers are below 20 years of age, 56.3 per cent are under 30 years, 83.2 per cent are below 40 years of age. The system of bonded labour is found in backward areas as well as in developed agricultural regions. The trend indicates that the introduction of modern technologies in agriculture has aggravated the economic conditions of agricultural labourers and intensified their recruitment into bondage. In the districts of Medak **(Andhra Pradesh),** Mandya **(Karnataka),** North and South Arcot **(Tamil Nadu),** bonded labourers are employed to operate diesel and electrical pumpsets.

2.32. The Gandhi Peace Foundation, in collaboration with National Labour Institute has thrown up some base line important data relating to the prevalence of bonded labour system in different States. The efforts of the Government of **Madhya Pradesh** deserve to be appreciated as they have constituted three teams for detection of bonded labourers and these teams would be attached to the concerned Collectors. It is reported that their starting point would be the data thrown up by the Gandhi Peace Foundation which indicated 11 per cent bonded labourers in the State. **It is suggested that other State Governments/Union Territory Administrations concerned should also constitute similar teams for detection of bonded labourers in their respective areas.**

2.33. **It may be mentioned here that any estimate about the incidence of bonded labour is at the most a statistical projection. It does not tantamount to actual identification. Moreover the final report referred to above is still to be received. Specific enquiries were made in the 32nd round of the National Sample Survey regarding the incidence of bonded labourer and provisional results indicated the incidence at over 3.4 lakhs.**

Rehabilitation of freed bonded labourers

2.34. As stated earlier the problem of bonded labour is both economic as well as social and the rehabilitation of released bonded labour is a very important aspect of the problem. The State Governments were advised by the Union Labour Ministry to suggest the strategy that should be adopted for the economic rehabilitation of the bonded labourers. It was suggested to the State Governments to utilise the on-going plan schemes such as soil conservation, irrigation work, distribution of house sites, allotment of agriculture land, free education and free hostel facilities for the Scheduled Castes and Scheduled Tribes children for the rehabilitation of bonded labourers.

2.35. The programme initiated by the Government of **Kerala** to rehabilitate the erstwhile bonded labourers who have since been freed is appreciable. The State Government have given a portion of the erstwhile private forests belonging to Zamindars which have since vested in the Government, to the Tribal Welfare Department for colonisation programmes. It is reported that the pattas of the forests had already been given to the tribals which are heritable but inalienable. The Government proposes to take up programmes like dairy development, development of pastures and raising of plantation crops of coffee, tea and tapioca. Another scheme of formation of joint tribal cooperative farming societies to settle 750 tribal families on cardamom plantations is also under consideration.

2.36. According to the available information (up to 31-12-1978) 93,147 bonded labourers were identified, 92,630 freed and 54,993 rehabilitated. State-wise details are given below :—

S. No.	State	Number of bonded labourers		
		Identified	Freed	Rehabilitated
1	2	3	4	5
1.	Andhra Pradesh .	10,518	10,452	7,302
2.	Bihar . . .	2,857	2,857	613
3.	Karnataka . .	64,042	64,042	*(30,557) (7,804)
4.	Kerala . .	702	702	138
5.	Madhya Pradesh .	1,612	1,513	33

*Karnataka has reported that 30,557 persons have been provided with employment in Public Works Department, Forest and other Departments and 7,304 have been given financial assistance through banks.

1	2	3	4	5
6.	Orissa . . .	690	320	316
7.	Rajasthan . .	6,000	6,000	3,531
8.	Tamil Nadu .	2,883	2,883	2,366
9.	Uttar Pradesh .	3,843	3,843	2,331**
	TOTAL .	93,147	92,630	54,993

2.37. It will be seen from the above table that rehabilitation process of the released bonded labourers has been quite slow. **It is, therefore, suggested that Central Review Committee under the Ministry of Labour with the representatives of different Departments and State Governments concerned should co-ordinate all programmes regarding rehabilitation of bonded labourers more effectively.**

Centrally Sponsored Scheme for the rehabilitation of bonded labourers, 1978-79

2.38. In the task of rehabilitation of released bonded labourers to be undertaken in the wake of implementation of Bonded Labour System (Abolition) Act, 1976, the State Governments experienced financial and operational limitations under the ongoing schemes and represented that central assistance should be provided to expedite the process of rehabilitation. The Centrally Sponsored Scheme was, therefore, drawn up during 1978-79 at a total cost of Rs. 2 crores half of which was a matching grant from the Central Government to the States concerned. The Planning Commission also approved the Centrally Sponsored Scheme for the rehabilitation of bonded labourers. A set of guidelines prepared in consultation with the concerned Central Ministries, Departments and on the basis of suggestions made by the representatives of State Governments/Union Territory Administrations was sent to the concerned State Governments/Union Territory Administrations by the Ministry of Labour. Details of these guidelines may be seen at Appendix III.

2.39. According to the available information the Governments of **Andhra Pradesh, Bihar, Karnataka, Kerala, Madhya Pradesh, Orissa, Rajasthan, Tamil Nadu,** and **Uttar Pradesh** have prepared schemes in the light of guidelines circulated by the Ministry of Labour. These schemes were examined by the screening committee set up for the purpose in the Ministry and the position regarding the allocation of funds during 1978-79 and number of bonded labourers likely to be benefitted may be seen at Appendix IV.

2.40. It may be mentioned here that the States which were given assistance under the Centrally Sponsored Schemes were addressed to send us information about the schemes formulated and the extent of benefit derived by the bonded labourers but till the drafting of this report, no information was received from any State Government. **However, it is suggested that a larger allocation should be provided by the Ministry of Labour so that the identified bonded labourers are suitably rehabilitated on need based programmes. It is also suggested that the State Governments/Union Territory Administrations should make optimum utilisation of the resources available under the various Central and State sector on-going schemes in the integrated area development programme and weaker section development programme for the purpose of rehabilitating the bonded labourers in their respective areas. Special schemes for the rehabilitation of bonded labourers may be drawn in areas of their concentration where either there is no on-going scheme in operation or the resources available under such schemes are inadequate.**

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

2.41. In the Report for the year 1977-78 a mention was made about the system of employment of Inter-State migrant labour (known in Orissa as Dadan Labour). This is an exploitative system prevailing in Orissa and in some other States. In **Orissa,** Dadan labour is recruited from various parts of the State through contractors or agents called **Sardars/Khatadars** for work outside the State in large construction projects. This system lends itself to various abuses. Though the **Sardars** promise at the time of recruitment that wages calculated on piece-rate basis would be settled every month, the promise is not usually kept. Once the workers majority of whom belonging to Scheduled Castes and Scheduled Tribes come into the clutches of the contractor, they are taken to a far-off place on payment of railway fare only. The workers have to work on all the days in a week under extremely bad and severe working conditions, and no working hours are fixed for them. The provisions of the various labour laws were not being observed in their case and they were subjected to various malpractices. The 28th Session of the Labour Ministers' Conference considered the question of protection and welfare of Dadan Labour and recommended the setting up a small compact committee to go into the whole question and to suggest measures for eliminating the abuses

****The figures have been revised by the State Government on the basis of the results of an intensive survey undertaken in Districts having the incidence of bonded labour.**

N.B.—(i) Governments of Gujarat and Maharashtra and the Union Territory of Mizoram have subsequently sent 'Nil' reports.

(ii) Of the number of bonded labourer yet to be rehabilitated, (as in Col. 5) 5,906 bonded labourers are covered by the Centrally Sponsored Scheme during 1978-79

prevalent in the system. The Committee recommended the enactment of a Central legislation to regulate the employment of the Inter-State migrant workers as it was felt that the provisions of the Contract Labour (Regulation and Abolition) Act, 1970 even after necessary amendment were not adequate to take care of the variety of mal-practices indulged in by the contractors/Sardars/Khatadars etc., and the facilities required to be provided to these workmen in view of the peculiar circumstances in which they had to work. In this connection it may be stated that the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Services and Miscellaneous Provisions) Act, 1979 has since been passed. However, it has not so far been notified by the Central Government. **It is desirable that the Act should be notified early by the Union Ministry of Labour.**

2.42. The recommendations of the committee were examined in consultation with the State Governments and the Ministries of the Government of India and the suggestions made by them had been taken into account in formulating the proposals for legislation. The main features of the Act are as follows :—

(i) It will apply to every establishment in which five or more inter-State migrant workmen are employed or were employed on any day of the preceding twelve months. It will also apply to every contractor who employs or employed five or more inter-State migrant workmen on any day of the preceding twelve months.

(ii) The establishment proposing to employ inter-State migrant workmen will be required to be registered with registering officers appointed under the Central Government or the State Governments, as the case may be, depending on whether the establishment falls under the Central or State sphere. Likewise, every contractor who proposes to recruit or employ inter-State migrant workmen will be required to obtain a licence from the specified authority both of the State to which the workman belongs (home State) and the State in which he is proposed to be employed (host State).

(iii) The contractor will be required to furnish particulars regarding the workmen in the form to be prescribed by rules to the specified authority of both the home State and the host State. The Contractor will also be required to issue to every workman employed by him, a pass book containing the details of the employment.

(iv) Specific guidelines have been indicated regarding the wages payable to inter-State migrant workman and he is required to be paid wages from the date of his recruitment.

(v) The inter-State migrant workman will be entitled to a displacement allowance and a journey allowance in addition to his wages.

(vi) The amenities that are required to be provided to the workmen would include provision of suitable residential accommodation, adequate medical facilities, protective clothing to suit varying climatic conditions and suitable conditions of work taking into account that they have migrated from another State.

(vii) Inspectors will be appointed by the appropriate authority to see that the provisions of the legislation are being complied with. In addition, power has been given to the State Government of the home State to appoint after consultation with the Government of the host State, Inspectors for visiting the establishments wherein workmen from the former State are employed to see whether the provisions of the legislation are being complied with in the case of such workmen.

(viii) The inter-State migrant workman may raise an industrial dispute arising out of his employment either in the host State or in the home State after his return to that State after the completion of the contract of employment. He will also be permitted to apply for the transfer of proceedings in relation to an industrial dispute pending before an authority in the host State to the corresponding authority in the home State on the ground that he has returned to that State after the completion of his contract.

(ix) Deterrent punishments have been proposed for the contravention of the provisions of the legislation.

2.43. These workers are recruited from the backward areas of the State by the contractors. Sometimes some payment is made to them or to their families and some times they are told that this payment is to cover the expenses towards travel or is an advance for the payment that will be given later. They are transported hundreds of miles away to distant places where they have to work in the most unfamiliar environmental conditions. People from the tropical as well as coastal areas of our country are recruited and transported to work in Himachal Pradesh, Jammu & Kashmir and other places, where they have to face the rigours of the climate. In many of the projects where they work, there are no proper accommodation and provision of protective clothing which is necessary to enable these workers from distant areas to face the rigours of climate in the areas where they work. Unfortunately there was not any special legislation to deal with this problem. As may be seen from the features of the Act it is clear that it will have a two-pronged attack on the very source of this evil.

The undertakings and the contractors are required to register themselves under the provisions of the Act. There are two States involved ; one is the home State and the other is the host State. Once a person is recruited from the home State and transported to the host State, he is exposed to conditions over which he has no control. There is no sanctity of any written contract. There is no protection for the worker. This Act therefore, provides for their protection. It provides for power to determine wages and to deal with all factors affecting the conditions of work. This Act also provides for something which is very new, because for the first time inspectors will be appointed and it will be possible for these inspectors to go to the host State and make inspection. In a sense this is a situation where authorities or officers appointed by one State are being empowered to function in some manner or other in another State for the protection of labour who belong to that home State.

2.44. **There is no doubt that the Act attempts to deal with the basic problems of most vulnerable section of our working population. It may be mentioned here that no legislation on the statute book, however, foolproof it may be, will be of an adequate avail unless it is properly implemented. Efficacy of any legislation lies in its implementation. It is, therefore, recommended that in choosing inspectors every care must be taken to see that the proper kind of officers are inducted, and they do not succumb to the pressures exercised by the Undertakings and contractors.**

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

2.45. Under Articles 330, 332 and 334 of the Constitution special reservation in the Lok Sabha and State Vidhan Sabhas has been provided for Scheduled Castes and Scheduled Tribes. Originally, the reservation in Lok Sabha and State Vidhan Sabhas for the Scheduled Castes and Scheduled Tribes was provided for a period of ten years from 26th January, 1950. Apparently, provision was made under the impression that it would be possible to bring up the Scheduled Castes and Scheduled Tribes, educationally, economically and socially during this period of ten years. Contrary to the expectations it could not happen so and the Government had been obliged to extend this period of ten years to twenty years in the first instance and once again to thirty years.

2.46. A total number of 78 and 38 Parliamentary Constituencies for Scheduled Castes and Scheduled Tribes respectively and 541 and 294 Assembly Constituencies for Scheduled Castes and Scheduled Tribes respectively have been reserved for Scheduled Castes and Scheduled Tribes. The reservation of seats in respect of these constituencies came into effect from the date of dissolution of the last Lok Sabha and State Vidhan Sabhas. Determination of population and later on delimitation of Parliamentary and Assembly constituencies was necessitated due to the enforcement of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 providing for the removal of area restrictions except in cases where it was considered necessary and for readjustment of representation of Parliamentary and Assembly constituencies. Accordingly, the Election Commission has since made such amendments as may be necessary in the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, on the basis of the revised population of Scheduled Castes and Scheduled Tribes notified by the Registrar General, in respect of the concerned State/ Union Territories where area restrictions have been removed. In case of **Sikkim,** reservation of seats for Scheduled Castes and Scheduled Tribes has been made in accordance with the Representation of the People (Amendment) Ordinance; 1979 which has since been replaced by an Act of Parliament.

Representation of Scheduled Castes and Scheduled Tribes in the Lok Sabha and Rajya Sabha

Lok Sabha

2.47. According to the provisions of the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, 78 and 38 seats were reserved for Scheduled Castes and Scheduled Tribes respectively out of a total number of 542 seats in the Lok Sabha.* In the General Election to the Lok Sabha held in March, 1977, one member belonging to Scheduled Caste and two members belonging to Scheduled Tribes were elected to the Lok Sabha from the General Constituencies. The Scheduled Caste member was elected from **Maharashtra** State whereas one member each belonging to Scheduled Tribes was elected from the States of **Assam** and **Maharashtra** thereby raising the number of Scheduled Caste and Schduled Tribe members to Lok Sabha from 78 to 79 and 38 to 40 respectively. According to the latest information received from various State Governments, no Scheduled Caste and Scheduled Tribe member was elected to the Lok Sabha during the year under Report, from the general constituencies.

Rajya Sabha

2.48. As already indicated in the previous Reports, there is no constitutional provision for the reservation of seats for Scheduled Castes and Scheduled Tribes in the Rajya Sabha.

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

Vidhan Sabhas

2.49. As provided under Article 332 of the Constitution and Delimitation Order, 1976. and

*In the Seventh Lok Sabha Elections to which were held in January, 1980, 79 and 40 seats were reserved for Scheduled Castes and Scheduled Tribes, respectively.

the Representation of the People's (Amendment) Act 1980 out of 3,977 seats in the Vidhan Sabhas in various States and Union Territories concerned, 541 and 294 seats were reserved for the Scheduled Castes and Scheduled Tribes respectively. The State-wise allocation of seats in respect of the States/Union Territories in the Lok sabha and various Vidhan Sabhas may be seen at Appendix V.

2.50. In addition, a total number of 13 Scheduled Caste and 10 Scheduled Tribe members were elected from unreserved seats during the years 1977-78 to the Vidhan Sabhas of **Andhra Pradesh, Assam, Bihar, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan** and **Tripura.** Latest information received from the State Governments/Union Territory Adiministrations reveals that during the year 1978-79 no member belonging to the Scheduled Castes and Scheduled Tribes was elected to the State Vidhan Sabha from the general seats.

Legislative Assembly of Sikkim

2.51. When Sikkim became a State of India on the 26th April, 1975, the Constitution (Thirty-sixth Amendment) Act, 1975 had introduced a new Article 371-F to make certain special provisions with respect to that State. By virtue of this article, the then Assembly for **Sikkim** formed as a result of the elections held in **Sikkim** in April, 1974 was deemed to be the Legislative Assembly of the State of **Sikkim** duly constituted under the Constitution. All the 32 seats were reserved, 15 each for the Sikkimese of Bhutia-Lepcha origin and the Sikkimese of Nepali origin and one each for the Scheduled Castes and the Sanghas belonging to Monastries. Clause (f) of said Article 371-F provided that notwithstanding anything in the Constitution it would be competent for Parliament for the purpose of protecting the rights and interests of different sections of the population in **Sikkim** to make provision for the number of seats in the Legislative Assembly of that State which might be filled by candidates belonging to such sections and for the delimitation of the Assembly constituencies for which candidates belonging to such sections might stand for election to the Legislative Assembly for **Sikkim.** Accordingly the Election Laws (Extension to Sikkim) Act, 1976 which was enacted to extend *inter-alia* the Representation of the Peoples Act 1950 and the Representation of the Peoples Act 1951 to Sikkim made suitable provisions in those Acts to continue the system of reservations and the scheme of delimitation of constituencies on the basis of which the first Legislative Assembly of **Sikkim** under the Constitution was constituted. As the term of the first Legislative Assembly of the State of **Sikkim** was due to expire, a Bill entitled the Representation of the Peoples (Amendment) Bill, 1979, was introduced in the Sixth Lok Sabha on the 16th May, 1979. On the dissolution of the Sixth Lok Sabha this Bill had lapsed. The first Legislative Assembly of **Sikkim** was dissolved by the Governor of Sikkim on the 13th August, 1979. As such, it became urgently necessary to make provision for the delimitation of the Assembly constituencies in the State and for the reservation of seats in the Assembly. The Representation of the Peoples (Amendment) Ordinance, 1979 on the lines of the Bill which lapsed on the dissolution of the Sixth Lok Sabha was, therefore, promulgated by the President on the 1st September, 1979. By the Ordinance, out of the 32 seats in the Assembly, 12 seats were reserved for Sikkimese of Bhutia-Lepcha origin, one seat was reserved for Sanghas, two seats were reserved for the Scheduled Castes, and the remaining 17 seats were left as general seats open to electors. The elections to the **Sikkim** Assembly were held in October, 1979, in accordance with the provisions contained in the above mentioned Ordinance. The said Ordinance has since been replaced by the "The Representation of the Peoples (Amendment) Act, 1980". It provides for the same number of total seats as well as seats reserved for different categories in the **Sikkim** Assembly, as were stipulated in the above mentioned Ordinance.

Vidhan Parishads

2.52. As in the case of the Rajya Sabha there is no constitutional provision for the reservation of seats for the Scheduled Castes and Scheduled Tribes in the State Vidhan Parishads. The latest information received from the Vidhan Parishads of Jammu & Kashmir and Karnataka is given below :—

Sl. No.	State	Number of Scheduled Caste members		Number of Scheduled Tribe members	
		Elected	Nominated	Elected	Nominated
1	2	3	4	5	6
1	Jammu & Kashmir	1	1	No Scheduled Tribes	
2	Karnataka	3	..	2	..

Information from the remaining five Vidhan Parishads of **Andhra Pradesh, Bihar, Maharashtra, Tamil Nadu** and **Uttar Pradesh** is still awaited.

Intimidation and coercion of Scheduled Castes and other weaker sections of the society at Elections

2.53 In the past, reports were received that, in some cases Scheduled Castes and other weaker sections of the society were not allowed to exercise their right of franchise, during general elections to Parliament and State Legislative Assemblies. During the elections to the Seventh Lok Sabha in January, 1980, a number of polling booths were set up exclusively for the voters belonging to the Scheduled Castes and other weaker sections of the society, in areas predominantly inhabited by them, to enable them to exercise their right of vote freely without any hinderance. According to the guidelines issued by the Election

Commission, such booths were to be set up even if the number of voters for a booth might be less than 500, against the optimum number of voters for a general booth being 750. It was also provided that if in such cases suitable buildings for such booths were not available, temporary structures should be erected for the purpose. In some cases it was reported that some of these polling booths were captured by people belonging to higher castes or economically better placed. Available information given below indicates the number of polling booths set up exclusively for Scheduled Castes and the weaker sections of the society in various States :—

State	Number of Polling Stations set up exclusively or weaker sections of the society
Andhra Pradesh . . .	5,135
Karnataka	96
Kerala	3
Tamil Nadu . . .	470
Lakshadweep . . .	27
Pondicherry . . .	11
Rajasthan	473
Uttar Pradesh . . .	656
Bihar	2,801

2.54 In spite of the action taken in setting up election booths exclusively for the weaker sections as well as other steps taken for the protection of the voters belonging to these sections, at some places it was reported that they were not able to exercise their right of franchise freely. In a number of cases violence and repression was used against these voters. For example, the Election Commission received 9 complaints regarding violence and repression against Harijans and other sections of voters in **Uttar Pradesh** during the general elections to the Seventh Lok Sabha. The Election Commission had also to order fresh poll in 12 polling stations in **Uttar Pradesh** on the basis of reports from the Returning Officers regarding irregularities and suspicion of intimidation of voters from weaker sections.

2.55 Booth capturing has become a regular feature of elections in our country and is against the very idea of free elections. At the time of General Elections held in 1977, Commissioner had addressed a letter to all the Chief Ministers/Governors to ensure that Scheduled Castes and other weaker sections are able to exercise their fundamental right of franchise freely. In spite of the precautions taken at that time which included the establishment of separate polling booths for Scheduled Castes and other weaker sections of the society, the final reports from many States indicated that at some places the Scheduled Castes and other weaker sections were not allowed to exercise their votes freely at many places. As mentioned earlier, in the elections to the Seventh Lok Sabha, the Election Commission again issued orders for establishment of polling booths exclusively for the voters belonging to Scheduled Castes and other weaker sections of the society and even allowed that such booths could be set up even if the number of voters was 500 or less. But reports from many States about intimidation of Scheduled Castes and other weaker sections of the society from exercising their right to vote were reported.

2.56 **It is now time that the Election Commission should consider seriously this question with a view to finding out ways and means—political, administrative and legal whereby in future intimidation and coercion of voters belonging to Scheduled Castes and other weaker sections in casting their votes in elections to Parliament and State Legislatures is avoided. One of the steps that should be considered by the Election Commission is that the polling booths should be set up in the hamlets of the Scheduled Castes and other weaker sections of the society by lowering the norm laid down in respect of the number of voters for establishment of special booths. At the same time to cover the scattered hamlets of members belonging to these communities, mobile polling booths with suitable police force should visit these areas to enable the voters to exercise their right of vote in a meaningful manner so that they can make an impact on the results of the election in their constituency.**

Punishment prescribed for undue influence or personation at elections

2.57 Under the existing law, punishment has been prescribed for impersonation and undue influence on voters during elections. According to Section 171F of the I.P.C., "whoever commits the offence of undue influence or personation at an election shall be punished with imprisonment of either description for a term which may extend to one year or with fine, or with both". While explaining the term "undue influence", Section 171C of the I.P.C. states that "whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election". Section 171C(2)(a) states that "whoever threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter within the meaning of Section (1). Under Section 8 of the Representation of the Peoples Act, 1951, a person convicted of an offence punishable under Section 171F of the I.P.C. shall also be disqualified for a period of six years from the date of such conviction, from being elected as a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State.

2.58. **It is felt that the punishment prescribed under Section 171F of the I.P.C. for undue influence or personation at an election is not**

adequate. It is, therefore, suggested that the punishment prescribed under that Section should be made more stringent by amending it suitably to the effect that undue influence or personation at an election will be punishable with imprisonment as well as fine. Both these punishments should be awarded simultaneously and their minimum and maximum limits should also be prescribed. Coercion and intimidation of electors should also be made an electoral offence. At the same time, identity cards with photographs of the voters should be introduced. The special booths set up for Scheduled Castes and other weaker sections of the society should be linked up by means of wireless with the nearest police station so that on receipt of any intimation about intimidation of the voters, police can immediately rush to the spot and make proper arrangements for enabling the voters to exercise their right to vote.

2.59. If the above mentioned steps are agreed to and implemented by the Election Commission, it is hoped that intimidation of the Scheduled Castes and other weaker sections in future elections to the Lok Sabha and State Assemblies may be curbed and the voters can exercise their right of franchise in a free and unhindered manner.

Extension of period of reservation of seats for Scheduled Castes/Scheduled Tribes in the Lok Sabha and the Vidhan Sabhas

2.60. As mentioned earlier, Article 334 of the Constitution initially provided for reservation of seats for the Scheduled Castes and Scheduled Tribes in the Lok Sabha and the Vidhan Sabhas for a period of ten years. Subsequently, as a result of the Constitution (Eighth Amendment) Act, 1959 the period of reservation was extended to another 10 years. Again by the Constitution (Twenty-third Amendment) Act, 1969 it was further extended by another ten years. This period of thirty years since the commencement of the Constitution would end on 25th January, 1980. It is felt that there is a clear nexus between the representation of Scheduled Castes and Scheduled Tribes in the legislatures and political power without which the other safeguards and concessions provided for these categories of people would lose much of their essence. There can be no denying the fact that a good deal of improvement has been brought about in the case of persons belonging to Scheduled Caste and Scheduled Tribe and it is to a large extent on account of the special measures undertaken to ensure their representation in Parliament and State Assemblies. Apprehensions were expressed by knowledgeable persons about two decades back that in the event of the reservation being withdrawn, there would be a set-back and gains made earlier might be lost.

2.61. Centuries of exploitation of the persons of these communities cannot be expected to disappear within a span of three decades. The response of the people reflected in the electoral contest does not reveal a very healthy trend towards assimilation. The table given below indicates the number of Scheduled Caste/Scheduled Tribe persons elected from unreserved constituencies to the Lok Sabha/Vidhan Sabhas since the first general elections :—

General Elections	Lok Sabha		Vidhan Sabhas	
	Scheduled Castes	Sch. Tribes	Scheduled Castes	Sch. Tribes
1	2	3	4	5
1st General Election	5	1	7	4
2nd General Election	6	3	9	11
3rd General Election	1	2	17	31
4th General Election	..	1	6	11
5th General Election	1	4	4	14
6th General Election	1	2	1	2

2.62. A brief review regarding improvement brought about in the socio-economic conditions of the Scheduled Castes/Tribes on account of special programmes undertaken for their welfare, would lead us to believe that there is a great need of making special provisions for the persons belonging to these categories to bring them up to the levels of other sections. Since the commencement of the Constitution a great deal of emphasis was laid on the spread of education amongst Scheduled Castes and Scheduled Tribes. It is, however, worthwhile to note that while among the general population the percentage of literacy increased from 9.5 in 1931 to 24.00 in 1961 and 29.46 in 1971, in the case of the Scheduled Castes the percentage increased from 1.9 in 1931 to 10.27 in 1961 and 14.67 in 1971 and in the case of Scheduled Tribes the percentage increased from 0.7 in 1931 to 8.54 in 1961 and 11.30 in 1971. It is interesting to note that while in the case of the general population the increase in the percentage of literacy in 1971 over that of 1961 was 27.30, the same figure for Scheduled Castes was 42.8 and for Scheduled Tribes it was 32.3. Thus the pace of increase in literacy amongst the Scheduled Castes and Scheduled Tribes during the period 1961-71 had been faster than the growth of literacy among the general population, but the fact remained that literacy amongst these communities had not reached the level obtaining amongst other sections.

2.63. As regards the enrolment of Scheduled Castes and Scheduled Tribes at pre-matric stages of education, it has been observed that though some progress has been made in the enrolment of Scheduled Caste and Scheduled Tribes students at various prematric stages but the percentages of their enrolments in 1974-75 were still for behind those among the general population. For example, while percentages of enrolment of general population in Classes I to V increased from 78.1 in 1968-69 to 83.5 in 1973-74, among the Scheduled Castes their percentages increased from 64.1 in 1968-69 to 68.9 in 1973-74 and actually showed a fall to 67.1 in 1974-75. Similarly in the case of Scheduled Tribes these percentages increased

from 52.3 in 1968-69 to 59.3 in 1973-74 and 59.7 in 1974-75. Again, in Classes VI to VIII, among the general population, the percentages of enrolment increased from 33.5 in 1968-69 to 35.6 in 1973-74, but among Scheduled Castes these percentages increased from only 20.5 in 1968-69 to 22.1 in 1973-74, and 22.7 in 1974-75 and among Scheduled Tribes these increased from 14.1 in 1968-69 to 15.7 in 1973-74 and remained stationary in 1974-75. In Classes IX and above, among general population, these percentages rose from 18.3 in 1968-69 to 21.2 in 1973-74 while in the case of Scheduled Castes these percentages increased from 11.00 in 1973-74 to 12.01 in 1974-75. In the case of Scheduled Tribes these percentages increased from 7.7 in 1973-74 to 8.27 in 1974-75.

2.64. In so far as enrolment in professional and other higher courses is concerned, the position is still more discouraging. It may be mentioned here that for Scheduled Castes, the co-efficient* of equality which was 29.3 in 1964-65 increased to 39.0 in 1974-75, while in the case of Scheduled Tribes the co-efficient which was 10.3 in 1964-65 increased to 20.3 in 1974-75. These figures indicate that the position of enrolment of Scheduled Castes/Tribes in various professional courses is still unsatisfactory and concerted efforts require to be made over a length of time to increase their enrolment in such courses. This brief analysis indicates that though some progress has been made in the spread of education among Scheduled Castes/Tribes, yet the educational level amongst these communities is still far behind to that of the general population and special steps together with continued vigilence by the elected representatives belonging to these communities will be necessary to bring them at par with the general population.

2.65. In so far as occupational pattern of Scheduled Castes and Scheduled Tribes is concerned, a number of measures initiated for agrarian reforms and conferment of ownership rights on the tillers of land have to some extent helped the Scheduled Castes and Scheduled Tribes. The information given in the Census Reports makes it abundantly clear that the economic position of the members belonging to these communities has not perceptibly improved. Out of 100 workers in each category of Scheduled Castes, Scheduled Tribes, General population (other than the Scheduled Castes and Scheduled Tribes), the number of agricultural labourers was 52 amongst Scheduled Castes, 30 amongst Scheduled Tribes and 20 amongst others and the corresponding figure according to 1961 census was 35, 20 and 13 respectively. This indicates that the number of persons belonging to the Scheduled Castes and Scheduled Tribes working as agricultural labourers is comparatively higher than the others, and amply proves their weak economic position and dependence upon others for their livelihood. As regards cultivators percentages of Scheduled Castes (27.87 in 1971 Census and 37.76 in 1961 Census) was less than others (45.11 in 1971 Census and 54.16 in 1961 Census). It is well known that most of the Scheduled Caste cultivators happen to be marginal farmers and in occupations such as trade and commerce and in transport and communications, participation of persons belonging to these communities is much less as compared to other sections. The development of the tribal areas can be effective only if Government functionaries can check the large scale exploitation of the members of tribal communities which continues to take place unabated.

2.66. In the case of Scheduled Castes though untouchability has been abolished by law, in actual practice it is still prevalent in many parts of the country especially in the rural areas. The vary fact that the Untouchability (Offences) Act, 1955 had to be amended in the 26th year of the Republic and its provisions made more stringent, is an indicator that it has not been possible to tackle this problem satisfactorily so far. Atrocities on Scheduled Castes/Scheduled Tribes have been a continuing feature. These have acquired a dimension of organised aggressiveness on the part of the perpetrators of crimes. It should be an eye-opener to know that 890 incidents of murder and rape, 1,440 of grievous hurt, 918 of arson and 10,016 of I.P.C. offences involving Scheduled Castes/Tribes were registered during 1978.

2.67. Brief description in the fore-going paras shows that the special provisions and facilities provided for the development of Scheduled Castes and Scheduled Tribes require to be continued in the years to come. It is also a hard fact that caste continues to play a predominant role in the elections held in our country. In the circumstances, it appears just and reasonable to extend the period of reservation of seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha and Vidhan Sabhas.

The Constitution (Forty-Fifth Amendment) Bill, 1980

2.68. It is gratifying that "The constitution (Forty Fifth Amendment) Bill, 1980" extending the period of reservation of seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha and the Vidhan Sabha for another period of ten years has since been passed by the Lok Sabha as well as the Rajya Sabha, in January, 1980.

$$*\text{Coefficient of equality} = \frac{\dfrac{\text{Enrolment of SC/ST}}{\text{Total enrolment}}}{\dfrac{\text{Population of SC/ST}}{\text{Total population}}} \times 100$$

If coefficient of equality is 100 the enrolment of Scheduled Castes/Scheduled Tribes is in proportion to their population. If it it is less than 100 it indicates that their enrolment is less than proportionate to their population.

It is now awaiting notification by the legislatures of the majority of States and the assent of the President.

Lists of Scheduled Castes and Scheduled Tribes

2.69. The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976, providing for the removal of area restrictions in most of the States except in cases where it was considered necessary and for the re-adjustment of representation of Parliamentary and Assembly constituencies, came into force with effect from the 27th July, 1977. No deletion or addition of any caste/tribe was made from the existing lists of the Scheduled Castes and Scheduled Tribes.

The Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1978

2.70. Prior to the enforsement of the above mentioned Act, the 'Mochi' community in *Gujarat* was specified as a Scheduled Caste, only in the Dangs District and Umbergaon Taluqa of the present Bulsar District. As a result of the removal of area restrictions in the said Act, the 'Mochi' community was declared as a Scheduled Caste for the whole of the State. The State Government pointed out that removal of area restrictions in the case of that community was not justified because that community had never suffered from any disability arising out of the practice of untouchability in any part of the State, except the above mentioned two areas. It was also pointed out that members of the Mochi community elsewhere in the State being comparatively more advanced, were likely to take away the benefits which ought to go to the members of that community residing in the above mentioned areas. The Government of India, therefore, introduced the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1978 in the Lok Sabha on the 12th May, 1978 with the following objects :

(i) To restore the position in respect of the 'Mochi' community in the list of Scheduled Castes of Gujarat State which obtained prior to the enforcement of Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976;

(ii) To correct certain mistakes of spellings and punctuations in the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976;

(iii) To provide for the inclusion in, and the exclusion from the lists of Scheduled Castes and Scheduled Tribes of certain castes and tribes.

2.71. The question of drawing up comprehensive lists of the Scheduled Castes and Scheduled Tribes was referred to a Joint Select Committee of both the Houses of Parliament, comprising 20 Members from the Lok Sabha and 10 from the Rajya Sabha. The Committee was to examine the lists cotnained in the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) Order, 1950 and to suggest amendments thereto. The Committee which had to make a report to the House by the last day of the 1979 Budget Session of Parliament has however ceased to exist with effect from the 22nd August, 1979 when the Sixth Lok Sabha was dissolved by the President. With the dissolution of the Lok Sabha, the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill 1978, also lapsed.

Representations regarding removal of area restrictions in respect of certain Scheduled Castes/Tribes

2.72. A number of representations were received from associations and individuals belonging to 'Mochi' community in **Gujarat** in which it was pointed out that the State Government had issued instructions in 1977 to the authorities concerned not to issue Scheduled Caste certificates to the persons belonging to that community, because it was considered as one of the forward communities in the State. A deputation of various associations of 'Mochi' community also met the Commissioner personally and expressed their resentment against the orders of the State Government. It was also pointed out that the Gujarat High Court had given a decision on 22nd January, 1979 in a case, in which the State Government Officer concerned had refused to issue a Caste certificate to an applicant belonging to 'Mochi' community. It was pointed out in the decision that the action of the State Government Officer was wrong, that the Caste was Scheduled in the State and that the applicant should be issued the required Caste certificate. However, it was further pointed out by the representationist that in spite of the clear verdict of the Court, the State Government was still not issuing Caste certificates to members of that community and this was resulting in a lot of hardship to them. **The stand taken by the State Government appears to be neither justified nor legal because imposition of area restrictions in respect of a Scheduled Community lies in the jurisdiction of Parliament. It is, therefore, desirable that the State Government should not impose any area restrictions in respect of the above mentioned community, of their own accord and should continue treating the community as Scheduled, throughout the State, till an amendment in respect of the area restrictions is made by Parliament.**

2.73. According to the Scheduled Castes and Scheduled Tribes Lists Modification Order, 1956, 'Kondareddis' community of **Tamil Nadu** was recognised as Scheduled Tribes throughout the State except Kanya Kumari District and Shenkottah taluk of Tirunelveli district. This area restriction was removed by the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 and the community was recognised as a Scheduled Tribe throughout the State. It has now come to the notice of this organisation that the residents of Tiruchy district who belong to this community are not being considered as Scheduled Tribes, as according to the District authorities, 'Kondareddis' community is not in existence in Tiruchi District. It is understood that the Collector, Tiruchirappali has since sent proposals to the State Government for the

issue of a notification to the effect, that the 'Kondareddis' community is non-existent in Tiruchi District. The stand taken by the State Government is not justified as the community is Scheduled throughout the State according to the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976. **It is, therefore, desirable that the Government of India in the Ministry of Home Affairs should issue necessary instructions to the Government of Tamil Nadu not to impose any area restrictions in respect of Kondareddis till necessary amendment to the Presidential Order is made by Parliament in this regard.**

Lists of Synonyms, Phonetic Variations, sub-Castes and sub-Tribes

2.74. In view of the decision of the Supreme Court in the case of Bhaiyaram Munda versus Anirudh Patar and others in 1971, it was recommended in Commissioner's 1975-77 Report that, it would be better if after necessary enquiries, the Government of India notified a list of local synonyms, sub-Castes and sub-Tribes under each Scheduled Caste/Tribe, so that difficulties of persons belonging to the Scheduled Castes/Tribes in obtaining caste certificates were removed. In pursuance of the above mentioned recommendation, the Government of India in the Ministry of Home Affairs, in consultation with the Registrar General of India have issued lists of equivalent names or names of synonyms and sub-Castes/Tribes, in respect of **Andhra Pradesh, Gujarat, Haryana, Jammu & Kashmir** and **Karnataka.** The lists have been prepared by taking into account the ethnographic and other facts relating to the community concerned and are to be used only for the purpose of verification of claims of the members of the relevant community, calling themselves by the names given in the said lists. These lists are not intended or be treated as alterations or amendments of the Schedules to the Presidential orders specifying Scheduled Castes and Scheduled Tribes in relation to the above mentioned States, as any alterations or amendments of the lists of Scheduled Castes and Scheduled Tribes contained in the said Presidential orders can be made only by Parliamentary Legislation. The Scheduled Castes and Scheduled Tribes certificates to the eligible persons will be valid only if they are issued in the relevant name of the community entered in the Presidential Orders and not in the names given in the lists issued by the Ministry of Home Affairs. Before issuing such certificates it has also to be verified by the authorities concerned that the Scheduled Caste/Tribe persons concerned fulfil all other conditions of eligibility set out in the Presidential orders, e.g., that the person should be a resident of the locality specified in relation to the respective Scheduled Caste/Tribe from the date of notification of the Presidential orders etc. In this connection, it has also been clarified by the Ministry of Home Affairs that, as the listed synonyms/sub-Castes/sub-Tribes would not form part of the Presidential orders, it would be open for any affected person to contend that the particular synonym/sub-Caste/sub-Tribe is not, in fact, a part of or identical with the respective Scheduled Caste/Tribe.

2.75. **The notification of the above mentioned lists of synonyms etc., is welcome. It is hoped that these lists will provide relief to the Scheduled Caste/Tribe persons belonging to the above mentioned States and help them in obtaining caste certificates.** However, it may be pertinent to point out in this regard that, as the caste certificates issued to persons belonging to sub-Castes/Tribes mentioned in the lists issued by the Ministry of Home Affairs which do not form part of the Presidential orders, can be challenged in a Court of Law, it may result in a number of representations as well as litigation by the persons concerned. The preparation of comprehensive lists of Scheduled Castes and Scheduled Tribes has been pending since 1956 when for the first time the lists of Scheduled Castes and Scheduled Tribes were amended on receipt of the recommendations made by Backward Classes Commission. In the Fifth Lok Sabha, a Bill was introduced by the then Government for this purpose but it lapsed with the dissolution of the Lok Sabha. In the Sixth Lok Sabha, as mentioned earlier, the question of amending the lists of Scheduled Castes and Scheduled Tribes was entrusted to a Joint Committee of both the Houses of Parliament but before it could submit the report the Lok Sabha was dissolved. **It is hoped that the Government of India will bring forward a suitable legislation for revision of the lists of Scheduled Castes and Scheduled Tribes in the Seventh Lok Sabha and it is suggested that at that time the synonyms/sub-Castes/sub-Tribes notified by the Ministry of Home Affairs in respect of the States of Andhra Pradesh, Gujarat, Haryana, Jammu & Kashmir and Karnataka should be incorporated in the revised lists to avoid any disputes and litigation in the matter.**

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

2.76. According to Article 15(4) of the Constitution, nothing in that Article or in clause (2) of Article 29 shall prevent the State from making any special provision for the advancement of any socially or educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes. The State Governments have thus been empowered to make reservation of seats for admission of the Scheduled Caste and Scheduled Tribe students to various educational and technical institutions.

2.77. The Union Ministry of Education have issued instructions to various State Governments/Union Territory Administrations and Universities that 20 per cent of the seats in different educational and technical institutions should be reserved for the Scheduled Castes and the Scheduled Tribes with a distinct reservation of 15 per cent for the Scheduled Castes and 5 per cent for the Scheduled Tribes. This reservation is inter-changeable, if a sufficient number

of candidates do not become available to fill reserved seats. It has also been suggested by the Ministry that a minimum qualifying standard should be prescribed for admission and students belonging to Scheduled Castes and Scheduled Tribes should be eligible for admission if they attain this minimum standard without any reference to the gap between their marks and the marks of the last person admitted to the open seats. Where admissions are restricted to candidates obtaining a certain minimum percentage of marks and not merely the passing of certain examination, 5 per cent reduction in marks has not provided for Scheduled Caste and Scheduled Tribe candidates.

2.78. Most of the educational and technical institutions including the I.I.Ts. and medical colleges have provided for reservation of seats for Scheduled Castes and Scheduled Tribes at the graduate level. However, at the post-graduate level much still remains to be done, especially in medical courses and in I.I.Ts. Most of the State Governments as well as the Union Ministry of Health have expressed the view that they are not in favour of any reservation or relaxation for candidates belonging to these communities for admission to post-graduate medical courses on the plea that it would not be proper to lower the standard of post-graduate medical education which is a specialised training in any selected branch of medicine and plays a prominent role in medical care. The Ministry have not yet revised their opinion in spite of our repeated suggestions that reservation of seats or relaxation of minimum standard will be made only for the purpose of admission of these candidates to the post-graduate courses and the standard of post-graduate medical education will not be lowered because the standard of the examination these students are required to pass, to complete the course, will not be lowered. The I.I.Ts. have also not so far agreed to reserve the prescribed percentage of seats for admission of Scheduled Caste/Scheduled Tribe candidates to post-graduate courses. **The suggestion is therefore reiterated.**

2.79. The instructions issued by the Ministry of Education regarding reservation of seats for Scheduled Caste/Scheduled Tribe candidates in educational institutions are also applicable at pre-matric stage. In this connection, the Government of **Maharashtra** prescribed a set of rules in June, 1979 regulating admissions to first year junior college (Higher Secondary—Standard XI) Classes of Arts/Science/Commerce stream attached to secondary schools and colleges in the State, and these rules were communicated by the State Government to all the educational institutions concerned for their implementation. However, in pursuance of a writ petition filed in the High Court of Bombay challenging the validity of the aforesaid rules, the High Court issued an interim stay order. The State Government, therefore, decided that pending the final orders of the High Court on the petition, the implementation of the above mentioned admission rules should be generally stayed. It was also decided by the State Government that these rules would not apply to the admissions to the Junior college classes during the year 1979-80. Information regarding the decision of the High Court in the matter has not so far been received by us.

2.80. Reservation of seats for Scheduled Caste and Scheduled Tribe candidates in educational institutions is by itself not sufficient to promote advancement of education among these communities. It is also necessary to strengthen the educational base of these communities at pre-matric level, to enable more students belonging to these communities to go in for higher education. For that purpose it was recommended in Commissioner's 1977-78 Report that the State Governments/Union Territory Administrations who had not so far achived universal coverage in the matter of prematric scholarships to Scheduled Caste/Scheduled Tribe students should do so early. It was also recommended that other facilities like hostels, free books and stationery, etc., should be provided to these students as incentives to them to complete prematric education. Action taken by various State Governments in this regard is not known. **The recommendation is, therefore, reiterated.**

Scheduled and Tribal Areas

2.81. Scheduled Areas have been constituted in accordance with the provisions of the Fifth Schedule to the Constitution in eight States, viz., **Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Madhya Pradesh, Maharashtra, Orissa** and **Rajasthan.** State-wise information regarding the extent of the Scheduled Areas as well as their total and Scheduled Tribe population in the above mentioned States, is given in the statement at Appendix VI. The Central Government and the concerned Governors of the States have a special role and responsibility in regard to the administration of these areas. The Scheduled Areas and Scheduled Tribes Commission was of the view that these constitutional responsibilities had remained largely undischarged. The Commission was further of the view that the Fifth Schedule was conceived as a temporary expedient and had suggested an alternative approach to set up tribal development blocks in areas of tribal concentration, accompanied by special protective legislation, applicable to all Scheduled Tribes, in the States concerned.

2.82. During the Fifth Plan, a new approach to tribal development, namely, area development approach, was evolved. All areas with more than 50 per cent tribal concentration were identified and covered under the strategy of tribal sub-plan. In the Sixth Plan, the general norm has been accepted as a tribal pocket with more than 10,000 population. It is expected that the sub-Plans will cover about 75 per cent of the total tribal population in the country, thus still leaving about 25 per cent of the total Scheduled Tribe population in the country outside the sub-plan areas.

2.83. The Fifth Schedule to the Constitution was amended by the 'Fifth Schedule' to the Constitution (Amendment) Act, 1976. The amendment gave additional powers to the President to (i) 'increase the area of any Scheduled area in a State after consultation with the Governor of that State and (ii) rescind in relation to any State or States, any order or orders made under this paragraph and in consultation with the Governor of the State concerned, make fresh orders redefining the areas which were to be Scheduled Areas.' In pursuance of the above mentioned amendment the Scheduled Areas in **Bihar, Gujarat, Madhya Pradesh** and **Orissa** were rationalised, in accordance with the 'Scheduled areas' (States of Bihar, Gujarat, Madhya Pradesh and Orissa) Order, 1977. Information regarding the increase in the area, total population and population of Scheduled Tribes, as a result of the rationalisation of the Scheduled Areas in the above mentioned States, is given in the statement at Appendix VII. Rationalisation of the Scheduled Areas in respect of the remaining States is still awaited. **It is desirable that the same should be completed as early as possible.**

Governor's Report on the Administration of Scheduled Areas

2.84. Under Clause (3) of the Fifth Schedule to the Constitution, the Governor of each State, having Scheduled Areas therein, is required to make a Report to the President regarding administration of the Scheduled Areas in that State. Under Clause 5(2), the Governor has been authorised to make regulations for the peace and good government of the Scheduled Areas. The Governor's reports assume special significance, because under the First Proviso to Article 275(1), there is an obligation on the Central Government to raise the level of administration of these areas. It has, however, been observed that these reports have got routinised and they tend to be annual reports of Tribal Welfare Departments. **It is desirable that the Governor's reports should be comprehensive and deal specially with the action taken by State Governments for the peace and good Government of the Scheduled Areas as also raising the level of administration of these areas during the period covered by the reports.**

2.85. The executive power of the Central Government under Article 339(2) of the Constitution also extends to giving directions to the States in respect of drawing up and execution of the schemes for the welfare of the Scheduled Tribes in the States concerned. The Tribal Welfare Programmes in general even outside the Scheduled Areas, attract constitutional obligations of the Union Government. **The scope of the Governor's reports should therefore, be expanded to cover tribal development programmes outside the Scheduled Areas also. Clause (3) of the Fifth Schedule should be suitably amended for this purpose, after which the Governors' reports should be obtained from all States having tribal population. The desirability of laying the Governor's reports in both the Houses of Parliament should also be considered by the Government of India.**

2.86. In accordance with the above mentioned provision in the Fifth Schedule to the Constitution, the Governor's report on the administration of Scheduld Areas is to be submitted every year to the President by 30th October. Information regarding the receipt of these reports for the years 1975-76 to 1977-78, in the Union Ministry of Home Affairs is given in the table below:—

S. No.	State	1975-76		1976-77		1977-78	
		Due date	Date of receipt	Due date	Date of receipt	Due date	Date of receipt
1	Andhra Pradesh	30-10-76	24-3-79	30-10-77	5-10-79	30-10-78	awaited
2	Bihar	Do.	N.A.	Do.	16-3-78	Do.	Do.
3	Gujarat	Do.	10-9-76	Do.	16-6-79	Do.	Do.
4	Himachal Pradesh	Scheduled Areas declared on 21-11-75			awaited	Do.	Do.
5	Madhya Pradesh	Do.	6-12-78	Do.	awaited	Do.	Do.
6	Maharashtra	Do.	3-8-78	Do.	24-10-79	Do.	Do.
7	Orissa	Do.	29-9-77	Do.	26-12-79	Do.	Do.
8	Rajasthan	Do.	16-5-77	Do.	5-1-79	Do.	Do.

It would be seen from the above table that the Governors' reports in respect of **Himachal Pradesh** and **Madhya Pradesh** for 1976-77 and all the States concerned for 1977-78 are still awaited. Even in respect of the other States concerned these reports were sent very late. **It is desirable that these reports should be submitted before the due date each year.** A brief review of the various problems discussed in the Governors' reports in respect of the States of **Andhra Pradesh, Gujarat** and **Rajasthan** received in this office during the year under report, is given at Appendix VIII.

2.87. The provisions in the Fifth Schedule are aimed at helping the tribal communities through the transitional phase in their development without disruption. Special regulations are necessary to soften the impact of change and provide effective protection to the tribals in those situations where they come in contact with the new system, willingly or otherwise.

It is, therefore, desirable that Regulations under the Fifth Schedule or where necessary, a central law, may be made for providing effective protection to the tribals in all their new relationships with the modern economy and administration. In particular, matters relating to land, credit and marketing, employment and working conditions and conduct of civil servants should be specifically covered. Suitable provisions should also be made for promotion and protection of tribal interests in new economic activities.

2.88. The Scheduled Areas and Scheduled Tribes Commission had recommended that a review of all the existing laws should be undertaken by the concerned States and a decision taken about the extension or otherwise of the various general laws to the Scheduled Areas. It is reported that this exercise has not so far been completed by any of the States. **It is, therefore, recommended that this review should be completed as early as possible.**

Tribes Advisory Councils:

2.89. Clause (4) of the Fifth Schedule to the Constitution provides that there should be established in each State having Scheduled Areas therein and if the President so directs, also in any State having Scheduled Tribes but not Scheduled Areas therein, a Tribes Advisory Council consisting of not more than 20 members, of whom, as nearly as may be, three fourths shall be the representatives of the Scheduled Tribes in the Legislative Assembly of the State. It is also provided that, if the number of representatives of the Scheduled Tribes in the Legislative Assembly of the State is less than the number of seats in the Tribes Advisory Council to be filled by such representatives, the remaining seats shall be filled by other members of those tribes.

2.90. These Councils have been set up in all the States having Scheduled Areas. Such Councils have also been established in **Tamil Nadu** and **West Bengal.** State Boards have been constituted in Kerala, Tripura and Uttar Pradesh. **It is felt that a uniform practice should be followed in this regard and Tribes Advisory Councils should be set up in all States having Scheduled Tribe population for which the President may consider giving suitable directions under Clause (4) of the Fifth Schedule.** In **Bihar, Himachal Pradesh, Maharashtra, Orissa** and **Tripura,** the Council is headed by the Chief Minister while in other States, it is headed by the Minister-in-charge of Tribal development. The membership of the Council in all cases except in **Kerala,** is not more than 20, while in the case of Kerala it has 45 members.

2.91. It is provided in the respective orders constituting the Tribes Advisory Councils that they would meet four times in a year in the case of **Kerala, Tripura, Uttar Pradesh** and **Rajasthan** and twice a year in the case of **Andhra Pradesh, Bihar, Himachal Pradesh, Maharashtra, Orissa** and **West Bengal.** State-wise information about the number of meetings of these Councils held during 1976-77, 1977-78 and 1978-79 is given in the table below:—

S. No.	Name of State	Number of Tribes Advisory Council meetings held during		
		1976-77	1977-78	1978-79
1	2	3	4	5
1	Andhra Pradesh	2 (3-12-76 & 5-2-77)	2 (16-5-77 & 31-1-78)	1 (2-12-78)
2	Bihar	2 (31-7-76 & 4-12-76)	Nil	1 (12-4-79)
3	Gujarat	Nil	Nil	Nil
4	Madhya Pradesh	4 (27-4-76, 19-8-76, 30-12-76, 28-1-77)	1 (26-11-77)	3 (24-5-78, 22-10-78 & 24-1-79)
5	Maharashtra	Nil	1 (2-7-77)	Nil
6	Orissa	3 (21-5-76, 31-8-76 & 10-12-76)	1 (23-1-78)	1 (16-11-78)
7	Rajasthan	1 (3-7-76)	1 (27-2-78)	N.A.
8	Himachal Pradesh	Nil	Nil	Nil
9	Tamil Nadu	Nil	Nil	1 (7-2-79)
10	Uttar Pradesh	N.A.	N.A.	1 (24-1-79)
11	West Bengal	1 (9-6-76)	1 (2-10-77)	4 (27-4-78, 3-12-78, 12-2-79 and 24-9-79)

It would be observed from the above table that the meetings of the Tribes Advisory councils are not held regularly in most of the States. It is desired that the State Governments do not appear to involve the Councils to the desired extent in the matter of formulation and implementation of plans and programmes for the development of the Scheduled Tribes and Scheduled Areas in a purposeful manner. **It is, therefore desirable that these Councils should be reactivated so that they may discharge the functions entrusted to them in a more meaningful manner and achieve fully the purpose for which they are constituted.**

Tribal Areas

2.92. In accordance with the provisions contained in the Sixth Schedule to the Constitution, Tribal Areas have been declared in **Assam, Meghalaya** and **Mizoram.** These are administered according to the provisions of the Sixth Schedule. These areas have been divided into autonomous districts, namely North Cachar Hills District and Mikir Hills district in **Assam,** Khasi Hills District, Jaintia Hills District and Garo Hills District in **Meghalaya** and Chakma, Lakher and Pawi Districts in Mizoram.* The Sixth Schedule is much more specific in dealing with tribal situation in these areas compared to the Fifth Schedule, which is not specific but is largely permissive in character. A district Council has been constituted in each autonomous district, comprising not more than 30 members, of whom not more than 4 can be nominated and the rest are elected on the basis of adult suffrage. These Councils are vested with certain administrative, legislative and judicial powers.

Restoration of Village Councils in Mizoram :

2.93. In Mizoram, following the outbreak of disturbances, the authorities resorted to large scale grouping of villages by force and under law, as one of the means of fighting insurgency. The first phase of grouping was carried out early in 1967 by invoking the Defence of India Rules. It was, however, noticed that the legal base for the grouping of villages was weak and therefore in early 1968 an Ordinance known as Assam Maintenance of Public Order (AMPO) was issued to provide a legal base for the continued grouping of villages in North, West, East, Central & South Western parts of **Mizoram.** The main idea of grouping was to cut off the sources of food supply to the hostiles. By this arrangement about 2/3rd of the population of Mizoram was removed from their homes and was forced for a long time to live in newly created settlements called Progressive Protected Villages (PPV). In spite of the process of grouping of villages, the intensity of insurgency continued and disturbances continued in a virulent form until the middle of 1976. It is learnt that the desired results were not achieved. On the other hand, the grouping operations caused untold sufferings and miseries to the general public resulting in the ruin of the village economy and creation of a feeling in the minds of the villagers that they were treated as aliens. The grouping concept also proved to be unsound on economic ground because a large number of villagers herded into big grouping centres, found that there was no land within walking distance, for cultivation and they were forced to walk 6 to 10 miles to reach their **Jhum** sites, thus, leading to a lot of wastage of their time every day. Some individuals obtained stay orders against the grouping operations carried out under the AMPO from the Gauhati High Court and the Government stopped these operations. From 1970 onwards, the villagers started leaving their grouping centres for their old Permanent villages and the number of these villages which had fallen from 730 in 1961 to 229 in 1971, again increased to 608 by the middle of 1979. The additional 379 villages are the unrecognised settlements which have come into existence through the movement of a good number of population away from the regrouping centres in which essential services like education. health, communications and other services remain to be provided in a planned manner.

2.94. **It is reported that the villagers who have gone back to their old permanent villages since 1970, are denied their right to form the village councils which were existing upto 1966. Village Council is vested with executive and judicial powers for the governance of the village. No doubt there are some positive aspects of grouping centres like provision of facilities like medical assistance, schooling, marketing of products, better communication, encouraging wet rice cultivation and dry terrace farming, introduction of horticulture, coffee and rubber plantation, poultry and pig rearing and cottage industries. The whole question of how and where the new villages should be located has been under consideration by one committee or the other since 1973. The delay in arriving at a decision has not stopped the people to go back to their old villages. It is, therefore, desirable that the Ministries of Home Affairs and Defence and the Mizoram Administration should restore the institution of the Village councils in the old permanent villages at an early date.**

Constitution of Autonomous District Council in Tripura :

2.95. With a view to constituting an autonomous district comprising the Tribal Areas in **Tripura** "The Tripura Tribal Areas Autonomous District Council Act, 1979" has since been enacted. It is provided in the said Act that there shall be an autonomous district comprising of 9 tehsils and 8 villages in Dharmanagar sub-Division, 5 tehsils and 20 villages in Kailashahar sub-Division and 1 tehsil and 24 villages in Kamalpur sub-Division of North Tripura District, 2 tehsils and 33 villages in Khonai sub-division, 17 tehsils and 17 villages in Sadar Sub-Division and 10 villages in Sonamara Sub-Division of West Tripura district, 1 tehsil and 15 villages in Udaipur Sub-Division, 8 tehsils and 6 villages in Amarpur Sub-Division, 2 tehsils and 18 villages in Belonia Sub-Division and 3 tehsils and 12 villages in Sabroom Sub-Division of South Tripura district. The Act will come into force from the date to be notified by the State Government.

2.96. Under Clause 4 of the above mentioned Act, a District Council for the autonomous district shall be constituted, consisting of 28 members who shall be elected on the basis of adult suffrage from territorial constituencies all of which shall be single member constituencies. It has been provided in clause 37 of the Act

***All the three autonomous districts in Mizoram are located in Chhinataipui district of the Union Territory.**

that subject to the provisions contained in the Constitution of India, Government may constitute village councils within the Autonomous District to the exclusion of any court within such area and may appoint, in consultation with the Chairman and failing him Vice-Chairman of the District Council, suitable persons to be members of Presiding Officers of such village councils and may also appoint such officers as may be necessary for the administration of the bye-laws and regulations made by the District Council under the provisions of the Act.

Change in demographic complexion :

2.97. At the time of Independence of the country, the Scheduled Tribes constituted a majority of the population in **Tripura**. However, during the three decades after 1947, the large-scale inmigration of population from Bangladesh, the proportions of tribal and non-tribal population has been reversed. As a result of the deep impact on the demographic structure of the population, the percentage of the Scheduled Tribe population fell to 31.53 per cent in 1961 and only 28.98 per cent in 1971, while the total population in the State increased from 6.46 lakhs in 1951 to 15.56 lakhs in 1971. This is the position according to 1971 Census and the proportion of non-tribals has undoubtedly increased further in the subsequent period. The large influx of non-tribals in the State led to a lot of exploitation of the Scheduled Tribe population through alienation of their lands by non-tribals and activities of money lenders. The pressure on resources had led to felling of trees and deforcestation on a large scale. The cycle for shifting cultivation is coming down rapidly, resulting in lower productivity per unit of land and destitution of tribals. **It is gratifying that the long standing demand of the tribals for the formation of a District Council has now been met with the enactment of the Act. It is hoped that the provisions of the Act as well as the existing legislation for the restoration of alienated tribal lands (Tripura Land Revenue and Land Reforms Act 1974 (Second Amendment))will go a long way in solving the various problems faced by the Scheduled Tribes in the State.**

Powers of the District Council

2.98. The District Council shall have control over the following matters:—

(a) the allotment, occupation or use of the set apart land, other than any land which is a reserved forest, or used for the purpose of agriculture or grazing or for residential or other non-agricultural purposes, or for any other purpose likely to promote the interest of the inhabitants of any village, locality or town;

(b) the management of any forest not being a reserved forest;

(c) the use of any canal or water course for the purpose of agriculture;

(d) the regulation of the practice of Jhum or other forms of shifting cultivation;

(e) the village or town committees or council;

(f) any othey matter relating to village or town administration including village or town police and public health and sanitation;

(g) The District Council may establish, construct or manage primary schools, dispensaries, markets, cattle pounds, ferries, fisheries, roads, road transport (other than nationalised routes) and waterways in the district and may with the previous approval of the Government make regulations for the regulation and control thereof and, in particular, may prescribe the language and the manner in which primary education shall be imparted in the primary schools in the district.

(h) The District Council may make regulations for the regulation and control of money-lending or trading within the district and such regulations may :

(i) prescribe that no one except the holder of a licence issued in that behalf shall carry on the business of money-lending;

(ii) prescribe the maximum rate of interest which may be charged or be recovered by a money-lender;

(iii) provide for the maintenance of accounts by money-lenders and for inspection of such accounts by officers appointed in that behalf by the District Council; and

(iv) prescribe that no person who is not a member of Scheduled Tribe, resident in the district shall carry on wholesale or retail business in any commodity except under a licence issued in that behalf by the District Council.

Powers of the Village Councils

2.99. The village councils shall have power to try certain civil suits if their values do not exceed Rs. 1,000. The village councils shall also have power to try cases or offences arising out of any bye-laws, regulations or rules in force in the Autonomous District, as well as cases arising out of any bye-laws, regulations, offence or abetment thereof, which are not punishable with death, imprisonment for life or imprisonment for a term not exceeding 6 months and offences under Sections 379 and 380 of the Indian Penal Code, where the value of the stolen property does not exceed Rs. 500.

2.100. It is not known whether the above mentioned Act has since been notified by the State Government. **If the same has not so far been done, the State Government should take early action to issue the required notification in the official Gazette.**

Committees of Legislative Assemblies of Assam and Manipur and special provision for Nagaland

2.101. There is a special provision in the Constitution with respect to **Assam** (Article 371B) and

Manipur (Article 371C) for constituting a Committee of the Legislative Assembly of the State consisting of members elected from the tribal areas in **Assam** and Hill Areas of **Manipur.** The President is empowered to issue orders for the constitution and functioning of these committees. There is a special provision in the Constitution with respect to **Nagaland** (Article 371A) according to which no Act of Parliament in respect of religious or social practices of the Nagas, Naga customary law and procedure, administration of civil and criminal justice involving decisions according to Naga customary law and ownership and transfer of land and its resources shall apply to the State of **Nagaland** unless the State Legislative Assembly by a resolution so decides.

Grants for promoting the welfare of Scheduled Tribes and raising the level of administration of the Scheduled Areas.

2.102. Under the First Proviso to Article 275 of the Constitution, there is an obligation on the Union Government for payment of grants-in-aid to enable the State Governments to meet the cost of such schemes of development as may be undertaken by them with the approval of the Government of India for the purpose of promoting the welfare of the Scheduled Tribes in the States concerned and raising the level of administration of the Scheduled Areas therein, to that of the administration of the rest of the areas of those States. It is in this context that the Governors' reports to the President on the administration of the Scheduled Areas under the Fifth Schedule to the Constitution, assume special significance.

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

2.104. It is gratifying that on the recommendations of the Seventh Finance Commission, non-plan grants under Article 275(1) of the Constitution will be given to 13 States over the five year period 1979-84, for the upgradation of standards of administration in the tribal areas. Grants totalling Rs. 30.71 crores will be given towards payment of compensatory allowance to transferrable government servants working in tribal areas and Rs. 11.92 crores towards provision of residential buildings for them. The Statewise outlay provided by the Commission may be seen in the table at appendix IX.

2.105. Guidelines for utilisation of devolution of funds made by the Finance Commission were issued by the Union Ministry of Home Affairs in which it was suggested that the needs of remoter tribal areas and of grass root workers like village level workers, teachers, nurses etc., should be given priority. Lack of infrastructure *e.g.* roads, residential buildings, health facilities discourage the flow of administrative talent into tribal areas. There is no financial incentive for the officials to stay in these areas because of lack of amenities. In Santhal Parganas of **Bihar,** it is reported that 30 per cent of vacancies in medical posts were unfilled because of the reluctance of the doctors to go to the interior. Generally the staff posted in the tribal areas have to maintain two establishments, one at the place of their posting and the other at a place where their families can stay where educational and other facilities are available. Available information regarding the action taken by various State Governments for the utilization of these funds is given below:—

(i) The Government of Bihar had submitted a proposal to the Government of India for utilization of the grant of Rs. 1.12 crores for the construction of residential buildings in tribal areas. No proposals had, however, been received for the utilization of Rs. 6.21 crores for compensatory allowance.

(ii) The Government of Orissa had formulated plans for the utilization of Rs. 1.84 crores earmarked for residential buildings. It had been decided that these buildings would be mainly for the teachers and welfare Extension Officers of the Tribal and Rural Welfare Department. In regard to Rs. 6.03 crores for compensatory allowance, a committee had been appointed by the State Government to suggest its utilization.

It is not known whether the remaining State Governments concerned have so far formulated plans for the utilization of the amounts provided by the Seventh Finance Commission. It is desirable that early action should be taken by them in this regard.

Level of Administration in Tribal Areas

2.106. In the First Proviso to Article 275 of the Constitution, raising the level of administration in the Scheduled areas has been specially

mentioned. Administration is a wide term covering all aspects ranging from regulation to development. It is reported that suitable restructuring of administration in tribal areas has been carried out in some States. For example, the Government of **Andhra Pradesh** have constituted screeing committees at the Districts as well as State levels for selection of personnel to be posted in tribal areas. In **Bihar,** the Chhotanagpur Santhal Parganas Autonomous Development Authority, Ranchi was constituted by an Act of Legislation in 1971 for speedy development of tribal areas. By suitable amendments in 1976, in the Act, the authority was made a more compact body with an effective Executive Committee. With the bifurcation of the Authority into three Authorities, namely the South Chhotanagpur Development Authority, the North Chhotanagpur Development Authority and the Santhal Parganas Development Authority, the concerned Divisional Commissioner had been made Member Secretary of the former two and the Deputy Commissioner of the last-named Authority. The Regional Development Commissioner continued as a Member of the three Authorities. It was envisaged that the role of these Authorities would be more of advisory nature and they would suggest policy formulation. On the other hand, the Mini-Secretariat at Ranchi was reported to be performing secretarial functions and supervising implementation. **It is hoped that the Mini Secretariat would be allowed to play its full role so that the effort at tribal development is accelerated.** A high level Committee consisting of the Chief Secretary, Development Commissioner, Regional Development Commissioner and Finance Commissioner has been constituted for selecting suitable officers for posting in tribal areas. However, no review appears to have been made in most of the States concerned of the level of administration in the Scheduled and tribal areas. As pointed out earlier, the provisions of the Constitution in this regard have, therefore, remain almost inoperative. **It is desirable that the Government of India in consultation with the State Governments concerned should take up a review of the level of administration of the Scheduled and tribal areas and suitable schemes may be prepared for upgrading it within a reasonable time frame. This review should be taken up annually and adequate outlays for items not covered otherwise, under the plan or devolution by Finance Commission, should be provided.**

Anglo-Indians

2.107. On account of certain factors emerging from past and comparatively small number of the members of Anglo-Indian community, some special provisions were made for them in the Constitution of our country. The Constitution defined Anglo-Indians as the ones having descended from European males and habitually living in India. It is claimed that in 1947 the population of Anglo-Indians was about three lakhs. Separate enumeration in respect of Anglo-Indians was done during 1951 census only and at that time they numbered 1.11 lakhs. They were largely concentrated in the States of West Bengal (31,616), Madras (25,321), Travancore Cochin (11,999), Mysore (10,740), Bombay (7,327), Uttar Pradesh (6,343), Bihar (4,596), Madhya Pradesh (2,634) and Andhra Pradesh (1,851). It is reported that immediately after independence a sizeable number of them migrated to countries like United Kingdom, Australia and Canada.

2.108. Following provisions were made in the Constitution for the representation of Anglo-Indians in the Lok Sabha/State Legislative Assemblies; to provide for their representation in the railways, customs, postal and telegraph services and also to provide educational grants for the benefit of members of Anglo-Indian Community:—

Article 331

Nomination of not more than 2 members of the Anglo-Indian community in the Lok Sabha by the President if that community is not adequately represented in the Lok Sabha.

Article 333

The Governor may nominate member(s) of the Anglo-Indian Community in the Legislative Assembly of the State if they are not adequately represented.

Article 336

Special provision for Anglo-Indian Community to posts in Railways, Customs, Postal and Telegraph Services which will be gradually reduced after every two years and at the end of 10 years such reservations shall cease.

Article 337

Special grants to be made by the Union and States for the benefit of the Anglo-Indians on tappering basis and at the end of 10 years these grants, to the extent of which they are special concession to the Anglo-Indian Community shall cease.

2.109. It may be mentioned here that provisions regarding job reservations and educational grants lapsed on 25th January, 1960. As regards nomination of Anglo-Indians in the Lok Sabha and the State Legislatures, it was provided that alongwith the reservation of seats for Scheduled Castes and Scheduled Tribes in both these legislative bodies, the nomination of Anglo-Indians would also cease after a period of 10 years. However, provision regarding nomination of members of Anglo-Indians still exists as the period of ten years provided in the Constitution under Article 334 relating to their nomination to the Lok Sabha and State Legislative Assemblies was later amended by the Constitution (8th Amendment) Act, 1959 and the Constitution (23rd Amendment) Act, 1969. The Constitution (23rd Amendment) Act, 1969 apart from extending the principle of nominating Anglo-Indians to the Lok Sabha/State Legislative Assemblies upto 25th January, 1980 made a

significant change in Article 333 of the Constitution restricting the power of the Governor not to nominate more than one member of Anglo-Indian Community to the State Legislative Assembly.

2.110. Available information regarding the nomination of members of the Anglo-Indian Community to the Lok Sabha and the Legislative Assemblies since independence is given below :—

General Elections	Lok Sabha	Legislative Assemblies
1	2	3
1st General Election	2	One member each in Bihar, Bombay, Cochin, Madhya Pradesh, Madras, Mysore, Uttar Pradesh and two members in West Bengal.
2nd General Election	2	One member each in Andhra Pradesh, Bihar, Kerala, Madhya Pradesh, Madras, Maharashtra, Mysore and Uttar Pradesh and 4 members in West Bengal.
3rd General Election	2	One member each in Andhra Pradesh, Bihar, Kerala, Madhya Pradesh, Madras, Maharashtra, Mysore and Uttar Pradesh and 4 in West Bengal.
4th General Election	2	One member each in Andhra Pradesh, Bihar, Kerala-Madhya Pradesh, Madras, Maharashtra, Mysore, Uttar Pradesh and West Bengal.
5th General Election	2	One member each in Andhra Pradesh, Bihar, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Uttar Pradesh, Tamil Nadu and West Bengal.
6th General Election	2	One member each in Andhra Pradesh, Bihar, Karnataka, Kerala, Madhya Pradesh, Maharashtra Tamil Nadu, Uttar Pradesh and West Bengal.

Representation of Anglo-Indians

Lok Sabha :

2.111. Under Article 331, the President nominated Shri A.E.T. Barrow and Shri Rudolf Rodrigues to represent Anglo-Indian community in the Sixth Lok Sabha.

Vidhan Sabhas :

2.112. Similarly, under Article 333, one Anglo-Indian member each in the Vidhan Sabhas of **Andhra Pradesh, Bihar, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Tamil Nadu, Uttar Pradesh** and **West Bengal** nominated by the respective Governors of these States to the State Vidhan Sabhas represented Anglo-Indian community in their respective Vidhan Sabhas during 1978-79.

2.113. The Anglo-Indians have emerged out of a particular matrics, historical, educational, linguistic and religious. The Minorities Committee of the Constituent Assembly came to the conclusion that the Anglo-Indians occupied a special position in our country and unless we give them nomination in Parliament and State Assemblies it may not be possible for the members of this community to make their contribution to parliamentary life in India. Late Sardar Patel stated in the Constituent Assembly that :

> "We will give the Anglo-Indians representation. We cannot give them this representation in general electorates; it is meaningless. They are too small, too scattered. We cannot give them nominations in the Upper House. We have to give them effective representation and it will have to be in the Lower House."

2.114. It will be observed that the provision for nomination of members of Anglo-Indian community in the Lok Sabha and the State Assemblies is only permissive and not mandatory. In case Anglo-Indians are able to secure representation in the Lok Sabha or State Assemblies from general constituencies, this fact will have to be taken into consideration before nominating members of this community to the Lok Sabha and the State Legislative Assemblies. Available information indicates that since independence no member of Anglo-Indian community has been returned to the Lok Sabha or Legislative Assemblies.

Nomination in a democratic set up

2.115. It can be argued that nomination to the Lok Sabha and State Legislative Assemblies in a democratic set up may not look proper on a theoretical plan. However, in words of late Shri G. B. Pant, "in theory that is perfectly alright but in affairs of life we have often to compromise out of regard for the situation and the circumstances in which we find ourselves in the hope that what we are doing will lead us to a goal which we have declared for ourselves."

2.116. This is a community with distinct racial inherintance, a special religion (Christianity) of a minority community, linguistically distinct and culturally apart from others. Some Anglo-Indians feel that in addition to the definition of Anglo-Indians given in the Constitution, the other important criteria is that English is their mother-tongue. This is, however, a disputed point and it is understood that about 75,000 persons in Southern States who cannot speak English are not treated as Anglo-Indians. Their main problem is an attitudinal one. A large section of this community is not economically well off. A responsible representative of this community has pointed out :

> "Our people have no sense of belonging. No roots. There are no Anglo-Indians in farming or industry. The country's good must be our good. We would not have this terrible problem of migration—or wanting to go to Australia—if we had Anglo-Indian farms. You

will think a thousand times before you uproot yourself from a farm."

2.117. At one time (1951-52), there were about 360 Anglo-Indian schools run in various parts of the country where majority of the students belonged to well-to-do families other than Anglo-Indians and imbibed the life style and values of Anglo-Indian community. There is thus a paradox in the sense that the elite in this country try to imbibe the values of Anglo-Indian society while a large section of educated young men and women of the Anglo-Indian community would be prepared to migrate from India if other countries would accept them. At the same time assimilation of Anglo-Indians who are not economically well off is taking place slowly by marriages of Anglo-Indian girls with boys of other communities. Denial of nominated seats to the members of Anglo-Indians in the Lok Sabha and Legislative Assemblies would come as a rude shock to the members of this community.

2.118. Some members of the Anglo-Indian community have attained high positions in army, air force and in vocations like planters, musicians, teachers and in business houses, but the fact remains that a large section has not been able to adjust themselves to the social and economic changes that are taking place in the country with the result that immediately after 1947 a number of them who could manage migrated to United Kingdom and when it was difficult to migrate there they started going to Australia and Canada. As population figures of Anglo-Indians are not available in the Censuses of 1961 and 1971 it cannot be ascertained how many persons have migrated to other countries. The process of migration of young men and women belonging to Anglo-Indians is a clear indication of a crisis in the community. It is stated in some quarters that 1/3rd of Anglo-Indians are living below poverty line. Perhaps, for a very small community which still remains apart from the main neighbouring communities, keeping their social and cultural distinctiveness needs political representation for safeguarding their interests.

2.119. It would, therefore, be appropriate to continue special provisions with regard to nomination of their representatives in Parliament and State Assemblies keeping in view their socio-economic conditions. It is gratifying that the Constitution (Forty Fifth Amendment) Bill, 1980 extending the period of their special nomination to another ten years has since been passed by the Lok Sabha and the Rajya Sabha and is awaiting ratification by State Legislatures.

Reservation for Scheduled Castes and Scheduled Tribes in Services and Posts

2.120. Reservation in services occupies a very significant place among the various constitutional safeguards provided for the Scheduled Castes and the Scheduled Tribes. While Article 46 under the Directive Principles makes the promotion of the economic interests of the weaker sections an obligation of the State. Article 16(4) of the Fundamental Rights and Article 335 under the Special provisions relating to certain classes provide the means for implementing a part of this obligation. Article 16(4) allows discrimination in favour of any backward class of citizen by reserving places in appointments or posts if in the opinion of the State that class of citizens is not adequately represented in the services under the State; and Article 335 makes it mandatory on the part of the State to take into consideration the claims of the Scheduled Castes and Scheduled Tribes 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. Although the word "backward" has not been defined, its determination having been left to the States, the question of its applicability to the Scheduled Castes and Scheduled Tribes and other weaker sections has been widely accepted and is beyond controversy. Dr. B. R. Ambedkar had explained that the expression "backward class" referred to Scheduled Castes and Scheduled Tribes and not to any other minority community. Even the meaning of the expression "weaker sections", according to Dr. Ambedkar means the "backward classes" and such other classes as are "unable to stand on their own feet." At one stage during the deliberations of the Constituent Assembly on this issue, there was some apprehension expressed about the scope and correct connotation of the expression "backward". Many members belonging to Scheduled Castes wanted its substitution by the words "Scheduled Castes". It was, however, Shri K. M. Munshi, while trying to allay their fears had said that "I cannot imagine for the life of me how ..... any hon'ble member of the Scheduled Castes should have a feeling that they will not be included in the backward classes, so long they are backward .....? What we want to secure by this clause are two things. In the Fundamental Rights we want to achieve the highest efficiency in the services of the State.....at the same time in view of the conditions prevailing in several provinces, we want to see that backward classes, who are really backward, should be given a scope in the State services ..... The word "backward" signifies that class of people—doesn't matter whether you call them untouchables or touchables belonging to this community or that—a class of people who are so backward that a special protection is required for them in services". Replying to the controversy over the expression, Dr. Ambedkar clinched the issue by asserting that "unless you use some such qualifying phrase 'backward' the exception made in favour of reservation will ultimately eat up the rule altogether ..... that I think is the justification why the Drafting Committee undertook on its own shoulders the responsibility of introducing the word "backward".

2.121. The issue of the Scheduled Castes and the Scheduled Tribes being descriptive of a backward class once for all decided and subsequently

sanctified by no less an authority than the Supreme Court, the comparative emphasis on the claims of these classes in matters of appointment and the maintenance of efficiency both occurring in Article 335 continued to attract attention in subsequent judicial pronouncements. It is irrelevant to ask which of the two is more paramount in the given context of our situation. Perhaps, both are equally so. Administrative efficiency may be a relative term but not so is the claim of the Scheduled Castes and Scheduled Tribes for adequate representation. During the last three decades of the operation of the policy of reservation after Independence, there is no significant evidence to indicate that the efficiency in the administration has, in any way, been impaired by the induction of the members of Scheduled Castes and Scheduled Tribes in the services. As Justice Gajendragadkar had held in a Supreme Court case : "Reservation of appointments or posts may theoretically and conceivably mean some impairment of efficiency, but the risk involved must always be borne in mind when any State sets about making a provision for reservation of appointments or posts..... In exercising the powers under Article 16(4) the problem of adequate representation of the backward classes must be fairly and objectively considered."

2.122. The right of equality of opportunity has also often brought into question the discrimination in favour of these classes but as a former Chief Justice of the Supreme Court, Shri A. N. Ray had rightly pointed out in his judgement in appeal before the Supreme Court :

> "Equality of opportunity for unequals can only mean aggravation of inequality. Equality of opportunity admits of discrimination with reason and prohibits discrimination without reason. Discrimination with reasons means rational classification for differential treatment having nexus to the constitutionally permissible object. Preferential representation for the backward classes in services with due regard to administrative efficiency is permissible object and backward classes are rational classification recognised by our Constitution. Therefore, differential treatment in a standards of selection are within the concept of equality.. .....The quality and concept of equality is that if persons were dissimilarly placed they cannot be made equal by having the same treatment".

The Courts have not only upheld the reservation orders but *even* have gone further than the existing Government orders to indicate that reservation should not only be quantitative but qualitative as well.

2.123. In connection with the promotion of some employees belonging to Scheduled Castes/ Scheduled Tribes in the office of the Comptroller and Auditor General of India, promotion orders had been struck down by the Courts on technical grounds. In these cases, the High Courts concerned ruled that the administrative instruction contained in the circular letter of Comptroller and Auditor General directing reservation of vacancies for Scheduled Castes/Scheduled Tribes was not valid, as such instructions could not alter the statutory rules in force. In other words, Article 148(5) of the Constitution has not been complied with. **Actually, such adverse judgements could have been avoided if Comptroller and Auditor General had only complied with Government instructions introducing a saving clause in the recruitment rules, so far as the reservation in services are concerned.** These cases related to Allahabad High Court Civil Miscellaneous Writ No. 9724 of 1978, No. 357 and 359 of 1974 of Orissa High Court and WP-9603 of 1979 of Andhra Pradesh High Court.

2.124. High Court of Madras also ruled that there should be no reservation when there is only one post (reference WP No. 3756 of 1978 delivered on 13-12-1978 in case of Alaghia Doss Vs. Director General P & T and Others). The Madras High Court while coming to this conclusion was of the opinion that the reservation under Article 16(4) should be with reference to appointments or posts but "it does not include reservation of vacancies." It would appear that Orissa High Court also made similar judgements on 27-7-1979.

2.125. The judgement most adverse to the present policy of reservation is the one delivered by the Allahabad High Court in connection with the promotion of some Railway Guards. The fact of the case, in short, was that some Railway Guards of B and C Grades were aggrieved when their juniors belonging to Scheduled Castes/ Scheduled Tribes in C Grade were promoted to A Grade due to reservation for Scheduled Castes/Scheduled Tribes in vacancies of the posts in question in accordance with the Railway Board circulars dated 27th August, 1968 and 28th April, 1970, and they filed petition to the Allahabad High Court. Allahabad High Court was of the opinion that reservation, according to the Constitution, should be made in posts and services and not in vacancies occurring from time to time and they accepted the hypothetical argument of the petitioner that "if 15% of the vacancies occurring in a particular year is filled by promotion of Scheduled Castes, the result would be that after some time, the percentage of Scheduled Caste candidates in the A Grade would reach upto 60% which would obviously be to the detriment of other persons who may be senior or meritorious but they cannot be promoted on account of the reservation made in favour of Scheduled Castes". Accordingly, the Court allowed the petition and quashed the the selection and appointments of the respondents. The authorities were directed to make selection in accordance with the instructions contained in the Railway Board Circular dated 20th April, 1970. Accordingly to the High Court, the Railway Board circulars intended to make reservations of 15% for appointment to the posts and not to vacancies which may occur

in the posts. High Court also referred to paragraphs 2 and 4(1) of the Ministry of Home Affairs Resolution of 13th September, 1950 in this connection. However, the Gujarat High Court in their judgement of 30-3-1978 in the Special Civil Application No. 1401 of 1977 in the case of M. K. Janardan and others Vs. Union of India and others have opined that "With great respect to the learned Judges of the Allahabad High Court, we are unable to agree with their conclusions. The decision of the Supreme Court in A. R. Choudhury's case (supra) does not appear to have been pointed out to the learned judges and it may be pointed out that they seem to have overlooked the basic principle underlying the reservation of posts and the logical corollary which follows from the principle of reservation of posts. Particularly in the light of the decision of the Supreme Court in A. R. Choudhury's case it is not possible for us to agree with this decision of the learned judges of the Allahabad High Court".

2.126. There was an appeal on this judgement of the Allahabad High Court *vide* Civil Appeal No. 2017(NCS) of 1978. According to information received from the Ministry of Railways, an *ex parte* order was passed by the Supreme Court on 16-10-79 staying the operation of Railway Ministry's order dated 11-1-1973 regarding the applicability of reservation for Scheduled Castes/Scheduled Tribes in vacancies filled by promotion. As a result of this stay, the promotions of Scheduled Castes/Scheduled Tribes were adversely affected. It is understood that the Supreme Court have issued further orders in supersession of their order dated 16th October, 1979 thereby vacating the stay orders and providing that promotion made pending hearing of the writ petition shall be subject to the result of this writ petition. The Supreme Court had also tagged a number of similar cases for a combined hearing.

2.127. **An important issue in appeal before the Supreme Court, therefore, is whether the reservation is applicable to posts or vacancies.. In this connection it may be pertinent to keep in view the fact that the reservation if related to the vacancies is operated on an ongoing basis whereas if it is related to the total strength of a cadre, it becomes a static number implying a kind of fixed quota. It may also be relevant to refer to the Government of India Resolution of 13-9-1950 which while laying stress specifically on vacancies in matters of reservation has also mentioned reservation in recruitment which logically indicates the stage at which such reservations have to operate viz., the stage of recruitment and so has to be made against the vacancies for which the recruitment is to be carried out. The Government's policy premises in regard to reservation, therefore, obviously flow from this concept of vacancies and not cadre posts. So far this concept has withstood the test of time conforming to the requirements of Article 16(4) and Article 335.**

Other Backward Classes

2.128. The term "Backward Classes" has been defined by Justice K. Subba Rao, former Chief Justice of India, as an ascertainable and identifiable group of persons based on caste, religion, race, language, occupation and such others, with definite characteristics of backwardness in various aspects of human existence—social, cultural, economic, political and such others. Under Article 338(3) of the Constitution, the Commissioner for Scheduled Castes and Scheduled Tribes is required to investigate all matters relating to the safeguards provided under the Constitution for such other Backward Classes, as the President may by order specify. As provided under Article 340 of the Constitution, a Commission was appointed in 1953 to investiagte into the conditions of socially and educationally backward classes. The Commission submitted their report in 1955. It was decided by the Government of India, on the recommendations made in that Report that backward classes (other than Scheduled Castes and Scheduled Tribes) need not be specified by the President on the basis of "caste" and instead due benefits should be made available to other Backward Classes on the basis of their economic status only.

2.129. Another Commission was appointed by the Government of India in December, 1978 under the above mentioned Article of the Constitution, the following terms of reference:—

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

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

(iii) to examine the desirability or otherwise of making provision for the reservation of appointments or posts in favour of such backward classes of citizens which are not adequately represented in the services of both the Central and State Governments/Union Territory Administrations; and

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

2.130. Lists of other backward classes have been notified by a number of States under Articles 15(4) and 16(4) of the Constitution and facilities for their educational and economic development are being provided. Many of these lists have had scrutiny of High Courts and Supreme Court.

CHAPTER 3

REPRESENTATION OF SCHEDULED CASTES AND SCHEDULED TRIBES IN SERVICES

Introduction

In accordance with clause 2 of Article 338 of the Constitution, the Commissioner for Scheduled Castes and Scheduled Tribes is required to investigate all matters relating to the safeguards provided for Scheduled Castes and Scheduled Tribes under the Constitution and to report to the President upon the working of those safeguards. The provisions relating to service safeguards are contained in Articles 16(4) and 335 of the Constitution. Thus endowed with the sanction of the Constitution to act as a sort of judge and auditor, the Commissioner has been investigating also into service matter with suitable observations and recommendations appropriate for upholding the constitutional rights of the members of the Scheduled Castes and Scheduled Tribes. And during this process, a lot of data pertaining to the service safeguards had to be collected, compiled and analysed; many issues had to be taken up with various authorities particularly the Ministry of Home Affairs, Department of Personnel and Administrative Reforms in regard to policies concerning the reservation in services, their modus operandi and also the possible line of reform. The decisions of the Government in pursuance of the policy of service reservations bear the impact of the efforts made by the institution of the Commissioner for Scheduled Castes and Scheduled Tribes. And yet how little has been achieved. Given adequate machinery at the disposal of the Commissioner and the willingness on the part of the Government, both Central and State, to accept the recommendations, the situation could have improved further.

Brief history of reservation

(a) **Pre-Independence**

3.2. Although the policy of reservation in services, for the weaker sections can be traced from the pre-independence period, there was no formal reservation for most part of the period except for years immediately preceding the ushering in of the independence. However, the Government of India in the period prior to independence did consider it desirable that a fair degree of representation in public services should be provided for the Scheduled Castes who were then known as depressed classes. Accordingly instructions were issued by the Government of India in July, 1934 that the candidates belonging to depressed classes possessing requisite qualifications should not be deprived of fair opportunities of appointments merely because they could not succeed in an open competition. The position was reviewed in 1942 and it was revealed that in spite of various measures adopted to secure increased representation of these communities in public services, the results obtained were not satisfactory. In August, 1943, the Government of India, therefore, reserved 8-1/3 per cent of vacancies for the depressed classes with a stipulation to increase this percentage as soon as a sufficient number of qualified candidates from these classes became available for appointments. This reservation was made applicable only in the case of direct recruitment. Certain other concessions in the matter of upper age limit and fees prescribed for appointment to a service or post were also announced. In June, 1946, this percentage was raised from 8-1/3 to 12-1/2 to correspond to the population of Scheduled Castes in the country at that time.

(b) **Post-Independence**

3.3. In August, 1947, the reservation for Scheduled Castes in recruitment made by open competition was withdrawn. In the case of recruitment made otherwise than by open competition but made on All India basis, the reservation was, however, raised from 12-1/2 per cent to 16-2/3 per cent.

3.4. After independence, the question of providing reservation for the tribal people in Government services also engaged the attention of the Government of India for the first time. But the decision to that effect was taken only after the promulgation of the Constitution in 1950.

3.5. After the Constitution came into force the policy in regard to securing adequate representation for Scheduled Castes and Scheduled Tribes in the Government services was consolidated. Detailed instructions were issued by the Government of India on 13th September, 1950, providing 12-1/2 per cent reservation for Scheduled Castes in posts filled by direct recruitment on all-India basis by open competition; reservation of 16-2/3 per cent in direct recruitment otherwise than by open competition on all-India basis was continued and a reservation of 5 per cent of vacancies filled by direct recruitment was introduced in favour of Scheduled Tribes. The relaxation in the upper age limit by three years and the concession in fees prescribed for admission to any examination or selection to the extent of 1/4th of the prescribed fees were also continued. Since then more concessions and relaxations for the benefit of Scheduled Castes and Scheduled Tribes have been provided and the existing reservations revised. Reservations in posts and appointments made on promotion have also been introduced.

Contribution of the institution of the Commissioner for Scheduled Castes and Scheduled Tribes in evolution of the Policy on reservation

3.6. The organisation of the Commissioner for Scheduled Castes and Scheduled Tribes has played a significant role and has been to a large extent instrumental in obtaining many decisions from the Government for providing reservation, relaxations and concessions for Scheduled Castes and Scheduled Tribes so as to enable them to have their due share in the Government services. The following paragraphs will indicate the efforts made by the organisation in evolving policy decisions and also other outstanding issues yet to be settled.

Confirmation

3.7. Initially the Government had extended the benefit of reservation at the time of confirmation in a restricted manner. Scheduled Caste/ Scheduled Tribe employees who were recruited upto 31st December, 1947 were eligible for confirmation upto the maximum of 12-1/2 per cent available vacancies provided they had put in three years of satisfactory service. The Commissioner recommended the removal of this restriction and also recommended that there should be reservation for Scheduled Castes/ Scheduled Tribes in all permanent appointments. According to the present Government instructions there is now reservation at the time ot confirmation in all the posts which were initially filled by direct recruitment.

3.8. In posts/services filled by direct recruitment now reservation is required to be made for Scheduled Castes and Scheduled Tribes, both at the time of initial appointment on a temporary basis as well as at the time of confirmation. It has also been laid down that all permanent officers of each grade are to be ranked senior to persons who are officiating in that grade and that after confirmation, the Scheduled Caste/ Scheduled Tribe officers shall rank senior to temporary/officiating officers of the grade and amongst the permanent officers of that grade their seniority will follow the order of their confirmation.

3.9. Prior to 27th March, 1963, separate rosters were to be maintained for permanent and temporary appointments within each category of post to give effect to the reservation orders both at the time of initial recruitment and at the stage of confirmation. But from March 27th, 1963, this practice was discontinued and common roster maintained for permanent appointments and temporary appointments likely to continue indefinitely. For the purpose of reservation at the time of confirmation, a post has to be treated as reserved or unreserved according to the point at which it fell when it was initially filled. Thus at the time of confirmation it is necessary to refer the original roster in order to determine the reserved points.

3.10. **It has been noticed that in many cases the rosters maintained earlier for direct recruitment are not available and therefore it is not possible to determine the extent of reservation at the time of confirmation. There is also difficulty in implementing reservation orders at the time of confirmation in the case of isolated posts and small cadres which are grouped together having one roster. Over and above this, there is difficulty in implementing reservation in confirmation where posts were sanctioned purely on temporary basis at the initial stage and were converted to permanent posts in a gradual manner, as is the practice in many of the Government offices. In order to overcome the above difficulties and also to have very clear reservation points, it is suggested that for the purpose of implementing reservation orders at the time of confirmation, the previous procedure for maintaining separate roster at the time of confirmation should be adopted again. This procedure will ensure proper implementation of reservation at the time of confirmation and no additional difficulty is likely to follow the adoption of such procedure.**

Deputation/Transfer

3.11. As a result of our persistent efforts to make the Government agree to the introduction of reservation in posts filled by deputation/ transfer, it has been possible only to get an assurance from the Government to the effect that while there is no reservation in such posts, when the number of posts filled on deputation by any employing Ministry or Office is fairly substantial, the employing Ministry or Head of Office concerned should endeavour to see that a fair proportion of such posts is filled by employees belonging to Scheduled Castes and Scheduled Tribes. (Paragraph 3.103 of this Chapter under the outstanding issues may also be seen).

Promotion

3.12. The Commissioner has been pressing the Government for introduction of an element of reservation in posts filled by promotion. The Railway administration gave a lead in this regard and introduced reservation in posts filled by promotion from Class IV to Class III and Class III to Class II as they thought that these promotions were in the nature of direct recruitment and, therefore, prescribed quota of reservation was provided. This decision of the Railway Administration was upheld by the Supreme Court in the Judgement in the case of General Manager, Southern Railway vs. K. Rangachari. Even after this guide-line by the Supreme Court the Government was reluctant to introduce reservation in posts filled by promotion. The Commissioner's organisation continued to persue the matter as a result of which the Government introduced reservation in posts filled by promotion in various stages. According to the latest instructions, there is reservation for Scheduled Castes and Scheduled Tribes in all posts filled by promotion on the basis of seniority subject to fitness and in the case of promotion on the basis of selection, there is reservation upto the lowest rung of Class I (Group 'A'). The only category where the reservation does not exist is the promotion by selection within Class I. However,

there is a concession according to which the interests of Scheduled Castes and Scheduled Tribes who are in the zone of consideration and are senior enough to be within the number of vacancies available for posts carrying an ultimate salary of Rs. 2,250 or less, are protected against supersession or complete elimination from the particular cadre, promotion being on the basis of selection (Paragraphs 3.93 to 3.96 of this Chapter under the outstanding issues may also be seen).

Employment Exchanges

3.13. The recommendations made by the Commissioner in his Report for the year 1963-64 that reasons for rejection of Scheduled Caste/Scheduled Tribe candidates should be intimated to Employment Exchanges by the employers was accepted in April, 1968. The Government also accepted the suggestion of the Commissioner that Employment Officers while visiting areas having concentration of tribals should register the names of tribals during their visits. Usual statistical information in regard to placement of Scheduled Caste and Scheduled Tribe candidates against the reserved vacancies notified to the Employment Exchanges during the year 1978 and the number of Scheduled Caste and Scheduled Tribe job seekers on the Live Register of the Employment Exchanges as on 31-12-1978, as received from the Director General of Employment and Training may be seen at Appendix X.

Special machinery and Liaison Officers

3.14. The Commissioner recommended in his Report of 1951 that special machinery should be set up for scrutinising the returns regarding the representation of Scheduled Castes and Scheduled Tribes. As a result of this a Cell was set up in the Ministry of Home Affairs. Later the Liaison Officers were appointed in all Ministries/Departments for work relating to the representation of Scheduled Castes and Scheduled Tribes. The Commissioner's recommendation that these Liaison Officers should extend assistance to him in the investigation of complaints etc. was also accepted by the Government. The Government also accepted our suggestion to hold periodic meetings of Liaison Officers to discuss the problems of Scheduled Castes and Scheduled Tribes and that the Liaison Officers should examine all proposals for dereservations before forwarding them to the Department of Personnel and Administrative Reforms. Now there are instructions for nomination of Liaison Officers and setting up of Special Cells for this work in the Public Sector Undertakings as well, and a number of State Governments have also accepted the recommendations of the Commissioner and set up Cells in their States.

Training

3.15. The Commissioner had made a number of recommendations for pre-entry and post-entry training of Scheduled Caste/Scheduled Tribe candidates in order to help increase the intake of these candidates in posts filled by direct recruitment and also to improve their chances of selection to higher categories of posts filled by promotion. The Government of India have since opened a number of All India Pre-Examination Training Centres for imparting Pre-examination Training to Scheduled Caste/Scheduled Tribe candidates for I.A.S./I.P.S. etc. as well as Engineering Services Examinations. A number of State Governments have also opened State-level pre-examination training centres. There is also an arrangement under which Scheduled Caste/Scheduled Tribe candidates selected on relaxed standards are given facilities of additional tutorial classes so as to bring them at par with the other candidates. There is also a provision of selection of the best among the Scheduled Caste/Scheduled Tribe candidates possessing the minimum qualification and to give them in-service training in the case of Group 'C' and Group 'D' non-technical and quasi-technical posts.

Work-charged Establishments

3.16. There was no reservation for Scheduled Castes and Scheduled Tribes in temporary establishments such as work-charged staff including daily-rated and monthly-rated staff. In his reports for the years 1956-57, 1957-58 and again in 1973-74, the Commissioner recommended that reservation orders for Scheduled Castes and Scheduled Tribes should be made applicable to the work-charged establishments as well. It was only after the issue was raised in the meeting of the High Power Committee under the Chairmanship of the Prime Minister held in November, 1976 that Government agreed to extend the principle of reservation to work-charged posts except those required for emergencies like flood relief work, accident restoration relief etc.

Relaxation of standards in favour of Scheduled Castes and Scheduled Tribes

3.17. A number of recommendations were made regarding relaxation of standards of suitability in posts filled by direct recruitment as well as promotion on the basis of departmental examinations. Following recommendations have been accepted by the Government:—

(a) Scheduled Caste/Scheduled Tribe candidates should not be compared in merit with general candidates,

(b) Lower minimum standard should be fixed for Scheduled Castes and Scheduled Tribes in examinations for direct recruitments,

(c) Relaxed standard should be applied in the case of Departmental Competitive Examinations for promotions/confirmations and in the Departmental Qualifying Examinations which are prescribed as the criteria for fitness of the candidates in respect of promotions on the basis of seniority subject to fitness as well as on the basis of selection.

Exemptions and exclusions

3.18. Earlier, Ministries/Departments of the Government of India approached the Ministry of Home Affairs for exemption of certain posts

from the purview of reservation orders merely because Scheduled Caste/Scheduled Tribe candidates were not available for filling those posts at a particular time. On the recommendation of the Commissioner in his Report for the year 1952, the Government of India issued the instructions that barring exceptional cases, requests for exemption will not be entertained. According to the present instructions exemption from the purview of reservation orders can be granted only in the case of Scientific and Technical posts above the lowest grade of group 'A', on the specific condition that the posts are classified scientific or technical and are meant for conducting research or for organising, guiding and directing research. Even in these cases the orders of the Minister concerned are required to be obtained before exempting any post satisfying the above conditions from the purview of the scheme of reservation.

Acceptance of prima-facie evidence of belonging to Scheduled Castes/Scheduled Tribes for employment

3.19. Some of the appointing authorities insisted on the production of a certificate from the competent authority as proof of belonging to Scheduled Castes and Scheduled Tribes before allowing the Scheduled Caste/Scheduled Tribe candidates to join. This caused a lot of harassment to the Scheduled Caste/Scheduled Tribe candidates and at times they could not avail of the offers of appointments within the stipulated period. The Commissioner, therefore, recommended in his Report for the year 1952 that the appointing authorities should provisionally accept whatever *prima facie* evidence which the Scheduled Caste/Scheduled Tribe candidates could produce i.e., certificates from the Gazetted Officers etc. and advise the concerned candidate to produce the prescribed certificate within a reasonable time. This recommendation was accepted by the Government in April, 1953. The Government also issued instructions that in case of genuine difficulties, the appointing authority should itself help in verifying the claim through the District Magistrate of the area concerned.

Apprenticeship Training

3.20. In the annual Report for the year 1952 it was pointed out that the selection of a person for apprenticeship training (in the Corps of Electrical and Mechanical Engineers in the Ministry of Defence) ultimately amounted to employment and, therefore, reservation orders should be applied to selection of candidates for such training. This suggestion was accepted by the Ministry of Defence according to which rules relating to reservation of vacancies for Scheduled Castes and Scheduled Tribes were to be strictly observed while recruiting apprentices also. Later the Apprenticeship Act 1961 was amended to include a provision that in every designated trade, training places shall be reserved for Scheduled Castes and Scheduled Tribes having regard to the population of these communities in the State concerned. **The recommendation that the apprentices belonging to Scheduled Castes and Scheduled Tribes trained by various organisations should be absorbed as far as possible by the organisations which have trained them, does not seem to have been considered by the Government so far. The recommendation is, therefore, reiterated.**

Statutory/Autonomous Bodies

3.21. According to the Commissioner for Scheduled Castes and Scheduled Tribes the constitutional provisions relating to service safeguards should be honoured by all and, accordingly, he recommended in his Report for the year 1952 that Government orders regarding reservation for Scheduled Castes and Scheduled Tribes should be made applicable to recruitment under the Statutory Bodies also. The Government agreed to this recommendation in principle but before the reservation could be applied the relevant statutes were required to be amended to make provision for reservation. In this Report for the years 1971-73 the Commissioner further recommended that in order to ensure that these constitutional provisions are properly implemented, Government should consider the desirability of taking early steps for suitably amending the relevant Articles of the Constitution so that all handicaps, legal or otherwise, in the way of proper implementation of reservation orders in the statutory/autonomous bodies are removed. After obtaining the opinion of Ministry of Law the Government came to the conclusion that the word 'State' did not cover autonomous bodies, etc., but it was not necessary to amend the Constitution as the purpose of making reservation for Scheduled Castes and Scheduled Tribes in the services under such bodies could be achieved by making suitable provisions in the relevant statutes or in the Articles of Associations etc. The Government, therefore, advised all the Ministries/Departments to take suitable action to provide for reservation for Scheduled Castes and Scheduled Tribes in the services of the autonomous bodies/institutions. (Also please see paragraphs 3.114 and 3.115 under the outstanding issues in this Chapter).

Relaxation of Upper age limit

3.22. Originally the relaxation in upper age limit was provided to the extent of three years which was later on increased to five years in the case of non-Gazetted posts. On the recommendations of the Commissioner, this relaxation was extended to gazetted posts as well.

Concession in fees

3.23. Where fees are prescribed for entry to any examination or selection to a service or post, there is a concession in favour of Scheduled Castes and Scheduled Tribes to the extent of ¼th of the prescribed fees. It has been recommended that full exemption of fees may be allowed to Scheduled Caste/Scheduled Tribe candidates instead of only the concession of ¼th of the prescribed fees. (Also please see paragraph 3.101 under the outstanding issues in this Chapter).

Armed Forces

3.24. While there is no reservation so far in the Armed Forces for Scheduled Castes and Scheduled Tribes the Commissioner in his Report for the year 1952 emphasized the need for increased efforts to appoint as many Scheduled Caste/Scheduled Tribe personnel as possible to the various grades in the Indian Army from amongst the eligible candidates available. As pointed out in the Report for the year 1963-64, the Ministry of Defence decided that Schedued Caste/Scheduled Tribe candidates securing minimum marks should be admitted in the Sainik Schools, which are primarily meant to prepare boys for entry into the National Defence Academy. That Ministry also requested all the State Governments to consider the introduction of Scholarships Scheme exclusively for the benefit of Scheduled Caste/Scheduled Tribe boys who qualified in the entrance examination. The Commissioner also recommended in his Report for the year 1974-75 that the pre-examination training centres run by the Central Government as well as State Governments should impart training to Scheduled Caste/Scheduled Tribe candidates intending to appear for various competitive examinations for recruitment to the Armed Forces. As the representation of Scheduled Castes and Scheduled Tribes in the services under the Armed Forces has not reached any degree of satisfaction, we have come to the conclusion that unless an element of formal reservation is introduced, no improvement could be expected in their representation in the near future. **It has, therefore, been recommended in the Report for the year 1977-78 that the Government should reconsider their earlier decision and introduce reservation for Scheduled Castes and Scheduled Tribes in the recruitment of personnel in the Armed Forces.**

Appointment of Committees

3.25. In his Report for the year 1953 the Commissioner recommended that a committee consisting of the representatives of the Ministries of Home Affairs, Finance and other Ministries should be appointed, also associating one member of Parliament from Scheduled Castes and Scheduled Tribes in order to explore all possible ways and means for increasing the intake of Scheduled Castes and Scheduled Tribes in various services under the Government of India. The Government did not accept this recommendation but appointed a Study Group under the Chairmanship of an Additional Secretary in the Ministry of Home Affairs to review the situation and made suggestions for better representation of Scheduled Castes and Scheduled Tribes. This Study Group recommended *inter alia* that both at the Centre as well as in the States it was desirable to have a Committee to review the performance in the matter of representation of Scheduled Castes and Scheduled Tribes. In pursuance of this recommendation, a high level Committee under the Chairmanship of the Home Minister was appointed. This Committee was later elevated to become the High Power Committee under the Chairmanship of the Prime Minister. A Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes has also been appointed. The functions of this Committee as incorporated in Rule 331A of the Rules of Procedure and Conduct of Business in Lok Sabha are as under:—

(a) To consider the reports submitted by the Commissioner for Scheduled Castes and Scheduled Tribes under Article 338(2) of the Constitution and to report as to the measures that should be taken by the Union Government in respect of matters within the purview of the Union Government including the Administration of the Union Territories. (The Committee also takes the assistance of the Commissioner for Scheduled Castes and Scheduled Tribes in pursuing matters raised in his Reports in regard to the subjects under examination by the Committee).

(b) To report on the action taken by the Union Government and the Administrations of the Union Territories on the measures proposed by the Committee;

(c) To examine the measures taken by the Union Government to secure due representation of the Scheduled Castes and Scheduled Tribes in services and posts under its control (including appointments in the Public Sector Undertakings, Statutory and Semi-Government Bodies and in the Union Territories) having regard to the provisions of Article 335;

(d) To report on the working of the welfare programmes for the Scheduled Castes and the Scheduled Tribes in the Union Territories; and

(e) To examine such other matters as may seem fit to the Committee or are specifically referred to it by the House or the Speaker.

Exchange of Reservation between Scheduled Castes and Scheduled Tribes

3.26. Earlier there was a provision that whenever candidates belonging to a particular community, say Scheduled Tribes were not available for vacancies reserved for them, such vacancies should be filled by Scheduled Castes and *vice-versa* up to the extent of quota reserved for them. This concession was withdrawn by the Government on the recommendation of the Scheduled Areas and Scheduled Tribes Commission. One of the consequence of this recommendation was that instead of the posts going to the reserved category these were now open for the benefit of the general category candidates. The Commissioner for Scheduled Castes and Scheduled Tribes, therefore, recommended that in the event of non-availability of Scheduled Caste/Scheduled Tribe candidates the reserved vacancies should not be filled by general candidates till the appointing authorities had made all possible efforts to select candidates from among the reserved categories. The Commissioner in his Report for

the year 1962-63 urged the Government to explore the possibility of appointing the candidates of either community before a reserved vacancy could be allowed to be dereserved. In March, 1970 the Government issued the instructions that the principle of exchange of vacancies between Scheduled Castes and Scheduled Tribes should be made applicable in the case of vacancies which could not be filled by candidates of a particular category even upto the third year of carry-forward.

3.27. The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes in its **forty-first** Report recommended that this exchange provision should be made applicable in each year instead of the last year of carry-forward. This matter was also discussed by the High Power Committee in its meeting held on **12th November, 1976.** The Commissioner for Scheduled Castes and Scheduled Tribes as also the High Power Committee did not agree with this recommendation of the Parliamentary Committee as that was likely to adversely affect the interests of Scheduled Tribes in most of the States. The vacancy reserved for say Scheduled Tribes, if given to the Scheduled Castes in the event of non-availability of Scheduled Tribe candidates in a particular year, could no longer be carried forward and it may so happen that in the subsequent years, the Scheduled Tribe candidates might become available in the market but the vacancies would not be available for them. But if the exchange is permitted only in the last year of carry-forward it is possible that Scheduled Tribes who are generally not available may be able to avail of some of the vacancies reserved for them in the subsequent years of carry-forward. Since exchange facility is available in the last year, the other reserved category would still be able to avail of the reservation instead of the reserved vacancies being allowed to lapse. **However, the Commissioner for Scheduled Castes and Scheduled Tribes has suggested to the Government in his Report for the year 1975-77 that exchange of reservation between Scheduled Castes and Scheduled Tribes could be permitted in each year in the case of posts filled by promotion particularly when it is known for certain that the Scheduled Caste or Scheduled Tribe candidates are not available and are not likely to become available for promotion even by the third year of carry-forward because of the condition in the recruitment rules of satisfying a minimum length of service in the feeder cadre from which promotion is to be made.** Thus in this manner when there is no possibility of the candidates of a particular reserved category becoming available for promotion even by the last year of carry-forward, there can be no objection to permitting such an exchange in each year. It appears that the Government have not yet agreed to this suggestion of the Commissioner but have issued instructions that in the case of posts filled by (i) direct recruitment to Group 'A' and 'B' posts/services under the Union Territories of Arunachal Pradesh and Mizoram and (ii) in promotion posts/services under these two Union Territories as well as in the Union Territories of Andaman and Nicobar Islands, Lakshadweep and Dadra & Nagar Haveli, the unutilized vacancies reserved for Scheduled Castes may be exchanged in favour of Scheduled Tribes every year instead of only in the third year of carry-forward. This seems to have been done because there is a predominance of Scheduled Tribe population in these Union Territories. **It is, however, reiterated that the above suggestion about permitting the exchange of reservation in posts filled by promotion may be considered by the Government.**

Dereservation

3.28. The Commissioner recommended that whenever any appointing authority wanted to recruit general candidates against vacancies reserved for Scheduled Castes and Scheduled Tribes it should approach the Ministry of Home Affairs for its approval. This recommendation was accepted and a scheme was devised according to which prior approval of the Ministry of Home Affairs now Department of Personnel and Administrative Reforms was required to be obtained before appointing general candidates against the reserved vacancies. Thereafter a number of suggestions were made in this regard by us which were accepted by the Government. These are indicated below :—

(a) That copies of proposals for dereservation of reserved vacancies should be sent to the Commissioner for Scheduled Castes and Scheduled Tribes and his comments awaited before according approval to the cases of dereservation of reserved vacancies,

(b) in order to avoid delay in seeking clarification from the authorities sending proposals for dereservation, it was felt that full details should be furnished. Later the proformae devised by the Commissioner's office for seeking necessary details were also adopted by the Government,

(c) details of even purely temporary posts should be furnished to the Commissioner for Scheduled Castes and Scheduled Tribes,

(d) files regarding dereservation of reserved vacancies should be referred to the Liaison Officers and their concurrence obtained,

(e) Department of Personnel and Administrative Reforms should not agree to such proposals where Commissioner has raised objection till the receipt of satisfactory compliance from the concerned authorities,

(f) instructions regarding dereservations of reserved vacancies should be followed strictly particularly in the case of Class III and Class IV posts and the general candidates may be appointed against the reserved vacancies only after obtaining prior approval of the Department of Personnel and Administrative Reforms.

3.29. It is heartening to note that the Department of Personnel and Administrative Reforms have furnished the statistical information in respect of dereservation of reserved vacancies not only for the years 1976 and 1977 (arrears) but also for the year 1978 by the time of submission of this report. This is being presented as usual in two statements for each year in Appendices XI to XIII. While the Department of Personnel and Administrative Reforms have been handling the job of examining the proposals for dereservation of reserved vacancies, according to the latest instructions issued by that Department in November, 1979 the procedure for dereservation of reserved vacancies in posts filled by promotion has been revised and Ministries/Departments have been delegated the authority to themselves accord approval to the dereservation of reserved vacancies in posts filled by promotion on the following conditions :—

(1) There is neither a Scheduled Caste nor a Scheduled Tribe candidate available or eligible for promotion in the feeder cadre(s) specified in the relevant service/ recruitment rules/orders;

(2) A copy of the proposal for dereservation in the appropriate prescribed proforma is sent for information immediately to (i) the Commissioner for Scheduled Castes and Scheduled Tribes and (ii) to the Department of Personnel and Administrative Reforms;

(3) The proposal for dereservation has been seen and concurred in by the Liaison Officer of the Ministry/Department;

(4) The proposal for dereservation is agreed to at a level not lower than that of Joint Secretary to the Government of India in the administrative Ministry/Department (Proper), concerned; and

(5) In the event of a disagreement between the appointing authority and the Liaison Officer the advice of the Department of Personnel and Administrative Reforms has been obtained.

3.30. The above instructions have been issued by the Department of Personnel and Administrative Reforms in order to avoid considerable delays involved in making references to that Department. We agree that the time factor involved will certainly be cut down and the Departments concerned will be able to dereserve the vacancies more quicky than in the present system. **However, it is apprehended that with the passage of time this authority delegated to the Ministries/Departments is likely to be construed as blanket authority to dereserve all promotional posts at the level of Joint Secretary in the Ministry/Department and it is likely that after some time Ministries/Departments will stop sending the proposals to the Department of Personnel and Administrative Reforms and to the office of the Commissioner for Scheduled Castes and Scheduled Tribes even for information as required under the present instructions.** Our apprehension is based on a similar experience in the case of dereservation proposals for purely temporary appointments and appointments to certain scientific and technical posts where the Ministries/Departments are competent to dereserve vacancies themselves. In these cases, no such proposal is being received in the office of the Commissioner for Scheduled Castes and Scheduled Tribes. It is felt that same thing will happen in the case of posts filled by promotion where authority has been delegated to various Ministries/Departments to dereserve the posts themselves. **Moreover, this will amount to losening of the control of the Department of Personnel and Administrative Reforms on such proposals. It has been our experience that since the appointing authorities had to explain to the Department of Personnel and Administrative Reforms about the circumstances necessitating dereservation of reserved vacancies, this itself served as a sort of deterrent and because of this the Ministries/Departments exercised more vigilance before sending proposals to the Department of Personnel and Administrative Reforms.** This aspect was discussed in para 3.55 of the Commissioner's Annual Report for the year 1973-74. **It is, therefore, suggested that the orders of the Department of Personnel and Administrative Reforms, dated 16-11-1979 may be withdrawn and the previous procedure should be continued according to which general candidates can be appointed against reserved vacancies only after obtaining prior approval of the Department of Personnel and Administrative Reforms. If the Department of Personnel and Administrative Reforms wants to shift the responsibility to the Ministries/Departments concerned because of avoidable delay at their end, they may increase their staff deployed for the purpose.**

Departmental Promotion Committees/Selection Boards

3.31. The Scheduled Areas and Scheduled Tribes Commission had suggested that in the case of local recruitment, there should be somebody on the Selection Committee who could look after the interests of Tribals. The Commissioner for Scheduled Castes and Scheduled Tribes endorsed this suggestion and recommended that this could be made applicable equally in the case of Scheduled Castes. The matter continued to be persued with the Government and in September, 1970 the Government instructed the Ministries/Departments to endeavour to the maximum extent possible to nominate a Scheduled Caste/Scheduled Tribe Officer while constituting the Departmental Promotion Committees, Selection Boards etc. for recruitment/ promotions to posts and services under them. **These instructions did not, however, make it obligatory on the part of the Ministries/Departments to include invariably a member belonging to Scheduled Castes or Scheduled Tribes in the D.P.C./Selection Boards. It has, therefore, been suggested that these instructions should be made obligatory and the Ministries/Departments and public sector enterprises should make serious**

efforts to locate suitable Scheduled Caste/Scheduled Tribe officers to serve on such committees and if any D.P.C./Selection Board had to be set up without a Scheduled Caste/Scheduled Tribe member, the office concerned should explain the matter to the Department of Personnel and Administrative Reforms indicating the nature of efforts made in that regard.

Nomination to I.A.S. from State Services

3.32. In his report for the year 1956-57 the Commissioner pointed out that the nominations from State Services to I.A.S. being treated as promotion, were not subject to the reservation orders at that time but it was felt that the cases of such of the Scheduled Caste/Scheduled Tribe officers as recommended by the State Selection Committees should be considered sympathetically by the Special Recruitment Boards irrespective of the position of such officers in the State lists. **After the introduction of reservation in posts filled by promotion on the basis of selection in 1974, it was recommended by the Commissioner in his Report of 1975-77 that Government should provide reservation for Scheduled Castes and Scheduled Tribes in nomination to I.A.S. from State Services. In the meeting of the High Power Committee held in October, 1978 the Prime Minister directed that reservation for Scheduled Castes and Scheduled Tribes should be made even in this promotion quota. The instructions in this regard are yet to be issued. It is, therefore, recommended that the decision in this regard may be expedited.**

Supersession

3.33. Prior to the introduction of reservation in posts filled by promotion there were orders of the Government that cases involving supersession of Scheduled Caste and Scheduled Tribe officers should be reported to the Minister or Deputy Minister concerned. In November, 1972 the Government issued instructions regarding reservation in posts filled by promotion on the basis of seniority subject to fitness, and thereafter the instructions regarding reporting of cases of supersession of Scheduled Caste/Scheduled Tribe employees to the Minister/Deputy Minister concerned were withdrawn. With the withdrawal of this protection, chances of supersession of Scheduled Caste/Scheduled Tribe employees due to biased and unbalanced reports became wide open. A number of representations were received complaining that Scheduled Caste/Scheduled Tribe employees were superseded only due to prejudicial and indifferent reports on them. The Commissioner, therefore, recommended in his report for the years 1975-77, that in order to safeguard the interests of Scheduled Caste and Scheduled Tribe officers against supersession, the earlier practice of obtaining prior approval of the Minister/Deputy Minister should be restored, and this should be followed not only in the case of supersession against the reserved quota but also in the case of supersession of Scheduled Caste/Scheduled Tribe officers against the unreserved quota. **While the Government have issued instructions regarding reporting of cases of supersession to the Minister/Minister of State/Deputy Minister concerned in the case of Group 'A' and 'B' posts and to the Head of the Department in the case of Group 'C' and 'D' posts in the case of vacancies against the reserved quota, the instructions still do not cover the cases of supersession of Scheduled Caste/Scheduled Tribe employees against the unreserved quota. It is, therefore, recommended that this lacuna in the present instructions should be removed.**

Public Sector Undertakings

3.34. In the matter of application of the scheme of reservation in the case of Public Sector Undertakings, the following recommendations of the Commissioner have been accepted by the Government :—

(a) Introduction of reservation in posts and services under the Public Sector Undertakings ;

(b) appointment of Liaison Officers in the Public Sector Undertakings ;

(c) issue of a comprehensive draft directive by the Bureau of Public Enterprises ;

(d) to implement reservation orders for Scheduled Castes and Scheduled Tribes in Apprenticeship Scheme ;

(e) introduction of reservation in posts filled by promotion in the face of opposition by the labour unions;

(f) opening of Scheduled Castes/Scheduled Tribes Cells in the Public Sector Undertakings;

(g) adoption of all the instructions issued by the Government of India in the matter of reservation and other concessions etc. for Scheduled Castes and Scheduled Tribes in the services under the Public Sector Undertakings ;

(h) to conduct training courses for fresh graduates belonging to Scheduled Castes and Scheduled Tribes having aptitude and flair for Stenography ;

(i) reduction of the amount of surety bonds in favour of Scheduled Caste/Scheduled Tribe candidates at the time of entry into service ;

(j) association of senior Scheduled Caste/Scheduled Tribe officers in the meetings of the D.P.C./Selection Boards; and

(k) preparation of a larger panel of Scheduled Caste/Scheduled Tribe candidates so that in the event of a person declining the offer, the next man on the panel could be offered the post.

Initial Constitution of the Services

3.35. The Commissioner recommended that whenever a new service is constituted, reservation should be provided for Scheduled Castes and Scheduled Tribes in such services even though the persons for the new service were taken on transfer from the existing services. While

this recommendation was not accepted by the Government, the instructions were, however, issued that if any recruitment was made from outside sources also, the reservation should be applied to such vacancies.

Typewriting Test for Scheduled Caste/Scheduled Tribe candidates

3.36. In recruitment of L.D.Cs. through U.P.S.C. (now through Staff Selection Commission) there was a provision to the effect that Scheduled Caste and Scheduled Tribe candidates who had qualified in the written examination but did not possess adequate speed in typewriting were allowed to be appointed and were required to pass the typewriting test within a period of six months after their appointment. This concession which continued for a number of years was withdrawn. However, in the meeting of the High Power Committee held in October, 1978 it was suggested that the best among the candidates in the examination not possessing the typing qualification/proficiency may be selected and given subsequent training with stipend to enable them to acquire necessary proficiency in typing within a period of one year. This concession is, however, to be made available to the extent of the gap between the prescribed percentages of reservation and the number of candidates actually available possessing requisite proficiency.

Appointment of the best among the Scheduled Caste/Scheduled Tribe Candidates

3.37. The Government issued the orders regarding appointment of the best among the Scheduled Caste/Scheduled Tribe candidates who fulfil the minimum educational qualifications in the case of direct recruitment otherwise than by written examination to non-technical and quasi-technical Group 'C' and Group 'D' posts where the requisite number of Scheduled Caste/Scheduled Tribe candidates fulfilling even the relaxed standards were not available to fill the vacancies reserved for them. It was also provided that such candidates should be given in-service training after their appointment. The Commissioner recommended in his Report for the year 1967-68 that these orders should also be made applicable to posts filled through the U.P.S.C. and those filled on the basis of written examinations. The U.P.S.C. also in its 19th Report *Inter alia* recommended that Scheduled Caste and Scheduled Tribe candidates who are selected in various competitive examination do not always come up to the standard prescribed for either candidates in such examinations, and therefore it was necessary to give them some extra training to enable them to come up to the standard of other candidates. Ministry of Home Affairs issued necessary instruction to this effect on 21st April, 1970, advising the training institutions like the National Academy of Administration, Mussoorie, National Police Academy, Abu and the Secretariat Training Institute, New Delhi that facilities of additional tutorial classes be provided to Scheduled Caste and Scheduled Tribe trainees in the subjects they were found to be lacking.

Separate Interview

3.38. **It was recommended by the Commissioner in his Reports for the years 1961-62 and 1962-63 that in view of the fact that oral interview was not always the perfect method of assessment of the potentiality of the candidate, the need for holding such interviews at least for the junior posts should be done away with.** It was earlier recommended by the Scheduled Areas and Scheduled Tribes Commission that *viva-voce* tests were conducted by persons who did not have adequate knowledge of the conditions of the tribal areas and therefore of the handicaps under which tribals were working and this was one of the causes for their deficiency in recruitment. Similarly the Commissioner had also observed that a possibility of the appointing authority being influenced by prejudices against Scheduled Castes could not be ruled out. The Scheduled Caste/Scheduled Tribe candidates often complained that they were rejected not because they lacked academic qualifications or were less intelligent but because the appointing authorities used the interview as a method for rejecting them so as to help some one else in their view for appointment. While this recommendation was not accepted by the Government, instructions were issued that the Scheduled Caste/Scheduled Tribe candidates may be taken for interview in a separate block preferably on a separate day so that they are not judged in comparison with the general candidates and that the authorities interviewing them are predominantly aware that they are interviewing the candidates belonging to Scheduled Castes and Scheduled Tribes. **It is still felt that it should be possible for the Government to do away with the system of interview at least in such cases where written test and interview both are prescribed and to select the Scheduled Caste/Scheduled Tribe candidates on the basis of written test only.**

Experience Criterion

3.39. It was pointed out by the U.P.S.C. that for specialised and technical posts requiring specialised experience and training, the response of Scheduled Caste/Scheduled Tribe candidates was very poor and those who applied did not fulfil the qualifications and therefore the U.P.S.C. suggested in-service training for Scheduled Caste /Scheduled Tribe candidates for such posts. It was therefore, recommended by the Commissioner in his Report for the year 1973-74 that Scheduled Caste/Scheduled Tribe candidates possessing requisite minimum qualifications though fulfilling the experience condition should also be selected. Although this recommendation was not wholly accepted by the Government, instructions were issued that where experience was prescribed as an essential qualification for a post, the U.P.S.C. or any other appointing authority could relax the experience criterion in favour of Scheduled Caste/Scheduled Tribe candidates, if at any stage of selection, it was of the opinion that sufficient number of Scheduled Caste/Scheduled Tribe candidates were not likely to be available to fill up the

vacancies reserved for them. It was also decided by the Government that such a provision should be clearly indicated while issuing advertisement for posts where experience was prescribed as one of the essential qualifications.

Supreme Courts/High Courts

3.40. It was pointed out in the Report for the year 1955-56 that there was nothing to prevent the Supreme Court and High Courts to frame their own rules of recruitment providing for reservation for Scheduled Castes and Scheduled Tribes in their services in accordance with the provision of Article 16(4) of the Constitution. The Ministry of Home Affairs accordingly suggested to the Registrar of the Supreme Court to frame suitable recruitment rules. State Governments were also advised to persuade the High Courts to make reservation for Scheduled Castes and Scheduled Tribes. The Supreme Court however, was stated to have reiterated their earlier stand that there were no rules regarding recruitment of staff in the registry of that court and therefore, the question of making any provision of reservation for Scheduled Castes and Scheduled Tribes in the rules did not arise. The Supreme Court authorities further stated that the scope of appointments in that court was limited and that appointments were made by the Chief Justice of India taking into consideration the claims of Scheduled Castes and Scheduled Tribes consistently with the efficiency of the registry. It was recommended again in the Report for the year 1971-73 that early steps should be taken to allow the benefit of safeguards provided in Articles 16(4) and 335 in the matter of appointment of Judges and other staff of the High Courts. While discussing the issue again the position regarding the High Courts which had accepted the principle of reservation in ministerial services, the State Judicial Services and in the Higher Judicial Services at direct recruitment stage was indicated in paragraphs 3.16 of 1975-77 Report and paragraphs 3.26 of 1977-78 Report. The available information shows that only a few High Courts have accepted the principle of reservation for Scheduled Castes and Scheduled Tribes in ministerial services of the High Courts and State Judicial Services and that too in direct recruitment only. (Please also see paragraphs 3.106 and 3.107 under the outstanding issues in this Chapter).

Personal Responsibility for Implementation of Reservation Orders

3.41. The Commissioner has recommended in his Annual Report from time to time that Liaison Officer should be made personally responsible for ensuring compliance of reservation orders in the Ministry/Department in which he is nominated as the Liaison Officer. The Commissioner also recommended that erring officers found responsible for lapses in the implementation of reservation orders should be punished. Even though the matter was taken to the High Power Committee at its meeting held in April, 1974 the Government did not consider necessary to issue any instructions for taking disciplinary action against the erring officer but issued instructions that glaring instances of discrimination or deliberate infraction of the orders relating to reservation and concessions in favour of Scheduled Castes and Scheduled Tribes could be brought to the notice of the appropriate authorities for suitable action. Later the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes pressed for fixing the responsibility for non-implementation of reservation orders and the Government issued instructions in September, 1976 that cases of negligence or lapses in the matter of implementation of reservation and other orders should be viewed seriously and should be brought to the notice of appropriate authorities and suitable action should be taken promptly. It was also impressed upon the Department of Personnel and Administrative Reforms in our letter dated 30-3-1978 that this provision of suitable prompt action should be a two-way process. **On the one hand the officers found responsible for non-implementation or violation of reservation orders should be punished and on the other hand the Scheduled Caste/Scheduled Tribe employees who suffered on account of administrative lapses should be given the benefit of reservation from retrospective effect i.e. from the dates it was due to them but for the administrative lapses.** According to the available information, the matter is under consideration in the Department of Personnel and Administrative Reforms.

3.42. **We are also of the view that the Liaison Officers entrusted with the work relating to representation of Scheduled Castes and Scheduled Tribes, are often not devoting sufficient and proper attention to this work with the result the inspection reports submitted by them at the close of the year are just a ritual. It is, therefore, suggested once again that these Liaison Officers should be made personally responsible for any lapse in the matter of reservation orders and their performance in this regard should be reflected prominently in their annual Confidential Reports.**

Increase in the percentages of reservation

3.43. It was recommended in the Report of the year 1967-68 that in the light of the Supreme Court judgement in the case of T.T. Devdasan Vs. Union of India read with the case M. R. Balaji Vs. State of Mysore it should be possible for the Government to increase the percentages of reservation so as to make good the short-fall in various services at an early date. This recommendation was reiterated in subsequent reports when the Government was urged to reserve to the Maximum of 50 per cent of the available vacancies in order to wipe out the continuing backlog. While the Government has not agreed to raise the percentages of reservation in the Central Services it issued the instructions which virtually amount to the enhancement of the reserved quota for Scheduled Castes and Scheduled Tribes. According to the instructions, if in any cadre or service actual representation of Scheduled Castes and Scheduled Tribes has not

reached the prescribed percentages, the total reservation at any particular time of recruitment including the brought forward reserved vacancies can exceed the limit of 50 per cent which was prescribed earlier in pursuance of the ruling of the Supreme Court. Thus at present the prescribed percentages of reservation for Scheduled Castes and Scheduled Tribes remaining at 15 per cent and 7½ per cent for Scheduled Castes and Scheduled Tribes respectively, the actual reservation can go even beyond 50 per cent because in most of the services the prescribed percentages of reservation have not been achieved so far.

Forwarding of Applications

3.44. The Commissioner in his Reports for the years 1958-59, 1960-61 and 1962-63 emphasised that orders should be issued to all departments that applications of Scheduled Caste and Scheduled Tribe employees for higher posts should not be withheld and that the condition of forwarding not more than one application in a year of a permanent employee for better employment elsewhere should be relaxed in the case of Scheduled Caste/Scheduled Tribe employees and further that the reasons for withholding their applications in very exceptional cases may be recorded in writing and communicated to the employees concerned, were considered by the Government. In March, 1964 the Government issued instructions that withholding of applications of Scheduled Caste/Scheduled Tribes employees should be the exception rather than the rule and these employees should be afforded every facility to improve their prospects. These orders were also made applicable to the Public Sector Undertakings under the control of the Ministries/Departments as far as possible consistently with the maintenance of efficiency. The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes in its Fourth Report recommended that applications for employment elsewhere of Scheduled Caste/Scheduled Tribe employees should be forwarded as a matter of course and instances where the applications cannot be forwarded should be referred to the Ministry of Home Affairs. In pursuance of this recommendation, the Government issued instructions in September, 1970 that in cases where applications of employees belonging to Scheduled Castes/Scheduled Tribes could not be forwarded due to compelling grounds of public interest, should be reported within a month to the Liaison Officer in the Ministry/Department concerned nominated for this purpose.

Powers of the Commissioner to Investigate cases and to entertain complaints from Scheduled Caste/Scheduled Tribe employees direct

3.45. In his report for the year 1963-64 the Commissioner pointed out that it was necessary that the relevant records relating to complaints alleging breach of safeguards in service matters should be made available to him in order to enable the Commissioner to perform satisfactorily the duties imposed on him by Article 338 of the Constitution. The Commissioner also pleaded in his report for the year 1969-70 that the employees belonging to Scheduled Castes and Scheduled Tribes should not be prevented from or penalised for bringing to the Commissioner's notice the cases of violation of the orders issued by the Government in regard to reservation, etc. These recommendations were reiterated in the reports for the years 1970-71 and 1971-73 but the issue could be clinched only after referring the matter to the High Power Committee under the Chairmanship of the Prime Minister at its meeting held in April, 1974. According to the orders issued by the Government, the Commissioner can now call for the original documents and files in specific cases where complaints have been made to him so that he can satisfy himself that the safeguards provided for Scheduled Castes and Scheduled Tribes in the Constitution have not been violated. **Instructions have also been issued that Scheduled Caste and Scheduled Tribe Government employees can approach the Commissioner for Scheduled Castes and Scheduled Tribes direct in matters relating to the appointments against the reserved quota without seeking prior permission from their employers. The State Governments are yet to respond with specific orders in this regard. However, the Government of Maharashtra have issued two circulars which adversely affect the jurisdiction of the Commissioner to call for the relevant records and to entertain direct representation from the Maharashtra Government employees. This has been brought to the notice of the Home Ministry for their intervention. The Commissioner has also taken up the matter with the Chief Minister of Maharashtra at his own level.** The Chief Minister has promised to look into the matter. In his Report for the year 1977-78 the Commissioner also urged for the need to prescribe the definite time limit for responding to the communications from the Commissioner's organisation in connection with various grievances of Scheduled Caste and Scheduled Tribe employees and that the officers who are found responsibile for wilful delay or denial of justice to Scheduled Caste/Scheduled Tribe persons should be dealt with under the conduct rules. While the Government did not prescribe any time limit, instructions were issued to ensure that whenever any case of individual representation relating to service matters is referred by the Commissioner calling for facts and comments, necessary action to send a reply/report to the Commissioner should be taken as expeditiously as possible.

Recruitment Rules

3.46. In his Report for the year 1952 the Commissioner suggested that instead of filling certain posts by transfer these should be filled by direct recruitment so that orders regarding reservation could be made applicable to them. He also suggested that separate quotas should be prescribed for various methods of recruitment. All offices of the Government were, therefore, advised to finalise the recruitment rules

and specifically determine and prescribe proportion of posts to be filled by direct recruitment, promotion, etc. etc. In response to further recommendation made by the Commissioner in his Report for the year 1969-70, the Government advised all the Ministries/Departments of the Government of India in September, 1971 to review their Recruitment Rules and incorporate a saving clause in all the Recruitment Rules framed by various authorities providing for the reservation and concessions in favour of Scheduled Castes and Scheduled Tribes and other special categories of persons. These instructions were reiterated in July, 1976 and March, 1978. **Recently there have been cases in some High Courts whereby provision of reservations made in posts filled by promotion through executive instructions without making relevant amendment in the Statutory Recruitment Rules was struck down. It is, therefore, imperative that the saving clause providing for reservation and other relaxations etc., is introduced in all the Recruitment Rules in order to avoid any embarrassment that may be caused later for want of such a provision in the statutory rules.**

Studies into working of Service Safeguards

3.47. The Commissioner in his last two Reports for the years 1975-77 and 1977-78 suggested that follow-up action on the studies into the working of service safeguards which are conducted by the research staff of this organisation should be taken as expeditiously as possible and the Government should preferably prescribe a time limit of three months within which the concerned organisation should complete the follow-up action on the findings of the study team. Though the Government have agreed on this point but have prescribed a time limit of six months for completion of the follow-up action by the concerned authority.

University Services

3.48. Reservation for Scheduled Castes and Scheduled Tribes in the ministerial and teaching posts under the Universities has been the subject of recommendation in the Commissioner's Annual Report from 1969-70 onwards. Though the University Grants Commission issued a circular to the Vice-Chancellors of all the Universities advising them to introduce reservation upto the posts of Lecturers, the decision does not seem to have been implemented so far. **The Commissioner, therefore, suggested that a directive should be issued to all the Universities making it obligatory on their part to introduce this reservation. The University Grants Commission has, however, expressed its inability to issue such a directive as U.G.C. Act does not empower it to do so. The Ministry of Education and the University Grants Commission have, therefore, been advised by the Commissioner to ensure that the Act is suitably amended so as to enable the University Grants Commission to issue a directive to all the Universities for implementation of the safeguards in service matters.** However, following information as received from the Ministry of Education would indicate the number of Universities which have agreed in principle to follow the guidelines issued by the University Grants Commission. Detailed information may be seen in Appendix XIV. The progress of implementation is yet to be watched :—

Type of Universities	Total number	Number agreed to follow guidelines	Number agreed to give preference to SC/ST candidates	Number agreed to give posts of Research Assistants
1	2	3	4	5
1. State Universities.	63	49	5	3
2. Institutions deemed to be Universities.	7	6	..	..
3. Central Universities.	7	5	2	1 (also included in Col. 4

Recruitment year vis-a-vis single vacancy

3.49. According to the earlier instructions whenever a single vacancy arose in a recruitment year, it had to be treated as unreserved, and in some cases this happened almost every year with the result that the benefit of reservation against single vacancy could not be derived by the Scheduled Castes and Scheduled Tribes and the vacancies were also allowed to lapse, after three years. It was, therefore, suggested by the Commissioner in his Report for the year 1970-71 that a year in which a single vacancy arose and had to be treated as unreserved, such a year should not be counted as a recruitment year for the purpose of carry-forward because in that year no effort was made by the appointing authority to locate Scheduled Caste/Scheduled Tribe candidates even though the vacancy fell on a reserved point. This suggestion was accepted by the Government. Later consequent upon the ruling of the Supreme Court in the case of Railway Board Vs. Arati Ray Chowdhury the Commissioner suggested to the Government to revise the instructions regarding treatment of the single vacancy in a recruitment year. According to the latest instructions issued by the Government in April, 1975 while in the year of occurrence, the vacancy falling on a reserved point could be treated as unreserved and carried forward, in the subsequent year the vacancy has to be treated as reserved in lieu of the vacancy brought-forward from the previous year even though it may happen to be a single vacancy in that year also. Thus the provision of treatment of a single vacancy as unreserved which was applied every year in the earlier years is now applicable only in respect of the vacancy occurring for the first time.

3.50. However, in a recent judgement the Madras High Court held that if there was only one post in a cadre there could not be any reservation. It seems that the Hon'ble High Court has relied on the earlier ruling of the

Supreme Court that any reservation beyond 50 per cent of the vacancies filled in a year was excessive and had as it offended the provision made under Article 16(1) and (2). In accordance with that ruling of the Supreme Court the Government had issued instructions that if there were two vacancies in any cadre in a year, only one should be reserved for Scheduled Castes/Tribes and if there was only one vacancy it had to be treated as unreserved even though it fell on a reserved point. As stated above this decision of the Supreme Court was later on modified in the case of Railway Board Vs. Arati Ray Chowdhury whereafter necessary instructions have been issued by the Government of India to the effect that while a single vacancy occurring for the first time even though falling on a reserved point may be treated as unreserved and carried forward but when the next vacancy occurs it has to be treated as reserved in lieu of the vacancy brought forward from previous years even though in this year it may again be a single vacancy. It is not clear whether this ruling of the Supreme Court was taken into consideration by the Madras High Court. In its judgement, Madras High Court have also referred to a single post in a cadre as against a single vacancy in a year. In this connection, it may be stated that against a single post a number of appointments can be made over a number of years, the vacancies occurring due to retirement, resignation, transfer or death etc. Further reservation is applicable to the vacancies as and when they arise and not to the posts in a cadre. Therefore, in the light of the Supreme Court judgement in the case of Railway Board Vs. Arati Ray Chowdhury a fresh appeal may be preferred and the position explained accordingly. Attention of the Department of Personnel has been drawn to this judgement. In yet another judgement of the High Court of Orissa in the same context the High Court gave an adverse judgement quashing the orders of the Director General, Posts and Telegraphs reserving the post of Office Superintendent, on the plea that a year in which no recruitment took place was also to be counted as a recruitment year for the purpose of carry-forward rule and, therefore, a vacancy which occurred in 1969 and was carried forward to subsequent recruitment years was allowed to lapse in 1971 even though no recruitment actually took place during these years. There are already clear instructions of the Government of India (M.H.A. O.M. dated 2-9-1964) according to which for the purpose of the limit of the carry-forward of reserved vacancies only that year would mean the recruitment year in which recruitment is actually made. In this case also the Department of Personnel and Administrative Reforms has been advised to take necessary action to prefer an appeal against the judgement of the Orissa High Court.

Special Recruitment Drive

3.51. In his Report for the year 1970-71 the Commissioner recommended that State Governments/Union Territories should resort to special recruitment drive in order to improve the representation of Scheduled Castes and Scheduled Tribes in their services. Some of the State Governments have actually made special recruitments to improve the representation of Scheduled Castes and Scheduled Tribes in their services. **The Commissioner has suggested to the Central as well as other State Governments to draw a definite programme of special recruitment so as to clear the backlog existing in various services and posts, if necessary, even by creating new posts.**

Promotional avenues for Sweepers and Farashes :

3.52. The Commissioner pointed out in his Reports for the years 1971-73 and 1973-74 that the sweepers and scavengers who are at the lowest rung of the Hindu caste hierarchy, are the most backward among the Scheduled Castes and, therefore, deserve special consideration for their all round development. Absence of any promotional avenue or for their diversion from the post of sweepers and scavengers amounts to condemning them permanently in the society for doing a particular traditional job. The Commissioner also raised this question in the High Power Committee under the Chairmanship of the Prime Minister. After careful consideration of the question the Government decided in January, 1976 that 25 per cent of the vacancies occuring in the Peon's cadre should be reserved for filling by transfer from sweepers, farashes, chowkidars who have put in a minimum of 5 years' service and who may not be possessing the qualifications prescribed for direct recruitment to the post of peon. However, it is necessary for them to possess elementary literacy and they should give proof of ability to read Hindi or English or any other regional language.

Opposition to Reservation by Labour/Trade Unions

3.53. Consequent upon the introduction of the scheme of reservation in posts filled by promotion on the basis of seniority subject to fitness *vide* Government instructions dated 27th November, 1972, the Bureau of Public Enterprises also forwarded a copy thereof to all the Ministries/Departments of the Government of India for advising the Public Sector Undertakings under their control to adopt the principle of reservation in posts filled by promotion in the public undertakings as well. It came to the notice of the Commissioner for Scheduled Castes and Scheduled Tribes that labour/trade unions in the Public Sector Undertakings under the Ministry of Tourism and Civil Aviation and the Department of Defence Production opposed the introduction of reservation in posts filled by promotion on the plea that there was no such provision in the agreements reached between the management and the trade unions. The Commissioner pointed out that the constitutional safeguards, in persuance of which various rules and orders introducing reservation in matters of recruitment, promotion, etc. have been issued by the Government, should have precedence

over agreements with labour and trade unions. He, therefore, suggested in his Report for the year 1971-73 that the Ministry of Labour and Employment and other Ministries concerned should explain to the trade unions concerned that they should refrain from interfering with the implementation of service safeguard provided for Scheduled Castes and Scheduled Tribes under the Constitution. After protracted correspondence the Bureau of Public Enterprise issued a draft directive which was formally communicated to the Public Sector Undertakings through their administrative Ministries/Departments, according to which the scheme of reservation in posts filled by promotion was made applicable in the services under the Public Sector Undertakings as well.

Public Sector and Nationalised Banks

3.54. The Public Sector Banks, and for that matter even the Nationalised Banks, also came within the definition of the 'State' as appearing in Article 12 of the Constitution and, therefore, these banks were also required to make the policy of the reservation applicable to all the recruitments made by various banks. The matter was taken up with the Government of India in the Department of Banking who after taking the views of various banks advised them to consider giving relaxations of 5 per cent in the qualifying marks both in the written examination and interview, to the candidates belonging to Scheduled Castes and Scheduled Tribes. The banks were also requested to ensure that agreements entered into with the employees unions should not come in the way of making reservations in promotions, wherever applicable. **The Reserve Bank of India drew up a scheme for giving benefits of reservation to the members of the Scheduled Castes and Scheduled Tribes in posts filled by promotion but the provisions made in this scheme were not in line with those issued by the Government of India and, therefore, the Reserve Bank of India were requested to make suitable modifications in the scheme so as to ensure due benefit of reservation to Scheduled Castes and Scheduled Tribes in posts filled by promotion. It has also been suggested that other Public Sector Banks viz., the State Bank and its subsidiaries as well as the nationalised banks should follow the scheme of reservation in posts filled by promotion, also ensuring that the agreements existing between the bank management and the trade unions did not come in the way of implementation of reservation orders in posts filled by promotion.**

Legislation for providing Reservation

3.55. In his Report for the years 1971-73 the Commissioner emphasized that an important and effective measure that could be adopted for ensuring proper implementation of reservation orders was to undertake legislation for the purpose, and therefore, recommended that the Government should consider the desirability of undertaking legislation for introduction of reservation in the services and posts under the Central as well as State Governments. The Governments of Orissa and West Bengal brought necessary legislation in their Legislative Assemblies which were duly enacted by the respective Assemblies. Later similar legislation was enacted in the State of Manipur also. However, the Government of India did not consider it necessary to enact legislation in so far as the Central Government Services are concerned as in the opinion of the Government of India, the executive instructions issued by the Government were adequate and at the same time were more flexible. **Considering the lack of uniformity in the implementation of reservation policy at the Centre and in the States it was suggested in the last report of the Commissioner for the year 1977-78 that the inspiration being the same in the Constitution, the Government may consider the desirability of having an Act of Parliament and persuade the States to adopt the same as a model for legislation in their respective States. It is high time the Government should give a serious thought to this proposal and frame suitable legislation in consultation with the State Governments and the Commissioner for Scheduled Castes and Scheduled Tribes.**

Voluntary Agencies

3.56. In his Report for the year 1971-73, the Commissioner for Scheduled Castes and Scheduled Tribes commended the scheme of reservation as introduced by the Government of Maharashtra in the services under the voluntary agencies receiving grants-in-aid from the Government, to be adopted by Central Government as well as other State Governments. As a result of this recommendation a number of State Governments issued similar orders. In the case of voluntary agencies receiving grants-in-aid from the Central Government Departments, the matter was raised in the High Power Committee meeting held in April, 1974 and it was decided that all the Ministries/Departments should include suitable clause in the terms and conditions under which the voluntary agencies/ organisations are given grants-in-aid by the Government to provide for reservation for Scheduled Castes and Scheduled Tribes in posts and services under such organisations. It was also decided that Ministries and Departments should insist upon the above provision as a precondition to the sanction of grant-in-aid to the agencies which employed more than 20 persons on regular basis and at least 50 per cent of the recurring expenditure was met from the grants from the Central Government. The rules regarding reservation have been applicable to the voluntary agencies which were registered and were in receipt of a general purpose annual grant-in-aid of Rupees two lakhs or more from the Consolidated Fund of India. According to available information there a few Ministries/ Departments which are giving grant-in-aid to voluntary agencies. Statistical information regarding the representation of Scheduled Castes and Scheduled Tribes in these voluntary agencies may be seen in Appendix XV.

Restriction of direct recruitment component

3.57. In all promotions whether on the basis of seniority subject to fitness or selection or departmental competitive/qualifying examinations, the Government put the restriction that the benefit of reservation in such posts would be available if the component of direct recruitment, if any, did not exceed 50 per cent. This provision was made presumably on the plea that in posts and services where there was direct recruitment of more than 50 per cent, there was enough safeguard for recruitment of Scheduled Castes and Scheduled Tribes in such posts. It was not reasonable on the part of the Government to leave the remaining proportion of posts filled otherwise than by direct recruitment from the purview of reservation orders if the direct recruitment was more than 50 per cent. The Commissioner, therefore, recommended that this restriction should be removed altogether so that benefit of reservation in direct recruitment as well as promotions, wherever applicable, should be available to Scheduled Castes and Scheduled Tribes in the totality of the vacancies as and when they occurred. Particularly after the introduction of reservation in posts filled by promotion, there was a tendency on the part of the appointing authorities to amend the recruitment rules, so as to increase the component of direct recruitment beyond 50 per cent so that the remaining part filled by promotion, if any, could be put outside the purview of reservation orders. The Government was reluctant to agree to the request of the Commissioner to remove this restriction and ultimately the matter went up to the High Power Committee at its meeting held in September, 1975 where the Government relented to some extent but did not agree to remove the restriction altogether. According to these instructions issued after the above High Power Committee meeting, reservation is now available in all such posts filled by promotion where reservation has been accepted, in which the direct recruitment, if any, does not exceed 66-2/3 per cent, instead of 50 per cent as earlier. Thus the area of non-operation of the reservation orders by the method of promotion has been reduced from less than 50 per cent to less than 33-1/3 per cent. **It is, however, felt that this restriction of direct recruitment component on the reservation in posts filled by promotion has no rationale behind it hand should be removed altogether.**

Annual Reports of the Ministries/Departments

3.58. The Commissioner had recommended in his Report for the year 1973-74 that the statistics relating to the representation of Scheduled Castes and Scheduled Tribes should be published in the Annual Report of each Ministry/Department. This recommendation has been accepted by the Government and according to the instructions issued in June, 1977 statistics relating to the representation of Scheduled Castes and Scheduled Tribes are now required to be incorporated in the Annual Reports of the Ministry/Department. The Government, have also instructed the Ministries/Departments that similar information in respect of statutory, semi-Government bodies and public sector undertakings may also be usefully included in the annual reports.

Counting of Scheduled Caste/Scheduled Tribe candidates selected on merit against the unreserved quota

3.59. A recommendation was made in the Report for the year 1973-74 and reiterated in 1977-78 that one of the methods for increasing the intake of Scheduled Castes and Scheduled Tribes in the Government service was not to count against the reserved quota those of the Scheduled Caste/Scheduled Tribe candidates who were selected on their own merit. The intention was that the reserved quota prescribed for Scheduled Castes and Scheduled Tribes should be allowed to them in addition to the candidates of these communities who are selected on their own merit. Some of the State Governments viz. Andhra Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Punjab, Meghalaya, Tamil Nadu and West Bengal have issued instructions allowing this provision. But the Central Government have so far not agreed to the proposal. **It is most desirable that the Central as well as the remaining State Governments should adopt similar procedure so as to increase the intake of Scheduled Castes/Scheduled Tribes and accelerate the pace towards reaching the goal of adequate representation of these communities in the services.**

Reservation in General Pool Accommodation

3.60. As the employees particularly those belonging to Scheduled Castes were facing difficulties in having private accommodation due to the centuries old stigma of untouchability attached to them, it was recommended to the Government that there should be reservation for Scheduled Castes and Scheduled Tribes in general pool accommodation under the control of the Ministry of Works and Housing meant for allotment to Central Government employees. Initially the Government introduced reservation in the general pool accommodation to the extent of five per cent for Scheduled Castes and Scheduled Tribes in Type I and Type II accommodation. Later on this was raised to 10 per cent of clear vacancies in Type I and Type II and reservation of 5 per cent was also made in Type III and Type IV of the general pool accommodation. These are welcome steps but not quite satisfactory. **It has been further suggested in the Report for the year 1977-78 that this reservation should be made in all Types of accommodation and to the extent of 15 per cent for Scheduled Castes and 7½ per cent for Scheduled Tribes i.e., corresponding to the reservation for these communities in the Government services. Such a step would serve the dual purpose of increasing the representation of Scheduled Castes and Scheduled Tribes in the Government services and helping the assimilation of these communities with the rest of population. This recommendation is, therefore, reiterated.**

Posting Abroad

3.61. It was recommended in our Report for the years 1971-73 that in the case of apointments and posting of Central Government Officers abroad, the claims of Scheduled Castes and Scheduled Tribes Government Officers should be considered sympathetically. It was felt that their deputation in a foreign country for some time would help them to gain useful experience. The Department of Personnel and Administrative Reforms considered this suggestion and impressed on all the Ministries/Departments that whenever they have to post officers serving under them in units located in foreign countries the eligible employees belonging to Scheduled Castes and Scheduled Tribes should also be considered alongwith others for such postings. The nominating authorities are required to indicate as to which of the officers nominated by them belonged to Scheduled Castes and Scheduled Tribes so that their cases may be duly considered by the appropriate authorities at the time of selection.

Vacancies which should be taken into account for drawing up Select Lists for Promotion

3.62. It was observed in the Annual Report for the years 1971-73 that there was tendency in some of the Central Government offices to pool together long term and short term vacancies while applying reservation orders. This resulted in the Scheduled Castes and Scheduled Tribes officers being placed at the bottom of combined select list and thus getting only *ad-hoc* and temporary appointments or at times not getting the promotion at all. In persuance of this observation by the Commissioner, the Government issued instructions that purely short term vacancies should not be taken into account for this purpose nor should any addition be made to cover unforseen vacancies. The panel should be drawn for the clear vacancies and as accurately as possible. Previously the vacancies arising out of persons going on deputation were not being filled on regular basis thus ignoring the benefit of reservation for Scheduled Castes and Scheduled Tribes in such resultant vacancies. According to the present instructions all vacancies arising out of deputation for a period of more than one year are to be taken into account for the purpose of filling the vacancies on regular basis keeping due note for the number of deputationists likely to return to the cadre during the year.

Posts of Sweepers not to be grouped alongwith other Class IV posts for purpose of reservation

3.63. As the posts of Sweepers are generally filled by candidates belonging to Scheduled Castes, it was pointed out by the Commissioner that these posts when grouped with other Class IV posts for the purpose of reservation orders tended to give a false picture about their representation in Class IV posts put together. It was, therefore, suggested that these posts should not be grouped together with other Class IV posts. This suggestion was accepted by the Government and according to the instructions issued in November, 1977 the posts of sweepers are not required to be grouped for the purpose of reservation orders with other categories of Class IV posts. A further suggestion of the Commissioner that while furnishing information regarding representation of Scheduled Castes and Scheduled Tribes in services, the posts of Sweepers should not be included in the representation of Scheduled Castes in Class IV posts, was also accepted by the Government. Therefore, while furnishing returns regarding representation of Scheduled Castes and Scheduled Tribes, the appointments of Sweepers have not to be included in Group 'D' posts but their appointments are to be shown separately.

Arrangements for Trading of Class I Officers

3.64. In accordance with the instructions contained in the Department of Personnel O.M. dated 15th November, 1971, all the Ministries/Departments of the Government of India were advised to draw out a phased programme of training for imparting more intensive training to Class I Officers belonging to Scheduled Castes and Scheduled Tribes in order to improve their chances for selection to higher categories of posts in Class I. It was also laid down in these instructions that while drawing up such training programmes it would be useful to earmark 25 per cent of the seats in various training programmes in favour of Scheduled Castes and Scheduled Tribes. It was observed by the Commissioner that these instructions were not implemented by the Ministries/Departments in the same spirit in which they were issued. It was, therefore, recommended that all the Ministries/Departments of the Government of India should be advised to take special measures for imparting training to Class I Officers belonging to Scheduled Castes and Scheduled Tribes in various fields. In September, 1978 these instructions were again brought to the notice of all the Ministries/Departments and they were requested to keep the recommendation of the Commissioner in view while drawing up programme for imparting training to Class I Officers belonging to Scheduled Castes and Scheduled Tribes.

Normal Administrative Inspections

3.65. The Government have accepted the recommendation of the Commissioner made in his Report for the year 1963-64 that normal administrative inspections by the officers should also give specific attention to the performance of the office concerned in filling up the reserved quota and that the normal administrative inspections should make a mention of this position also.

New Scheme of All India Services Examination

3.66. In accordance with the recommendation made by the Kothari Committee, the Government of India decided to introduce the new scheme for Civil Services Examination for I.A.S. and Allied Services. According to this scheme, one of the eight compulsory papers in the written

examinations was one Indian language mentioned in the Eighth Schedule of the Constitution. Since the new scheme was going to adversely affect the interests of the tribal students from North-Eastern region whose mother tongues were not included in the Eighth Schedule the matter was taken up with the Home Ministry. It was suggested by the Commissioner that the provision of appearing in the compulsory paper on one of the Indian languages included in the Eighth Schedule may be suitably amended and the tribal candidates from North-Eastern areas be allowed to offer some other paper in lieu of the paper on Indian languages. While initially this suggestion did not find favour with the Ministry of Home Affairs, later, however, the Government decided that the paper on Indian language would not be compulsory for candidates hailing from the North-Eastern States and Union Territories of Arunachal Pradesh, Manipur, Meghalaya, Mizoram and Nagaland.

Execution of Bonds and furnishing of sureties

3.67. There were general instructions of the Government that whenever a Central Government employee wanted to take up employment under a State or Public Sector Undertaking, the terms of the bond committing him to serve the Government for a stipulated period need not be enforced and he may be allowed to execute a fresh bond with the new employer to ensure that he served the new organisation for an appropriate period to be determined in each case taking into account the amount spent by the erstwhile Ministry/Department on his training. It was pointed out by the Commissioner in the Report for the year 1973-74 that similar provision did not exist in the case of employees working in the Public Sector Undertakings for taking up employment elsewhere. It was brought to the notice of the Commissioner that Scheduled Caste/Scheduled Tribe employees working in the Public Sector Undertakings could not make use of this provision and had, therefore, faced difficulties in the event of their selection for higher posts in some other organisations. It was, therefore, recommended that this provision should also be introduced by the Bureau of Public Enterprises in so far as the employees working under the Public Sector Undertakings were concerned. In June, 1977 the Bureau of Public Enterprise issued necessary instructions according to which enforcement of the bond was not to be insisted upon in the case of employees of the Public Enterprises joining Central/State Government, Quasi-Government bodies or other enterprises subject to the condition that a fresh bond could be taken to ensure that the employees served the new employer for the balance period of the original bond. It was further pointed out in the report for the years 1975-77 that instances had come to the notice of the Commissioner where Scheduled Caste/Scheduled Tribe candidates possessing requisite technical qualifications were available and even selected for appointment but they could not avail of the offers of appointment due to their inability to execute surety bond of huge amounts to the extent of Rs. 25,000 or more. In the particular case of a Scheduled Caste candidate selected by the National Thermal Power Corporation Ltd. the suggestion made by the Commissioner to reduce the amount of the bond from Rs. 20,000 to Rs. 10,000 was accepted by the National Thermal Power Corporation. It was suggested in the Report of the Commissioner (1975-77) that Bureau of Public Enterprises should issue draft instructions on similar lines in the form of a Presidential directive to all Public Sector Undertakings through their administrative Ministries/Departments to reduce the amount of the surety bond in the case of Scheduled Caste/Scheduled Tribe candidates to enable them to avail of the offers of appointments without any delay. The Bureau of Public Enterprises have now brought this recommendation to the notice of the administrative Ministries/Departments so as to be communicated to the Public Sector Undertakings through a formal directive.

Confidential reports on Scheduled Caste/Scheduled Tribe employees

3.68. During the course of the sixth meeting of the High Power Committee held under the Chairmanship of the Prime Minister on 17th September, 1975, the Commissioner raised the question of biased reports on the Scheduled Caste/Scheduled Tribe employees resulting in the denial of promotions and even premature retirement. The then Prime Minister made a suggestion that the Confidential Report forms might be reviewed so that a provision could be made therein to indicate the manner in which the officers implement the orders for safeguarding the welfare/rights of Scheduled Castes and Scheduled Tribes and their general attitude towards Scheduled Caste and Scheduled Tribe employees. The Government, therefore, had under its consideration the question of revising the forms for Confidential Reports to serve as result/performance oriented systems. While revising these forms, the Government have introduced an item in the proforma for the C.R. on Section Officers, Under Secretaries, Deputy Secretaries and Directors according to which if the officer reported upon is a member of Scheduled Caste/Tribe, the reviewing officer is required to indicate specifically whether the attitude of the Reporting Officer in assessing the performance of the Scheduled Caste/Scheduled Tribe officer was fair and just. Since the lowest officer covered under this proforma is the Section Officer, the above information would only indicate the attitude of the reporting officer above the rank of Section Officer. It was, therefore, suggested to the Government to introduce a similar item in the C.R. forms for subordinate Staff whose C.R. is written by the Section Officer or other equivalent rank officer so that the reviewing officer can assess the attitude of the Section Officer towards his subordinates. For most of the subordinate Staff the reporting officer is the Section Officer, Superintendent or any other officer of equivalent

rank and it was therefore, necessary that the proforma should be suitably amended to reflect the attitude of this officer as well towards his subordinates. It is heartening to note that the Government have accepted this suggestion also and revised the relevant forms accordingly.

Legal opinion/courts judgement on matters relating to appointments under the reserved quota

3.69. Apart from what has been stated in the foregoing paragraphs on the role of the Commissioner for Scheduled Castes and Scheduled Tribes in the evolution of the policy on reservation for Scheduled Castes and Scheduled Tribes, there have been certain points on which opinion of the Ministry of Law had to be sought and on certain others the judgements given by some of the High Courts and the Supreme Court have been found to be of great help and value in affording due relief to the members of Scheduled Castes and Scheduled Tribes in accordance with the various provisions made under the Constitution; some of them are mentioned in the following paragraphs :—

Interpretation of the provision made in Clause (4) of Article 320 of the Constitution

3.70. This clause provides that "nothing in clause (3) shall require a Public Service Commission to be consulted as respects the manner in which any provision referred to in clause (4) of Article 16 may be made or as respects the manner in which effect may be given to the provision of Article 335". Attention of the Commissioner was drawn way back in 1951 to the apprehension that after a vacancy was reserved for a Scheduled Caste or Scheduled Tribe candidate, it no longer remained within the purview and scope of Union/State Public Service Commission. In other words doubt had been raised that the Public Service Commission had nothing to do with the post which may be reserved for members of Scheduled Castes/Scheduled Tribes. In order to clear this doubt matter was referred to Ministry of Law and according to the opinion of that Ministry the effect of clause (4) of Article 320 was only to render it unnecessary to consult the Commission as respects the manner in which any provision referred to in Article 16(4) could be made or as respects the manner in which effect could be given to Article 335. In other words according to the Ministry of Law this provision applied only to the manner in which orders of the reservation may be made e.g. the time at which or the occasion on which they will be made, the number of posts or discription of posts which may be reserved and the particular class for whom they may be reserved. Therefore, the provision of Article 320(4) did not take the recruitment of Scheduled Caste/Scheduled Tribe candidates against reserved quota out of the purview of the Public Service Commission and this clause could not be construed as requiring the Government not to consult the Commission as respects the recruitment to the reserved posts. According to the Ministry of Law the proper authority to adjudicate upon the suitability and selection of candidates belonging to the backward classes against the reserved quota and their relative merits was obviously the Public Service Commission which could render valuable assistance to the Government in the recruitment of suitable candidates belonging to backward classes against the reserved quota. After this opinion of the Ministry of Law the entire recruitment of Scheduled Caste/Scheduled Tribe candidates against the reserved quota has been made through the Union Public Service Commission or the State Public Service Commission as the case may be.

Powers of the Central Government to give directions to State Governments in regard to recruitment to State Services

3.71. The point whether the Union Government should issue directive to all State Governments in respect of reservation for Scheduled Castes and Scheduled Tribes in Government services was raised in Commissioner's Report of 1951. It was contended that the Central Government had no power to issue directions in respect of representation of Scheduled Castes. As regards Scheduled Tribes, there is a provision in clause (2) of Article 339 of the Constitution, which empowers the Central Government to give directions to any State as to the drawing up and execution of schemes for the welfare of Scheduled Tribes which according to the clarification by the Ministry of Law, is elucidated by the first proviso to clause (1) of Article 275 to the effect that these shall be the schemes of development for the purpose of promoting the welfare of Scheduled Tribes and that these shall be paid out of the Consolidated Fund of India in the form of grants to the State Governments. This power has been given to the Central Government because it pays the cost of these schemes. It was, therefore, clear that Article 339(2) or any other Article did not authorise the Government of India to give any directions to a State Government as to the recruitment to the State services of members belonging to Scheduled Tribes. Thus the State Governments enjoy autonomy in the matter of the manner in which they can give effect to the provisions of Article 16(4) and 335 of the Constitution.

3.72. But there is no such curb in so far as the jurisdiction of the Commissioner for Scheduled Castes and Scheduled Tribes under Article 338(2) "to investigate all matters relating to the safeguards provided for Scheduled Castes and Scheduled Tribes under this Constitution...." is concerned. The Commissioner's organisation has been investigating into individual cases and conducting general studies into the working of service safeguards in the offices under the Central Government, State Governments and Public Sector Undertakings except in the Lok Sabha Secretariat and Rajya Sabha Secretariat, and some statutory authorities (discussed separately in this Report). There has been some resistance

from one or two State Governments but the same was handled without much confrontation and the State Governments concerned reconciled to the authority of the Commissioner in the matter of investigation into service safeguards.

3.73. The Government of India issued instructions on 1st October, 1974 recognising the authority of the Commissioner to call for original files/documents during the course of such investigations. In the same order, the employees belonging to Scheduled Castes and Scheduled Tribes were also allowed free access to the Commissioner in the matter of their grievances relating to appointments against the 'reserved quota' which expression includes matters relating to confirmation, promotion, grant of other concessions allowed to Scheduled Caste and Scheduled Tribe employees by the Government from time to time. These instructions have also been communicated to all the State Governments by the Ministry of Home Affairs. Only the Government of Maharashtra have issued orders which adversely affect the right of the Maharashtra Government employees to approach the Commissioner for Scheduled Castes and Scheduled Tribes in respect of their grievances in services matters. The matter has been taken up with the Ministry of Home Affairs to impress upon the Government of Maharashtra that since the expression "appointments to services and posts in connection with the affairs of the Union or of a State" appearing in Article 335 of the Constitution clearly defines that the State Governments are also to take into account the claims of the members of Scheduled Castes and Scheduled Tribes in the matter of service safeguards provided under the Constitution, the State Governments could not be kept out of the purview of the provision of the clause (2) of Article 338 which empowers the Commissioner to investigate into the safeguards provided for Scheduled Castes and Scheduled Tribes under the Constitution. **Therefore, the instructions of the Government of Maharashtra debarring their employees from having direct access to the Commissioner for Scheduled Castes and Scheduled Tribes, tantamounts to depriving the Commissioner from an important and vital source of information for investigation into service safeguards. The Ministry of Home Affairs have been requested again to decide the matter and advise the Government of Maharashtra to revise their instructions and allow their employees free access to the Commissioner for Scheduled Castes and Scheduled Tribes. The matter has also been taken up by the Commissioner direct with the Chief Minister of Maharashtra. The decision is awaited.**

Restriction of reservation upto 50 per cent of the available vacancies

3.74. In the cases of M. R. Balaji vs. the State of Mysore and Devadasan Vs. Union of India, the Supreme Court had held that reservation of vacancies in excess of 50 per cent in a year would be unreasonable and excessive and therefore, unconstitutional. In view of this ruling of the Supreme Court, reservation for Scheduled Castes and Scheduled Tribes at any time could not exceed this limit of 50 per cent even if the current reservation together with backlog was more than 50 per cent of the available vacancies. Therefore, according to the Government orders issued in pursuance of this decision, the total reservation had always to be restricted to 50 per cent and reservation over and above this limit was carried forward automatically. According to these limits whenever there were only two vacancies, only one could be reserved for Scheduled Castes/ Scheduled Tribes and if there was only one vacancy, it had to be treated as unreserved because reserving a single vacancy would amount to cent per cent reservation. Thus whenever single vacancy arose, it had to be treated as unreserved and in many cases this happened year after year thus perpetuating the non-operation of reservation in the case of single vacancies.

3.75. The above ruling of the Supreme Court was first revised in the Writ Petition No. 59 of 1972 in the case of Smt. Arati Ray Choudhury Vs. The Union of India, when the Supreme Court held that whenever a single vacancy in any cadre occurred for the first time it could be treated as unreserved even though it fell on a reserved point but subsequently if another single vacancy occurred in the next recruitment year it had to be treated as reserved in lieu of the vacancy brought forward from previous year. Supreme Court opined that this was not only permissible but also obligatory to reserve the post for Scheduled Castes or Scheduled Tribes, as the case may be, otherwise it would rob the rule of its prime significance and will render the carry-forward provision illusory. Thus with this judgement the earlier ruling of the Supreme Court of the impermissibility of reservation in excess of 50 per cent of the available vacancies was modified.

3.76. In yet another judgement in the case of "State of Kerala and another Vs. N. M. Thomas and others", the Supreme Court opined that in cases where the number of current reserved vacancies and the carried forward reserved vacancies put together exceeded 50 per cent of the vacancies filled in that year because of the large carry-forward from the previous years, there should be no objection to exceeding the limit of 50 per cent by way of reservation in such cases, keeping however, in view the over all representation of Scheduled Castes and Scheduled Tribes in the total strength of the concerned grade or cadre. Thus according to the latest orders of the Government of India based on this ruling of the Supreme Court, it has been found permissible to exceed the limit of 50 per cent of the vacancies filled in a year provided the over all representation of Scheduled Castes and Scheduled Tribes in the total strength of the concerned grade or cadre is found to be inadequate i.e., the total number of Scheduled Caste/Scheduled Tribe employees in that grade has not reached the percentages of reservation prescribed for Scheduled Castes and Scheduled Tribes in the grade as a whole.

Reservation in posts filled by Promotion— Supreme Court Rulings :

3.77. Under Clause (4) of Article 16 of the Constitution the Government was empowered to make provision for the reservation of appointments or posts in favour of any backward class of citizens. In pursuance of this provision the reservation in posts filled by direct recruitment which was introduced even before the promulgation of the Constitution, was given a constitutional guarantee. Perhaps the Government remained under the impression that the expression "reservation of appointments or posts" covered only the posts filled by direct recruitment and therefore, was reluctant to the introduction of reservation in posts filled by promotion. While the Government of India in the Ministry of Home Affairs (now Department of Personnel and Administrative Reforms) continued to have reservation on this issue, one of its major Departments viz. the Railways gave a lead in this regard and decided to have reservation in posts filled by promotion in a limited manner from Class IV to Class III and from Class III to Class II as according to them these promotions were in the nature of direct recruitment and, therefore, were covered by the provision of reservation in favour of Scheduled Castes and Scheduled Tribes. However, this policy of the Railway Board for reservation in posts filled by promotion came to be reviewed by the Supreme Court in the case of General Manager, Southern Railway Vs. K. Rangachari in the Civil Appeal No. 341 of 1960. The Court held that the expression "adequate representation" appearing in Article 16(4) covered not only the lowest rung of services but also selection posts. It would be pertinent to quote from the judgements of the Supreme Court in the above cases :—

"In the exercising the powers under Article 16(4) the problem of adequate representation of the backward class of citizens must be fairly and objectively considered and an attempt must always be made to strike a reasonable balance between the claims of backward classes and the claims of other employees as well as the important consideration of the efficiency of administration."

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"The condition precedent for the exercise of the powers conferred by Article 16(4) is that the State ought to be satisfied that any backward class of citizens is not adequately represented in its services. This condition precedent may refer either to the numerical inadequacy of representation in the services or even to the qualitative inadequacy of representation. The advancement of the socially and educationally backward classes required not only that they should have adequate representation in the lowest rung of services but that they should aspire to secure adequate representation in selection posts in the services as well. In the context the expression 'adequately represented' imports considerations of "size" as well as "values", numbers as well as the nature of appointments held and so it involves not merely the numerical test but also the qualitative one. It is thus by the cooperation of the numerical and the qualitative test that the adequacy or otherwise of the representation of backward classes in any service has to be judged; and if that be so, it would not be reasonable to hold that the inadequacy of representation can and must be cured only by reserving a proportionately higher percentage of appointments at the initial stage. In a given case the State may well take the view that a certain percentage of selection posts should also be reserved, for reservation of such posts may make the representation of backward classes in the services adequate, the adequacy of such representation being considered qualitatively. If it is conceded that "posts" in the context refer the posts in the services and that selection posts may be reserved but should be filled only in the manner suggested by the respondent then we see no reason for holding that the reservation of selection posts cannot be implemented by promoting suitable members of backward class of citizens to such posts as the circulars intend to do."

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"On the other hand, under the construction by which the word "Post" includes selection posts the use of the word "post" is not superfluous but serves a very important purpose. It shows that reservation can be made not only in regard to appointments which are initial appointments but also in regard to selection posts which may fall to be filled by employees after their employment. The construction has the merit of interpreting the words "appointment" and 'Posts' in their board and liberal sense and giving effect to the policy which is obviously the basis of the provisions of Article 16(4). Therefore, we are disposed to take the view that the power of reservation which is conferred on the State under Article 16(4) can be exercised by the State in a proper case not only by providing for reservation of appointments but also by providing for reservation of selection posts. This construction, in our opinion, would serve to give effect to the intention of the Constitution makers to make adequate safeguard for the advancement of backward classes and to secure for their adequate representation in the services."

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3.78. Thus the Supreme Court gave guidelines to the Government in unambiguous terms that the intention of the makers of the Constitution was to provide for adequate safeguards for the advancement of the backward classes and to secure for them adequate representation at all stages including higher posts filled by promotion.

3.79. Yet in another case of the State of Punjab Vs. Hira Lal and others the Supreme Court turned down the plea of the High Court of Punjab that the Government of Punjab had

violated clause (1) of Article 16 of the Constitution while reserving the first point of a block of ten posts for Scheduled Castes which in the opinion of the High Court amounted to discrimination. The Supreme Court in its judgement opined that :—

"equality contemplated in Article 16(1) is not an embodied equality and that it was subject to several exceptions and one of the exceptions is that provided in Article 16(4)".

The Court also stated that :—

"the mere fact that the reservation made may give extensive benefits to some of the persons who had the benefit of the reservation, did not by itself make the reservation bad".

The Court stated that :—

"the length of the leap to be provided depended upon the gap to be covered".

The Supreme Court also observed :

"It is true that every reservation under Article 16(4) does introduce an element of discrimination particularly when the question of promotion arises. It is an inevitable consequence of any reservation of posts that junior officers are allowed to take a march over their seniors. This circumstance is bound to displease the senior officers. It may also be that some of them will get frustrated but then the Constitution makers have thought fit in the interests of the society as a whole that the backward class of citizens of this country should be afforded certain protection. There was no material before the High Court and there is no material before us from which we can conclude that the impugned order is violative of Article 16(1). Reservation of appointments under Article 16(4) cannot be struck down on hypothetical grounds or on imaginary possibilities. He who assails the reservation under that Article must satisfactorily establish that there has been a violation of Article 16(1)".

Thus the Supreme Court once again upheld the permissibility of reservation in posts filled by promotion.

3.80. There has been a set back in the above position due to judgement delivered by the High Court of Allahabad in the Civil miscellaneous writ No. 9724 of 1978 in the case of Mohan Lal Mehrotra and others Vs. the Comptroller & Auditor General of India and others. In this case an unfavourable judgement of the Allahabad High Court has arisen on technical grounds only. A plea was made by the counsel for the petitioners which was upheld by the Allahabad High Court that promotion to the post of Accounts Officer is regulated by the rules made by the President in exercise of the powers conferred by proviso to Article 309 and clause (5) of the Article 148 of the Constitution after consultation with the Comptroller & Auditor General of India. These rules are known as Indian Audit and Accounts Departments (Administrative Officer, Assistant Accounts Officer and Assistant Audit Officer) Recruitment Rules 1963. These rules laid-down the method of recruitment to the post of Administrative Officer, Assistant Accounts Officer and Assistant Audit Officer and they did not contain any specific provision of reservation for Scheduled Castes and Scheduled Tribes. The office of the Comptroller & Auditor General of India issued administrative instructions on 25th January, 1973 which were in persuance of the instructions issued by the Department of Personnel & Administrative Reforms vide their O.M. dated 27th Novemebr, 1972, making a provision of reservation in posts filled by promotion on the basis of seniority subject to fitness in all Government of India offices. The office of the Comptroller & Auditor General of India issued their own administrative instructions in so far as employees of that Department are concerned. It was submitted to the Court that these administrative instructions could not alter the statutory rules made by the President of India. The High Court of Allahabad referred to the case of Sant Ram Sharma Vs. State of Rajasthan (AIR) 1967 SC 1970. In that case as pointed out by the Allahabad High Court, a question had arisen as to whether in the absence of any statutory rules governing promotions to selection grade posts, the Government could issue administrative instructions and as to whether such administrative instructions could impose any restrictions not found in the rules already framed. It was pointed out that the Supreme Court had held in that case that till such time the statutory rules were not framed the Government could issue administrative instructions in that regard. The Supreme Court further observed that the statutory rules could not be amended or superseded by administrative instructions except where if the rules were silent on any particular point then gaps would be filled in and rules could be supplemented and instructions could be issued which were not inconsistent with the rules already framed. According to the Allahabad High Court statutory rules were not silent on the subject of promotion to the post of Assistant Accounts Officer and that being so it was not open to the Government to suplement statutory rules to fill up the gaps. This could only be done by amending the statutory rules in compliance with the provision of Article 148(5) of the Constitution. The Court pointed out that a similar view had been taken by a division bench of Madras High Court in the case of Accountant General, Tamil Nadu Madras and another Vs. Doraswamy and others (1974 Labour and Industrial cases 384). It was also pointed out in the judgement of the Allahabad High Court that the circular letter dated 25th January, 1973 of the Comptroller & Auditor General of India came up for consideration before the High Court of Orissa in Original Jurisdiction cases No. 357 and 359 of 1974 (Prabhakar Rao Vs. Union of India and others and Duryodhan Shol Vs. Union of India). The petitioners in these cases had challenged the reservation provided under instructions dated 25th January, 1973 and it was contended that

the reservation as provided therein was *ultra-vires* on account of non-compliance of the provision of Article 148(5) of the Constitution. It was held that the alterations in the existing rules introduced by these administrative instructions were not valid and the existing rules could be modified only by the rules made by the President after consultation with the Comptroller & Auditor General of India. Writ petition in these cases were allowed and it was declared that the administrative instructions did not change the conditions of service and were not enforceable and promotions made on that basis were quashed. In the opinion of the Allahabad High Court also the administrative instructions contained in the circular letter dated 25th January, 1973 were not held valid and no reservation for Scheduled Castes and Scheduled Triebs could be made on that basis. Recently the High Court of Andhra Pradesh have also delivered a similar judgement.

3.81. **It would thus be seen that the High Courts have not contested the validity of the reservation orders as such but have struck down the orders issued by the Comptroller & Auditor General of India on the technical grounds that these are not supported by amendment of the relevant rules by the Comptroller & Auditor General of India.** In this connection, it may be pointed out that the Department of Personnel had issued instructions as far back as September, 1971 wherein it was pointed out that recruitment rules framed for various posts/services which are statutory rules do not in some cases contain a reference to the orders regarding reservation for Scheduled Castes and Scheduled Tribes in services, and this gap resulted in difficulties in the enforcement of the reservation orders. The Government, therefore, issued instructions that all recruitment rules for posts within the purview of reservation orders should contain a separate rule on the following lines.

> "Saving—nothing in these rules affect reservation and other concessions required to be provided for Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard".

3.82. **In view of these clear instructions it was incumbent upon the Comptroller & Auditor General of India to incorporate a saving clause providing for reservation for Scheduled Castes and Scheduled Tribes in the statutory rules of promotion to the post of Assistant Accounts Officer and Assistant Audit Officer in the Audit and Accounts Department. A copy of the judgment of the Allahabad High Court has also been forwarded to the Department of Personnel and Administrative Reforms urging upon that Department to make itself an active party in such court cases so that the Government view could be properly projected in the affidavits that are filed in the Courts. As regards the saving clause in the recruitment rules it is suggested that Government should issue urgent instructions to all the Ministries/Departments of the Government of India advising them to ensure that this provision has been incorporated in all the rules so that the policy of reservation does not suffer a set back on the technical ground of absence of this saving clause in the recruitment rules.**

3.83. In the Civil Miscellaneous Writ Petition No. 1809 of 1972 in the case of J. C. Malik and others Vs. Union of India and others, the High Court of Allahabad delivered a judgement in December, 1977 allowing the petition and quashing the selection and appointments of the Scheduled Caste/Scheduled Tribe candidates as 'A' grade Guards in accordance with the Railway circular dated 27th August, 1968 read with circular dated 20th April, 1970. These circulars were based on the Ministry of Home Affairs O.M. dated 11th July, 1968 and 25th March, 1970 respectively. In this judgement the Allahadbad High Court mainly dealt with two points. Firstly that the reservation was applicable to posts and not to vacancies occurring from time to time. Secondly, the court was told that if 15 per cent of the vacancies occurring in a particular year were filled by promotion of Scheduled Castes the result would be that after some time the percentage of Scheduled Caste candidates in the 'A' grade Guards would reach up to 60 per cent. It may be stated that all along the Government policy has been to give reservation in the vacancies that arise from time to time and not to posts which implies the total strength of a particular cadre.

3.84. It appears that the said judgement of the High Court was legally opined to be erroneous in law and founded upon mistaken notions regarding the Goevrnment policy and a misapprehension of facts. Hence special leave of the Supreme Court to file an appeal against the same was sought for and obtained from it. It is understood that pending final hearing of the case, the Supreme Court issued orders staying the operation of reservation orders in posts filled by promotion on the basis of seniority subject to fitness in the Railway Services. Later, according to press reports, this stay order was vacated in December, 1979 and it is learnt that the case is likely to come up for hearing in the Supreme Court.

3.85. As this judgment of the Allahabad High Court was being widely quoted by various organisations and pressure being brought on the various implementing authorities to refrain from implementing the policy of reservation in vacancies in posts filled by promotion, the matter was referred by the Commissioner for Scheduled Castes and Scheduled Tribes to the Department of Personnel and Administrative Reforms and the Railway Board. The Railway Board in turn issued instructions to the General Managers of all Indian Railways to the effect that in case non-Scheduled Caste/Scheduled Tribe employees filed petitions against reservation in vacancies in courts "taking cue from the Allahabad High Court judgment", a preliminary objection should be raised to the hearing for the admission of

the petitions by informing the Court that the Supreme Court had already granted special leave to appeal against the judgment of the Allahabad High Court, and the court be requested to pend consideration of the cases till the appeal was disposed of by the Supreme Court. If the court does not accede to this request and fixes up the date for hearing of the admission of the petition the concerned Railway should take adequate and effective steps for defending the policy of the Government, if necessary by engaging senior counsels of long standing and experience and even the Advocate General of the State. The Railway Board also advised all the Indian Railways that in such cases draft counter affidavits filed in the courts should be got vetted by the Railway Board. The action taken by the Railway Board is welcome. **The Commissioner for Scheduled Castes & Scheduled Tribes on his part has also advised the Department of Personnel & Administrative Reforms of the Govt. of India to make itself a party in such court cases, that Department being the appropriate authority in so far as rules and instructions relating to reservation for Scheduled Castes and Scheduled Tribes in services are concerned.** It was also pointed out to that Department that there were a large number of instructions/orders issued by the Government and their implementation had become rather complicated. The possibility, therefore, of the Government policy not being adequately projected during litigation could not be ruled out. **The involvement of Department of Personnel and Administrative Reforms in all such cases would certainly have a reassuring effect. This purpose could also be served if Department of Personnel & Administrative Reforms agreed to vet and approve the affiadavits submitted by concerned authorities. It has, therefore, been suggested to Department of Personnel & Administrative Reforms to issue general instructions to all Ministries/Departments of the Government of India directing them to get the affidavits vetted by that Department before filing them in the course. This step is necessary in order to project the policy and background of reservation before the court in correct perspective.**

Relaxation in promotions—Court Rulings

3.86. In pursuance of the Ministry of Home Affairs O.M. No. 2/11/55-RPS, dated 7th May, 1955, the Comptroller and Auditor General of India had allowed relaxation in the qualifying examination held for promotion to the S.A.S. cadre to the extent of 3 per cent in aggregate and two per cent in any two papers in each part of the S.A.S. examination. The Orissa High Court struck down this provision on the plea that the said O.M. of the M.H.A. did not come in the ambit of Article 16(4) of the Constitution and that it must stand justification of only Article 335 of the Constitution. The court also opined that the relaxation allowed by the Comptroller & Auditor General implied two standards, one for Scheduled Caste and Scheduled Tribe candidates and the other for general candidates and this could give rise to a contingency under which, due to relaxation clause, only Scheduled Caste and Scheduled Tribe candidates may qualify in a particular examination. The main contention of the Orissa High Court was that the equality of opportunity as guaranteed *vide* Article 16(1) stood curtailed only to the extent of reservation as provided in Article 16(4) and it could not be curtailed further by any action under Article 335 of the Constitution. It was mentioned in paragraphs 3.20 to 3.24 of the 22nd Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the year 1973-74 as to how these arguments could be countered by the Counsel for the Government but unfortunately this was not done nor an appeal was preferred in the Supreme Court against the judgement of the Orissa High Court.

3.87. In the meantime the Andhra Pradesh High Court gave a new dimention to this matter in its judgement in the Writ Petition No. 3337 of 1973 and gave a ruling that the manner in which the Scheduled Caste and Scheduled Tribe candidates should be given the benefit of reservation was a matter falling within the executive discretion of the Government and that any relaxation in favour of Scheduled Caste and Scheduled Tribe candidates was in respect of the seats reserved for them and did not affect in any way the interests of the candidates who did not belong to these categories. It was immaterial for the general category candidates as to how those seats so reserved for Scheduled Castes and Scheduled Tribes are filled up. In order to have a close look at the judgement of the Andhra Pradesh High Court the relevant extract is reproduced in this report once again :

> "It was also contended that by providing reservation for Scheduled Castes and Scheduled Tribes, candidates belonging to those classes are given a double advantage, one concession made them eligible even if they secured a lower percentage of marks than the rest and another concession was reservation of posts for irrespective of their seniority. What percentage of marks candidates should secure to make them eligible for a post is a matter within the discretion of the Rule making authority. Once the candidates are eligible and the reservation itself is valid, it cannot be struck down merely because such candidates had become eligible by securing a lower percentage of marks. Fixing a requisite percentage of marks deals with eligibility for appointment while the reservation is among the candidates eligible. In what manner the Scheduled Castes and Scheduled Tribes should be given the benefit of this reservation is a matter falling within the executive discretion of the Government."
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> "So long as seats are reserved, fixing of lower percentage does not in any way affect the interests of the candidates who do not belong to the Scheduled Castes and Scheduled Tribes. It is immaterial for them as to how those

seats so reserved are filled up. They are not persons affected by fixation of lower standard so as to entitle them to question the action of the Government."

3.88. From the preceding paragraphs it would be seen that the judgements delivered by various High Courts and Supreme Court from time to time have helped to clear certain wrong impressions in the minds of the individuals and the Government and the Courts have interpreted the provisions contained under Article 16(4) and 335 of the Constitution in a proper perspective which have largely helped the Scheduled Castes/Scheduled Tribes to derive the benefits of the safeguards guaranteed to them under the Constitution.

Outstanding Issues

3.89. In spite of sustained efforts made by the Commissioner for Scheduled Castes and Scheduled Tribes in the past, judicial pronouncements supporting and giving proper shape to the executive instructions, opinion expressed by various Committees notably the Yardi Committee, the High Power Committee and the Parliamentary Committee for the Welfare of Scheduled Castes and Scheduled Tribes, a number of important issues still remain outstanding which are briefly discussed in the following paragraphs.

Zone of Consideration—Promotion by Selection in Group 'A' & 'B'

3.90. The question of fixing a firm zone of consideration in posts filled by promotion on the basis of selection has been discussed in great detail in the past (Paragraphs 3.31 and 3.32 of the Report for the year 1970-71, paragraphs 3.25 to 3.32 of the Report for the year 1973-74, paragraph 3.3 of the Report for the year 1974-75 and paragraph 3.34 to 3.37 of the Report for the year 1977-78). **In the last Report for the year 1977-78, the Commissioner opined that the very system of zone of consideration which is discretionary in nature tends to vitiate the very principle of reservation in promotion and should be done away with whereby any Scheduled Caste/Scheduled Tribe candidate fulfilling the minimum eligibility condition should be considered for promotion unless he is found unfit for promotion. Alternatively, it was recommended that zone of consideration should be applied separately to the reserved vacancies even in the case of promotions to Group 'B' within Group 'B' and upto the lowest rung of Group 'A'. The Government is urged to reconsider the matter and expedite its decision.**

Zoning Scheme—Promotion by Seniority in Central Secretariat Services

3.91. In the twenty-fourth Report for the years 1975-76 and 1976-77 (Paragraphs 3.52 to 3.55) it was emphasised that the zoning scheme in vogue for promotions on the basis of seniority subject to fitness in the Central Secretariat Services, which was introduced long before the introduction of the element of reservation in these posts, was coming in the way of implementation of reservation orders as contained in the Ministry of Home Affairs O.M. No. 27/2/71-Estt(SCT), dated 27th November, 1972. **It was suggested that it should be suitably modified to allow full benefit of reservation to Scheduled Caste/Scheduled Tribe candidates. Urgent action in this regard is called for on the part of the Department of Personnel and Administrative Reforms.**

Carry-forward of unfilled reserved vacancies

3.92. There is no provision of carry forward in posts filled by promotion by the method of selection to Group 'B', within Group 'B' and upto the lowest rung of Group 'A' posts whereas in all other cases this provision exists for 3 recruitment years whereafter the reserved vacancies are allowed to lapse. **It was recommended in Reports for the year 1973-74 (para 3.15) and for the years 1975-77 (para 3.30) that provision of carry-forward should be made applicable in the Group 'B' and Group 'A' selection posts also. It was further recommended in our last report (para 3.42) that in all cases whether appointment is by direct recruitment or promotion, the vacancies should not be allowed to lapse, which means that the reserved vacancies should be permitted to be carried-forward till they are eventually filled.** However, as already recommended in para 3.29 of the Report for the years 1975-77, there is no objection to permit the exchange of reservation between Scheduled Castes and Scheduled Tribes in such cases of promotion in the same year where it is known for certain that the relevant category candidates are not likely to become available even by the last year of carry-forward. In such specific cases, after effective exchange there may be no carry-forward. Such an arrangement would not in any way affect the interests of Scheduled Castes and Scheduled Tribes. These recommendations are, therefore, reiterated.

Reservation by Selection method within Group 'A'

3.93. Time and again it has been pointed out that there is only one category of posts i.e. Group 'A' which are filled on the basis of selection, which remain out of the purview of reservation in the promotion category, on the oft repeated plea of 'efficiency of administration' and 'morale of the services' at the higher level. These arguments have been quite effectively countered on the basis of judgements of the Supreme Court (para 3.39 and 3.40 of 1977-78 Report), and by emphasising that there seems to have been no instance where efficiency of administration has suffered merely on the ground of appointment of Scheduled Caste/Scheduled Tribe persons. **It appears that there is no further argument with the Government to justify their stand and the time has come for the Government to relent on this issue and allow reservation in promotion by selection within Group 'A' so that it can be said with satisfaction that the Government left no scope whatsoever in giving effect to the constitutional provisions in regard**

to service matters. If the Government agree to issue necessary instructions in this matter, these posts will, no doubt, remain subject to other provisions such as dereservation, carry-forward etc. in the event of non-availability of suitable Scheduled Caste/Scheduled Tribe candidates. **It is a well known fact that enough Scheduled Caste/Scheduled Tribe candidates are not available in senior positions. The benefits provided by the Constitution for Scheduled Castes and Scheduled Tribes may also be fully made available to these few persons.**

3.94. In the meantime the Government may consider another aspect regarding the promotion safeguard of Scheduled Caste/Scheduled Tribe officers and issue necessary instructions. Government is aware that in the existing instructions while there is no reservation for Scheduled Castes and Scheduled Tribes in promotion on the basis of selection within Class I, there is a safeguard according to which an officer belonging to Scheduled Castes or Scheduled Tribes who is senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the select list has to be drawn up, is to be included in such select list unless he is considered unfit for promotion. In the select list, however, his position would be the same as assigned to him by the Departmental Promotion Committee on the basis of his record of service and he is not entitled for one grading higher than the grading otherwise assigned to him. Though an officer belonging to Scheduled Castes/Scheduled Tribes is included in the select list, he is at the same time likely to be superseded by his juniors who may happen to have better service record than him. The effect of this becomes more pronounced and rather lop-sided if the meeting of Departmental Promotion Committee is not held for years together and vacancies are allowed to accumulate from year to year. This can be explained better by an example. Suppose there are 10 vacancies in a year and if a Scheduled Caste or Scheduled Tribe officer is at S. No. 5 of the seniority list and is, therefore, within the number of vacancies available, he might be included at S. No. 10 of the select list due to his being less meritorious than others. But if the Departmental Promotion Committee is not convened in that year and in the next year there are another 10 vacancies and the Departmental Promotion Committee is held in the second year it is likely that the same Scheduled Caste or Seceduled Tribe officer who may have been at S. No. 10 if the Departmental Promotion Committee had been convened in the previous year, is likely to be at S. No. 20. This position would further aggravate if the Departmental Promotion Committee is not convened for another 2 or 3 years. Since the introduction of reservation in promotion on the basis of selection with effect from 20th July, 1974, the practice of giving one grading higher to Scheduled Caste and Scheduled Tribe employees has also been discontinued. It seems that this revised position has not received wide publicity with the result that some reporting officers still have the impression that the Scheduled Caste/Scheduled Tribe employees have the benefit of one grading higher at the time of promotion and, therefore, they deliberately grade them at lower standard than they deserve on the basis of their performance. This has further affected the interests of Scheduled Caste/Scheduled Tribe officers.

3.95. **In order to avoid such a situation, it is necessary that (a) the Departmental Promotion Committee meetings are held in the same year when the vacancies occurred and (b) if it becomes unavoidable to hold the Departmental Promotion Committee for a number of years, then the select list should be prepared for each year separately taking particular date as crucial date for the purpose of promotions in that year. This will avoid supersession of Scheduled Castes and Scheduled Tribes on an unprecedented scale.**

3.96. It has been observed that Departmental Promotion Committees are not held regularly in many Departments/Ministries and in spite of recent instructions of the Government, Departmental Promotion Committees may not be held regularly in future too. The other possible step suggested above may also bring complications. **It is, therefore, felt that in the posts filled by promotion by selection method carrying an ultimate salary of Rs. 2250 per month or less, it should be ensured that in the case of a Scheduled Caste/Scheduled Tribe officer falling within the number of vacancies, while drawing up the select list, he should be allowed to retain his inter-se seniority position in the select list also.** Thus if there are 10 vacancies and if an officer belonging to Scheduled Castes or Scheduled Tribes happens to at S. No, 5 in the seniority list, he should be allowed to retain the same position in the select list, there being no objection to the general category officers changing their positions as a result of their gradation by the Departmental Promotion Committee. It would be appreciated if the above suggestions are considered by the Department of Personnel and Administrative Reforms.

Reservation in Group 'C' and Group 'D' promotion posts from the feeder cadres initially filled on local/regional basis

3.97 As already explained in paragraph 3.46 of the last Report (1977-78) there is no rationale behind the orders of the Government of India to follow the fixed percentages of 15% and 7½% for Scheduled Castes and Scheduled Tribes respectively in the promotional posts where the initial recruitments to the feeder cadres of such posts were made on local/regional basis. The percentages of reservations at such initial recruitments were either much more or far less than the above percentages, as the initial recruitment to Group 'C' and 'D' posts in the regions is based on the population of Scheduled Castes and Scheduled Tribes in the State concerned. Such a course of action results in anomalous situation where the Scheduled

Castes or Scheduled Tribes are either not available in the feeder cadres to avail of the reserved vacancies or the number of such candidates is more than the vacancies available for them. **In order to avoid this situation, it is once again recommended that the percentages of reservation in these cases at the stage of promotion should be corresponding to the reservations applied to the feeder cadres initially filled on local/regional basis.**

Direct recruitment to be resorted to in promotion cases where Scheduled Castes/ Scheduled Tribes are not available

3.98 There are certain cadres and posts where both Scheduled Caste/Scheduled Tribe candidates are not available at all and the reservation intended for them is availed of by the unreserved category candidates. It was recommended in the last Report (para 3.46 A of 1977-78 Report) that in such cases, direct recruitment should be resorted to so that the vacancies reserved for Scheduled Castes and Scheduled Tribes are utilized by the candidates of these communities from the open market. In the Recruitment Rules for certain posts, there is a provision to the effect that failing the method of promotion, the posts can be filled by direct recruitment but in these cases also the Department of Personnel and Administrative Reforms have opined that the direct recruitment can be resorted to when even the general candidates are not available. **Our recommendation is to make a special provision in the Recruitment Rules to the effect that recourse to direct recruitment should be made whenever Scheduled Caste/Scheduled Tribe candidates are not available for promotion.**

Special Recruitment Drive

3.99 **Special recruitment drive to clear the backlog on the lines of the suggestion made in paragraphs 3.30 and 3.31 of 1977-78 is yet another method to achieve the goal referred to in the preceding paragraphs and is, therefore, once again commended to the Government for consideration.**

Recognition of service associations of Scheduled Caste/Scheduled Tribe employees

3.100 A large number of representations are received from the associations of employees belonging to Scheduled Castes and Scheduled Tribes that their association be recognised by their employers so that they can take up matters pertaining to proper implementation of the provisions of reservations and other relaxations, concessions, etc. When such representations are forwarded to the concerned organisations for their comments, they, in turn, refer the matter ultimately to the Department of Personnel and Administrative Reforms. The argument of that Department has been that the Government have decided not to recognise any service association which is based on caste, tribe or religion. This argument has been countered time and again that these associations are not strictly based on caste, tribe or religion. They are in fact amalgum of various castes, tribes and religions. While discussing the constitutional permissibility of preferential treatment to Scheduled Castes and Scheduled Tribes, the Supreme Court in its judgement in the case of 'State of Kerala and Another Vs. N.M. Thomas and Others' observed that "The word 'Caste' in Article 16(2) does not include Scheduled Castes. The definition of 'Scheduled Castes' in Article 366(24) shows that it is by virtue of notification of the President that the Scheduled Castes come into being. Though the members of the Scheduled Castes are drawn from the castes, races or tribes, they attain a new status by virtue of the Presidential notification". Therefore, the Supreme Court held that the Scheduled Castes and Scheduled Tribes are not a caste within the ordinary meaning of "caste". In this connection, reference is also invited to paragraphs 3.108-3.111 of 1973-74 Report and paragraphs 3.81 to 3.83 of 1977-78 Report where in after counter-arguing the Government's views it has been recommended that it is very necessary to accord recognition to at least one association of Scheduled Castes and Scheduled Tribes in each organisation which can take up the problems relating to their representation with the management/employers. This recognition is purely for the internal purpose of employees-management relationship and need not be confused with the recognition granted by the Government of India in the Department of Personnel and Administrative Reforms to prominent all-India associations of Scheduled Castes and Scheduled Tribes for the limited purpose of notifying the reserved vacancies to them. **It is, therefore, once again urged that in view of the clear opinion of the Supreme Court on this subject this question may be reconsidered by the Government of India for issuing necessary guidelines to all the Ministries/ Departments. The organisations concerned can also independently consider this matter sympathetically and allow the associations formed by their employees belonging to Scheduled Castes and Scheduled Tribes to take up the problems concerning service matters only.**

Travelling Allowance and fee concession

3.101 The provision of reduction in fees to one-fourth of the fees prescribed for admission or selection to any post, was made for Scheduled Castes even before independence. In our last Report (para 3.105) it was recommended that the candidates belonging to Scheduled Castes/Scheduled Tribes should be granted full exemption in this regard. This has become all the more necessary now because **there is a very tough competition for every post and the chances of selection in the very first attempt are remote.** Thus candidates of these categories have to submit their candidature a number of times before they are actually selected. **Grant of full exemption from payment of fees is bound to bring great relief to the already unemployed reserved category candidates in these hard times. Complete exemption will help Scheduled Caste and Scheduled Tribe candidates not only financially but by removing the extra**

procedure and complexity inherent in the system. The Governments of Andhra Pradesh, Madhya Pradesh and Tamil Nadu have already granted this concession of full fee exemption.

3.102. Similarly there is a restriction of minimum journey of 50 miles (80 Kms.) by rail and 20 miles (32 Kms.) by road, for grant of travelling allowance to Scheduled Caste and Scheduled Tribe candidates. It has been recommended in the last report (para 3.107) that this restriction may be removed so that all Scheduled Caste/Scheduled Tribe candidates attending the interview/test from outside the municipal limits can avail this concession of grant of Travelling Allowance and that there should be a clear mention thereof in the advertisements also. **It is desirable that the Central Government and all State Governments should issue necessary orders in this regard.**

Reservation in posts filled by deputation/ transfer

3.103. The Government have been consistently opposing the introduction of reservation in posts filled by deputation/transfer, a mention about which was made in the twenty-third Report for the year 1974-75 (para 3.6), it was pointed out that the Scheduled Caste/Scheduled Tribe employees were deprived of their share in a large number of posts filled by deputation even in Group 'C' and 'D' posts. Further when the deputationists were absorbed, no consideration was shown to the requirement of reservation for Scheduled Castes/Scheduled Tribes. The Department of Personnel and Administrative Reforms have maintained their stand not to make provision of reservation in such posts though instructions have been issued (O.M. No. 36012/2/77-Estt(SCT), dated 21-1-1978) advising all the Ministries/Departments to consider the cases of eligible Scheduled Caste and Scheduled Tribe employees whose names have been forwarded to them by other Ministries/ Departments alongwith other eligible employees for appointment on deputation or transfer. That Department have advised that where the number of posts to be filled by any employing Ministry or office is fairly substantial, the employing Ministrites/Heads of Offices concerned should endeavour to see that a fair proportion of such posts are filled by employees belonging to Scheduled Castes/Scheduled Tribes, subject of course, to their availability from the feeder categories of qualified persons belonging to these communities. **When the Government have found it necessary to issue instructions for ensuring a fair proportion of the posts filled by deputation to Scheduled Caste/Scheduled Tribe candidates, it is not understood why the Government is not conceding the demand for a formal reservation in such posts. After all a formal provision of reservation can only ensure a fair proportion of such posts to Scheduled Caste and Scheduled Tribe candidates; failure to do so will only render the instructions ineffective.**

Premature retirement of Scheduled Castes and Scheduled Tribes

3.104. In our twenty-fourth Report for the years 1975-76 and 1976-77 attention of the Government was drawn to the instances of prejudiced and biased confidential reports on Scheduled Caste/Scheduled Tribe employees, resulting in their premature retirement as a result of review at the age of 50/55 years under Rule 56(j). Possible causes known to us about adverse CRs of Scheduled Caste/Scheduled Tribe employees as also the suggestions made by us to minimise the number of cases of compulsory retirement of these employees were indicated in paragraph 3.40 to 3.42 of the report referred to above.

3.105. In the meantime some efforts were made by this office to collect statistical information regarding the cases of premature retirement as a result of review at the age of 50/55 years in various Ministries/Departments in Government of India from 1975 onwards. The information so collected is given in the table below:—

		1975	1976	1977	1978	Total
1. Information received from. Min./ Deptts./ Offices		43	45	45	42	175
2. Out of 1 above Min/ Deptts/Offices where there was no compulsory retirement		28	36	41	39	144
3. No. of persons retired						
Group A	Total	12	4	..	..	16
	SC	3	..	..	..	3
	ST	..	..	..	..	..
Group B	Total	26	21	..	2	49
	SC	3	3	..	..	6
	ST	..	..	..	..	..
Group C	Total	43	42	26	..	111
	SC	6	2	1	..	9
	ST	..	..	..	..	..
Group D	Total	3	3	1	2	9
	SC	..	..	..	..	..
	ST	..	..	..	1	1
4. No. in which orders were revoked.						
Group A	Total	4	..	..	..	4
	SC	2	..	..	..	2
	ST	..	..	..	..	..
Group B	Total	10	3	..	..	13
	SC	..	..	..	..	..
	ST	..	..	..	..	..
Group C	Total	8	2	2	..	12
	SC	1	1	..	..	2
	ST	..	..	..	..	..
Group D	Total	1	..	..	..	1
	SC	..	..	..	..	..
	ST	..	..	..	..	..

It would be noticed from the above statement that in the year 1975, 43 Ministries/Departments/Offices submitted the information. 28

of these Departments either submitted 'Nil' information or there was no case of retirement as a result of review at the age of 50/55 years. Corresponding information for the years 1976 and 1977 was received from 45 Ministries/ Departments/Offices in each year, of which 'Nil' information was received from 36 offices and 41 offices during the years 1976 and 1977 respectively. For the year 1978 this information has been received from 42 offices and 39 of them have submitted 'Nil' information. It would be observed that in all these years in Group 'A' there were in all 16 cases of retirement which included 3 Scheduled Caste employees. Of the 16 cases, 4 were reinstated after review which included two Scheduled Castes. Similarly, in Group 'B' there were as many as 49 cases of retirement which included 6 persons belonging to Scheduled Castes. On review, out of the 49 cases the orders in the case of 13 officers were revoked. However, none of the Scheduled Caste officer out of the 6 retired compulsorily was reinstated even on review. The largest number of compulsory retirement cases was in Group 'C' where as many as 111 persons were retired including 9 employees belonging to Scheduled Castes. On review only 12 employees were reinstated which include only two Scheduled Caste employees. In Group 'D' there were only 9 cases of compulsory retirement and only one out of these belonged to Scheduled Tribes. Also only one case of compulsory retirement of general candidate was revoked in this category. The largest number of compulsory retirement cases occured in 1975 and 1976. This appears to be a direct result of the indiscriminate enforcement of Rule 56(J) during the period of emergency. Though there are not many cases of compulsory retirement under the above rule now, **it is recommended that the suggestion made in para 3.42 of our report for the years 1975-77 may be given a fair consideration. The suggestion had been that the cases of premature retirement of Scheduled Castes and Scheduled Tribes be referred to the Department of Personnel and Administrative Reforms with endorsement to the office of the Commissioner for Scheduled Castes and Scheduled Tribes on the lines of the proposals for dereservation of reserved vacancies.**

High Court Judges and Judicial Services

3.106. The question of reservation for Scheduled Castes and Scheduled Tribes in the ministerial and judicial services under the High Courts has been engaging the attention of the Commissioner for many years now. The views of the Commissioner in this matter are quite clear and there is nothing more which can be added to what has already been stated in paragraps 3.15 to 3.18 of 1975-77 Report and particularly in paragraphs 3.22 to 3.27 of the last Report (1977-78) emphasising the need for implementing the policy of reservation in appointment of High Court Judges and in Higher Judicial Services. However, this matter came up for discussion once again in the Eighth meeting of the High Power Committee held on 20th October, 1978 under the Chairmanship of the Prime Minister. In this meeting the Minister for Shipping and Transport pointed out that there was no judge belonging to Scheduled Caste/Scheduled Tribes in any High Court in Northern India and that in the whole country there were only four High court Judges belonging to Scheduled Castes and none belonging to Scheduled Tribes. The Defence Minister also emphasised the need for appointment of more judges belonging to Scheduled Castes and Scheduled Tribes to the High Courts. The Minister for law, however, pointed out that constitutionally, no reservation could be made in the matter of appointment of judges to the High Courts or Supreme Court. He further stressed that it was not merely a question of satisfying minimum conditions of eligibility, the persons concerned should have attained a certain minimum standard of proficiency. The Prime Minister also agreed that one had to proceed with caution in the matter and it was necessary that the person appointed to the judgeship of the High Court or Supreme Court should be able to command respect from his colleagues and others. **In view of the difference of opinion among the Members of the High Power Committee regarding the desirability and constitutional permissibility of following the policy of reservation in the appointment of Judges of the High Court, the proper course for the High Power Committee should have been to refer the issue for the opinion of the Supreme Court on a Presidential reference under Article 143 of the Constitution as recommended by the Commissioner in his Report for the years 1975-77 and reiterated in 1977-78.**

3.107. It has already been stated in the last report (para 3.23) that the Ministry of Law and Justice have advised the State Governments that in the matter of appointment to the Subordinate Judicial Services of the State, Article 234 could be invoked for making reservation for Scheduled Castes and Scheduled Tribes and in the case of Higher Judicial Services, Article 309 could be invoked. But the opinion expressed by the Law Minister and supported by the Prime Minister brings us back to the question of constitutional permissibility of reservation to the appointment of judges to the High Court and Supreme Court. **It is rather unfortunate that the Ministry of Law have held the view that the High Court is considered as a "State" and, therefore, the appointment of Chief Justice and other judges to the High Court could not be considered as Services under the "State" since the High Court itself is to be regarded as the "State". It is, high time that the issue is settled once for all, if necessary, by making a Presidential reference to the Supreme Court to decide whether appointment of judges to the High Courts and Supreme Court is outside the purview of the provisions made in Articles 16(4) and 335 of the Constitution.**

3.108 In the meanwhile according to the latest information as received from the Ministry of Law, Justice and Company Affairs there is at present reservation for Scheduled Castes and Scheduled Tribes in direct recruitment both in Lower and Higher Judicial Services and in the Ministerial/Class IV posts under the High Courts of Gauhati, Kerala, Orissa, Punjab and Haryana (in respect of Punjab only) Rajasthan, Andhra Pradesh, Madras and Delhi. As regards the Allahabad High Court is has been stated that Judicial Service in the State of Uttar Pradesh comprises of (i) U.P. Nyayik Sewa consisting of the cadres of Munsif and Civil Judges and (ii) U.P. Higher Judicial Service consisting of District and Sessions Judges/Additional District and Sessions Judges and in both these services the rules provide for reservation for Scheduled Castes etc. In respect of the remaining High courts, the position has been indicated as under :—

1. J & K High Court	No provision had yet been made for reservation in direct recruitment to both Lower and Higher Judicial Services.
2. Bombay High Court 3. Karnataka High Court 4. Madhya Pradesh High Court	No provision had yet been made for reservation in direct recruitment to Lower and Higher Judicial Services and also in Ministerial/Class IV posts under the High Courts.
5. Punjab and Haryana High Court (regarding Haryana only) 6. Calcutta High Court 7. Patna High Court	No provision had yet been made for reservation in direct recruitment to the Higher Judicial Services.
8. Himachal Pradesh High Court	No provision had been made for reservation in direct recruitment to Higher Judicial Service and also in Ministerial/Class IV posts under the High Court.
9. Gujarat High Court	No provision had been made for reservation regarding Class I posts in the State Judicial Service and in the State Higher Judicial Services and in Ministerial/Class IV posts under the High Court.
10. Sikkim High Court	No rules had yet been framed.

The actual position regarding the representation of Scheduled Castes and Scheduled Tribes in judicial services and other services under various High Courts as received from the Ministry of Law, Justice and Company Affairs is given in Appendix XVI.

Representation of Scheduled Castes/Scheduled Tribes in State Government Services—Non-cooperation of State Governments to supply statistical information

3.109 It is regrettable to point out that the only item which has continuously attracted adverse comments in the last 25 Reports over a period of 28 years of the existence of the organisation of the Commissioner for Scheduled Castes and Scheduled Tribes has been the lack of co-operation of the State Governments to furnish the statistical information in time regarding the representation of Scheduled Castes and Scheduled Tribes in various classes of posts in their services. The State Governments, by and large, have failed to furnish the statistical information within the stipulated time and at times the information is not forthcoming at all. As would be seen from Appendix XVII, the information as on 1-1-1979 is available from the States of Maharashtra, Punjab and Tripura and the Union Territories of Andaman and Nicobar Islands, Arunachal Pradesh, Dadra and Nagar Haveli, Lakshadweep and Pondicherry. Information in respect of the States of Gujarat, Haryana, Kerala and Madhya Pradesh as on 1-1-1978 has now been included as the same was not available last year. In regard to the States of Andhra Pradesh, Assam, Bihar, Himachal Pradesh, Jammu & Kashmir, Karnataka, Meghalaya, Manipur, Nagaland, Rajasthan, Tamil Nadu and Uttar Pradesh no information is available even as on 1-1-1978.

3.110 A glance at the statistical information in the above mentioned appendix would reveal that the representation of Scheduled Tribes continues to be uniformly poor in all classes of posts in almost all the States/Union Territories except the Union Territories of Arunachal Pradesh, Lakshadweep and Mizoram and that of Scheduled Castes it is still far below a satisfactory level in Class I and II posts in most of the States and in many others even in Class III posts also, in spite of the fact that reservation in Government services became applicable about three decades ago. **There is, therefore, need to streamline the machinery of implementation of service safeguards in the States/Union Territories in order to secure to Scheduled Castes/Scheduled Tribes adequate representation in services as envisaged in various articles of the Constitution.**

Reservation for Scheduled Castes and Scheduled Tribes in Private Sector Establishments

3.111 The need for securing a part of the immense employment potential for Scheduled Castes/Scheduled Tribes in the private sector establishments has been emphasised in some of our previous reports. In spite of various suggestions made by the Commissioner and the High Power Committee under the Chairmanship of the Prime Minister agreeing in principle, the matter still remains where it was without making any perceptible headway. The Government have all along been unwilling to resort to any legal steps in the form of legislation etc. to compel the private employers to fall in line with the policy of the Government to achieve social aim of uplifting the weaker sections of the society. It has continued with the policy of persuasion in this regard. The early approach of the Commissioner was also to achieve this through persuasive methods. But during the subsequent years, it has been realised that the appeals made by the Ministry of Industrial Development as early as August, 1964, later on in December, 1971 and thereafter as well, have failed to achieve any result. It was with this background that the Commissioner had

insisted time and again to take recourse to legal measures to force the private employers to throw open a part of its employment potential to the members of Scheduled Castes and Scheduled Tribes. The Government appeared to be veering round this approach as was evident from the hint thrown in a statement on behalf of the Government on 21st November, 1973 on the floor of the Rajya Sabha, while replying to the debate on the Commissioner's report for the year 1970-71. The speech of the then Minister of State for Home Affairs was reproduced in the 21st Report for the years 1971-72 and 1972-73. The Minister had stated that most of the equity capital of the private sector was underwritten by the Governmental Finance Institutions and bulk of their finances came from these Institutions and, therefore, the so-called private sector was not strictly the private sector but it was the State-assisted private sector. He was, therefore, of the view that the problem could not just be dropped by saying that we cannot touch the private sector. He even sounded a note of warning to the private sector to read the prevailing mood in the country and to ensure the implementation of the important and necessary measures for giving relief to the backward classes, so far as the representation in employment under them was concerned. In spite of this forceful plea, it could not be possible for the Government to take any legal or compulsive measure to introduce the element of reservation in the employment under the private sector.

3.112. The issue once again came up for discussion in the Eighth meeting of the High Power Committee held on 20th October, 1978 under the Chairmanship of the Prime Minister. It is understood that the Prime Minister observed that the private sector establishment could at best be persuaded to adopt reservations in services under them. He did not agree to the proposal for resorting to legislation to achieve this object. He however thought that the Ministries of Industry and Commerce could ask the private sector employers to give an undertaking to introduce reservation in services under them at the time of granting them licenses or giving them assistance in other forms. In pursuance of this decision of the High Power Committee, the Minister of Industry called a meeting of leading industrialists and representatives of the organisation of Industry to consider the matter in April, 1979 and emphasised that it was the moral obligation of all to do as much as possible to improve the employment opportunities of the candidates belonging to Scheduled Castes and Scheduled Tribes. In this context the private industry had to make special and conscious efforts in this direction by voluntary steps rather than through legislation. Following decisions were taken in the said meeting :—

1. Statistical data should be compiled by the Industries Association and Chambers of Commerce regarding the number of Scheduled Caste/Scheduled Tribe employees in the private sector at various levels by a sample survey or quick census.
2. The surplus apprentices, especially those belonging to Scheduled Castes and Scheduled Tribes, trained under the National Apprenticeship Scheme and available for jobs should be communicated to the Chambers of Commerce by the public sector agencies so that they could be absorbed if skilled persons were necessary in the private sector.
3. A system of regular reporting should be instituted by the Economic Adviser's office regarding the number of candidates belonging to Scheduled Castes and Scheduled Tribes as against the total staff in an organisation at different levels. This would provide valuable data for monitoring.
4. The existing instructions issued to Industrial Training Institutes and Employment Exchanges by the Ministry of Labour may be reviewed to find out whether employment opportunities of those belonging to Scheduled Castes and Scheduled Tribes have increased.
5. Where industrial units have their own Industrial Centres they may also be persuaded to recruit a fair share of Scheduled Castes and Scheduled Tribes representatives for their training programmes.
6. Trade Unions should also be suitably addressed in this regard so that they appreciate this problem in the proper perspective.

3.113. The decisions at (1) and (3) above are welcome. The data collected would give an idea of the existing position about the representation of Scheduled Castes and Scheduled Tribes and the efforts made by an organisation each year in the matter of recruitment of Scheduled Caste/Scheduled Tribe personnel. The suggestion at (2) above also is good but it is doubtful if the private employer would offer employment to the surplus trained Scheduled Caste/Scheduled Tribe candidates without any element of compulsion. **It is also regrettable to note that even the softer approach as indicated in the High Power Committee has not been translated into action by putting a condition on the private sector employers at the time of granting licenses/assistance to them that they will undertake to introduce reservation in their services. It is, therefore, strongly felt that if the Government is reluctant to introduce an element of compulsion by legislation on the private sector employers, it should at least make the private industry to accept the above condition.**

Constitutional/Statutory Bodies

3.114. One of the oldest outstanding issues which could not see its finalisation in spite of

the best efforts and after obtaining legal opinion, relates to the implementation of reservation orders for Scheduled Castes and Scheduled Tribes in the services under the constitutional bodies or bodies created under the Statutes of Parliament. According to legal opinion, the expression "in connection with the affairs of the Union or a State" appearing in Article 335 of the Constitution does cover the legislative wing of the "State" as also the statutory bodies and, therefore, these are required to give effect to the provisions of reservation orders issued by the Government from time to time. The question is not whether the reservation orders are implemented by such bodies, but whether the Commissioner can discharge his constitutional responsibility derived from clause (2) of Article 338, to investigate the working of service safeguards in these bodies and report to the President upon the working of these safeguards. In so far as the Secretariats of the Lok Sabha and Rajya Sabha are concerned, the matter was first raised in our Report for the year 1959-60 (paragraphs 16 & 17 of Section XIV) but after the Ministry of Home Affairs expressed its helplessness, the matter was dropped. Once again the question was discussed in the Report for the years 1971-73 (paragraphs 3.89—3.90) and again it had to be dropped.

3.115. The issue once again came up for discussion in the last report (paragraphs 3.15 to 3.20 of 1977-78 Report) when the challenge to the constitutional responsibility of the Commissioner also came from a statutory body. The position has been very clearly explained in that report as to the manner in which **the Commissioner for Scheduled Castes and Scheduled Tribes has been handicapped in the discharge of his constitutional obligation to investigate into the working of service safeguards and report to the President, in so far as working of these safeguards in the Secretariats of the Lok Sabha and Rajya Sabha are concerned on the one hand and the statutory bodies on the other. No final decision has been arrived at so far. As a last resort, it is suggested that either the President may obtain the opinion of the Supreme Court in the matter or amend Article 338(2) of the Constitution to exclude or include from the purview of the Commissioner the constitutional and statutory bodies.**

Ad-hoc **promotions**

3.116. The question of reservation for Scheduled Castes and Scheduled Tribes in posts filled by promotion on **ad-hoc** basis was last discussed in the Twenty-fourth Report for the years 1975-76 and 1976-77 (paragraphs 3.32 and 3.33). The efforts made till then emphasising the necessity of introducing reservation in these posts and the deliberations at the meeting of the High Power Committee held on 12th November, 1976 were highlighted therein. It was pointed out that the Railway Board had since issued orders in this regard and if the Government of India also issued such orders, it might help to curb the tendency of the administrative authorities to continue **ad-hoc** promotions for long period and thus deprive the Scheduled Caste and Scheduled Tribe employees of their due share in promotions. This issue came up once again before the High Power Committee at its Eighth meeting held on 20th October, 1978 wherein the Minister of Defence also observed that **ad-hoc** promotions continued for over one year. The Committee noted that the Government had since issued orders whereby the incidence of **ad-hoc** promotions will be largely minimised, but still there may be certain cases where such **ad-hoc** promotions may be inescapable. In such cases, the Committee felt that while making such **ad-hoc** promotions, the claims of Scheduled Caste/Scheduled Tribe employees should also be considered even though no formal reservations were to be made for them. On the basis of this opinion of the High Power Committee, the Government have issued instructions accordingly. **While the change in the mood of the High Power Committee and Government's orders are welcome, it is rather difficult to understand as to the manner in which the claims of Scheduled Caste/Scheduled Tribe employees would be kept in view. Since the Government have already issued instructions whereby to minimise the incidence of such promotions, very few such cases would arise. Why then this small number be kept outside the purview of reservation orders particularly when the High Power Committee has directed to keep the claims of Scheduled Caste/Scheduled Tribe persons in view?**

Special Cells

3.117. According to the Government of India instructions the Deputy Secretary in charge of administration in the Ministry/Department is to act as Liaison Officer in respect of matters relating to the representation of Scheduled Castes and Scheduled Tribes in all establishments and services under the administrative control of the Ministry/Department. He is to ensure compliance of orders and instructions pertaining to the reservation of vacancies and also to ensure that all returns and reports are submitted properly and in time. Likewise, in offices under the control of each Head of the Department, a Liaison Officer is to be nominated. These Liaison Officers are assisted by a cell set up in each Ministry/Department. While each Ministry/Department is required to set up a special cell to watch the implementation of reservation orders, according to available information, there are still some Ministries/Departments where no cell has been set up so far. Information received in this office shows that big organisations like Cabinet Secretariat, Comptroller and Auditor General of India, Election Commission, Ministry of Shipping and Transport, Ministry of Law, Justice and Company Affairs etc. do not have special cells and where these cells exist, these are not being provided adequate staff. Unless the cell is provided staff and other facilities, mere setting up of cell is not likely to serve any

purpose. **It is, therefore, strongly felt that Department of Personnel and Administrative Reforms should once again impress upon the Ministries/ Departments the need for setting up of special cells exclusively for work relating to Scheduled Castes and Scheduled Tribes with adequate staff particularly in bigger Ministries/Departments and organisations having substantial staff and in other organisations/offices at least one or two Assistants should be put on this job exclusively.**

Refresher courses on reservation for Scheduled Castes and Scheduled Tribes

3.118. As mentioned in the previous Report, the Institute of Secretariat Training and Management have started Refresher Courses on Reservation for Scheduled Castes and Scheduled Tribes in Services. It is understood that the Institute has already conducted three Appreciation Courses (upto December, 1979) meant for Liaison Officers mostly consisting of Deputy Secretaries and Under Secretaries in charge of administration with a view to ensuring proper implementation of orders/instructions regarding reservations and other concessions/relaxations provided for Scheduled Castes and Scheduled Tribes in Central Government Services. In these three Courses, 64 officers have been imparted training in the subject of reservation for Scheduled Castes and Scheduled Tribes in services. The Institute has also conducted four courses (upto December, 1979) for Section Officers and Assistants who are the actual people at the implementation level and maintain rosters and other records for giving effect to reservation orders and trained 130 officers in this process. **It is hoped that these courses would continue till all the Central Government offices are covered. In order to expedite this process it is suggested that at least 4 Appreciation Courses should be arranged for the Liaison Officers in a year and at least 12 (i.e. one each month) for Section Officers and Assistants and the intake of officers in these courses may be raised so as to impart this training to the maximum number feasible in as short a time as possible.**

3.119. **As the Institute of Secretariat Training and Management is conducting these courses mostly intended for Central Government Offices and that too benefit of these courses has been derived by the offices which are located in Delhi, there is need for holding Camp Courses in various important cities where a large number of Central Government Offices and Undertakings are located. It is also desirable that bigger establishments such as the Ministries of Railways, Communications, Defence etc. as also some of the big Undertakings having a large employment potential should arrange such courses specially confined to their officers with the help of the specialists from the Institute of Secretariat Training and Management as well as Office of the Commissioner for Scheduled Castes and Scheduled Tribes. The Food Corporation of India deserve appreciation in this regard, perhaps being the first such undertaking to start such courses for the benefit of Liaison Officers and Assistant Managers working in various zones.** The Food Corporation of India entrusted this work to their Central Training Institute which conducted these courses with the help of their faculty lecturers as well as guest lecturers from the Institute of Secretariat Training and Management and the office of the Commissioner for Scheduled Castes and Scheduled Tribes. It is understood that the Central Training Institute of the Food Corporation of India is going ahead with more such courses to follow. It is hoped that this Institute will provide a lead to a large number of other Undertakings, the Headquarters of which are located in Delhi. **The other Undertakings can either make their own arrangements or send their officers in the Central Training Institute in a phased programme so as to complete the process of imparting this training to the maximum number of officers as early as possible. A suggestion has also been made to the Bureau of Public Enterprises to start a Training Division in the Bureau on the lines of Institute of Secretariat Training and Management and arrange refresher courses on this subject for the officers of the Personnel Departments in all the Public Sector Undertakings. It is hoped that the Bureau would expedite the decision in this matter.**

Statistical Information regarding the representation of Scheduled Castes and Scheduled Tribes in services

(a) Central Government

3.120. Statistical Information indicating the total number of employees and the number of Scheduled Castes and Scheduled Tribes amongst them in various Central Government services as on 1-1-1979, as received from the Government in respect of 55 Ministries/Departments has been reproduced below :—

Class (Group)	Total strength including SCs and STs	Sch. Castes		Sch. Tribes	
		Number	%age	Number	%age
1	2	3	4	5	6
I(A) .	46,434	2,204	4·75	435	0·94
II(B) .	56,287	4,150	7·37	579	1·03
III(C) .	17,18,576	2,15,762	12·55	53,960	3·11
IV(D) (Excluding Sweepers)	12,71,254	2,45,596	19·32	65,975	5·19
Total .	30,92,551	4,67,712	15·12	1,20,449	3·89

Similar information for the last 5 years, i.e. as on 1-1-1974 to 1-1-1978, may be seen at Appendix XVIII. Details of the statistical information Ministry/Department-wise, as on 1-1-1979 have also been reproduced at Appendix XIX.

3.121. It would be seen from the above information that there is marginal increase in the representation of Scheduled Castes and Scheduled Tribes in all the groups as compared to the similar information as on 1-1-1978, but their representation in Group A, B and C posts is

still far below the level of 15% and 7½% respectively. It is unlikely that with the present rate of increase in the representation of Scheduled Castes and Scheduled Tribes, things will improve in the near future. It would be seen from the Ministry-wise information in this regard that in Class I posts there are only four Ministries/Departments viz. Department of Food, Department of Legal Affairs, Legislative Department and Ministry of Labour where the representation of Scheduled Castes has crossed even 10% but none of the Ministries so far could achieve the level of 15%. In the Cabinet Secretariat, Department of Parliamentary Affairs, Election Commission, Vice-President's office and the Department of Agricultural Research and Education the representation of Scheduled Castes is nil. In the case of Class II posts also the position in regard to the representation of Scheduled Castes is no better. There is only one Department i.e. Parliamentary Affairs which has 17.5% representation of Scheduled Castes as compared to total Class II officers. In other 10 Ministries/Departments their representation is between 10 to 15%. Even in the case of Class III posts, out of 55 Ministries/Departments, there are only 11 such Ministries/Departments, where the representation of Scheduled Castes has crossed the limit of 15%.

3.122. In the case of Scheduled Tribes the position is far from satisfactory. In Class I category there are 21 Ministries/Departments where there is not a single Scheduled Tribe officer on their rolls. There are 13 Ministries/Departments where their representation is less than 1%. There are however, two Ministries/Departments where their representation has gone beyond 3% but less than 4%. In regard to Class II posts, out of 55 Ministries/Departments representation of Scheduled Tribes is nil in 11 Ministries/Departments, less than 1% in 21 Ministries/Departments and less than 2% in 15 Ministries/Departments. There are only two Ministries where the representation of Scheduled Tribes in Class II posts has crossed 3% viz. Cabinet Secretariat (6.45% and Department of Science and Technology (3.13%). In Class III, there are only three Ministries which could reach their representation beyond 5% but none of these could come upto 7½%. There are 11 Ministries/Departments in this category where there is not a single Scheduled Tribe on their strength. In Class IV only 5 Ministries/Departments i.e. Railways, Home Affairs, Parliamentary Affairs, Department of Personnel and Administrative Reforms and Legislative Department could achieve the level of 7.5% but there is no representation of Scheduled Tribes in the President's Secretariat, Vice President's Secretariat, Election Commission, the Department of Agricultural Research and Education. In the remaining Ministries/Departments though the representation of Scheduled Tribes is there but it has not reached the prescribed percentage.

(b) All India and Central Services

3.123. As regards the representation of Scheduled Castes and Scheduled Tribes in All India and other Central Services, available information as on 1-1-1979 has been reproduced at Appendix XX. From the figures of the representation of Scheduled Castes, as compared to the similar information as on 1-1-1978, incorporated in our last Report for the year 1977-78 vide para 3.1, it would be seen that in majority of the cases there has been marginal increase in their representation, but in the case of Central Information Service, Central Engineering Service, Military Engineering Service (Buildings & Roads), there was slight decrease. The overall representation of Scheduled Castes is, however, yet to cross even 10% in majority of services. It is only in the case of Indian Foreign Service, Posts and Telegraphs Civil Engineering Services and Indian Inspection Service (Group A) that they were able to achieve a little higher than 10%. In the case of Scheduled Tribes, there are 9 such services where there is no representation of Scheduled Tribes at all. In other 5 services their representation is less than 1%. It is only in I.A.S./I.F.S. that their representation is beyond 5%.

(c) Public Sector Undertakings

3.124. The consolidated information about the representation of Scheduled Castes and Scheduled Tribes in public sector undertakings based on the statistics received from 159 enterprises as on 1-1-1978 has been reproduced below :—

Class/ Group	Total strength including SCs & STs.	Scheduled Castes		Sch. Tribes	
		No.	%age	No.	%age
I(A) .	75,833	1,537	2·03	354	0·47
II(B) .	79,575	2,928	3·55	725	0·91
III(C) .	10,66,962	1,73,910	16·30	79,106	7·41
IV(D) (Excluding Sweepers)	4,58,990	1,04,873	22·85	48,255	10·51
Sweepers	23,061	17,060	73·98	877	3·80
Total .	17,04,421	3,00,208	17·61	1,29,317	7·59

Details of the information undertaking-wise are not available. It is indeed very sad to point out once again that the Bureau of Public Enterprises have failed to supply this information even upto December, 1979. Even the consolidated information given above has been taken from the agenda notes for the High Power Committee meeting held on 20-10-1978. The Bureau of Public Enterprises must, therefore, take effective steps to supply the requisite information within three months from the close of each calender year.

3.125. It was almost over a decade back that orders regarding reservation for Scheduled Castes and Scheduled Tribes had been made applicable to various services under the public sector bodies but the figures for Group 'A' and

Group 'B' posts speak poorly of their representation even after the efforts made during the last ten years. **It has been our experience that many public sector undertakings, as will be seen from the para on studies into the working of service safeguards in these bodies, have been ignoring the directives on reservation for Scheduled Castes and Scheduled Tribes. It was further observed that efforts made to reduce the backlog of reservation in these bodies had been centred more or less on the Group 'C' and 'D' posts. As will be seen from the table above, serious efforts need to be made to recruit adequate number of Scheduled Castes and Scheduled Tribes against the vacancies reserved for them in Group 'A' and 'B' posts.**

(d) Nationalised and Public Sector Banks

3.126. Statistical information indicating the total number of employees and the representation of Scheduled Castes and Scheduled Tribes amongst them as on 31-12-1978 in various services/grades under the Nationalised/Public Sector Banks etc., as received from the Department of Banking, Government of India, has been reproduced at Appendix XXI. A brief summary of the percentages of representation of Scheduled Castes and Scheduled Tribes, grade-wise, in various financial agencies may be seen in the table below :—

	Officers		Clerks		Subordinate	
	SC	ST	SC	ST	SC	ST
1. Nationalised Banks . .	2·44	0·42	11·51	1·85	19·45	2·80
2. State Bank of India & subsidiaries .	1·39	0·25	12·11	2·11	20·48	2·08
3. Reserve Bank of India .	2·82	0·32	10·76	3·93	19·69	3·41
4. Industrial Development Bank of India	1·69	..	13·48	2·82	24·23	5·12
5. Industrial Finance Corporation of India.	3·05	..	9·85	0·85	25·17	1·36
6. Industrial Reconstruction Corporation of India .	2·72	0·28	11·78	3·81	20·01	3·44

It would be seen from the table above, that the representation of Scheduled Castes in officers' grade is just between 1 and 3 per cent whereas in the case of Scheduled Tribes it is yet to cross one per cent in this grade. In the case of Industrial Development Bank of India and Industrial Finance Corporation of India, there is not a single Scheduled Tribe officer on their rolls. In the case of clerical grade, the representation of Scheduled Castes is tolerably good but is yet to achieve the prescribed percentage of 15 per cent. In so far as the representation of Scheduled Tribes in this grade is concerned, the figures, still below 4 per cent depict a sad state of affairs. The representation of Scheduled Tribes even in the subordinate services is far from satisfactory.

Public Service Commissions

(a) Union Public Service Commission

3.127. During the year under report, there were three Members, two belonging to Scheduled Castes and one belonging to Scheduled Tribe in the Union Public Service Commission. On 16-2-1979 one of the Scheduled Caste Members, Dr. M. L. Sahare, was appointed as Chairman of the Commission.

(b) Railway Service Commissions

3.128. According to the information made available during the year, there were seven Railway Service Commissions located at Allahabad, Bombay, Calcutta, Gauhati, Madras, Muzaffarpur and Secunderabad, each having two members. In the Commission at Madras the Member belonging to Scheduled Castes who was appointed on 17-3-1976 continued to serve on the Commission, during the year under Report also. However, three new Members were appointed during the year, one belonging to Scheduled Tribes (Gauhati on 20-10-1978) and two belonging to Scheduled Castes (Allahabad on 5-5-78 and Secunderabad on 29-7-78). Besides two Members belonging to Scheduled Castes, one each in the Service Commissions of Bombay and Gauhati were appointed Chairman of the respective Commission on 2-9-78 and 8-1-1979 respectively. In addition one Member belonging to Scheduled Castes was appointed in the Railway Service Commission at Muzaffarpur on 28-4-1979. One post in this Commission was stated to be lying vacant. It would thus be seen that out of the 13 Members, including Chairman, four belonged to Scheduled Castes and one to Scheduled Tribe besides the two Chairman of the Bombay and Gauhati Commissions belonging to Scheduled Castes.

(c) State Service Commissions

3.129. As regards the State Service Commissions, the information is given in the following table :—

Sl. No.	Name of the Commission	Total No. including Chairman	Whether the Chairman belongs to SC/ ST	Other Members belonging to	
				SC	ST
1	2	3	4	5	6
1.	Andhra Pradesh.	4	No	1	..
2.	Assam . .	3	No	..	..
3.	Bihar . .	9	No	1	1
4.	Gujarat . .	3	Yes (SC)	..	1
5.	Haryana . .	5	No	1	..
6.	Himachal Pradesh	2	@	@	@
7.	Jammu & Kashmir	5	No	..	..
8.	Karnataka . .	7	Yes (SC)	..	..
9.	Kerala . .	7	No	1	..
10.	Madhya Pradesh.	5	No	..	1
11.	Maharashtra .	6	No	1	..
12.	Manipur . .	3	No	..	1

1	2	3	4	5	6
13.	Meghalaya .	3	Yes (ST)	..	2
14.	Orissa . .	3	No	..	1
15.	Punjab . .	6	No	1	..
16.	Rajasthan . .	5	No	..	..
17.	Tamil Nadu .	7	No	1	..
18.	Uttar Pradesh .	9	No	2	..
19.	West Bengal .	6	*Yes (SC)	..	..
20.	Tripura . .	3	No	..	1
	TOTAL . .	99	SC-3, ST-1	9	8

Pre-examination Training

3.130. According to the statistical information received from various pre-examination training Centres functioning at Allahabad, Madras, Patiala, Jaipur, Shillong and Delhi, to provide pre-examination coaching to Scheduled Caste/Scheduled Tribe candidates appearing for All-India Services Examinations held during 1978, 178 Scheduled Caste and 79 Scheduled Tribe candidates underwent training in these Centres. Details about the number of Scheduled Caste/Scheduled Tribe candidates who appeared in the examinations and number of such candidates finally selected in Indian Administrative Service/Indian Police Service and Allied Services, alongwith the similar details about the candidates who underwent training in the Engineering Centres functioning at Allahabad and Tiruchirapalli for the combined Engineering Services Examination, 1978 may be seen at Appendix XXII. It would be seen from the information received from various Centres that against the provision of Pre-examination training for 390 Scheduled Caste/Scheduled Tribe trainees in these eight Centres, only 286 Scheduled Caste/Scheduled Tribe candidates could be admitted for such training during 1978-79. This needs to be looked into so as to ensure that there is optimum use of the scheme formulated to enhance the chances of success of Scheduled Caste/Scheduled Tribe candidates in the All-India Services Examinations.

Special studies into the working of service safeguards

3.131. In his very first report for the year 1951, the Commissioner for Scheduled Castes and Scheduled Tribes had suggested that an Officer of the Government of India should be allowed to pay surprise visits to the Ministries and other offices to check up the relevant records regarding implementation of service safeguards. The Government did not accept this suggestion on the plea that the step would be resented by other Ministries. The Commissioner had, therefore, to make use of his own machinery to investigate into the working of service safeguards. As the machinery at his disposal was not adequate enough to cover all the offices under the Government of India and State Governments etc. he had to be content with random studies conducted by his staff from time to time.

3.132. In his report for the year 1969-70 he expressed the hope that the Government would appreciate the importance of the proposals made to the then Department of Social Welfare for additional staff for the purpose of enabling the Commissioner to undertake on-the-sopt studies. In his report for the year 1974-75, the Commissioner presented the plain facts that with only 71 persons and a little over Rs. 8 lakhs as his budget, his organisation was expected to look after the uplift of Scheduled Castes and Scheduled Tribes who constituted over one-fifth of the country's population in socio-economic and service matters. With only three Research Officers and just two Investigators allocated for this purpose, the Commissioner felt greatly handicapped to conduct studies into the working of service safeguards in the several thousands of independent recruiting offices under the Government of India, Statutory and autonomous bodies, State Governments and the public sector undertakings under their control. According to his estimates, one complete study took two to three weeks for a study team consisting of one Research Officer and one Investigator. This includes preliminary work for collection of basic data, processing and analysis of data collected during the study, drafting of report and also follow-up action after the study. **Thus with the present working strength, it would take decades to conduct the studies into the working of service safeguards in all the organisations only once leaving aside the need for repeat studies to assess the improvement brought about as a result of the first study. Based on the above estimates the Commissioner could have put forth a claim of fifty to hundred study teams which could spread themselves in the Government offices in every nook and corner of the country, but he preferred to strike a reasonable balance between the need and feasibility keeping in view the prevailing economic position. He, therefore, recommends the bare minimum of ten such teams, each consisting of one Research Officer and two Investigators with supporting stenographic and clerical staff.**

3.133. **Needless to mention that every study that is conducted by this organisation results in straightening up of the records in the concerned organisation and if more such studies could be conducted, it would speed up the process of achieving the goal of adequate representation of Scheduled Castes and Scheduled Tribes in the services under the 'State' as enunciated in Article**

@ Information in respect of Himachal Pradesh not received. However on the basis of last report there were in all two members in this Commission.

* In West Bengal, a Member belonging to Scheduled Castes relinquished charge on 26-10-1978. His successor does not belong to Scheduled Caste or Scheduled Tribe.

16(4) of the Constitution. It is therefore, hoped that since the Government is interested in keeping a watch over the welfare of Scheduled Castes and Scheduled Tribes who enjoy special privileges under the Constitution, and expediting the achievement of the goal of adequate representation of Scheduled Castes and Scheduled Tribes in the services, it would realise the imperative need for strengthening the machinery for watching the implementation of service safeguards in the office of the Commissioner for Scheduled Castes and Scheduled Tribes.

3.134. During the year under report and for quite some time even thereafter, there was only one Research Officer and only one Investigator who were bound down with the work relating to the annual report of the Commissioner, first for the year 1977-78 and then for the year 1978-79, besides usual secretariat work. As such not many studies could be undertaken. However, despite these restraints, by the time of submission of this report, studies were undertaken in the following offices/undertakings. Copies of the reports of the study teams, may be seen at Appendices XXIII to XXXVIII.

1. Central Water Commission, New Delhi, under Ministry of Agriculture and Irrigation.
2. Hindustan Paper Corporation, Calcutta under Ministry of Industry.
3. National Instruments Ltd., Calcutta (Repeat study) under Ministry of Industry.
4. Central Inland Water Transport Corporation, Calcutta under Ministry of Shipping and Transport.
5. Directorate of Education Himachal Pradesh, Simla.
6. Himachal Road Transport Corporation, Simla (State Government undertaking).
7. Himachal Pradesh Tourism Development Corporation, Simla (State Government undertaking).
8. Education Department, Government of Punjab.
9. Education Department, Government of Haryana.
10. Education Department, Chandigarh Administration.
11. Labour Bureau, Chandigarh under Ministry of Labour.
12. Hindustan Machine Tools Ltd., Pinjore under Ministry of Industry.
13. Bharat Electronics Ltd., Ghaziabad under Ministry of Defence.
14. Central Electronics Ltd., Ghaziabad under Department of Science and Technology.
15. Delhi State Industrial Development Corporation, New Delhi.
16. National Textile Corporation, New Delhi under Ministry of Commerce.

3.135. Some of our investigations into the working of service safeguards revealed the negligence and reluctance on the part of authorities to implement reservation orders. The findings of the studies so conducted are forwarded to the concerned authorities for follow-up action and they are expected to complete the follow-up action and report to the Commissioner as expeditiously as possible. In many cases, the follow-up action was delayed for considerably long time and therefore on our request, the Department of Personnel and Administrative Reforms issued instructions that necessary follow-up action should be completed and action taken reported to the Commissioner within six months. The instructions also say that where for any reason it was not possible for any authority to adhere to this time schedule, reasons therefor should be communicated to the Commissioner before the expiry of six months. It is pertinent here to point out one glaring case of flouting the reservation orders in general and failure to rectify the situation by taking necessary action on the report of the study team deputed by the Commissioner. The case relates to Indian Institute of Technology, Kanpur.

3.136. Statute 12(2) of the Indian Institute of Technology provided that "that while making appointments the appointing authorities shall take into consideration the claims of Scheduled Castes/Scheduled Tribes consistently with the maintenance of efficiency of administration and teaching at the institution". This clause was later amended by a Resolution in the meeting of the Board of Governors held on 15th February, 1972 where in it was provided that "while making appointments the Institute shall make necessary provision for the reservation of posts in favour of Scheduled Castes/Scheduled Tribes in accordance with the decision of the Board". In between there was lot of correspondence on the subject between the Ministry of Education and the Indian Institute of Technology, Kanpur; the Ministry impressing upon the institute to implement the policy of reservation for Scheduled Castes and Scheduled Tribes and the Institute trying to evade the issue. Initially the Institute took refuge under statute 12(2) saying that there was no clear provision for reservation in it. Later when this provision was approved by the Board an excuse was sought that no specific percentages had been fixed. It was clarified to the Institute by the Ministry of Education in December, 1970 that the percentages had already been prescribed by the Government and the same were applicable to the statutory/autonomous bodies like the Indian Institute of Technology in accordance with the Ministry of Home Affairs O.M. No. 38/3/70-Est(SCT) dated 16-5-1970. Later it thought that the approval of the Visitor was necessary before giving effect to the reservation policy which was allowed to linger on by the Ministry till August, 1974. In between the Institute tried to contradict itself by saying on 21-11-1969 that the Institute had been applying the reservation orders and again on 9-3-1973

reiterating that there was no provision for reservation of vacancies for Scheduled Castes and Scheduled Tribes. The Ministry of Education advised the Institute that the matter might be given top priority as the progress had to be reported to the Cabinet Secretariat in connection with the meeting of the High Power Committee under the Chairmanship of the Prime Minister. During the course of its meetings held on 19th and 20th January, 1973 the Parliamentary Committee also sought information on the implementation of reservation orders in the institution. Despite all these efforts not much headway could be made in this regard. Even the resolution dated 15th February, 1972 of the Board of Governors was sent to the Ministry of Education on 28th February, 1973 for seeking the approval of the Visitor and the Ministry of Education took another 1½ years to convey the approval of the Visitor. Finally the orders regarding reservation for Scheduled Castes and Scheduled Tribes in the services of the Indian Institute of Technology, Kanpur were issued on 5th September, 1974.

3.137. **It is thus clear that the Indian Institute of Technology, Kanpur have been very much reluctant to implement the orders regarding reservation for Scheduled Castes and Scheduled Tribes in their services.** In the meantime an individual case of one Shri R. R. Verma was also reported to the Commissioner alleging that he was not being appointed in the post of Office Superintendent in clear violation of the policy of reservation and directive from the Chairman of the Board. Following the allegations about serious lapses in implementing the reservation orders, the Commissioner for Scheduled Castes and Scheduled Tribes deputed a study team to the Institute in March, 1978 in order to find out the correct position with regard to reservation orders. The team submitted its findings and its report was sent to the Ministry of Education and the Indian Institute of Technology in May, 1978. But instead of expediting action on various suggestions contained in the report of the study team and to rectify the situation as also to fix responsibility for the inordinate delay in the implementation of reservation orders, the Indian Institute of Technology authorities have sought to confuse the issue of non-implementation with the case of Shri Verma against whom such charges as tampering of documents, production of false certificates etc. have now been levelled. The Commissioner is concerned with the implementation of reservation orders and individual cases are cited by way of illustration during the course of investigation and where such cases merit consideration consistant with the policy of reservation, the Commissioner is within his right to press for immediate remedial steps. **We have been pressing the Indian Institute of Technology authorities to complete the follow-up action on the findings of the study team and also to fix the responsibility for the inordinate delay in the implementation of reservation orders from the very beginning.** In May, 1979 an interim report accepting some of our recommendations was received from the Institute. It was stated that the final report on the issues referred to the Board of Governors would be furnished after the decision of the Board was taken.

3.138. While another interim report has been received in December, 1979, it is still silent on the question of fixing the responsibility for the delay in adoption of the reservation policy. On other issues also the delaying tactics are being applied. For example, while the advice of the study team for grouping of posts for the purpose of reservation orders in direct recruitment has been accepted by the Board, the advice for maintenance of separate rosters in the case of promotion has been sought to be examined by the Legal Adviser. It appears quite strange. After all what has the Legal Adviser to do in matters of policy which emanate from the Department of Personnel and Administrative Reforms and who are the rule making authority in this regard? And if there is any doubt on any matter, it is the Department of Personnel and Administrative Reforms who are the competent authority to clarify. Thus reference of this matter to the Legal Adviser appears to be another device to delay the implementation of reservation in posts filled by promotion. Again the Board decided to refer the suggestions of the study team in regard to the flaws in the existing promotion/assessment policy, to the Ministry of Education and Social Welfare and ordered that in the meantime existing "Non-teaching staff Recruitment and Promotion Rules, 1977" be continued to be followed. Though all vacant posts are proposed to be released for open advertisement, it is only provided that while selecting candidates against such posts, preference should be given to qualified internal Scheduled Caste/Scheduled Tribe candidates followed by external Scheduled Caste/Scheduled Tribe candidates. Thus on the one hand the promotion policy question has been referred to the Ministry, on the other hand only a preference is sought to be given to internal and external Scheduled Caste/Scheduled Tribe candidates in open advertisement posts instead of applying clearcut reservation in such direct recruitment posts. **Therefore, it can safely be concluded that the authorities in Indian Institute of Technology, Kanpur are yet not mentally prepared to implement the scheme of reservation. It is strongly felt that the authorities of the Indian Institute of Technology, Kanpur, instead of trying to find alibies to delay the execution of reservation policy, should seriously consider how best to apply the reservation orders and fall in line with other institutions in honouring the constitutional provision for providing adequate representation to the Scheduled Castes and the Scheduled Tribes.**

3.139. In yet another instance, the team of the Commissioner for Scheduled Castes and Scheduled Tribes which visited Simla in November, 1979 to study the rosters and other records maintained by Central and State Government offices

located at that place, had to face an ackward situation. The team was to undertake a study of rosters etc. in the Labour Bureau, an attached office of the Ministry of Labour. In spite of advance notice given to them as well as to the Ministry of Labour, one of the authorities connected with the Labour Bureau at Simla, Chandigarh, and New Delhi cared to inform the Commissioner that the records to be examined by the team were not at Simla but at Chandigarh. The result was that the team had to return without doing its job in the Labour Bureau. The matter was taken up with the Ministry of Labour who regretted in the matter and also informed that the concerned officers had been cautioned for the lapse on their part.

Brochure on Reservation for Scheduled Castes and Scheduled Tribes in Services

3.140. The Department of Personnel and Administrative Reforms, Ministry of Home Affairs have brought out so far five editions of the compendium known as the Brochure on Reservtion for Scheduled Castes and Scheduled Tribes in Services. This Brochure contains, besides the summary of all the orders/instructions issued by the Government of India, copies of all these orders/instructions and is, therefore, a very useful book for the authorities charged with the implementation of reservation orders. Due to growing demand for this book, 10,000 copies of its fifth edition were printed by the Department of Personnel and Administrative Reforms. Over 9000 copies thereof which were put on sale were exhausted within a few months. Department of Personnel and Administrative Reforms was therefore requested to have a re-print of the same. Since that Department would like to up-to-date it and there will be further delay in printing, the Commissioner appreciated the efforts on the part of his officers to bring out a summary of all the orders issued by the Government of India. This summary note may be seen at Appendix XXXIX.

Anti-Reservation Activities on the Part of Non-Scheduled Caste/Scheduled Tribe Government Employees

3.141. As pointed out in the Report for the year 1971-73, the policy of reservation in posts filled by promotion was opposed by some of the labour/trade unions in the public sector undertakings. This anti-reservation lobby raised its head in some Government offices as well. In his Report for the years 1971-73 (Paragraphs 3.235 to 3.237), the Commissioner referred to the perverted thinking prevailing among some ignorant persons who thought that the reservations provided for Scheduled Castes and Scheduled Tribes in the Central, State and other services was against the principle of equality as guaranted under Article 16 of the Constitution. The Commissioner, therefore, cautioned the Central and State Governments that if these activities were not checked in time, these could lead to creation of an avoidable and unfortunate gulf between the Scheduled Castes and Scheduled Tribes on the one hand and the rest on the other. At that time, the matter was referred to the Department of Personnel who passed it on to the Ministry of Home Affairs. That Ministry informed that these activities did not warrant any action on the plea that expression of opinion by any one did not constitute anti-constitutional activity. According to Ministry of Home Affairs any action under the Government Servant's Conduct Rules or any other provision under the law, could be proved to be *ultra-vires* of the Constitution. This timely warning was not heeded by the Ministry of Home Affairs with the result that this monster of anti-reservationists started raising its head in more severe form in 1978 and is still continuing as would be evident from the following instances besides those already referred to in paragraph 3.236 of the 1975-77 Report :—

(i) The Scheduled Castes Uplift Union, Dehra Dun Branch in its Memorandum dated 26-4-78 to the Prime Minister with copy to the Commissioner for Scheduled Castes and Scheduled Tribes intimated that on receipt of a representation from the Akhil Bhartiya Shoshit Karamachari Sangh, Ajmer and CDA(P) Allahabad the Secretary of the Section Officers (Accounts) Club in the office of the CDA (Air Force), Dehra Dun got the permission of the CDA to hold a meeting and following statements were made which amounted to adverse criticism of the Government policy and the provisions regarding service safeguards made in the Constitution. It was pointed out that these statements made during the course of the meeting made the situation in that office quite explosive and likely to affect the relations between the Scheduled Caste and Scheduled Tribe employees on the one hand and the general category employees on the other.

  (a) that the Government is giving the concession of reservation to this community for catching their votes.

  (b) that the members of this community are unfit and inefficient for promotion etc. in the office work.

  (c) that the Supreme Court decision of 1974 regarding promotion of Scheduled Castes/Scheduled Tribes Section Officer (A) to Accounts Officer grade was illegal and unjustified.

  (d) that the members other than Scheduled Castes/Scheduled Tribes must be united to start struggle against this community.

  (e) that he has got written permission of CDA(AF) for such activities in the office premises.

(ii) The President of the Chandigarh Scheduled Castes Welfare Association in a communication to the Chairman of the Commission for Scheduled Castes and Scheduled Tribes on 30-9-1978, informed that in the Punjab State, anti-Scheduled

Caste movement had been vehemently launched not only be the public in general but also by the Government servants in particular. He mentioned the particular name of Shri Sukhdev Khanna, Advocate of Patiala who is the President of the Anti-Scheduled Castes Association. The President of the Chandigarh Scheduled Caste Association pointed out that such activities on the part of these persons tend to aggravate tension and might lead to disturbances and communal disharmony and wondered as to why the Government of Punjab allowed such activities particularly by the Government employees including Gazetted officers of the Punjab Civil Secretariat and why the Government is not inclined to ban such anti-constitutional and anti-national activities on the part of non-Scheduled Caste/ Tribe Government associations.

(iii) The Vice-President of the All India Federation of Scheduled Castes/Scheduled Tribes, Backwards and Minorities Employees' Welfare Association, New Delhi (Kampttee Branch—Maharashtra) reported that the Reserve Bank of India Trade Union, Nagpur had refused to take up the grievances of Scheduled Caste/ Scheduled Tribe employees with the management which resulted in differences between the Scheduled Castes/Scheduled Tribes, and general members and ultimately led to the general members of the Trade Unions coming out openly against the very provisions of reservation for Scheduled Castes and Scheduled Tribes.

(iv) The founder of the Scheduled Caste Uplift Union, the All India Scheduled Castes and Scheduled Tribes Railway Employees Association etc. alleged that a number of anti-Scheduled Caste/Tribe organisations had come into being which were even encouraged openly by some members of Parliament. He urged the Prime Minister for appropriate action against such Members of Parliament. He also pleaded for a ban on all anti-Scheduled Caste/Tribe organisations.

(v) The President of the Republican Party of India, Tamil Nadu, Madras pointed out that a group of Caste-Hindu employees of the Posts and Telegraphs Department were being freely allowed to assemble in the office premises of the Post Master General, Tamil Nadu circle under the guise of trade union activity and were attacking the constitutional guarantees afforded to Scheduled Castes/Scheduled Tribes and also passing resolutions condemning the concessions extended to the members of these communities. It is alleged that these persons are also allowed to move freely from section to section collecting donations for propagating these intentions. Even a circular calling for an extra-ordinary meeting of the General Body of the All India P & T A:O Association to consider the lodging of protest against the reservation for Scheduled Castes and Scheduled Tribes was displayed on the Notice Board of the office of the Post Master General, Tamil Nadu circle.

(vi) The Secretary of the Scheduled Castes and Scheduled Tribes Welfare Association, Postal Accounts Audit, Tamil Nadu circle, Madras also reported that the Government policy of reservation for Scheduled Castes/Scheduled Tribes in Government offices and educational institutions was condemned at a meeting held under the auspices of the local branch of an All India Trade Union Organisation, held in the office premises of the Post Master General, Tamil Nadu circle. He also urged that such activities should be curbed.

(vii) The Additional Divisional Secretary of the All India Scheduled Caste and Scheduled Tribe Railway Employees Association, Branch Office, Mughalsarai, Varanasi in a communication addressed to the Prime Minister stated that the authorities of the Plant Depot, Mughalsarai Eastern Railway were anti-Scheduled Caste/Tribe and were harassing the Scheduled Caste/Scheduled Tribe employees on one or the other pretext. He cited a number of instances.

(viii) The General Secretary of the Government Employees Scheduled Castes and Scheduled Tribes Federation, Tamil Nadu Madras reported that certain non-scheduled Caste/Tribe organisations have been formed which are working to the detriment of the interests of Scheduled Caste and Scheduled Tribe employees. He also pointed out that two nation-wide trade union organisations of the Posts and Telegraphs, viz. NFPTE and ENPTO are indulging in these activities and propagating for the abolition of the rights and privileges of the Scheduled Castes/Scheduled Tribe employees and urged the Government to take necessary action against these organisations.

(ix) Following functionaries of the Posts and Telegraphs Scheduled Caste/Scheduled Tribe Employees' Union also sent telegrams protesting against the move by General Service Unions against reservation in promotional posts :

(a) President, Scheduled Caste/Scheduled Tribe P & T Employees' Union, Ramanathapuram,

(b) President, Scheduled Caste/Scheduled Tribe P & T Employees' Union, Muruklathur,

(c) Secretary, Scheduled Caste/Scheduled Tribe P & T Employees' Union, Tuticorin,

(d) President, Scheduled Caste/Scheduled Tribe P & T Union, Paramakudi,

(e) President, Scheduled Caste/Scheduled Tribe P & T Employees' Union, Aurangabad,

(f) General Secretary, Scheduled Caste/Scheduled Tribe P & T Employees' Coordination Council, Secunderabad.

(x) The President of the All India Scheduled Caste/Scheduled Tribe Central and State Governments Employees' Welfare Association, Ramanathapuram Branch, in an open letter also pointed out that the trade union organisations in the Posts and Telegraphs Department, viz. NFPTE and ENPTO have opened a front in the service unions giving a call for raising their voice against the reservation and concessions granted to Scheduled Castes and Scheduled Tribes. He, therefore, appealed his brethren to cry a halt to this foolhardiness and urged them to unite and fight against such activities.

(xi) The General Secretary of the State Trading Corporation of India Scheduled Caste/Scheduled Tribe Employees' Association, New Delhi brought to the notice of the Commissioner for Scheduled Castes and Scheduled Tribes that a non-Scheduled Caste/Tribe Employees' Association had been formed by the Deputy Legal Adviser in State Trading Corporation of India opposing the Government policy of reservation for Scheduled Castes/Scheduled Tribes in promotion and also suggesting economic criterion as the sole basis for reservation. The President of the non-Scheduled Caste/Scheduled Tribe Employees' Association also represented to the Secretary, Ministry of Commerce with a copy to the Commissioner for Scheduled Castes and Scheduled Tribes, opposing that Ministry's orders on the subject of de-reservation of reserved vacancies.

(xii) The Chairman of the All India Scheduled Castes/Scheduled Tribes and Backward Classes Employees' Coordination Council, Calcutta brought to the notice of the Commissioner in July, 1978 that the life and honour of the Scheduled Caste/Scheduled Tribe employees in different departments, particularly in Railways had become more insecure due to anti-Scheduled Castes/Scheduled Tribes feelings, as vast number of non-Scheduled Caste/Scheduled Tribe employees had combined to resist the rights and opportunities in services for Scheduled Caste/Scheduled Tribe employees under the provisions of the Constitution. In this process, the non-Scheduled Caste/Scheduled Tribe employees had threated to take various cases arising out of the reservation to Courts. In one such case, the non Scheduled Caste/Scheduled Tribe employees of Eastern Railway Branch contested the promotion of Scheduled Caste/Scheduled Tribe employees in the Calcutta High Court, and the aforesaid Council informed the Commissioner that the Railway's Advocate did not object to the injunction plea against the promotion of Scheduled Caste/Scheduled Tribe candidates. The associations of non-Scheduled Caste/Scheduled Tribe employees have started issuing leaflets against "unwholesome reservation" in the wake of judgments given by the Allahabad High Court in the case of Guards of the Northern Railway of Moradabad Division in Uttar Pradesh.

(xiii) The President of the All India Posts and Telegraphs Scheduled Caste/Scheduled Tribe Employees' Union has pointed out in his representation dated 30th November, 1978 to the President of India that in Tamil Nadu, the organisation named All India non-Scheduled Caste/Scheduled Tribe Federation has been formed which is trying to create communal differences among the Government servants or Central and State Governments by way of passing resolutions against the Government policy on reservations in appointments and promotions. According to him, the newly formed organisation of non-Scheduled Caste/Scheduled Tribe employees is an illegal body with the sole object of opposing the constitutional provision in respect of reservation for Scheduled Castes and Scheduled Tribes and therefore, amounts to clear violation of Indian Constitution.

(xiv) The Sr. Personnel Manager of Hindustan Photo Films Manufacturing Company Ltd., Indu Nagar while giving his comments on the points raised in the representation from the Scheduled Caste/Scheduled Tribe employees Association indicated that in September, 1978 they received a letter from non-privileged class of Scheduled Castes/Scheduled Tribes indicating the information of an association on the lines of what it called the All India Oppressed Classes Association (Railways). The Senior Personnel Manager indicated that the management ignored that letter, but it is a clear indication of the contagious disease spreading from one organisation to another against the policy of reservation for Scheduled Castes and Scheduled Tribes.

(xv) The State Trading Corporation of India Scheduled Castes and Scheduled Tribes Employees' Association informed the Commissioner in February, 1979 that an

organisation known as Non-Scheduled Caste/Scheduled Tribe Employees' Association had been formed by one of the Deputy Legal Advisers in the State Trading Corporation of India. This association was reported to be opposed to the very principle of reservation in services for Scheduled Castes and Scheduled Tribes on caste basis. He pleaded that the policy of reservation had absolutely no justification and that it created frustration and spread unrest, resentment and hatred among the employees. The State Trading Corporation of India management with whom the matter was taken up confirmed the formation of the Non-Scheduled Caste/Scheduled Tribe Employees' Association but stated that it did not take cognizance of that association nor did it entertain any correspondence with them.

(xvi) During the course of study into the working of service safeguards, in November, 1979 the study team of the Commissioner for Scheduled Castes and Scheduled Tribes learnt from an officer of the Himachal Pradesh Tourism Development Corporation, Simla, that an association known as the "Jatiya Adhar Par Arakshan Hatao Sangh" had been formed and members of that body were collecting funds for spreading their activities.

3.142. The Department of Personnel and Administrative Reforms to whom a detailed note on the above activities was sent by the Commissioner, have held that mere expression of opposition to the reservation policy of the Government or even the constitutional provision pertaining to reservation, by Government servants in the form of representation or by lawful means cannot be taken as constituting a violation of the Conduct Rules or, for that matter, the contempt of the Constitution. **The Commissioner does not agree with this contention of the Department of Personnel and Administrative Reforms and would, therefore, like the Government to refer the matter to the Ministry of Law for their opinion whether any activity on the part of Government servant not only opposing the reservation policy of the Government has enforced in accordance with the provisions of the Constitution, but also carrying on in an organised manner an agitation against the very principle of reservation in their respective organisations even during office hours and inside office premises, constitutes an activity to warrant action against them under the Government Servants' Conduct Rules or not. The Ministry of Law may also be requested to indicate whether employees not belonging to Scheduled Castes/Scheduled Tribes can form associations with the sole object of opposing the reservation policy and carrying on activities with a view to influencing the administrative Ministry/Department concerned and trying to bring pressure upon them to go slow in the matter of implementation of reservation orders.** According to press reports recently in December, 1979 an open rally was organised by the All India Non-Scheduled Caste/Scheduled Tribe Employees' Confederation in Delhi protesting against the caste-based reservation policy of the Government and demanding a referendum on the question of caste-based reservations. The rally is reported to have marched to the Rashtrapati Bhawan and submitted a memorandum to the President of India to that effect. This rally received wide coverage on radio and television also.

3.143. The situation appeared quite serious at Chandigarh, the Headquarters of two States, Punjab and Haryana and of the Union Territory of Chandigarh. The issue was taken up by the office of the Commissioner with the Government of Punjab. It was emphasised that suitable action might be taken to curb the unconstitutional and anti-reservation activities so as to protest the interests of the Scheduled Castes and Scheduled Tribes. In a reply to the Commissioner, the Government of Punjab, while forwarding a copy of their circular for strict observance of lunch break from 1.30 P.M. to 2.00 P.M., has said that "according to Article 19(1)(C) of the Constitution of India, all citizens have the right to form Associations/Unions, but clause 4 of the said Article empowers the State Government to impose reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interest of the sovereignty and integrity of India, a public order or morality. Action in this regard falls within the purview of the Union Administration of Chandigarh being concerned with the maintenance of law and order. On a reference received from Chandigarh Union Territory Administration, the State Government have, however, issued necessary instructions for strict observance of lunch break from 1.30 P.M. to 2.00 P.M. daily. In their circular, the Government of Punjab (General Establishment Branch) has observed "It has been brought to the notice of the Government that the non-Scheduled Caste Employees' Association has been holding regular rallies in Sector 17 at lunch break to demand the abolition of caste-based reservation system. Counter rallies by the Scheduled Castes/Scheduled Tribes and other Minorities Employees Welfare Association are also being held. It has been reported by the Chandigarh Union Territory Administration that these rallies start exactly at 1.30 P.M. and continue till 2.30 P.M. and then too the employees disperse only after much persuasion by the Police deployed by the Chandigarh Administration to maintain law and order and to prevent the rival groups from clashing with each other. The employees generally leave their offices at 1.15 P.M. and come back to thier seats at 2.45 or 3.00 P.M.". It is hoped that the precautionary measures taken by the Government of Punjab may help case the situation to some extent.

3.144. **Needless to mention in this regard that such an activity does create a great deal of ill-feelings between the Scheduled Castes and Scheduled Tribes on the one hand and those opposing this policy on the other. It is high time that this tendency is curbed effectively otherwise it is likely that more serious consequences may follow.**

Complaints Relating to Denial of Justice in Service Matters

3.145. Summaries of the some important cases in which we could achieve success in restoring justice to the affected Scheduled Caste and Scheduled Tribe persons as well as cases where we could not succeed in spite of our persistent efforts are given in the following paragraphs to highlight how justice has been denied or delayed to the weaker sections of the society and how the Government orders and instructions for the safeguard of their interests have been disregarded :—

(1) Representations were received some time in 1977 alleging that orders regarding reservation for Scheduled Castes and Scheduled Tribes in posts filled by direct recruitment as well as promotions were not being followed in the Central Board of Secondary Education, Delhi. On enquiries being made from the Board, it was learnt that the rules for reservation for Scheduled Castes and Scheduled Tribes in posts filled by direct recruitment were implemented from 1-9-1970. However, reservation orders in posts filled by promotion were made effective from 15th December, 1977. This meant a delay of over 5 years in the implementation of reservation orders in promotional posts since reservation in promotional posts was introduced on 27th November, 1972. The matter was, therefore, taken up with the Ministry of Education and Social Welfare to find out the reasons for such an inordinate delay. After protracted correspondence the Department of Education informed us that the Finance Committee of the Central Board of Secondary Education thoroughly examined the issue and concluded that this lapse on the part of the Board was unintentional. It is very difficult to convince oneself that the delay of five long years was unintentional It had done a great harm to the Scheduled Caste/Scheduled Tribe employees who were eligible for promotions on the basis of reserved quota during all these 5 years and were deprived of their due benefit in promotional posts. In any case, the Central Board of Secondary Education has been advised to indicate the steps taken by them to clear the backlog of reserved vacancies in promotional quota.

(2) One Post-Graduate Teacher in a Higher Secondary School under New Delhi Municipal Committee approached the Commissioner for Scheduled Castes and Scheduled Tribes in November, 1975 that his claim for promotion was being ignored as Vice-Principal. He further alleged that the recruitment rules were amended to suit the convenience of the New Delhi Municipal Committee authorities with an intention to deprive Schedule Caste candidates of promotion. The matter was taken up with the President, New Delhi Municipal Committee and after protracted correspondence it emerged in October, 1978 that since the Post-Graduate Teacher concerned was not fulfilling the prescribed qualifications for the post of Vice-Principal/Deputy Education Officer in terms of recruitment rules, his case could not be considered. The matter was again taken up pointing out that the present recruitment rules for these posts were made applicable only w.e.f. April, 1977 i.e. after the last selection for promotion to the post was made. This office called for a copy of earlier recruitment rules and also sought whether relaxation in the length of service was given in promotions when last selection was made. New Delhi Municipal Committee authorities informed in October, 1979 that no candidate was given promotion to the post of Vice-Principal/Deputy Education Officer by relaxing length of service of 5 years as Post-Graduate Teacher in the selection held in January, 1977. This office has further asked the New Delhi Municipal Committee authorities in November, 1979 to intimate whether the name of the Post-Graduate Teacher in question was considered for confirmation in the meeting convened for the purpose in the year 1974. A reply to the querry is still awaited from New Delhi Municipal Committee.

(3) A temporary Chowkidar belonging to the Scheduled Caste working in the office of Pay Office (Defence Civilians) Madras approached the Commissioner for Scheduled Castes and Scheduled Tribes with a complaint that he was discharged from service in August, 1976 despite clean service record. He pleaded that since he had to go on leave because of his domestic circumstances the authorities had chosen to penalise him. The matter was taken up with the concerned authorities who informed in March, 1979 that the person concerned was reinstated in service by taking a lenient view, as he belonged to a reserved community.

(4) One Senior Chargeman belonging to the Scheduled Caste working in Naval Dockyard represented to the Commissioner

for Scheduled Castes and Scheduled Tribes in June, 1975 that although he was promoted to the post of Senior Chargeman in December, 1972 he was not paid the emoluments due to that post. The matter was taken up with the Ministry of Defence who informed this office in September, 1975 that payment could not be made to the person concerned because CDA (Navy) did not admit pay and allowances on the ground that the individual belonged to the post of Tradesman Group 'B' and was not eligible to hold the post of Senior Chargeman. The matter for regularising his promotion was taken up by the Naval Headquarters with the Ministry of Defence. This office was informed in March, 1979 that the promotion of concerned person has since been regularised in the grade of despatch expeditor which is equivalent to the post of Senior Chargeman and appears of pay and allowances have also since been paid to him.

(5) A Scheduled Caste employee working as Punch Card Operator in U.P. State Electricity Board represented to the Commissioner for Scheduled Castes and Scheduled Tribes in October, 1975 that he was being harassed by the authorities and was suspended from service in January, 1974. He was not even taken back despite withdrawal of his case from the Court in which he was implicated by the Criminal Investigation Department, Uttar Pradesh in 1958.

The matter was taken up with the concerned authorities who could respond only in June, 1976 and they asked for a copy of applicant's representation made originally to this office. The same was immediately forwarded to them. In November, 1976 this office was informed that the concerned employee was involved in a case of misappropriation of public property and as such was prosecuted under the provisions of Indian Penal Code. He was accordingly suspended from service in January, 1972. In October, 1973, the case was withdrawn by the Criminal Investigation Department on the plea that due to lack of evidence the person concerned could not be prosecuted in the Court of Law but he could definitely be proceeded against departmentally. That matter was pursued to find out the result of the enquiry. After protracted correspondence, it was learnt in March, 1979 that the person concerned had since been reinstated in service with effect from 4-6-1977.

(6) A Record Clerk belonging to the Scheduled Caste working in the office of the Controller of Defence Accounts (Ors.), South Madras represented to the Commissioner in March, 1978 that his claim for promotion as Lower Division Clerk against reserved quota has been ignored by the authorities despite the fact that orders have already been issued to apply reservation to the posts filled by promotion. The matter was taken up with the Controller of Defence Accounts (Ors.), South and ultimately it was learnt in January, 1979 that his case had been reviewed and promotion restored with effect from 1-6-1978 i.e. the date of giving promotion to his confreres.

(7) It was telegraphically represented by Harijan Workers of Gwalior Leather Factory, Tannery & Tent Factory in September, 1978 that harijan employees were facing retrenchment due to newly adopted state Government policy for supply of boots to Police Department through Laghu Udyog Nigam instead through their factory. A report was called for from the Gwalior Leather Factory, Tannery & Tent Factory which expressed their inability to do any thing in this matter in the face of changed Government policy. The matter was then taken up with the Government of Madhya Pradesh requesting them to maintain *status quo* in the interest of Harijan employees working in that factory. In March, 1979 it was learnt that the Government had agreed for the supply of products of Gwalior Leather Factory, Tannery and Tent Factory to the office of Inspector General of Police, Madhya Pradesh as a special case.

(8) An Upper Division Clerk belonging to the Scheduled Caste working in the Central Public Works Department represented to the Commissioner for Scheduled Castes and Scheduled Tribes in August, 1974 that he was superseded by 50 Lower Division Clerks in the matter of promotion to the post of Upper Division Clerk. The matter was taken up with the authorities and after a protracted correspondence, Commissioner was informed in April, 1979 that Departmental Promotion Committee met in July, 1977 to review the case and he was consequently assigned seniority in the grade of Upper Division Clerks with effect from the date from which promotion orders of his immediate juniors in Lower Division Clerks grade were issued. He was also paid arrears of pay and allowances on account of re-fixation of pay with effect from date of his actual promotion.

(9) A Clerk belonging to the Scheduled Caste working in the office of Mica Mines Labour Welfare Fund, Karma, District Hazaribagh represented in May, 1975 to

the Commissioner that he had been superseded in promotion to the post of Head Clerk. He also alleged that adequate reservation was not provided for Scheduled Castes and Scheduled Tribes in that organisation and requested that the post of Assistant Welfare Administrator should be reserved for Scheduled Castes. The matter was taken up with the concerned authorities and it was made known in November, 1976 that out of two posts of Head Clerks and one post was filled by a Scheduled Caste candidate and the Clerk concerned had been promoted to that post with effect from 5-1-1976. It was also learnt that recruitment rules framed in July, 1975, were revised in December, 1977 providing for precedence of Government orders regarding reservation for Scheduled Castes and Scheduled Tribes over general administrative instructions.

(10) A candidate belonging to the Scheduled Castes of Meerut District was called by the Accountant General, Tamil Nadu (Madras) to appear for the written test for the post of Auditor in the month of February, 1978. It was brought to our notice by the candidate that he got the call letter barely 5 days before the commencement of the test. He had, therefore, no alternative but to travel by the express train so as to reach Madras in time. The prescribed admissible fare was minimum by a passenger train. The similar thing happened when he was called to appear in the written test conducted by the Accountant General, Karnataka for the same post in Bangalore. The matter was taken up with the Ministry of Home Affairs, with a view to get the full reimbursement of Travelling Allowance of the journey undertaken. It was decided by the Ministry in consultation with the Ministry of Finance that since no direct passenger train service was available from Delhi to Madras and Bangalore, the candidate should be reimbursed the mail/express fare actually incurred by him, as a special case.

(11) A Scheduled Tribe officer working as Senior Engineer, Telecommunication Factory, Devnar, Bombay represented against the adverse remarks noted in his confidential report for the year 1977-78. The adverse remarks as intimated to this office were found to be vague. The case was taken up with Director General, Posts and Telegraphs, New Delhi who ordered for expunging of the adverse remarks from his confidential report.

(12) A Scheduled Tribe person working as Mechanical Instructor, Zonal Training School, Udaipur represented to the Divisional Mechanical Engineer (E) Western Railway, Bhavnagar Para with a copy to this office for promotion as Driver Grade 'A' against the reserved vacancy. The case was taken up with the concerned authority who first intimated that a person who is working in the next lower grade i.e. Driver 'B' scale Rs. 425-640 (R) on regular basis after passing the selection for the post is eligible for promotion as Driver Grade 'A'. It was also intimated that the complainant was officiating as Driver Grade 'B' (Scale Rs. 425-640 (R)) which was in process. As soon as he passed the selection, he would be eligible for promotion as Driver Grade 'A' scale Rs. 550-750 (R). The case was again taken up with the authority concerned who informed that the complainant has been promoted as Driver Grade 'A' in the special scale of Rs. 550-750 (R) against the reserved vacancy meant for Scheduled Tribe candidate.

(13) A Lower Division Clerk belonging to the Scheduled Tribe working in All India Soil and Land Use Survey represented to the Commissioner for Scheduled Castes and Scheduled Tribes in August, 1976 that adverse remarks were incorporated in his C.R. for the year 1975 which were not based on facts. A report was called for from the authorities and the authorities took the stand that the representation against adverse entries was not made within the prescribed time limit, and hence the same was not considered. However, the case was pursued and ultimately it was intimated in February, 1979 that adverse entries in the C.R. of the employee had been expunged.

(14) A Junior Engineer working in the International Airport Authority of India approached the Commissioner for Scheduled Castes and Scheduled Tribes in June, 1976 alleging that he was unjustly deprived of promotion as Assistant Engineer by relaxed standards in terms of Government of India orders on this subject. The matter was taken up with the authorities and initially their approach was not helpful. It was pointed out to them that while general candidates were promoted with relaxed standards, the same consideration was not shown to Scheduled Caste/Scheduled Tribe candidates in whose case Government of India orders provide for relaxation etc. It was further pointed out that out of 5 Junior Engineers (Civil) promoted on regular basis in May, 1976 none belonged to either Scheduled Caste or Scheduled Tribe, when there was reservation for Scheduled Castes/Scheduled Tribes. The matter remained under correspondence for full two years and it was only in September, 1978 that the Junior Engineer concerned was promoted as Assistant Engineer.

(15) An I.P.S. Officer belonging to the Union Territories cadre, who was on deputation to Central Industrial Security Force and posted as Commandant there, approached the Commissioner for Scheduled Castes and Scheduled Tribes in September, 1977 that injustice had been done to him in the matter of promotion. A junior officer belonging to his cadre had been promoted to the post of Deputy Inspector General in January, 1977 superseding the complainant. The matter was taken up with the Ministry of Home Affairs in September, 1977 who did not care to reply for full 14 months despite frequent reminders. Ultimately, it was learnt in November, 1978 that the officer concerned had been allowed all benefits of higher post from the same date his junior was promoted.

(16) A widow of a Constable of Secretariat Security Force approached the Commissioner for Scheduled Castes and Scheduled Tribes in May, 1978 alleging that she was not being given employment on compassionate grounds in Secretariat Security Force, or any other office under the Ministry of Home Affairs, after the death of her husband in harness. The matter was taken up with the Chief Security Officer, Ministry of Home Affairs who informed us in June, 1978 that since the representationist was an illiterate person no suitable opening could be found for her in the Ministry of Home Affairs. An early settlement of Death-*cum*-Retirement Gratuity and pension was however, assured. On our writing again to the Ministry of Home Affairs it was intimated in September, 1978 that the case of family pension had been finalised and a post of Sweepress in the Ministry of Home Affairs was offered to her.

(17) An employee belonging to Scheduled Caste working under the jurisdiction of the Post Master General, West Bengal Circle represented to the Commissioner saying that he was subjected to frequent transfers because of his loyalty to Government to detect many cases of fraud and also his inability to satisfy a group of officials. He claimed that the senior officers who could not find anything against him in the discharge of his duties tried to harass him by subjecting him to frequent transfers. The matter was taken up with the Post Master General, West Bengal Circle and after a prolonged correspondence a copy of letter from the Minister of Communications adressed to a Member of Parliament (who also took up this case) has been furnished in which the Minister has stated that the representationist has since been posted at Barasat and that he has also advised Post Master General that the official should not be subjected to frequent transfers. The Minister's reply indicates an indirect adminission that the Scheduled Caste employee was actually subjected to frequent transfers and it goes to the credit of the sustained efforts of the employee to knock at various doors including the Commissioner for Scheduled Castes and Scheduled Tribes that he has been able to get his grievance redressed. How many courageous employee can face such an onslaught from the senior officers belonging to higher castes, is only a matter of conjecture.

(18) One Deputy Superintendent of Police, SSB Battallion, belonging to the Scheduled Caste represented to the Commissioner for Scheduled Castes and Scheduled Tribes in July, 1978 that he was deprived of his confirmation from the due date by the Ministry of Home Affairs. He cited the fact that the O.M. No. 8/2/69-SCT (I), dated the 1st October, 1974 prescribes reservation in confirmation and promotion also. But in his case he was simply placed in the order of original position in the seniority of Deputy Superintendents of Police appointed on temporary basis. Therefore, confirmation should have been made on the basis of 40-point Model Roster prescribed in Appendix 4 of the Brochure on Reservation for Scheduled Castes and Scheduled Tribes in services. The matter was taken up with the Cabinet Secretariat who agreed in July, 1978 to revise the confirmation order in terms of the order cited therein. A corrigendum was issued on 14 September, 1978 giving seniority to the officer concerned, in accordance with the orders cited above.

(19) It was brought to the notice of the Commissioner for Scheduled Castes and Scheduled Tribes by a Member of Parliament in May, 1977 that a Scheduled Tribe candidate belonging to Arunachal Pradesh was deprived of an opportunity of appointment in a Government College at Pasighat. The matter was taken up with the authorities concerned who initially defended their stand. However, the matter was pursued again and it was learnt in December, 1977 that the person concerned had been appointed in the same college.

(20) A Craft Teacher belonging to a Delhi Administration School, represented to the Commissioner for Scheduled Castes and Scheduled Tribes in November, 1977 that he was not given selection grade while four other Teachers belonging to general category had already been

given the same. The case was taken up with the Delhi Administration and after a protracted correspondence, it was intimated that the aggrieved Teacher was given selection grade with retrospective effect i.e. from the year 1971.

(21) A Junior Clerk working in a Social Welfare Department, Maharashtra represented to the Commissioner for Scheduled Castes and Scheduled Tribes in July, 1976 that he was falsely implicated in a vigilance case and a departmental enquiry had been started against him affecting his promotional prospects. His increment was also withheld for two years. The case was taken up with the authorities who informed only in October, 1978 that the case was reviewed by the Government of Maharashtra and the penalty imposed upon the employee concerned regarding withholding of increments had since been cancelled. He was subsequently promoted to a higher grade also.

(22) A Lower Division Clerk belonging to Scheduled Caste working in Naval Headquarters approached the Commissioner for Scheduled Castes and Scheduled Tribes in November, 1977 that his services were terminated because he failed to attend office on a particular day on account of his nephew's death. He did inform the office in time. The matter was taken up with the Director of Logistics Support, Naval Headquarters to reconsider this matter who informed that the person concerned was a casual Lower Division Clerk and was not entitled to any leave. His services had to be terminated to accommodate an employee who reported after availing of maternity leave. The matter was taken up again pointing out that the person concerned was appointed through Employment Exchange on a regular vacancy, hence it was irregular to make such arrangements which needed immediate rectification. Naval Headquarters authorities did not budge from their earlier stand. Ultimately, the authorities were asked to give reasons as to why reservation orders were not applied to work-charged posts in accordance with Government orders issued in February, 1977. This information took nearly three months to come to this office. It was, however, learnt in October, 1978 that person concerned had been absorbed as regular Lower Division Clerk against an existing vacancy.

(23) A Scheduled Caste/Scheduled Tribe Association from Maharashtra represented to the Commissioner for Scheduled Castes and Scheduled Tribes in December, 1976 that a Class IV employee belonging to Scheduled Caste working in the office of the District Inspector, Land Records, Wardha was not promoted despite 16 years of continuous service. Moreover, it was alleged that adequate representation for Scheduled Castes/Scheduled Tribes was not given in that office in the cadre of Daftaries. The matter was taken up with the authorities concerned who informed that the employee concerned had been promoted as Bastabardar with effect from 4-1-1977.

(24) It was represented by a Scheduled Tribe lady to this office in July, 1977 that she was selected for appointment as Teacher by Municipal Corporation of Delhi, but was not given appointment on the ground that her class XI pass certificate of Madhya Pradesh Board was not recognised as equivalent to Higher Secondary by the Department of Education, Municipal Corporation of Delhi. The matter was taken up in July, 1977 with the Secretary, Board of Secondary Education, Madhya Pradesh to furnish clarification about validity of the certificate and also with the Education Department of the Municipal Corporation of Delhi to accept the same as an interim measure pending clarification by the Madhya Pradesh Board of Secondary Education. After a protracted correspondence, it was reported by the Municipal Corporation of Delhi in October, 1978 that they have recognised Class XI certificate of Madhya Pradesh Board of Secondary Education as equivalent to Higher Secondary and the lady concerned had already been given appointment as Teacher in a Primary School under Municipal Corporation of Delhi.

(25) One Lower Division Clerk belonging to The Scheduled Caste working in the office of the Chief Controller of Imports and Exports represented to the Commissioner for Scheduled Castes and Scheduled Tribes in November, 1978 that his seniority has been disturbed intentionally to deny him further promotion on the basis of seniority-cum-fitness. Facts of the case were called for in this matter. It was intimated three months later that orders regarding confirmation with retrospective effect of the Lower Division Clerk concerned have already been issued and his seniority has been accordingly re-fixed.

(26) A Lower Division Clerk working in Archives Department, Delhi Administration approached the Commissioner in July, 1978 that his appointment as Lower Division Clerk was cancelled due to some report furnished by the Anti-Corruption Branch. The facts were called for and it was learnt in December, 1978 that charges levelled by Anti-Corruption Branch against the complainant were not proved and hence he was reinstated in service with the direction that intervening

period between termination and reinstatement will be treated as duty for all purposes including pay and allowances.

(27) An employees' Association approached the Commissioner for Scheduled Castes and Scheduled Tribes in February, 1976 that reservation orders were not fully implemented in Hindustan Latex Ltd., Trivandrum. On taking up the matter with the authorities, it was revealed that Hindustan Latex Ltd. management, have been following the reservation rules as far as initial recruitment was concerned. They, however, expressed their inability to incorporate reservation provisions in promotions since the service condition of the employees were governed by agreements between the Management and Trade Unions. In May, 1976 we sought a copy of the new agreement which has not been furnished so far. However, in April 1978 a copy of Memorandum of settlement dated 1st September, 1971 was furnished and Article 4 did not provide for any safeguard so far as Scheduled Castes and Scheduled Tribes were concerned. In September, 1978 it was brought to the notice of the Management that provisions for reservation for Scheduled Castes and Scheduled Tribes in promotion should have been governed by Bureau of Public Enterprises O.M. No. BPE/GL/013-Man (6175)-BPE-(IC), dated the 5th March, 1976. Therefore, such a provision should be incorporated and the employees' union was not supposed to raise any objection over implementation of such provisions which were constitutional safeguards relating to Scheduled Castes/ Scheduled Tribes. The authorities have delayed the matter for full 2½ years during which the term of earlier Agreement expired. They have assured incorporation of reservation provisions for Scheduled Castes/Scheduled Tribes in their next memorandum of settlement.

(28) A Medical Officer Incharge of Delhi Municipal Corporation Dispensary approached the Commissioner for Scheduled Castes and Scheduled Tribes in December 1976 that he had been ignored for promotion as Resident Superintendent against reserved quota even though he was fulfilling all the required qualifications. The matter was taken up with the Municipal Corporation of Delhi, but no reply was received for full 2 years despite repeated demi-official reminders. Ultimately, it was learnt in November, 1978 that the concerned Medical Officer had already been promoted as Resident Superintendent with effect from October, 1977.

(29) A Deputy Office Superintendent (level II) working in the Directorate of Statistics and Intelligence, Central Excise and Customs, who belongs to the Scheduled Caste represented to the Commissioner for Scheduled Castes and Scheduled Tribes in May, 1977 that he was repeatedly ingored for promotion to the post of Deputy Office Superintendent (level I). This office wrote to the authorities concerned inviting their attention to the fact that reservation orders are applicable to promotions up to the lowest rung of Class I. Hence, claims of the person concerned may be conceded. The matter was pursued and ultimately after nearly one year it was learnt that instructions have been issued to the Directorate by the Central Board of Excise and Customs to consider promotion of the person concerned against the reserved vacancy for Scheduled Caste.

(30) As already reported in para 3.127(34) of the Annual Report for the year 1977-78 an employee belonging to the Scheduled Tribe working as Assistant Grade I in the Food Corporation of India, was denied promotion for two years as Assistant Manager because he wanted his posting only in Delhi when there was a vacancy in the Head Office, as his wife was working as a Staff Nurse in a local hospital and the children were studying in Delhi schools. Commissioner for Scheduled Castes and Scheduled Tribes was of the opinion that for not accepting promotion, the action of the Food Corporation of India to debar an employee from promotion tantamounted to punishment for no valid reasons as it was always open to an employee to accept or reject promotion. It was further felt that the decision of the Food Corporation of India ran contrary to the established policy as in the instant case, a Scheduled Tribe employee on promotion was being hit hard economically on his posting outside Delhi. By his agreeing to promotion, he was either to run two establishments or to take with him his family resulting in loss of pay in the case of his wife and discontinuity of better education for his children. We brought repeatedly to the notice of the Food Corporation of India that the policy of the Government of India was to raise the standards of Scheduled Caste/Scheduled Tribe persons, economically, socially and educationally and all possible facilities/privileges had been provided in that background. It was pleaded that in such cases where the husband/wife of a Scheduled Caste/ Scheduled Tribe employee was working at a station where a vacancy also existed, there should not be any difficulty in promoting the employee concerned belonging to Scheduled Castes/Scheduled Tribes as that would definitely raise his economic status besides of course other

benefits. A final reply was received from the Food Corporation of India in April, 1979 to the effect that it had not been considered desirable to change the transfer and promotion policy keeping in view the fact that many other employees had also forgone their promotions for staying at Delhi. It is regretted that the Food Corporation of India could not be convinced about the genuine hardships of employees belonging to the Scheduled Castes and Scheduled Tribes in such circumstances who, in our opinion, could have been few and far between. Such a rigid attitude not to agree to relax transfer policy on promotion for Scheduled Castes/Scheduled Tribes for a limited purpose calls for reconsideration.

(31) An employee belonging to the Scheduled Caste working as Peon under Central Water Commission, Udhampur approached the Commissioner for Scheduled Castes and Scheduled Tribes in April, 1978 alleging vindictive attitude of his Superintending Engineer in the matter of his transfer to Jammu for getting treatment to his wife there. The matter was taken up with the Central Water Commission and it was learnt in the month of November, 1978 that transfer orders in respect of the concerned employee had since been issued. Subsequently, it was revealed that the transfer order was not executed promptly because of apathy on the part of Superintending Engineer concerned. It is heartening to note that the Chief Engineer, Central Water Commission took a serious view of the Superintending Engineer's attitude and issued a strong warning to him to desist from harassing Scheduled Caste/ Scheduled Tribe employees.

(32) A Stenographer working in the Directorate of Inspection, Excise and Customs represented to the Commissioner for Scheduled Castes and Scheduled Tribes in August 1976 that he was superseded by one of his juniors in the matter of promotion to the post of Assistant. The matter was taken up with the Central Board of Excise and Customs. After protracted correspondence, it was conceded by the authorities that the representationist was wrongly superseded and the said anomaly was subsequently rectified by promoting him after reverting his junior. Since the representationist had not actually become junior to any other Upper Division Clerk or Stenographer because of his belated appointment, his seniority was not affected.

(33) A Junior Engineer working under Central Public Works Department represented to this office in December, 1977 that penalty of removal from service was imposed upon him for his having contracted second marriage in contravention of Rule 21(ii) of CCS Rules, 1964. The representationist claimed that his second marriage was according to social conventions of his community and he had already obtained 'No Objection' from his first wife and second marriage was permissible under personal law applicable to such Government servants. The matter was taken up with the Central Public Works Department authorities who informed in January, 1978 that his appeal against the punishment accorded to him was being examined by the Engineer-in-Chief, Central Public Works Department. In May, 1978 it was revealed that his appeal was rejected after proper enquiry. The matter was taken up again in February, 1979 and it was learnt in March, 1979 that on the review of his appeal by the Ministry of Works and Housing he was reinstated and his case for promotion was considered by the Departmental Promotion Committee and his promotion orders had been issued from the date on which the same was due.

(34) One Junior Administrative Officer working in Central Hindi Directorate and belonging to the Scheduled Castes approached this office in January, 1979 that he was unjustly reverted from his post which he was holding on *ad hoc* basis, with a view to accommodate another persons belonging to the general category. The matter was taken up with the Ministry of Education and Social Welfare and it was learnt in March, 1979 that the representationist was involved in a vigilance case and was issued a recorded warning for misconduct committed by him in the past. He could not be promoted on regular basis because he was not issued integrity certificate due to the above factors. The matter was again taken up with the same Ministry pointing out that warning is not a recognised kind of penalty and as such it should not have come in his way in the matter of issue of integrity certificate. Moreover, if the same thing could not debar him from holding the post on *ad hoc* basis it was unjustified to raise the bogey at the time of regular appointment. Ultimately, it was intimated in August, 1979 that the person concerned had been appointed as Junior Administrative Officer and had joined his post with effect from 19th July, 1979.

(35) A Scheduled Caste candidate who was selected by the Maharashtra Government as Sub-Inspector (Police) in September, 1976 represented to the Commissioner for Scheduled Castes and Scheduled Tribes in September, 1978 that he was made a victim of conspiracy hatched by a police

official. He complained that the police official concerned got him involved in a fake criminal case under Section 376, 506 and 34 of the Indian Penal Code because his own son was not selected in the examination for the said post. He also pointed out that he approached the Maharashtra Government time and again with a plea that the case was false and he was confident of his ultimate acquittal by the court of law. He was also prepared to give an undertaking that in case he was convicted by the Court he would refund the amount spent on him while on training but his request was not acceded to because there is no practice of holding in abeyance such selections of candidates for Police Sub Inspectors training till the crimnal cases are decided. In the instant case, the person concerned was acquitted of all the charges in August, 1978 but he could not avail of the good opportunity which came his way to better his prospects due to the stand taken by the Government of Maharashtra.

(36) A Fire Foreman working under Aerodrome Officer, Civil Aerodrome, Varanasi approached the Comissioner for Scheduled Castes and Scheduled Tribes in December, 1978 that one of his superiors was harassing him unnecessarily on the basis of caste prejudices. A report was called for from the Regional Director, Civil Aviation in the matter who informed in November, 1979 that the officer responsible for misconduct has been warned to be careful and to improve his conduct failing which disciplinary action will be taken against him. He was also kept under observation for a period of six months.

CHAPTER 4
ECONOMIC DEVELOPMENT

The Government has been initiating a number of welfare schemes under the Central and State Sectors to promote social and economic development of the persons belonging to Scheduled Castes and Scheduled Tribes. Information regarding expenditure incurred on financing development plans for backward classes in the Central and the State Sectors upto the end of Fourth Five Year Plan period is given below :—

(Rupees in crores)

Plan	Scheduled Castes	Scheduled Tribes	Other Backward Communities	Voluntary organisations	Total
1	2	3	4	5	6
First Plan	7.08	19.83	3.13	..	30.04
Second Plan	27.48	42.92	8.14	0.87	79.41
Third Plan .	37.78	51.05	9.82	1.75	100.40
1966—69 .	26.47	34.54	6.75	0.74	68.50
Fourth Plan	61.12	80.89	22.33	2.00	166.34

Centrally Sponsored Schemes

4.2. Schemes like award of post-matric scholarships; pre-matric scholarships for children of those engaged in unclean occupations; book banks for medical and engineering students; girls hostels; coaching and allied schemes; research and training; machinery for implementation of the Protection of Civil Rights Act and aid to voluntary organisation; financial assistance for development corporations for Scheduled Castes have been taken up under the Centrally Sponsored programmes. Besides, Special Central Assistance for tribal sub-plans is also being provided.

4.3. During Fifth Plan* period (1974-78) an expenditure of Rs. 58.68 crores was reported to have been incurred as against the Fifth Plan outlay of Rs. 110.15 crores provided for the purpose. Special Central Assistance amounting to Rs. 119.31 crores was provided for tribal sub-plans during this period. As against this a tentative allocation of Rs. 185.00 crores has been provided under the backward classes sector and Rs. 350.00 crores as Special Central Assistance for tribal sub-plans in the draft Sixth Five Year Plan (1978-83). Details regarding outlay provided and expenditure incurred during Fifth Plan period (1974-78), 1977-78 and 1978-79 as well as outlays recommended for 1979-80 are given in the following table :—

(Rupees in crores)

Sl. No.	Programme	Expenditure incurred during Fifth Plan (1974-78)	Expenditure incurred during 1977-78	Anticipated expenditure during 1978-79	Five Year Plan tentative outlay 1978-83	Outlay recommended for 1979-80
1	2	3	4	5	6	7
1	Post-matric Schorships	52·21	15·76	20·00	130·00	14·60
2	@Pre-matric Scholarships for children of those engaged in unclean occupations.	0·01	0·01	0·15	2·50	0·31
3	@Book Banks for Medical and Engineering students	..	..	0·50	2·50	0·30
4	@Girls' Hostels	2·70	0·88	0·93	5·00	1·45
5	@Coaching & Allied Schemes	0·94	0·23	0·37	3·00	0·50
6	@Research & Training	0·82	0·20	0·30	2·00	0·50
7	@Machinery for implementation of the Protection of Civil Rights Act.	0·18	0·15	0·50	10·00	2·00
8	Aid to Voluntary Organisations . . .	1·82	0·49	0·80	5·00	1·00
9	@Financial Development Corporations for Scheduled Castes.	..	..	0·50	N.A.	10·00
	GRAND TOTAL	58·68	17·72	24·05	160·00	30·66
	Special Central Assistance for Tribal sub-plans.	119·31	55·00	70·00	350·00	70·00

***The operation of the Fifth Plan was terminated one year earlier.**

@Indicates the schemes for which financing will be on a sharing basis between the Centre and the States, from the year 1979-80.

Post-matric scholarships

4.4. Under the Centrally Sponsored Programmes, one of the most useful schemes has been the award of post-matric scholarships to the students belonging to the Scheduled Castes and Scheduled Tribes. During 1976-77, 3.17 lakhs & 59,147 students belonging to the Scheduled Castes and Scheduled Tribes respectively were awarded post-matric scholarships. During 1977-78, 3.52 lakhs students belonging to the Scheduled Castes and 64,816 students belonging to the Scheduled Tribes were estimated to have received post-matric scholarships. During 1979-80, 4.26 lakhs and 78,426 students belonging to the Scheduled Castes and Scheduled Tribes respectively, are expected to be awarded post-matric scholarships.

Pre-matric scholarships to the children of those engaged in unclean occupations

4.5. As regards payment of pre-matric scholarships to the children of those engaged in unclean occupations, the programme was taken up in 1977-78 for the benefit of the children studying in classes VI to X and an expenditure of Rs. 1 lakh was understood to have been incurred.

Girls' Hostels

4.6. The scheme for the construction of Girls' Hostels was initiated during Third Plan period and grants-in-aid were given to a few selected hostels for Scheduled Castes. The scheme was rationalised in 1974-75. By the end of 1978-79, 805 hostel buildings were reported to have been completed or were nearing completion. An amount of Rs. 2.70 crores is understood to have been spent in the implementation of this programme in the Fifth Plan period. Detailed description regarding the above mentioned three schemes has been given elsewhere in the Report.

Coaching and allied schemes

4.7. Coaching and allied schemes have been in force since the Third Plan period. The scheme has been reported to be under continuance expansion since then and in 1977-78, an amount of Rs. 37 lakhs was provided for the purpose of training for the Scheduled Caste and Scheduled Tribe candidates appearing in competitive examination. There are reported to be 21 Centres imparting training to these Scheduled Caste and Scheduled Tribe candidates for appearing competitive examinations. 7 Centres prepare candidates for All India Services, 12 for State Civil Services and 2 for Engineering Services. An expenditure of Rs. 94 lakhs was reported to have been incurred during the Fifth Plan period.

Financial assistance to Voluntary Organisations

4.8. The Government of India have been giving grants-in-aid to voluntary organisations working for the educational and socio-economic development of the Scheduled Castes and Scheduled Tribes since 1953-54. During 1978-79, an expenditure of Rs. 80 lakhs is reported to have been incurred under this programme.

Machinery for implementation of the Protection of Civil Rights Act

4.9. With regard to machinery for implementation of the Protection of Civil Rights Act, an amount of Rs. 18 lakhs was spent during Fifth Plan period. It is felt that various provisions of the Act like research and survey; setting up of police squads; mobile courts; investigating machinery etc. may substantially help in eradicating untouchability but at the same time the non-official organisations should also be involved in this task.

Financial assistance to Corporations for Scheduled Castes

4.10. Recently a new scheme to aid Scheduled Castes Development Corporations in States has been brought into being for the rapid economic development of the Scheduled Caste persons. During 1978-79, an amount of Rs. 50 lakhs was provided to assist the State Scheduled Caste Development Corporations in the form of share capital contribution.

State Sector Schemes

Expenditure incurred on the welfare of Scheduled Castes. Scheduled Tribes & Other Backward Classes

4.11. Available information regarding overall expenditure incurred during 1976-77 and 1977-78 and allocation made for and expenditure incured during 1978-79 is given in the following table :—

(Rupees in lakhs.)

Sl. No.	Category	Expenditure incurred during 1976-77	Expenditure incurred during 1977-78	Allocation for 1978-79	Tentative expenditure incurred during 1978-79
1	2	3	4	5	6
1	Scheduled Castes	2509.32	2129.38	Not Available	Not Available
2	Scheduled Tribes	1184.73	1281.84	Not Available	Not Available
3	Other Backward Classes.	480.16	325.60	Not Available	Not Available
	Total	4174.21	4993.82	7173.64	6898.55

4.12. Available State-wise information regarding expenditure incurred and physical targets achieved in respect of the above mentioned three categories during the years 1976-77 and 1977-78 and overall information regarding outlays approved and tentative expenditure incurred during 1978-79 under the backward classes sector may be seen at statement Nos. 1 to 9 at Appendix XL.

Timely submission of progress reports

4.13. It has been our experience that most of the State Governments do not take sufficient care to furnish progress reports about the implementation of welfare programmes for Scheduled Castes and Scheduled Tribes regularly. It was recommended in 1958-59 Report of the Commissioner that the State Governments should ensure the submission of progress reports by the prescribed dates and these should include the expenditure incurred on each item of a scheme and its location, the reasons for non-implementation or partial implementation of the scheme and the steps taken to improve the situation. In the 1960-61 Report it was recommended that special cells should be created in each State/Union Territory to ascertain the felt needs of the people and to plan systematically and properly, keeping in view their needs, as well as to ensure adequate administrative machinery to arrange for personnel, to watch the progress of accepted programmes from month to month and to evaluate their impact on the people concerned. It was also stressed that the Cell should ascertain the difficulties which impede the timely implementation of the programmes, suggest solution thereof, collect data regarding the actual achievements of both physical and financial targets and prepare progress reports on correct lines so as to convey a complete idea of the progress made during a particular period. It was also suggested that rush of expenditure at the fag end of the year should be avoided and there should be even flow of expenditure throughout the year. In the 1963-64 Report it was observed that the then Department of Social Security should take a serious view of cases where the unspent amount had been shown by State Government in the progress reports as having been actually spent.

Benefits of various welfare schemes actually derived by the Scheduled Castes/Scheduled Tribes

4.14. It has been observed that the benefits of the various schemes being implemented for the Scheduled Castes and Scheduled Tribes have not fully reached these communities. In Commissioner's 1970-71 Report it was observed that in view of the magnitude and vital importance of this problem it was considered that it was high time that the whole issue was deeply considered for taking expeditious action to bring these communities upto the general standards in the country in as short a period as possible. It was also stressed that unless radical measures were taken on priority basis and all out efforts made in the right direction for proper development of the Scheduled Castes and Scheduled Tribes the problem might assume the form of a crisis. In the Commissioner's Report for 1971-73 it was stated that it was essential for all concerned to first realise that the problem of Scheduled Castes and Scheduled Tribes was not confined to only a particular section of the society but was a major national problem of serious nature concerning human dignity and development and as such it needed to be tackled with equal seriousness, gravity and intensity so that these weaker sections of the society could be brought up to the general standards in the country in as short a time as possible.

4.15. It was specifically pointed out in the 1974-75 Report that we were still far behind our goal of uplifting the Scheduled Castes and Scheduled Tribes in the right sense and to that extent we had not fulfilled our constitutional and moral responsibility, as a result of which a large mass of our brethren were still living and languishing in most miserable, appalling and sub-human conditions. It was further suggested that small townships should be planned and developed at suitable places in the vast tribal areas in such a manner that these townships should serve not only as market centres but provide amenities for their health care, higher education with hostel facilities and cater to their day to day needs of life. Side by side, small and medium scale industrial units should be set up round about such towns for providing self-employment and employment opportunities particularly to those who were educated and those who were not in a position to maintain themselves on agriculture. Such townships should be linked up with better communication facilities so that more people could take advantage of various services made available there. It was observed in Commissioner's 1975-77 Report that the plan efforts of the previous Five Year Plans were supposed to go a long way in raising the levels of living of the Scheduled Castes and Scheduled Tribes and to ensure them to occupy their rightful place with other sections of the people. Facts, however, belied this expectation, so far. It was further pointed out in that Report that for an effective implementation of basic socio-economic measures it was necessary that a very high degree of will at the political level and at the level of bureaucracy should be manifested and at the same time effective agency to carry out the programmes in the field coupled with the presence of high degree of involvement of the community in a meaningful manner was required for the implementation of the programmes.

4.16. The position regarding the development of Scheduled Castes and Scheduled Tribes was aptly described in the draft Five Year Plan 1978-83 in which it was stated that the prevalence of poverty and inequality, virtually unchanged over the years would be seen mostly in the conditions of life of the two disadvantaged groups in our society, the Scheduled Castes and Scheduled Tribes. **It can, therefore, be safely concluded that if the various recommendations made in the Commissioner's earlier Reports had been implemented in right earnest by the Central and State Governments the economic condition of these communities would not have remained virtually unchanged as observed by the Planning Commission.**

Benefits derived by the most backward communities among the Scheduled Castes/Scheduled Tribes from various welfare programmes

4.17. It has been observed that the benefit of the various programme being implemented for the welfare of the Scheduled Castes and Scheduled Tribes generally accrues to the well to do sections among these communities and the most backward sections among them who actually deserve the benefits thereof, do not derive any benefits from these programmes. It was, therefore, suggested in Commissioner's 1962-63 Report that those who were responsible for the planning and execution of the welfare programmes in the States should ensure that the weakest sections of the population received immediate attention. In Commissioner's 1966-67 Report, it was recommended that in order to obtain the correct picture of what was happening to the general population as well as to the Scheduled Castes and Scheduled Tribes, each State should set up a small Cell of enquiry to collect information about how occupations were changing among different levels of the population. It was further recommended that even amongst Scheduled Castes and Scheduled Tribes, there were poorer and still poorer sections, neglected and even more neglected sections and the same kind of programmes for upliftment could not, therefore, apply uniformly to all these sections. It was considered necessary to pay special attention to the problem and devise separate programmes for different classes among the Scheduled Castes and Scheduled Tribes. It was suggested that one possible way of doing this was to draw up a list of those among them who required special attention, before special programmes could be formulated for them. This point was again stressed in Commissioner's 1971-73 Report.

4.18. In his 1975-77 Report, the Commissioner observed that it was indeed not a happy commentary on the methodology of our planning that even now some of the communities amongst Scheduled Tribes were known as primitive tribes and confined to isolated hilly tracts living at the level of technology. **It is, therefore, desirable that the most backward communities amongst the Scheduled Castes and Scheduled Tribes should be identified and special programmes should be implemented for them by the Central as well as all the State Governments/Union Territory Administrations.**

Quantification of funds for Scheduled Castes from General Sector Programmes

4.19. In the planning process, the programmes in the backward classes sector were conceived as supplemental to the total developmental efforts to be made by the General Sectors of development for the Scheduled Castes. In this connection, it was pointed out in Commissioner's Report for 1966-67 that the provisions made in the Backward Classes Sector in various Five Year Plans were intended to supplement and not to supplant the General Sector Programmes. It was, therefore, suggested that the earmarking of funds for the development of the Scheduled Castes/Tribes should be built into the procedures for the operation of various schemes both at the Central and State levels, at the time of formulating the schemes. It is, however, an unfortunate fact that serious efforts were never made by most of the authorities concerned to actually carry out this decision with the result that by and large, inadequate programmes taken up under backward classes sector were the only avenues for their development and they continued to be deprived of the benefits of programmes under general sectors of development. Adequate care had not been taken to quantify funds from identifiable programmes and to orient the programmes to the needs of Scheduled Caste persons.

4.20. The years of the Sixth Five Year Plan are about to be over and the persons belonging to Scheduled Castes have not been able to derive significant benefit from the schemes of general sector, solely on account of the fact that the authorities concerned have not been able to work out satisfactory procedures to go ahead with the task of quantification.

4.21. It was observed in Commissioner's 1971-73 Report that the intention of pointing out certain inadequacies in the implementation of various welfare schemes was not to say that nothing had been done for the upliftment of the Scheduled Castes and Scheduled Tribes. It was further stated that the description of the achievements of various programmes was ample proof of the steps that had been, and were being, taken in that respect. Conspicuous progress made by these communities in the field of education, filling of posts reserved for them, starting of financial development and housing corporations, opening of Integrated Tribal Development Projects and Tribal Development Corporations, preparation of sub-plans for the tribal areas and special component plans for Scheduled Castes and many other similar measures indicated the efforts being made in that direction. The question, however, was whether the steps so far taken for tackling the vast problem of bringing up such a large number of all round backward people were sufficient, when compared to the stupendous task in view. It was observed in Commissioner's 1974-75 Report that though some reservations had been made by the State Governments in the matter of allocation of general sector funds for the welfare of Scheduled Castes, details of the actual amount spent by them from general sector were not available. It was further pointed out that the State Harijan/Social Welfare Departments were expected to ensure that the various general sector departments earmarked funds for the development of the Scheduled Castes and the Scheduled Tribes.

4.22. In this connection, it was suggested in Commissioner's 1960-61 and 1962-63 Reports that there should be effective coordination both at the Centre and in the States, between the Departments dealing with the welfare schemes for Scheduled Castes and Scheduled Tribes and the various Departments dealing with the general development programmes. It was further

stated that the Welfare Departments under the State Governments/Union Territory Administrations should act as watch-dogs on behalf of the Scheduled Castes/Tribes and that they should ensure that these weaker sections of the community derived the maximum benefits from the general schemes. It was also suggested that the Central Coordination Committee set up by the Ministry of Home Affairs should review the extent of the benefits accruing to the Scheduled Castes/Tribes under the general sectors of the Plan and devise a machinery to ensure that the weakest sections of the population received immediate attention in the matter of their upliftment. In the 1961-62 Report, it was suggested that the State Governments should formulate appropriate schemes out of the provisions made available by the Planning Commission, for rural works programme, pilot projects under rural industries and local development works programme etc. to secure adequate benefits to the Scheduled Castes and the Scheduled Tribes.

4.23. In Commissioner's 1963-64 Report, it was suggested that at the Government of India level also, the various Ministries should earmark a certain percentage of funds in each of their schemes for the backward classes, as a part of general programmes. In the Report of the subsequent year also it was stressed that the Government of India should ensure that the State Governments and the Union Territory Administrations gave serious thought to the decision regarding reservation of funds for implementing the schemes for the welfare of the Scheduled Castes and the Scheduled Tribes, from out of the allocations under their general development programmes.

Tribal Sub-Plans

4.24. It may be mentioned that the tribal sub-plans were prepared in respect of 16 States and 2 Union Territories during the Fifth Plan period and development blocks having 50% or more of tribal population area delineated. At present about 65% of the Scheduled Tribe population in the 18 States/Union Territories are covered by tribal sub-plan programmes. The tribal sub-plan areas have been divided into 179 operational units termed as Integrated Tribal Development Projects and in each project, problems of the tribals concerned are identified and socio-economic development programmes formulated with reference to their specific needs. The Integrated Tribal Development Projects are financed largely from the funds made available from the State Plans with a small Special Central Assistance and funds from the Central Ministries and financial institutions. Thus in so far as the tribal areas are concerned, the general sectors are helping in the all-round development of tribal areas with special focus on the Scheduled Tribes. However, some of the Central Ministries/Departments have not yet made separate provisions in respect of the tribal sub-plans.

Special Component Plans for Scheduled Castes

4.25. The Planning Commission and the Union Ministry of Home Affairs had issued guidelines to the State Governments to identify schemes in different sectors, which could directly benefit Scheduled Castes, and quantify in financial and physical terms the targets from each of the schemes under general sectors to form Special Component Plans for the Scheduled Castes. The intention was to secure, by this mechanism, adequate flow of funds from different sectors for the development of a significant proportion of the Scheduled Castes, especially their economic development, through programmes appropriate to the various main occupational categories of the Scheduled Castes like agricultural labourers, leather workers and other artisans, marginal and small farmers and urban decentralised labourers so as to help them cross the poverty line. **The Central Ministries/Departments should also formulate Special Component Plans for Scheduled Castes and the Planning Commission and the Ministry of Home Affairs should pursue this matter.** The State Governments of **Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Karnataka, Kerala, Maharashtra, Madhya Pradesh, Orissa, Punjab, Rajasthan, Tripura, Uttar Pradesh** and **West Bengal** have prepared special component plans for the Scheduled Castes. **It is recommended that the remaining States should also prepare Special Component Plans for Scheduled Castes at an early date.** Available information regarding the funds earmarked under Special Component Plans for Scheduled Castes is given below :—

(Rupees in crores)

Sl. No.	Name of State	Total outlay		Share of special Component Plan for Scheduled Castes during		Outlay under Backward Classes Sector	
		1978-83	1979-80	1978-83	1979-80	1978-83	1979-80
1	2	3	4	5	6	7	8
1	Andhra Pradesh .	2500·00	421·50	230·48	30·94	77·50	7·69
2	Assam . . .	N.A.	129·35	N.A.	4·37	N.A.	14·00
3	Bihar . . .	2073·65	356·85	N.A.	5·36*	28·00	N.A.
4	Gujarat . . .	2440·00	392·00	46·31	9·06	42·00	8·60
5	Haryana . . .	1450·00	..	N.A.	N.A.	5·50	0·66
6	Karnataka . .	1952·00	299·00	188·00	46·00	40·00	4·50
7	Kerala . . .	1113·00	159·47	40·00@	7·49	10·00	6·60
8	Maharashtra . .	400·00	76·50	164·85	30·34	35·15	7·60
9	Orissa . . .	1125·00	19·42	N.A.	4·64	10·00	N.A.

1	2	3	4	5	6	7	8
10	Punjab . . .	1500·30	260·00	38·32	6·06	22·30	2·64
11	Rajasthan . .	1750·00	275·00	43·18	7·44	3·60	0·45
12	Uttar Pradesh . .	4600·00	690·00	684·90	27·68	48·08	..
13	West Bengal . .	2200·00	450·00	N.A.	27·45	19·31	2·10

*In respect of 12 sectors only.
@Tentative figure.

4.26. **In the Sixth Five Year Plan the strategy of special component plans for Scheduled Castes has been evolved. It is, however, observed that this alone will not deliver the goods. It is essential that effective monitoring and evaluation cells should be established to assess whether the funds are being actually spent for the purpose for which they are provided. A social audit along with concurrent monitoring including field level monitoring alone can ensure that corrective action is taken in the implementation of the programmes and for this purpose Government of India should assist the State Governments. It is also desirable that a sub-budget head should be created under each budget-head in the case of special component funds set apart for Scheduled Castes as is being done in the case of tribal sub-plans and these funds should also be made non-divertible and non-lapsable. At the same time, it is necessary that the Planning Commission should provide substantial Special Central Assistance to the States for bringing the Scheduled Castes Special Component Plans under each sector upto the desired level as has been done in the case of tribal sub-plans and not wait for the evaluation of the existing programmes. The Ministry of Home Affairs should constitute a Working Group to consider the administrative structure for implementation of the Special Component Plans for Scheduled Castes with representation of important Central Ministries and State Governments.**

4.27. **It has been felt that the Special Component Plan should take into consideration the proportion of the Scheduled Caste population in the target groups with reference to the schemes included in the Special Component Plan. It is possible to identify plan schemes from which the benefits could flow to the Scheduled Castes and where necessary suitable modifications/reorientations could also be made to the schemes. New Schemes could also be included taking into consideration the needs of different occupational categories of the Scheduled Castes. For Scheduled Tribes the pattern of family oriented schemes under Integrated Tribal Development Projects is generally with 50% subsidy; whereas for Scheduled Castes in the S.F.D.A. and M.F.A.L. the normal subsidy of 25% or 33 1/3% continues to apply. It is felt that 50% subsidy for the Scheduled Castes is also necessary which may be raised at least 75% and loan 25% at differential rate of interest in the case of such beneficiaries who are below poverty line and for this purpose specific allocations to fill this subsidy gap should be met by the Sectoral programmes and included in the special component plan.** It has been noticed that Government of **Karnataka** has prepared lists of Scheduled Caste land holdings and are in a position to give a definite thrust to the land-based programmes for the Scheduled Castes. **The remaining State Governments should also take up a programme for the comprehensive development of all land holdings of the Scheduled Castes; including Land distributed to them for ceiling surplus, Government lands allotted to them and their own private holdings by preparing lists of Scheduled Castes land holdings. Irrigation facilities should be provided to all the land holdings of the Scheduled Castes in a planned manner. Soil conservation schemes should be given top priority. The coverage of Scheduled Castes under animal husbandry programmes of sheep, poultry, goats and piggery development must be specified in terms of numbers of families and all aspects like feed and fodder and marketing should be taken care of. Similar coverage of the target group families of the Scheduled Castes should be made under the cottage and village industries, where not only traditional artisans and craftsmen but also new entrants from amongst agricultural labourers, marginal/small farmers should be inducted. A comprehensive programme for the decentralised leather industry is necessary. A total view of the decentralised industry requires to be taken and a comprehensive programme right from the planning stage to the marketing of footwear and including raw material supply, common facility centres, credit support etc. should be drawn up. New schools and adult education centres should be opened in the localities of Scheduled Castes. Different castes or occupational categories among Scheduled Castes who lag behind in education should be identified and necessary funds provided under component plan to remedy the situation. Under the health sector, priority should be given to the identification of the disease to which the Scheduled Castes are prone and funds provided to eradicate the same. Sanitation and conversion of dry latrines should be taken up on a large scale.** With regard to Special Component Plan prepared for Scheduled Castes by the States of **Andhra Pradesh, Assam, Gujarat, Haryana, Karnataka, Kerala, Maharashtra, Madhya Prdesh, Orissa, Punjab, Rajasthan, Uttar Pradesh** and **West Bengal,** information regarding matters of interest and points requiring immediate attention in addition to those mentioned above are given below:—

(i) Andhra Pradesh

Andhra Pradesh was the first State to recognise the need for separate earmarking of funds for the Scheduled

Castes. As early as in 1960 they had issued instructions that the Zilla Parishads and Panchayat Samitis should set apart funds for the Scheduled Castes and Scheduled Tribes in proportion to their respective population in the State. In 1975 all development departments were instructed to reserve 15% of their funds for the Scheduled Castes. In 1977-78 an amount of Rs. 2.89 crores was earmarked by the various development departments exclusively for the benefit of Scheduled Castes. During 1978-79 it was raised to Rs. 3.52 lakhs. The State Government had prepared a special component plan both in respect of Annual Plan as well as in Medium Term Plan in January, 1979. Besides, the Scheduled Castes Development Corporation in **Andhra Pradesh** is reported to have benefited nearly 2 lakh Scheduled Caste families during the last 4 years and generated a regular flow of institutional finance for individual and family oriented schemes. however, the sector-wise analysis of the Special Component Plan revealed that in sectors like agriculture (14.97%), minor irrigation (4.97%), soil and water conservation (9.43%) and fishering (5%), the outlays for the Scheduled Castes could have been much higher. Opportunities require to be identified for the Scheduled Castes in different occupational groups. The largest group of Scheduled Castes in **Andhra Pradesh** consists of agricultural labourers 21.26 lakhs (71.44%) followed by 4.27 lakhs cultivators (14.34%). **Thus the main thrust has to be directed for the development of agricultural labourers, marginal and small farmers. Schemes of animal husbandry provide good scope for their development. Their lands require to be developed and irrigation facilities required to be provided. Comprehensive crop production programmes could be undertaken. Coverage of target group families of Scheduled Castes should be undertaken with reference to cottage and village industries.** Among the artisan groups, the largest number relate to leather workers (21.73%) lakhs, weaving and spinning (66,000), sweepers and scavengers (45,000), basket, mat and rope making (30,000). Appropriate programmes require to be framed for them. **Besides soil conservation, forest and other labour intensive sectors could provide employment opportunities through formation of labour contract societies/ cooperatives. In forests, plantations of cashew and palm could be leased to the Scheduled Castes.**

(ii) Assam

Animal husbandry sector provides the greatest potential for creating employment and self-employment opportunities in the rural areas. Cent per cent of the rural population was brought within the fold of cooperatives by the end of 1976-77. 154 fishermen co-operatives were also organised, these comprise mostly Scheduled Caste fishermen. The number of cultivators (1.37 lakh) among the Scheduled Castes is larger than the agricultural labourers (0.35 lakh); 53.51 per cent of the Scheduled Caste workers are cultivators (invariably marginal and small farmers) while 13.49 per cent are agricultural labourers. These two categories together account for 2/3rd of the Scheduled Caste workers. **Any programme for the development of the Scheduled Castes must, therefore, concentrate on the marginal and small farmers and agricultural labourers in that order. In the schemes included in the Special component Plan the proportion for the Scheduled Castes could be increased. In most sectors like agriculture (6%), minor irrigation (5%), animal husbandry and dairy development (6.67%) the outlays for the Scheduled Castes could be much higher. In Integrated Rural Development areas full advantage of the scheme for land development, wherein upto Rs. 3,000 could be given to each small and marginal farmers, could be taken.** Irrigation facilities required to be provided to all the land holdings of the Scheduled Castes. **The coverage of Scheduled Castes in duck, poultry, goats and piggery development must be specified in terms of numbers of families.** The effective functioning of the fisheries cooperative societies and the elimination of middlemen could be undertaken and quantified in terms of the Scheduled Caste families to be covered. Many of the fisheries societies reportedly were not making well. The recently formed **Fisheries Development Corporation must be fully involved as a promoter of fishermen. In the State there is considerable potential for the Scheduled Castes in sericulture and weaving and it would be useful to draw up composite programmes. Among other crafts, pottery, bamboo and cane and boat making and repairs also offer considerable scope. Under health, the training of Scheduled Caste girls for the preparation of nurses, for whom there is considerable demand outside Assam and even outside India could be taken up.**

(iii) Gujarat

From the sector-wise analysis of the Special Component Plan of **Gujarat State, it is observed that in sectors like agriculture (1.98%), minor irrigation (0.59%) soil and water conservation (3.16%), animal husbandry (2.73%) the outlays for the Scheduled Castes could be much higher.** The largest group of Scheduled

Castes in Gujarat State consist of agricultural labourers numbering 2.80 lakhs workers (46.59%). Besides, there are 1.40 lakhs (18.34%) Scheduled Caste cultivators and together these constitute nearly 2/3rd of the Scheduled Caste workers and must therefore comprise the main target group for Special Component Plan. **Suitable animal husbandry programmes require to be taken up. All the Scheduled Caste land holders should be made members of co-operative Societies, and arrangements made to make available for them agricultural inputs and technical and extension services.** There are 7.34 lakhs Scheduled Caste persons in weaving and spinning. 3.06 lakhs leather workers; 1.94 lakhs sweepers and scavengers; about 40,000 engaged in basket, mat and rope making and 10,000 each in bone collection and shoe-making, pottery, vessel making etc. **They should also be ensured benefit of coverage of the target group families. Comprehensive programmes also require to be taken up for the development of decentralised leather industry right from flaying stage to the marketing of footwear.** The Gujarat Leather Development Corporation is understood to be formulating such programmes. Similar approach requires to be adopted for the handloom weavers. **Dairy products, poultry development, brick-kiln, lime-stone kiln and salt ponds etc. offer good scope for development of Scheduled Castes in Gujarat State. Since mining and quarrying are important in Gujarat, the State Government should consider the desirability of granting Sanads (leases) to the cooperatives of Scheduled Castes. Full use requires to be made of the Gujarat State Scheduled Castes Development Corporation to ensure benefits to Scheduled Caste persons of the schemes of Industries Department.**

(iv) Haryana

As a result of their relative and age-old social handicaps, the members of Scheduled Castes have not been able to reap the benefits of development to the same extent as their more fortunate brethren. The Scheduled Castes in **Haryana** State constitute about 19% of the total population. The major part of the Scheduled Castes population (57.30%) is engaged as agricultural labour, followed by 18.23% as cultivators and 24.47% in other occupations. The major part of the Scheduled Castes population is below the poverty line. It has not been possible for the State Government to quantify in precise terms the flow of funds from identifiable and unidentifiable general sector programmes. The State Government have identified programmes for the 'Special Component Plan' only under the Agriculture Sector and the Social and community Services Sectors. There, too, the bulk of the programmes are such that they are indivisible. The special component for the Scheduled Castes in the divisible plan is Rs. 39.74 crores. This works out to 32.5% of the identified programmes. The outlays earmarked under agriculture (96.70 lakhs), soil conservation, minor irrigation etc. (25.33 lakhs) and dairy development (16.69 lakhs) were much below.

(v) Karnataka

Karnataka State had earmarked outlays for the Scheduled Castes during the Fifth Five Year Plan period. The marginal and small farmers as well as agricultural labourers together account for 75% of all Scheduled Caste workers. **It has been observed that in respect of certain sectors like agriculture (3.11%), land reforms (13.2%), horticulture (4.02%), animal husbandry (2.40%), fisheries (5%) and sericulture (4.64%) the outlays in the Special Component Plan require to be increased.** Detailed scheme-wise examination require to be taken up to ensure adequate benefits to Scheduled Castes. Agricultural labourers and cultivators numbering over 11½ lakh workers constitute the main target group among the Scheduled Castes. **Full advantage of the District Industries Centres require to be taken in coordination with the Scheduled Castes Development Corporation. There are good potentialities of development for Scheduled Castes in handlooms, match making, soap making etc. A comprehensive programme for the decentralised leather industry is also necessary.** The State Leather Corporation should formulate programme for Scheduled Castes.

(vi) Kerala

For agricultural labourers, 26% of whom are from the Scheduled Castes in Kerala, dairy development and animal husbandry schemes have a vast potential. The outlays in the Special Component Plan, however, are very small compared to the potential and need. The outlays in agriculture and minor irrigation could also be increased. Most of the lands allotted to them are of poor quality and require considerable investment. A comprehensive programme for the development of these lands can easily be included in the Special Component Plan. **In the Village and Small Industries Sector, an allocation of Rs. 9.52 lakhs has been made. This is very small amount when compared to the total outlay in the sector namely Rs. 491 lakhs. Cottage and Village Industries are very important for giving family and individual benefits to the Scheduled Castes.**

(vii) Maharashtra

In **Maharashtra,** the State Government made several imaginative modifications to the existing schemes in respect of Scheduled Tribes and similar approach could be adopted in respect of Scheduled Castes. The good work done in respect of Scheduled Tribes relate to schemes such as incentives for double cropping in tribal areas, supply of bullocks and bullock carts to tribals, training of young couples in tribal areas, assistance to Adivasi Cooperative Societies, special coaching classes for tribal students etc. **In the Special Component Plan, no attempt was made to modify the existing schemes or to include new schemes of relevance for the benefit of Scheduled Castes. Sector-wise analysis of Special Component Plan revealed that in most sectors the outlays for the Scheduled Castes for example allocation for the Scheduled Castes in agriculture (1.34%), minor irrigation (4.69%), animal husbandry (0.86%) dairy development (1.34%) and fisheries (1.89%) could have been much higher,** Agricultural labourers, cultivators and household workers constitute 75% of Scheduled Caste working population. **Besides undertaking animal husbandry programmes, the State Government should examine the possibility of taking up minor irrigation schemes, dugwells on the land holdings of Scheduled Castes under the Employment Guarantee Scheme. It may also be pointed out that population of Neo-Buddhas in the State is 32.64 lakhs i.e. 6.48% and their interests do not appear to have been taken into account while framing special Component Plan for Scheduled Castes when they are eligible for benefit from a number of Plan Schemes under Backward Classes Sector on par with the Scheduled Castes. Substantial increase in the funds earmarked under special Component Plan is therefore, urgently called for.**

(viii) Madhya Pradesh :

The Scheduled Castes population in **Madhya Pradesh** is 57.51 lakhs (11.5 lakh families) and the Scheduled Castes comprise 13.81% of the population. The State Government had taken a decision in 1974 that 14% of the sectoral outlays would go to the Scheduled Castes. The State Legislative Committee on Scheduled Castes and Scheduled Tribes had even stated that 14% from each sector should be kept aside for the Scheduled Castes and that programmes should thereafter be drawn up. However, the large outlays on power and major irrigation, left very little for the programmes in other sectors and this makes it difficult to increase the size of the Special Component Plan. This is the only State which has identified in concrete terms the needs of the Scheduled Castes in different occupational categories and has also brought out the phasing of the programmes for the development of the Scheduled Castes. The target of covering 50% of the Scheduled Caste families within the Medium Term Plan has been kept in view. Thus for the cultivators the excavation of Wells, land, development, crop demonstrations, training, Water conservation and horticulture development have been specifically identified as major schemes, for agricultural labourers, animal husbandry, poultry etc. as also schemes in agriculture are to be concentrated upon.

The sector-wise analysis of the special Component Plan revealed that in most sectors like fisheries (7.78%), cooperation (6.29%), forests (11.85%), village and small industries (5.64%) the outlays for the Scheduled Castes could be much higher. Even though from the divisible sectors, about 17 to 18% was earmarked in the special Component Plan, this is by no means enough, a level of at least 30.40% is necessary; the outlays for the Scheduled Castes should be in proportion to their population in the target group. While adopting the need based approach for the development of the Scheduled Castes, the demographic distribution of the Scheduled Castes has to be kept in mind, and there should be a physical budget of the Scheduled Castes population, accounting for a good proportion of them under one or the other schemes to help them rise above poverty line.

In Madhya Pradesh 43.68% of the Scheduled Caste workers (about 9.60 lakhs) are agricultural labourers while 37.47% (8.23 lakhs) are marginal and small farmers. These two categories together account for over 80% of the Scheduled Caste families and would necessarily constitute the main target groups. If the women workers are taken out of the calculation so as to arrive at the number of a families each occupational category, it is found that there are more cultivators than agricultural labourers amongst the Scheduled Castes; this was discovered only after a profession/occupation-wise analysis was attempted. **The State Government should chalk out a definite programme for the coverage of the 8.23 lakh cultivators, with suitable planning and coverage of a meaningful proportion of them each year.**

The State Government had decided to set up a Leather Workers Development Corporation which would take up a comprehensive programme for the development of the decentralised leather in-

dustry right from the flaying stage to the manufacture of footwear; for one district Vidisha, a plan has already been prepared. Similarly for the 'Basors' who are basket makers, a composite scheme was being finalised which would enable them to get the raw material (Bamboo) from plantation specifically grown for the purpose in Forest/Government lands; links with the market (for example the mines) would also be established. **In the fisheries sector a very good approach has been adopted; this is a result of their experience in the tribal areas. The deepening of fishing ponds could be linked up with the 'Food for Work Programme'. This scheme could be commenced even without waiting for the tie-up. While in the tribal Sub-Plan areas Madhya Pradesh have given a weightage to the Scheduled Castes in all relevant programmes, the same approach should be adopted even in the non-tribal areas. The electrification of all harijan localities which have not so far been covered should be taken up and included in the Special Component Plan.**

(ix) Orissa

A Special Component Plan for 1979-80 has been prepared though the exercise for the Medium Term Plan period has not been undertaken. The structure of the plan was not designed to meet the needs of occupational groups of which Scheduled Castes from a large proportion; even where certain gaps and deficiencies are identified, there is no corresponding input of programmes and investments. While there is so much talk of concurrent monitoring and correctives, there is no mechanism in the Plan to introduce new schemes on the basis of field experience. The Plan is itself so rigid that in the next four years one can be certain that the position regarding Scheduled Castes will be substantively the same as in 1979-80 unless adequate correctives are introduced now.

The outlays pre-empted by the Power, Major Irrigation and Industry Sectors left very little scope for increasing the level of the Special Component Plan. A sector-wise analysis of the Special Component Plan revealed that in some important sectors like agriculture (6.32%), soil and water conservation (1.30%), area development (6.0%), fisheries (4.57%) the outlays for the Scheduled Castes could be much higher.

The largest number of Scheduled Caste workers in Orissa are agricultural labourers (49.21%) next follow cultivators (27.45%). **Together agricultural labourers and cultivators (mostly marginal and small farmers) account for about 80% of all Scheduled Caste workers in the State. Accordingly it is necessary to direct the economic development effort at the agricultural labourers and marginal and small farmers amongst the Scheduled Castes.** There are 5.46 lakhs agricultural labourers; another 3.04 lakhs are marginal and small farmers. For the bulk of these, income generating assets other than land would require to be provided if they are to be pulled above the poverty line. The approach which can be adopted is to locate opportunities in different sectoral programmes and to work out a programme for the coverage of these Scheduled Castes families through appropriate schemes in each sector. **Animal husbandry provides the maximum potential in this regard, specially for agricultural labourers. Similarly the coverage of Scheduled Castes in poultry, goats, sheep and piggeries development must be specified in terms of number of families. Not only the animals are to be provided, the supply of fodder/feed, provision of health and veterinary care, sale of the end product and the full utilisation of all items such as carcass, setting up of bacon factories would have to be organised.**

(x) Punjab

Punjab has the highest percentage (24.71%) of Scheduled Castes in the country. SFDAs have been started in all the districts and an entrepreneurial climate exists in the State. A preliminary examination of the State Plan schemes showed that there are several schemes which appear to have a potential for the Scheduled Castes, but which have not been included in the Special Component Plan. **The sector-wise analysis of the Special Component Plan revealed that in most sectors like agriculture (4.03%), animal husbandry (11.32%) and village and small industry (2.91%) the outlays for the Scheduled Castes could be much higher.** 71% of the agricultural labourers are from the Scheduled Castes, while only 6% of the cultivators are Scheduled Castes. Over 57% of the Scheduled Castes are agricultural labourers and about 10% of the Scheduled Castes are marginal and small farmers. **Thus the main effort for the development of the Scheduled Castes must be directed at the agriculutral labourers. Animal husbandry including dairying provides the maximum potential for the Scheduled Castes in Punjab. Other Animal Husbandry programmes for sheep, poultry and piggery development could also be taken up to the extent of their full scope based on the market, and specific coverage of Scheduled Castes. In the cottage and village industries sector like production of barrack blankets there is also scope for the Scheduled Castes.**

(xi) Rajasthan

It is necessary to increase the outlays in the divisible schemes and also to restructure the scheme within each sector. The sector-wise analysis of the Special Component Plan revealed that in most sectors like agriculture (0.24%), soil and water conservation (0.76%), animal husbandry and dairy development (1.62%), power (1.58%), village and small industries (6%), mines (0.29%) and housing (8.71%) the outlays for the Scheduled Castes could be much higher. 52.3% of the Scheduled Caste workers (7.17 lakhs) are cultivators and 21.26% (2.86 lakhs workers) are agricultural labourers. These two categories together account for nearly 75% of the total Scheduled Caste workers and would constitute the main target group. **The main thrust is required to be directed for the development of agricultural labourers, marginal and small farmers. Handloom sector has a very large potential in the State. There are over 1½ lakh handlooms in the State. Since most of the weavers are from the Scheduled Castes this can become a big programme. There is also a lot of scope for a variety of handicrafts like basket and mat making. A comprehensive programme for the decentralised leather industry is necessary.** The Scheme in the Desert Development Projects and DPAP areas of giving grants of Rs. 200/- to cultivators in order to induce them to go in for fodder and pasture rather than 'bajra' is the correct approach for bringing about a change in the cropping pattern. Such schemes could be extended to other areas.

Apart from individual and family oriented schemes, the position of employment for the Scheduled Castes is important. **Soil conservation, forestry and other labour intensive sectors provide such an opportunity and labour contract societies could, if properly organised, enable the Scheduled Castes to derive considerable benefits. The formation of labour contract societies can give substantial impetus to labour oriented schemes both during the slack season and peak season.** An attempt to link up labour societies with Forest Works benefitting Scheduled Tribes has been made in the State and this experience can be instructive for expanding this to other areas, so as to benefit the Scheduled Castes. New Schools and adult education centres should be opened in the Scheduled Castes localities of the villages as a conscious policy; investments on this can be included in the Special Component Plan since they also help to bridge the social accessibility gap from which the Scheduled Castes suffer. Educated unemployed could be inducted as teachers in the N.A.E.P. Centres.

(xii) Uttar Pradesh

For improving the special Component Plan the proportion for the Scheduled Castes could be increased and more schemes from which benefits will flow to the Scheduled Castes could be identified. The sector-wise analysis of the Special Component Plan revealed that in most sectors like agriculture (0.57%), minor irrigation (5.56%), animal husbandry (20.00%), forest (1%), village and small industries (4.59%), education (2.83%) the outlays for the Scheduled Castes could be much higher. Hitherto the State Government has only tried to apportion to the Scheduled Castes a part of the divisible schemes of the programmes of each sector. But now what is required is to proceed further from this point. **To the extent it is not possible to make changes in the plan outlay ceilings of different sectors, adjustments must be made within each sector so that the programmes needed for the development of Scheduled Castes find place within the available total sectoral outlay. This is necessary because there is no doubt that the Scheduled Castes are far behind others in development and have to be given priority in all sectors.** The Scheduled Caste workers, cultivators (marginal and small farmers) and agricultural labourers are almost in equal numbers—27.19 lakhs and 26.41 lakhs, respectively—and together account for 85.58 per cent of all Scheduled Caste workers. While Scheduled Castes constitute 48 per cent of agricultural labourers in the State, their percentage amongst cultivators is only 17. **Agricultural labourers and small and marginal farmers must therefore, comprise the main target group for Special Component Plan. Schemes in the animal husbandry sector provide the maximum potential for those who have no land or those who have a meagre land holdings. Since 48 per cent of the agricultural labourers are Scheduled Castes and taking into account their economic backwardness, the distribution of about 6 lakh milch animals to 3 lakh Schedule Caste families could be undertaken. Dairying is the largest single programme from which the Scheduled Castes could derive substantial benefits. Coverage of the target group families of the Scheduled Castes under cottage and village industries should be taken up. Training programme can easily be tied up with employment in carpet making, match industry, soap industry and weaving etc. offer good scope for development of Scheduled Castes. Soil conservation, forestry and other labour intensive sectors provide employment opportunity, Labour Contract Societies/Co-operatives could enable the Scheduled Castes to derive considerable benefits.**

(xiii) West Bengal

The percentage of Scheduled Castes of West Bengal is one of the highest in the country (20.09%) and there are over 89 lakh Scheduled Castes in the State. The special component Plan for the Medium Term Plan has not yet been finalised. The analysis of existing schemes especially in the fisheries sector has been rigorous and a similar approach could be adopted for other important sectors like agriculture, animal husbandry, village and small industries. The sectorwise analysis of the special component plan revealed that in several sectors like agriculture (6.50%), minor irrigation (9.82%), soil and water conservation (11.81%), area development (3.92%), small industries (17.67%) the outlays for the Scheduled Castes could be much higher. **In West Bengal 42.57% of the Scheduled Caste workers are agricultural labourers (10.79 lakhs), 33.4% are cultivators small and marginal farmers (8.47 lakh workers); and of the total Scheduled Caste workers over 75% are accounted for by these categories of agricultural labourers, marginal and small farmers. These would include, of course also the share croppers. Thus the main effort for the development of the Scheduled Castes must be directed at these groups.** Schemes in the animal husbandry sector provide maximum potential for those who have no land, or those who have a meagre land holding. The West Bengal Livestock Processing Development Corporation Ltd. and the Dairy and Poultry Development Corporation can play a significant role in the animal husbandry programmes for the Scheduled Castes. The schemes and programmes where they can be brought it may be specified and would help in the effective implementation of composite programmes in this sector. Fisheries is a very important sector for Scheduled Castes in West Bengal. Need-based programmes to cover the large Scheduled Castes fishermen in the State require to be taken up in a systematic manner. The net work of fisheries cooperatives and the full utilisation of the Fisheries Development Corporation are essential. The specifies may be built into the plan. The groups in which there are Scheduled Castes like leather workers, fisheries, toddy taping etc., basket, mat and rope making, washing of clothes, dyers and binters, sweepers and scavengers, carpenters and blacksmiths must specifically be covered.

West Bengal has the additional advantage of a very high intensity of SFDA, CAD and DRAP coverage. This means that the ongoing schemes of the kind required for the Scheduled Castes can be intensified without any great difficulty and the flow of benefits to the Scheduled Castes on a large scale can be achieved.

A novel and commendable innovation is the Rural Works Programme (earlier called the Special Employment Programme and Rural Production Programme) which has been in operation since 1974-75. The objective is to generate employment "in the rural areas during the slack season and also the creation of durable community assets through implementation of locally useful development schemes in consonance with the needs of the area for the all round improvement". This has been linked up with the Government of India scheme for the generation of gainful employment in the rural areas by utilisation of foodgrains stock (Food for Work programme). This scheme is similar, really, to the Employment Guarantee Programme of Maharashtra and the Employment Affirmation Scheme of Karnataka. From 1978-79 it is envisaged to implement this through the Panchayati Raj bodies. The possibilities for Scheduled Castes in this programme are considerable and can be fully exploited if effective linkages through section of sound labour contract societies are also established.

Integrated Rural Development Programme

4.28. The Government of India in the Ministry of Agriculture and Irrigation (Department of Rural Development) initiated the Integrated Rural Development Programme during 1977-78, aimed at the creation of additional employment in the rural sector for the benefit of small and marginal farmers, agricultural labourers and members of Scheduled Caste/Tribes, thereby raising the income level of these identified target groups. The main objective of the programme is to raise as many families as possible above the poverty line, within a stipulated time. With a view to improving the economic viability of the target groups, various beneficiary oriented schemes in the fields of agriculture and other allied activities are being taken up under the programme. As the intensification of efforts in the agriculture sector alone is not likely to solve the problem of unemployment in the rural areas, rural industries and Rural Artisans Programme have also been suitably integrated into the programme. Similarly, activities under the tertiary sector are also being financed so as to promote self-employment among members of the target groups. Training is another important input through which members of the target groups are exposed to new skills, crafts and technology. On completion of the training, the trainees will be assisted to set up their own independent units under the Rural Industries/Artisans Programme or to find suitable permanent employment. Under the various schemes which are being promoted as part of the Integrated Rural Development Programme, the emphasis is on providing assistance in the form of a whole package

of services involving credit, inputs and know-how, so that definite improvement in the income levels of identified participants can be brought about, and they can cross the poverty line. The main responsibility of implementing the Programme rests with the State Governments and Union Territory Administrations. The State level Coordination Committees set up in each State and Union Territory are responsibe for monitoring the performance and evaluation of the programme. A senior officer of the Ministry of Agriculture and Irrigation is a member of the State level Coordination Committees. At the Central level, an Administrative Intelligence Unit exists for monitoring the progress of implementation of the Integrated Rural Development Programme and suggesting corrective action.

4.29. The programme is being implemented in 2,300 blocks during the year 1978-79. Of these, 2,000 blocks have been selected from the areas covered by one or more of the three special programmes, viz. SFDA, DPAD and CAD and 300 blocks from areas not covered by these programmes. Another 300 blocks will be added every year, so as to cover a total of 3,500 blocks by the end of the Sixth Plan period, out of the total number of about 5,004 blocks in the country. Detailed guidelines for formulating and implementing various schemes under the programme have been issued by the Ministry of Agriculture and Irrigation to the State Governments/Union Territory Administrations.

4.30. It is estimated that an allocation of Rs. 5 lakhs can help about 300 families, provided the required support from financial institutions is also available. Taking an average of about 8,000 needy families per block, the financial resources required would be quite large. An amount of Rs. 5 lakhs per block has been allocated in respect of blocks covered under the SFDA or CAD programmes and Rs. 4 lakhs in respect of blocks covered under the DPAP. In the case of DPAP blocks, the States are expected to contribute an additional amount of Rupees one lakh per block. These allocations are over and above the present level of funding. The funds under the programme are primarily meant for financing the subsidy components of beneficiary-oriented programmes in the field of agriculture and its allied activities like rural industries and rural artisans programmes. The subsidy is at the rate of 25% of the cost of the scheme when the beneficiary is a small farmer and 33 1/3% for the marginal farmers and agricultural labourers, with a ceiling of Rs. 3,000 per beneficiary. However, the subsidy for Scheduled Tribe beneficiaries is 50% of the cost of the scheme with a ceiling of Rs. 5,000. An amount of Rs. 45.21 crores has been released so far, for implementing the programme in the selected blocks. An amount of Rs. 8.34 crores is reported to have been utilised up to the end of February, 1979.

Priority to Blocks with more than 20% Scheduled Caste population

4.31. It has been provided that the blocks with more than 20% Scheduled Caste population will be given a high priority for inclusion under the intensified Integrated Rural Development Programme. While the bulk of the blocks with more than 20% Scheduled Caste population were to be taken up during the year 1978-79, the remaining blocks are expected to be covered latest in another two years. Statewise information regarding the number of blocks having 20% and more Scheduled Caste population and the number of blocks covered by DPAP, SFDA and CAD programmes, as well as the list of blocks in the country having 20% to 50% and above Scheduled Caste population is given in the Statements No. I & II at Appendix XLI. The Statewise number of blocks having 20% to 50% and above Scheduled Caste population is given in the table below :—

Sl. No.	Name of State/ Union Territory	Number of Blocks having Scheduled Caste population ranging from				Total
		20% to 30%	30% to 40%	40% to 50%	50% and above	
1	2	3	4	5	6	7
1	Andhra Pradesh	54	3	..	..	57
2	Assam	4	1	1	..	6
3	Bihar	105	22	4	3	134
4	Gujarat	Nil	Nil	Nil	Nil	Nil
5	Haryana	36	5	..	..	41
6	Himachal Pradesh	15	9	1	1	26
7	Karnataka	48	7	..	1	56
8	Kerala	Nil	Nil	Nil	Nil	Nil
9	Madhya Pradesh	86	9	1	1	97
10	Maharashtra	2	..	..	..	2
11	Orissa	52	1	..	..	53
12	Punjab	61	25	9	1	96
13	Rajasthan	52	4	1	..	57
14	Tamil Nadu	116	39	8	2	165
15	Tripura	1	..	..	1	2
16	Uttar Pradesh	361	84	25	16	486
17	West Bengal	68	48	15	9	140
18	Delhi	2	2	..	..	
19	Pondicherry	1	..	..	..	1
	Grand Total	1,064	259	65	35	1,423

It would be seen from the above table that out of the total number of 3,500 blocks expected to be covered under the programme by the end of the Sixth Five Year Plan, 1423 blocks will have 20% and above Scheduled Caste population. It is also found that out of 503 blocks in the tribal sub-plan areas only 91 have been included in the Integrated Rural Development Programme.

4.32. The bulk of the Integrated Rural Development Programme is family-based. There is also a reservation of benefits for the Scheduled

Castes/Scheduled Tribes upto 20% of the total investment. However, it is understood that the quantum of benefits accruing to the Scheduled Castes from various schemes included in the programme is not adequate. The proportion of Scheduled Castes in the population varies considerably from one block to another. Moreover, the number of Scheduled Castes among the rural poor for whom these programmes have been specially drawn is substantially larger. In fact, in most of the Cases, the bulk of the population belonging the categories of marginal farmers and agricultural workers are Scheduled Castes. Therefore, a reservation on a uniform basis or even on the basis of their proportion in the total population of the block still leaves them far behind their due shares in the benefit of these programmes. **It is, therefore, recommended that the benefits in the Integrated Rural Development should be earmarked to the extent of the proportion of Scheduled Castes amongst the target groups in each case and till such figures are available, it should be 50% of the total benefits.**

4.33. It has been observed that the average holding of the members of Scheduled Castes is very small and they may not be eligible to get benefit of the schemes like irrigation wells. In some cases it may, therefore, be necessary to change the structure of schemes with reference to the economic condition of the members of Scheduled Castes. In this connection, the Working group on Scheduled Castes and other blackward classes recommended as follows :—

The various economic programmes should be reviewed with a view to adapt them to enable the members of Scheduled Castes to become eligible for those programmes and partake in their benefit to the desired extent.

The quantum of subsidy may be suitably revised in all programmes keeping in view the sub-marginal land and weak economic conditions of the members of Scheduled Castes. The condition of minimum holding for small irrigation wells should be removed and all those members of Scheduled Castes who want to have a well should be provided on priority basis.

A separate chapter in all Rural Development Projects should deal with the development of Scheduled Castes, especially highlighting the adaptation of programmes; relaxation of norms and arrangement for review of accrual of benefits and taking up timely review wherever necessary.

There should be a programme to cover all the holdings of Scheduled Caste land holders, most of whom are marginal farmers, with irrigation wells to the fullest possible extent. Groundwater irrigation units, which should be self-contained including specialists from the fields of geology, hydrology, drilling, etc., should be created to provide organisational support for quickly identifying and exploiting the groundwater resources. These units should be adequate in number to exploit the entire groundwater potential in areas where there is a fair amount of land-holding by Scheduled Castes in a time-bound programme of three years. Such units should be provided with sufficient physical and financial resources including drills, etc.

Similarly, in respect of surface water irrigation, it should be ensured that the Scheduled Caste land holdings in the command areas are fully covered through channels and necessary physical and financial support is made available.

As Integrated Project for Development of land held by Scheduled Castes, whether by distribution of ceiling surplus lands or by assignment or by long-term base of temple lands etc., should be formulated so that the grant of land and its development are simultaneous.

It is hoped that all the State Governments/ Union Territory Administrations will take necessary action to implement the above mentioned remommendations of the working group at an early date.

Role of Voluntary Organisations in the implementation of the Programme

4.34. Voluntary organisations can play a useful role in the implementation of the Integrated Rural Development Programme. In this connection, the Sivaraman Committee on the Role of Voluntary Agencies in Rural Development has observed in its report that voluntary agencies which are engaged in social and developmental work, especially in rural areas, can be profitably involved in planning and/or implementation of the integrated rural development programme. The committee has recommended that to begin with voluntary agencies may be involved in planning and implementation of about 100 block plans. It has further recommended that a high powered committee should be set up at the centre which would select voluntary agencies and the areas where they will work in cases where comprehensive block planning and/or implementation is to be undertaken by the voluntary agencies. Co-ordination Committees are also to be set up at the State level for selecting the voluntary agencies and the area of operation in case where part of the block plan is involved. It is understood that the recommendations of the Committee are under the consideration of the Government. **It is hoped that the Government of India will take an early decision on the recommendations of the Committee.**

4.35. The progress of the implementation of the Integrated Rural Development Programme was reviewed in a meeting of the State Chief Secretaries, Agricultural Production Commissioners, Development Commissioners and other senior officials, held in February, 1979. It was pointed out in the meeting that the pace of utilisation of funds had been slow. The State

Governments were, therefore, requested to speed up the implementation of the programme. It was also pointed out that the availability of sufficient institutional finance for the programme was crucial. It was urged that the States should maintain close liaison with the banks and help them in sanctioning loans. The State Governments were also requested to strengthen their co-operative institutions with a view to enabling them to provide more funds for the programme. They were also requested that they should make necessary provisions in their plans for the creation of social and economic infrastructure. **It is hoped that all the State Governments/ Union Territory Administrations will take early action to implement the recommendations made in the above mentioned meeting.**

Development Corporations for Scheduled Castes and Scheduled Tribes

4.36. Development Corporations have been functioning in many States for ameliorating the economic condition of the persons belonging to Scheduled Castes and Scheduled Tribes. The Corporations provide assistance for purposes like agricultural development, marketing and processing, trade/profession including small scale industries, supply and storage, transport, dairy farming etc. In the tribal Sub-Plan areas, LAMPS (Large Scale Multipurpose Societies) have been organised in various States with a view to making provision for short, medium and long term credit for agricultural and consumption purposes, agricultural inputs, essential domestic requirements and marketing of agricultural produce. The details of the scheme have been discussed in the Chapter on Tribal Development in this Report. Available information regarding the functioning of the Development Corporations established in various States, is given below :—

1. **Andhra Pradesh Girijan Cooperative Corporation Ltd., Visakhapatnam**

The Corporation started functioning with effect from 5th April, 1957 with the objectives to purchase agricultural produce brought by its members through the agency of marketing societies and to market it to the best advantage of the tribals, to take up forest contracts of bamboo coupes and for procurement of minor forest produce from government, to supply daily requirements to tribals, to provide credit facilities for promoting the economic interests of its tribal members. It functions through its 30 Primary Co-operative Societies affiliated to it. The Girijan Corporation has got monopoly rights to purchase minor forest produce from tribals. Upto 1969-70 the purchase policy of the Corporation was to pay a fair price to the tribals for the minor forest produce after deduction of 38% towards overhead charges and the percentage of permissible driages. But afterwards it was decided to restrict the incidental charges to only 15% plus permissible percentage or driages. Since its inception the Corporation is reported to have procured agricultural and minor forest produce worth Rs. 73.33 lakhs and Rs. 466.08 lakhs respectively. The value of procurement during 1978 amounted to Rs. 10.48 lakhs and Rs. 130.52 lakhs for agriculture and minor forest produce respectively. The tribals sell their produce to Corporation and in turn purchase domestic requirements like rice, salt, kerosene oil, edible oil etc. Selling price of controlled items is fixed by adding the margin allowed by the Government on the purchase price i.e. by adding 10% to meet the transport charges. It is also supplying controlled cloth on a large scale which earns a margin of 10 to 20% and proposed to procure pulses and edible oil during the harvest and sell them in off season. The entire amount of Rs. 25 lakhs, received from State Government as loan was advanced to the tribals for agricultural operations. The Corporation identified 5000 acres in reserved forest areas for raising coffee plantation. The coffee plantation scheme envisaged handing over of 2 acres plots to each tribal family at the end of 7 years, when the plants become fruit bearing. Till 1978, 16,050 acres was raised with coffee plantation by the Corporation for which total amount of Rs. 56.64 lakhs was received by the Corporation.

2. **Assam Plains Tribes Development Corporation Ltd., Dispur**

The Assam Plains Tribes Development Corporation Ltd. was registered under the Companies Act in the year 1975. The Government constituted the Board of Directors in the month of June, 1978, with one Chairman and 14 Directors. The Board framed rules for sanctioning consumption loan and other financial assistance to encourage agricultural, small and cottage industries, better housing accommodation, fisheries, dairy farms etc. The Corporation has taken up schemes to make available cotton yarn to the tribal weavers. The Corporation proposed to produce quality cotton clothes for exporting to the foreign markets. Schemes for encouraging the tribals for producing *endi* cocoons has also been taken up by the Corporation by giving advance upto Rs. 1,000 per family on condition that the cocoons would be sold to the Corporation. Doctors, Engineers etc. are encouraged and provided assistance. The Corporation is understood to have decided to start one small industrial complex at Gauhati for dyeing yarn and printing etc. to provide employment opportunities to the unemployed tribal youths.

3. Assam State Development Corporation for Scheduled Castes, Gauhati

Assam State Development Corporation for Scheduled Castes was registered in the year 1975, to provide economic benefit to Scheduled Caste people. Rules were framed for providing seed money to the Scheduled Caste entrepreneurs for starting small scale industries, trade and fisheries etc. It also decided to open at least one branch of the Corporation in each plain district of Assam. Two branch offices one each in Gauhati and Nowgong are reported to have been opened. Six more branches of the Corporation were expected to be opened during 1979-80.

4. Bihar State Scheduled Castes Cooperative Development Corporation, Patna

Bihar State Scheduled Castes Cooperative Development Corporation has been established under Bihar and Orissa Cooperative Rules to take up activities like the work of agro-based industry, cottage industry, small and village industry to create employment opportunities among harijans; to establish industrial cooperative and other cooperative societies; to sanction loans and marginal subsidies to the harijan members; to create consciousness of cooperation among Scheduled Caste persons, formation of various schemes pertaining to training, scholarships and research to construct residential buildings, hostel buildings, school buildings for the welfare of harijans; and to take up the work of collection and distribution of agriculture and other produce. Initially, a budget provision of Rs. 10,000 was made during 1978-79.

5. Gujarat Tribal Development Corporation, Ahmedabad

The Gujarat State Tribal Development Corporation was established in 1972. The Corporation is supposed to plan and promote at its own or in collaboration with or through approved organisations/agencies any programme of agriculture development; marketing; processing; supply and storage of agricultural produce; small scale industries; building constructions; transport and such other activities. There is only one office of the Corporation located at Ahmedabad. The Corporation functions at the field level with the help of district level officers of the State Government; Project Officers of Integrated Tribal Development Projects, Cooperative Societies etc. The Government of Gujarat has provided an amount of Rs. 48.00 lakhs by way of capital and an amount of Rs. 14.22 lakhs by way of grant for administrative expenditure upto 31st December, 1978. Year-wise details are as below :—

(Rupees in lakhs)

Year	Capital provision	Loan received	Grant for Administrative expenditure from State Government	Total
1	2	3	4	5
1972-73 .	2.00	3.00	..	5.00
1973-74 .	5.00	..	..	5.00
1974-75 .	15.00	..	..	15.00
1975-76 .	..	..	7.00	7.00
1976-77 .	10.00	3.00	3.72	13.72
	*3.00			
1977-78 .	6.50	..	3.50	10.00
1978-79 (Upto 31-12-1978)	6.50	..	..	6.50
Total .	48.00	..	14.22	62.22

*The loan of Rs. 3.00 lakhs sanctioned in 1972-73 was converted into capital in 1976-77.

The Corporation has provided an amount of Rs. 47.68 lakhs by way of soft loans for various activities including share loans and share capital contribution to 155 cooperative societies and 3 recognised voluntary agencies. During 1974-75, the Corporation has incurred an expenditure of Rs. 1.35 lakhs as against the plan provision of Rs. 8.59 lakhs, for providing financial assistance for purposes like oil. pumps, persian wheels, hand pumps etc. Similarly, during 1975-76 as against the plan provision of Rs. 5.04 lakhs, an expenditure of Rs. 2.23 lakhs was incurred over schemes relating to financial assistance, oil pumps, persian wheels and hand pumps, free medical aid to cooperative housing societies etc. But these schemes were retransferred to the Social Welfare Department during 1975-76. The Schemes relating to financial assistance to industrial co-operative societies for Scheduled Tribes; subsidy to village service cooperative societies; financial assistance to marketing-*cum*-consumer societies for Scheduled Tribes were taken up by the Corporation from 1974-75 to 1977-78 and an expenditure of Rs. 2.21 lakhs was incurred as against the provision of Rs. 4.19 lakhs. In all 89 tribal societies had been benefited. The schemes were, however, discontinued from 1st April, 1978. As regards tribal sub-plan schemes from 1977-78 to 31st December, 1978 the Corporation incurred an expenditure of Rs. 12.09 lakhs as against the plan provision of Rs. 18.79 lakhs for organising 31 societies. During 1977-78, a provision of Rs. 9.50 lakhs was made

for providing assistance to tribals for purchase of milch cattle. The Corporation provided under mentioned loans to the tribals during 1977-78 and 1978-79 :—

Sl. No.	Name of the Scheme	1977-78		1978-79 (upto 31-12-78)	
		Number of tribals benefited	Amount of loan provided (Rs. in lakhs)	Number of tribals benefited	Amount of loan provided (Rs. in lakhs)
1	2	3	4	5	6
1	Milch cattle .	2,155	43.45	2,020	43.28
2	Bullocks/ He-buffaloes.	1,857	19.34	48	4.16
3	Bullock carts .	345	3.12	40	0.54
4	Poultry farming .	227	6.81	130	4.10
5	Fisheries . .	120	1.44	..	..
	Total .	4,704	74.16	2,238	52.08

6. Haryana Harijan Kalyan Nigam Ltd., Chandigarh

Upto 31st December, 1978, the Nigam granted loans amounting to Rs. 94.73 lakhs @7% interest. For loans given for higher education, interest was being charged @4%. The Nigam had received loans and grants from the State Government amounting to Rs. 58.00 lakhs and Rs. 1.24 crores respectively. Besides giving loans, the Nigam was also reported to have set up three industrial units. Information regarding programme of these units during 1977-78 is given below :—

Sl. No.	Name of Production Centre	Value of goods manufactured (Rs. in lakhs)	Number of Workers employed
1	2	3	4
1	Shoe Production Centre, Karnal.	16.10	50 (All of them belonged to Scheduled Castes).
2	Harkalyan Kurthal	14.00	50 (Most of them belonged to Scheduled Castes).
3	Harkalayan Binders and Printers, Panchkula.	9.91	55 (Most of them belonged to Scheduled Castes).

During 1976-77 the amount of profits shown by these industrial units amounted to Rs. 1,01,318.24, Rs. 20,090.48 and Rs. 1,28,471.82 respectively.

7. Karnataka Scheduled Caste and Tribe Development Corporation, Bangalore

The Corporation was set up in March, 1975. Since its inception the Government provided to it financial assistance amounting to Rs. 50.00 lakhs which was subsequently raised to Rs. 80.00 lakhs. According to available information during 1976-77 an amount of Rs. 40 lakhs was earmarked for sanction of loans to persons belonging to Scheduled Castes/ Scheduled Tribes. However, the amount of loans sanctioned for various occupations amounted to Rs. 18,12,730 and Rs. 10,69,200 during the 1976-77 and 1977-78 respectively. 1,230 persons belonging to these categories benefited. In so far as setting up of ancillary industries for providing employment opportunities is concerned, the Corporation had secured a watch Assembly Ancillary Unit from HMT Watch Factory for which an amount of Rs. 1.58 lakhs was reported to have been invested. It was estimated that 100 girls could be employed during phased period of 5 years. During 1976-77, the unit earned a gross income of Rs. 1.37 lakhs. The Corporation was reported to have assisted 27 drivers belonging to Scheduled Castes for purchase of 27 Auto-rickshaws, by providing them margin money for obtaining loans from Banks. It also sanctioned financial assistance to the tune of Rs. 3,000 to a photographer belonging to Scheduled Castes towards margin money. During 1977-78 the Corporation proposed to make available an amount of Rs. 8.00 lakhs for improvement of the ancillary unit. 14 candidates belonging to Scheduled Castes were selected for training of irrigational wells and pump sets to the Primary Land Development Banks for sanction of loans. Efforts were also being made for establishment of an Agarbati factory and unit for the manufacture of surgical cotton. Approval had also been accorded for setting up an automobile Engineering Workshop and service unit. The Corporation incurred a loss of Rs. 1,13,378.55 during 1976-77.

8. Kerala State Development Corporation for Scheduled Castes and Scheduled Tribes, Trichur

The Corporation was registered in December, 1972. The Government of Kerala was reported to have provided financial assistance amounting to Rs. 267.199 lakhs to the Corporation. The largest programme undertaken by the Corporation related to housing schemes. (2,157 houses were reported to have been completed and 43 houses were at various stages of construction under the first housing scheme). An expenditure of Rs. 114.28 lakhs had been incurred. The second housing scheme of the Corporation envisaged construction of 10,000 low cost subsidised houses. Under the scheme of loan for purchase of agricultural land, 1,458 persons were given loans amounting to Rs. 55,02,495.00. The Corporation also

provided loan amounting to Rs. 48.39 lakhs to 1,400 persons for small business, trade or industry etc., and also supplied 232 auto-rickshaws costing Rs. 28.50 lakhs. Financial assistance amounting to Rs. 1.86 lakhs had been given to 15 persons, to enable them to set up mini industrial units. The Corporation also provided financial assistance amounting to Rs. 31,525 to 4 persons for purchase of machinery and got trained 245 persons in auto-rickshaw driving etc. The Government of Kerala is also reported to have promoted a Girijan Society for Maduvans of Devicolam Taluk to secure their rights for collection of cardamom in Reserve Forest. The Corporation had advanced a loan of Rs. 27.45 lakhs in 1976-77 and 1977-78 to the Society and with the collaboration of the society collected cardamom from the tribals and sold it for Rs. 14.50 lakhs during 1976-77. The sale proceeds during 1977-78 amounted to Rs. 14.08 lakhs. The Corporation was also reported to be taking steps to encourage traditional industries of Harijans and loan assistance amounting to Rs. 50,000 was paid to the Harijan Welfare Agricultural Credit Cooperative Society Ltd., in 1977-78 for bamboo and basket making. The Society made a profit of Rs. 39,000 and provided a loan of Rs. 5,000 to Bamboo Handicraft Society for giving employment to 50 families.

9. M. P. State Tribal Cooperative Development Federation, Bhopal

The Federation is at present understood to be working with the affiliation of 115 Forest Labour Cooperative Societies and 194 Multipurpose Cooperative Societies. The Federation has exported gum worth Rs. 21.24 crores since its inception. From 1962 to 1978, a sum of Rs. 5.30 crores is reported to have been paid to the tribals against minor forest produce only. During 1977-78, it collected non-edible oilseeds worth Rs. 6.70 lakhs; purchased agriculture produce worth Rs. 3.16 lakhs from tribals.

10. Orissa Tribal Development Cooperative Society Ltd., Bhubaneswar

The Orissa State Tribal Development Cooperative Society was formed in April, 1972, with the objective of disbursement of production-*cum*-consumption loans, procurement of produce and supply of consumers' goods and other necessities of life to tribals and arranging of marketing facilities for the tribals. The Corporation has been conceived as an Apex institution with share capital of Rs. 5 crores while the Tribal and Rural Welfare Department has a participation of Rs. 40.05 lakhs. It functions through its two Divisional offices and 16 branches, 261 fair price shops, 188 LAMPS in Sub Plan Area and 47 Panchayat Samities and 31 Primary Societies viz. Forest Cooperative Marketing Societies have been affiliated to it. It has been decided that the LAMPS are to function as agents of the Corporation in the Sub-Plan areas. But as the LAMPS are still in their nascent stage, the Corporation with its branches will continue to undertake procurement, purchase and sale activities where LAMPS are not active. Of 261 fair price shops, 166 shops have already been transferred to the LAMPS till 21-7-79 and the remaining 75 shops in the Sub-Plan areas are being transferred. 47 shops outside the tribal Sub-Plan areas will be closed down as the regional marketing cooperative societies are very active in these areas. It has also been decided that the Corporation will take up the procurement of such items of M.F.P. & S.A.P. in the tribal areas economically viable and take up the other items if the Government underwrites and losses. The main agricultural produce and forest produce handled by it are cereals, millets, pulses, edible oil, spices and condiments and non-edible oil seeds like *neem* seed, *mahua* seed and gum, tamarind. The Corporation is reported to have been able to handle about 15 to 20 per cent of the marketing of surplus agricultural and forest produce in the tribal areas. The value of agricultural produce handled by the Corporation increased to Rs. 133 lakhs during 1977-78 from Rs. 44.96 lakhs in 1972-73 and that of minor forest produce increased to Rs. 42 lakhs in 1977-78 from Rs. 18.97 lakhs in 1972-73. During 1978-79, it proposed to procure agricultural and minor forest produce worth Rs. 300 lakhs. Similarly, the value of consumers' goods supplied went upto Rs. 210 lakhs in 1977-78 from Rs. 44.60 lakhs in 1972-73. During 1978-79 the Society fixed a target of Rs. 300 lakhs worth of articles of daily requirement for supply to the tribals. It also proposed to set up processing units for minor forest produce.

11. Rajasthan Tribal Development Corporation, Udaipur

The Corporation started functioning in March, 1976. Panchayat Samities of 6 districts were affiliated to it. During 1976-77, the Corporation received Rs. 1,35,94,000 from Government. Upto June 30, 1978, 54 LAMPS having 50,693 (53.5%) Scheduled Tribes and 10,480 (14.15%) Scheduled Castes as its members were functioning. It re-established

188 cooperative societies in the State. During 1977-78, the Corporation distributed Rs. 38.08 lakhs worth of fertilizers and seeds amongst tribals. Upto January, 1979 the amount distributed were valued at Rs. 21.41 lakhs. During 1977-78, Consumers goods worth Rs. 92.08 lakhs were distributed. Upto January, 1979 consumers' goods worth Rs. 20.93 lakhs were distributed. Minor forest produce distributed during 1977-78 was worth Rs. 14.92 lakhs and upto January, 1979 it valued Rs. 9.93 lakhs. The Corporation purchased Rs. 98,000 and Rs. 2.10 lakhs worth of agricultural produce during 1977-78 and upto January, 1979. The Corporation gave loans amounting to Rs. 45,000 for socio-religious functions and paid an amount of Rs. 9,000 as wages to 270 fishermen. The Corporation arranged for boats, nets and shets etc. for the fishermen upto January, 1979. 235 tons of fish were caught and sold.

12. **Uttar Pradesh Scheduled Caste Finance and Development Corporation, Lucknow.** The Uttar Pradesh Scheduled Caste Finance and Development Corporation was set up with a share capital of Rs. 37.39 lakhs. The State Government agreed to increase its working capital suitably so as to provide 51% against 49% contribution by the Central Government. A request for an assistance of Rs. 4 crores was reported to be under consideration of the Central Government against which the State Government proposed to provide an amount of Rs. 4.33 crores. It is understood that the Corporation worked as agent for distribution of subsidies in the fields of agriculture, cottage industries and other small professions; Financed retail textile shops/grocery shops to the extent of Rs. 4,000 per beneficiary; financed unemployed educated graduates in the shape of loans for purchase of typewriters to enable them to set up typing shops; assisted auto-rickshaw drivers; rickshaw pullers and provided 25% recoverable margin moneys for bankable schemes of the project and stood guarantees to the banks against small loans. However, no information was available about the actual assistance rendered by the Corporation to the persons belonging to these categories.

Development Corporations in Maharashtra State

4.37 It may be mentioned that in the course of his visit to **Maharashtra** State in the month of July, 1979 the Commissioner for Scheduled Castes and Scheduled Tribes had detailed discussions regarding the functioning of Maharashtra State Tribal Development Corporation, Pune, and Mahatma Phule Backward Classes Development Corporation Ltd., Bombay. Available information regarding the working of these two corporations is given below :—

1. **Maharashtra State Tribal Cooperative Development Corporation Ltd., Pune**

Though the Corporation was established in 1972, its activities were very limited during 1972-75 and it only used to manage and run some ashram schools and primary units for distribution of cansumer articles in tribal areas. After the enactment of Maharashtra Tribals Economic Conditions (Improvement) Act, 1976, the Corporation was reorganised, restructured and revitalised to enable it to undertake various activites, particularly marketing and crediting functions in the tribal areas. The Corporation is at present functioning as an apex body for the adivasi cooperative societies and all such societies have been affiliated to it as its members. The Corporation functions chiefly as an agent of Government for execution of schemes intended for the benefit of tribals. The Corporation has set up 7 regional offices at Pune, Thane, Dhule, Nasik, Chanderpur, Yeotmal and Nagpur which are managed by the regional managers of the Corporation. It has opened 26 offices at taluka level which are managed by the marketing officers with supporting staff. During 1977-78 the Corporation was appointed chief agent of Government for carrying out monopoly purchase and marketing of specified commodities, in Peint and Surgana Tehsils of Nasik District, Ambegaon and Junnar Tehsils of Pune District, Melghat Tehsils of Amravati District and Sironcha and Gadchiroli Tehsils of Chandrapur District. Between 11th October, 1977 to 12th December, 1977, 32,000 quintals, of specified produce worth Rs. 60 lakhs were purchased in Nawapur Tehsil in Dhule District and Melghat Tehsil in Amravati District. During 1977-78, 1,12,000 quintals of specified produce was purchased for Rs. 1.37 crores. It is understood that the tribals' response to the scheme has been very favourable. Subsequently, a decision was taken to extend the scheme of monopoly purchase of specified commodities to 40 Tribal Tehsils from October, 1978. As on 31st May, 1979, the Tribal Development Corporation had purchased 6,75,834 quintals of specified produce at a total cost of Rs. 7.62 crores. The State Government is understood to have taken up monopoly purchase of grass in Palghar Tehsil of Thane District on Pilot basis. The Tribal Development Corporation purchased 7358 Metric Tonnes of grass worth Rs. 13 lakhs, and was supplied to the scarcity affected districts.

The State Government decided to provide consumption finance to the tribals in areas where the provision of the Maharashtra Tribals Economic (Condition)

Improvement Act, 1975 had been brought into force. An amount of Rs. 3 crores was sanctioned for the creation of 'Consumption Finance Disbursement Revolving Fund'. The scheme of consumption finance had been implemented by the Tribal Development Corporation through the Adivasi Cooperative Societies. Consumption finance loans was to be paid once in a year to the members of the Adivasi Cooperative Societies at 7.5% rate of interest per annum and not more than 30% was to be paid in cash. The kind portion consisted of food-grains, kerosene, cloth, salt and edible oil. The scale of finance under the scheme was as under :—

(i) A sum of Rs. 250 to a Scheduled Tribe family which is not a defaulter to any institution including Government on all loans excluding long term loans.

(ii) A sum of Rs. 125 to a Scheduled Tribe family which is a defaulter to any institution including Government on all loans excluding long term loans.

(iii) A sum upto Rs. 100 to a Scheduled Tribe family which does not possess any land and whose principal income is derived from a labour of any type of village.

4.38. It may be relevant to refer to a study undertaken by the Tribal Research and Training Institute, Pune in respect of 'Consumption Finance' in **Maharashtra** State. Some of their main findings are given below:—

1. 1,59,733 members out of a total number of 1,99,372 tribal members of adivasi cooperative societies had been covered under the Scheme, i.e. the coverage was 80%. 36% of the beneficiaries were landless labourers, 25% defaulting members and 39% non-defaulting members. It was suggested in the Report that positive discriminatory approach for the poorest of the poor should be adopted.

2. It was observed that except food-grains, all the other items of kind portion had not been taken up as a composite package for distribution at all the Adivasi Cooperative Societies. It was suggested that all the commodities mentioned in the Government Resolution should be distributed as composite package, especially sweet oil and kerosene should not be neglected. It was considered essential that all the Adivasi Cooperative Societies and the supervisory personnel of Tribal Development Corporation should see that not more than 30% of the assistance was given in cash.

3. It was observed that an average assistance of Rs. 112 was inadequate and it may not be possible to replace the old exploitative system through such a meagre assistance.

4. In the course of the field enquiries it was observed that there were some cases where the beneficiaries had not benefited through loans upto the ceiling limit fixed for them. It was suggested that the extent of assistance should be raised to Rs. 150, Rs. 175 and Rs. 300 for landless, defaulting member and non-defaulting member respectively.

5. It was observed that at all places cash portion of the assistance had been distributed in one instalment contrary to instructions. There were also complaints from beneficiaries. There were cases where second instalment was refused on ground that time limit was over. In some cases the beneficiaries were asked by the Adivasi Cooperatives to purchase materials of inferior quality or the prices charged were comparatively high. Some beneficiaries were required to walk long distances to receive small cash amounts. It was suggested that the cash portion should be disbursed in one instalment at the end of the distribution of kind portion. It was suggested that a fresh review should be taken in consultation with the concerned Chairmen and Managers of Adivasi Cooperative Societies to fix the distribution centre a new. It was felt that efforts to increase the expenditure under the scheme required to be made. Raising the scale of finance could also help.

6. Comparatively more stocks remained idle with the Adivasi Cooperative Societies after distribution. Such stocks caused damages/losses. It was suggested that the balance of undistributed commodities should be lifted by Tribal Development Corporation within 1 to 2 weeks' time of the intimation from the Adivasi Cooperative Societies to avoid losses and shortages.

7. By the end of February, 1979 only 8% of the loan had been recovered and by the end of March, 1979, the recoveries increased to 13%. All this meant that the recovery position was not at all satisfactory. Village-wise committees consisting of prominent villagers should be set up to recover the loan amounts. Close link between credit and work should be established for effective recoveries. Suitable incentives and disincentives for non-defaulters and defaulters should be considered. Repayment of loans should also be accepted in terms of commodities other than commodities specified for monopoly procurement.

8. It was suggested that consumption finance should be distributed between mid-June and mid-July so that the beneficiaries could possess the commodities and cash before the onset of rains.

9. It was suggested that the benefit of the scheme should be extended to non-tribals in tribal area also who were in indigent circumstances.

10. Orientation in skills and practices should be given to selected staff of Adivasi Co-operative Societies at the level of Marketing Officers/Regional Managers of Tribal Development Corporation to impart greater efficiency.

11. There should be adequate arrangements for storing commodities for distribution at key points before the onset of monsoon.

12. It was observed that the Adivasi Co-operative Societies could not receive their commission amount under monopoly procurement as well as under this scheme. It was suggested that commission amounts should be released in 2 instalments on **ad-hoc** basis as soon as distribution was over and the second instalment should be released after 2 months from distribution and settlement of amounts.

2. Mahatma Phule Backward Class Development Corporation Ltd.

The Corporation has been presently set up and it has been estimated that as a result of implementation of all the proposed schemes and programmes about 70,000 families belonging to Scheduled Castes, Scheduled Tribes, Denotified Tribes/Notified Tribes and Neo-Budhists would be directly benefited in 1979-80. At present the source of the income of the Corporation is the paid share capital released by the Government of Maharashtra. During 1979-80, a plan provision of Rs. 50 lakhs has been made as State Government contribution towards the paid up share capital of the Corporation. It is understood that several suggestions are under consideration to augment the funds of Corporation. It is also expected that the Government of India would contribute to the funds of the Corporation commensurate with the level of paid up capital in the ratio of 31.49. This would fetch Corporation amount of Rs. 47.84 lakhs making the total of Rs. 102.84 lakhs of paid up share capital in 1979-80. Brief description of some of the schemes proposed to be taken during 1979-80 is given below :—

1. It is proposed to promote the scheme included in the credit plan prepared by the lead banks for each district in the State. It is proposed to provide the liaison services to the applicants, for setting up units in industries etc. The financial burden of the Corporation would be only on account of margin money and interest subsidy. The total requirement of the Corporation under this scheme is estimated to be about Rs. 165.25 lakhs.

2. Polyster handloom project is proposed to be taken up to assist applicants interested in taking up handloom weaving. The applicants would be provided loan facilities with the help of the lead banks to buy looms. The Corporation's involvement would be to provide margin money and interest subsidy to the entrepreneurs. Four Centres are proposed to be established during 1979-80 and an amount of Rs. 8 lakhs would be required for the purpose.

3. For Integrated Dairy Development, the applicants would be helped in obtaining assistance for purchase of milch cattle and to improve their stock. Respective districts, of Vardha, Nagpur and Bhandara have been selected for this programme. A budget provision of Rs. 20 lakhs has been made for this purpose.

4. Setting up of retail provision and general stores has been envisaged in urban and semi-urban areas. About 1,000 shops would be set up during 1979-80 and commodities of general use would be sold by such stores. A budget provision of Rs. 18.20 lakhs has been made during 1979-80.

5. Under the programme of promotion of rural traditional manufacturing commercial craft occupations, employment would be generated through setting up of furniture unit, shop and detergent making, saw mills cane and bamboo articles, home made paper units, printing presses, brick-kiln, tailors' shop bakery unit, shoe-making and leather articles, small oil mills etc.

6. Cooperative Societies for the landless agricultural labourers are proposed to be organised to provide work and eliminate exploitation. It is proposed to organise 200 such societies all over the State and an expenditure of Rs. 153.00 lakhs would be incurred.

7. It is proposed to encourage the prospective applicants to take up agency business right from selling of cloth in the weekly market to the setting up of petrol pumps or

gas agency. A budget provision of Rs. 5.00 lakhs has been made for 1979-80.

8. Oil Mills and solvent extraction plants are proposed to be organised in the districts of Buldhana, Kolaba and Parbhani and a budget provision of Rs. 5 lakhs has been made for the purpose.

9. It is proposed to establish Travellers Service Centre at the national and State highway which would include provision for setting up of small cafeteria, rest-room and lounge and kiosks. A total provision of Rs. 3 lakhs has been made in the 1979-80 budget for the purpose.

10. Automobile repair workshops are also proposed to be set up for providing facilities such as servicing of vehicles, battery charging and welding etc. It is also proposed to encourage the entrepreneurs to set up units for manufacturing housing material and at least one unit would be set up in each of the Districts of Maharashtra during 1979-80. A total provision of Rs. 11.50 lakhs has been made for the purpose.

11. Transport operation schemes to provide financial assistance for heavy vehicles, taxis and auto-rickshaws have been proposed. Liaison services would be provided for securing chasis for taxis or auto-rickshaws etc. on priority basis. A total provision of Rs. 28 lakhs has been made for 1979-80. It is proposed to finance 200 auto-rackshaws during 1979-80.

12. It is proposed to organise training facilities in trades such as tailoring, para-medical services, travel agents, trade agents, managers for Cooperative Societies, plumbing, electrical work etc. The candidates admitted for training would be given free training besides a stipend of Rs. 50 per month. An amount of Rs. 13.50 lakhs would be required during 1979-80. Financial assistance for higher jobs and professions, is proposed to be provided for 500 candidates during 1979-80 to help them in getting jobs in reserved categories which otherwise would have remained unfilled. The financial burden on account of this has been estimated at Rs. 5 lakhs.

13. Besides, schemes as setting up entrepreneurs on projects, employment promotion programmes etc., are also sought to be taken up.

4.39. **It is observed that the Corporation proposes to take up a broad-based programme to improve the economic conditions of the weaker sections. The Corporation is still at its initial stages and the actual contribution made by it remains to be watched with interest.**

Problems of Potato Growers of Lahaul Valley, Himachal Pradesh

4.40. The problems of potato growers of Lahaul Valley were mentioned in the last year's Report. The Lahaul Potato Growers' Cooperative Marketing-cum-Processing Society Ltd., Manali, **Himachal Pradesh** is understood to be doing useful work by meeting the needs of the tribal farmers of the area, like marketing of seed potatoes, supply of agricultural inputs and supply of consumer goods. The Society has requested the State Government for the allotment of three plots at Manali for housing its offices and godowns and has represented that if the allotment is not made to them, the Government loan and subsidy given to them may remain unutilised. **It is, therefore, recommended that the desirability of alloting suitable plots of land to the Society for the purpose may be considered by the State Government urgently.** Another problem that needed urgent attention related to the establishment of a Research Centre in Lahaul Valley itself for production of foundation seeds because the existing Potato Development Station at Daleng in Lahaul Valley run by the State Department of Agriculture was not in a position to meet the full requirement of foundation seeds, due to lack of irrigation facilities. This matter was taken up demi-officially by the Commissioner for Scheduled Castes and Scheduled Tribes with the Director-General of Indian Council of Agricultural Research emphasising the need for establishment of the Research Centre in Lahaul Valley itself. The Director General, Indian Council of Agricultural Research referred to the constraint of availability of adequate land in the area. He, however, sent a copy of the Commissioner's letter to the Director, Central Potato Research Institute, Simla, to take into consideration the Commissioner's suggestion in consultation with the State Government. It was learnt from the Director, Central Potato Research Institute, Simla, that besides conducting research on potato production, the Institute was also entrusted with the job of production of breeder's seed, which in turn was being passed on to the State Department of Agriculture for further multiplication so as to meet the requirements of potato growers. Under this system seed stocks were being multiplied at the government farms and cultivator's fields under the expert supervision of the agricultural scientists. It was also mentioned that the Centre had already set up two farms at Kufri and Fagu, which were engaged in the work of production of breeder's seeds. The Director, Central Potato Research Institute, Simla had referred the matter to the Vice-Chancellor of Agriculture University, Palampur and the Director of Agriculture, Himachal Pradesh, Simla, for taking up appropriate action in the matter.

Central Assistance to Scheduled Tribes and Scheduled Castes Development Corporation

4.41. A scheme formulated for the development of Cooperative marketing, processing, supply and storage in tribal areas was continued by the National Cooperative Development Corporation. Special Central Assistance Scheme for the purpose of supplementing the State Governments plan efforts was continued in the Ministry of Home Affairs. The National Cooperative Development Corporation Scheme is reported to have benefited the States of **Andhra Pradesh, Assam, Bihar, Gujarat, Himachal Pradesh, Karnataka, Maharashtra, Madhya Pradesh, Manipur, Meghalaya, Nagaland, Orissa, Rajasthan, Tripura** and **West Bengal** and the Union Territories of **Arunachal Pradesh, Andaman** and **Nicobar Islands** and **Lakshadweep.**

4.42. Similarly it was decided that Scheduled Castes Development Corporations would be partly financed under the Centrally Sponsored Schemes. Available information regarding Central Assistance provided to various States for Scheduled Castes Development Corporations during 1978-79 is given below :—

	State	Amount sanctioned (Rs. in lakhs)
1	Andhra Pradesh	9.25
2	Bihar	9.25
3	Haryana	9.25
4	Karnataka	3.00
5	Kerala	3.00
6	Madhya Pradesh	9.25
7	Maharashtra	1.00
8	Uttar Pradesh	3.00
9	West Bengal	3.00
	TOTAL	50.00

4.43. **It would be seen from the information contained in the foregoing paragraphs that leaving aside a few States, no break-through has been made in ameliorating the economic conditions of Scheduled Castes through the formation of Corporations. In the case of Scheduled Tribes as well, considerable efforts still require to be made to finance their development schemes through development corporations.**

Poor Socio-Economic conditions of persons connected with unclean occupations

4.44. It is a matter of common knowledge that the lot of the persons engaged in unclean occupations like scavenging, tanning and flaying continues to be extremely bad and not enough has been done to improve their condition so far. At the time of 1961 Census 10,40,193 persons were engaged in these unclean occupations and 8,02,336 were working as scavengers and sweepers.

4.45. An enquiry conducted in 1976-77 on the working and living conditions of Scheduled Caste workers in selected occupations at Agra revealed that employment of child labour was prevalent in shoe-making industry. Generally, piece-rated workers brought their sons/relatives to the units in connivance with the managements to increase their output. It was observed that in certain units the workers worked during late hours at ordinary rates. Major unclean occupations in tanning related to working on raw skins and hides and handling of bones in bone crushing. No projective equipment was provided in the bone-crushing unit. All the families engaged in shoe-making belonged to **Jatav** community. In tanning and bone-crushing as well persons belonging to Jatav community constituted overwhelming majority and the remaining families in these two occupations belonged to Balmiki community. The enquiry revealed that the practice of carrying night-soil as head/waist loads continued to be widely prevalent amongst the sweepers and scavengers in Agra, especially amongst those who were engaged in private houses. About 94% of the sweepers serving at private houses were reported to be carrying night-soil as head/waist loads. One of the obstacles reported in the way of municipalisation of scavenging services was the existence of customary rights locally known as **Ghar-ki-Jagirdari, Dasturi, Jajmani** etc. About 56% of the families engaged in these professions expressed their willingness to forego their customary rights provided members of their families were offered alternative jobs. It was also observed that an overwhelming majority of their family members i.e. about 88% were either illiterate or had studied below primary level. Hardly 1% amongst them had studied upto matriculation or above. The colony of the sweepers was found to be situated in low-lying area near a Nala carrying refuse of the city. They were living in highly insanitary conditions. There were heaps of filth and refuse alround their colony, emitting foul smell. No proper roads, streets, lanes and drains had been provided. No amenities like fair-price shops; milk booths, school etc. existed. Most of them faced problem in obtaining adequate potable water supply. In this connection, the need to improve the conditions of scavengers, flayers and tanners has been stressed repeatedly in the earlier Reports of the Commissioner.

4.46. In so far as the tanners, flayers etc., are concerned, it was recommended in Commissioner's 1957-58 Report that the State Governments should consider the feasibility of adopting the then Bombay Government's scheme to provide flaying yards and tanning pits outside their localities with necessary water facilities. In his 1975-77 Report, the Commissioner specifically pointed out that inhuman conditions under which the flayers and tanners worked remained to be tackled. It was observed that the scheme of starting cumulative village tanning centres and retanning and finishing centres formulated by the Development Council for leather and leather

goods and pickers industries, appointed by the Ministry of Commerce and Industry, appeared to be very useful and all the State Governments/ Union Territory Administrations were requested to study these schemes for implementation in their respective areas. It was also observed that if sub-industries of hair-products and bristles could be organised in a suitable manner so as to be able to meet the standards and quality demanded in the foreign market, it would go a long way in improving the economic conditions of sweepers and scavengers and the wastage of this national resource would also be avoided. The work could be organised by providing suitable training to the Scheduled Caste persons and extension of credit and marketing facilities through cooperatives etc.

4.47. Regarding improvement in the working conditions of sweepers and scavengers it was stressed in Commissioner's 1971-73 Report that for the improvement in their working conditions maximum efforts were required to be made so that they did not come in direct contact with night-soil and for this purpose it was considered necessary that besides the wheel barrows scheme and construction of flush-out latrines, small buildings with arrangements for taking bath and keeping extra pairs of clean clothes in the cupboards should be made so that the workers could wash themselves and put on clean clothes after finishing their duties. In Commissioner's 1957-58 Report, it was recommended that bucket type of latrines should be converted into scavenger free type of latrines as early as possible and provision of requisite government help was considered necessary for the purpose. In places where water supply was plenty, the slab type of latrine was considered most economical and also simple to construct, and it was considered desirable that such latrines should be introduced in other cities also where the conditions were found suitable. In 1961-62 Report, it was suggested that the latrines, which had very small openings (for removal of receptacles), necessitating the scavengers to bend and insert the upper part of their bodies, should be abolished and in all public buildings there should be flush type of latrines. In 1962-63 Report, it was stressed that a suitable scheme should be formulated for financial assistance to municipalities for converting public latrines to flush type of latrines and in respect of new houses built in localities having sewerage system, flush latrines of the approved types should be insisted upon. It was also observed that bye-laws relating to public sanitation should be rigidly enforced by the local bodies and it should be made compulsory for house dwellers to provide standard types of receptacles in dry type latrines. Again in the 1967-68 Report it was suggested that the State Governments should set apart specific amounts for conversion of dry latrines into flush-latrines and induce the local bodies to draw a phased programme to abolish dry latrines altogether; house-owners in towns where sewerage had been laid should be forced to connect their latrines to underground sewerage, and local bodies should make proper arrangements for automatic disposal of night-soil through sanitary latrines. It was further suggested that during the Gandhi Birth Centenary, at least, all public institutions namely schools, hospitals, railways etc., should convert dry latrines into water flush ones and in the villages night-soil and other forms of waste should be turned into compost.

Wheel Barrows for removal of night-soil

4.48. As regards the scheme of wheel-barrows for removal of night-soil and giving other equipments like hand-gloves, gumboots, etc. to the scavengers, it was suggested in Commissioner's 1959-60 Report that insistence of 20 to 30% contribution from State Governments/ Union Territory Administrations towards the cost of introducing wheel-barrows was a step which would give an impetus to the implementation of the scheme, which was very important for improving the working conditions of the scavengers. In respect of local bodies it was pointed out that they should see that wheel-barrows, hand carts, etc. purchased under the grants-in-aid scheme were used primarily for carrying night-soil. In 1960-61 Report, it was suggested that the State Governments/Union Territory Administrations who were not at present supplying to the scavengers suitable equipment for scraping and collecting night-soil alongwith the supply of wheel-barrows should supply equipment to the scavengers. In the 1961-62 Report, it was suggested that the scheme of wheel-barrows should be extended throughout the country for the transportation of night-soil. Besides, the local bodies should select suitable areas where the wheel-barrows could be washed and kept properly after the day's work. It was further suggested that a clear policy should be laid down by the Government of India in regard to the cost of maintenance and replacement of wheel-barrows issued to private scavengers. It was suggested to the Ministry of Home Affairs to issue clear instructions that the funds under the scheme of wheel-barrows should be provided only for the purchase of wheel-barrows and allied appliances, for the use of the scavengers in removing the night-soil. It was further suggested that the Local Self Government Departments should sanction grants for the purchase of wheel-barrows to the local bodies after examination of basic data like number of public and private latrines, number of private and municipal scavengers employed in cleaning them, steps taken and proposed to be taken by the local bodies for improvement of existing latrines, parking and washing of wheel-barrows and type of wheel-barrows proposed to be purchased. In 1962-63 Report it was considered desirable that achievements made in the scheme of introduction of wheel-barrows etc. for the removal of night-soil should be given in terms of the number of wheel-barrows, buckets, scrapers etc., purchased and the number of scavengers whose working conditions had been improved. As an

effective check against cases of non-utilisation of grants by the municipal boards, the State Governments were asked to release grants only against supply orders placed for the purchase of the wheel-barrows.

Customary Rights of scavenging

4.49. One of the obstacles reported in the way of municipalisation of scavenging services was the existence of customary rights. As this system was directly responsible for the exploitation of the sweepers and scavengers, it was suggested in Commissioner's 1961-62 Report that it should be abolished and municipalities should take over the services. No private rights of individuals should be allowed to come in the way of proper sanitary arrangements and the health of the people, and it was considered necessary that suitable amendments should be made in the Municipal Acts for the abolition of *Jagirdari* system. Regarding taking over of customary rights of private scavengers by the municipalities and local bodies it was pointed out that the matter deserved urgent attention and should be taken up side by side with improvement. In the working conditions of municipal scavengers. It was considered desirable that the leaders of the communities engaged in scavenging and such voluntary agencies which were associated with welfare work amongst sweepers and scavengers should come forward to join hands with the State Governments/Union Territory Administrations and local bodies for an early implementation of this programme.

Housing Colonies for Sweepers and Scavengers

4.50. In 1961-62 Report, it was observed that at many places the housing colonies for sweepers and scavengers were located near pail depots and public latrines, which was most undesirable and that these colonies should invariably be located away from such places. In the 1962-63 Report, it was suggested that suitable instructions should be issued to the Town Planning Organisation that the sites selected for colonies of scavengers and sweepers should not be far away from the cities and should not be located in unhealthy environments. It was further suggested that the problems of sweepers and scavengers were so complicated that these required constant attention and there should be one full time officer in every State to look after the implementation of various schemes connected with the improvement of living and working conditions of sweepers and scavengers. In the 1974-75 Report, it was pointed out that it was atrocious that the *Safai* workers were compelled to do dirty jobs and were condemned as untouchables. It was nothing but a special form of bonded labour in which only people of a particular caste were condemned to work in particular dirty professions. It was also observed that the aim of the Government should be to abolish scavenging as a caste profession so that a particular group of people was not condemned to follow it.

Financial provisions for improvement in the working condition of sweepers and scavengers

4.51. It may be mentioned that in the course of the Third Five Year Plan, an allocation of Rs. 144.19 lakhs was made under the Centrally Sponsored programme for improvement in the working conditions of sweepers and scavengers. Besides, an allocation of Rs. 299.000 lakhs was made for housing and house-sites. During the Fourth Plan period, a provision of Rs. 300.00 lakhs was made for the composite scheme. However, at the time of the Fifth Plan, the States were advised to chalk out such programmes out of their respective general programmes so that the persons belonging to these communities also benefited. The Union Ministry of Works and Housing initiated a scheme of conversion of dry latrines into sanitary ones, to be taken up in 30 selected towns in the country and a provision of Rs. 4.40 crores was made in the Fifth Plan for the purpose. It is understood that in the Draft Five Year Plan 1978-83, an allocation of Rs. 15.00 crores was made for purposes like public health engineering training, survey, investigation, designing and planning, rigs programme, solid wastes disposal, conversion of dry latrines into sanitary latrines and water and air pollution control.

4.52. Efforts were made by this organisation to know from the various States/Union Territories as to what steps they had to improve the working and living conditions of sweepers and scavengers. However, replies have been received from **Jammu & Kashmir, Karnataka, Pondicherry, Nagaland, Dadra & Nagar Haveli, Kerala, Maharashtra, Tamil Nadu** etc. and the same are reproduced below :—

Sl. No.	Name of the State/Union Territory	Steps taken
1	2	3
1	Jammu & Kashmir	Sweepers and scavengers are being provided with buckets and hand driven trollies. The State Social Welfare Department have opened a number of centres for training in different crafts and admission is free for any caste and creed.
2	Karnataka	There is no separate scheme for sweepers and scavengers. But a scheme for providing free sites to families and landless andsitelessin rural areas whose annual income does not exceed Rs. 2000/- is under implementation. Under this scheme 7,87,953 house-sites have been distributed upto end of March, 1978. Out of these 2,62,791 sites and 14,395 sites have been allotted to Scheduled Caste and Scheduled Tribe persons respectively. Under this scheme sweepers and scavengers were also benefited. Besides these lands were acquired at Government cost for providing house-sites for Scheduled Castes/Tribes. Under the plan schemes

1	2	3
		during 1977-78, 1,795 sites, have been distributed to Scheduled Castes/ Scheduled Tribes. Preference is given to the children of sweepers and scavengers for admission to residential schools conducted by the Department of Social Welfare.
3	Pondicherry	This administration has implemented two schemes viz. (i) Grant-in-aid to Municipalities for elimination of practice of carrying night-soil as head loads (Plan), and (ii) Grant-in-aid to municipalities for construction of housing colonies for scavengers for improving their working and living conditions during 1978-79. 75% of the estimated cost of the work will be released by the Department of Social Welfare and the remaining 25% will be borne by the respective local bodies. A sum of Rs. 72,742 has been released to local bodies for the construction of 10 quarters for scavengers during 1978-79. No Municipal Committee/ Panchayat has come forward to avail of the assistance under the scheme.
4	Nagaland	Due to paucity of funds nothing could be done for welfare of sweepers and scavengers who live in semi-pucca quarters without light and water provision, and who still practice carrying of night soil on heads. The crying demands of sweepers during summer season are to provide them gumboots, rain coats with caps, hand gloves etc. It is very essential to sanction funds to the town committees for the improvement of these people.
5	Dadra and Nagar Haveli.	The Scheduled Caste population in the Territory is 1.88% and there are very few families carrying out the work of sweepers and scavengers. They are given all the essential equipments which are useful for dischage of their services. They have been provided Class IV type residential quarters.
6	Kerala	A hostel for the children of scavengers was started at Palghat during 1977-78. 30 students studying in VI to X are proposed to be admitted and boarding charges @ Rs. 145 per in mate per month is being incurred.
7	Maharashtra	1507 dry latrines were converted into flush latrines in 21 municipal councils.
8	Tamil Nadu	Supply of 182 wheel barrows and 216 pans and scrappers to 53 town panchayats and 250 wheel barrows to 16 municipalities was made.

From the detailed information given about the recommendations/observations made by the Commissioner in his various reports for improving the conditions of the persons connected with unclean occupations, it is felt that streneous efforts on the part of the authorities concerned are necessary to improve the living and working conditions of seavengers.

Assistance provided by Banks

4.53. With the nationalisation of banks in 1969, it was expected that the Scheduled Castes and Scheduled Tribes would derive tangible benefits by way of adequate financial assistance at reasonable rates of interest, but no strategy was evolved to know as to what extent the credit needs of the backward classes were being satisfied by these banks. Much published scheme of differential rates of interest launched in 1972 for weaker sections of the society was not found adequate to answer the productive credit requirements of the Scheduled Castes and the Scheduled Tribes. Although a moratorium was put on the recovery of debts from poorest sections, this came as a sort of handicap since no suitable alternative avenues had been provided to finance cheaper loans to the Scheduled Castes and the Scheduled Tribes for their dire needs. In May, 1977 the Government of India issued instructions to the nationalised banks to advance 0.5% of their gross deposits under 4% rate of interest to Scheduled Castes and Scheduled Tribes. It was suggested in 1975-77 Report of the Commissioner that this percentage required to be enhanced substantially to improve the credit requirements under specific programmes for the benefit of the Scheduled Castes and Scheduled Tribes.

Assistance rendered to Scheduled Castes and Scheduled Tribes by the nationalised banks

4.54. All the Public Sector banks/non-nationalised banks were instructed by Central Department of Revenue and Banking in May, 1977 to ensure that at least 2/3rd and 1/3rd of their differential rate of interest advances were routed through their rural and semi-urban branches and urban and metropolitan branches respectively and not less than 1/3rd of these advances were given to the persons belonging to Scheduled Castes and Scheduled Tribes. The Department of Economic Affairs (Banking Division) in the Ministry of Finance issued revised guidelines on 27th November, 1978 to all the public sector banks to raise the prescribed minimum of Differential Rate of Interest advances from 1/2% to 1% of the total aggregate advances. It also decided to increase the share of the benefits for the Scheduled Castes and Scheduled Tribes from one third to 40% of the total advances under the scheme.

4.55. To collect details about the actual benefits derived by the persons belonging to Scheduled Castes and Scheduled Tribes, this office

addressed communications to the Banks. Available information regarding amounts to be earmarked for the Scheduled Castes and Scheduled Tribes in rural and semi-urban areas and urban and metropolitan areas during 1978-79 and the actual amounts disbursed to Scheduled Castes/ Scheduled Tribes is indicated in the following table :—

(Rupees in lakhs)

Sl. No.	Name of Bank	Amount to be earmarked for SCs/ STs in rural and semi-urban areas	Actual amount disbursed to SCs/ STs	Amount to be earmarked for SCs/STs in urban and metropolitan areas	Actual amount disbursed to SCs/STs	40% of 2/3rd of 1% of total aggregate advances sanctioned in rural & semi-urban areas as on 31-12-78 required to be advanced in 1979-80	40% of 1/3 rd of 1% of total aggregate advances sanctioned in urban and metropolitan areas as on 31-12-78 required to be advanced in 1979-80
1	2	3	4	5	6	7	8
1	Dena Bank	35·64	94·43	17·82	20·70	101·66	50·83
2	*Indian Overseas Bank . .	40·00	50·00	20·00	38·00	122·00	61·00
3	Allahabad Bank . . .	30·54	21·20	15·27	7·81	92·59	46·30
4	Canara Bank . . .	80·00	104·00	39·00	33·00	224·00	112·00
5	Bank of India . . .	120·00	N.A.	60·00	N.A.	288·00	144·00
6	Central Bank of India . .	182·00	220·24	61·00	N.A.	337·00	169·00

***Till March, 1979, 32,294 beneficiaries belonging to Scheduled Castes/Scheduled Tribes were given loans amounting to Rs. 295.50 lakhs under various categories.**

4.56. It would be seen from above that out of 14 nationalised Banks, the details required by this office have been made available by 5 Banks only. It appears that Banks are not coming forward even now to provide credit assistance to the much needed sections of the society. It may be incidentally mentioned that it was pointed out in the earlier reports of the Commissioner that 1/2% of 1% of the aggregate advances (now raised to 1%) of the Reserve Bank to be given under Differential Rate of Interest would not serve the needs of eligible categories and it was suggested that at least 10% of the total loans advanced by banks should be given to the persons belonging to Scheduled Castes and Scheduled Tribes to meet their medium and long-term credit requirements. It was also considered necessary that cooperatives organised for the Scheduled Castes and Scheduled Tribes should also be made eligible to get loans under the Differential Rate of Interest Scheme. It, however, appears that no serious thought has been given to these suggestions.

4.57. Guidelines were issued by the Reserve Bank of India to all the scheduled commercial banks in June, 1976 for giving loans for hostels and housing schemes including rural housing schemes. It was specifically provided that bank credit should not exceed 40% of the cost of each project and the rate of interest for taking up housing and hostels schemes specially intended for Scheduled Castes and Scheduled Tribes should not exceed the rate of interest prescribed under Differential Rate of Interest Scheme. While sanctioning direct loans to the beneficiaries the banks should ensure that the individual loans do not exceed 80% of the total cost of the tenement/house. Available information regarding the loans advanced by various banks in this regard is given below :—

Dena Bank :

During 1978-79, 1768 beneficiaries belonging to Scheduled Castes and Scheduled Tribes were given housing assistance amounting to Rs. 16.21 lakhs.

Indian Overseas Bank :

Till March, 1979, the bank sanctioned an amount of Rs. 0.11 lakh to 160 beneficiaries belonging to Scheduled Castes/Scheduled Tribes under housing schemes for cyclone affected and flood victims in **Andhra Pradesh.** Rs. 20.00 lakhs were sanctioned for the Tamil Nadu Harijan Housing and Development Corporation for housing as well as hostels for Scheduled Castes and Scheduled Tribes.

Central Bank of India :

Housing loans were sanctioned by the Bank at the rate of 4% interest under rural housing schemes in the States of **Bihar, Gujarat, Haryana, Karnataka, Madhya Pradesh, Maharashtra, Punjab, Rajasthan, Uttar Pradesh** and Union Territories of **Chandigarh** and **Dadra & Nagar Haveli.** Till March, 1978, housing loan amounting to Rs. 41.27 lakhs was sanctioned of which an amount of Rs. 20.02 lakhs was actually disbursed. The period of loan ranged between 3 to 10 years.

Rural Banks

4.58. The Rural Banks were set up to develop rural economy by providing credit and other facilities to the small and marginal farmers, agricultural labourers, artisans and small entrepreneurs. According to available information so

far 48 such banks have been set up in the various parts of our country. Available information regarding assistance provided by 17 rural banks is given in the statement below :—

(Rupees in lakhs)

Sl. No.	Name of the Bank	Scheduled Castes		Scheduled Tribes	
		Number of beneficiaries	Amount of loan advanced	Number of beneficiaries	Amount of loan advanced
1	2	3	4	5	6
1	Haryana Kshetriya Gramin Bank	497	9·91	No Scheduled Tribe	
2	Champaran Kshetriya Gramin Bank	1,282	12·03	150	1·52
3	Cauvery Gramin Bank	939	10·44	Included in Scheduled Castes	
4	Malaprabha Gramin Bank	792	6·83	688	6·77
5	Ballia Kshetriya Gramin Bank	433	4·85	..	..
6	Puri Gramya Bank	1,572	10·94	681	4·86
7	Bolangir Anchalik Gramya Bank	31,827	51·63	Included in Scheduled Castes	
8	Jammu Rural Bank	3,259	36·74	No Scheduled Tribes	
9	Marathwada Gramin Bank	1,671	28·74	222	2·34
10	Rewa-sidhi Gramin Bank	429	3·24	Included in Scheduled Castes	
11	Kshetriya Gramin Bank, Hoshangabad	1,258	6·87	484	5·67
12	Pandyan Gramya Bank	4,345	39·55	Included in Scheduled Castes	
13	Cuttack Gramya Bank	919	6·40	Included in Scheduled Castes	
14	Prathama Bank, Moradabad	2,832	22·58	No Scheduled Tribe	
15	Rayalasema Grameen Bank	3,275	17·43	520	3·73
16	Santhal Pargana Grameen Bank	5,271	26·36	Included in Scheduled Castes	
17	Tungabhadra Gramin Bank	1,699	8·01	782	4·03

4.59. It would be observed from the above statement that 65,807 persons belonging to Scheduled Castes and Scheduled Tribes were provided financial assistance amounting to Rs. 331.47 lakhs by the above mentioned 17 rural banks. This data is available in absolute terms and no relative figures are available. Moreover, majority of the rural banks have not make us available the required information and hence it is not possible to arrive at any definite conclusion as to whether these banks have started playing meaningful role in the economic development of the persons belonging to Scheduled Castes and Scheduled Tribes. **It is suggested that all the Rural Banks should be instructed to maintain separate data with regard to the assistance provided by them to the persons belonging to the Scheduled Castes/Tribes as well as to the other sections of the population.**

Assistance for setting up Small Scale Industries etc.

4.60. It has been emphasised in the earlier Reports of the Commissioner that to improve the socio-economic condition of the persons belonging to Scheduled Castes/Scheduled Tribes, they should be encouraged to take up non-caste based and gainful avenues of employment. But there have been few schemes of assisting Scheduled Castes/Scheduled Tribes in new trades and crafts. In fact most of the schemes taken up in the backward classes sector proved of little use in opening up of employment opportunities and earning reasonable living wages. Besides, no worthwhile achievements could be made without involving industries department and financial institutions to realise their responsibility toward helping Scheduled Castes/Scheduled Tribes.

4.61. It was, therefore, stressed in the 1958-59 Report of the Commissioner that there was a great need of co-ordination between the Industries and Welfare Departments in all States. In the 1966-67 Report, it was suggested that each State should set up a small cell for collecting data by means of sample studies, information about how occupations were changing among different levels of the population. It was also recommended that provision should be made for extensive training of Scheduled Caste/Scheduled Tribe candidates to prepare them for household and manufacturing industries as well as for improved and modernised agriculture. For speeding up economic development of Scheduled Castes/Scheduled Tribes, it was suggested in the 1970-71 Report of the Commissioner that special efforts should be made to secure to these people benefits of private sector by offering incentives. In the Report for the year 1973-74, it was observed that there were no means to know the extent to which the Scheduled Castes/Scheduled Tribes had benefited from industrial development schemes; and it was suggested that information should be maintained at the level of the State Directors of Industries about the ownerships of the small scale units registered and regarding manpower employed by them. Information about the enrolment of Scheduled Castes/Scheduled Tribes in the training-*cum*-production centres should also

be maintained. It was further mentioned that all the State Governments/Union Territory Administrations should consider the desirability of setting up of special cells in the respective Directorate of Social/Harijan Welfare for giving guidance to the Scheduled Caste/Scheduled Tribe entrepreneurs for setting up small scale industrial units. Such cells could also be assigned the task of preparation of model schemes for the benefit of Scheduled Caste/Scheduled Tribe entrepreneurs. In the 1974-75 Report, it was observed that a vast field of economic activities like industry, trade, business and remained unexplored and untapped for persons belonging to Scheduled Castes/Scheduled Tribes due to reasons beyond their control. In the 1977-78 Report, it was mentioned that Small Scale Industries Development Organisation could be of considerable help in promoting the economic welfare of Scheduled Castes/Scheduled Tribes if their schemes were suitably modified in favour of Scheduled Castes/Scheduled Tribes and conscious attempts were made to assist the entrepreneurs belonging to these categories.

4.62. It is understood that an outlay of Rs. 234.45 crores was provided for village and small industries in the Annual Plan for 1978-79 consisting of Rs. 154.93 crores under the Central Plan and Rs. 79.52 crores under the States and Union Territory Plans. This sector included rural industries (viz. handlooms, Khadi and village industries, handicrafts, sericulture and coir industry), powerlooms, modern small scale industries and industrial estates. The main thrust of the new Industrial Policy has been on providing larger employment opportunities through development of village and small industries in the rural sector. To achieve this objective the Government launched a Centrally Sponsored Scheme of District Industries Centres in May, 1978. Out of 399 districts in the country, 346 District Industries Centres are reported to have been set up covering 358 districts. Guidelines are reported to have been issued by the Ministry of Industry to all the District Industries Centres for preparation of Action Plans. From the available information in respect of 164 District Industries Centres, it has been observed that 37,739 new small scale units were granted provisional or permanent registration, resulting in additional employment for 1,16,465 persons. Financial assistance amounting to Rs. 47.20 crores is reported to have been provided by the financial institutions. Cash subsidy amounting to Rs. 8.35 crores and seed/margin money assistance of Rs. 1.46 crores is also reported to have been provided to the 164 District Industries Centres.

4.63. The State Governments/Union Territory Administrations had been advised by the office of the Development Commissioner, Small Scale Industries that in the matter of disbursement of loan assistance, entrepreneurs belonging to Scheduled Castes and Scheduled Tribes should be accorded preference and priority.

4.64. **However, so far, no information is available about the benefits derived by the persons belonging to Scheduled Castes/Tribes in terms of financial assistance provided and additional employment opportunities accruing to them from the implementation of this Centrally Sponsored Scheme. It appears that this programme has immense potentialities of development, and all efforts are required to be made to assist persons belonging to Scheduled Castes/Tribes both financially as well as in technical matters for improving their socio-economic condition.**

4.65. A new programme known as entrepreneurial development amongst weaker sections of the community is understood to have been launched for persons belonging to Scheduled Castes/Scheduled Tribes, rural women, war widows, defence personnel and residents of tribal and hilly areas. This programme would create more self-employment opportunities and in turn, the entrepreneurs would employ other workers. Under the programme, courses for training would be organised in respect of the field of activities which they wish to take up, elementary knowledge of costing and selling, assistance programme of concerned developmental agencies. It is understood that the courses would be conducted in rural and backward areas only. Available information regarding financial implications of this programme are given below :—

	Rs.
(a) Stipend at the rate of Rs. 100 per month for 2 months for 20 participants.	4,000
(b) Technical training expenses in the units or institutions.	4,000
(c) Miscellaneous expenses	4,000
	12,000

4.66. **The programme of entrepreneurial development amongst weaker sections of the community requires to be watched with interest. There is no doubt that this programme can help in promoting entrepreneurial skills amongst the persons belonging to Scheduled Castes/Tribes provided it is properly implemented.**

Allotment of distributive agencies to the persons belonging to Scheduled Castes and Scheduled Tribes

4.67. The economic conditions of the persons belonging to Scheduled Castes and Scheduled Tribes can be considerably improved through the allotment of distributive agencies and quotas etc. on preferential basis. It was therefore suggested in the 1969-70 Report of the Commissioner that governmental agencies and public sector undertakings should give weightage to the members of the Scheduled Castes and Scheduled Tribes for giving retail dealership to suitable unemployed graduates and entrepreneurs as was being done by the Indian Oil Corporation. In the subsequent report pertaining to the year 1970-71 it was stressed that all manufacturing companies in the public sector should reserve some percentage of distributive agencies for the

persons belonging to Scheduled Castes and Scheduled Tribes. Again in the 1973-74 Report it was emphasised that there was vast field of economic activities like industries, trade, business—small or big—which had remained unexplored for Scheduled Castes and Scheduled Tribes so far, and which had to be tapped in order to pull these communities out of the marsh of poverty and ignorance. For this purpose it was suggested that the government, the social workers interested in the welfare of these communities should come forward in a big way to give a helping hand to the Scheduled Caste and Scheduled Tribe persons who undertook any economic activity that would afford them opportunities to run pan shops, cycle, tailoring or furniture shops, tea stalls, hotels, flour mills, printing presses or any big or small industrial units. It was even suggested that reservation to the extent of 25% should be made for persons belonging to Scheduled Castes and Scheduled Tribes in the allotment of distributive agencies. In 1974-75 Report, it was observed that till then specific percentage had not been provided by most of the State Governments in the allotment of distributive agencies and it was hoped that there would be a better performance, in the coming years in this regard. In the Report for the years 1975-77, it was considered necessary that besides allotment of distributive agencies to Scheduled Castes and Scheduled Tribes, institutional finance should be made available to them on account of their poor economic condition so that the ownership of the distributive agencies may not slip out of their hands due to financial constraints. In the 1977-78 Report of the Commissioner it was observed that the matter of allotment of fair price shops/distributive agencies to Scheduled Castes and Scheduled Tribes had not received sufficient attention of the State Governments/Union Territory Administrations and it was suggested that all the State Governments/Union Territory Administrations should allot distributive agencies/fair price shops to Scheduled Castes/Scheduled Tribes at least in proportion to their population in the State/Union Territory. Available information regarding allotment of distributive agencies to Scheduled Castes/Scheduled Tribes is given in the subsequent paragraphs.

Indian Oil Corporation

4.68. According to the Government policy guidelines currently in force in all public sector oil companies, 25% of all types of dealerships including cooking gas distributorships are to be awarded to persons belonging to Scheduled Caste/Scheduled Tribe communities. These guidelines were issued on 23-9-1977. However, the Indian Oil Corporation (IOC) is reported to have been following this policy since the 1st January, 1974. During the period from 1-1-1974 to 28-2-1979, 23 persons belonging to Scheduled Castes and Scheduled Tribes have been awarded cooking gas distributorships.

4.69. The distributorships were allotted to Scheduled Castes and Scheduled Tribes in **Tamil Nadu** (2), **West Bengal** (4), **Kerala** (1), **Tripura** (1), **Manipur** (1), **Mizoram** (1), **Nagaland** (1), **Gujarat** (2), **Madhya Pradesh** (1), **Orissa** (2), **Bihar** (1), **Assam** (2), **Arunachal Pradesh** (1), **Maharashtra** (1) and **Delhi** (2). It is also understood that since 23rd September, 1977, the date from which reservation policy was extended uniformly to all public sector oil companies upto 28th February, 1979, a total number of 21 new cooking gas distributorships were awarded by the oil companies out of which 5 distributorships (i.e. 24%) were allotted to the persons belonging to Scheduled Castes and Scheduled Tribes.

Fertilizer Corporation of India.

4.70. At the instance of the organisation of the Commissioner for Scheduled Castes and Scheduled Tribes, the Ministry of Petroleum, Chemicals and Fertilizers decided in September, 1978 that at least 25 per cent of all future appointments regarding fertilizer dealerships awarded by the Fertilizer Corporation of India would be reserved for the persons belonging to Scheduled Castes and Scheduled Tribes. It was, however, not known whether this decision would also be applicable in case of the other two fertilizer units viz. Madras Fertilizers Ltd. and Fertilizers and Chemicals, Travancore Ltd. under the control of the Union Ministry of Petroleum, Chemicals and Fertilizers. The matter was again taken up by the Commissioner for Scheduled Castes and Scheduled Tribes with the Minister for Petroleum, Chemicals and Fertilizers, who informed that Government decision to reserve 25% of all future dealerships in fertilizers for Scheduled Castes/Scheduled Tribes is applicable to all the fertilizer companies in the Public Sector including Fertilizers and Chemicals, Travancore and Madras Fertilizers Ltd. In so far as Madras Fertilizers Ltd. is concerned, in view of the marketing arrangements already made by them, it may not be possible to implement the scheme except in areas where Madras Fertilizers Ltd. is marketing its products directly, namely Madhya Pradesh. However, the company has taken up with their marketers, the question of reserving 25% of dealerships of fertilizers for Scheduled Castes/Scheduled Tribes in future. In order to protect the interests of Scheduled Caste and Scheduled Tribe candidates, the scheme does not permit partnerships with members not belonging to Scheduled Castes and Scheduled Tribes.

4.71. National Fertilizers Ltd. have appointed during 1978-79 six candidates as their dealers belonging to Scheduled Castes, backward classes and economically weaker sections. The appointments have been made on the recommendations of the Punjab Backward Classes Land Development and Financial Corporation, a Punjab Government undertaking.

Ministry of Railways

4.72. According to the information furnished by the Ministry of Railways, Scheduled Caste/Tribe candidates are already being given preference in allotment of catering/vending contracts

at Railway Stations. However, no specific percentage has been fixed for allotment of catering/vending contracts. Under the revised rules, which are effective from 1-8-78, all petty catering/vending contracts will hereafter be allotted only to Scheduled Caste/Tribe candidates and rules for eligibility have also been revised and no previous catering/vending experience is now necessary for award of such contracts. For award of larger contracts, Scheduled Caste/Tribe candidates are given first preference.

4.73. The number of catering/vending contracts allotted to the persons belonging to Scheduled Castes and Scheduled Tribes since May, 1977 is given below :—

Railway	Half Unit	More than half unit
Central . . .	4	Nil
Eastern . . .	4	Nil
Northern . .	10	1
North Eastern .	Nil	1
North East Frontier .	2	Nil
Southern . .	Nil	Nil
South Central . .	2	Nil
South Eastern .	6	Nil
Western .	3	Nil
	31	2

4.74. During the last 3 years, out of total 126 contracts, 27 contracts were allotted to Scheduled Castes and Scheduled Tribes by the Northern Railway. 6 contracts were awarded to the members of Scheduled Castes and Scheduled Tribes on Central Railway during the last three financial years.

Allotment of Buses and National Permits for Transport Vehicles

4.75. 475 applications were received upto March, 1979 from the Scheduled Caste persons to engage their buses with Delhi Transport Corporation under private operation (K.M. Scheme). 54 buses belonging to Scheduled Castes/Scheduled Tribes have so far been allotted route permits under Delhi Transport Corporation Kilometrage Scheme-A (with guaranted operation of 250 Kms. per day). The Corporation is reported to have decided to engage 115 buses from persons belonging to Scheduled Castes and Scheduled Tribes under its different schemes (90 under Scheme A with 250 Kms. per day). The Corporation is reported to have decided to engage 115 buses from persons belonging to Scheduled Caste and Scheduled Tribe under its different schemes (90 under Scheme A with 250 Kms. guarantee out of total of about 600 private buses under the scheme and 25 under scheme B with 125 Kms. guarantee out of 125 buses proposed to be hired under the scheme). Some buses belonging to Scheduled Castes have also been engaged, under scheme A for general category with guarantee of 225 Kms. per day. Against 90 buses reserved for Scheduled Castes/Scheduled Tribes by Delhi Transport Corporation, 39 buses as on 9-5-79 were actually operating. Additional 37 allotments have been already made. For the remaining 14, the delay is on the part of persons, whose offers were accepted long ago and who have not so far brought the buses for hiring by Delhi Transport Corporation.

4.76. National permits are issued by the State Regional Transport Authorities keeping in view the matters specified in sections 55 and 63 of the Motor Vehicles Act, 1939 and also the following matters namely :—

(i) the contribution of the applicants to movement of goods between the States in the interest of the public;

(ii) the experience of the applicants in the movement of goods on the basis of Regional, State and inter-State region permits.

The Act also provides for preference to applicants who are ex-army personnel or who have valid licences for driving transport vehicles over others, as far as practicable, in the grant of these permits. To avoid concentration of permits in the hands of big operators, the law also provides that no national permit will be issued to an individual owner, if he holds already 3 or more valid national or inter-State permits. The ceiling in the case of a company is 7. During the last two years, 3,819 national permits were issued for trucks. Information regarding permits issued to Scheduled Castes and Scheduled Tribes is not available. Recently the Motor Vehicles Act, 1939 has been amended by the Motor Vehicles (Amendment) Act, 1978 to provide reservation of certain percentage of public carriers' permits including National permits for the Scheduled Castes and Scheduled Tribes. These provisions have been brought into force with effect from 16-1-1979. The reservation of permits shall be in the same ratio as in the case of appointments made by direct recruitment to public services in the State. The State Governments/Union Territory Administrations have been asked to take action immediately for implementation of these provisions.

Allotment of Fair Price Shops to Scheduled Castes and Scheduled Tribes

Available information regarding allotment of fair price shops etc. to the persons belonging to Scheduled Castes and Scheduled Tribes is given below :—

Haryana :

During 1977-78, 4,486 ration depots were functioning out of which 125 ration depots were being run by the persons belonging to Scheduled Castes. Similarly during 1978-79 out of 4,255 ration depots, 131 ration depots were being run by the members of Scheduled Castes.

Jammu & Kashmir :

In Kashmir Division the ration shops/ fair price shops were run by Government itself. In Jammu Division there were 160 dealers out of which 8 holders of depots belonged to Scheduled Castes. No dealer in kerosene oil, cement or coal in the city belonged to Scheduled Castes.

Madhya Pradesh :

Till May, 1979, 14,530 fair price shops were functioning in the State of which 766 fair price shops were being run by the members of Scheduled Castes and Scheduled Tribes. According to the latest instructions issued in October, 1978 by the Food and Civil Supplies Department third priority should be accorded to the persons belonging to Scheduled Castes and Scheduled Tribes in the allotment of fair price shops.

Maharashtra :

During 1977-78, out of total 1,327 fair price shops, 163 shops were allotted to Scheduled Castes and 181 shops to Scheduled Tribes. 23 controlled cloth depots were allotted to the co-operative societies of Scheduled Castes and Scheduled Tribes including one individual. As regards kerosene agencies, 183 agencies were allotted to Scheduled Castes and 101 agencies to Scheduled Tribes. Under the Maharashtra Scheduled Commodities Regulation of Distribution (Amendment) Order, 1976, 8th priority has been accorded to the members of Scheduled Castes/Scheduled Tribes in the allotment of distributive agencies.

Punjab :

During 1977-78, 31 distributive agencies were allotted to the persons belonging to Scheduled Castes. So far as catering and vending contracts at bus stops etc. are concerned the same are put to open auction by the concerned organisation/office and allotted to the persons offering highest bid.

Rajasthan :

In the 16 districts of Rajasthan, during 1977-78, 123 agencies were being run by the persons belonging to Scheduled Castes and 92 agencies by the Scheduled Tribes.

Andaman & Nicobar Islands :

During 1978-79, 8 fair price shops have been allotted in favour of 'M/S Ellon Hineny' Cooperative Society at Car Nicobar. 19 fair price shops are allotted in favour of 'Manula Matai' Cooperative Society at Nancowrie. All Scheduled Tribe members of the Island are the share holders of the above mentioned societies.

4.78. On account of non-availability of complete data about the allotment of distributive agencies, fair price shops etc. by the concerned distributive agencies to the persons belonging to Scheduled Castes/Tribes, it is not possible to say whether adequate care is being taken to protect the interests of Scheduled Castes/Tribes.

Grant of licences to sell refrigerated water to private individuals in Delhi

4.79. The Municipal Corporation of **Delhi** has been granting licences to sell refrigerated water to private individuals. The office of the Commissioner for Scheduled Castes and Scheduled Tribes addressed a communication to the Delhi Municipal Corporation to consider the desirability of providing specific reservations for the persons belonging to Scheduled Castes and Scheduled Tribes in the allotment of such licences and to inform this office about the actual number of licences given to the persons belonging to these categories. In the reply given by the Municipal Corporation of Delhi, it was mentioned that they did not consider it feasible to provide specific reservations for the persons belonging to Scheduled Castes and Scheduled Tribes for allotment of trade licences. It was further mentioned that the trade licences were granted if the establishment fulfilled the technical requirements of the trade. They also expressed their inability to inform this office about the trade licences given to the persons belonging to Scheduled Castes and Scheduled Tribes by Health Department. **This stand taken by the Municipal Corporation of Delhi is not correct. It is as though they have taken it for granted that the persons belonging to Scheduled Castes and Scheduled Tribes would not be able to fulfil the technical requirements of the trade. The Corporation should prescribe specific reservation for the persons belonging to Scheduled Castes and Scheduled Tribes in the allotment of trade licences and grant these to the persons belonging to these categories in case they fulfilled technical requirements of the trade. They should also maintain data regarding the number of licences issued to the persons belonging to Scheduled Castes and Scheduled Tribes.**

Grant of Legal Aid to Scheduled Castes and Scheduled Tribes

4.80. The persons belonging to Scheduled Castes and Scheduled Tribes are considerably handicapped on account of inadequate legal aid provided to them. Whereas in the case of Scheduled Castes, legal aid is required to protect them from atrocities and other acts of high-handedness, in case of Scheduled Tribes legal aid is generally required to save them from exploitation and in particular to protect their lands from passing out into the hands of others. Latest available information regarding steps taken by the various State Governments/Union Territory Administrations, is given below :—

1. Andhra Pradesh

Vide orders issued on 2-8-76 provision for grant of legal assistance to the members of the Scheduled Castes and Scheduled Tribes who did not have annual income of more than Rs. 2,000/- within the twin cities of Hyderabad and Secunderabad and exceeding Rs. 1,500 at other places, and who happened to be victims of atrocities and harassment

has been provided. The District Collectors were authorised to sanction legal aid to members of Scheduled Caste and Tribe. Where prosecutions were launched against such members, legal aid could be sanctioned for their defence. Where there was any civil or criminal case against the members of the Scheduled Castes and Scheduled Tribes by any person belonging to other communities, legal aid could be granted. The District Collectors were required to inform the State Government in the case of appeals to higher courts so that at the State level also legal aid could be provided to affected persons. Items like the cost of attendance in the court, filing documents, moving applications, payment of fees of lawyers etc. were included under the scheme.

2. Bihar

The Bihar State Legal Aid Board has been set up on a non-statutory basis by a Government order. There is an Executive Committee for the State Board and it is also supported by functional committees on labour, women and children, Scheduled Castes and Scheduled Tribes. It is envisaged that at the initial stages, items like implementation of Lands Reforms laws, enforcement of minimum wages to agricultural labourers, debt relief to agricultural debtors, rights of members of Scheduled Castes and Scheduled Tribes, would be covered. To start with, the State Government is understood to be confining the scope of legal aid to legal advice at pre-litigation and post-litigation stages and providing of facility to be represented by an Advocate in the conduct of litigation. Legal aid would be given subject to the means test.

3. Gujarat

The scheme of legal aid is understood to have been extended to the whole of State of Gujarat by a resolution of the Government dated June 18, 1976. Legal aid and advice for instituting and defending proceedings in civil, criminal, revenue, labour and others courts of tribunals at taluka, district and State levels is given to persons whose income is less than Rs. 2,400 per annum and immovable property worth less than Rs. 5,000 in value. So far as widow of jawans and bhangis and scavengers are concerned, they are given legal aid irrespective of their income and value of their property. For looking after the administration of legal aid at the State level, a State Legal Aid Committee has been constituted under the Chairmanship of the Chief Justice of Gujarat. There is also a High Court Legal Aid Committee headed by one of the High Court Judges, nominated by the Chief Justice. At the district level there are District Legal Aid Committees headed by the District and Sessions Judge of the district. For the supervision of the work at the grass roots level, they have Tehsil Legal Aid Committees headed by the presiding judicial officers who are either Sub-Judge (Senior) or Sub-Judge (Junior) as the case may be. A legal services clinic at Baroda has been started. During 1977-78, 114 persons belonging to Scheduled Castes and 72 persons belonging to Scheduled Tribes were benefited under the scheme.

4. Haryana

In this State, the Legal Aid to the Poor (Punjab) Rules, 1959 and the Legal Aid to Scheduled Castes (Punjab) Rules 1960 are in force. The State Government was also reported to have drawn up a scheme for free legal aid at the District and below-district levels. At the district level, there is the District Legal Aid Committee. Separate lists of advocates practising in the district at various levels, who are willing to offer their services, are prepared. The lawyers are not to charge any fees. Persons whose income does not exceed Rs. 2,400 per annum are eligible for legal aid, provided they have a *prima facie* case. Legal aid is confined to judicial matters and the Legal Aid Committee is given the power to decide whether legal aid should be given or not in any particular case. It is also reported that in the High Court of Punjab and Haryana, a number of advocates have come up, offering to give free legal advice to the poor people in cases pending in the High Court.

5. Himachal Pradesh

Under the Himachal Pradesh Legal Aid to Scheduled Castes and Scheduled Tribes Rules, 1974, provision was made to give legal aid to the affected persons belonging to Scheduled Castes and Scheduled Tribes. The scheme is looked after by the Welfare Department of the State Government. The scheme is being run through the respective Deputy Commissioners of the Districts. It is understood that the facilities of this scheme are not being availed of by the persons concerned.

6. Jammu & Kashmir

The Jammu & Kashmir Scheduled Castes (Grant of Legal Aid) Revised Rules 1971 provide for grant of legal aid to members of Scheduled Castes, whose monthly income does not exceed Rs. 250 for the vindication of their rights over property and enable them to assert their rights under the Constitution,

The Deputy Commissioner of the District is the competent authority for granting legal aid. Legal aid covers counsel fee, witness expenses, court fees, process fees and charges for the scribe.

7. Karnataka

At the State level, the Karnataka Legal Aid and Advice Board has been constituted. The Board is charged with the duty of providing free legal aid to weaker sections whose income from all sources does not exceed Rs. 5,000 per annum. The State Government issued notifications *inter alia* making orders for grant of legal aid to persons belonging to Scheduled Castes and Scheduled Tribes. The expenditure in respect of scheme relating to Scheduled Castes and Scheduled Tribes is met from the Social Welfare Budget. There is legal aid and advice clinic at Bangalore. An amount of Rs. 1.43 lakhs was spent for the continuation of the scheme out of the budget allotment of Rs. 3.00 lakhs during the year 1977-78 and altogether 723 Scheduled Castes/Scheduled Tribes were benefited.

8. Kerala

Legal assistance to Scheduled Castes and Scheduled Tribes is given in all proceedings before the civil and criminal courts of the State in accordance with the provisions contemplated in the Kerala Legal Aid (to the poor) Rules, 1958. A member of the Scheduled Caste and Scheduled Tribe is eligible for legal aid. During the year 1977-78, 7 Scheduled Castes were assisted with an expenditure of Rs. 650. It is understood that during 1978-79, an amount of Rs. 1.00 lakh was provided for meeting the expenditure towards legal aid. It is also understood that steps had been taken for the constitution of State Legal Aid Board.

9. Madhya Pradesh

M. P. Samaj Ke Kamjor Vargaon Ke Liye Vidhik Sahavata Tatha Vidhik Salah Adhiniyam, 1976 came into force on 15th August, 1976. The M.P. Legal Aid and Legal Advice Board at the State level was also reported to have been set up. Legal aid was being provided by the Government right from the Gram Panchayat level to high Court level. During the year 1976-77, 1,186 Scheduled Caste and 507 Scheduled Tribe persons were covered under the scheme. Since April, 1977 to December, 1977, 144 harijans and 82 adivasis were provided with legal aid. The amount provided for legal aid during the financial year 1978-79 was Rs. 10.00 lakhs.

10. Maharashtra

The State Government in the Law and Judiciary Department was understood to be administering two under mentioned Legal Assistance Schemes exclusively for the benefit of members of the Backward Classes :—

(i) Legal assistance scheme for the members of backward classes whose annual income did not exceed Rs. 2,400 per annum and who had to institute or defend civil proceedings or criminal proceedings under the Mamlatdars Courts Act, 1906.

(ii) Legal assistance scheme to harijans who had to institute civil proceedings claiming damages by way of compensation in cases in which harassment was caused to them.

During 1977-78, 279 persons belonging to Scheduled Castes and backward classes were given legal assistance amounting to Rs. 56,250.

The State Government was also reported to have constituted 'the Maharashtra State Legal Aid and Advice Board' under the chairmanship of the Minister for Law and Judiciary. The Board has been invested with the power to formulate schemes for constitution of Legal Aid Committees in the districts and the talukas and fix conditions with regard to their functioning, remuneration to lawyers etc. Initially, the State Government propose to place funds to the extent of Rs. 5 lakhs at the disposal of the Board.

11. Orissa

In Orissa, legal assistance is provided under Orissa Legal Aid to the Poor Rules, 1975. A legal practitioner chosen by the District Magistrate with the prior approval of the Revenue Divisional Commissioner, is engaged on a consolidated fee of Rs. 400 per month. The retainer is normally kept for a period of one year. The categories of persons belonging to Scheduled Castes and Scheduled Tribes eligible to legal aid are :—

(i) Scheduled Tribes transferors in cases under the Orissa Scheduled Areas Transfer of Immovable Property (by Scheduled Tribes) Regulation, 1956.

(ii) Scheduled Tribes/Scheduled Castes debtors in cases under the Orissa (Scheduled Areas) Money Lenders Regulation, 1967.

(iii) A complainant belonging to Scheduled Caste in cases under the Protection of Civil Rights Act, 1955 where his annual income does not exceed Rs. 3,500.

The District Magistrate is to prepare a panel for legal practitioners in consultation with the District and Session Judge. For the implementation of the Rules,

Committees are constituted at the district level.

No legal aid is admissible for appeals or revisions against orders of lower courts except in cases where the legally aided party has succeeded in the lower court and the other party has gone in appeal or revision.

12. Punjab

Legal aid is provided to the members of the Scheduled Castes for defending and instituting certain classes of proceedings under the Legal aid to the Scheduled Castes (Punjab) Rules, 1960. The Sub-Divisional Officer (Civil) or the Deputy Commissioner is specified as the authority for granting legal aid. Legal aid granted under these Rules includes items like fee paid to the counsel, court fees, process fees and the expenses of witnesses. No expenditure was reported to have been incurred during 1977-78 for providing free legal aid to the members of Scheduled Castes. The scheme envisaged the constitution of a number of committees at the State/District/Sub-Divisional level.

13. Rajasthan

The Legal Aid and Advice Scheme was started in the State during 1975-76. Recently the State Government has constituted the State Legal Aid and Advice Board. There is also the High Court Legal Aid Committee with its Headquarters at Jodhpur. Besides, there is Revenue Board Legal Aid Committee at Ajmer. Apart from the High Court Committee and the Revenue Board Committee, there are 17 district level committees and 86 lower level committees. The High Court Legal Aid Committee has power of supervision and control over all other committees constituted in the State. While the State Board is charged with the duty to constitute a committee to be called the Revenue Board Legal Aid Committee at Ajmer, all other Committees at the district, sub-division or tehsil level, are left to be constituted by the High Court Legal Aid Committee.

The Committees may entertain applications relating to proceedings in civil, criminal revenue, labour or other courts or tribunals. Every bonafide resident of Rajasthan whose annual income from all sources is less than Rs. 3,600 is an eligible person. In the 33 districts of Rajasthan, 411 advocates have volunteered to give free legal advice. During the last four years an allocation of Rs. 17 lakhs was made out of which an expenditure of Rs. 0.70 lakh was incurred under the scheme.

14. Tamil Nadu

In the State of Tamil Nadu, in 1976, the State Legal Aid and Advice Board was constituted. The Constitution of District Committee was also envisaged. Panel of lawyers was to be prepared by the Committees.

There is also a non-statutory scheme for legal assistance to the Scheduled Castes and Scheduled Tribes, known as the Tamil Nadu Legal Aid (to poor Scheduled Castes and Scheduled Tribes) Rules, 1975. Legal aid is admissible thereunder to poor Scheduled Castes and Scheduled Tribes for ejectment and eviction cases, cases of accidents, service matters and cases relating to social and economic rights under the protection of Civil Rights Act 1955. Legal aid is permissible even in appeal or revision in certain circumstances. In each district, the Collector prepare a panel of lawyers. In the matter of choice, those lawyers who belong to the Scheduled Castes or Scheduled Tribes are preferred. The applicant is given the option to choose his lawyers from the panel.

15. Uttar Pradesh

The State Government sponsored a scheme for legal aid under U.P. Legal Aid to the Poor (Scheduled Castes, Scheduled Tribes, Denotified tribes and Scheduled Debtors) Scheme, 1975. The scheme provides for a State Legal Aid Advisory Committee at the head-quarters of the State Government. District Legal Aid Committees are also envisaged under the Scheme. Legal aid is envisaged for giving legal advice before the matter goes to court or other authority and also for execution of decrees and enforcement of reliefs granted. In exceptional cases, process fees and expenses of obtaining copies of documents and for summoning witnesses are also borne as part of the legal aid. For the purpose of implementation of the scheme, the Committee maintains a panel of lawyers and law teachers.

16. West Bengal

Under the Legal Aid to the Poor (West Bengal) Rules, 1974, persons whose yearly income does not exceed Rs. 2,400 are eligible for legal aid. Legal aid is given in civil cases, in criminal cases (where the offence is punishable with death or imprisonment for five years or more) and in maintenance cases. For the High Court Calcutta (Original and Appellate sides) and for courts in the Presidency Town of Calcutta, the Legal Aid Society, Calcutta is entrusted with the work of deciding the eligibility for granting of legal aid.

In Calcutta, the Legal Aid Society makes the selection of the lawyers and in the district the Member Secretary makes the selection.

17. Goa, Daman & Diu

The scheme for giving legal aid to the poor is restricted to the Session Court and where an accused comes up for trial before the Court and he is not in a position to engage an advocate, he is assigned a lawyer.

18. Dadra & Nagar Haveli

Free legal aid is being extended to Scheduled Castes and Scheduled Tribes people in tenancy cases and civil cases. Free legal aid is provided in criminal cases for persons whose average yearly income does not exceed Rs. 1,800.

19. Pondicherry

In 1971, the Pondicherry Legal Aid to the Poor Scheduled Castes Rules were framed. The poor among the Scheduled Castes i.e. those whose income did not exceed Rs. 1,500 were to be given legal aid in all proceedings before civil and criminal courts, in the Union Territory in order to enable them to protect and preserve their property rights. Pleaders were selected for the purpose from a small panel of names maintained by the Administration. A State level Advisory Board has been constituted under the chairmanship of the Lt. Governor.

4.81. **Provision of free legal aid to the persons belonging to Scheduled Castes and Scheduled Tribes is essential so that they should get proper justice whenever they are dragged to courts in civil revenue and criminal cases or they themselves are forced to go to the courts for securing justice. To make proper assessment about usefulness of the schemes, detailed information should be collected by the concerned States/ Union Territories giving description of the applications received from the persons belonging to Scheduled Castes and Scheduled Tribes for legal assistance and details of the cases which were considered admissible for the grant of legal assistance and the final outcome of their cases. Expert bodies should also review the schemes of legal assistance for Scheduled Castes and Scheduled Tribes to suggest measures that are required to be undertaken to make these more purposeful. Moreover, as has been suggested by the Commissioner in his earlier reports processual reforms are required to be made to treat cases of social injustice as separate from ordinary violations of law and the law relating to burden of Proof, Evidence Act and Criminal Procedure Act should be suitably amended.**

Implementation of Antyodaya Programme

4.82. Through Antyodaya programme the State Governments seek to provide assistance to the poorest amongst the poor in the rural areas of the country, to enable the needy persons to undertake economic activities. According to available information, this programme is being implemented in **Bihar, Gujarat, Himachal Pradesh and Rajasthan.** The identification and selection of the target group families for Antyodaya programme is done with the help of Gram Sabha and where the Gram Sabha has not been able to decide for some reason, then by the village panchayat. Available information regarding to implementation of the programme in the respective States of **Bihar, Gujarat, Himachal Pradesh and Rajasthan,** is given below :—

4.83. In **Bihar** State, in all 1,88,356 families had been identified in 37,714 villages of 31 districts. 1,11,978 loan applications had been collected, out of which 1,01,399 applications for financial assistance amounting to Rs. 791.28 lakhs had been passed on to the branches of the concerned banks. Till April, 1978, 45,954 applications involving a loan amount of Rs. 410.18 lakhs had been sanctioned. As regards disbursal of loans by the banks, an amount of Rs. 358.12 lakhs had been advanced to 39,658 Antyodaya families. In the course of Commissioner's visit to Patna, it was learnt that the State Government were not collecting separate data about Scheduled Caste/Tribe beneficiaries. **It is suggested that the State Government should consider the desirability of introducing a special column in the returns prescribed for the district authorities etc., to know the benefits derived by the persons belonging to Schdeuled Castes and Scheduled Tribes from the implementation of Antyodaya Programme in Bihar State.**

4.84. The Government of **Gujarat** had decided to implement this programme with effect from 1st May, 1979 and an outlay of Rs. 216 lakhs had been proposed for 1979-80. For the selection of the poorest families for assistance under the programme, the following order of priorities was proposed to be observed :—

(i) Families with no productive assets and no member in the working age group (15-59 years) either reliably employed or capable of undertaking economic activity due to infirmity, disability or old age.

(ii) Families having no productive assets having one or more working members but whose annual income does not exceed Rs. 1,200 for a family of five persons. Generally families of landless labourers and artisans etc. may fall in this category.

(iii) Families which have some land and other assets but are below the poverty line. Those who are small farmers, agricultural labourers and artisan persons etc. may fall in this category, whose monthly income is Rs. 57 (for five families the annual income is Rs. 3,420) and are falling in the poor category.

The Government of **Gujarat** proposed to cover 50,000 families under this programme. These families were proposed to be selected from

100 united village development projects. From each project 300 families would be selected. Thus in all 30,000 families would be selected from the united village development projects and the remaining 20,000 families would be selected from the other parts of the State.

4.85. The Antyodaya families falling in Category I and II above were eligible for the scheme of 'social security pension to old and disabled persons'. A pension of Rs. 30 per month was proposed to be provided to 60 years old persons and Rs. 50 per month would be given to the husband and wife of old age.

4.86. Under the scheme of 'economic programme' the District Development Officer was empowered to sanction assistance. The assistance would generally be in the form of grant of soft loan-cum-subsidy for milch cattle, goats, poultry, carts, implements for cottage industries, wage employment in the neighbouring factories or on the construction and relief works of Panchayats of the State. The Antyodaya families falling under category (ii) were proposed to be given 50% subsidy and upto a maximum amount of Rs. 1,500 and those falling under category (iii) were to be given 33 $\frac{1}{3}$ % subsidy and upto a maximum amount of Rs. 1,500.

4.87. The Government of **Himachal Pradesh** launched this programme on 2nd October, 1978 and selected 19,068 families from all over the rural areas of the State. However, the claims of 450 families were rejected on account of wrong selection etc.

4.88. A detailed survey was undertaken with a view to studying their existing economic condition so that a realistic programme of providing suitable help could be drawn. The survey revealed that these families had suffered a long neglect and that the assistance which was supposed to flow them in the past never percolated to that level. The rural indebtedness in respect of these families was found to the extent of Rs. 67.28 lakhs. In the matter of employment the situation was quite disheartening and not even a single member of these families was in Government service. As far the distribution of land, 49,053 acres of land was distributed to various families, of which only 860 acres came to the share of antyodaya families selected in the first phase and 4,520 families were still landless. It was also revealed that 57% of the identified families belonged to the Scheduled Castes and 4% to the Scheduled Tribes.

4.89. According to available information, at the end of January, 1979, 16,248 families had benefited from this programme. For executing this programme subsidy amounting to Rs. 79.25 lakhs and loans totalling to Rs. 30.33 lakhs were given upto 31st January, 1979. In order to assess the impact of the assistance on the economic condition of these families, an Evaluation study was reported to be in progress. Under the schemes of the Khadi Board the subsidy portion varies from 20% to 30%. With a view to helping the antyodaya families the State Government decided that all antyodaya families would get assistance on the pattern of 1/3rd subsidy and 2/3rd loan irrespective of the provisions of the Khadi Board.

4.90. Apart from the financial assistance for production oriented schemes indirect assistance was also being provided to these families as indicated below :—

(i) Free education to the children of the selected families from Primary standard to University level;
(ii) Free medical-aid and use of ambulances;
(iii) Free legal-aid in civil and revenue cases up to High Court level;
(iv) Six per cent reservation in regular Government jobs;
(v) Five seats in each I.T.I. have been earmarked for antyodaya families and every trainee from these families is given a stipend of Rs. 45 per month, and
(vi) All documents to be executed by antyodaya families are exempted from stamp duty.

The Government of **Himachal Pradesh** is understood to have decided to establish a Corporation to look after the interest of the families identified under the Antyodaya programme.

4.91. In **Rajasthan,** Antyodaya Programme was launched on 2nd October, 1977. The State Government prescribed the following criteria for identification of antyodaya families :—

(i) Families under severe destitution having no economic assets and no member in the age group of 15-59 years capable of economic activity;
(ii) Families having no economic assets but having one or more persons capable of economic activity where annual family earnings do not exceed Rs. 1,200;
(iii) Families with some assets whose annual income is below Rs. 1,800 per annum; and
(iv) Remaining families having some land and assets but are below the poverty line i.e. below per capita consumption level of Rs. 55 per month.

During the first round, 1.60 lakh families were identified whereas during the second round it is anticipated that 1.40 lakh families would be benefited. In some places poor families were wrongly identified due to local mischief and the names of many wrongly identified families have had to be deleted from the list of beneficiaries. Thus about 5,000 families have been deleted from the list of 1.60 lakh originally identified.

4.92. The schemes like land allotment, agriculture and land development, minor irrigation, milch cattle, sheep unit, goat unit, poultry, village and cottage industries, wage employment, old age pension etc., were devised by the Government for the identified families under the programme.

4.93. During the year 1978-79, a provision of Rs. 200.00 lakhs had been made against which the anticipated expenditure was Rs. 300.00 lakhs. Under the scheme credits amounting to Rs. 7.3 crores have been disbursed to about 36,000 families by cooperative and commercial banks by the end of January, 1979. The Reserve Bank introduced special concessionary terms for antyodaya borrowers. All Antyodaya families are now entitled to commercial bank credit @ 4% under the Differential Rate of Interest Scheme.

4.94. The **Rajasthan** Government has usual existing area schemes such as S.F.D.A., D.P. A.P. and D.D.P. to cover all the 26 districts of Rajasthan under the Antyodaya scheme. In 7 districts where none of these programmes were operating, the State has started its own S.F.D.A. Scheme on the lines of the centrally sponsored scheme to cover the antyodaya families there. Through SFDA/DPAP projects, 25 per cent and 33 $\frac{1}{3}$ per cent subsidy is given to the small and marginal farmers respectively.

4.95. The Programme Evaluation Organisation of the Planning Commission was entrusted in September, 1978 to take up a quick evaluation of the working of the Antyodaya Programme in the same respective districts of Jaipur, Jhunjhunu, Chittorgarh, Jodhpur and Kota. The Evaluation study was taken up at two levels, namely, (i) the district and (ii) the village level. A total of 25 families (5 in each of the selected villages in these districts) were contacted.

4.96. It was observed during the study that the benefits provided to the antyodaya families included, among others, old age pension, land allotment, milch cattle units, goats and sheep units, land improvement, purchase of bullocks, agricultural inputs, hand operated loom, shoe making, pottery, bangle making, sewing machines and for running petty shops etc. In case of the villages selected for indepth study, out of 25 identified families, 2 were sanctioned old age pension, 7 families had been allotted land and as many as 20 families had applied for loan assistance. Out of the 25 identified families, as many as 18 belonged to Scheduled Castes.

4.97. Evaluation report brought out both the strong and weak points of the programme which may briefly be enumerated as follows :

(i) The target of identifying 1,60,517 of the poorest of the poor families has already been achieved in a period of about three months;

(ii) Of the 1,24,261 families benefited in the State till 15th September, 1978, 40.54% (50,375) had received loan, 31.88% (39,615) got land, 20.48% (25,453) received old age pension and only 3.71% (4,610) received wage employment, within such a short period.

(iii) The beneficiaries had complained that the rate of interest charged by the Commercial banks under differential rate of interest was 4% whereas it was 13% and later revised to 10½% by the cooperatives. This needed to be remedied.

(iv) The Report brings out that none of the 5 selected districts reported any special arrangement made for providing technical know-how in management, production and marketing to the antyodaya beneficiaries. The identified families who possibly had low motivation and low assets are left to struggle themselves after land/loans are disbursed to them. This is not satisfactory and the extension agencies as well as the technical personnel, particularly in the field of cottage industries etc. should assist them so that the programme achieves the desired objective of building assets and enabling the poorest of the poor families to cross the poverty line.

(v) 15 families out of 25 families studied in depth, mentioned that their employment and income had increased after they were brought into the Antyodaya Programme.

CHAPTER 5

LAND, AGRICULTURE AND HOUSING PROGRAMMES

Preference in the allotment of surplus land to Scheduled Castes & Scheduled Tribes

Considerable land has been made available for allotment to the landless labourers out of lands declared surplus on account of imposition of land ceilings. In the distribution of these lands perference is given by State Governments to the persons belonging to the Scheduled Castes and Scheduled Tribes. State-vise position in this regard may be seen at Appendix XLII. The urgency of paying special attention to the Scheduled Caste landless agricultural labourers to settle them on land in order to ameliorate their conditions, has been stressed in Commissioner's various earlier Reports. For example it was suggested by Commissioner in his Annual Report as early as in 1958-59 that legislation for ceilings on land and its implementation should be expedited. It was further suggested that various State Governments should frame suitable rules for the allotment of surplus land with necessary safeguards/reservation for landless members of Scheduled Castes/Tribes. In Commissioner's subsequent Report for 1961-62, 1962-63 and 1967-68 the necessity of giving first preference to Scheduled Caste/Tribe persons in the allotment of lands released through the application of ceilings on holdings was again stressed. In Commissioner's 1974-75 Report it was observed that the success of land distribution programme for the weaker sections would be judged by the allotment of surplus land to the Scheduled Castes and the Scheduled Tribes, actual possession of these lands by them and making available to them necessary financial and other support for land development so that they could cultivate the land and derive full benefit therefrom. It was suggested in Commissioner's 1977-78 Report that a review of land allotment vis-a-vis possessions actually handed over to the persons belonging to Scheduled Castes and Scheduled Tribes should be made by the State Governments/Union Territory Administrations and timely remedial action should be taken wherever necessary.

Surplus land alloted to Scheduled Castes and Scheduled Tribes

5.2 In pursuance of the above mentioned recommendations made in Commissioner's earlier Reports, considerable surplus land has been allotted to Scheduled Castes and Scheduled Tribes by various State Governments/Union Territory Administrations. According to latest available information, land measuring 39.78 lakh acres was declared surplus in various States out of which 23.23 lakh acres of land was taken into possession. So far, 16.00 lakh acres of land has been distributed amongst 10.78 lakh beneficiaries 4.32 lakh beneficiaries belonging to Scheduled Castes were allotted 5.29 lakh acres of land and 1.36 lakh beneficiaries belonging to Scheduled Tribes were allotted 2.49 lakh acres of land. It shows that, of the total area declared surplus so far, 5.29 lakh acres, i.e. 13.30% and 2.49 lakh acres. i.e. 6.25% was allotted to the persons belonging to Scheduled Castes and Scheduled Tribes respectively. Statement showing State-wise position regarding distribution of surplus lands is given at Appendix XLIII.

Allotment of waste land to Scheduled Castes and Scheduled Tribes

5.3. The extent of cultivable waste land available for distribution was estimated in 1975-76 to be 176 lakh hectares. According to the information furnished by the Ministry of Agriculture and Irrigation, 21.12 lakh acres of Government waste land was distributed among the landless agricultural labourers by the State Governments during 1976-77. State-wise details are given in the following table :—

Name of State/Union Territory	Area distributed (In acres)
1. Andhra Pradesh	1,86,884
2. Gujarat	1,327
3. Haryana	240
4. Himachal Pradesh	59,319
5. Kerala	24,257
6. Maharashtra	1,24,500
7. Manipur	18,770
8. Orissa	31,421
9. Rajasthan	7,00,919
10. Tamil Nadu	39,065
11. Tripura	18,386
12. Uttar Pradesh	8,66,081
13. West Bengal	36,929
14. Delhi	1,992
15. Goa, Daman & Diu	1,905
TOTAL	21,11,995

5.4. It will be seen from the above table that waste land had been allotted to the landless agricultural labourers including those belonging to Scheduled Castes and Scheduled Tribes. Available State-wise details regarding allotment of Government waste land, Gaon Sabha land to Scheduled Castes and Scheduled Tribes are given below :—

1. **Gujarat :**
   During 1976-77, 3,239 Scheduled Caste and 3,240 Scheduled Tribe families had been allotted 12,234 acres and 9,435 acres of Government waste land respectively for agricultural purposes.

2. Manipur :

During the year 1976, 45 Scheduled Tribe families had been allotted 40.50 hectares of land for agricultural purposes.

3. Orissa :

3.00 lakh landless persons were allotted 5.20 lakh acres of Government waste land for agricultural purposes till 31st March, 1979. This included 3.01 lakh acres of waste land distributed amongst 1.63 lakh Scheduled Tribes and 1.16 lakh acres among 64,395 Scheduled Castes. Between April, 1978 and De- government waste land respectively for cember, 1978, 8,265 Scheduled Tribe and 2,678 Scheduled Caste persons were allotted 9,067 acres and 2,838 acres of agricultural purposes.

4. Punjab :

During 1975-76, 89 families belonging to Scheduled Castes had been allotted 231 acres of evacuee land and 44 Scheduled Caste families were allotted 132 acres of *Nazool* land.

5. Uttar Pradesh :

During 1977-78, 9.50 lakh persons belonging to the Scheduled Castes and the Scheduled Tribes were allotted 3.49 lakh hectares of Gaon Sabha land for agricultural purposes. In the districts of Barabanki, Unnao, Mirzapur, Allahabad, Fatehpur, Kanpur, Rae-Bareli, Aligarh, Saharanpur, Azamgarh, Hardoi and Muzaffarnagar, comparatively more land was allotted to Scheduled Caste and Scheduled Tribe persons.

6. Lakshadweep :

Allotment of land was reportedly going on in Minicoy Island under section 14 of the Lakshadweep Land Revenue and Tenancy Regulation, 1965. This land was not being freshly distributed to landless persons but it was formal allotment to individuals, of land held in common by village Headmen. Distribution of land to the landless took place in 1971 and 117 families were given individual allotment and in 9 villages land was distributed among the village Headmen for common use by all members of the villages. As the village Headmen and the villagers jointly requested the Government for individual allotment, sub-division work was taken up and has been recently completed and individual allotment of land started from 1-2-1979. Individual allotment has been taken up in two villages where villagers applied for such allotment and as and when villagers other villages apply, individual allotment will be made. Such individual allotment is made under the Lakshadweep Land Revenue (Allotment of Pandaram Land) Rules, 1979.

7. Tripura :

During 1977-78, 273 Scheduled Caste and 1,174 Scheduled Tribe families were allotted 261.85 and 916.59 hectares of Government *Khas* land respectively for agricultural purposes.

5.5. It has been observed that in many cases waste lands allotted to Scheduled Castes and Scheduled Tribes are in such a bad shape that they find it very difficult to reclaim the same for cultivation. It was therefore, suggested in Commissioner's 1958-59 Report that when waste lands allotted to Scheduled Castes and Scheduled Tribes were difficult to be reclaimed, these lands should be exchanged or reclaimed under the technical supervision of competent persons. The settlers for whom these lands were reclaimed should be employed for reclamation work. This recommendation was reiterated in Commissioner's 1975-77 Report. The action taken by various State Governments in this regard is not known. **It is, therefore, reiterated that in cases where the waste lands allotted to Scheduled Caste/Scheduled Tribe persons are very uneven and beyond the capacity of the beneficiaries to make these culturable, the State Governments/Union Territory Administrations concerned should either allot alternative lands to them or help them in their reclamation.**

Initial concession of land revenues to Scheduled Caste/Scheduled Tribe allottees of waste lands

5.6. When waste lands are allotted to Scheduled Castes/Tribe persons, they are not able to get full harvest from these lands for the first few years. They are, therefore, not in a position to pay land revenue to the Government. In this connection it was recommended in Commissioner's 1959-60 Report that the Scheduled Caste/Tribe allottees of waste lands should be allowed a period of at least 3 years to make these lands culturable before they were asked to pay full land revenue to the Government. It was also suggested that ordinarily no such levy should be imposed on them during the first year of allotment and that during the second and third years only 1/3rd and 2/3rd of the land revenue respectively should be charged from them. **The State Governments and Union Territory Administrations who have not yet taken necessary action to implement the above recommendation should take early action to do so at an early date.**

Allotment of Bhoodan Lands

5.7. Out of the total area of 41.59 lakh acres of land made available under the Bhoodan Yajna Movement in the country, so far 12.74 lakh acres of land has been distributed to the landless persons as indicated in the table below :—

S. No.	Name of State/Union Territory	Area donated	area distributed
1	2	3	4
1.	Andhra Pradesh . . .	2,84,000	44,390
2.	Assam	5,000	63
3.	Bihar	22,32,000	427,665

1	2	3	4
4.	Gujarat	76,000	50,984
5.	Haryana	Included in Punjab	1,502
6.	Himachal Pradesh	2,000	N.A.
7.	Karnataka	13,000	1,988
8.	Kerala	29,000	N.A.
9.	Madhya Pradesh	68,000	1,97,869
10.	Maharashtra	1,09,000	80,215
11.	Orissa	2,86,000	1,40,817
12.	Punjab	16,000	N.A.
13.	Rajasthan	3,84,000	84,77 2
14.	Tamil Nadu	57,000	20,409
15.	Uttar Pradesh	5,86,000	2,23,195
16.	West Bengal	12,000	30
	TOTAL	41,59,000	12,73,899

Separate details about the **Bhoodan land** allotted to landless Scheduled Caste and Scheduled Tribe persons are not available. In this connection it was recommended in Commissioner's 1961-62 and 1962-63 Reports that complete information regarding the extent to which the Scheduled Caste/Tribe persons had benefited from **Bhoodan** and **Gramdan** Movement should be maintained, both by the Revenue Department of the State Governments and the **Bhoodan Samities** so as to assess the actual benefits according to the Scheduled Castes/Tribes from these measures. This recommendation, however, does not appear to have been implemented by various State Governments/Union Territory Administrations. **The same is, therefore, reiterated.**

Provision of Financial Assistance for agricultural inputs to the allottees of surplus land

5.8. Under the scheme of financial assistance for agricultural inputs to the allottees of surplus land, the Central Government provides for financial assistance to allottees of ceiling surplus land to take up agricultural operations and essential land development measures. The assistance provided to the State Governments is divided in two parts viz., (a) short-term assistance for financial agricultural operations and meeting essential consumption requirements and (b) land development assistance; fifty per cent of this assistance is loan. Following statement indicates the assistance given to various State Governments/Union Territory Administrations during 1975-76 and 1978-79 :—

(Rs. in lakhs

S. No.	Name of State/Union Territory	Financial assistance given during 1975-76		
		1978—79		
		Short-term assistance	Land development Assistance	
1	2	3	4	
1.	Andhra Pradesh	86·06	64·93	
2.	Assam	109·04	52·76	
3.	Bihar	49·94	33·48	
4.	Gujarat	1·50	1·22	
5.	Haryana	14·22	9·27	
6.	Himachal Pradesh	1·98	1·55	
7.	Karnataka	11·66	7·55	
8.	Kerala	20·79	14·88	
9.	Madhya Pradesh	12·68	9·83	
10.	Maharashtra	134·55	101·20	
11.	Orissa	24·34	23·34	
12.	Punjab	5·11	4·35	
13.	Rajasthan	130·22	84·44	
14.	Tamil Nadu	38·40	23·27	
15.	Tripura	..	0·08	
16.	Uttar Pradesh	68·02	49·06	
17.	West Bengal	74·89	51·32	
	TOTAL	780·40	532·45	

5.9. In addition, the State Governments provide various other forms of assistance to the allottees of surplus land for agricultural inputs either under special schemes or under their general schemes for providing loans and other assistance to agriculturists. Many States are supplementing the efforts under the Central Sector scheme with the assistance from Commercial Banks and other public credit institutions to enable the allottees of surplus land to take to the cultivation of the allotted land. In this connection the importance of providing agricultural inputs like bullocks, seeds, agricultural implements, irrigation facilities etc., was stressed in Commissioner's earlier Reports. For example, it was suggested in Commissioner's 1970-71 Report that it should be a general practice to provide loans/subsidies to all Scheduled Caste and Scheduled Tribe allottees of land, at least in the initial stages, to enable them to make the same cultivable. In the 1973-74 Report of the Commissioner it was recommended that various agricultural research centres under the Ministry of Agriculture should identify the problems of agriculture in the tribal areas and re-orient programmes for crops grown in these areas so that the tribals could derive full benefit from agricultural research. It was also considered desirable that research should be conducted to evolve new varieties of crops suitable in tribal areas as it could be very beneficial in improving the economic condition of the tribals as well as for raising food production in the country. In Commissioner's 1974-75 Report it was suggested that a review of the total available irrigation potential should be made in respect of slow irrigation, lift irrigation from surface water resources and availability of ground water and that minor irrigation schemes should be given high priority in the tribal sub-plan areas. In respect of the above recommendations much still remains to be done. **It is, therefore, reiterated that liberal assistance should be given to the new Scheduled Caste and Scheduled Tribe settlers for reclamation of land and various agricultural inputs and minor irrigation programmes should be given high priority in the tribal sub-plan areas as well as for the benefit of agriculturists belonging to the Scheduled Castes. The desirability of forming cooperative farming societies of Scheduled Caste and Scheduled Tribe landless labourers by providing technical and financial assistance to them**

should also be considered. Conducting research to evolve new varieties of crops suitable to tribal areas is also considered necessary for improving the economic conditions of the Scheduled Tribes.

Land Records

5.10. Most of the State Governments have adopted legislations to confer tenancy rights on tenants and share croppers in order to protect them from eviction and have conferred ownership rights on them. As a result, about three million tenants and share croppers have acquired ownership over more than 7 million acres of land. Some of them also include those States where the implementation of ceiling has not been satisfactory. For example, in **Gujarat** and **Maharashtra** about 4 lakh tenants had acquired ownership under the Tenancy Act. In **Gujarat,** special record of rights teams were deputed by the Union Ministry of Agriculture & Irrigation to detect concealed tenancies with a view to confer tenancy rights on them. Provision for conferment of ownership on tenants has also been made in the States of **Assam, Kerala, Madhya Pradesh, Karnataka, Orissa, Rajasthan, Uttar Pradesh, Himachal Pradesh, Manipur** and **Tripura.** However, in some States such as **Andhra Pradesh, Bihar, Tamil Nadu, Haryana** and **Punjab,** the tenancy legislation still falls short of the accepted National Policy.

5.11. Conferment of ownership rights on tenants has helped members of the Scheduled Tribes and Scheduled Castes as a majority of the tenants belong to these communities, though exact number of Scheduled Caste and Scheduled Tribe tenants who have become owners of the land they till, is not available. In this connection it was suggested in Commissioner's 1962-63 Report that the Board of Revenue, should issue strict instructions regarding maintenance of land records, so that complete statistical information regarding acreage of land allotted to landless agriculturists and number of Scheduled Caste and Scheduled Tribe beneficiaries amongst them was maintained at lower levels, and regularly compiled at State level, for being furnished to the Commissioner. For that purpose it was further suggested that suitable modifications, if necessary, should be made in the proforma for land records prescribed for collection of information regarding allotment of land to the Scheduled Castes and Scheduled Tribes. In Commissioner's Report for 1971-73, it was recommended that in tribal areas where the land records were not up-to-date, the position should be ascertained and a quick on-the-spot enquiry should be conducted on the basis of which the records should be made up-to-date within a period of 6 months. It was also suggested that the State Governments concerned should give top priority to this item of work and appoint necessary additional staff forthwith. It was also felt by the Commissioner that the work of completion of land records in tribal areas had not received adequate attention of the authorities concerned and this was a field in which the Central Government should financially help the State Governments for completion of land records as a time-bound programme.

5.12. In Commissioner's Report for 1973-74, it was observed that in many tribal areas rights over the cultivable and forest lands were collective and, therefore, due care had to be exercised at the time of survey and settlement to protect the legitimate rights of the tribals enjoyed by them since times immemorial. It was emphasised that the State Governments must attach highest priority to this programme and that unless it was implemented with urgency as a time-bound programme, it was feared that the tribals would not be able to take benefit of the developmental measures that were being initiated in the developmental plans.

5.13. It has been observed that inadequacy of record of rights stands in the way of obtaining institutional credit by the cultivators. It is also felt in some quarters that codification of customary laws is necessary to satisfy some procedural norms of banks and other financial institutions, so that institutional finance could flow to the tribals for undertaking developmental activities. The preparation of land records in the tribal areas should reflect the corporate rights of the communities over land and forests and rights of individuals in this regard. It is observed that in some parts of the North-Eastern Hill Regions, the State Bank of India had agreed to provide loans to individual tribal producers on production of a certificate from Anchal Panchayat of their continued rights within the jurisdiction of the Panchayats for undertaking their productive activities for which credit was sought.

5.14. In October, 1976 the Union Ministry of Agriculture and Irrigation had impressed upon the State Governments the need for early action for updating land records, and it was desired that 1976-77 should be observed as the land records year. It was further desired that the name of the actual cultivator should be invariably recorded in the basic village form. **It is, therefore, felt that the work of completion of land records in tribal areas should be attended to on priority basis. It should reflect a faithful record of corporate rights of the community, clans or lineages and individuals over land.**

Organising the Poor

5.15. India ratified International Labour Organisation Convention 141—"Convention Concerning Organisations of Rural Workers and Their Role in Economic and Social Development". In this Convention, the International Labour Organisation has defined "rural workers" as "any person engaged in agriculture, handicrafts or a related occupation in a rural area, whether as a wage earner, subject to the provisions of paragraph 2 of this Article, as a self-employed person such as a tenant, share-cropper or small owner-occupier". The preamble of the Convention says that "the importance of rural workers in the world makes it urgent to associate them with economic and

social development action if their conditions of work and life are to be permanently and effectively improved, and then noting that in many countries of the world and particularly in developing countries there is massive under utilisation of land and labour and that this makes it imperative for rural workers to be given every encouragement to develop free and viable organisations capable of protecting and furthering the interests of their members and ensuring their effective contribution to economic and social development, and considering that such organisations can and should contribute to the alleviation of the persistent scarcity of food products in various regions of the world, and recognising that land reform is in many developing countries an essential factor in the improvement of the conditions of work and life of rural workers and that organisations participate actively in the implementation of such reform, and recalling the terms of existing international labour Conventions and Recommendations—in particular the Right of Association (Agriculture) Convention, 1921, the Freedom of Association and Protection of the Right to Organise Convention, 1948, and the Right to Organise and Collective Bargaining Convention, 1949—which affirm the right of all workers, including rural workers, to establish free and independent organisations, and the provisions of numerous international labour Conventions and Recommendations applicable to rural workers which call for the participation, inter alia, of workers' organisations in their implementation".

5.16. Article 5 of the Convention enjoins that the ratifying members should "adopt and carry out a policy of active encouragement to" the organisation of rural workers to enable these organisations "to play their role in economic and social development". Article 6 makes the obligations of the ratifying countries more specific. It states : "Steps shall be taken to promote the widest possible understanding of the need to further the development of rural workers' organisations and of the contribution they can make to improving employment opportunities and general conditions of work and life in rural areas as well as to increasing the national income and achieving a better distribution thereof". Largely following International Labour Organisation Convention 141, the International Labour Organisation Recommendation 149 and the Declaration of Principles and Programme of Action adopted by the World Employment Conference, 1976, the Planning Commission inserted a significant policy statement in the Draft Plan Document 1978-83 on the question of promotion and involvement of rural workers' organisations in the development process. It states, "In view of the highly hierarchical social and economic structures of our rural society, measures of redistributive justice are likely to be thwarted unless backed by organisations of rural workers. A policy of active encouragement to small farmers and rural workers' organisations therefore becomes necessary. Such organisations should be involved and participate in direct implementation : (a) programmes of land reforms and distribution of surplus lands : . . ." The Ministry of Labour through the National Labour Institute has been organising camps of rural workers in villages in the States of **Andhra Pradesh, Bihar, Kerala, Madhya Pradesh, Orissa, Rajasthan** and **West Bengal** to develop leadership skills and to apprise agricultural labourers of the Governments' programme for rural development, the existing statutes on landholdings, share-cropping, tenancy, minimum wages, etc. It is necessary to ensure that the landless labourers who participate in these camps are not prosecuted by landlords. The Central Board for Workers Education has also drawn up a programme to help rural workers in strengthening and developing their organisations and building up the required cadre. However, there is no perceptible change noticeable in rural areas except in areas in and around the places where such camps have been organised. On the other hand certain movements organised by the agricultural labourers in some parts of the country have emerged on their own to fight for their rights. The case of Dharampura village in **Bihar** where the share-croppers were killed because they insisted on their rightful share is one of the many such instances where movements were organised by the rural workers themselves. Such movements have to face the stony wall of the hoary tradition of the administration regarding maintenance of law and order and the existing property relationships and the judiciary is also content with the interpretation of the existing laws in the old fashion. The real obstacle to the formation of rural workers' organisations was not the low level of education or poverty, but lack of protection against the violent opposition of the landlords. At times those who organise rural workers are dubbed as naxalites and severe repressive measures are taken against them. The whole subject of various administrative and legislative measures for bettering the socio-economic conditions of the rural unorganised labour and promoting their organisations has been entrusted by the Ministry of Labour to the Central Standing Committee on Rural Unorganised Labour. A Sub-Committee set up by the latter finalised a report on framing of a suitable central Legislation for the welfare, regulation of employment and conditions of service etc., of agricultural workers, on 7th March, 1980, which is expected to be considered by the Standing Committee shortly for recommending further action in the matter to the Government.

Operation Barga

5.17. Let us now examine the steps taken by the Government of **West Bengal** in the implementation of the programme of recording the names of Bargadars (share croppers) and recovering surplus land by associating the village poor, bulk of whom constitute Scheduled Caste/Scheduled Tribe persons. Under the West Bengal Land Reforms Act a bargardar is entitled to 75 per cent of the produce if he provides inputs of cultivation. Otherwise, the crop

is shared between the land-owner and bargardar on a 50 : 50 basis. A bargardar has heritable right of cultivation, though he has no ownership right. No bargadar can be evicted except through the process of law and that too on limited grounds, like failure on his part either to cultivate the land or to deliver the share of the crop or to cultivate the land personally, or for bringing the land under the personal cultivation of the land-owner for bona fide reasons. Even so, no bargadar will be evicted by the process of law so as to reduce the aggregate area of land cultivated by him to less than one hectare. Similarly, a bargadar has a ceiling on the total holding he can cultivate either as a bargadar or as a raiyat or both. Though the law stipulated a rider of 'bona fide reasons' for resumption for personal cultivation it provided almost **a carte blanche** for the land-owners for eviction of bargadars.

5.18. Between 1955 when the West Bengal Land Reforms Act, 1955 was promulgated and 1966, approximately 4,00,000 acres of agricultural land vested mainly through surrender of lands by big zamindaries. But from 1967 to 1970 the total quantum of agricultural land vested was nearly 5,00,000 acres. This was due to the association of the village poor and the bureaucracy for the detection of land in **benami** in excess of the ceiling. Pressure from below matched by political will at the top galvanised the bureaucracy into accomplishing a seemingly impossible task. But this momentum soon dwindled on account of various reasons. The Government of **West Bengal** therefore brought in two amendments under the West Bengal Land Reforms (Amendment) Act, 1977. One related to restriction on resumption of land for personal cultivation. To resume land for personal cultivation the land-owner has to live for the greater part of the year in the locality. He has to have his principal source of income from agriculture and he has to cultivate the land to be resumed himself and not by hired labour. It ensures that there cannot be easy resumption on the plea of personal cultivation.

5.19. The second amendment removed another deficiency in existing law. It related to the identification of bargadar. Before a bargadar could claim the protection of the law he had to cross the primary hurdle of establishing himself as a bargadar. The onus of proving claim is ordinarily on the claimant. A bargadar could hardly afford the costly and time-consuming quasi-judicial process of establishing his identity. Under this amendment a person lawfully cultivating the land of another shall be presumed to be bargadar if such person is not a member of the family of the other person whose land he cultivates, and the burden of proving that such person is not a bargadar shall lie on the land-owner. This innovative and imaginative amendment giving a presumption in favour of the bargadar and shifting the onus of rebuttal to the land-owner had brought about a sea-change in the technique of identification and recording of bargadar and has provided the legal frame of the massive 'Operation Barga'.

5.20. The State Government organised a number of Workers camps and decided that the methodology of settlement operations and the recording of the names of bargadars had to be changed. It was decided that the officers should visit the hamlets where the share-croppers live, camp in the village primary schools, hold evening meetings in the hamlets and note down the names of the share-croppers. The next day these names should be verified in the fields in presence of the general public. Tentative lists shall be drawn and objections invited from the land-owners and other interested persons and after verifying these objections in public the lists of bargadars published and certificates given to them.

5.21. As a result of the new method evolved for the recording of the names of the share-croppers and the help of the Kisan Sabhas, till 30th September, 1969 7.40 lakh bargadars had been recorded. It is estimated that the number of bargadars would be between 1.8 or 2 millions to 3-3.6 millions. It is understood that even in the areas where operation barga was launched there are many left out bargadars whose names could not be recorded. The primary reason appears to be that the bargadars are still afraid of their names to be recorded as share-croppers and there are many cases of injunctions issued by the High Court against bargadars who are unable to defend the cases for various reasons among which poverty and lack of proper knowledge and guidance are most important. Besides, in respect of a good number of disputes, the bargadars and the landlords have gone to the courts of law involving 1.9 lakh acres of land under the Land Acquisition Act of Land Reforms Act. It is reported that one of the effects of this operation and reduction in the land ceiling per family has been that it has increased the bargaining power of the landless labourers but at the same time the landlords have parceled out their land in the names of their relatives. The 'Food for Work' programme was utilised by the State Government to provide work in the lean period and thus save the landless labourers from falling into the clutches of the landlords and moneylenders. The State Government has also involved the financing institutions to advance loans to the bargadars as an alternative credit support system is as important as recording their names in ensuring security of cultivation. Arrangements for giving consumption and production credit is necessary to make a success of the entire process of land reforms. About 60,000 bargadars had been given bank credit in the Kharif season 1979. The cooperatives are not of much help because they are controlled by vested interests. To encourage the poor to take loans from the institutional financing agencies a "Scheme of Zero Interest" has been introduced. Those share-croppers and assignees of vested land who would repay the loan taken from the banks

within the scheduled period would not have to pay any interest; the Government would bear the entire interest. It is estimated that about Rs. 500 are required for hiring bullocks, manure, seeds for bringing under cultivation about one acre of land. **The State Government should explore the possibility of establishing a revolving fund out of which help may be given to the share croppers for bringing the land under cultivation so that their share of the harvest is increased from 50 to 75%.**

5.22. In December, 1979 Commissioner visited Mohammed Bazar in Birbhum district to discuss with the District, Block and Panchayat officials, representatives of banking institutions and bargadars the 'Operation Barga'. The district of Birbhum has 30% and 7% population of Scheduled Castes and Scheduled Tribes respectively. It was informed that in this district about 46,000 bargadars have been recorded and issued **parchas** which would enable them to get loans from the financing institutions. In 524 cases High Court has stayed the orders of Revenue Department. The recording of bargadars was effected by organising a number of visits by Land Revenue officials. The first stage of recording the names of share-croppers is to hold a meeting in the evening at the village primary school where the bargadars collect and come forward with their claims for being recorded as bargadars. If these claims are disputed, field visits in the morning are made by a Revenue Officer of gazetted rank with the help of two Aims who enquires about the title and possession of land, prepares a crop statement, fills up necessary details in the Khasara Khata and this stage is known as Khanapuri-bujharat. After correction of record of rights during Khanapuri-bujharat, tenants cards are prepared and mouza-wise one-man-one khatian is prepared and a copy thereof is handed over to the land owner as well as to the share-cropper. The copy of the Khatian is called **Parcha.** Next stage is known as attestation during which a Revenue Officer authenticates the Khatians by making necessary corrections, if any, due to transfer, sale etc. These records are published for inspection of the public. Objections, if any filed, are disposed of by the higher Revenue Officers after giving both the parties an opportunity of being heard, and after disposal of objections, the Mouza records are finally published.

5.23. In Mohammed Bazar Block the Scheduled Castes from 29.37% and Scheduled Tribes 18.12% of the total population. There are 12 Gram Panchayats and 158 Mouzas and all of them have been seriously effected by drought. 50% crop loss has been reported. 653 bargadars have been recorded out of which 624 belong to Scheduled Castes. In 133 Mouzas, Khanapuri-bujharat and attestation stages of recording of rights have been completed. In 20 Mouzas, the Mouza records have been finally published. Advocates are not allowed to appear for both the parties at various stages of survey and land settlement. It was revealed that 160 bargadars have been issued loans from the United Commercial Bank, State Bank of India, Mayurakshi Grammen Bank, and the amount of loan varies from Rs. 200 to Rs. 400. The Block Development Officer sends the applications of the bargadars for grant of loans to the banks. 60% of the loan is given in cash and 30% in kind component like fertilizer, seeds, etc. The bank authorities visit the bargadars on receipt of applications forms to see whether **parchas** have been issued to them or not. The loan is generally disbursed within a period of three weeks and the bargadar is required to visit the bank only once when the loan is disbursed. In addition to the banks, 70 bargadars have been financed by LAMPS in the Block. The Chairman of the Panchayat Samiti Mohammed Bazar informed that loans are not given to all the bargadars and the amount of loan is not sufficient.

5.24. The Commissioner also interviewed a number of bargadars and it was found that **six bargadars, namely, S/Shri Babu Ram Hansda, Umapati Dom, Kanari Dom, Dulal Maradi, Genu Dom and Lata Soren had not been issued the receipts by their respective landlords in respect of the share of the crops given to the landlords. The revenue officers present at the meeting were asked to look into this matter and if necessary take suitable action under subsection 2(A) of Section 19A of the West Bengal Land Reforms Act, 1955.** Shri Churu Hambram, Pradhan of Bharkata Panchayat informed that his father is a bargadar of landlord Sukhdeo. His father has repaid the loan of Rs. 200 given to him by the Mayurakshi Grammen Bank.

5.25. It was learnt that all the bargadars have not been recorded as some of them are still afraid to get their names recorded. It was revealed that the landlords have organised themselves into a group and file writ petitions in the High Court to stall the 'Operation Barga' whereas the poor share-croppers are not in a position to fight out their cases. **It is suggested that the State Government should take up such cases in the High Court on behalf of the bargadars. This would help in creating confidence among the share-croppers that the State will help them at all stages of litigation regarding that recording of rights without their incurring any expenditure on this account.**

Alienation of tribal lands

5.26. One of the long standing grievances of Scheduled Tribe persons relating to alienation of their land. In spite of various legislative measures and executive instructions, the alienation of tribal land is still widely prevalent in the tribal areas. Attention has been drawn to this problem in all the previous Reports of this Organisation. The incidence of land alienation is more in areas which are easily accessible to outsiders, and more pronounced around the industrial and mining complexes. The land where there are possibilities of increased agricultural production are also alienated by fraudulent means. Over the years, the State Governments have been trying to plug the loopholes

in the land alienation laws to curb the ingenuous methods adopted by the non-tribals to take possession of the land of the tribals. Some State Governments have appointed special officers to conduct prosecution in the land alienation cases but the delay in their disposal has created a feeling among the poor tribals that their security in the ownership of land is threatened by the power of the economic and political elite. A brief account of the legislative measures in various States to check alienation of tribal lands may be seen at **Appendix XLIV.** The table below gives information regarding the number of cases of land alienation and extent of land restored to the tribals in six States :—

S. No.	Name of State	Period	Total No. of cases of land alienation registered	No. of cases disposed of	Extent of land restored to tribals	Number of STs benefited	Number of cases pending disposal
1.	Andhra Pradesh	1975-76	8,479	4,244	N.A.	N.A.	4,235
2.	Bihar	Till March' 78	41,733	37,673	24,222	N.A	4,060
3.	Gujarat	1976-77	7,999	4,065	5,400	N.A.	3,934
4.	Maharashtra	Till April' 1978	3,00,794	13,539	91,006	5,117*	2,87,255*
5.	Rajasthan	1976-77@	2,089	1,416@	731@	792@	673@
6.	Tripura	1977-78	8,125	1,153	598.36 (acres)	N.A.	7,592

@Both for Scheduled Castes & Scheduled Tribes.

*Out of this 3,393 tribals had actually taken possession of 5 521 hectares of land.

5.27. In **Assam,** it is reported that illegal land alienation inside and outside the tribal belts in one of the pressing problems on account of the influx from Bangladesh, Nepal, Bihar, etc. **Suitable steps should be taken by the State Government to identify such cases and restore the alienated lands to the tribals.** The Governments of **Gujarat** and **Madhya Pradesh** have constituted special teams to detect cases of alienation of tribal lands and its restoration. Whenever a curb is put on the sale of land belonging to the tribals its market value goes down. On many occasions, the tribal is compelled to part with his land to meet his pressing family demands. The Government of **Andhra Pradesh** has decided that when a tribal is not able to sell his immovable property to another tribal on reasonable terms, it should be acquired on payment of reasonable compensation. Similarly the Government of **West Bengal** has launched a scheme for purchasing land from needy tribal **raiyats** in suitable cases by the Government for redistribution among other deserving tribals. It is surprising that the Kerala Scheduled Tribes (Restriction of Transfer of lands and restoration of alienated lands) Act, 1975 has not yet been brought into force. It was pointed out in earlier Reports that a large number of tribal holdings have passed into the hands of non-tribal and the delay on the part of the State Government in enforcing the Act and framing of Rules is undermining for all times to come the position of tribal land owners.

5.28. In the last Report, it was mentioned that urgent attention should be given to the restoration of alienated lands to the tribals because it not only deprives the Scheduled Tribes of their only means of livelihood but also at times leads to serious law and order problems. **As recommended in earlier Reports identification of alienated land and its restoration in areas of high incidence of land alienation should be carried out and special machinery appointed for restoration of land which should be reviewed regularly at State level. To expedite land restoration, the State should become a party in the case of trespass or illegal alienation of tribal land and summary procedures adopted for this purpose.**

Tribal Unrest in Bihar

I. Santhal Parganas

5.29. A copy of the printed memorandum submitted by Santhal Customary Law Publication Council, Jambua (Goda) Santhal Parganas to the Governor and Chief Minister of **Bihar** was received in this office. It was primarily concerned with restoration of alienated lands of the tribals of Santhal Parganas. Their seven main demands were concerned with the existing settlement operations undertaken in the district which in their view were being taken to legalise the possession of illegally acquired lands. It was mentioned that permanent settlement of **Raiyats** over cultivated land in the district was carried out between 1873 and 1879 under the Santhal Parganas Settlement Regulation 3 of 1872 for preparation of record of rights and for determination of rent for cultivated land. The transfer of land was prohibited except in a small portion of the district. The enactment known as Santhal Parganas Rent Regulation II of 1886 provided for the settlement of rent but the preparation of record of rights was not admitted and the eviction of **Raiyats** was strictly prohibited. However, on account of the neglect by officers etc., quite a good deal of landed property was transferred to the non-tribals during the Settlements of 1898-1907 and 1922-1935. Besides, during the non-cooperation movement by the tribals, a large number of tribals who refused to pay rent to the British Government were driven out from their legally recorded lands. In the memorandum, description of 47 villages was given where the lands of the tribals had been illegally alienated. This office referred this matter to the Revenue Department

of the Government of **Bihar** for comments. However, it is learnt that so far the matter is still under examination of the State Government. It was reported Section 144 Cr. P.C. had to be imposed in December, 1978 throughout the Southern parts of Santhal Parganas in **Bihar** as a precautionery measure to maintain law and order. This was reported to have been done in view of the threat given by the leaders of Jharkhand Mukti Morcha to **gherao** the district headquarters of Santhal Parganas by armed Adivasis. In the course of his visit to **Bihar** in May-June, 1979, the Commissioner had an opportunity of discussing this matter with some knowledgeable persons. The genesis of tribal unrest in the district of Santhal Parganas could be traced to the serious exploitation of the tribal people by the money-lenders and traders. On account of the activities of these persons, the tribals found themselves to be cheated not only in their day to day trading activities but also in the matter of retaining possession over their land. It is a matter of serious concern that considerable area of land in this tribal district has been taken possession of by outsiders in course of time. In spite of the existence of laws and enforcement machinery nothing substantial could be done to restore possession of the alienated lands to the tribals. As a result of the pent-up feelings and growing anger amongst the tribals, there took place a number of clashes between the tribals and non-tribals in villages like Pakaria, Pakhasia, Majhi Tola, Sarai Keta, Dhamini, Beldhi, Kerwar, Jagatpur, Pathadas, Pisaha, Kukartope etc. The tribal leaders were of the view that they were within their rights to harvest the crops which had been grown by the non-tribals on the lands which were at one stage in their possession and were grabbed by non-triabls. The administrative authorities on the other hand considered this as somewhat serious law and order problem and deployed Central Reserve Police to control the situation. However, all these developments have created acute bitterness amongst local tribal population who alleged that in the process many acts of high-handedness were committed by the police on the persons belonging to Scheduled Tribes and to some extent on Scheduled Castes. For instance, it was alleged that on 17th March, 1979 the Brahmins of Pakharia Majhi Tola set the houses of Harijans on fire. Similarly it was reported that the Brahmins of Saraiketa village were not paying prescribed wages to the tribals. There were also disputes regarding diversion of water for irrigation purposes. 88 Santhals suffered various types of losses between 16th March, 1979 to 28th March, 1979. In this village Santhal women were also reported to have been raped. As regards Dhamni village the grievance of the tribals was that money-lenders were not returning to them their pawned ornaments. On 17th February, 1979 a clash took place between the Mahajans and the tribals as a result of which two tribals and one non-tribal were killed. Beldiha village was reported to have been raided by Central Reserve Policemen on the midnight of 29th December, 1978. 36 tribals were arrested and it is alleged that some tribal ladies were raped. In villages such as Kerwar, Jagatpur, Pathada and Pisaha of Pathargama Block of Godha Sub-Division also the tribal ladies were alleged to have been raped by the constables. Tribal houses were reported to have been looted by the persons in police uniform. Similar happenings were reported to have taken place in Kukartope village.

5.30. The Commissioner for Scheduled Castes and Scheduled Tribes visited Ranchi and Singhbhum districts of Chhotanagpur Division and Santhal Parganas District in **Bihar,** during November and December, 1979 and discussed the problem of tribal unrest in these areas with the Chief Minister, the Deputy Commissioners of the respective Districts, the S.D.Os. concerned and the other officials concerned. Commissioner wanted to find out the reasons for the various incidents reported in the past in the villages of Dhamani, Pakaria and Saraiketta, involving Scheduled Caste/Tribe persons in the Santhal Parganas District. Brief details about these incidents are given below :—

The trouble in Dhamani village in Sunderpahari Police Station of Godda Sub-Division took place on 17-2-1979 between the Santhals and Mahajans in a weekly **hat** in the village. Some altercation had taken place on the high rates of interest and toll tax charged by the **mahajans,** as a result of which 2 Santhals and 1 non-tribal were killed. The Santhals did not report the case which was registered by the S.D.O. and the Deputy Superintendent of Police on a report from the **chowkidar** of the area. Non-tribals had registered a case against Santhals alleging that the latter had killed a non-tribal, naming 10 accused Santhals, out of whom 2 were dead. After investigation, charge-sheet was submitted against 4 Santhals. In the case against non-tribals, 10 non-tribals were charge sheeted. According to the S.D.O., the families of the two deceased Santhals had been given ex-gratia compensation at the rate of Rs. 5,000 per family, out of which an amount of Rs. 2,000 was sanctioned by the Welfare Department and Rs. 3,000 were sanctioned from the Chief Minister's Discretionary Fund. The amount sanctioned by the Welfare Department was said to have been paid in March, 1979 while the amount sanctioned from the Chief Minister's Discretionary Fund was said to have been paid in June, 1979. 7 more Santhals who were injured in the altercation, were paid compensation by the Welfare Department at the rate of Rs. 500 each, about 1 month after the incident. Some Santhals also later submitted a petition that Mahajans were exploiting them by giving loans against mortgages. Cases were instituted against the Mahajans, loans were forfeited and mortgaged property was returned to the Santhals. Criminal cases were instituted against 11 notorious money-lenders for cheating and criminal breach of

trust. They were also sent to Jail from where they were bailed out after few days.

At Pakaria village in Pathargama Police Station many cases of alleged forcible harvest by Santhals from the land under possession of non-tribals had been reported to the Police between January, 1979 and March, 1979. On 16th March, 1979, the Santhals were allegedly harvesting **rabi** crop of non-tribals forcibly. When non-tribals went there to prevent them, the Santhals allegedly shot arrows which hit a Brahmin of the village. The case was reported to the S. D. O. who visited the spot alongwith the Deputy Superintendent of Police on the 16th March, 1979 and assessed that there was tension at the site of incident. Armed Police Force was therefore, deployed with a Magistrate and a Police Officer. The next morning i.e. 17th March, 1979 about 1000 Santhals allegedly attacked this police party and wanted to snatch away the arms, on which the police resorted to firing. The mob dispersed but started setting fire to the houses, as a result of which 35 houses of Brahmins were gutted, and police party was also beseiged. An S. O. S. was sent to Godda, on which the S. D. O. and the Deputy Superintendent of Police rushed to the spot with reinforcement. At that time also (about 5 P.M.), about 2 to 3 thousand Santhals were stated to have surrounded the village where the police chased them. Some miscreants in the mob allegedly set fire to the adjoining harijans tola. The harijans whose houses were burnt were given cash grants for house building, ration and clothes. Saraiketta village which is a predominantly tribal village adjacent to Pakaria village, was allegedly raided by Brahmins and Central Reserve Policemen on 18th March, 1979 resulting in killing of one tribal, injuring 6 to 7 tribals and raping of 4 tribal women. The S. D. O. stated that on the 18th March, 1979, the police came from Pakaria village to apprehend the accused responsible for the incident in that village. It was stated that the entire population of the village ran away, out of fear. About a week later, the Police persuaded them to come back. On coming back, they claimed that their property had been looted when they had gone away. However, according to the S. D. O., this was not found to be correct. The Deputy Commissioner, however, sanctioned some relief amounting to Rs. 100 to 200, one set of clothes and 1 week's ration to the tribals whose property had been looted.

5.31. Commissioner gathered the impression during his tour in **Bihar** that, though the District authorities in Santhal Parganas District denied that any cases of rape of tribal women and looting of property by Police personnel had taken place in the above mentioned villages, yet enquiries made by some responsible persons by visiting villages like Bakhadda, Bishoda, Diggi, Rajoun, Fulheria, Gangarampur, Pakaria—Manjhitola and Seraiketta, revealed that such crimes had been committed on Scheduled Tribe/Caste persons. It was established as a result of these enquiries that the following atrocities were committed in these villages :—

(i) Many tribal women who were running away to save their lives were beaten up by Policemen and their children forcibly thrown to the ground. Some tribal girls had been raped. Although most of them did not speak freely about this, some of them gave written statements and confessed that police constables had raped them;

(ii) The houses of the Scheduled Tribe persons were ransacked, food grains looted and earthen containers damaged or broken. Cash, gold and silver ornaments, utensils and clothes were taken away. Ornaments were, in some cases removed from the bodies of the female tribals. In many cases standing crops were also looted and cattle like bullocks, buffaloes, cows, goats etc. were taken away.

(iii) In Pakariya—Manjhitola, the houses of harijans were put to arson; and

(iv) The houses of Santhals in village Seraiketta were completely destroyed and males and females were lying under the open sky after these incidents.

Causes of unrest in Santhal Parganas :

5.32. After discussing the problem of tribal unrest in Santhal Parganas District, the following causes appeared to be responsible for the said unrest :—

1. The Santhals are of the view that large scale alienation of their lands has been taking place right from 1972 and that, even after the enactment of the Scheduled Areas Regulation in 1969, informal alienation of tribal lands is taking place in return for loans given by **Mahajans.** The Santhals want that all these lands which were fraudulently recorded in the names of non-tribals during various settlements, should be restored to them. The situation was also worsening on account of the intervention of some political parties who were actively encouraging them to forcibly recover their lands and hypothecated goods from the possession of non-tribal traders with the result that the matter had come to a stage where the whole situation of law and order was seriously threatened in the area. **It is, therefore, desirable that all the illegally alienated lands of the tribals should be restored to them as early as possible, and the loopholes in the existing tenancy legislation which hinder the restoration of such lands to the tribals, details of which have been given elsewhere in this chapter, should be plugged immediately, by making suitable amendments to the said legislation.**

2. The tribals alleged that the moneylenders charge exhorbitant rates of interest from them the loans given to them, as a result of which they always remained economically subservient to the Mahajans. **It is recommended that the State Government should take necessary action to arrange for the sanction of consumption loans to the tribals through LAMPS, so that the tribals do not have to depend on the moneylenders for their urgent needs.**

3. It is alleged that the tribal workers are paid wages at rates much less than those prescribed under the Minimum Wages Act. The tribals, therefore, feel a lot of resentment. **The State Government should, therefore, ensure that the tribal workers are invariably paid wages as prescribed under the Minimum Wages Act.**

4. It was reported that in village **hats** lessees charged tolls tax at rates much more than those prescribed by the authorities concerned. The tribals, therefore, feel a lot of resentment about this. **It is, therefore, recommended that the system of toll tax through private contractors should be abolished and hats should be run by tribal Cooperative Societies, formed for this purpose. Alternatively, at prominent places in the hats the rates of toll tax should be displayed and the lessees charging more than the stipulated rate should be prosecuted.**

5. It has been observed that the benefit of the various developmental programme undertaken for the Scheduled Tribes has not reached the interior of tribal areas. The LAMPS established in the tribal areas are not working satisfactorily. They are simply functioning as fair price shops and are not performing even their functions adequately. For example, it was noticed by Commissioner during his visit to Hansdiha LAMPS in Saraiyahat block of Dumka Sub-Division in Santhal Parganas district in December, 1979 that out of the total of 63 members, only 11 were Scheduled Tribes. The LAMPS was not getting the required supply of fertilizers and cloth. The fertilizer bags received by the society were stated to be under-weight and their supply was also. delayed. It was learnt that according to the latest orders of the State Government. supply of controlled cloth to these societies had been stopped and instead it was being supplied to the shopkeepers. **This point was also stressed by Commissioner during his discussion with the Chief Minister in Patna in December, 1979 and it was suggested that the circular issued by the State Government in this regard should be withdrawn. The State Government should therefore look into matter and take early action to ensure regular supply of controlled cloth and fertilizers to the LAMPS. The State Government should also ensure that LAMPS in the Sub-Plan areas are established in predominantly tribal pockets so that benefits from them accrue to the tribals. The location of other developmental schemes like minor irrigation schemes should be selected in such a way that the beneficiaries are predominently tribal people.**

6. It was reported that when there was a loss of tribal life and property in certain clashes with the non-tribals, compensation was either not at all paid by the Government or compensation paid was very inadequate and delayed. **It is desirable that the State Government should look into the matter and ensure that prompt action is invariably taken to pay adequate compensation in such cases without any loss of time.**

Land alienation in Santhal Parganas—Case studies :

5.33. In Sunderpahari block in Dumka Sub-Division of the district, it was noticed between Guttipara and Chandana villages that a labourer engaged by a non-tribal named Shri Bhagwan Prasad Mahajan of Chandana village was taking away the harvested paddy from the land belonging to a tribal person named Shri Sufal Soren of village Munidih. On making further on-the-spot enquiries it came to light that the Mahajan had taken the land of Shri Soren in lieu of a loan of Rs. 150 and was taking the produce of that land. The case was brought to the notice of the S. D. O. concerned, who got it investigated by the Block Development Officer, who reported that, Shri Soren had given his land measuring 6 **kathas** to the Mahajan for a period of one year because he was unable to cultivate it due to lack of seeds and fertilizers. The land was given for **batai** on 50% sharing basis. It was cultivated by Shri Soren, while half of the produce was taken by the Mahajan. Thus it was a case of the worst type of exploitation in which the land of a tribal was being cultivated by himself on batai basis and half of the produce was being taken by the Mahajan, in return for the loan of Rs. 150. It was also found that half of the produce had been taken by the tribal at the time of harvest. Due to intervention of the S. D. O. the Mahajan was prepared to give half of his own share of produce to the tribal and pledged that in future he would not cultivate the land of any tribal, fraudulently. It was also reported that the tribal was not prepared to initiate a case against the Mahajan in spite of the Block Development Officer concerned explaining the whole position to him. **The State Government should look into the matter and take necessary action to ensure that such cases do not recur.** It has been observed that

there is no provision of **bataidari** or share-cropping in the Santhal Parganas Tenancy Act, 1949. It is, however, learnt that the **batai** system is very much prevalent in the district and the **bataidars** are mostly tribals and other poorer sections of the society. Under this system, the **bataidars** get 1/3rd of the produce while the land owners take 2/3rd. In cases where the seeds, manure etc. are given on loan, the land owner deducts these alongwith an interest of 50 to 70% from the share of the **bataidars,** with the result that the **bataidars** seldom get anything at the time of harvest. In some cases, rather a debit is shown against them. It was reported that the problem in Ranishwar Police Station of Dumka Sub-Division was based on disputes of this type and some political parties were organising the **bataidars,** as a result of which some clashes had also taken place during the last one year.

5.34. In another case which was brought to the notice of the Commissioner, paddy land measuring about 18 **bighas** in village Sughbehari of Dumka **Muffasil,** which was earlier recorded in the name of a tribal raiyat, on **jamabandi,** in wood settlement was transferred in the name of a **bania** of village Kodokhicha for a paltry sum of about Rs. 25. In the later settlements, this land was recorded in the name of the **bania.** It was reported that in many other cases also the lands of the tribals were similarly recorded in the names of non-tribals. In many cases, the tribal lands were alienated on the basis of Sattas (Usufructury mortgage) or **Kurfas** made in the name of the non-tribals which were later fraudulently recorded in their names in the record of rights during survey settlements.

Amendment to Santhal Parganas Tenancy Act, 1949 :

5.35. Under Section 70 of Santhal Civil Rules, there is a provision for filing suits for arrears of rent by the landlords against the village headmen and by the village headmen against the **raiyats.** As a result of these suits the **raiyats** and **pradhans** were evicted from their **jamabandi** lands by Deputy Commissioner on the recommendation of the Sub-Divisional Officer. The amount involved in such suits was very small while the **raiyats** and **pradhans** were evicted from very big areas of land. In an interesting case of this kind which came to light, the pradhan was evicted from the **jote** land and at the same time the other co-sharers were also evicted, in village Bhaturiya, Police Station Ramgarh, Dumka Sub-Division. The land was settled by one Shri Bholeshah of Nonihat village, who was not even **jamabandi raiyat** of the village but was rather a resident of a village in Police Station Jarmundi and he got settlement of 50 bighas of land in his name. It was reported that many such other cases had also come to light. The tribal leaders are now claiming that all these lands were fraudulently alienated from them because these were non-transferable under Section 27 of Santhal Parganas Regulation III of 1872 and should be restored to them.

5.36. Under the Santhal Parganas Tenancy Act, 1949 and Scheduled Areas Regulation 1969, the right of adverse possession never accrues, howsoever long the possession may be. According to a ruling given by the State High Court, lands alienated before 1949, i.e. the year in which the Act came into force, cannot be restored. As a result of this all cases relating to the period before 1949 have to be dealt with under the provisions of Santhal Parganas Regulation of 1872. Thus, in a large number of cases in which tribal lands were alienated during that period, restoration cannot be made under the provisions of the existing legislation.

The problem of alienation of tribal lands in the district and the inadequacy of the existing tenancy legislation was also discussed by the Commissioner for Scheduled Castes and Scheduled Tribes with Chief Minister during his visit to Patna in December, 1979. It was decided that a time-bound review would be made in the district, with a view to finding out how far restoration of alienated tribal land was possible within the framework of the existing laws. It was also decided to form a Review Committee to review the adequacy of the existing tenancy legislation and to suggest amendments if any, to plug the existing loopholes as well as to suggest the framework of the machinery to implement the Act. **It is hoped that the State Government would take early action to review the tenancy legislation, in order to restore the alienated tribal lands at an early date.**

II. Land Alienation in Chhotanagpur

5.37. In Ranchi District, in a predominantly tribal village Bhargaon, Panchayat Samity Sinha, Lohardaga Sub-Division, it was observed that an affluent non-tribal who happened to be the **Pramukh** of the **Samiti** in spite of his being an outsider, had deprived about 44 tribal families of their agricultural lands, about 12 years back and established a big farm measuring about 200 acres. The **modus-operandi** of the landlord was that he used to give loans of amounts ranging from Rs. 500 to Rs. 1,000 to tribals during the periods of scarcity, and fraudulently got receipts for amounts ranging from Rs. 2,500 to Rs. 5,000. The ultimate result in all such cases was that the tribals had to part with their lands and work for the Pramukh on the lands possessed by them earlier. However, no complaint was lodged by any tribal landowner whose land had been alienated. The village as well as the farm was visited by the Commissioner and the matter was discussed with the S. D. O., B. D. O. and other officials concerned. Some tribals whose lands had been alienated were also interviewed. It was revealed that the whole of this land transaction came to light after the current land settlement survey was taken up in three districts of the Sub-plan area. The S. D. O. restored the alienated lands back to the tribals in 43 cases, but the stay order was granted by the Deputy Commissioner Ranchi in five cases on the transfer application of the **Pramukh.** Possession of the restored lands was given to the tribals after overcoming resistance from the landlord. The **Pramukh** with his muscle-men had threatened the tribals. So the S. D. O. seized his gun

and recommended cancellation of its licence. The gun was, however, later released by the Deputy Commissioner. It was also learnt that about 8 tribals whose lands were restored were still working in those lands as labourers and were getting wages from the landlord who had earlier converted their lands into a farm. It may be mentioned that a sample survey carried out by Ranchi Settlement has revealed that 1.55% of tribal land recorded in the last survey has been alienated to non-tribals. The land grabbers in the sample were moneylenders, traders and progressive cultivators.

5.38. The tribals were said to be facing great difficulty in actually retaining the possession of their lands because of lack of necessary facilities for credit and agricultural inputs because of which they were again compelled to be victims to the landlord who was a ready source of credit. **It is, therefore, felt that unless necessary facilities for short and long-term credit as well as necessary agricultural inputs are given to the tribals whose alienated lands are restored, there is every possibility of their lands again being alienated. The State Government should, therefore, take early action to afford these facilities to the tribals.**

Causes of unrest in Singhbhum District :

5.39. In Singhbhum District, the following appeared to be the main causes for the prevailing tribal unrest resulting in a number of clashes between the tribals and the non-tribals :—

(i) The Forest Development Corporation is cutting sal trees in the forest to plant teak trees in their place. The tribals consider the sal trees as sacred and useful and do not like this. They, therefore, feel highly agitated, leading to disputes like the police firing in Ichahatu village, Police Station Goelkera on 6th October 1978, resulting in the death of one tribal and arrest and beating of 2 tribals. **It is desirable that tribal leaders like the Munda and the Manki, the B. D. O. concerned, local Government officials. Member of Legislative Assemblies and the Member of Parliament concerned should be associated with the Advisory Council of the Forest Development Corporation and all these persons should be consulted before cutting the sal trees to avoid any trouble.**

(ii) It is alleged by the tribals that 35 **Khuntkatti** villages in the Saraikela Sub-Division of Singhbhum District were acquired by the British Government in 1899 and declared as reserved forest, without the payment of any compensation to them by the then Government. The tribals who have now been awakened by the publication of a couple of books on the subject, are demanding that these **Khuntikatti** villages which actually belong to them should be restored to them. **It is desirable that the State Government should have the matter thoroughly examined and take necessary action to satisfy the demands of the tribals in this regard if found to be legitimate.**

(iii) The tribals feel that a large scale alienation of tribal lands to non-tribals had taken place inspite of the Chhotanagpur Tenancy Act, 1908 and the Scheduled Areas Regulation of 1969. They also feel that all the lands at present, owned by the non-tribals according to the last Revisional Survey of 1924-29, actually belong to them and should be restored to them. This is said to be result of the various loopholes in the existing tenancy legislation which enable the nontribals to carry on with their activities for the alienation of tribal land. **These loopholes which have been described in detail elsewhere in this chapter should be plugged as early as possible by the State Government to ensure that the tribal land is not alienated to non-tribals, and the land already alienated is restored to the tribals.**

(iv) It is reported that the effect of large scale alienation of tribal lands to non-tribals is being exploited by some political parties who are encouraging the tribals to forcibly get back the lands which according to them actually belong to them and were fraudulently recorded in the names of non-tribals in various settlement operations.

(v) Tribal agricultural labourers are not being paid wages prescribed under the Minimum Wages Act by land owners. It was learnt that due to the prevailing conditions of extreme poverty among the tribals due to the current drought conditions in the district, large scale migration of tribal labourers to places in other States like Punjab, West Bengal, Nagaland and Uttar Pradesh had taken place. These workers were lured by the contractors with the promise of getting them employed at handsome wages. In some cases it was learnt from groups of young tribal boys and girls who migrated to other States that the boys were made to return on one pretext or the other while the girls were made to stay. It was learnt that in some cases the girls were allegedly used for immoral purposes. Such cases of migration were very common in Singhbhum District. During his visit to the district, the Commissioner for Scheduled Castes and Scheduled Tribes, visited two villages namely Dungardiha and Gunabasa in Sadar Chaibasa Block. He was informed at the former village that 5 boys and 4 unmarried girls, namely Dadki, Mizari, Nonimai Deogam and Pichi were taken to Aramabad in **West Bengal** by the

agent Shri Duga of Baihatu village to work there as labourers in brick kilns. Out of the above mentioned persons, one Shri Hothdo Deogam, brother of Nonimai Deogam had come back and was present in the village at the time of Commissioner's visit. The boy informed that, in the brick kilns at Aramabad, labourers were living in temporary huts made of bricks. Wages were paid once a week by the contractors, at the rate of 5 paise per trip for carrying a head load of 10 bricks. The average daily earnings of a labourer came to about Rs. 2 to Rs. 3. From Gunabasa village, one boy and 4 girls namely Suru, Mandukui, Jami and Nanika had gone to Aramabad in October, 1979 as brick-kiln labourers. A tribal named Shri Jamadar Deogam informed that his wife and daughter also had gone there. He had visited the place about two weeks back and stated that thousands of labourers were working at Aramabad in brick kilns and majority of them were women workers. It was confirmed from enquiries made from a number of tribals that the migrating boys and girls were paid wages much less than those prescribed under the Minimum Wages Act. It came to light during the visit of the Study Team of this organisation to Saraikela Sub-division in Singhbhum district in December, 1979 that 7 tribal members of a family in a village Jojahatu in Kuchai Police Station who had migrated to work in brick-kilns in **West Bengal** through a contractor, were actually paid a total amount of Rs. 8 per day. The use of migrating tribal girls for immoral purposes could not be confirmed. It appeared that their use for such purposes could not be ruled out in face of extreme poverty and the resultant helplessness. **It is therefore desirable that the State Government should get the matter throughly examined and take urgent action to ensure that the tribal workers are not exploited by the contractors and they are paid minimum wages prescribed under the Minimum Wages Act. In this connection, it is observed that the 'Inter-State Migrant Workmen (Regulation or Employment and Conditions of Services and Miscellaneous Provisions) Act, 1979' has been passed but has not so far been notified by the Central Government. Under this Act, the particulars of the contractors and migrating workers will have to be registered and the contractors will have to get themselves licensed before they are allowed to take the workers out of the State. It is hoped that this Act will check to a large extent the exploitation of workers by the contractors. It is, therefore, desirable that the Act should be notified early by the Ministry of Labour.**

(vi) Tribals feel sore about the lesses' charging toll tax at rates much more than the prescribed rates, at the weekly **hats.** They are also not provided any facilities like resting sheds, drinking water and urinals etc. It is desirable that the system of running the **hats** through the contractors should be abolished and these should be managed by tribal cooperative societies without charging toll-tax. The loss of revenue, if any, on this account should be met from the funds provided under the Sub-Plan.

(vii) The tribals feel that the benefit of various developmental programmes being implemented for them under the Sub-Plan has not accrued to them to the desired extent and they feel sore about this. **It is desirable that various schemes in the tribal Sub-Plan should be located in such a manner that the maximum benefit is derived by tribal beneficiaries.**

Amendment to Chhotanagpur Tenancy Act, 1908 :

5.40. The following lacunae were noticed in the Chhotanagpur Tenancy Act, 1908 and Scheduled Areas Regulation, 1969 :—

(i) It was pointed out that there were practical difficulties in the implementation of the Scheduled Areas Regulation 1969 because in many cases, the non-tribals obtained stay orders from the higher courts against orders for the restoration of alienated tribal land. **To remove this difficulty it is desirable that a suitable amendment should be made to the Regulation to the effect that an appeal against an order of restoration passed under Section 71A of the Chhotanagpur Tenancy Act can be made only after complying with the said order.**

(ii) It was learnt that sometimes applications filed by tribals for restoration of alienated lands under Section 71-A of the Chhotanagpur Tenancy Act were rejected on flimsy technical grounds by the trial courts. **It would be better if provision is made that cases of such rejections are put up to the higher court of appeal for confirmation who may hear the parties concerned and recommend the cases with observations and directions to pass appropriate orders.**

(iii) It was pointed out that many Scheduled Tribes had been forcibly dispossessed of their lands after the Revisional Survey without any legal or illegal transfers of land. A view was expressed that such cases are not covered under Section 71A of the Chhotanagpur Tenancy Act, which covers only cases of transfer under the 'Transfer of Property Act' and thus can be tried only by ordinary law. The summary proceedings under the Scheduled Areas Regulation cannot be attracted.

It is, therefore, desirable that the wording of the Section 71A should be suitably amended to rectify this lacuna.

(iv) It was pointed out that Section 49 of the Chhotanagpur Tenancy Act permits transfer of tribal land to non-tribals for certain purposes. This provision is being exploited in some cases by non-tribals who take the land of tribals. **It is desirable that genuineness of such cases should be strictly watched. Some system should be evolved to ensure that the tribal lands thus acquired are actually used for the purpose for which these are acquired.**

(v) According to a ruling of the High Court, 'Surrender' of land by a **raiyat** is not a transfer within the meaning assigned to it under Section 46 of the Chhotanagpur Tenancy Act. It is, however, claimed that almost all the 'surrenders' of raiyati lands by members of Scheduled Tribes had taken place before 1947 when it was legally not necessary to obtain prior permission of the Deputy Commissioner. As a result, the raiyati lands of Scheduled Tribes which were alienated to non-tribals via the **zamindars** could not be restored to the tribals under the Scheduled Areas Regulation. **Since this type of alienation covered a large number of cases, it is desirable that this loophole should be plugged by inserting a new clause in the Scheduled Areas Regulation.**

(vi) It came to notice that the benefit of the amendment to the Limitation Act (XXXVI of 1963) extending the period of limitation from 12 to 30 years does not accrue to the **Bhuinhari** and **Khuntkatti** lands. **It is suggested that Section 71A of the Chhotanagpur Tenancy Act should be amended so as to bring not only the lands of raiyats belonging to Scheduled Tribes but also Bhuinhari and Khunkatti lands under the Protective and Restorative Wings.**

(vii) By the amendment in the Indian Limitation Act (Act XXXVI of 1963) the period of Limitation had been extended from 12 years to thirty years in respect of immovable property belonging to members of Scheduled Tribes. But as per communication dated 27th February, 1974 from Commissioner (Land Reforms) Government of Bihar to Commissioner, Chhotanagpur, Ranchi it had been clarified that this provision was not applicable for cases prior to 8th February, 1969 and in case any person had claimed tribal land through adverse possession on the completion of 12 years prior to 8th February, 1969, the period of 30 years would not be considered applicable. But in case, if only 11 years of such transaction were completed by 8th February, 1969, then the period would be extended by 19 more years. **It is felt that if the interpretation of the Limitation Act is done in this way, not much relief can be granted in a large number of cases where transactions were affected more than 12 years ago. It is, therefore, desirable that the amendment should be notified as retrospective in operation.**

(viii) Under Section 71(B), if any land is transferred in contravention of Section 46 or any other provision of the Chhotanagpur Tenancy Act, 1908 or by fraudulent method and is held or cultivated by any person with the knowledge of such transfer, he shall be punished as prescribed under the Act. Certain cases in which the alienated land restored to the tribals, is still cultivated by non-tribals, are also covered under Section 71(B) of the Act. Information regarding the number of cases in which punishment has been awarded under this Section has not been furnished by the State Government. In this connection, it has been observed that implementation of the penal provisions of Section 71(B) of the Act through the judiciary causes a lot of delay because the revenue officers have first to report these cases to the judiciary for prosecution. **It is, therefore, desirable that the implementation of such penal provisions should vest with the officers of the revenue courts instead of the judiciary, to avoid unnecessary delay. It is also desirable that the provisions of this Section should be implemented vigorously.**

(ix) Under the Ranchi District Tana Bhagat Raiyats Agricultural land Restoration Act, 1947 which expired on 31st March, 1977, land was restored to some Tana Bhagats. The provisions of the Act should be extended for some time more and intensive efforts made to restore the lands to them.

(x) Tribal lands on a very large scale have been alienated by the non-tribals in Ranchi town. However, restoration of alienated tribal lands in Municipal areas is not possible under the Chhotanagpur Tenancy Act as decided by the Ranchi Bench of the State High Court. This has had the effect of not only legitimising and regularising alienation that has taken place in the urban areas but also intensifying the process of further alienation of tribal land.

(xi) Under Section 46(1) of the Chhotanagpur Tenancy Act, Adivasi **raiyats** can loans from cooperative institutions and banks for improvements in their agriculture. For this purpose, they can mortgage their lands with the Land Mortgage

Banks. However, there is no provision for **Bhuinhars** and **Mundari Khuntkattidars** to mortgage their lands for this purpose, under sections 48 and 240 of the Act respectively. A similar provision for them is necessary to enable them to obtain credit for agricultural purposes.

5.41. The matter regarding the above mentioned lacunae in the Chhotanagpur Tenancy Act, 1908, was discussed by the Commissioner for Scheduled Castes and Scheduled Tribes with the Chief Minister of Bihar in November, 1979 and the need for removing these lacunae by making suitable amendments to the existing legislation at an early date, was stressed. It is gratifying that the State Government have since promulgated "The Chhotanagpur Tenancy (Amendment) Ordinance, 1979" notified by the State Government on 14th November 1979, in accordance with which the lacunae pointed out at S. Nos. (x) and (xi) above, have been removed. Sub-Section (2) of Section 1 of the Chhotanagpur Tenancy Act, 1908 has been amended by the Ordinance to the effect that the provisions of the said Act will also be applicable to tribal lands alienated in areas or parts of areas which have been constituted into a municipality or a notified areas committee or which are within a cantonment. This amendment will have retrospective effect. Sections 48 and 240 of the said Act have been amended to provide that a member of the **Bhuinhari** family or a **Mundari Khuntakattidar** tenant, respectively, may transfer, by a simple mortgage, his right in his tenancy or any portion thereof, with a view to raising loan for agricultural purposes, to certain Banks, Societies etc. The action taken by the State Government in making the above mentioned amendments is welcome.

Restoration of alienated tribal lands :

5.42. Various steps were suggested by this Organisation in the earlier Reports to check alienation of tribal lands. In Commissioner's 1963-64 and 1977-78 Reports, need was felt for thorough examination of the working of various laws to prevent the alienation of lands and tightening up of their provisions as well as their implementation. A study of the actual working of the various laws for preventing alienation of tribal land in various States/Union Territories had indicated that there was a good deal of scope for giving executive instructions to the officers of the Revenue, Welfare and other departments to remain vigilant about the actual working of these laws. As regards restoration of alienated lands to the tribals, it was pointed out in Commissioner's 1969-70 Report that the relief which should have reached the tribal people on account of a series of laws to prevent alienation of land belonging to tribals, had not actually come to them. It was observed that weaknesses existed in the Acts themselves and that organisations which could help members of tribal communities in securing relief for them as guaranteed by law were few and far between. It was further observed that tribal communities were often opressed by the feeling that after all they had to continue living in the same villages and amongst their neighbours who extended credit to them in times of distress. It was considered necessary to examine the laws as well as their execution so that improvements could be brought about. In Commissioner's 1971-73 Report, it was recommended that the jurisdiction of ordinary civil courts should be excluded in matters relating to the implementation of protective legislation and Article 31(b) of the Constitution should be utilised by including in the Ninth Schedule to the Constitution, the various regulation/laws passed by the State Governments for protecting the interests of Scheduled Tribes, so that it may not be possible to challenge such enactments as violative of any fundamental rights. It was further pointed out that no right of a member of a Scheduled Tribe in his immovable property should be transferred to a female member of the Scheduled Tribe who is not married to a member of the Scheduled Tribe.

5.43. In spite of the above mentioned recommendations it has been observed that much still remains to be done in this regard. **It is, therefore, suggested that comprehensive surveys should be made by expert agencies to find out the magnitude of the problem of alienation of tribal lands and also to study Regulations in force for controlling alienation of tribal lands as well as to restore the lands which have gone into the hands of non-tribals. The State Governments should also consider the desirability of making provisions in their legislations that the sale of a holding belonging to a member of a Scheduled Tribe shall be void unless it was in favour of any person belonging to a Scheduled Tribe. The laws must clearly provide that a plea to this effect can be taken at any stage of the proceedings and by a successor-in-interest.**

Payment of Minimum Wages to agricultural labourers

5.44. To check the exploitation of landless agricultural labourers many of whom belong to Scheduled Castes and Scheduled Tribes, efforts are being made by various State Governments/ Union Territory Administrations to ensure to them payment of wages at the rates fixed by these governments. Available information regarding minimum rates of wages fixed by various State Governments is given at Appendix XLV. Minimum wages under the Act, have not yet been fixed for agricultural labourers in **Jammu & Kashmir, Arunachal Pradesh,** and **Mizoram** and there are no agricultural workers in **Lakshadweep.** The enforcement of Minimum wages Act in agriculture is the responsibility of the State Governments. The Central Government has advised State Governments to consider appointment of implementation Committees at local levels to watch the enforcement of minimum wages for agricultural workers. Minimum Wages for agricultural labourers differ from State to State. State Governments being 'appropriate

Governments' unders the Minimum Wages Act, 1948, to fix the minimum wages for agricultural labour, fix the minimum wages in their respective States taking all relevant factors into consideration. Under Section 3 of the Minimum Wages Act, the appropriate Government is required to review at such intervals as it may think fit, such intervals not exceeding five years, the minimum rates of wages so fixed and revise the minimum rates, if necessary. While revising the minimum wages, rise in the cost of living is generally kept in view. The rates of wages fixed by the States/Union Territories in their respective spheres are notified in Gazettes from time to time.

5.45. Disputes over payment of minimum wages to Scheduled Castes and Scheduled Tribes labourers is one of the important factors responsible for atrocities on these communities. **It is of utmost importance that the poor agricultural labourers belonging to Scheduled Castes/ Scheduled Tribes should be helped in all possible ways by the State Governments to get wages at the rates fixed by them. It is essential that there should be adequate supervisory staff to look into their grievances and take prompt action against the defaulters. The enforcement machinery of the State Governments should be strengthened by providing funds under the Plan as has been done by the West Bengal Government by alloting funds under the social welfare head. Side by side, it is necessary that the Government should take up public works under the 'Food for Work' programme not only in the slack season but also in the agricultural season so that the landlords are compelled to pay the minimum wages.**

Atrocities on Scheduled Castes/Tribes on account of agrarian tension

5.46. The land-owing classes among both the forward as well as Backward communities are trying to assess their class interests aggressively, in dealing with the weaker sections of the population specially the Scheduled Castes and Scheduled Tribes. It is common experience that the persons belonging to Scheduled Castes and Scheduled Tribes who are allotted lands by the Government, or the landless agricultural labourers who demand wages at the rates fixed by the Government have to suffer the wrath of vested interests and not enough has been done so far to protect their interests. At many places land is distributed to landless Scheduled Castes/ Tribes but actual possession is not given to them. It is noticed from a study made in Begusarai district in **Bihar** that 2,108 acres of land was allotted to Scheduled Castes out of 9,000 acres of land declared surplus following enforcement of ceiling. 26,129 persons were issued possession slips including 9,490 Scheduled Castes. But, till May, 1979 only 900 persons were able to secure physical possession of the land allotted to them. The reason for the delay was that revenue records were not up-to-day. But issue of possession slips raises the expectations of the poor people and creates avoidable misunderstandings and leads to unrest in the villages. A detailed description regarding atrocities committed on Scheduled Castes/Scheduled Tribes in respect of States of **Assam, Gujarat, Haryana, Madhya Pradesh, Orissa, Punjab, Rajasthan** and **Delhi** was given in the last Report of the Commissioner.

5.47. According to newspaper reports, a Harijan Basti of Unchadih village in Ghazipur district was attacked by the landlords on 28th May, 1979 and 5 huts were set on fire. This outrage was stated to be a retaliation measure on account of friction between the Harijan families and some landlords who had illegally grabbed some land which had been actually allotted to the persons belonging to the Scheduled Castes. It was understood that the Scheduled Castes had got land deeds and had started cultivation of the plots. But at the time of harvest, all the crops were forcibly cut by the landlords. The Scheduled Caste people sought the protection of the police on account of which the landlords were engaged and attacked the **basti.**

5.48. An analysis of the available information regarding atrocities committed on Scheduled Castes and Scheduled Tribes in **Andhra Pradesh, Bihar, Haryana, Madhya Pradesh** and **Uttar Pradesh** reveals that the undermentioned incidents were directly related to agrarian problems :

I. Andhra Pradesh :

1. It was reported that a gang of non-Scheduled Caste landlords and moneylenders destroyed the standing crops of the Scheduled Tribes belonging to Thanayali village in Sulurpet Taluk of Nellore District, on 9-12-1978 and assaulted them. The non-tribals tried to dispossess the tribal families of the land allotted to them.

II. Bihar :

1. On 20th October, 1977, 4 harijans were alleged to have been killed and many others injured in Dharampura village, P. S. Itarhi, District Bhojpur on account of acts of violence indulged in by big landlords due to long standing dispute over payment of minimum wages and share cropping.

2. A gang of miscreants was reported to have attacked village Jamatara, District Santhal Parganas on account of which 4 persons lost their lives. Women were molested and property looted. The incident originated from the villagers' resentment on account of settlement of a person who belonged to another village.

3. On 24th March, 1978, a group of caste Hindus was reported to have attacked Scheduled Caste persons of village Oro, P.S. Hasua, District Nawada when the latter protested against looting of their crops.

4. In village Lodhipur, District Bhagalpur, a Scheduled Caste person was alleged to

have been murdered on account of a dispute over the sharing of water for irrigation purposes and filling of nominations for the election of Mukhia by the victim.

5. On 28th August, 1978, two Scheduled Caste persons were alleged to have lost their lives on account of a dispute arising out of a long standing land dispute in village Pipri, P.S. Karghar, District Rohtas.
6. In village Katharaini of District Bhojpur, 3 labourers belonging to Scheduled Castes were alleged to have been shot dead by the landlords on 5th October, 1978 while they were engaged in earth-work under food for work programme.
7. On 13th October, 1978, a Scheduled Caste person was murdered in Potha Panchayat, Phatehpur Block, District Gaya when he had gone to repair the fencing of his field.
8. On 6th November, 1978, a Scheduled Tribe person was alleged to have been murdered in village Tundi, Block Tundi, District Dhanbad on account of a dispute regarding harvesting of crop.
9. On 22nd November, 1978, a person belonging to Scheduled Castes was alleged to have been shot dead by four persons in village Dhargaon, P.S. Ekangarsarai, District Nalanda on account of dispute over a piece of land.
10. On 27th November, 1978 a Scheduled Caste person in village Dhargaon, P.S. Ekangarsarai, District Nalanda was killed in a dispute over harvesting of crop.
11. Three Scheduled Caste persons were alleged to have been shot dead by an armed gang of farmers belonging to Backward Classes in Kaila village, Chandi P.S. in Nalanda District on 9th December, 1978. The murders were reported to have taken place on account of long standing dispute on 14 acres of land between the deceased Scheduled Caste persons and the persons belonging to Mahato community. It was learnt through field studies that the musclemen hired by the persons belonging to Mahato community had mercilessly murdered the Scheduled Caste persons with sharp weapons and chopped off their heads.
12. On 5th August, 1977, over a dozen persons belonging to Scheduled Castes were injured in village Birsingpur, District Samastipur. They were alleged to have been attacked by the hired goondas of a big landlord and standing maize crops in the lands of the Scheduled Castes persons were destroyed.
13. On 13th July, 1977, a Scheduled Caste person was reported to have been assaulted village Asin Chawk, Block Dalsing Sarai, District Samastipur.
14. On 27th July, 1977, some big land owners of village Majharia, P.S. Pakridar, District East Champaran were reported to have set 7 huts of Scheduled Caste landless labourers on fire. The incident was related to a dispute over land.
15. On 3rd June, 1978, the house of a Scheduled Caste person was reported to have been damaged in village Paigambarpur, P.S. Mofussil, District Siwan. The reason was that some landlords wated the victim to plough their lands to which he did not agree.
16. In December, 1978, three Scheduled Caste persons were reported to have sustained gun shot injuries when some henchmen of a landlord fired on them in village Katral, P.S. Piro, District Bhojpur.
17. On 13th February, 1979, three Scheduled Caste women were reported to have been seriously injured when a group of armedmen attacked a Harijan family in village Azamnagar, P. S. Thakurganj, District Purnea on account of a land dispute.
18. On 26th July, 1977, 8 houses of harijans were burnt and 6 uprooted in village Majhulia, P.S. Pakridawal, East Champaran District by some landlords and farmers. The incident was related to the distribution of Bhoodan land.
19. On 3rd May, 1978 about 50 houses of Scheduled Caste persons were reported to have been burnt in village Tirwan, P.S. Pakribarawan, District Nawada by some landlords on account of a dispute over cutting of trees.
20. Two persons belonging to Scheduled Castes were reported to have been burnt to death and another sustained burn injuries when some musclemen of a landlord of village Purandaha, District Purnea set their houses on fire. The incident was the sequel to a long standing land dispute between the landlords and the Harijan families.
21. On 1st January, 1979 about two dozen persons were reported to have attacked the Scheduled Caste persons of village Mahuli, P.S. Barh, District Patna and set their houses on fire. The incident was the result of a dispute over the fisheries right on a public tank.
22. On 26th February, 1979, 10 houses of Scheduled Caste persons of village Bahuara, P.S. Naubatpur, District Patna were reported to have been burnt by the musclemen of a landlord on account of his resentment over allotment of a land to the Scheduled Caste persons.
23. The Scheduled Caste persons of village Ghorbahiar, P.S. Belhar, District Santhal-Parganas were reported to have been attacked and their houses destroyed by a group of persons who wanted them to

do bonded labour. The house of a Scheduled Caste person was set on fire in village Rampur, Block Krityanand Nagar, District Purnea on account of a land dispute.

24. The Scheduled Caste agricultural labourers of village Pathada, District Bhagalpur demanding minimum wages were mercilessly beaten on 19th June, 1977 by persons belonging to another community.

25. Two huts belonging to Scheduled Caste persons were alleged to have been burnt in village Kamalpur, District Saharsa, on 14th August, 1977 by some people due to dispute arising out of the practices of cattle grazing.

26. 11 Scheduled Caste persons of village Bishambharpur, P.S. Tilkahani, Block Ramgarwah, East Champaran District, received injuries when they were alleged to have been attacked by another group of persons due to dispute over cultivation of land acquired under Ceilings Act.

27. Two landless Scheduled Caste persons were alleged to have been killed and six others injured in a clash in Kishanganj Sub-Division, District Purnea on account of a dispute over possession of land.

28. An incident was alleged to have taken place in village Gargaria, P.S. Thakurganj, District Katihar on 16th August, 1978, in which two Scheduled Caste persons lost their lives and six others received injuries on account of a dispute over cultivation of lands allotted to Scheduled Caste persons.

29. One Scheduled Caste person was reported to have been shot dead and another seriously injured on 15th November, 1978 in village Mohandi, P.S. Dumra, District Sitamarhi on account of a Bataidari dispute between the land owners and the Scheduled Castes.

30. Two persons belonging to Scheduled Tribes in village Chandil, District Singhbhum lost their lives on 30th April, 1978 when persons belonging to tribal communities etc. were protesting against construction of Chandil Dam in Suvarnarekha Project and were expressing their grievances against their exploitation and planting of teak trees etc.

31. On 9th December, 1978, two persons belonging to Scheduled Tribes were reported to have been injured by the firing resorted to by Central Reserve Police Force in the interior of Arki Block, District Ranchi when they were protesting against large scale felling of trees.

32. A Scheduled Caste person of village Konar, P.S. Phulpura, District Madhubani was alleged to have been dispossessed of the homestead land allotted to him. His hut was destroyed and his property looted.

33. On 21st October, 1977, 25 families belonging to Scheduled Castes of village Khesarai, Block Anchal Khurshakamla, District Purnea were alleged to have been forcible evicted from their homestead lands by the landlords of the village. The houses of Scheduled Caste persons were razed to the ground and the landlords started using it for agricultural purposes.

34.* On 25th November, 1978, nearly 200 persons belonging to Bhumihars, members of Backward Classes and also a few harijans raided the Bajitpur village in Begusarai District. It was alleged that one person was killed, 18 injured, 3 women raped and some others were subjected to cruel treatment. The cause of this incident was long standing land dispute.

35. A Scheduled Caste person was alleged to have been killed by non-Scheduled Castes on 12-11-1978 in Tholpos village, District Nawada, as a result of a dispute over encroachment on fallow land.

36. A Scheduled Caste person belonging to village Shirsona, District Monghyr was reported to have been murdered by a non-Scheduled Caste person on 13-11-1978 as a result of dispute over share-cropping.

37. 2 Scheduled Caste persons each were allegedly killed and injured on 17-11-1978 in Kanki village, District Hazaribagh, in an attack by non-Scheduled Castes when the Scheduled Castes were harvesting paddy crops.

38. A Scheduled Caste person was allegedly murdered by a landlord on 22-11-1978 in Srurgaon village, District Nalanda. The cause of the dispute was stated to be watering the land. A case under Section 302 Indian Penal Code was reported to have been registered on 23-11-1978.

39. Two Scheduled Caste persons were alleged to have been killed and six including a woman injured when some landlords opened fire following a dispute over land on 11-12-1978 in Chainpur village of Gaya District. 4 persons were reported to have been arrested and their movable properties attached.

40. It was reported in the Press that on 26-1-1979, 10 Scheduled Caste girls were burnt by a landlord in Bahor village, Police Station Naubatpore of Patna District, as a result of land dispute. A case was said to have been registered under sections 341, 323, 436, 429 and 20(B) of Indian Penal Code. The

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* For details please see para 9.29 of the report.

court was said to have granted bail to the accused.

41. It was alleged that the non-Scheduled Castes of village Boi Chaudhary, District Saharsa had forcibly harvested the crop of a Scheduled Caste person and took away his animals and set his house on fire on 27-12-1978. The Scheduled Caste person was stated to have reported the matter to the Police. But no action was allegedly taken.

42. It was reported that a non-Scheduled Caste person was alleged to have illegally taken possession of the land belonging to a Scheduled Caste person in village Sahwajpur, P.S. Punpun, District Patna on 27-3-1979.

43. It was reported that the crop of a Scheduled Caste person belonging to village Karma Jhumariya, District Hazaribagh was forcibly harvested by a non-Scheduled Caste person and the former, his wife and children were beaten up. The dispute had taken place over a piece of land. The case was reported to have been registered under Section 107 and 144.

III. Haryana :

1. It was reported that a Scheduled Caste person was allegedly murdered on 6-11-1978 in village Kail Tah, Jagadhri District Ambala, on account of allotment of surplus land to him.

2. It was alleged that some non-Scheduled Caste person belonging to village Bhulwana, Tahsil Hodal, District Gurgaon attacked the harijan locality and destroyed their houses and chaupal on account of dispute over land.

IV. Madhya Pradesh

1. On 20-12-1978, five non-Scheduled Caste person were alleged to have destroyed the crops grown on the land belonging to a Scheduled Caste person in village Ramnagar, Tehsil and District Datia.

V. Uttar Pradesh

1. It was reported in the Press that a Scheduled Caste woman was assaulted and later strangulated to death in village Turna, P.S. Kasimpur, Hardoi District in January, 1979. The cause of the assault was reported to be a dispute over landed property.

2. It was reported that on 16-11-1978, two Scheduled Caste persons were beaten up by some non-Scheduled Caste persons following a quarrel over land in village Jarkhor, P.S. Chandal, District Varanasi.

3. On 24-11-1978 some armed non-Scheduled Caste persons allegedly inflicted knife injuries on some Scheduled Caste persons belonging to village Naglashethu, P.S. Khurja, District Bulandshahar and looted their property. The cause of the quarrel was reported to be dispute over land.

5.49. There were reports that in the rural area of **Bihar** the landlords were occupying large areas of land and were evicting the tenants whose houses were being burnt. It was mentioned by some responsible persons that a terrible incident of atrocities on Scheduled Caste persons had taken place in the villages of Cheelkodi, Mushari Tola, Bhagwanpur and Naya Tola in Monghyr District of **Bihar** on 11th May, 1979. A gang of 400 lathi veilding gundas belonging to a landlord of Aloli village were alleged to have attacked the residents of the villages under reference in the early hours of 11th May, 1979. They ransacked the huts of the residents, looted their belongings and burnt their dwelling places. Most of the residents of these villages were alleged to be belonging to Scheduled Caste and backward class communities.

5.50. According to press reports, Patna district topped the list in respect of atrocities committed on Scheduled Castes followed by districts like Gaya, Monghyr, Rohtas, Bhagalpur, Nalanda, Bhojpur, etc. Most of the cases related to land disputes. It was also mentioned that lobbying by political and social leaders was generally done in favour of the guilty persons. The leaders were obliged by delaying investigation for referring the cases back to the district police where it was easier for the culprits to pull the strings. The case relating to the brutal murder of Thakita Dome was cited in point. This brutal murder had shocked the conscience of the people in the State capital and all over the State so much so that the then Chief Minister had assured the people on the cremation ground that the killers however powerful or influential would have to pay heavily for the crime. But the case was still pending with the Criminal Investigation Department. It is reported that the wife of the deceased person had lodged a complaint with the Harijan Police Station against a senior police officer but the outcome is not known. It is understood that the existing staff provided at the Harijan Police Station is totally unable to manage the cases spread over in 31 districts of the State.

Training of Scheduled Castes to protect themselves against atrocities on them in Bihar

5.51. The Government of **Bihar** was reported to have issued instructions regarding selection of villages and hamlets for the training of Scheduled Caste persons in the use of firearm and constituting voluntary force to protect the Harijans against the atrocities committed on them. Initially the scheme was proposed to be implemented in the respective 10 districts of Patna, Nalanda, Gaya, Nawada, Aurangabad, Rohtas, Bhojpur, Begusarai, Monghyr and Purnea. The Force was to be carved out of the Home Guards and was to be given training in handling arms according to a plan prepared by the Government. After training, these persons were to be provided

fire arms by the Government. In the course of a visit of the Commissioner for Scheduled Castes and Scheduled Tribes to **Bihar** he was given to understand that so far they had been able to complete the work of identification of persons who were to be provided training. However, it is understood that the plan to raise an armed Harijan Militia has not progressed.

5.52. **It is suggested that the Government should seize all weapons where atrocities on Harijans take place. It is felt that mere issue of instructions for curbing atrocities on Scheduled Castes is not enough. What is needed is that all-out efforts should be made by the people, particularly the social and voluntary organisations as well as by the Government, to assist in solving the numerous and varied problems of the Scheduled Castes which mostly relate to land and wage disputes.**

5.53. To check atrocities, it was mentioned in the 1975-77 and 1977-78 Reports of the Commissioner that selected officers from the Revenue Departments should tour in the rural areas and identify incident-prone pockets and their reports should be promptly attended to and suitable steps taken to avoid unpleasant incidents and to minimise social tensions.

Special land cell to look after the grievances of Scheduled Castes

5.54. According to newspaper reports a land cell was being created in **Haryana** which would have revenue and police officials and operate as a special squad to look into the grievances of Scheduled Castes. It was reported that a large number of complaints were received frequently from harijans and others in villages and most of the grievances related to land disputes. It was also mentioned that in many cases where surplus land had been allotted to harijans, people from so-called high caste families either opposed the transfer of possessions or created problems in the actual use of the land by the owners. To begin with the cell would operate from Chandigarh and later on its branches might be set up in the districts. A cell was designed to work like an enforcement branch to ensure that the concessions granted to the members of the Scheduled Castes were actually availed of by these people. An official version of this report is, however, awaited from the State Government.

5.55. To some extent this recommendation has also been taken into consideration by the Government of **Gujarat** where Special Revenue-cum-Police Cells in the respective districts of Ahmebadad and Mehsana have been constituted. The Cells function under the direct control of the Collector and are provided with transport facilities. The Cells are required to undertake functions like preparation of list of villages where land disputes exist; undertake visits to such villages and study the revenue records. They are also required to contact the parties concerned to the dispute and check whether the record of rights are properly maintained and find out all cases of legal and illegal mortgages of lands belonging to Harijans and get these freed by amicable settlement. In January, 1979, a Sample study of the working of these Cells was conducted by the Zonal Director, Scheduled Castes and Scheduled Tribes, Ahmedabad. The study brought out some interesting findings about the working of the Cells. Brief position regarding the same is given below :—

(a) A Scheduled Caste person of Village Kasindra, Taluka Daskroi was allotted land measuring one acre and 24 gunthas by the Government in 1949. Till 1954, the land continue to be in the possession of the actual allottee. However, in 1954 he took a loan amounting to Rs. 200 from a landlord and mortgaged his land. The officials of the Cell visited this village on 24th July, 1978 and enabled the parties to reach a compromise under which the Scheduled Caste person was required to pay back this amount of Rs. 200 to get his land restored. The amount was actually paid and the person concerned got his land.

(b) In Badarakha village, Taluka Dholka a Scheduled Caste person was cultivating 15 bighas of land belonging to a Patel as a share-cropper in 1978. The landlord agreed to give him an amount of Rs. 2000 for the whole season but actually an amount of Rs. 1200 only was paid. The officials of the cell visited the place and due to their efforts the Scheduled Caste person was able to get the payment of the remaining amount of Rs. 800. In this very village a lady belonging to Scheduled Caste was cultivating the land of a Patel on share-cropping basis. The landlord had agreed to pay an amount of Rs. 2000 for the whole season but actually an amount of Rs. 1500 only was paid to her. Here also on account of the efforts of the officials the balance of Rs. 500 was paid to the Scheduled Caste lady. In a third case a Scheduled Caste person who had worked with a Rajput landlord paid only an amount of Rs. 2200 as against the agreed amount of Rs. 3100. The Officials of the Cell could not settle this case because the decision in the matter was pending in a Labour Court at Ahmedabad.

(c) As regards Rajoda village, Taluka Dholka, in one case a Scheduled Caste lady having about 4 acres of land had taken a loan of Rs. 10,000 from a Patel landlord by mortgaging 2 acres of land in 1974. Due to the efforts of the officials of the Cell a compromise was reached under which an amount of Rs. 6,000 had to be paid in two instalments as against a loan of Rs. 10,000 taken earlier. However, it was observed that the Scheduled Caste lady was not in a position to repay this large amount to get back her 2 acres of land.

(d) In Bhayala village, Taluk Dholka, a Scheduled Caste person had mortgaged his 1 acre of land to a Patel for an amount of Rs. 500 in 1974. Under the compromise arrived at the Scheduled Caste person was required to pay an amount of Rs. 500 out of which an amount of Rs. 200 was paid readily and the remaining amount was agreed to be paid by the end of June, 1979.

(e) In Sakodara village, Taluk Dholka, a Scheduled Caste person had mortgaged 1½ bighas of land to a Patel for an amount of Rs. 600 in 1974. Under the compromise reached the Scheduled Caste person was required to repay an amount of Rs. 600 to get back his land. The amount was actually paid and the Scheduled Caste person was restored his land. In another case relating to this village, a Scheduled Caste lady had mortgaged 4 bighas of land to a Patel in 1973 for an amount of Rs. 2000. The officials of the Cell made a compromise under which the land owner had to be paid an amount of Rs. 2000. However, the lady belonging to Scheduled Caste had no means to repay the amount. In view of her poor economic condition, it was decided that the land should be retained by the Patel for another five years, after the expiry of which the loan would be treated as repaid and the possession of the land would be restored to the original owner. In a third case, a Scheduled Caste person had mortgaged his 3 acres of land to a Patel to observe a social ceremony against an amount of Rs. 1000 in 1974. Under the compromise reached the Scheduled Caste person was required to repay an amount of Rs. 2000. But subsequently when the Scheduled Caste person was contacted he stated that another compromise had been made between them in the absence of the officers of the Cell under which an amount of Rs. 3000 would have to be paid. The land continued to be in possession of the Patel.

(f) It was understood that the Cell had visited 288 villages in Mahasana district and dealt with 202 cases regarding land disputes between the Scheduled Castes and Caste Hindus. The Cell was able to distribute 144 acres of land in about 52 cases amongst the Harijans which were in illegal possession of others.

(g) In village Gambu, Taluk Chansama, a Scheduled Caste person was allotted 1.39 acres of land by the Government in 1964. This land was sold by the allottee on 28th July, 1975 for an amount of Rs. 975 to celebrate his son's marriage. The officials of the Cell visited this village in November, 1978 and brought about a compromise under which an amount of Rs. 975 had to be paid for the restoration of the land. In Pakodi village, Taluk Chansama a Scheduled Caste person had mortgaged 9 bighas of his land to a Muslim landlord in 1976 for an amount of Rs. 10,000. The officers of the Cell made a compromise under which the amount was required to be repaid in instalments of Rs. 200 each. The possession of the land was restored to the Scheduled Caste person.

(h) In Ajabpura village, Taluk Chansama, 3 cases in which the Cell had interfered were studied. In one case it was noticed that a Scheduled Caste person had mortgaged 39 **Gunthas** of his land to a Patel in 1968 for an amount of Rs. 2200. Under the compromise made the whole amount was to be repaid in two instalments. However, at the time of the visit of the Study Team it was found that the Scheduled Caste person had not got back his land till then. It was also found that the Scheduled Caste person had no means of making repayment. In another case a Scheduled Caste person had mortgaged 6 bighas of his land to a Patel in 1977 for an amount of Rs. 900 and as per compromise made the repayment was to be made in two yearly instalments. The Scheduled Caste person was restored his land. In yet another case a Scheduled Caste person had sold his land to a Patel in 1972 for an amount of Rs. 6,000. Under the compromise made the entire amount was to be returned to the Patel by July, 1979. But it was found that on account of poor economic position this was not possible for the Scheduled Caste person to do so.

(i) 152 acres of waste land had been distributed in Bortwada village, Taluk Harij amongst 28 persons, out of whom 17 belonged to Scheduled Castes. However, out of these 11 persons, only 8 persons could get possession of lands allotted and the remaining three Scheduled Caste persons did not do so for the fear of incurring the wrath of Thakurs. It was learnt that on account of the efforts of the officers of the Cell the Thakurs had agreed to give back the possession of these lands to the Scheduled Caste persons but some of them were not in a position to cultivate these lands on account of lack of means.

5.56. Some of observations in respect of the functioning of the Cells are given below :—

1. On account of inadequate staff provided to the Cells it was not possible to enquire into all the cases. In some cases the grievances of the persons belonging to Bhangi community could not be looked into because these persons happened to be residing in secluded places and somehow their grievances got overlooked.

2. There was no mechanism to ensure follow-up action about the implementation of the compromises. It was also observed that on account of lack of resources the Scheduled Caste persons who were restored their lands were not in a position to cultivate their lands properly. There were also cases in which the Scheduled Caste persons were not in a position to arrange for repayment. There were also some cases in which the Scheduled Caste persons had refused intervention of the Cell as they feared reprisals from the Caste Hindus.

5.57. **It is appreciable that the Government of Gujarat has taken some positive steps to assist Scheduled Caste persons in redeeming their loans and get back their lands. It is suggested that they should provide more staff and funds to assist the Scheduled Caste persons who have been deprived of their lands and are not in a position to arrange for the funds to make repayments. It is suggested that the remaining State Governments/Union Territory Administrations should also undertake similar steps to check land disputes and assist the Scheduled Caste persons.**

Small Farmers & Agricultural Labourers Development Agencies

5.58. S.F.D.As. were introduced to create employment and additional income in the rural areas of our country. In the course of the Fourth Plan, 87 such projects were set up and their number was raised to 160 in the course of the Fifth Plan period. At the instance of the organisation of the Commissioner for Scheduled Castes and Scheduled Tribes, the Union Ministry of Agriculture and Irrigation had issued instructions to the State Governments/Union Territory Administrations to advise the agencies in their areas to adopt a positive approach to extend benefits to these schemes to the persons belonging to Scheduled Castes and Scheduled Tribes and they had also devised the proforma to collect statistical information in respect of the Scheduled Castes and Scheduled Tribes benefitting from these schemes.

5.59. As per information available about 171 S.F.D.As. were functioning in various parts of the country and in order to know the benefits derived by the persons belonging to Scheduled Castes and Scheduled Tribes from these programme this office had addressed circular letters to all the S.F.D.As. and so far this information has been received from 52* such agencies. This shows that during the year 1978-79, persons belonging to Scheduled Castes and Scheduled Tribes derived 13.9 per cent and 3.58 per cent benefits respectively in terms of the number of 4,22,846 beneficiaries and 19.41 per cent in terms of expenditure incurred by the projects. **But as has been the experience of this Organisation in the earlier years, complete details are never made available to us in time to make overall analysis regarding the economic development of the persons belonging to Scheduled Castes/Tribes from this programme. On the basis of inadequate data it is difficult to say if the persons belonging to Scheduled Castes and Scheduled Tribes have started getting their due from this programme.**

Integrated Rural Development

5.60. The Integrated Rural Development Programme was launched for the creation of additional employment in the rural sector for the benefit of small and marginal farmers, agricultural labourers and members of Scheduled Castes/Tribes. During 1978-79, the programme was under implementation in 2300 blocks. Of these, 2000 blocks were reported to have been selected from areas covered by programmes such S.F.D.A., D.P.A.P. and C.A.D. and 300 blocks from areas not covered by these special programmes. It was proposed to cover 300 new blocks every year and by 1982-83, 3500 blocks out of 5,004 blocks would be covered under the programme.

5.61. According to available information, an amount of Rs. 45.21 crores had been released for implementing the programme, out of which an amount of Rs. 8.34 crores only was reported to have been utilised. An amount of Rs. 5 lakhs per block was reported to have been allocated in respect of blocks covered under S.F.D.A. or C.A.D. programmes and Rs. 4 lakhs in respect of blocks covered under the D.P.A.P. In case of D.P.A.P. blocks, the States were expected to contribute additional amount of Rs. 1 lakh per block. These allocations were over and above the present level of funding.

5.62. The Union Government was understood to have introduced a Centrally Sponsored Scheme for providing improved agricultural implements amongst the small and marginal farmers. Subsequently it was decided to transfer the scheme to the State Sector. It was reported that the Central Government would continue its assistance during 1979-80 for the purchase of improved agricultural implements under the special programmes like S.F.D.A., D.P.A.F., I.R.D. and C.A.D. The rate of central assistance in the form of subsidy was 25 per cent to small farmers and 33-1/3 per cent to marginal farmers and agricultural labourers on individual purchases while for community irrigation works, the rate of subsidy was 50 per cent of the capital cost apportionable to the share of small and marginal farmers. The rate of subsidy for the small/marginal farmers and agricultural labourers belonging to Scheduled Tribes was 50 per cent of the capital cost on both community as well as individual purchase of implements.

5.63. It may be mentioned here that the Committee on the role of voluntary agencies in rural development also known as Sivaraman Committee had observed that voluntary agencies

* For details see Appendix XLVI.

engaged in social and developmental work, especially in rural areas, could be profitably involved in planning and/or implementation of the integrated rural development programmes. It recommended that to begin with voluntary agencies should be involved in planning and implementing of about 100 block plans. The Committee suggested that voluntary agencies of repute and standing only should be involved in planning and implementation of block level plans. The recommendations of the Sivaraman Committee were reported to be under consideration of the Government. **It may be mentioned that there are several voluntary organisations of repute working for the welfare of Scheduled Castes and Scheduled Tribes in our country and it is hoped that efforts would be made to seek the cooperation of such organisations in the implementation of the programme.** It is learnt that the progress in the implementation of this programme was reviewed in a meeting of State Chief Secretaries/Agricultural Production Commissioners/Development Commissioners and other senior officials, held in February, New Delhi. It is understood that the representatives of State Governments of **Bihar, Haryana, Punjab** and **Madhya Pradesh** urged the Central Government to raise the subsidy limit for Scheduled Caste beneficiaries to the same level as had been accepted for Scheduled Tribes.

Housing and House Sites

Avoidance of segregation of Scheduled Caste families in separate localities

5.64. In general the housing conditions of the persons belonging to the Scheduled Castes and the Scheduled Tribes continue to be poor. Although the ambitious and country-wide programme of providing free of cost house-sites to the landless workers including the Scheduled Castes and Scheduled Tribes is laudable and deserves to be appreciated, yet the vital aspect of removal of segregation has been ignored in almost all housing schemes for the Scheduled Castes. It has been observed that no serious efforts have been made to inter-mingle their houses in mixed colonies so that while building up new housing colonies, a new social life is also built. In cities even today, it is a hard fact that houses in the caste Hindu localities are not available to them. It was recommended many times in Commissioner's earlier reports that while implementing various housing schemes it should be ensured that the Scheduled Castes are not segregated in separate colonies but live in mixed colonies alongwith other communities. For example, it was suggested in the Commissioner's 1957-58 Report that while providing quarters to scavengers and sweepers the authorities concerned should ensure that these people were not segregated and that their quarters should be constructed in or near the localities of people belonging to other communities. It was further suggested that, where separate colonies had to be constructed, non-Scheduled Castes people should also be encouraged to settle in such colonies by giving them financial aid. It was again stressed in Commissioner's 1960-61 Report that segregation of Scheduled Caste persons in separate colonies must be avoided and that, whenever Municipalities or Urban Improvement Boards had to prepare plans for a new colony or locality certain percentage of plots must be reserved for Scheduled Caste families and these plots should be scattered all over the locality in spite of being concentrated in one sector. It was also suggested that a certain percentage of plots should be reserved for non-Scheduled Castes people in colonies planned for Scheduled Castes and that even when a colony was planned for Scheduled Castes, the plots should be allotted to families belonging to different groups among Scheduled Castes. Again in Commissioner's 1970-71 Report it was recommended that in order to ensure against segregation of the Scheduled Caste communities, when any housing scheme was taken up for these people, suitable percentage, say 10 per cent of the houses should be earmarked for non-scheduled communities, while in the general housing schemes also some houses must be reserved for the scheduled communities.

5.65. It has, however, been observed that, in spite of the various recommendations made in our earlier Reports the Scheduled Caste families still continue to live mostly in segregated housing colony. **It is, therefore, reiterated that all the State Governments/Union Territory Administrations should ensure the establishment of mixed colonies, while implementing various housing schemes and avoid segregation of Scheduled Castes in separate localities.**

Construction of houses by State Housing Boards/Development Authorities

5.66. Over and above the privately owned houses in the cities there are houses constructed by State Housing Boards and Development Authorities. It was recommended in Commissioner's earlier Reports that all the Housing Boards should make reservation for Scheduled Castes/Tribes at least in proportion to their population in the States concerned for allotment of tenements built by them under various schemes. But it is felt that the persons belonging to Scheduled Castes and Scheduled Tribes are not able to derive full benefit from the schemes undertaken by such boards/authorities, mainly, because of the fact that although some specific reservations have been made for the persons belonging to these categories, yet no efforts have been made to make available to them finance on easy terms, to enable them to purchase these tenements. Consequently there are cases in which these persons at times, have to forego their allotments.

5.67. The position is still worse in the matter of allotment of shops and commercial plots which are mostly put to auction for earning more revenue. In this connection it was recommended in Commissioner's 1971-73 Report that all the State Governments/Union Territory Administrations should fix a percentage of shops to be allotted to Scheduled Caste/Tribe persons

in the new shop areas being developed by them, in order to help the persons belonging to these categories to enter into commercial ventures. The action taken by various State Governments in this regard is not known. **The recommendation is therefore, reiterated.**

Reservation in allotment of Government accommodation

5.68. The Commissioner for Scheduled Castes and Scheduled Tribes in his 1976-77 Report, had recommended that the Ministry of Works and Housing should make reservations for Scheduled Castes and Scheduled Tribes to the extent of 15 per cent and 7½ per cent respectively, for the allotment of Government accommodation. But *vide* instructions issued by the Ministry of Works and Housing, Directorate of Estates, in September, 1975, 5 per cent clear vacancies in types III and IV have been reserved, and reservation of 10 per cent in types I and II had been in allotment of Government accommodation for Scheduled Caste and Scheduled Tribe employees entitled to these types. **It is felt that an urgent review is called for to enhance the percentage as well as extending the orders of allotment for the employees belonging to Scheduled Castes and Scheduled Tribes entitled for Government accommodation upto Type V.**

Reservation of quota in allotment of quarters to Scheduled Caste and Scheduled Tribe employees by Public Sector Undertakings

5.69. This year attempts were made by this office to collect information regarding allotment of accommodation to the employees belonging to Scheduled Castes and Scheduled Tribes working in various public sector undertakings. All the public sector undertakings were requested to inform this office about the percentage of quota reserved for Scheduled Caste/Scheduled Tribe employees in the matter of allotment of accommodation as well as to furnish information regarding total number of quarters allotted and the number of quarters allotted to employees belonging to Scheduled Castes and Scheduled Tribes. Out of a total number of 189 Public Sector Undertakings who were addressed in the matter, required information has been received from 70 public sector undertakings only. 39 undertakings did not have any staff quarters at their disposal. Out of the remaining 31 undertakings which were providing accommodation to their employees, 25 undertakings had not specified any quota for allotment to Scheduled Caste and Scheduled Tribe employees. The 6 Public Sector Undertakings which had specified reservation quota for Scheduled Caste and Scheduled Tribe employees were Mogul Line Ltd., Bombay; Hindustan Aeronautic Ltd., Bangalore; Bharat Earth Movers' Ltd., Bangalore; Hindustan Photo Films Ltd., Assam; Bharat Electricals Ltd., Bangalore and Heavy Engineering Corporation Ltd., Ranchi. These undertakings had specified reservations ranging from 5 per cent to 10 per cent of the total available quarters. Out of these 6 undertakings, 3 undertakings maintained reservation of 10 per cent for Types I & II and 5 per cent for Types III and IV respectively. Some of the undertakings had not specified any reservation quota for Scheduled Castes and Scheduled Tribes but were stated to be showing fair consideration towards their Scheduled Caste and Scheduled Tribe employees while making allotment of accommodation. The Public Sector Undertakings which had adopted such policy were Tunga Bhadra Steel Products Ltd., Karnataka, who informed that out of 295 and 31 employees belonging to Scheduled Castes and Scheduled Tribes, 155 and 13 employees belonging to Scheduled Castes and Scheduled Tribes had been allotted accommodation respectively. Out of a total number of 737 quarters, 21 and 16 quarters had been allotted to the employees belonging to Scheduled Castes and Scheduled Tribes working in Bongaigaon Petrochemical Ltd., Assam. The National Seeds Corporation Ltd., New Delhi was reported to have provided accommodation to all the staff of its firms at Nandikothur, Andhra Pradesh and Hempur (Uttar Pradesh), Kundramukh Iron Ore Co. Ltd., Bangalore were reported to have provided residential accommodation to all their eligible employees. Indian Petrochemical Corporation, Gujarat had allotted accommodation to all the eligible Scheduled Caste and Scheduled Tribe employees and Hindustan Shipyard Ltd., Visakhapatnam had allotted 13.85 per cent of its total available quarters to Scheduled Caste and Scheduled Tribe employees. It has been observed that undertakings which do not have their own accommodation can be categorised as follows :—

(i) Undertakings which provide quarters only to essential service personnel like maintenance staff, electricians, drivers, chowkidars etc. viz. National Small Industries Corporation Ltd., New Delhi and National Textile Corporation, Coimbatore.

(ii) Undertakings which provide house building advance at nominal interest, viz. National Small Industries Corporation Ltd., New Delhi and Cotton Corporation of India Ltd., Bombay.

(iii) Undertakings which provide quarters to officers and non-clerical staff viz. Mogul Line Ltd., Bombay; Computor Maintenance Corporation Ltd., Bombay. Hindustan Petroleum Corporation, Bombay, General Insurance Corporation of India, Bombay.,

(iv) Undertakings which provide accommodation acquired by CMC in Metropolitan Cities, viz. Computer Maintenance Corporation Ltd., Bombay.

5.70. **It is observed from the foregoing information that all the public sector undertakings have not so far adopted reservation quota in the allotment of accommodation to the employees belonging to Scheduled Castes and Scheduled Tribes. It is suggested that all the public sector undertakings should consider the desirability of**

making specific reservations about the allotment of accommodation to Scheduled Caste and Scheduled Tribe employees even if they do not possess any accommodation at present for allotment to these employees. Such policy decision would help in protecting the interests of Scheduled Castes/Scheduled Tribes in case the undertakings decided to construct/acquire houses at a later date.

Allotment of house-sites to the landless workers

5.71. According to available information, out of a total number of 116.50 lakh eligible families, house-sites had been allotted to 76-54 lakh families till the end of December 1978. No separate information is available regarding house-sites allotted to landless workers belonging to Scheduled Castes and Scheduled Tribes. State-wise details of the available information may be seen at the Appendix XLVII. Over and above the allotment of house-sites, the State Governments/ Union Territory Administrations have also framed programmes to assist the landless workers to construct houses on the sites allotted to them. Available information regarding work done by State Governments/Union Territory Administrations is given at Appendix XLVII.

5.72. It may be mentioned that two **rural housing** schemes i.e. (i) village housing project scheme and (ii) Provision of house-sites to landless workers in rural areas which were introduced in 1957 and 1971 respectively, by the Central Government have been transferred to the State Sector. The Central Government provides block financial assistance to the State Governments for execution of their State Sector Schemes including rural housing project scheme. 67,083 houses are reported to have been constructed upto 31 March, 1979. HUDCO has also started financing rural housing schemes since 1977-78. This Corporation provides loan assistance to the extent of 50 per cent of the cost of a housing project in rural areas undertaken by any agency nominated by the State Governments provided the cost of each house does not exceed Rs. 4,000. So far, 16 rural housing schemes, with a loan commitment of Rs. 17.03 crores, for construction of over 1 lakh dwellings for weaker sections, are reported to have been taken up in the rural areas. During 1978, the State Governments are also reported to have received for the first time a loan allocation of Rs. 14 crores from the General Insurance Corporation for village housing schemes and construction of houses for economically weaker sections. During the sixth plan, more emphasis has been laid on rural housing for which a provision of Rs. 500 crores has been made. It is envisaged that approximately 8 million landless workers will be benefited from the scheme.

5.73. As regards **urban housing** programme, substantial investment is proposed to be made for slum improvements and emphasis has been laid on housing programme for economically weaker sections. It is expected that the programmes undertaken by HUDCO and State Governments would lead to the construction of 2.1 million housing units of which 85 percent would be specifically for the weaker sections. Under the environmental improvement programme, measures like water supply, sewerage, pavement of streets and provision of community latrines etc., are proposed to be taken in areas inhabited by Scheduled Castes particularly scavengers. An outlay of Rs. 190 crores has been made for the purpose. However, so far no information is available about the actual benefit derived by the persons belonging to Scheduled Caste and Scheduled Tribe from the implementation of these programmes.

Special Housing Programmes for Scheduled Castes and Scheduled Tribes

5.74. Special housing programmes were undertaken in many parts of the country either by establishment of housing corporations or by making special provision to assist the persons belonging to the Scheduled Caste and Scheduled Tribe to construct their houses.

5.75. The Rajasthan State Cooperative Housing Finance Society is an apex organisation to provide long term loans for construction of residential houses through primary cooperative societies both in rural and urban areas in the State. It was registered in December, 1970. The Society has disbursed loans for 17,313 houses to 618 societies of Scheduled Caste/ Scheduled Tribe persons out of the sanctioned strength of 21,476 houses. Some Societies have shown the reluctance to avail of the sanctioned loan for 3575 houses. Remaining 22 societies to which loan for 588 houses was sanctioned have not been taking interest in fulfilment of necessary formalities to lift the sanctioned loan. So far, 6272 houses had been completed by the members and 11041 houses were at various stages of construction.

5.76. The Tamil Nadu Harijan Housing and Development Corporation was set up in the year 1974. Besides construction of houses for Harijans, the Corporation has been entrusted with construction of houses for fishermen, hostels for Scheduled Castes and Backward Class students, community halls, balwadis, shops etc. So far the Government released Rs. 14.00 crores for 35,045 houses and Rs. 1.4 crores towards administration charges for the year 1977-78. For 1978-79, the Government have released Rs. 110 lakhs for the construction of 1660 houses for Harijans. So far, 58 hostels have been completed and the other 13 hostels were in progress. Except 3 hostels i.e. at Mallanginar, K. Paramathi and Mannarkudi the remaining 10 hostels were to be completed by the end of April, 1979.

CHAPTER 6

EDUCATIONAL DEVELOPMENT

Expenditure under the Backward Class Sector

One of the most important programmes in the Backward Classes Sector of the Central and State Plans is the spread of education among the Scheduled Castes and the Scheduled Tribes. Under the Centrally Sponsored programme of the backward classes sector, there are two educational schemes, viz., Post-matric scholarships to Scheduled Castes and Scheduled Tribes students and construction of girls hostels. The Fifth and Sixth Plan outlays as well as the expenditure incurred under these schemes during the years 1974-75 to 1978-79 are given in the table below:—

(Rs. in crores)

Name of the Scheme	Fifth Plan Outlay	Sixth Plan Outlay	Expenditure incurred during		
			1974-78	1977-78	1978-79 (Anticipated)
1	2	3	4	5	6
Post-matric Scholarships to Scheduled Caste and Scheduled Tribe students	100·00	130·00	52·21	15·76	20·00
*Girls' Hostels for Scheduled Castes and Scheduled Tribes	..	2·50	0·01	0·01	0·31
*Book Banks for SC/ST students in Engineering & Medical Colleges	..	10·00	..	..	0·49

*** From the year 1978-79, financing of these schemes will be on a sharing basis between the Centre and the States.**

It would be seen from the above table that the expenditure under the above mentioned two schemes exclusive of committed expenditure incurred on Post-matric Scholarships scheme has been rising steadily which indicates that an increasing number of Scheduled Castes/Scheduled Tribes are reaching post-matric stage of education and are taking benefit of the scheme. Under the Backward Classes Sector of the State Plans provision is made for educational schemes like pre-matric stipends, re-imbursement of tuition fees, hostels, ashram schools etc. Some of the important educational schemes for Scheduled Castes and Scheduled Tribes under the Central and State Sectors are discussed in the following paras.

Enrolment

6.2. The Central Board of Secondary Education had fixed the target of 100 per cent enrolment in the age-group 6-11 and 50 per cent enrolment in the age group 11-14, by 1978-79. In our earlier Reports the all-India enrolment figures for Scheduled Castes and Scheduled Tribes as compared to those for the general population were given upto the year 1974-75. The Union Ministry of Education have since furnished these figures for the year 1977-78. The progress of enrolment among the Scheduled Castes/Tribes as compared to the other communities for the years 1973-74, 1974-75 and 1977-78 is given in the table below :—

	Enrolment ratios to the corresponding age groups					
	Classes I—V (Age-group 6—11)			Classes VI—VIII (Age-group 11—14)		
	1973-74	1974-75	1977-78	1973-74	1974-75	1977-78
1	2	3	4	5	6	7
Scheduled Castes	68·9	67·1	75·5	22·1	22·7	25·5
Scheduled Tribes	59·3	59·7	66·1	15·7	15·7	17·7
Other communities excluding SC/ST . . .	90·7	87·6	85·7	40·4	40·2	42·0

It would be seen from the above table that good progress was made in the enrolment of Scheduled Castes/Tribes in the age-group 6-11 from 1974-75 to 1977-78 but the progress of enrolment among these communities in the age group 11-14 was not appreciable indicating a lot of wastage of education among the Scheduled Castes/Tribes. As compared to the enrolment ratios among other communities, the Scheduled Castes/Tribes were still lagging far behind. At this rate it may still take many more years to achieve the target of 100 per cent enrolment among these communities.

6.3. The State-wise figures of enrolment ratios in the age-group 6-11 and 11-14 among the general population, Scheduled Castes and Scheduled Tribes during the years 1973-74, 1974-75 and 1977-78 may be seen in the table at Appendix XLVIII. It would be seen there from that in most of the States the level of enrolment among the Scheduled Castes/Tribes was far behind the target of universal enrolment. The position of enrolment of Scheduled Castes was far from satisfactory in **Bihar, Haryana, Jammu & Kashmir, Madhya Pradesh, Rajasthan, Orissa, Uttar Pradesh** and **West Bengal.** Among the Scheduled Tribes the enrolment position was poor in **Andhra Pradesh, Gujarat, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tamil Nadu, Tripura, West Bengal, Arunachal Pradesh** and **Goa, Daman and Diu.**

6.4. It had already been recommended in Commissioner's 1975-77 Report that concerted efforts should be made by the State Governments concerned to increase the enrolment of the Scheduled Castes/Tribes by giving them incentives like stipends, free uniforms, books and stationery. **The recommendation is reiterated.**

Programme of Universal Elementary Education during Sixth Plan

6.5. The Government of India proposed to start a programme for the enrolment of 320 lakhs children in the age-group 6-14 in formal and non-formal educational institutions during the medium term Plan period (1978-83). The remaining 10 lakhs children were to be enrolled during the first two years of the next plan. It was proposed to enroll 160 lakhs children into formal full-time classes I to VIII and an equal number of children including drop-outs were to be given part-time education in formal and non-formal institutions. It was estimated that 75 per cent of the 320 lakhs children to be enrolled during the Sixth Plan were located in the States of **Andhra Pradesh, Bihar, Jammu & Kashmir, Madhya Pradesh, Orissa, Rajasthan, Uttar Pradesh** and **West Bengal** which have large Scheduled Caste/Tribe populations. The Central Government proposed to start a scheme of assistance to these States with a budget of Rs. 50 crores. It was recommended in our Report for 1977-78 that while implementing the programme, the above mentioned States as well as the Governments of other States/Union Territories having large Scheduled Caste/Tribe populations should ensure that the children belonging to these communities were paid special attention in view of their backwardness. It was also recommended that sufficient funds should be earmarked to provide incentives like stipends, free uniforms, books, stationery, mid-day meals, example of the Governments of **Rajasthan** and to encourage their enrolment. It was suggested to all the State Governments to follow the example of the Government of **Rajasthan** and **Madhya Pradesh** who were doing commendable work in this connection by awarding pre-matric scholarships to all the eligible Scheduled Caste/Tribe students. The action taken by the Central and State Governments in this regard is not known. **It is, therefore, reiterated that the State Governments concerned should take urgent measures to step up their programmes of incentives to Scheduled Caste/Scheduled Tribe students, in order to ensure that the targets fixed for the enrolment of Scheduled Caste/Tribe students during the Sixth Plan are achieved in time.**

Wastage and Stagnation

6.6. Although some progress has been made in the enrolment of Scheduled Caste/Scheduled Tribe students at the primary level, yet it has been observed that there is a sharp decline in the enrolment figures of these communities at the middle and secondary stages leading to a lot of educational wastage among these communities, specially among the Scheduled Tribes. It was, therefore, recommended in Commissioner's 1970-71 Report that early action should be taken by various State Governments and Union Territory Administrations to take remedial measures, on the basis of the findings of various studies on the subject, so that wastage of education among the Scheduled Caste/Scheduled Tribe students could be checked. In this connection, it was revealed in a recent study conducted by the Tribal Research Institute, Ahmedabad in eight tribal districts of **Gujarat** that the rate of wastage and stagnation among the tribal children was as high as 79.7 per cent by the time they reached standard IV. About 70 per cent of the total wastage was in standard I itself. It was therefore, concluded that the efforts to reduce wastage and stagnation should be concentrated in standard I because at that stage the extent of wastage was the highest. Various steps like education in the local tribal dialects, opening of Balwadis in tribal areas, incentives like free stationery, text books, school uniforms and meals, scholarships, adjustment of curricula to suit the local conditions, incentives to teachers like free residence, teaching facilities to their children outside the tribal areas, education of the tribal parents etc., were suggested.

6.7. The findings of the study are revealing. **It is suggested that similar studies should also be made by Tribal Research Institutes in other States to find out the extent of wastage of education and stagnation among the Scheduled Caste/Tribe students. Unless wastage of education among these communities is reduced to the minimum, the huge funds being spent on increasing the enrolment of the children of these communities in primary classes will go waste. It is, therefore, recommended that all the State Governments/Union Territory Administrations should take urgent steps on the above lines to provide sufficient incentives to the Scheduled Caste/Scheduled Tribe children to enable them to continue in school and to ensure that wastage and stagnation among them is reduced to the minimum.**

Implementation of the Educational Programmes For Scheduled Castes/Scheduled Tribes

6.8. It has been observed that in some States different departments are administering various educational programmes for the Scheduled Castes and Scheduled Tribes and there is a great deal of overlapping of functions among various Departments in the implementation of these programmes. It was with a view to bringing about effective co-ordination among the various Departments concerned that it was recommended in Commissioner, 1974-75 Report that whatever might be the internal administrative arrangements in a State, the direction of educational development for Scheduled Castes and Scheduled Tribes should be taken charge of by the State Education Department. In this connection, a study was conducted by the Union Ministry of Education during 1978 in **Assam, Bihar, Jammu & Kashmir, Madhya Pradesh, Maharashtra, Orissa, Punjab, Tamil Nadu, Tripura** and **Uttar Pradesh** to find out, inter-alia, the present administrative arrangements, the degree of overlapping, the extent of co-ordination etc., connected with the implementation of the various educational programmes for the Scheduled Castes and Scheduled Tribes. The study revealed inter-alia, that besides the Department of Education, the Departments of Social Welfare, and Tribal and Harijan welfare were also concerned with the educational development of Scheduled Caste and Scheduled Tribe children in various States. In some States the administrative control of the educational institutions in the tribal areas vested with the Department of Tribal Welfare, leaving only the academic inspection with the Education Department. It was also found that there existed an overlapping in the formulation and implementation of almost all the programmes of incentives and financial concessions being operated in various States. It was, therefore, suggested by the Ministry that ideally speaking the educational development of various States including that of Scheduled Castes and Scheduled Tribes should vest with the Departments of Education. The other Departments concerned who were handling welfare activities for Scheduled Caste and Scheduled Tribe children might continue with their programmes of incentives as supplementary programmes of educational development and as part of the educational activities and not as separate programmes, independent of the educational development programmes. It was further suggested that in this process the Education Department should be vested with the responsibility of formulating the details of all the educational programmes including incentives programmes for Scheduled Caste and Scheduled Tribe children in consultation with other departments, irrespective of the implementing agency.

6.9. The above suggestions made by the Ministry of Education are welcome and it is hoped all the State Governments/Union Territory Administrations will take necessary follow-up action to implement these suggestions.

Non-formal education

6.10. Universalising elementry education for the children of the age-group 6-14 alone cannot achieve the goal of universal literacy in the country. A large number of the children in this age group drop out before completing primary education. Besides, there is a large number of illiterate adults who have to be made literate. Unless the latter two categories are also made literate, the programme of universal literacy in the country cannot be achieved. A large majority of these drop-outs and illiterates belong to the Scheduled Castes, the Scheduled Tribes and other weaker sections of the society and deserve special attention. During the Fifth Five Year Plan period, this work was being done under the following three programmes :—

(i) State Sector Scheme of non-formal education for non-school going children in the age group 6-14,

(ii) Central Sector Scheme of Farmers' Functional Literacy Programme, and

(iii) Central Sector Scheme of Non-Formal Education for the age-group 15-35.

National Adult Education Programme

6.11. The entire programme of non-formal education for adults was reoriented and launched as the National Adult Education programme from October, 1978. It envisages organisation of adult education programme for approximately 10 crore illiterate persons in the age-group 15-35, during the Sixth Plan (1978-83) period. It has been estimated by the Working Group on Adult Education that about one third of the participants may drop out. So the effective target for the Sixth Five Year Plan period has been worked out at 6.5 crores participants. The total cost of the scheme during the five year period is estimated at Rs. 686 crores. An amount of Rs. 200 crores has been provided for this programme in the Plan. According to the Planning Commission this provision is only one source of funds and more funds for this purpose would also become available in other developmental sectors, such as tribal development plans, rural development programmes and programmes of agricultural development. It has also been indicated by the Commission that the present outlay will be stepped up if necessary on the basis of the experience gained in the year to year implementation of the programme.

Special priority for Scheduled Castes and Scheduled Tribes

6.12. The Working Group on Adult Education has included Scheduled Castes and Scheduled Tribes among 'special priority' category to be taken care of under the programme, as the rate of illiteracy is disproportionately high among persons belonging to these communities. The Working Group has identified the following issues in connection with the organisation of the programme in regard to these communities.

Scheduled Castes :

(a) Though not desirable, it may be necessary to organise separate classes for these persons.

(b) As far as possible, if there is only one adult education centre in a village, it should be for persons belonging to the Scheduled Castes.

(c) Even if the enrolment in a Scheduled Caste centre is thin, a centre should be organised for them making an effort to bring enrolment to an optimum level as soon as possible.

(d) Efforts should be made to improve their skills and techniques and if possible enable them to rise above their traditional occupations.

(e) Programmes of occupational diversification should be organised, such as poultry farming, plantation of fruit trees, animal and sheep husbandry, khadi and village industries.

(f) In the course of the adult education programmes as well as follow-up, organisations with fair representation of persons belonging to Scheduled Castes should be created. Where mixed organisations are not feasible, separate organisations should be set up.

(g) In regions where organisations of persons belonging to Scheduled Castes can lead to serious social tensions, the district authorities should be kept well informed about it so that creation of such organistations may not lead to conflicts resulting in further deterioration of the condition of these people.

Scheduled Tribes :

(a) These programmes should help them to acquire skills so that they may be able to negotiate effectively with the world around them and compete with the outsiders in job situation and business dealings ;

(b) The programme should assist them in acquiring appreciation of their vibrant culture and conserve their environment; and

(c) It would be interwoven with the rest of the development programmes being organised through integrated tribal development projects. Within the vast tribal areas there are some to which higher priority needs to be given; the regions where industrial and mining activity is increasing, the pockets of particularly low levels of illiteracy and areas with large population of landless labourers.

6.13. In addition to these provisions, the Union Ministry of Education have asked all the State Governments to take the following steps, to motivate Scheduled Caste/Scheduled Tribe persons and facilitate opening of Adult Education Centres.

(i) In opening of adult education centres in villages and urban mohallas, priority should be given to centres which would cover women and persons belonging to Scheduled Castes/Scheduled Tribes, even if the initial enrolment is low. Effort should be made to increase the enrolment as soon as feasible.

(ii) In all project proposals, whether taken up by State Governments or voluntary agencies, the number of centres to be opened for women and mainly for persons belonging to Scheduled Castes/ Scheduled Tribes should be separately indicated. Efforts should also be made to indicate the likely coverage of persons of these categories.

(iii) Women and persons belonging to Scheduled Castes/Scheduled Tribes should be appointed in as large a number as feasible in all administrative, supervisory and instructional positions.

6.14. The steps taken by the Ministry of Education to give special priority to Scheduled Caste/Scheduled Tribe persons while implementing the programme, are welcome. It is hoped that all the State Governments/Union Territory Administrations will implement the above instructions issued by the Ministry of Education to give priority to Scheduled Castes/ Scheduled Tribes while starting Adult Education Centres.

Implementation of the Programme

6.15. The programme of adult education is to be implemented by the State Governments/ Union Territory Administrations. Some voluntary organisations will also be associated with the implementation of the programmes. Under the scheme of assistance to Voluntary Agencies working in the field of Adult Education, registered voluntary societies, public trusts and non-profit making companies are eligible for assistance. This scheme of assistance is directly administered by the Union Ministry of Education and Social Welfare and funds under it are provided to voluntary agencies on the recommendation of the State Governments/Union Territory Administrations. No adult literacy schools as such are run under the scheme. Grants are provided for organising adult education centres which are run on part-time basis for about two hours per day at a time convenient to learners. 30 adults are expected to be enrolled in each centre. Financial assistance under the scheme is given on project basis, which may go on for a period of not more than 5 years. However, funds are released on an annual basis. Grant is given at the rate of 75 per cent of the administrative costs and 100 per cent of the programme costs for undertaking field programme. The amount released by the Ministry of Education for Adult Education during 1977-78 and 1978-79 was Rs. 1.66 crores and Rs. 5.44 crores respectively. The University Grants Commission have issued guidelines to all the Universities for

organising adult education and extension programmes and 26 such units have been sanctioned. It was recommended in Commissioner's Report for 1977-78 that various State Governments/Union Territory Administrations should take necessary action to locate the proposed Adult Education Centres in areas of tribal concentration as well as Scheduled Caste localities, to enable more Scheduled Caste/Scheduled Tribe illiterate persons in the age group 15-35 to derive benefit from the programme. The action taken by the State Governments/Union Territory Administrations in this regard is not known. **The above recommendation is therefore reiterated.**

Ashram Schools

6.16. It is very difficult for the children of Scheduled Tribes living in sparsely populated tribal areas to walk long distances to attend schools which are sometimes located at very long distances from their homes. In order to meet the needs of such students Ashram Schools have been established in various States. These schools are residential type of schools which also provide free boarding and lodging facilities to the students. Besides general education these schools also impart craft based education to the students. Such schools are run by State Governments as well as some non-official agencies. The programme for the establishment and maintenance of Ashram schools, is also included in the tribal sub-plans of the States where such sub-plans have been formulated. The number of Ashram schools as well their inmates in various States/Union Territories are given in the table below :—

S. No.	State/Union Territory	Number of Ashram Schools	Number of inmates in these schools
1	2	3	4
1	Andhra Pradesh .	262 (1975-76)	16,650
2	Bihar . . .	77 (1978-79)	10,982
3	Gujarat . . .	182 (1978-79)	18,638
4	Jammu & Kashmir .	1 (1977-78)	20
5	Karnataka . . .	66 (1977-78)	4,125
6	Kerala . . .	55 (1972-73)	1,650
7	Madhya Pradesh . .	138 (1975-76)	5,520
8	Maharashtra . .	198 (1973-74)	11,230
9	Manipur . . .	6 (1973-74)	527
10	Orissa . . .	110 (1972-73)	1,220
11	Rajasthan . . .	8 (1977-78)	315
12	Tamil Nadu. . .	79 (1975-76)	4,433
13	Tripura . . .	1 (1977-78)	35
14	Uttar Pradesh . .	9 (1975-76)	826
15	West Bengal . .	5 (1976-77)	480
16	Dadra & Nagar Haveli	9 (1975-76)	744

It would be seen from the above table that the number of Ashram schools is quite inadequate in the States like **Bihar, Karnataka, Kerala, Orissa** and **Rajasthan. As already recommended in the earlier reports, the Governments of these States should take urgent steps to increase the number of Ashram schools in their respective States.**

6.17. The establishment and maintenance of Ashram schools involves considerable expenditure, specially on the purchase of equipments and employment of craft-oriented teachers for imparting craft-based education. It was observed that most of the schools tended to function as ordinary residential schools without imparting craft-based education to the students, leading to wastage of the expenditure incurred on the schools. It was, therefore recommended in the Commissioner's 1975-77 Report that all the State Governments/Union Territory Administrations having Ashram schools in their respective States/Union Territories should review the curricula in these schools at an early date and ensure that craft based education was actually imparted therein. It was also recommended that for that purpose the schools should be provided the required craft equipments and necessary craft-oriented teachers. The response of various State Governments to this recommendation is not known. **The recommendation is, therefore, reiterated.**

Backward Classes Hostels

6.18. It has been observed that the Scheduled Castes and the Scheduled Tribes and specially the latter who generally live in inaccessible hilly areas, find it difficult to send their children to schools and colleges, away from their villages, because of their poverty. Hostels, therefore, have a special significance for the spread of education among these communities.

6.19. Under the State Sector, hostels for Scheduled Caste and Scheduled Tribe students are run by various State Governments/Union Territory Administrations as well as non-official organisations with the help of grants-in-aid given by the State Governments. The available information regarding the number of hostels in various States/Union Territories as well as the number of inmates in them is given in the table below :—

Name of State/Union Territory	Number of hostels			Number of inmates			
	Sch. Castes	Sch. Tribes	Total	Sch. Castes	Sch. Tribes	Others	Total
1	2	3	4	5	6	7	8
Andhra Pradesh (77-78)	1,047	330	1,377	85,790	23,594	..	109,384
Bihar (73-74)	90	180	270	3,635	5,176	..	8,811

1	2	3	4	5	6	7	8
Gujarat (76-77)	171	294	465	6,952	13,389	..	20,341
Himachal Pradesh (76-77)	13	3	16	400	100	100	600
Karnataka (78-79)	583	20	603	29,125	931	1,814	31,870
Kerala (75-76)	77	6	83	4,634	1,857	189	6,680
Madhya Pradesh (74-75)	259	1,452	1,711	5,549	29,918	..	35,467
Maharashtra (76-77)	N.A.	N.A.	1,303	N.A.	N.A.	..	60,779
Nagaland (78-79)	..	359	359	..	9,870	..	9,870
Orissa (77-78)	N.A.	N.A.	1,003	N.A.	N.A.	..	45,000
Rajasthan (76-77)	118	124	252	5,054	4,681	..	9,735
Tamil Nadu (76-77)	630	18	648	N.A.	N.A.	N.A.	42,221
Uttar Pradesh (73-74)	95	1	96	3,800	40	..	3,840
Andaman & Nicobar Islands (77-78)	..	2	2	..	54	..	54
Arunachal Pradesh (74-75)	..	75	75	..	2,800	..	2,800
Dadra & Nagar Haveli (77-78)	11	..	11	..	..	..	751
Lakshadweep (78-79)	..	5	5	..	281	..	281
Mizoram	..	55	55	..	697	..	697
Pondicherry (78-79)	11	..	11	600	..	150	750

It would be seen from the above table that the number of hostels continued to be quite inadequate in **Bihar, Gujarat, Himachal Pradesh, Kerala, Rajasthan** and **Uttar Pradesh.**

6.20. The urgency of increasing the number of hostels in the States/Union Territories having sizeable Scheduled Caste/Scheduled Tribe population but inadequate number of hostels has already been stressed a number of times in the earlier Reports of the Commissioner for Scheduled Castes and Scheduled Tribes. In his 1971-73 Report, it was observed that the spread of education among Scheduled Caste and Scheduled Tribe communities had lagged behind in the States with a small number of hostels. It was therefore, recommended that as an incentive to the Scheduled Caste/Scheduled Tribe parents to send their children to school the number of hostels for the students of these communities should be appreciably increased in the States/Union Territories in which their number was small. It was also recommended that a hostel should be attached with every high school and that all places at Taluka, District and State levels should have hostels for Scheduled Caste/Scheduled Tribe students and the number of hostels should be large enough to accommodate all the deserving students belonging to these communities. It was reiterated in Commissioner's Reports for 1974-75, 1975-77 and 1977-78 that the States/Union Territories in which the number of hostels was inadequate should take urgent steps to increase the number of these hostels in their respective States/Union Territories. **Since the number of hostels in the States having large Scheduled Caste/Scheduled Tribe population is still quite inadequate, it is again reiterated that the State Governments concerned should take urgent action to increase the number of these hostels.**

Utilisation of seats

6.21. It has been observed that in some States even the existing hostel facilities are not being fully utilised and many seats therein remain vacant because the number of hostels opened in different areas is not planned. While in some areas there are a number of hostels, some other areas are without any hostel. It was therefore, recommended in Commissioner's Report for 1977-78 that all the State Governments/Union Territory Administrations should take necessary action to avoid this sort of lop-sided growth in the establishment of hostels by adopting a well thought out policy at government level to bring about an area-wise balanced growth of hostels in accordance with the needs of the respective regions which should be assessed after conducting necessary surveys for the purpose. The action taken by various State Governments in this regard is not known. **The recommendation is therefore, reiterated.**

Grants-in-aid to Aided hostels

6.22. The rates of grants-in-aid per inmate paid by various State Governments to aided hostels run by non-official organisations, were fixed long back and had become quite inadequate due to the steep rise in the price level. It was, therefore, recommended in our Report for 1971-73 that the rates of grants-in-aid to non-official organisations running backward classes hostels should be suitably enhanced. In pursuance thereof, the Governments of some States like Andhra Pradesh, Karnataka, Pondicherry, Tamil Nadu, Rajasthan, Gujarat, Kerala and Madhya Pradesh increased the rates of these grants-in-aid. However, these rates in some other States still remained inadequate. It was, therefore, reiterated in Commissioner's 1975-77 Report that the State Governments/Union Territory Administrations which had not yet enhanced these rates should do so at an early date. This recommendation was again reiterated in Commissioner's 1977-78 Report. The action taken by the remaining State Governments/Union Territory Administrations thereon is not known. **It is therefore, again stressed that the**

State Governments/Union Territory Administrations which have not yet increased the rates of grants-in-aid should do so urgently to neutralise the steep rise in the price level, and to enable the voluntary organisations to run the hostels efficiently.

Reservation of seats for Scheduled Caste and Scheduled Tribe students in general hostels

6.23. It was recommended in Commissioner's 1971-73 Report that 25 per cent seats in all general hostels should be reserved for Scheduled Caste and Scheduled Tribe students and scholarships should also be awarded to these students staying in general hostels to cover their boarding and lodging charges in full. The matter was later discussed in the eighth meeting of the High Power Committee held on 20th October, 1978 in which it was suggested that there should be reservation of seats for Scheduled Caste and Scheduled Tribe students in the general hostels. In pursuance thereof, the Union Ministry of Home Affairs issued instructions to all the State Governments/Union Territory Administrations in January, 1979 that necessary steps should be taken by them to reserve accommodation for the Scheduled Caste and Scheduled Tribe students in all general hostels run by the Governments or voluntary organisations receiving grants-in-aid from the Governments, in proportion to the population of these communities in the States/Union Territories and also give them weightage over and above this proportion, keeping in view their educational and economic backwardness.

6.24. According to available information, some State Governments/Union Territory Administrations have already taken necessary action to reserve the following percentages of seats for Scheduled Caste/Scheduled Tribe students in all general hostels.

S. No.	State/Union Territory	Percentage of reservation for	
		Scheduled Castes	Scheduled Tribes
1	2	3	4
1	Andhra Pradesh .	20	5
2	Karanataka .	25 both for S. Cs.& S.Ts.	
3	Kerala . .	25 both for S.Cs. & S.Ts.	
4	Madhya Pradesh .	15 to 20 both for S.Cs. & S. Ts.	
5	Orissa	10 both for SCs. & S.Ts	
6	Tamil Nadu . .	18 both for S Cs. & S.Ts	
7	Tripura . . .	31·5	10·5
8	Uttar Pradesh . .	18 both for S.Cs. & S.Ts·	
9	West Bengal . .	15	5

The action taken by the above mentioned State Governments is welcome. The Governments of **Bihar, Haryana, Himachal Pradesh, Jammu & Kashmir, Punjab, Chandigarh, Goa, Daman & Diu** and **Pondicherry** have informed that it is not considered necessary to make reservation of seats for Scheduled Caste/Scheduled Tribe students in general hostels, because all the Scheduled Caste/Scheduled Tribe applicants are admitted to hostels. The argument advanced by these Governmets does not appear to be convincing. **Even if all the Scheduled Caste/Scheduled Tribe applicants are admitted it is desireable that a specific percentage of seats should be reserved for them in the general hostels. The State Governments concerned should therefore reconsider the matter and take early action to make necessary reservation of seats for Scheduled Caste/ Scheduled Tribe students in all general hostels,** The Governments of **Manipur, Meghalaya, Nagaland, Arunachal Pradesh, Lakshadweep** and **Mizoram** have informed that since the majority of the inhabitants of these States/Union Territories are Scheduled Tribes, it is not considered necessary to make reservation of seats for them in the general hostels.

Girls' Hostels

6.25. The Centrally Sponsored Scheme of construction of Girls' Hostels was introduced during the Third Five Year Plan period, in order to give an impetus to education among the Scheduled Caste/Tribe girls who have lagged far behind the Scheduled Caste/Tribe boys and even girls from the general population. To begin with the scheme provided for the construction/extension of hostel buildings. The scope of the scheme was widened during the Fifth Five Year Plan to include provision for the construction of buildings, award of stipends, maintenance of hostels and facilities for meeting the special requirements of Scheduled Caste/Tribe girls. The integrated scheme provided for hostel buildings, furnishing of hostels, initial equipment for crafts like sewing and embroidery, initial grant for necessary equipment for cultural activities as well as rotating capital for attached agricultural plots etc., to enable the hostels to develop into multipurpose institutions where Scheduled Caste/Tribe girls could be trained in arts, crafts, skills, games, house-keeping, etc. According to the increased rates of grants-in-aid under the scheme which were introduced during 1975-76, the maximum grant-in-aid was Rs. 3200 per inmate if only accommodation was provided and Rs. 4450 per inmate if accommodation as well as ancillary facilities like dining hall, kitchen, sanitary blocks etc., were also provided. Due to continued rise in the cost of building materials etc., the question of further raising the ceiling limit of grants-in-aid for construction of hostel buildings was under the consideration of the Government of India in the Ministry of Home Affairs. It has since been decided by the Ministry to further raise the ceiling limit of grant-in-aid for construction of girls hostels buildings from the 17th May, 1979, as follows :—

(i) In the plains areas, the maximum grant-in aid that can be given under the scheme would be Rs. 3350 per student if accommodation only is provided and Rs. 4630 per student if accommodation as well as ancillary facilities like dining hall,

kitchen, sanitary blocks etc., are also provided.

(ii) In the hilly areas, the maximum grant-in-aid that can be given under the scheme would be Rs. 5500 per student if accommodation only is provided and Rs. 7600 per student if accommodation as well as ancillary facilities like dining hall, kitchen, sanitary blocks etc., are also provided.

The State Governments/Union territory Administrations have been requested by the Ministry to henceforth draw plans and estimates on the above basis. During the year 1977-78, an amount of Rs. 45 lakhs was released to various State Governments/Union Territory Administrations while during the year 1978-79 an allocation of Rs. 50 lakhs had been made under the scheme.

6.26. It was recommended in Commissioner's 1977-78 Report that the Government of India as well as the States in which the number of girls' hostels for Scheduled Castes and Scheduled Tribes was small should take urgent steps to increase the number of these hostels to enable more Scheduled Caste/Scheduled Tribe girls to receive elementary as well as higher education. The action taken by various State Governments in this regard is, however, not known. **The recommendation is, therefore, reiterated.**

Post-matric Scholarships to Scheduled Castes and Scheduled Tribe Students

6.27. Award of Post-matric scholarships to Scheduled Caste/Tribe students is one of the most important Centrally Sponsored Programmes under the Backward Classes Sector, for the advancement of higher education among these communities. Under this programme, all the Scheduled Caste/Scheduled Tribe students pursuing Post-matric education and fulfilling the prescribed means test are awarded scholarships. The number of beneficiaries is not determined by the Plan outlays but on the contrary, Plan outlays are determined by the number of beneficiaries.

6.28. The above mentioned scheme was introduced by the Government of India for the Scheduled Castes in 1944-45 and extended to the Scheduled Tribes in 1948-49. It was operated directly by the Ministry of Education till 1958-59. With the rise in the demand for these scholarships, the scheme was decentralised in 1959-60 and since then it is being implemented by the State Governments/Union Territory Administration in accordance with the rules and regulations framed by the Government of India. In January, 1968 the scheme was transferred from the Ministry of Education to the Department of Social Welfare and later to the Ministry of Home Affairs.

Expenditure

6.29. The number of scholarships awarded under the scheme which was only 114 in 1944-45 has been gradually increasing and is expected to be 4.60 lakhs (Scheduled Castes 3.90 lakhs and Scheduled Tribes 0.70 lakh) in 1978-79. The expenditure on the scheme has also been rising steadily. The central assistance under the scheme is expected to be Rs. 20 crores (Scheduled Castes 16.47 crores, Scheduled Tribes 3.53 crores), in addition to the committed expenditure of Rs. 15.40 crores during the year under report.

Quantum and Rates of Post-matric Scholarships

6.30. The scholarships cover maintenance allowance, compulsory non-refundable fees, study tour charges in professional courses and thesis charges. Before the year 1974-75, the maintenance charges varied from Rs. 40 per month for hostellers and Rs. 27 per month for day scholars for under-graduate courses to Rs. 75 for hostellers and Rs. 60 for day scholars in professional degree courses in engineering and medicine. The rates of scholarships which were fixed as far back as 1954 when the price level was much lower, had become quite inadequate and many representations were received in this organisation in this regard. Very strong views were therefore expressed by the Commissioner for Scheduled Castes and Scheduled Tribes in his annual Reports for 1962-63, 1963-64 and 1970-71 in which it was recommended that with the tremendous increase in the price level, the rates of Scholarships were absolutely inadequate and the same should be urgently increased by the Government of India. In Commissioner's 1971-73 Report, the comparative figures of consumer price index in different years were quoted to highlight the urgency of increasing the rates of scholarships. It was recommended in that Report that the current rates of maintenance charges should be increased three times and if that was not acceptable, at least there was a clear case to double the same. It was also observed in that Report that the means test prescribed for Scheduled Caste students, according to which the eligible candidates had been divided into 11 categories in accordance with their income, the number of family members etc., was too complicated and had become absolete with the rise in price level and increase in pay scales of salaried persons. It was therefore, recommended that the maximum income limit for the means test for Scheduled Castes should be raised from Rs. 500 to Rs. 1200 per month.

Rationalisation of the Scheme :

6.31. In pursuance of the above mentioned prolonged efforts made by Commissioner for more than ten years, the Government of India rationalised the scheme of Post-matric scholarships, enhancing the rates of scholarships, liberalising the means test from the academic year 1974-75. Some of the important changes introduced in the revised rules were as follows :—

(i) The minimum rate of maintenance allowance (for general courses up to graduate level) was increased from Rs. 27 per month to Rs. 40 per month in the case of male day scholars and from

Rs. 40 per month to Rs. 70 per month in the case of male hostellers. The maximum rate of maintenance allowance for higher technical and professional studies admissible under the earlier scheme was Rs. 60 per month and Rs. 75 per month for day scholars and hostellers, respectively. Under the revised regulations, the maximum maintenance allowance admissible to above category of male students was enhanced to Rs. 75 per month and Rs. 125 per month, respectively.

(ii) Under the old rules, the rates of scholarships for male and female students were uniform. However, under the revised rules, female students were to be given an additional sum of Rs. 10 per month in the first year and Rs. 15 per month for the second and subsequent years, over and above the amount of scholarships received by male students.

(iii) If more than two children of the same parents/guardians were pursuing post-matric studies, only two of them would be eligible for the grant of these scholarships.

(iv) For Scheduled Castes, the ceiling of parents'/guardians' income limit under the 'means test' was increased from Rs. 500 per month to Rs. 750 per month, from the academic year 1974-75.

(v) The Scheduled Tribes were to continue to get the scholarships irrespective of the income of their parents/guardians during 1974-75. However, with effect from the academic year 1975-76, they were also subjected to the same means test as was applicable to the Scheduled Castes.

(vi) Under the old rules, the employed students were eligible for the grant of scholarships at graded rates according to their own income, their family liabilities and the total family income. However, under the new rules, the students who were in full time employment were not eligible for the scholarships, irrespective of their income or family liabilities.

(vii) Trade courses for which an ad-hoc amount of Rs. 20 per month was earlier paid were excluded from the scheme because such courses were normally covered by the scheme of stipends for the trainees of the Industrial Training Institutes.

(viii) In the case of meritorious students (getting 60 per cent or above marks), who were getting 1½ times the ordinary rates of scholarships under the old rules, the new rates had not yet been finalised. Till this was done, they were to have the option to get scholarships at the new ordinary rates or the old rates whichever were more beneficial to them.

(ix) Under the new rules, the courses of studies recognised for the grant of scholarships were classified under four groups according to their levels etc., instead of 11 groups in the old rules. The rates, of scholarships in the second year and after were slightly higher than those in the first year of a course.

Need for enhancement of rates of Scholarships

6.32. Under the above mentioned revised regulations, the rates of scholarships were increased from 25 to 80 per cent for various courses, while the increase in price level from 1954 when the old rates were fixed to 1974 was more than three times. It was therefore, recommended in Commissioner's 1973-74 Report that the rates of scholarships should be further increased in order to neutralise at least a major part of the increase in price level. As a result, the rates of scholarships to Scheduled Caste/Scheduled Tribe students pursuing Medical and Engineering Degree courses and staying in hostels were further increased from 1-1-1978. During the first year of these courses, the rates were increased from Rs. 125 and Rs. 135 to Rs. 185 and Rs. 195 per month for boys and girls respectively. During the second and subsequent years the rates were increased from Rs. 125 and Rs. 140 to Rs. 185 and Rs. 200 per month for boys and girls respectively. No increase was made in the rates of scholarships of day scholars pursuing these courses or for scholars pursuing other courses. It was therefore, again recommended in Commissioner's 1977-78 Report that the rates of Post-matric scholarships to Scheduled Castes/Scheduled Tribes which were quite inadequate should be suitably increased. In this connection, some memebrs of the High Power Committee also suggested in its eighth meeting held on 20-10-1978 that the amount of scholarships payable to the day scholars should be fixed at about Rs. 100 per month. It was also suggested in that meeting that the scholarships admissible to Scheduled Caste/Scheduled Tribe students studying in non-professional courses should also be increased. The action taken by the Union Ministry of Home Affairs in this regard is not known. **It is therefore, reiterated that the rates of scholarships to Scheduled Caste/Scheduled Tribe day Scholars pursuing Medical and Engineering courses as well as Scheduled Caste/Scheduled Tribe day scholars and hostellers pursuing courses other than the above mentioned two courses should also be increased suitably taking into consideration the steep rise in price level.**

Scholarship to full-time employed students

6.33. After the introduction of the revised regulations in September 1974, a large number of representations were received in this organisation from Scheduled Caste/Scheduled Tribe students against the withdrawal of the concessions hitherto available to them under the old rules. Their grievances were mainly against the non-eligibility of Scheduled Caste/Scheduled Tribe students in full-time employment to get

the scholarships as well as the restriction of scholarships to only two children of the same parents/guardians, under the new regulations. These points were referred to Union Ministry of Home Affairs, who were requested to remove the difficulties faced by the Scheduled Caste/ Scheduled Tribe students. Regarding the difficulties of the full-time employed Scheduled Caste/Scheduled Tribe scholars, it was also recommended in Commissioner's 1973-74 Report that instead of debarring the Scheduled Caste/ Scheduled Tribe students in full-time employment completely, from the receipt of Post-matric scholarships, the payment thereof should depend on the level of their total family income and the number of family members they had to support. It was further recommended that they should be subjected to the same means test as was prescribed for the non-employed students with the difference that in the case of the former the income should cover the total income of the family including the income of the student concerned, instead of the income of only their parents/guardians. This recommendation was reiterated in Commissioner's 1974-75 Report, However, the Ministry of Home Affairs have shown their inability to accept these recommendations. There appears to be no justification in debarring a student from the award of scholarship simply because he is in full-time employment, as his income may be quite meagre and he may be the only earning hand in the family with a number of dependents on him. His family income may in fact be less than the income limit prescribed in the means test and he may have been compelled to take up a job by the force of circumstances. **It is, therefore, reiterated that employed Scheduled Caste/Scheduled Tribe students should also be made eligible for the award of scholarships subject to the same means test as is prescribed for non-employed students with the difference that in their case the total family income should be assessed for the purpose of the means test. The revised regulations should be suitably amended in this regard.**

Removal of the restriction of two children of the same parents for grant of Scholarships :

6.34. Regarding the other grievance of Scheduled Caste/Scheduled Tribe students in respect of the restriction of scholarships to only two children of the same parents/guardians it was mentioned in Commissioner's 1973-74 Report that the relevant clause appeared to be retrograde and illogical. It was pointed out that as a matter of fact, the Scheduled Caste/Scheduled Tribe persons who had more than two children studying in Post-matric classes had to spend a larger amount of money on their education and needed more financial assistance than those who had only two or less number of children studying in these classes. It was, therefore, recommended in that Report that the limit of the same parents/guardians for the receipt of post-matric scholarships should be removed and all of their children should be made eligible for the grant of scholarships as earlier. It was again pointed out in Commissioner's 1977-78 Report that a scheme which was meant to promote higher education among the Scheduled Castes/Scheduled Tribes should not be made a tool to achieve the targets of family planning. It was also stated therein that this clause was bound to prove as a disincentive to the Scheduled Caste/Scheduled Tribe persons to send their children for higher education and thus defeated the very purpose for which the scholarship scheme was introduced. It was therefore, reiterated in that Report that the restriction of only two children for the award of Post-matric scholarships should be removed from the regulations and all the children of the same parents/ guardians should be awarded scholarships if they are otherwise eligible. The Ministry of Home Affairs have not, however, so far agreed to these suggestions. A number of representations still continue to be received from Scheduled Castes/ Scheduled Tribes to remove the restriction of two children from the Post-matric scholarship regulations. **The above suggestions are, therefore, reiterated. The Ministry of Home Affairs should reconsider the matter and consider the desirability of taking an early action to remove the restriction of award of scholarships to only two children of the same parents/guardians and making all their children eligible for the scholarships if they satisfy the means test.**

Delay in the payment of Scholarships

6.35. With the increase in the demand for post-matric scholarships in the Fifties, some delay began to be caused in the disbursement of scholarships to Scheduled Caste/Scheduled Tribe students, through one centralised agency viz., the Ministry of Education. With a view to avoiding hardship to these students at the beginning of the session, it was decided in 1956-57 to make payments of ad-hoc amounts of scholarships for the first four months to these students through the heads of their institutions at the beginning of the academic session. It was also to expedite payment of scholarships that the scheme was decentralised to State Governments /Union Territory Administrations in 1959-60. A large number of complaints, however, continued to be received from Scheduled Caste/ Scheduled Tribe students about the delay in the disbursement of Scholarships by various State Governments. These complaints were referred to the authorities concerned for necessary action as a result of which some of the grievances were redressed. It was recommended in Commissioner's 1961-62 Report that all the State Governments/Union Territory Administrations should evolve a method of distribution of scholarships for the expeditious disbursement of money to the students. It was also suggested that instructions should be issued to the Principals of the Government and Private Colleges that they should not charge admission, tuition and other fees from Scheduled Caste/Scheduled Tribe students who were *prima-facie* eligible for freeships and an assurance should be given to these institutions that the fees would be reimbursed to them later on. It was further

suggested that in order to avoid financial hardships to students in the beginning of the academic session, the State Governments should place sufficient amounts at the disposal of the Heads of the educational institutions, on the basis of the scholarships awarded to students during the previous years, with instructions that students fulfilling the prescribed conditions should be immediately given scholarships and their applications sent to the officers concerned for further scrutiny and formal sanction. In Commissioner's 1964-65 Report, it was recommended that ad-hoc grants should be allowed to various educational institutions, on the basis of previous year's figures, to advance stipends to eligible students for the first two or three months and to make all possible efforts during that period to finalise the awards. In 1973, the Union Department of Social Welfare made the following suggestions to all the State Governments/ Union Territory Administrations for eliminating delays in the payment of post-matric scholarships :—

(i) Decentralisation of sanctioning authority for post-matric scholarships at District level.

(ii) More publicity of the scheme so that the Scheduled Caste and Scheduled Tribe students get to know about the facilities and the procedural formalities.

(iii) Supply of application forms etc., to the students by the educational institutions.

(iv) Adoption of measures like ad-hoc payments, introduction of entitlement/identity cards system so that the Scheduled Caste and Scheduled Tribe students are not required to pay any fees at the time of admission.

(v) Placement of reasonable amounts at the disposal of the heads of institutions before the commencement of academic session.

(vi) Discontinuance of the practice of demanding caste certificates in renewal cases and in these renewal cases scholarships to be renewed by the heads of the institutions.

(vii) Drawal and remittance by the drawing authority, the regular scholarship amount for the whole academic session in one instalment, for monthly payment of scholarships to students by the heads of the institutions.

(viii) Streamlining the administration of the scheme for the speedier award of scholarships.

(ix) Award of scholarships within 30 days of the submission of applications.

6.36. The Ministry of Home Affairs again stressed to all the State Governments the urgency of implementing the above mentioned suggestions if the same had not already been implemented and also made *inter-alia,* two additional suggestions as follows :—

(i) The sanctioning authorities should issue 'entitlement cards' to eligible Scheduled Caste and Scheduled Tribe students on the basis of which they can get admission in colleges without prior payment of tuition fee and other compulsory fees. The amount can be adjusted against regular scholarship amount; and

(ii) A senior officer should be nominated who will be responsible for overseeing the entire work relating to the disbursement of these scholarships. This should be suitably publicised so that candidates who have any grievance on account of delays may write to him direct instead of approaching the State or Central Government. The officer should be required to look into such complaints and the causes of delay wherever they occur and take immediate and suitable remedial measures.

6.37. Inspite of the above measures taken by the Government of India and various State Governments/Union Territory Administrations, complaints of delay in the payment of scholarships continued to be received in this organisation. In his 1971-73 Report the Commissioner for Scheduled Castes and Scheduled Tribes made the following recommendations :—

(i) The State Governments/Union Territory Administrations which have not yet introduced the system of ad-hoc grants to Scheduled Caste/Scheduled Tribe students in the beginning of the academic session should do so as early as possible.

(ii) The State Governments should issue necessary instructions to the authorities concerned to ensure that the Scheduled Caste and Scheduled Tribe inmates of Backward Classes hostels are not required to pay any hostel expenses in the beginning of the academic session and the same are deducted from the amount of their scholarships when the same are received by them.

(iii) The State Governments/Union Territory Administrations which have not yet introduced the system of entitlement cards should do so, as soon as possible to avoid undue hardship to Scheduled Caste and Scheduled Tribe students.

(iv) It is desirable that educational institutions should find out the names of various States/Union Territory Administrations to which the Scheduled Caste/Scheduled Tribe students belong, soon after the beginning of the academic session and urgent action should be taken by them to obtain application forms from the State Governments/Union Territory Administrations concerned for supply to the Scheduled Caste/Scheduled Tribe students belonging to these States/Union Territories, to avoid delay in the submission of applications.

(v) All the State Governments/Union Territory Administrations should ensure that application forms in sufficient number are supplied to all the colleges concerned in the beginning of the academic session.

In Commissioner's 1975-77 and 1977-78 Reports it was reiterated that the State Governments/Union Territory Administrations which had not so far taken necessary action on the above mentioned suggestions of the Ministry for Home Affairs to avoid delay in the disbursement of scholarships, should take early steps in that regard. It has, however, been observed that a number of complaints are still being received from Scheduled Caste/Scheduled Tribe students about the delay in the payment of scholarships to them. **It is, therefore, reiterated that the State Governments/Union Territory Administrations which have not so far taken necessary action on the various suggestions made by the Union Ministry of Home Affairs as well as the Commissioner for Scheduled Castes and Scheduled Tribes in his earlier Reports, to eliminate delay in the payment of Post-matric scholarships to Scheduled Caste/Scheduled Tribe students, should take early steps in this regard.**

Community-wise distribution of Post-matric Scholarships

6.38. It has been observed on the basis of some studies already quoted in the earlier Reports that the benefits of the Post-matric scholarships scheme are not accruing equitably to different communities constituting the Scheduled Castes and Scheduled Tribes. Some of the economically better placed Scheduled Caste/Scheduled Tribe communities have secured much more than proportionate benefits from the scheme while some economically backward communities have got only negligible benefits. It was, therefore, recommended in Commissioner's 1975-77 Report and reiterated in his 1977-78 Report that urgent steps should be taken to identify the economically more backward communities among the Scheduled Castes and Scheduled Tribes in all the States/Union Territories and to launch special programmes like special coaching classes, increased rates of Pre-matric stipends, supply of free books, uniforms, mid-day meals and starting special residential schools like Ashram Schools for them, to encourage more students among these communities to reach the level of Post-matric education to enable them to derive benefits from the Post-matric scholarships scheme. The action taken by the Governments concerned, in this regard is not known. **It is, therefore, reiterated that early action may be initiated in this regard so that the benefits of the scheme accrues to the really deserving economically backward Scheduled Caste/Scheduled Tribe communities.**

Post-matric scholarships to children of non-Scheduled Castes/Scheduled Tribes engaged in scavenging of dry latrines and flaying.

6.39. The Government of India introduced a centrally sponsored scheme for the award of Post-matric scholarships exclusively for the children of persons who are not members of the Scheduled Castes and Scheduled Tribes and who are engaged in unclean occupations like scavenging of dry latrines, tanning and flaying, from the academic year 1977-78. The children of persons employed as sweepers as distinct from scavenging of dry latrines are not covered by the scheme. The number of scholarships to be awarded during a year is limited to 500. The expenditure on the scheme is to be met from the funds provided by the Government of India for the scheme of Post-matric scholarships to Scheduled Castes and Scheduled Tribes. The rates of scholarships, the means test and other conditions prescribed for the award of these scholarships are the same as those prescribed for the existing scheme of Post-matric scholarships to Scheduled Caste and Scheduled Tribe students. The selections are to be made on the basis of merit from the applications received. The number of scholarships awarded so far is not known. It was recommended in Commissioner's 1977-78 Report that the number of scholarships under the scheme was not adequate and should be increased to cover all the eligible students as in the case of the Post-matric scholarship scheme for Scheduled Castes and Scheduled Tribes. The action taken by the Ministry of Home Affairs in the matter is not known. **The recommendation is, therefore, reiterated.**

Book Banks for Scheduled Caste/Scheduled Tribe students in Engineering and Medical Colleges

6.40. Scheduled Caste and Scheduled Tribe students who generally belong to the economically weaker sections of the society, cannot afford to purchase all the costly books of medical and engineering courses. In pursuance of the recommendations of the High Power Committee, the Union Ministry of Home Affairs, therefore, started a centrally sponsored scheme for establishing Book-banks in various medical and engineering colleges in the country, from 1978-79 for lending sets of books on medical and engineering degree courses to Scheduled Caste and Scheduled Tribe students. An amount of Rs. 10 crores has been provided under the scheme during the Sixth Plan period, (1978-83). An outlay of Rs. 50 lakhs was made for the year 1978-79, against which an amount of Rs. 48.69 lakhs was released to various States during the year in two instalments of Rs. 23.01 lakhs and Rs. 25.68 lakhs respectively. The State-wise details of the amount released, the number of medical and engineering institutions, the number of sets of books and the cost of these books may be seen in the statement at Appendix XLIX.

6.41. An amount of Rs. 20 lakhs was expected to be provided for the year 1979-80 in respect of these book-banks, so as to cover the cost of additions of text books, both as a result of increase in the student intake belonging to these communities, to these institutions and as a result of making the text books upto date.

6.42. It was pointed out in a recent meeting of the High Power Committee that the facility

of Book banks should be extended to other disciplines as well. In pursuance of the same a provision of Rs. 10 lakhs was proposed to be made by the Ministry of Home Affairs, for the year 1979-80, raising the total requirement under the scheme tentatively to Rs. 30 lakhs. The final decision of the Ministry to expand the Book-bank facility to other disciplines is awaited. **The action taken by Ministry to start Book-banks in Engineering and Medical Colleges for Scheduled Caste/Scheduled Tribe students is welcome. It is recommended that the scheme should be expanded to cover all the Degree colleges to enable the deserving Scheduled Caste/ Scheduled Tribe students pursuing Science/Commerce and Arts Degree courses. as well, to derive benefits from the Book-bank facility.**

Pre-matric Stipends

6.43. Pre-matric stipends are awarded to Scheduled Caste/Tribe students in almost all the States/Union Territories. These students are also exempted from the payment of tuition fees in almost all the States/Union Territories. The rates of these stipends and the means tests for their award, however, vary from State to State. Unlike the Post-matric scholarships, the number of pre-matric stipends is restricted by the availability of funds. Some State Governments like those of **Madhya Pradesh, Punjab** and **Rajasthan,** however claim that these stipends are awarded to all the eligible Scheduled Castes/ Tribes students. It was, recommended in Commissioner's 1977-78 Report that all the other State Governments/Union Territory Administrations who had no schemes of pre-matric stipends and other incentives like book grants, uniforms, mid-day meals etc., should take early action to introduce the same in their respective States/Union Territories. The action taken by various State Governments in this regard is not known. **The above recommendation, therefore, reiterated.**

6.44. It has been observed that the benefit of the Post-matric scholarship scheme largely goes to those areas where educational base at the elementary and higher secondary levels is strong. The States where enrolment at the lower levels is poor do not get much benefit from this liberal scheme. In order to strengthen the educational base for Scheduled Castes and Scheduled Tribes at the elementary and higher secondary levels, it is necessary that scholarships, stipends, hostel facilities, books, stationery, mid-day meals, uniforms etc., are adequately provided for. **It is, therefore, recommended that all the State Governments/Union Territory Administrations, who have not yet made universal coverage of pre-matric stipends etc., at the primary and secondary stages should do so urgently by making liberal provisions for these schemes in their budgets. They should ensure that all the eligible Scheduled Castes/Tribes students at pre-matric stages are granted stipends and the number of these stipends is not restricted by the availability of funds.**

Pre-matric Scholarships to children of those engaged in unclean occupations i.e. scavenging of dry latrines, tanning and flaying

6.45. A Centrally Sponsored Scheme of pre-matric scholarships to children of these engaged in unclean occupations like scavenging of dry latrines, tanning and flaying, irrespective of their religion, was introduced as a Centrally Sponsored Scheme, from 1977-78. The scheme was continued in 1978-79. Under this scheme 1000 scholarships are to be awarded every year to those children studying in Classes VI to X in institutions having hostel facilities whose parents income does not exceed Rs. 500 per month. Not more than one child in a family is eligible for the award of scholarship. The scheme is implemented by the State Governments with the help of some reputed voluntary organisations. In case the number of applicants is more than the number of scholarships, preference is given to the poor and meritorious students. The rate of scholarship is Rs. 100 per month to meet the expenditure on tuition fees, cost of boarding and lodging, cost of books and other institutional charges and additional allowance of Rs. 45 per month is given to cover expenditure for uniforms, clothing, towels, toilet etc. It was recommended in Commissioner's previous Report that since the number of scholarships was too small to cover all the Children of the categories for whom these were meant, the number of these scholarships should be increased suitably to cover more children of these categories. The action taken on the above mentioned recommendation is not known. **It is, therefore, reiterated.**

National Overseas Scholarships to Scheduled Castes, Scheduled Tribes, Denotified, Nomadic and Semi-nomadic Tribes

6.46. The scheme for the grant of National Overseas scholarships to Scheduled Castes, Scheduled Tribes, Denotified, Nomadic/Semi-nomadic Tribes and other Economically Backward Classes was started by the Government of India in 1954-55, for Post-graduate studies and research abroad in the subjects for which suitable facilities were not available in India. Preference was given to students in Engineering, Technology, Medicine, Agriculture and Science.

6.47. Initially, the number of these scholarships was six out of which two were for Scheduled Castes, two for Scheduled Tribes and two for other Backward Classes. From the year 1955-56 the number of these scholarships was increased to 12 (4 for scholars of each category).

6.48. It was observed that the number of these scholarships was very small as a result of which many eligible Scheduled Caste/Scheduled Tribe applicants could not get scholarships. It was therefore, recommended by the Commissioner for Scheduled Castes and Scheduled Tribes in his annual Report for 1961-62 that since sufficient number of duly qualified candidates from these communities were forthcoming for higher studies abroad, it was desirable to

encourage them for such studies by gradually increasing their number every year as far as possible. This recommendation was reiterated in Commissioner's 1964-65 and 1970-71 Reports, as a result of which the number of these scholarships was increased to 21 in 1972-73 (Scheduled Castes—11, Scheduled Tribes—6, Denotified, Nomadic and Semi-nomadic Tribes —1, other Backward Classes—3). In 1977-78 it was decided by the Government of India that one seat, every year, out of the Scheduled Caste quota would be reserved for a Neo-Buddhist formerly belonging to a Scheduled Caste. If a suitable Neo-Buddhist candidate is not available the seat thus reserved reverts to the Scheduled Caste quota.

6.49. According to available information, 451 applications (221 from Scheduled Castes, 60 from Scheduled Tribes, 12 from Denotified, Nomadic and Semi-nomadic Tribes and 158 from other Economically Backward Classes) were received by the Union Ministry of Home Affairs for the award of 49 scholarships (Scheduled Castes 21, Scheduled Tribes 16, Neo-Buddhists 2, Denotified, Nomadic, and Semi-Nomadic Tribes 4, other Economically Backward Classes—6) for the year 1976-78, including some backlog for the earlier years. Out of these, 24 Scheduled Castes, 11 Scheduled Tribes, 4 Denotified, Nomadic and Semi-nomadic Tribes were awarded scholarships, again carrying forward 4 scholarships for Scheduled Tribes. The number of scholarships available for the year 1978-79 was 25 including 4 scholarships for Scheduled Tribes carried forward from the previous year, out of which 10 were for Scheduled Castes, 1 for Neo-Buddhists, 10 for Scheduled Tribes, 3 for other Economically Backward Classes and 1 for Denotified, Nomadic and Semi-nomadic Tribes. Applications for these scholarships were invited by the Ministry of Home Affairs in March, 1979. Information about the number of scholarships awarded during the year 1978-79 is still awaited.

6.50. It was observed that for the last few years some of the Overseas scholarships remained unutilised although the number of eligible applicants was much more than the available number of scholarships. It was therefore, recommended in Commissioner's 1973-74 Report that all the available scholarships should be utilised if qualified candidates were available. For that purpose, the Government of India were requested to consider the desirability of relaxing the prescribed standard of selection so that there might not remain any unutilised seats. In response, the Union Ministry of Home Affairs informed that the reason for some scholarships remaining unutilised was the non-availability of candidates possessing the required standard of qualifications. The Ministry were also of the view that it was not desirable to lower the standard for the award of scholarships as it would be impossible to secure admission of scholars with relaxed standard, in educational institutions abroad. It was therefore, recommended in Commissioner's 1974-75 Report that suitable measures like giving wider publicity to the scheme should be taken to see that all the scholarships were utilised by deserving Scheduled Caste and Scheduled Tribe students. **Since some scholarships for 1976-78 are still unutilised, the above recommendation is reiterated. Until all the scholarships are utilised by attracting more of eligible candidates through wider publicity, the very purpose of increasing the number of these scholarships will be defeated.**

Admission of Scheduled Caste and Scheduled Tribe students in various educational and technical institutions

6.51. According to the instructions issued by the Union Ministry of Education to all the State Governments/Union Territory Administrations as well as Universities, 20 per cent of seats in all educational and technical institutions should be reserved for Scheduled Castes and Scheduled Tribes, with a distinct reservation of 15 per cent for Scheduled Castes and 5 per cent for Scheduled Tribes. This reservation is interchangeable, i.e., if sufficient number of candidates are not available to fill the seats reserved for Scheduled Tribes, these can be filled up by suitable candidates from Scheduled Castes and vice-versa. Where admissions are restricted to candidates who obtain a certain minimum percentage of marks and not merely the passing of a certain examination, a 5 per cent reduction for Scheduled Castes and Scheduled Tribes was recommended provided that the lower percentage prescribed did not fall below the minimum required to pass the qualifying examination.

Medical Colleges

Under-Graduate Courses :

6.52. Most of the State Governments/Union Territory Administrations and Universities are implementing the above instructions for the admission of Scheduled Caste/Scheduled Tribe candidates to undergraduate courses in various medical colleges in the country, though the percentages of seats actually reserved for Scheduled Caste/Scheduled Tribe candidates varies from State to State. In one case, however, a Central University viz., the Aligarh Muslim University, has not so far agreed to reserve any seat for Scheduled Caste/Scheduled Tribe candidates, inspite of repeated recommendations to do so, in Commissioner's earlier Reports for the years 1973-74 and 1975-77. **The attitude of the University is disquieting. It is, therefore, recommended that the Union Ministry of Education as well as the University Grants Commission should take necessary action urgently to pursuade the Aligarh Muslim University to make the prescribed reservation of seats for Scheduled Caste/Scheduled Tribe candidates in their Medical College.**

6.53. In some private medical colleges in **Karnataka,** admissions are not made on merit but on payment of capitation fees. The State Government have since decided to discontinue

the practice of charging capitation fees, in a phased manner. In the meantime the capitation fees for students belonging to Scheduled Castes/Scheduled Tribes domiciled in **Karnataka** who are admitted to private medical colleges against seats reserved for students domiciled in the State shall be paid by the State Government. It was recommended in Commissioner's 1977-78 Report that the Governments of other States in which admission to certain private medical colleges, was made on payment of capitation fees, should also take similar action to pay the capitation fees for Scheduled Caste/Scheduled Tribe students admitted to these colleges. The action taken by the State Governments in this regard is not known. **The recommendation is therefore, reiterated.**

Performance of Scheduled Caste/Tribe students in Medical Colleges :

6.54. It has been observed that the performance of Scheduled Caste/Tribe students admitted to various courses in medical colleges, on relaxed standards against reserved seats, is not satisfactory. In this connection, a study was conducted by a Study Team of this organisation comprising Shri M. M. Sharma, Research Officer and Shri Vijay Tamhane, Investigator, in Raipur, **Madhya Pradesh,** during September, 1979. It was revealed therefrom that although all the candidates including the Scheduled Castes/Tribes had to take the entrance tests for admission to Jawaharlal Nehru Medical College, Raipur, the State Pre-medical Test Board had lowered the minimum percentage of qualifying marks for Scheduled Caste/Tribe candidates to 35. Since very few Scheduled Caste/Tribe candidates could secure this percentage, it was sometimes lowered to even 15 per cent so that more reserved seats could be filled up. The study team collected information regarding the performance of Scheduled Caste/Scheduled Tribe students in the college from 1964 to 1973, which revealed that their performance was not satisfactory. Out of 42 Scheduled Caste students admitted during these years, 4 students took four and a half years to pass the final examination, 6 students took 5 to 6 years, 6 students took 6 to 7 years, 7 students took as long as 7 to 8 years to pass the examination while 3 students were rusticated and 2 got migration to other colleges. Similarly out of 23 Scheduled Tribe students admitted during the period, only one passed the examination within 4 and half years, 5 students passed it in 5 to 6 years, 5 students took 6 to 7 years, 3 students took 7 to 8 years while 2 students* took 8 to 10 years. 14 Scheduled Caste and 4 Scheduled Tribe students were also reported to have left their study leading to a lot of wastage. It was reported that inspite of special coaching given to Scheduled Caste/Tribe students during the 1st year of the course, their performance had not improved much. **It is, therefore, desirable that special coaching to Scheduled Caste/Scheduled Tribe students should also be given in II and III years, to enable them to improve their performance.** The State Government proposed to start a scheme to give special coaching in Science/Mathematics/Biology to selected Scheduled Castes/Tribe students at the stage of higher secondary/first year of B.Sc. in selected schools and colleges, before their admission to professional courses, to enable them to improve their educational performance as well as to enable them to compete well in the entrance test, for admission to medical and engineering colleges. **The above mentioned scheme proposed by the State Government is commendable. It is hoped that the same will be started at an early date to enable more Scheduled Caste/Tribe students to be admitted to medical and engineering colleges. It is recommended that similar schemes should also be started by all the other State Governments.**

Post-graduate Courses :

6.55. According to the instructions issued by the Union Department of Health, 20 per cent seats—15 per cent for Scheduled Castes and 5 per cent for Scheduled Tribes should also be reserved for admission to various Post-graduate medical courses and a relaxation of 5 per cent in minimum marks required for admission to these courses should also be given to the candidates belonging to these communities. However, the response of the various State Governments to the Ministry's instructions was not encouraging. After reconsidering the whole matter, the Department of Health informed that, Post-graduate medical education could not be equated with under-graduate medical courses, because the former was a specialised training in a selected branch of medicine and specialisation played a prominent role in medical care, medical teaching and research programmes of the country. The Ministry therefore, were of the view that it would not be proper to lower the standard of Post-graduate medical education by reservation of seats or relaxation of minimum marks for admission to such courses and nothing should be done which might have the effect of reducing the standards or quality of teaching particularly at the Post-graduate level. The views of the Ministry of Health do not appear to be logical because the minimum standard is to be lowered only for the admission of Scheduled Caste/Scheduled Tribe candidates to these courses but the standard of the examinations they are required to pass, to complete the courses, is not to be lowered. So, on passing the Post-graduate examination, the students belonging to these communities will have the same standard as that possessed by the general students because both the categories of students will have passed the same examination. As an additional measures, after admission to the Post-graduate courses, such candidates can be given special coaching for about three to six months before the commencement

*Information about 3 Scheduled Tribes students was not availab.

of these courses, to bring them at par with the general candidates. It was, therefore, recommended in Commissioner's 1974-75, 1975-77 and 1977-78 Reports that the Ministry should reconsider the matter and persuade the State Governments/Union Territory Administrations who had not yet made the required reservation of seats as well as relaxation of minimum standards for admission of Scheduled Caste and Scheduled Tribe candidates to Post-graduate Medical courses, to do so at an early date. It was further recommended that the All India Institute of Medical Sciences, New Delhi and the Post-graduate Institute of Medical Sciences, Chandigarh should also be persuaded to take similar action in this regard. In this connection, the Ministry of Health have furnished information regarding reservation of seats for Scheduled Caste/Scheduled Tribe candidates in Post-graduate courses, in respect of some institutions and the same is given in the statement below :—

S.No.	Name of University/Institute	Percentage of reservation for Sch.Castes/ Sch. Tribes.	Weightage given in minimum marks
1	2	3	4
1	University of Delhi	No. reservation	5 per cent
2	A.I.I.M.S., New Delhi	25 per cent for all, viz., S.C./S.T. Rural Services, backward areas and those serving in Family Welfare Programmes.	
3	Banaras Hindu University . . .	4 seats are reserved in M.D. for those securing 50 per cent marks.	
4	Post-gradudate Institute of Medical Sciences, Chandigarh.	15 per cent for S.Cs. and 5 per cent for S.Ts.	5 per cent
5	Punjab University	15 per cent for S.Cs. and 5 per cent for S.Ts.	5 per cent
6	Aligarh Muslim University . . .	No reservation	
7	Marathwada University Medical College, Aurangabad.	13 per cent for S. Castes 7 per cent for S.Ts.	40 per cent marks for admission.
8	Maharishi Dayanand University (Rohtak Medical College).	No reservation	
9	University of Pune	10 seats in non-stipendary quota reserved for S.Cs./S.Ts.	
10	Shri Venkateswara University . .	14 per cent for S.Cs. 4 per cent for S.Ts.	5 per cent
11	Institute of Medical Sciences, Osmania Medical College, Hyderabad.	14 per cent for S.Cs. 4 per cent for S.Ts.	5 per cent

It is commendable that some Universities/ Institutes mentioned in the above statement have made necessary reservation of seats for Scheduled Caste/Scheduled Tribe candidates for admission to Post-graduate courses in medical colleges. **It is recommended that other Universities/Institutes which have not yet made the required reservation of seats for Scheduled Caste/Scheduled Tribe candidates in Post-graduate medical courses should also take similar action to do so immediately. The Union Ministry of Health should also reconsider their stand in this regard and persuade these Universities/Institutes to make the required reservation of seats for admission of Scheduled Caste/ Scheduled Tribe candidates to post-graduate medical courses. The A. I. I. M. S., New Delhi should make specific reservation of seats for Scheduled Castes and Scheduled Tribe candidates at Post-graduate level instead of clubbing the reservations made for them along with many other categories.**

Indian Institutes of Technology

6.56. There are six Indian Institutes of Technology in the country located at Bombay, Delhi, Kanpur, Kharagpur, Madras and Varanasi. At Post-graduate level only 5 per cent seats are reserved for Scheduled Caste and Scheduled Tribe candidates combined. In Commissioner's 1973-74 Report it was recommended that the percentage of seats reserved for Scheduled Castes/Scheduled Tribes in Post-graduate classes in the I.I.Ts. should be increased from 5 to 20. The Ministry of Education have not, however accepted the recommendation on the plea that, as even the 5 per cent quota reserved for Scheduled Caste/Scheduled Tribe students in Post-graduate courses is not being fully utilised, no useful purpose would be served by reserving 20 per cent seats for these courses. The views of the Ministry do not appear to be justified because these are the oft-repeated arguments generally advanced by the educational institutions and employers, against making the prescribed reservation of seats for Scheduled Caste/Scheduled Tribe candidates. Information regarding the number of applications received from Scheduled Caste/ Scheduled Tribe candidates for admission to these courses in I.I.Ts. and the number of these candidates actually admitted has not been received by us. So it is not possible to say why even the 5 per cent seats reserved for them could not be filled. Apparently, when only 5 per cent seats are reserved for these candidates many of them do not apply for admission, thinking that, since the number of seats reserved is very small they may not have any chance of

admission. If the percentage of reserved seats is raised to 20 as prescribed by the Ministry of Education for other courses, it is presumed that a large number of these candidates who have graduated from the I.I.Ts. as well as from other Engineering Colleges, will apply for admission and if the minimum standard for their admission is also lowered, there appears to be no reason why all the reserved seats cannot be filled. **It is, therefore, reiterated that the percentage of seats reserved for Scheduled Caste/ Scheduled Tribe candidates in Post-graduate courses should be increased to 20 and various steps like further lowering the minimum standard prescribed for their admission should be taken urgently to ensure that all the reserved seats are actually filled by Scheduled Caste and Scheduled Tribe candidates.**

Graduate Courses

6.57. Fifteen per cent and five per cent seats are reserved for Scheduled Caste and Scheduled Tribe candidates respectively, in various graduate courses in the I.I.Ts. Till 1978, admission to the I.I.Ts. was also made by direct admission of Scheduled Caste/Scheduled Tribe candidates who secured more than 50 per cent marks in the qualifying examination, besides admission through the Joint Entrance Examination, in which a cut-off value of marks to be obtained by Scheduled Caste/Scheduled Tribe candidates was prescribed at approximately 2/3rd of the cut-off value prescribed for general candidates. This means that the last Schedule Caste/Scheduled Tribe candidate selected in the Joint Entrance Examination had to obtain only 66.6 per cent of the marks obtained by the last general candidate selected. In 1978, out of the 41,857 candidates who appeared for the Joint Entrance Examination, only 1,401 (i.e. 3.3 per cent) of the total were Scheduled Caste/Scheduled Tribe candidates. Out of the 1,913 candidates who qualified, only 11 (i.e. not even 0.6 per cent) belonged to Scheduled Castes/Scheduled Tribes. However, on the basis of various pre-entrance academic concessions given to Scheduled Caste/ Scheduled Tribe candidates, like direct admission, 153 Scheduled Caste/Scheduled Tribe candidates were offered admission, out of whom 132 joined the I.I.Ts.

6.58. From the academic year 1979, direct admission of Scheduled Caste/Scheduled Tribe candidates has been stopped and admission of candidates belonging to these communities is also made only through the Joint Entrance Examination. It is learnt that during 1979, only 88 Scheduled Caste and 11 Scheduled Tribe candidates were selected for admission on the basis of the Joint Entrance Examination against 246 and 82 seats reserved for Scheduled Caste/ Scheduled Tribe candidates. According to information available from the Ministry of Education, the Scheduled Caste/Scheduled Tribe candidates faired very badly in the Joint Entrance Examination. It was with a view to preparing the Scheduled Caste/Scheduled Tribe candidates for the Joint Entrance Examination, that it was decided by the Ministry of Education, in pursuance of a suggestion made by the Commissioner for Scheduled Castes and Scheduled Tribes as early as 1975-76, that special coaching centres for candidates belonging to these communities should be started in different parts of the country, on the analogy of such centres already started by the Ministry of Home Affairs for Engineering Services and Administration Services Examinations. The proposal was taken up by the Ministry of Education with the Ministry of Home Affairs. It was recommended in Commissioner's 1975-77 Report that the establishment of these centres should be expedited. However, the proposed centres have not fo far been started. **It is, therefore, reiterated that the Ministries of Education as well as Home Affairs should take immediate action to start the proposed coaching centres to enable more Scheduled Caste/Scheduled Tribe candidates to be admitted to the I. I. Ts. and to enable them to pull on well in these institutes.**

Kendriya Vidyalayas

6.59. Kendriya Vidyalayas have been set up by the Kendriya Vidyalaya Sangathan to impart education upto 10+2 standard, primarily to the children of transferable employees, in accordance with the following priorities :

(i) Children of transferable Defence personnel;

(ii) Children of transferable Central Government employees;

(iii) Children of officials of All India Services/autonomous bodies/projects fully financed by the Government of India and Public Undertakings/Corporations etc., whose services may be transferable;

(iv) Children of non-transferable Defence personnel and Central Government employees;

(v) Other floating population which includes civilian population desirous of seeking the pattern of studies conducted in the Kendriya Vidyalayas.

6.60. Till 1972 neither any reservation was made for Scheduled Caste/Scheduled Tribe students, nor any relaxation of minimum standard was allowed by the Sangathan for their admission to these schools, on the plea that these schools were meant primarily for the children of transferable employees. The enrolment position of Scheduled Caste/Scheduled Tribe children to these schools was therefore very discouraging. As early as 1968-69 it was recommended by the Commissioner for Scheduled Castes and Scheduled Tribes in his annual Report for that year that unless specific reservation was prescribed for the students of these categories, their disappointing enrolment position in these schools would not improve in the immediate future. The Sangathan were of view that no separate reservation could be made for Scheduled Caste/Scheduled Tribe students but

between two candidates of equal merit, the candidate belonging to these categories would be given preference in each priority category. The Commissioner reiterated in his 1969-70 Report that since there was a provision of reservation of seats and relaxation of marks for Scheduled Caste/Scheduled Tribe students, in all educational institutions, the Kendriya Vidyalayas should also follow suit.

6.61. In 1972, the Kendriya Vidyalaya Sangathan decided that all Scheduled Caste/Scheduled Tribe children coming under the first three priority categories, viz., children of transferable Defence Personnel, children of transferable Central Government employees and children of officers of All India Services, autonomous bodies etc., whose services were transferable might be admitted to the Kendriya Vidyalayas, subject to vacancies being available for the purpose and conditions prescribed for admission might be relaxed where necessary. Since the decision of the Sangathan was not being implemented properly by various Kendriya Vidyalayas, as a result of which many Scheduled Caste/Scheduled Tribe candidates could not qualify in the admission test, it was again recommended in Commissioner's 1973-74 Report that the Sangathan should take necessary follow up action to get their decision to relax the minimum standard for the admission of Scheduled Caste/Scheduled Tribe candidates implemented, to enable more students belonging to these communities to be admitted to these Vidyalayas. It was also pointed out in that Report that the action of the Sangathan is not agreeing to make a specific reservation of seats for Scheduled Caste/Scheduled Tribe students in the Kendriya Vidyalayas on the plea that it would go against the main objective of the scheme viz., to give education to the children of transferable employees, was not based on logical arguments, because the children of only those Scheduled Caste/Scheduled Tribe Central Government employees who fulfilled the main condition of holding transferable posts would be eligible for admission and there would be no departure from the main policy of the Sangathan. It was therefore, recommended that the Union Ministry of Education should pursuade the Sangathan to reconsider their decision and reserve a specific percentage of seats for the children of Scheduled Castes/Scheduled Tribes holding transferable posts in the Central Government. The matter was also taken up by the Commissioner with the Ministry of Education at the highest level.

6.62. In pursuance of the Commissioner's above mentioned recommendations and prolonged correspondence made by him for a couple of years, the Kendriya Vidyalaya Sangathan decided that starting from the academic year 1967-77, reservation in respect of new admissions (other than transfer cases from other Kendriya Vidyalayas) in each Vidyalaya would be made at the rate of 15 per cent for Scheduled Castes and 7½ per cent for Scheduled Tribes candidates. Efforts were also to be made to admit Scheduled Caste/Scheduled Tribe candidates upto these percentages in each Vidyalaya, if necessary, by admitting in a lower class with the consent of the parents, such of the children, who did not qualify for admission in a particular class even after relaxing the qualifying standard. The reservation quota was to apply to the total number of children given fresh admissions in a Kendriya Vidyalaya at the beginning of a session and not to the fresh admissions made in each class.

6.63. It was not, however, clear from the decision of the Sangathan as to how much relaxation would be allowed in the minimum marks prescribed for admission of a Scheduled Caste/Scheduled Tribe child before assessing his fitness for admission to a particular class and offering him admission in the lower class. It was, therefore, recommended in Commissioner's 1974-75 Report that the Scheduled Caste/Scheduled Tribe candidates should in the first instance be given a relaxation of 10 per cent in the minimum marks and if still some seats remained vacant, a further relaxation in minimum marks should be allowed till all the reserved seats were actually filled by Scheduled Caste/Scheduled Tribe candidates. This recommendation was reiterated in Commissioner's 1975-77 and 1977-78 Reports. As a result of these efforts the Kendriya Vidyalaya Sangathan ultimately issued instructions to all the Kendriya Vidyalayas in August 1978 to ensure that the quota reserved for Scheduled Caste and Scheduled Tribe students was utilised to the maximum possible extent and for that purpose asked them to take the following steps :—

(i) Where necessary the condition of the transferability of the parents may be relaxed and children of even non-transferable Scheduled Caste/Scheduled Tribe employees may be admitted.

(ii) If any examination is held for admission to Kendriya Vidyalayas, candidates belonging to Scheduled Castes/Scheduled Tribes may be allowed a concession of 5 per cent marks in the standard fixed for other candidates, from the academic session 1979-80.

6.64. It will be seen from above paragraphs that the Ministry of Education took considerable time in accepting the recommendation of the Commissioner to provide for specific reservation for the admission of Scheduled Caste/Scheduled Tribe students in Kendriya Vidyalayas and reduction in marks for admission to these schools. In response to our repeated reminders, the Kendriya Vidyalaya Sangathan furnished information* regarding the enrolment of Scheduled Castes/Scheduled Tribes in 168 Vidyalayas for the year 1977-78 in March, 1979. The total number of Scheduled Caste/

*School-wise information of enrolment of S.C./S.T. for 1977-78 may be seen at Appendix L.

Scheduled Tribe students on rolls in these schools, the number of applications received from them for fresh admissions and the number of them actually admitted during that year are given in the table below :—

Total number of students on rolls in Kendriya Vidyalayas during 1977-78			Number of applications received for fresh admission during 1977-78			Number of students admitted during 1977-78		
Total	S.C.	S.T.	Total	S.C.	S.T.	Total	S.C.	S.T.
1	2	3	4	5	6	7	8	9
1,27,800	5,110 (3·99%)	1,159 (0·9%)	39,331	2,211	447	19,257	1,625 (8·4%)	359 (1·3%)

6.65. It would be seen from the above table that only 3.99 per cent and 0.9 per cent of the total number of students on rolls during 1977-78, belonged to Scheduled Castes and Scheduled Tribes, respectively, against 15 per cent and 7½ per cent seats reserved for them, respectively. Thus the enrolment position of Scheduled Caste/Scheduled Tribe students and specially that of Scheduled Tribes continued to be disappointing. It would also be noticed from the above table that, not to talk of making up the backlog of earlier years, even during 1977-78, only 8.4 per cent Scheduled Castes and 1.3 per cent Scheduled Tribes students were enrolled to these Vidyalayas. At this rate it may still take many more years to achieve the prescribed percentages of enrolment of Scheduled Caste/Scheduled Tribe students in these Vidyalayas. **It is hoped that all the Kendriya Vidyalayas would implement the instructions issued by the Kendriya Vidyalaya Sangathan in August, 1978 which come into force from the academic session 1979-80 to relax the standard prescribed for admission to these schools in favour of Scheduled Caste/Scheduled Tribe students and ensure that the seats reserved for students belonging to these categories are filled by them. The Sangathan should also keep a strict watch to ensure that all the Vidyalayas are following the instructions issued by them in this regard.**

CHAPTER 7

UNTOUCHABILITY

Untouchability is a direct outcome of caste system and has been prevalent in our country since long. Many social reformers and religious leaders tried to eradicate this social evil by either propogating a new religious faith/order or laying down a conduct of life free from prejudices of 'high' and 'low' for their followers to emulate, but their impact was localised. One of the contributory reasons for the spread of Islam and Christianity in this country was the attractive social equality promised to the converts by the tenets of those religions. It is, however, unfortunate that the practice of social disabilities is reported against the converts from the so-called depressed classes to these religions from many parts of the country which indicates the widespread effect of caste system.

7.2. Even before independence, a number of Provinces and Indian States had enacted laws for eradication of social disabilities. In many parts of the country, social movements for according equality to all citizens gathered considerable momentum. During the days when Mahatma Gandhi launched the struggle for independence of the country, the removal of social disabilities was one of the important constructive programmes and the Father of the Nation always stressed the importance of this issue. On the attainment of independence, 27 Acts were enacted by various States for removal of social disabilities and some States passed legislation authorising entry to all sections of Hindus to the temples.

Untouchability (Offences) Act, 1955

7.3. Under the Constitution, which came into force on the 26th January, 1950, Parliament alone has the power to undertake legislation for prescribing punishment for the practice of untouchability which was abolished and its practice in any form forbidden. The Untouchability (Offences) Act, 1955 came into force on 8th May, 1955, over 5 years after the Constitution was enforced. A decade of the working of this Act indicated that it had not succeeded in achieving the objectives for which it was brought on the statute book. The provision for compounding the offences, delay in their prosecution and minor punishments awarded to the offenders did not produce concrete results. At the same time, there were many areas and practices relating to untouchability which were outside the purview of the Act and many religious leaders could justify the practice of untouchability on the basis of books with impunity.

Protection of Civil Rights Act, 1955

7.4. The Government of India appointed a Committee on Untouchability and Economic and Educational Development of the Scheduled Castes in April, 1965 and after examining the recommendations made by the Committee in January, 1969, in consultation with the State Governments, a Bill called Untouchability (Offences) Amendment & Miscellaneous Provisions was introduced in the Lok Sabha in 1972. A Joint Committee of Parliament made a number of changes in this Bill and renamed it as the Protection of Civil Rights Act which came into force from the 19th November, 1976.

Wide-spread prevalence of Untouchability—Results of Surveys conducted by Harijan Sevak Sangh

7.5. It is now over three years that Protection of Civil Rights Act providing for enhanced and stringent punishments for offences arising out of untouchability came into force. The then Prime Minister had announced in August, 1977 that within a period of 5 years untouchability should be abolished but the prevalence of this practice in the rural and backward areas of the country belies these hopes. This view is supported by an all-India survey conducted by the All India Harijan Sevak Sangh in 12 States in the country. The survey was undertaken by the workers of the Sangh in 1,155 villages in 26 blocks in 25 districts. This survey was started before launching an Intensive Area Scheme for the Removal of Untouchability by the Sangh. The table below indicates the disabilities still experienced by Scheduled Castes in some of the villages included in the sample :—

Survey of Social Disabilities still experienced by Harijans in villages

Sl. No.	State	Block/District]	No. of Villages surveyed	Number of villages where public places are not accessible to Harijans				
				Wells	Temples	Hotels & Restaurants	Barbers shops	Washmen shops
1	2	3	4	5	6	7	8	9
1	Andhra Presesh	Nandigama (District Krishna)	20	2	2	..	No shops	20
		Tirvur (District Krishna)	20	1	..	..	No shops	20
		Anantpur (District Anantpur)	20	14	14	14	18	8

1	2	3	4	5	6	7	8	9
2	Gujarat . .	Chanasama (District Mehsana)	50	47	42	47	44	42
		Jamkhambalia (District Jamnagar).	50	2	47	39	46	48
		Lakhtar (District Surendra Nagar).	41	40	41	40	40	40
3	Himachal Pradesh	Shilli (District Sirmaur) .	51	..	49	51	No shops	No shops
4	Karnataka .	Gulbarga (District Gulbarga) .	50	50	50	50	50	50
		Bhalkai (District Bidar) . .	50	50	50	50	49	49
5	Kerala . .	Kasargode (District Cannanore)	68	..	68	..	N.F.	N.F.
6	Maharashtra .	Shevgaon (District Ahmednagar)	19	4	1	4	..	17
		Varud (District Amraoti) .	50	25	25	..	..	..
7	Madhya Pradesh.	Bada Malhara (District Chhatarpur).	95	50	50	N.F.	50	95
		Dongargarh (District Rajnandgaon).	50	20	16	-do-	50	50
		Tarana (District Ujjain) . .	54	22	29	2	27	N.F.
8	Orissa . .	Khallikote (District Ganjam) .	50	50	50	50	49	49
9	Haryana .	Samlakha (District Karnal) .	44	7	23	..	..	..
10	Rajasthan .	Ladnu (District Churu) . .	35	21	25	N.F.	..	..
		Bayana (District Bharatpur) .	40	40	38	..	..	..
11	Tamil Nadu .	Thiruvayaru (District Tanjore)	41	8	29	13	N.F.	N.F.
		Madurai East (District Madurai)	72	72	72	..	50	72
		Pulambadi (District Trichi) .	35	35	35	23	N.F.	N.F.
12	Uttar Pradesh .	Ashothar (District Fatehpur) .	52	50	49	50	..	..
		Kakori (District Lucknow) .	50	N.A.	N.A.	33	..	25
		Mau (District Banda) . .	38	5	38	N.F.	N.F.	38
		Sherpur (District Gazhipur) .	30	N.A.	N.A.	30	..	..
		TOTAL . .	1155	613	821	496	473	603

It will be seen from the above table that untouchability in various forms is still being practised in the rural areas in the villages included in the sample in the 12 States mentioned above. Salient points emerging from this study are indicated below :—

1. Andhra Pradesh :

Out of a total of 60 villages, surveyed in three Blocks, wells, temples and hotels were not open to Scheduled Castes in 17, 16, and 14 villages, respectively. The services of washermen and barbers were not available to them in 48 and 18 villages, respectively. It was observed that the practice of untouchability was more rampant in the surveyed villages in Anantpur Block in Anantpur District, as compared to the other two Blocks. Scheduled Caste landless families formed 87 per cent each in the sample villages in Nandigama and Anantpur Blocks and 79 per cent in Block Tirvur. In each of the 20 surveyed villages in the Nandigama and Tirvur Blocks in District Krishna, washermen did not wash the clothes of Scheduled Castes.

2. Gujarat :

Out of a total 141 villages surveyed in three Blocks, wells, temples and hotels were not open to Scheduled Castes in 89, 130 and 126 villages, respectively. The services of barbers and washermen were not available to them in 130 villages. It was observed that the practice of untouchability was rampant in all the three Blocks, although the Panchayats have been involved in the programme for the removal of untouchability. The landless Scheduled Caste families formed 14 per cent in Chanasama Block in Mehsana District, 16 per cent in Jamkhambalia Block in Jamnagar District and 68 per cent in Lakhtar Block in Surendranagar District.

3. Himachal Pradesh :

Out of a total of 51 villages surveyed in Shilli Block of Sirmaur District, temples and hotels were not open to Scheduled Castes in 49 and 51 villages respectively. It was observed that the practice of untouchability was very much rampant and the Scheduled Caste Panchas were not consulted by other Panchas in Panchayat meetings. The main sources of drinking water in the surveyed villages being rivers and water falls, the question of accessibility to the sources of drinking water did not arise. There were no shops of barbers and washermen in the surveyed villages. Bonded labour was prevalent but on account of their weak economic position, bonded labourers did not come forward for their release.

4. Karnataka :

In all the 100 villages surveyed in the two blocks, wells, temples and hotels were not open to the Scheduled Castes and the services of barbers and washermen were also not available to them in 99 villages. It was observed that the practice of untouchability was rampant in the sample villages of the two blocks. In 14 surveyed villages in Gulbarga Block, District Gulbarga, the Scheduled Caste Panchas did not enjoy equal status and there was very little cooperation of public and private organisations, and individuals in the removal of untouchability. In each of the 50 surveyed villages in Gulbarga Block, District Gulbarga and Bhalkai Block, District Bidar, the landless Scheduled Caste families formed 64 per cent and 48 per cent of the total Scheduled Caste families surveyed in the Blocks, respectively.

5. Kerala :

Out of a total of 68 villages surveyed in Kasargode Block, District Cannanore, temples were not open to Scheduled Castes in all the sample villages. This is an indicator of the magnitude of the practice of untouchability. The landless Scheduled Castes formed 10 per cent of total number of families of the Scheduled Castes.

6. Maharashtra :

Out of a total of 69 villages surveyed in two Blocks, wells, temples and hotels were not open to Scheduled Castes in 29, 26 and 4 villages, respectively. The services of washermen were not available to them in 17 villages of Shevgaon Block in District Ahmednagar. It was observed that the Scheduled Caste Panchas enjoyed equal status at Panchayat meetings. The percentage of landless Scheduled Castes families in the surveyed villages of Shevgaon Block in District Ahmednagar and Varud Block in District Amraoti were 57 and 55 respectively.

7. Madhya Pradesh :

Out of a total of 199 villages surveyed wells and temples were not open to Scheduled Castes in 92 and 95 villages, respectively. The services of washermen and barbers were not available to them in 145 and 127 villages, respectively. It was observed that the practice of untouchability was rampant in all the three blocks. The Scheduled Caste Panchas did not enjoy equal status in all the 50 surveyed villages of Dangargarh Block in Rajnandgaon District, 30 villages of Bada Malhara Block, District Chhatarpur and in 3 villages of Tarana Block, District Ujjain. The percentage of landless Scheduled Castes was 72, 17 and 20 in Bada Malhara Block, Dongargaon Block and Tarana Block, respectively.

8. Orissa :

In all the 50 villages surveyed in Khallikote Block, District Ganjam, wells, temples and hotels were not open to Scheduled Castes. The services of washermen and barbers were not available to them in 49 villages. It was observed that the evil practice of untouchability was prevalent in the sample villages. The data was indicative that the cooperation of public in removal of untouchability was not forthcoming, though it was reported that the Scheduled Caste Panchas enjoyed equal status in Panchayat meetings. One of the noticeable facts was that the percentage of landless Scheduled Caste families in the surveyed villages was as high as 85.

9. Haryana :

Out of a total of 44 villages surveyed in one Block, wells and temples were not open to Scheduled Castes in 7 and 23 villages, respectively. No other kind of social disabilities were reported in the sample villages of Samlakoha Block in Karnal District. It was reported that the Scheduled Caste Panchas enjoyed equal status at the Panchayat meetings.

10. Rajasthan :

Wells and temples were not open to Scheduled Castes in 61 and 63 villages respectively out of a total of 75 villages surveyed in two Blocks. In the surveyed villages of Ladnu Block in District Churu, the Scheduled Caste Panchas enjoyed equal status at Panchayat meetings whereas the practice of untouchability in the surveyed villages of Bayana Block in District Bharatpur was more rampant as compared to Ladnu Block where riding on horses back was not allowed to the Scheduled Castes by the villagers.

11. Tamil Nadu :

It was observed that the practice of untouchability was prevalent in all the sample villages of three Blocks. Out of a total of 148 villages surveyed in three Blocks, wells, temples and hotels were not open to Scheduled Castes in 115, 136 and 36 villages, respectively. The practice of untouchability was more intense in Madurai East Block, District Madurai as compared to two other Blocks. In all the 72 surveyed villages in Madurai East Block, wells and temples were not open to Scheduled Castes and the services of washermen and barbers were not available to them in 72 and 50 villages, respectively. Also the Scheduled Caste Panchas did not enjoy equal status in all the 72 villages, whereas in Thiruvayaru Block, District Tanjore, out of the 41 villages surveyed, only in 13 villages the Scheduled Caste Panchas did not enjoy equal status. The Panchas of Pulambadi Block, District Trichi enjoyed equal status. The percentage of landless Scheduled Castes in the Sample village was quite high. It was 91, 98 and 64 for Thiruvayaru, Madurai East and Pulambadi Blocks, respectively.

12. Uttar Pradesh :

Out of a total of 170 villages surveyed in four Blocks, wells, temples and hotels were

not open to Scheduled Castes in 55, 87 and 113 villages, respectively. The services of washermen were not available to Scheduled Castes in 63 villages. It was observed that the practice of untouchability was prevalent in the surveyed villages of all the Blocks, though statistical data was not collected adequately. This fact could be established by other kind of disabilities reported from the surveyed villages. The Scheduled Castes were not allowed to ride horses and use palanquins. The Scheduled Caste Panchas did not enjoy equal status in the surveyed villages of Mau Block, District Banda. The percentage of landless Scheduled Castes was 41, 22, 38 and 37 for Ashothar Block in Fatehpur District, Kakori Block in Lucknow district, Mau Block in Banda district and Sherpur Block in Gazhipur district, respectively.

Untouchability in Madhya Pradesh

7.6. The **Madhya Pradesh** branch of Harijan Sevak Sangh organizes every year a Padayatra on the occasion of the birthday of Mahatma Gandhi, in various regions of the State for removing untouchability and as part of their programme, study the social disabilities from which the Scheduled Castes still suffer. In 1978-79, Padayatra was undertaken by 21 teams of workers of the Sangh by visiting a number of villages in selected areas. A total of 461 villages in 17 districts were covered by the workers. The table below indicates the prevalence of various forms of social disabilities against Scheduled Castes in those districts :—

S. No.	Area/District	Number of villages surveyed	Number of villages where these public places are not accessible to Scheduled Castes				
			Wells	Temples	Hotels & Restaurants	Barber shops	Washermen's shops
1	2	3	4	5	6	7	8
1	Mandsore (District Mandsore) .	40	37	23	38	39	39
2	Sanchi (District Raisen) . .	36	2	31	5	33	5
3	Kurwai (District Vidisha) . .	18	..	..	..	..	..
4	Harda (District Hoshangabad) .	30	12	16	26	14	14
5	Seoni (District Hoshangabad) .	18	..	..	..	16	16
6	Khilchipur (District Raigarh) .	23	22	23	1	23	23
7	Jabalpur (District Jabalpur) . .	23	7	7	14	12	10
8	Narsingpur (District Narsingpur) .	19	7	..	2	10	5
9	Dongargarh (District Rajnandgaon)	20	..	..	..	..	..
10	Khairagarh (District Rajnandgaon)	21	..	1	..	20	20
11	Sirmour (District Rewa) . .	20	..	..	..	..	..
12	Sheopurkalan (District Morena) ..	13	8	12	2	9	13
13	Guna (District Guna) . . .	45	9	26	3	39	44
14	Betul (District Betul) . . .	21	2	2	1	19	19
15	Khargoun (District Khargoun) .	22	21	21	11	16	4
16	Lahar (District Bhind) . . .	22	..	8	2	17	13
17	Balaghat (District Balaghat) . .	22	3	16	17	21	21
18	Mourasa (District Dewas) . .	30	18	16	3	25	1
19	Harsood (District Khandwa) .	18	10	7	1	10	2
	TOTAL .	461	158	209	126	323	249

It will be seen from the above table that access to public places like wells, temples, hotels and restaurants was denied to Scheduled Castes in many villages and services of barbers and washermen were also not available to them. Out of a total of 461 villages surveyed, wells, temples, hotels and restaurants were not open to Scheduled Castes in 158, 209 and 126 villages, respectively. The services of barbers and washermen were not available to Scheduled Castes in 323 and 249 villages, respectively. The Scheduled Caste Panchas enjoyed equal status in Panchayat Meetings in the majority of the Gram Panchayats. The problem of untouchability is still existing among the villagers of surveyed areas, but its magnitude varies from place to place depending upon the socio-economic conditions of the respective areas. A brief description of the data which throws light on the magnitude of the social disabilities existing in the surveyed villages may be seen below :—

1. Mandsore, District Mandsore : .

Untouchability was very much rampant in the area. Out of 40 villages surveyed, wells, temples, hotels and restaurants were not open to Scheduled Castes in 37, 23 and 38 villages, respectively. The services of barbers and washermen were not available to Scheduled Castes in 30 villages. There was only one village in which the caste-Hindus did not observe untouchability and the public

places were open to Scheduled Castes. At the time of marriages, the Scheduled Caste grooms were not allowed in all the 40 villages to ride on horses. It was, however, observed that Scheduled Caste Panchas enjoyed equal status in Gram Panchayat meetings.

2. Sanchi, District Raisen :

Out of 36 villages surveyed, wells were not open to Scheduled Castes only in 2 villages but the entry in temples was denied in 31 villages. The services of barbers and washermen were not available to Scheduled Castes in 33 and 5 villages, respectively. The washermen of 31 villages served the Scheduled Castes only at the time of birth ceremonies and death rites. Out of 40 villages, there were hotels in only 9 villages and the Scheduled Castes had no access to hotels in 5 villages. The Scheduled Caste Panchas enjoyed equal status in Panchayat meetings.

3. Kurwai, District Vidisha :

Out of 18 villages surveyed, there were wells, temples and hotels only in 14, 6 and 3 villages, respectively and the Scheduled Castes had access to them. The services of barbers and washermen were available to Scheduled Castes in all the 18 villages. However, persons belonging to Basore and Bhangi communities were discriminated and not served tea etc., in hotels. The Scheduled Caste Panchas were treated on equal footing by the other Panchas.

4. Harda, District Hoshangabad :

Wells, temples, hotels and restaurants were not open to Scheduled Castes in 12, 16 and 26 villages, respectively out of a total 30 villages surveyed. The services of barbers and washermen were not available to Scheduled Castes in 14 villages. The Scheduled Caste Panchas enjoyed equal status in Panchayat meetings.

5. Seoni, District Hoshangabad :

Out of a total of 18 villages surveyed, the services of barbers and washermen were not available to Scheduled Castes in 16 villages. There were wells, temples and hotels only in 18, 6 and 5 villages, respectively which were accessible to Scheduled Castes. The Scheduled Caste Panchas enjoyed equal status in Panchayat meetings.

6. Khilchipur, District Rajgarh :

The practice of untouchability was quite rampant in the area. Out of a total of 23 villages surveyed, the wells, temples and hotels were not open to Scheduled Castes in 22, 23 and 1 villages, respectively. The services of barbers and washermen were not available to Scheduled Castes in all the 23 villages. It was observed that the Scheduled Caste Panchas sat on the same carpet meant for caste Hindus in Panchayat meetings.

7. Jabalpur, District Jabalpur :

Out of a total of 23 villages surveyed, the wells, temples and hotels were not open to Scheduled Castes in 7, 7 and 14 villages, respectively. The Scheduled Castes have their own wells in 17 villages. The services of barbers and washermen were not available to Scheduled Castes in 12 and 10 villages, respectively. The Scheduled Caste Panchas were treated equally in 10 Gram Panchayats while in 8 Gram Panchayats, they were discriminated.

8. Narsingpur, District Narsingpur :

Out of a total of 19 villages surveyed, the wells and hotels were not open to Scheduled Castes in 7 and 2 villages, respectively. The services of barbers and washermen were not available to them in 10 and 5 villages, respectively. The Scheduled Caste Panchas enjoyed equal status in 8 Gram Panchayats while in 8 Gram Panchayats, they were discriminated, against.

9. Dongargarh, District Rajnandgaon : .

The practice of untouchability was not noticed in any of the 20 villages surveyed. The wells were open to Scheduled Castes. The services of barbers and washermen were available to them. There were no temples and hotels in any of the 20 villages. The Scheduled Caste Panchas enjoyed equal status in Panchayat meetings.

10. Khairagarh, District Rajnandgaon :

Out of a total of 21 villages surveyed, the services of barbers and washermen were not available to Scheduled Castes in 20 villages. However, the wells and hotels were open to them. Only in 1 village, temple entry was denied to them. The Scheduled Caste Panchas enjoyed equal status in all the 21 Gram Panchayats.

11. Sirmour, District Rewa :

Like Dongargarh area of Rajnandgaon district, the practice of untouchability was not noticed in any of the 20 villages surveyed. The wells, temples and hotels were open to the Scheduled Castes. The services of barbers and washermen were available to them. The Scheduled Caste Panchas enjoyed equal status in Gram Panchayats.

12. Seopurkalan, District Morena :

Out of a total of 13 villages surveyed, the wells and temples were not open to Scheduled Castes in 8 and 12 villages, respectively. The only 2 hotels in 2 villages were also not open to them. The services of barbers and washermen were not available to Scheduled Castes in 9 and 13 villages, respectively. The Scheduled Caste Panchas enjoyed equal status in Panchayat meetings.

13. Guna, District Guna :

The problem of untouchability was very much rampant in the surveyed villages. Out

of 45 villages wells, temples and hotels were not open to Scheduled Castes in the 45 villages. The services of barbers and washerman were not available to Scheduled Castes in 39 and 44 villages, respectively. During marriage processions, Scheduled Caste grooms were not allowed to sit on horse back. The Scheduled Caste and other Panchas did not sit on the same carpet.

14. Betual, District Betul :

Out of a total of 21 villages surveyed, wells, temples and hotels were not open to Scheduled Castes in 2, 2 and 1 villages, respectively and services of barbers and washermen were not available to them in 19 villages. It was reported that the Scheduled Caste Panchas enjoyed equal status but they were discriminated in the serving of tea at Panchayat meetings.

15. Khargoun, Distt. Khargoun :

The practice of untouchability was quite rampant in the area. Out of a total of 22 villages surveyed, wells, temples and hotels were not open to Scheduled Castes in 21, 21 and 11 villages respectively. The services of barbers and washermen were not available to them in 16 and 4 villages respectively. The Scheduled Caste grooms were not allowed to ride on horses in 4 villages. The Scheduled Caste panchas enjoyed equal status in Panchayat meetings.

16. Lahar, District Bhind :

Out of a total of 22 villages surveyed, temples and hotels were not open to Scheduled Castes in 8 and 2 villages respectively. The Scheduled Castes have their own wells in 13 villages and the wells in 9 other villages were open to them. The services of barbers and washermen were not available to them in 17 and 13 villages respectively. The Scheduled Caste panchas were not treated equally by other panchas in 2 grampanchayats.

17. Balaghat, Distt. Balaghat :

Out of a total of 22 villages surveyed, wells, temples and hotels were not open to Scheduled Castes in 3, 16 and 17 villages respectively. In 19 villages, the source of drinking water being rivers and ponds, the question of inaccessibility to wells did not arise. The services of barbers and washermen were not available to Scheduled Castes in 21 villages. The Scheduled Caste panchas were treated equally by other panchas in panchayat meetings.

18. Mourasa, Distt. Dewas :

Out of a total of 30 villages surveyed wells, temples and hotels were not open to Scheduled Castes in 18, 16 and 3 villages respectively. The Scheduled Castes have their own wells in 23 villages. Out of 28 and 4 villages where barbers and washermen reside, their services were not available to Scheduled Castes in 25 and 1 villages respectively. In many villages, it was reported, that the marriage processions of Scheduled Castes were not allowed to pass through the village streets. The Scheduled Caste panchas enjoyed equal status in panchayat meetings.

19. Harsood, Distt. Khandwa :

Out of a total of 18 villages surveyed, wells, temples and hotels were not open to Scheduled Castes in 10, 7 and 1 villages respectively. The services of barbers and washermen were not available to them in 10 and 2 villages respectively. The Scheduled Caste panchas enjoyed equal status in panchayat meetings, but they were served breakfast, tea in their own cups. Riding on bicycle was also not allowed to Scheduled Castes in one village.

7.7. **It is hoped that the workers of the Harijan Sevak Sangh would work for the removal of various practices of untouchability noticed by them in the villages surveyed by them. The concerned State Governments should also come forward to lend a helping hand to these workers for eradication of untouchability in the villages surveyed by them. After an interval of one year these villages may be re-surveyed to find out whether there are still vestiges of social disabilities noticeable there.**

Number of cases registered under the PCR Act

7.8. The table below indicates the number of cases registered under the PCR Act during the years 1977 and 1978 :—

S. No.	Name of the State/Union Territory	Year	
		1977	1978
1	Andhra Pradesh	89	151
2	Bihar	2@	51
3	Gujarat	570*	716
4	Haryana	5	4*
5	Himachal Pradesh	..	14
6	Karnataka	329	426
7	Kerala	32	47
8	Madhya Pradesh	321	398
9	Maharashtra	266@	1,283
10	Orissa	49	106
11	Punjab	7	5
12	Rajasthan	119	168
13	Tamil Nadu	792	547
14	Uttar Pradesh	143	287
15	Pondicherry	14	34
16	Goa, Daman & Diu	4	2
17	West Bengal	Nil	Nil
18	Delhi	N.A.	15
	TOTAL	2,742	4,256

It will be seen from the above table that in 1978, 4,256 cases were registered as against 2,742 cases in 1977. There was an increase of 55.22% in the number of cases registered in 1978 over

NOTE :—**Information from other States is awaited.**
***Information relates to the second half of the year.**
@Information relates to the first half of the year.

1977. In descending order the largest number of cases in 1977 was registered in **Tamil Nadu** (792), followed by **Gujarat** (570), **Karnataka** (329), **Madhya Pradesh** (321), **Maharashtra** (266), **Uttar Pradesh** (143), **Rajasthan** (119), **Andhra Pradesh** (89), etc., etc. In 1978, the maximum number of cases was registered in **Maharashtra** (1,283), followed by **Gujarat** (716), **Tamil Nadu** (547), **Karnataka** (426) **Madhya Pradesh** (398), **Uttar Pradesh** (287), **Andhra Pradesh** (151), **Orissa** (106), etc., etc.

Disposal of cases under Protection of Civil Rights Act

7.9. The table below indicates the position regarding the disposal of cases registered under the PCR* Act during the years 1977 and 1978 :—

Particulars	1977	1978
1. Number of fresh cases registered	2,742	4,256
2. Number of old cases pending with Police.	57	188
3. Total number of cases . . .	2,799	4,444
4. Number of cases closed by Police after investigation but without Challaning.	205 (7·32%)	721 (16·22%)
5. Number of cases challaned in Courts.	1,325 (47·33%)	3,150 (7·88%)
6. Number of cases pending with Police.	160 (5·71%)	573 (12·89%)
7. Number of cases pending with Courts.	1,502 (53·66%)	3,991 (87·55%)
8. Number of cases disposed of by Courts.	237 (8·46%)	1,334 (30·41%)

It will be seen from the above table that in 1977, 205 cases were closed after Police investigation without challaning, whereas in 1978 this number increased to 721. 160 cases were pending investigation with the Police in 1977 while this number increased to 573 in 1978. The number of cases challaned in Courts in 1977 was 1,325 whereas in 1978 this figure was 3,150. The final disposal of cases by the Courts was not satisfactory as only 237 cases were disposed of in 1977 and in 1978 this figure was reported to have risen to 1,334. Although the Courts disposed of more cases in 1978, the percentage of cases disposed of by Courts was only 30.4.

7.10. The following statements indicate available state-wise information about the number of cases registered, challaned, pending investigation, disposed of, pending with the Courts, as well as period-wise number of cases pending with the Police and Courts during the years 1977 and 1978.

†Statement No. 1 showing State-wise number of cases registered under PCR Act during the year 1977.

†Statement No. 2 showing State-wise number of cases registered under the PCR Act during the year 1978.

†Statement No. 3 showing State-wise number of cases registered with the Police, challaned and pending investigation under the PCR Act during 1977.

†Statement No. 4 showing State-wise number of cases registered with the Police, challaned and pending investigation under the PCR Act during 1978.

†Statement No. 5 showing State-wise number of cases disposed of and pending with Courts under the PCR Act during 1977.

†Statement No. 6 showing State-wise number of cases disposed of and pending with Courts under the PCR Act during 1978.

†Statement No. 7 showing pending number of cases, period-wise with Police and Courts under the PCR Act during 1977.

†Statement No. 8 showing number of cases pending period-wise with Police and Courts under the PCR Act during 1978.

7.11. A brief analysis of the information contained in the above eight statements is given below :—

(1) Number of cases with the Police and Courts brought forward were 2,363 in 1978 as compared to 511 in 1978.

(2) Number of cases brought forward and fresh cases registered with the Police was 2,799 in 1977 and 4,444 in 1978. Out of these cases, 205 and 721 cases were investigated by the Police without challaning them during the year 1977 and 1978 respectively. Only 1,325 and 3,150 cases were challaned in 1977 and 1978 respectively. 160 cases were pending with the Police in 1977 and 573 in 1978.

(3) The percentage of cases pending with the Courts to total number of cases in Courts was 84.42% in 1977 and 74.96% in 1978. Number of cases pending in conviction were 71 in 1977 and 198 in 1978. Number of cases acquitted were 166 in 1977 and 1,136 in 1978 and number of cases pending in the Courts were 1,502 in 1977 and 3,991 in 1978 as compared to the total number of cases which were 1,979 in 1977 and 5,325 in 1978.

(4) 541 and 4,852 cases were pending with the Police and Courts respectively in 1978. Out of the cases pending with the Courts 309 cases were over two years old, 960 were lying undisposed for periods ranging from one to two years, 1,781 cases were six to twelve months old and 1,962 cases were one to six months old in 1977, 155 and 1,822 cases were pending with Police and Courts respectively. Out of the cases pending with the Courts, 94 cases were over two years old, 313 cases were not disposed

*The percentage of cases as compared to total number of cases (old plus new) are indicated in brackets.

†Please see Appendix-LI

of for the last one to two years, 354 cases were six to twelve months old and 1,061 cases were one to six months old. This indicates that during 1978 a large number of cases were pending with the Courts.

Analysis of State-wise & District-wise number and type of cases registered under PCR Act

7.12. An attempt has been made to compile State-wise and District-wise information regarding the number of cases registered under the PCR Act during 1978 in respect of social disabilities like inaccessibility to drinking water sources, public places of worship, barbar shops/ hotels and insulting and beating arising out of the practice of untouchability. No information was furnished by most of the State Governments except the Governments of **Gujarat, Kerala, Madhya Pradesh, Uttar Pradesh** and Administration of **Pondicherry** which was also not complete* in many respects and is tabulated below :—

State	No. of cases registered under P.C.R. Act during 1978 relating to					
	Drinking water sources	Temples	Shop/hotel	Insulting and beating	Other types	Total
1	2	3	4	5	6	7
1. Gujarat	41	..	43	39	571	694
2. Kerala	..	6	4	30	9	49
3. Pondicherry	..	..	1	33	..	34
4. Madhya Pradesh	123	29	89	46	111	398
5. Uttar Pradesh	60	5	29	110	83	287

Access to drinking water sources

7.13. The State Governments/Union Territory Administrations have to ensure that the Scheduled Castes are not denied access to public sources of dinking water, like wells, taps etc. It has however been observed that Scheduled Castes are discriminated in many cases in the rural areas of the country in the matter of drawing water from the public wells. For example, it was noticed that in certain villages of **Karnataka,** the Scheduled castes are not allowed to draw water from the wells. The caste Hindus reluctantly pour water into their pots. In **Gujarat,** it is the duty of the Administrative Officer of the District School Boards to hold the Head Masters responsible if any discrimination is observed regarding access to drinking water sources in respect of Scheduled Caste teachers or pupils. Government grant is stopped to Panchayats if any discrimination is noticed in the matter of access to sources of drinking water. The District Development Officers are also authorised to remove such members of the Panchayats if they fail to carry out the Government orders in this respect. It would be seen from Appendix LII, that the maximum number of cases were registered under the PCR Act during 1978, with regard to the practice of untouchability in the matter of access to public sources of drinking water in the States of **Madhya Pradesh** (123), **Uttar Pradesh** (60) and **Gujarat** (41). The District-wise information in respect of **Madhya Pradesh** showed that 10 cases each were registered in the districts of Bhind and Morena, 8 each in Datia and Shivpuri, 7 each in Raipur and Vidisha, 6 each in Bhopal, Guna, Sagar, 5 in Raisen, 4 each in Chhindwara and Tikamgarh, 3 each in Dhar, Gwalior, Hoshangabad, Jabalpur, Ratlam, Sehore and Shajapur, 2 each in Bilaspur, Damoh, East Nimar, Satna and one each in Bastar, Betul, Chhatarpur, Dewas, Durg, Indore, Mandla, Raigarh, Rewa, Rajnandgaon, Seoni, Surguja and Ujjain. In **Uttar Pradesh,** the maximum number of cases were registered in districts of Kanpur (11), followed by Lucknow (5), Hardoi (4), Meerut, Saharanpur, Sitapur and Bulandshar (3 each), Barabanki, Badaun, Bareilly, Hamirpur, Jhansi and Unnao (2 each) and Agra, Aligarh, Allahabad, Etah, Farrukkabad, Fatehpur, Jalaun, Lalitpur, Kheri, Mirzapur, Moradabad, Muzaffar Nagar, Nainital, Pratapgarh, Rampur and Shahjahanpur, (one each). In **Gujarat,** out of 41 cases, districtwise, 8 were reported from Banaskantha, 6 from Kheda, 5 from Amreli, 4 each from Ahmedabad, Junagarh, Mahesana, 2 each from Bhavnagar, Sabarkantha, Surendra Nagar and Vadodara, one case each was registered in the districts of Bharuch and Surat.

Access to tea-stalls/restaurants and shops

7.14. Another form of discrimination to which the Scheduled Castes are subjected, is denial of access to tea-stalls/restaurants. For example, in **Gujarat** it has been observed from the complaints registered under the Protection of Civil Rights Act that at many places Scheduled Castes are not served tea in tea-stalls, nor are they allowed to sit in the restaurants and take meals. In case tea is served to them they have to wash their cups themselves and keep these separately. They are also denied service by barbers and shopkeepers. 43 cases were registered in the State during 1978 under the PCR Act in this respect. Such cases have been observed in other states also. For example, in **Kerala** 4, in **Madhya Pradesh** 89, and in **Uttar Pradesh** 29 such cases were registered. The maximum number of cases were registered in **Madhya Pradesh,** where district-wise, 13 cases each were registered in Raipur and West Nimar,

*Please see Appendix LII.

6 in Hoshangabad, 5 each in Ratlam and Rajnandgaon, 4 each in Damoh, Sagar, Tikamgarh and Ujjain, 3 each in Dhar, Chhindwara and Shajapur, 2 each in Bhopal, Raisen, Seoni and Shivpuri, 1 each in Bastar, Betul, Bilaspur, Chhatarpur, Dewas, Durg, Guna, Indore, Jabalpur, Morena, Raigarh, Rewa, Sehore and Vidisha. In **Uttar Pradesh,** out of 29 cases, 4 were in Shahjanpur, 3 each in Agra and Bareilly, 2 each in Etah, Meerut, Moradabad, Nainital, Rampur, and one each in Azamgarh, Bulandshar, Chamoli, Faizabad, Mathura, Pithorgarh, Sitapur, Uttarkashi and Unnao. In **Gujarat,** out of 43 cases registered, 9 were in Junagadh, 8 in Mehsana, 7 in Kheda, 5 in Banaskantha, 4 in Rajkot, 3 in Kutch, 2 each in Surendra Nagar and Vadodara and 1 each in Ahmedabad, Jamnagar and Surat. **It is desirable that voluntary organizations should undertake surveys and enlighten the public about the punishment to which they will be subjected, if they observe untouchability in the matter of access to shops, restaurants, hotels or other places of public entertainment.** The action taken by the Government of **Pondicherry** to circulate the Protection of Civil Rights Act in regional languages is commendable. **The other State Governments/Union Territory Administrations should also take similar action in this regard.**

Access to Religious Places

7.15. In **Madhya Pradesh,** 29 cases were registered during the year 1978 with regard to denial of entry to places of public worship. In some cases, the priests refused to perform puja and did not serve **prasad** to the Scheduled Castes in the temple. They were denied entry in the temple and were prevented from attending Ramayan recitation. In **Uttar Pradesh,** 5 cases were registered in this regard 6 cases were registered under the Act in respect of obstruction of Scheduled Castes to temple entry, in **Kerala,** during 1978, out of which one case is under investigation and the remaining cases are pending in the Court. In **Madhya Pradesh,** out of the 29 cases registered under the Act, with regard to the denial of access to places of public worship, only 1 case was decided by the Court and that too ended in compromise*. Out of remaining cases, 5 cases were reported to be under investigation while the rest of the cases were pending in Courts. The Section-wise position of the above cases is given below :—

Out of the two cases registered under Section 4/6 of the Act, one case was in Tikamgarh, in which a Thakur did not allow a Scheduled Caste to enter a temple and beat him. 10 cases were registered under Section 3/4 of the Act out of which 2 cases were registered in Guna district. In one of these cases, a Scheduled Caste person was not allowed to enter a temple and in another, a Scheduled Caste person was not allowed to perform puja in a temple. Out of the remaining cases, one case each was registered in the districts of West Nimar, Ratlam, Shivpuri and Raisen and two cases each in Rajgarh and East Nimar and 4 cases were registered under Section 3 of the Act in the districts of Durg, Raigarh, Indore and Chhatarpur. Under Section 7 of the PCR Act, 5 cases were registered out of which 2 cases were registered in Sagar district. In one of these cases a Scheduled Caste person was not allowed to offer **prasad** in a temple. In the other case, a Scheduled Caste person was not allowed to perform **puja** in a temple and was insulted by the Thakur. In Indore district, a Patel did not allow a Scheduled Caste person to enter the temple. In Jhabua, a Scheduled Caste person, in addition to denial of temple entry was beaten by the accused persons. In Rajnandgaon, one case was registered in which the complainant was not allowed to perform **Puja** in a temple. In Raipur and Shajapur, one case each was registered under Section 3/7 of the Protection of Civil Rights Act, 2 cases were registered in Bilaspur district under Section 6 of the PCR Act, in which the Scheduled Castes were not allowed to participate in Ramlila. In Saugar district, a case under Section 3/6 of the Act was registered in which a Thakur obstructed a Scheduled Caste from offering **prasad** in the temple. 2 cases were registered under Section 4/7 of the PCR Act in Shajapur. In **Uttar Pradesh** only 5 such cases were registered under the relevant Sections of the Act, out of which 2 were in Meerut district, 2 in Jhansi district and one in Moradabad district.

Other kinds of untouchability

7.16. Besides the above forms of untouchability, at times Scheduled Castes are also subjected to assault and insult while taking seat in a bus or if, by chance, they happen to touch a caste-Hindus or touch the vessels of caste-Hindu. Such cases were registered under the PCR Act during 1978 in **Gujarat, Haryana, Kerala, Pondicherry, Madhya Pradesh** and **Uttar Pradesh.** In **Gujarat,** 39 cases were registered, out of which 8 were in Ahmedabad district, 2 each in Jamnagar, Kutch and Junagadh districts, 6 each in Kheda and Rajkot districts, 4 in Mehsana district, 3 each in Sabarkantha and Vadodara districts and one each in Amreli, Surat and Surendra Nagar districts. In **Kerala,** 30 such cases were registered. In **Madhya Pradesh** 46 such cases were registered, out of which 2 cases each were registered in Gwalior, Indore, Shivpuri, Ujjain and Bilaspur districts, 26 in Sagar district, 1 each in Seoni, Jabalpur, Mandla, Dewas, Morena, Raigarh, Shahdol, Surguja, Tikamgarh and West Nimar districts. The maximum number of cases of this type (110) were registered in **Uttar Pradesh.** The district-wise number of cases registered were 24 in Bareilly, 8 in Moradabad, 6 in Meerut, 5 each in Gorakhpur, Ghaziabad, Kanpur, 4 each in Saharanpur, Badaun, Bulandshar, 3 each in Aligarh, Dehra Dun, Muzaffar

*The details of the judgement are not available. Compounding of such cases is not however allowed under PCR Act.

Nagar, Rampur, Rai Bareli, 2 each in Almora, Allahabad, Ballia, Bijnor, Hardoi, Kheri, Lalitpur, and one each in Agra, Azamgarh, Barabanki, Banda, Etah, Etawah, Farrukhabad, Fatehpur, Jalaun, Lucknow, Mathura, Mirzapur, Nainital, Pithorgarh, Sitapur and Unnao. The remaining cases of other types registered in 1978 were 571 in **Gujarat,** 4 in **Haryana,** 14 in **Kerala,** 111 in **Madhya Pradesh** and 83 in **Uttar Pradesh.** The total number of cases of all categories registered were 694 in **Gujarat,** 287 in **Uttar Pradesh,** 4 in **Haryana,** 398 in **Madhya Pradesh,** 49 in **Kerala** and 34 in **Pondicherry.**

Salient features of the Protection of Civil Rights Act

7.17. Some of the important features of the Act are given below :—

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

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

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

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

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

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

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

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

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

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

(xi) Privately owned places of worship alongwith lands and subsidiary shrines appurtenant to such privately owned places of worship which are allowed by the owner to be used as places of public worship have been brought within the purview of the Act.

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

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

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

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

The above 10 points relating to submission of an annual report to Parliament by the Government of India on the Protection of Civil Rights Act, grant of adequate facilities including legal aid to persons subjected to any disability arising out of untouchability, appointment of officers for supervision over prosecutions under the Act, setting up of special courts for the trial of offences under the Act, setting up of committees to assist the State Governments in formulating or implementing measures to ensure that rights arising out of the abolition of untouchability are made available to Scheduled Castes, periodic surveys of the working of the provisions of the Act, identification of the areas where persons are suffering any disability, summary trial of offences where the punishment does exceed three months, empowering the State Governments to impose collective fines on the inhabitants of any area who are concerned in or abetting untouchability offences and the Central Government to make rules to carry out the provisions of the Act, have been dealt at paras 2.9 to 2.20 in Chapter 2 on 'Constitutional Safeguards'. The remaining points mentioned above are discussed in the subsequent paragraphs.

7.18. No information has been received in this Organisation regarding registration of cases pertaining to point numbers xii and xiii mentioned above. In so far as point number xiv is concerned, under Section 10 of the Protection of Civil Rights Act a public servant who wilfully neglects the investigation of any offence punishable under the Act, shall be deemed to have abetted an offence punishable under the Act. Under this category, 6 cases were registered in **Uttar Pradesh** out of which one each was registered in the districts of Kanpur, Lucknow, Bareilly and Meerut and 2 in Moradabad. The nature of these cases varied from insult by police officials to insult by Government servants. The final outcome of all these cases is awaited.

7.19. As regards the enhancement of punishment for untouchability offences (point number

xv in para 8.17 above), it would be seen from the information received from the Governments of **Kerala, Uttar Pradesh, Pondicherry, Madhya Pradesh** and **Gujarat** given at Appendix LII that out of 866 cases challaned in courts, during 1978, only 16 had been decided, out of which 5 were acquitted, 4 were compromised* and 2 were discharged. In one case, 3 months' Rigorous Imprisonment was awarded while in one case one month's Rigorous Imprisonment was awarded. Fine amounting to Rs. 100 was imposed in two cases.

Working of the special machinery set up in various States for effective implementation of Protection of Civil Rights Act

Harijan Cells/Special Police Cells

7.20. The Ministry of Home Affairs provide Central assistance to various State Governments for strengthening the enforcement machinery of the Protection of Civil Rights Act. Some State Governments have therefore made special arrangements like the establishment of Harijan Cells/Committees etc. for dealing with the cases of untouchability in accordance with the provisions of the Protection of Civil Rights Act. **Their arrangements vary from State to State** depending upon the resources, the problems and other local conditions. Such Cells/Committees have been constituted in **Andhra Pradesh, Bihar, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Tamil Nadu, Uttar Pradesh** and **Pondicherry.** Mobile Police squads have also been set up in **Tamil Nadu** and **Kerala.** These cells are responsible for proper and speedy investigation of all complaints involving offences against the members of Scheduled Castes. Details about the composition and working of these Cells/Committees has been given in para 9.8 of this Report.

Measures taken by the various State Governments/Union Territory Administrations for eradication of untouchability

Assam :

7.21. Cases of untouchability reported by Welfare Officers are being looked into by the concerned Sub-Divisional Development Boards. The State Government has issued instructions to the Departments like Home, Agriculture and Panchayat and Community Development to train their officers in work for the removal of untouchability and to cooperate in the implementation of the Protection of Civil Rights Act.

Gujarat :

7.22. The State Government issued instructions from time to time to the Collectors, District Superintendents of Police, District Development Officers and Presidents of District Panchayats for the eradication of untouchability in villages. At the District level, there is a District Vigilance Committee under the Chairmanship of the Collector and other officials and non-official members, including five Harijan workers to review the work under the Protection of Civil Rights Act. Similarly, at the Taluka level a committee under the Chairmanship of the **Mamlatdar** looks into this work. The Police registers the offences on receipt of information under the Act without waiting for any written complaint. Five Scheduled Caste persons have been appointed on the District Police Advisory Committee so that cases of harassment to Scheduled Castes could be discussed in the Committee and their interests protected. A separate register in respect of persons convicted under the Protection of Civil Rights Act is maintained in the office of the Inspector General of Police and persons found guilty under the above Act are not to be appointed in any Committee, Board or Corporation which may be constituted at the District or State level. Untouchability Week is also celebrated every year with a fixed programme. Preference is given to Scheduled Castes and their cooperatives while allotting canteens or hotels to be run in Government offices, statutory bodies, public undertakings etc. In addition, to arousing more awakening in the rural masses, the State Social Welfare Department takes up intensive propaganda programmes and as such undertakes **Mashal Yatra,** Gandhi Sandesh Yatra and Village Asprushyata Nivaran, Gram Vikas Jyot Padyatras in villages and appoints propaganda workers, propaganda officers (State level), etc.

Himachal Pradesh :

7.23. Special instructions have been issued by the State Government to all officials to maintain contacts with the Scheduled Castes while on tour to create confidence in their minds and redress their grievances.

Haryana :

7.24. The State Government have been issuing instructions to the Superintendents of Police from time to time to deal with firm hand all the cases of untouchability, harassment and intimidation of the Scheduled Castes by caste Hindus. The State Public Relations Department through its District Publicity Units invited special attention of the public towards the evils of the practice of untouchability and the provisions made under the Protection of Civil Rights Act to deal with such cases. During the year 1978-79 the Department issued 22,000 Posters, 10,000 Folders, 14,000 Hand bills and other publicity material against the practice of untouchability, highlighting the savings of various saints like Guru Ravi Dass, emphasising human equality and brotherhood.

Jammu & Kashmir :

7.25. The State Government has instructed the Deputy Commissioners/Superintendents of Police to deal with the cases of untouchability firmly. Social camps are organised to deal with this problem. Similarly, the State Information Department also organises discussions and seminars in the educational institutions on the

***The details of the judgement are not available. Compounding of such cases is not however allowed under the Protection of Civil Rights Act.**

topics of removal of untouchability. The District Officers tour at least once in six months the areas which have concentration of Harijan population and submit reports to the Home Department for the information of the Chief Minister. Cases of violations of Civil Rights, on caste basis are treated as Special Report cases. Legal assistance is also provided by Social Welfare Department in the cases of atrocities lodged with the Police or the courts.

Karnataka :

7.26. It is reported that the practice of untouchability is more pronounced in rural areas than in the urban areas. Untouchability is practiced in various forms such as abuse on caste considerations, refusal to serve eatables in hotels, obstruction to draw water from public wells and serving coffee, tea, etc., in separate cups and saucers. Instances of obstruction to temple entry and refusal to shave or to hair cut were also noticed. The State Government have taken the following steps to eradicate the evil practice of untouchability.

(i) Treating of all cases registered under the Protection of Civil Rights Act as heinous (Special Report cases).

(ii) Investigation of such cases by the officers of the rank of a Circle Inspector of Police.

(iii) Submission of Special reports to higher authorities about the details of all such cases.

(iv) Village visits by all officers of the Police Department, from Superintendent to Constable for making enquiries about the practice of untouchability and for taking remedial action during beat patrols.

(v) Visiting Harijan Colonies by all officers of the department for making enquiries about their grievances etc.

(vi) Strict disciplinary action against the officers who fail to take action on complaints of the practice of untouchability.

(vii) Investigation of all important cases by the Civil Rights Enforcement Cell.

(viii) During November, 1978 a regional Conference was held at Bangalore to discuss economic development of Scheduled Castes and Scheduled Tribes and other allied matters. The conference was attended by the officers of the Southern Region and of the Government of India.

Kerala :

7.27. The schemes for the eradication of untouchability are implemented by the State Director of Harijan Welfare. A committee for the Protection of Civil Rights Act has been constituted at Kasargode with the Revenue Divisional Officer, Cannanore as Convener. Presidents of various Panchayats and social workers are members of this Committee which meets once in three months to review the situation. Setting up of another squad at Chittur in Palghat district, similar to the one at Kasargode is under consideration of the State Government. The Chief Publicity Officer of the Harijan Welfare Directorate is provided with audio visual aids for publicity work. During the year 1978-79 the State Government conducted five 'Equality Seminars' at different places in the State i.e. two in Cannanore district and one each in Palghat, Kozhikode and Trivandrum districts. An amount of Rs. 10,000 was spent for these Seminars. A feature film based on the evils of untouchability was purchased for Rs. 7,500. Besides, the Publicity Unit of the Harijan Welfare Department conducted and convened 107 meetings and arranged 129 Film shows in various parts of the State during the year for the removal of the practice of untouchability.

Maharashtra :

7.28. To make the public aware about the teachings of various social reformers for the removal of untouchability books written by social reformers like Mahatma Gandhi, Dr. Ambedkar, Mahatma Fule etc. about social equality and liberation of women were published during Samala Varsha Celebration. Prizes were awarded to villagers which had played outstanding role in the removal of untouchability. Social workers were awarded Rs. 1001 a shawl, shreephal and certificate under Dalit Mitra Scheme for their outstanding social work. Community dinners, propaganda in the form of mass education programme meetings etc., were organised during Harijan Fortnight which is observed every year from 14th April, onwards.

Orissa :

7.29. A high level committee known as the "Atrocities Enquiry Committee" consisting of one Member of Parliament, four M. L. As, as Members and Director, Tribal and Rural Department as Member Secretary was constituted in June, 1978, to make on-the-spot enquiry into the cases of atrocities on Harijans and Adivasis and also give suggestions for the eradication of the practice of untouchability. The Committee by May, 1979 had made on-the-spot enquiries in respect of 13 cases and submitted their reports to the State Government, in 9 cases. These on-the-spot enquiries were made in the districts of Cuttack, Puri, Dhenkanal and Koraput and the Collectors of the concerned districts were asked to take necessary action on the recommendations contained in the reports of the Committee. During 1978-79 a Special Cell, within the State Home Department was constituted for strengthening the machinery for enforcement of Protection of Civil Rights Act, 1955. for which a sum of Rs. 1,00,000 was provided.

Punjab :

7.30. Though there are not many cases of untouchability in the State, the State Government have issued instructions to all the District authorities, that Government agencies should intervene promptly and effectively in all cases of

atrocities and boycott of Scheduled Castes, to inspire a sense of security amongst the members of Scheduled Castes and take deterrent action according to law to curb such cases. With a view to achieving the objective, the Gazetted Officers of the Police Department as well as of the civil departments are deputed to visit the spot of occurrence of any such incident of intimidation, denial of civil/social rights, harassment, social boycott, exploitation of Scheduled Caste because of caste considerations and wage disputes for immediate settlement and removal of any handicap to Harijans/weaker sections of the society. A serious notice is also taken of any lapses on the part of officers prosecuting such cases. The Supervising Officers are also supposed to ensure that no avoidable delay is caused in the disposal of such cases on account of any deficiency on the part of the prosecuting staff and that such cases are invariably decided by the courts within 6 months from the date of registration of the criminal case. The State Government have also consituted a State Advisory Committee, to devote special attention to the task of improving the performance of administrative agencies in the registration, investigation and prosecution of offences under the Protection of Civil Rights Act, 1955. The State Government have intimated that in view of the strict measures taken by the Government, the number of such cases of harassment and observance of untouchability has decreased considerably.

Tamil Nadu :

7.31. 'Harijan Week' is celebrated every year from 24th January to 30th January. During the period, meetings are held and special supplement are published to focus the attention of the public on the need for removal of untouchability. Prizes are given to the neatly maintained Harijan colonies. Two prizes are awarded to two villages in each district (except Madras) which strive for the eradication of untouchability.

Chandigarh :

7.32. Due to high percentage of literacy and urban character of the Territory, it is reported that the problem of untouchability is almost non-existent and as such the Administration has not taken any special measures except that a committee under the Chairmanship of the Home Secretary has been constituted to look into the problems of Harijans.

Goa, Daman & Diu :

7.33. A Committee consisting of Chief Secretary as Chairman and Director of Social Welfare as Member Secretary has been established for formulating policies for the removal of untouchability. In pursuance of the recommendations made by this Committee, a Union Territory level Committee for the Welfare of Scheduled Castes/Scheduled Tribes was constituted under the Chairmanship of the Chief Minister to review the working of various welfare schemes. The Committee is expected to be reconstituted after the general election in the Union Territory Anti-untouchability week is celebrated from 2nd of October onwards to educate and make the public aware of this evil. To improve the socio-economic conditions of Scheduled Castes and Scheduled Tribes several schemes are being implemented under the Five Year Plan. The Administration also provides financial help to those voluntary organisations which help in the upliftment of Scheduled Castes and eradication of untouchability. The Block Advisory Committee Scheduled Caste members to watch their interest. The State Housing Board has reserved 2% of plots/flats/houses constructed for allotment to Scheduled Castes/Scheduled Tribes. The matter relating to reservation of shops/restaurants at Bus Stands and allotment of Fair Price Shops to the Scheduled Castes is under consideration of the Government.

Pondicherry :

7.34. During the celebration of Harijan Week, following the birthday of Dr. Ambedkar, the Harijan Welfare Inspectors made wide publicity in respect of the Protection of Civil Rights Act, 1955 in all the Harijan Colonies in the region. Hand bills printed in English and Tamil, explaining the rights guaranteed to Scheduled Castes under the Constitution and the evils of the practice of untouchability, were depicted in the rural areas. Besides, banners and posters inscribing the evils of untouchability were also displayed in all conspicuous parts of Pondicherry and Karaikal regions. Students belonging to non-Scheduled Castes were admitted in various hostels meant for Scheduled Castes and **Pattas** for house-sites were distributed to members of other Backward Classes in the sites acquired for Scheduled Castes, to give the colony a mixed character.

Inter-caste marriages

7.35. Inter-caste marriages between the Scheduled Castes and Caste Hindus are encouraged to curb the feelings of casteism and the resultant feelings of untouchability. If we go through the previous Annual Reports of the Commissioner for Scheduled Castes and Scheduled Tribes we would find that the State Governments were asked to encourage inter-caste marriages by giving incentives to such couples. It was recommended in the annual Report for the years 1971-73 that inter-caste marriages between the Scheduled Castes and Caste Hindus should be encouraged and if such marriages took place in large numbers in our society, they would strike at the very roots of the problems of Casteism and untouchability. The Report commended the steps taken by the State Governments of **Gujarat, Kerala, Maharashtra** and **Tamil Nadu** and suggested that there was need to further encourage the inter-caste married couples by assuring them that their children would get free education at all stages regardless of the income of the family and that inter-caste married couples should be given preference in the matter of recruitment to Government posts, allotment of lands, house-sites and houses so that these symbols of a casteless society could be

given due recognition by the nation. Similarly, in the Reports for the year 1973-74 and 1977-78 also it was recommended that besides giving gold medals/cash grants at the time of marriages in vogue in some States, it would be essential to encourage the inter-caste married couples by assuring them long term benefits like concessions in the education of their children, preference in the matter of recruitment to Government posts, allotment of lands, and house-sites etc.

7.36. On the basis of information received during the year under report steps taken by various State Governments in this regard have been summarised as under :—

Andhra Pradesh :

A grant not exceeding Rs. 1,400 in value is given to the couple of an inter-caste marriage, if either spouse belongs to Scheduled Castes and Rs. 500 if either spouse belongs to Backward Class. Any form of mariage without insisting necessarily on registration, is recognised for the purpose of inter-caste marriage. The grant is given in the shape of essential articles required for setting up a house-hold. When one of the parties to the inter-caste marriage belongs to Scheduled Caste or Backward Class, non-statutory concessions like scholarships, hostel facilities and other educational concessions are extended to such inter-caste married couples and their children on par with Scheduled Castes or Backward Classes, as the case may be. These concessions are available to the children of the inter-caste married couples irrespective of the date of the marriage, but in the case of inter-caste married couples, the concessions are available only to those whose marriage took place on or after 15th July, 1974. Both the wife and husband are eligible for the concessions on the basis of the caste of either spouse.

Bihar :

Under the scheme 'Incentive to inter-caste married couples, of which one of the spouses belongs to a Scheduled Caste/Tribe and is a permanent resident of **Bihar,** the State Government gives a grant of Rs. 2,000 on their marriage day, through the District Harijan Welfare Officer.

Gujarat :

The Government of Gujarat had been awarding an amount of Rs. 500 to the inter-caste married couples belonging to Scheduled Caste and Caste Hindus. Considering the amount to be quite inadequate due to rising cost of living, the amount was raised to Rs. 5.000 from October, 1974. Out of this amount, small saving certificate amounting to Rs. 4,000 jointly in the names of the husband and wife is given as gift besides cash amount of Rs. 700 for the purchase of house-hold materials etc.. and Rs. 300 to meet the expenses on solemnising the marriage and arranging reception etc.

Karnataka :

Financial assistance not exceeding Rs. 2,000 is given to the persons contracting inter-caste marriage, provided either of the parties belongs to a Scheduled Caste. This assistance is given to those couples only whose annual income does not exceed Rs. 3,000 from all sources. This grant is to be utilised for starting business or for purchase of land or construction of a house or for any capital investment from which the beneficiaries could derive a recurring income for their subsistance. The financial assistance is given only to the lawfully married couples whose marriages have been registered in a Registration Office, though they might have married under any other custom and have lived as husband and wife for not less than a year.

Kerala :

An amount of Rs. 2,000 is given as grant to the persons placed under hard circumstances due to inter-caste marriages. The children born of these inter-caste marriages are also allowed all educational concessions as given to the Scheduled Castes or Scheduled Tribes provided either the father or mother of these children belongs to Scheduled Castes or Scheduled Tribes. In addition, such inter-caste married couples are given priority for appointment through the Employment Exchanges provided the father or the mother of the candidate belongs to a Scheduled Caste or a Scheduled Tribe. Government employees who have entered into inter-caste marriage are posted to the same station according to the instructions of the State Government. During the year 1978-79, a sum of Rs. 3,04,000 was distributed as grant to 152 such couples.

Madhya Pradesh :

An amount of Rs. 1,000 is given to each inter-caste married couple alongwith both ways transport charges from their respective home town/village to the capital of the State, Bhopal and back. On 26th January, of each year, these inter-caste married couples are awarded a certificate of merit and a gold/silver medal, by the Governor of the State in appreciation of their social service.

Maharashtra :

Under the scheme social receptions involving an expenditure limited to Rs. 300 or Rs. 200 as the case may be, are arranged in honour of the inter-caste married couples where one of the parties should belong to the Scheduled Caste community and the other to Savarna Hindu community. All concessions given to persons belonging to Scheduled Castes are also given to the non-Backward Class persons amongst the inter-caste married couples as also to the progeny of these couples.

Pondicherry :

In pursuance of the recommendation made by this organisation, the Government

of Pondicherry decided to drop their original scheme and instead introduced a scheme of incentives to inter-caste married couples on the lines of the scheme introduced by the Government of Gujarat, giving a grant not exceeding Rs. 5,000 to each inter-caste married couple.

Tamil Nadu :

To eradicate the evil practice of untouchability and inculcate the feeling of communal and caste harmony, the Government of **Tamil Nadu** encourages inter-caste marriages where one spouse of the couple is a Scheduled Caste or Scheduled Tribe and awards the following concessions to such couples :—

(i) Award of gold medal worth about 1½ sovereigns, 14 (Carat) besides a certificate of appreciation.

(ii) Cash grant of Rs. 200 with effect from 4th October 1973.

(iii) Interest free loan for the Scheduled Caste spouse of the couple ranging from Rs. 250 to Rs. 15,000 to start petty trades under the Petty Trade Loan Scheme.

(iv) 3% of house-site to the Scheduled Castes or Scheduled Tribe member of the couple.

(v) Preference to Scheduled Caste spouse of the couple in the matter of concessions intended for Harijans.

Tripura :

The Government of **Tripura** awards a grant of Rs. 2,000 and an appreciation certificate to each couple who contracted inter-caste marriage between a Scheduled Caste and a Caste Hindu. Out of the financial grant, a sum of Rs. 500 is given to meet the expenses on celebration of marriage and reception etc. Rs. 500 as cash gift to the couple for purchase of household materials and the balance Rs. 1,000 in small saving certificate in the joint name of the couple.

7.37. It is very heartening to note that the State Governments of **Andhra Pradesh, Bihar, Gujarat, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Pondicherry, Tamil Nadu** and **Tripura** have introduced the scheme for encouraging inter-caste marriages. The Government of **Orissa** have intimated that the scheme is still under consideration of the State Government whereas the scheme submitted by the Government of **Goa, Daman & Diu** to the Government of India has since been approved and it will be shortly notified by the State Government. **It is suggested that the remaining State Governments/Union Territory Administrations should consider the desirability of giving short and long term benefits to the inter-caste married couples and ensure that such couples are free from all sorts of harassment.**

7.38. It will not be out of place to mention here that the Working Group on Scheduled Castes and Other Backward Classes constituted by the Ministry of Home Affairs, have also suggested that the children of inter-caste marriages where one of the spouses belongs to Scheduled Castes should be entitled to the same benefits of reservation as provided for the Scheduled Castes and each spouse of such marriages should be eligible for the highest priority in employment in the quota/category to which he/she will be ordinarily entitled, so long as there is no separation or divorce. **It is hoped that the State Governments/Union Territory Administrations concerned would take into consideration the above suggestion of the Working Group while giving benefits to the inter-caste married couples.**

7.39. Regarding the specific suggestion of grant of priority to such couples in the matter of recruitment, only the Government of **Kerala** have made this specific provision. According to the instructions issued by the State Government, these inter-caste married couples are given priority for appointment through the Employment Exchanges. **It is suggested that the State Governments, which have not so far notified this concession for these couples, should consider the desirability of doing so.**

Non-Official Agencies

7.40. Non-official organisations have a significant role to play in advancing the social and economic progress of the community in general and in particular of the backward sections of the society. In the overall development of tribal areas such agencies can make valuable contribution provided they are adequately assisted on the basis of programmes which are carefully formulated and coordinated with other activities. A number of such agencies are working for the amelioration of the conditions of the Scheduled Castes and Scheduled Tribes. Some of them are of an all-India character and are working with grants sanctioned by the Central Government, while those whose activities are confined to one State are assisted by the respective State Government. The activities of such agencies are generally confined to the fields of education, economic uplift, publicity for the removal of the practice of untouchability and achieving social transformation by arousing self confidence particularly in the weaker sections of the society.

7.41. Information regarding the names of various non-official agencies, grants-in-aid given to them by the Government of India for the implementation of their approved schemes for the welfare of Scheduled Castes, Scheduled

Tribes and other backward classes during the year 1977-78 and 1978-79 is given below :—

S. No.	Name of the Organisation	Grants-in-aid released during the year 1977-78	1978-79
1	2	3	4
		(Rs. in lakhs)	
A.	FOR SCHEDULED CASTES	Rs.	Rs.
1.	All India Harijan Sevak Sangh, Delhi	11·14	10·34
2.	Bharatiya Depressed Classes Leauge, New Delhi.	1·25	2·24
3.	Hind Sweepers' Sevak Samaj, New Delhi.	1·68	1·95
4.	Ishwar Saran Ashram, Allahabad.	1.23	0.54
B.	FOR SCHEDULED TRIBES		
1.	Bharatiya Adimjati Sevak Sangh, New Delhi.	2·81	7·36
2.	Andhra Rashtra Adimjati Sevak Sangh, Nellore, Andhra Pradesh,	0·67	0·43
3.	Ramakrishna Mission Ashram, Ranchi, Bihar.	1·69	1·97
4.	Ramakrishna Mission Ashram, Cherrapunji, Meghalaya.	10·16	9·73
5.	Ramakrishna Mission, Shillong, Meghalaya.	0·83	1·57
6.	Sri Ramakrishna Advaita Ashram, Kalady, Kerala.	0·86	1·11
7.	RamakrishnaMission Sevasram, Silchar, Assam.	0·93	1·00
8.	Nagaland Gandhi Ashram, Mokokchung, Nagaland.	0·30	0·49
9.	Sri Ramakrishna Society, Dimapur, Nagaland.	0·25	0·25
10.	Ashok Ashram, Kalsi, Dehra Dun, U.P.	1·50	1·93
11.	Banasthali Vidyapith, Rajasthan .	..	2·00
12.	Nilgiris Adivasi Welfare Association, Nilgiris, Tamil Nadu.	..	0·57
13.	Shri Girivanvasi Pragati Mandal, New Delhi.	..	2·50
14.	Sri Ramakrishna Seva Kendra, Calcutta, West Bengal.	0·07	0·22
15.	Akhil Bharatiya Dayanand Sevashram Sangh, New Delhi.	1·24	1·58
C.	BOTH FOR SCHEDULED CASTES AND SCHEDULED TRIBES.		
1.	Ramakrishna Mission Ashram, Puri, Orissa.	1·20	1·15
2.	Ramakrishna Mission Ashram, Narendrapur, West Bengal.	2·30	2·91
3.	Thakkar Bapa Ashram, Nimakhandi, Orissa.	0·32	0·44
*4.	Servants of India Society, Poona, Maharashtra.	3·66	4·49
5.	Sri Ramakrishna Ashram, Nimapith, Orissa.	..	1·87
6.	Ramakrishna Mission Vidyapith, Purulia, West Bengal.	..	0·19
7.	Gharmora Model Satra Hills and Plains Cultural Institution, North Lakhimpur, Assam.	..	0·27
D.	FOR OTHER BACKWARD CLASSES.		
1.	Indian Red Cross Society, New Delhi	6·49	8·33

***Also for other Backward classes.**

Harijan Sevak Sangh

7.42. During the year 1978-79, the Harijan Sevak Sangh took up the scheme of 'Intensive Area Work' for removal of untouchability in 31 Blocks, selected in the States of **Andhra Pradesh, Bihar, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Maharashtra, Madhya Pradesh, Orissa, Punjab, Rajasthan, Tamil Nadu** and **Uttar Pradesh.** Fifty villages in each Block were taken up. The 'Intensive Area Scheme' has been chalked out for conducting programmes of removal of untouchability within a specified area in a definite period, Plans for the removal of untouchability and Harijan Welfare in the villages falling in the intensive areas, are drawn up on the basis of prior surveys conducted from time to time so that priorities could be laid down for the existing problems and the programme to be taken up in the area. The scheme has been formulated keeping in view the following objectives :—

(i) To remove the prevailing conception of untouchability in the social, religious, educational, public and daily dealings and to bring about amiability between the Caste Hindus and Harijans,

(ii) to find opportunities for the educational, cultural and technical development of the Harijans and to obtain facilities for them,

(iii) to weed out deleterious beliefs and customs as well as vices from the Harijan communities,

(iv) to remain vigilant about injustices and atrocities committed against Harijans and to initiate steps to get them full justice, and

(v) to search for opportunities for the economic development of Harijans and to obtain resources for the same.

The workers of the Sangh surveyed more than 1,500 villages and gathered information regarding rampant social disabilities of various types, population of Harijan and landless families and the number of their school going children etc. etc. For the removal of untouchability, the Sangh made an intensive programme including, propaganda through its **Pracharaks,** publication of literature, film shows, arranging of **padyatras** by its workers, holding of meetings, and goodwill conferences etc. which are generally addressed by religious leaders, teachers, and intellectuals. At such gatherings, various aspects of the problems of Scheduled Castes were discussed and brought to the notice of the Government for redress. During the year under report, 2415 such meetings/gatherings were held all over the country. The workers of the Sangh concentrating their activities in remote rural areas reported 392 cases, out of which 143 related to land disputes and 249 to practice of untouchability under the Protection of Civil Rights Act. In addition, the Sangh also made on-the-spot studies and investigations to find out facts relating to cases of atrocities on Scheduled Castes. The

workers of the Sangh succeeded in getting free access of Harijans to 245 temples, 374 wells, 517 restaurants and services of 183 barbers and 62 washermen in various parts of the country. The Bhangi Kashat Mukti is another important scheme which is being conducted by the Sangh. Under the scheme which aims at abolition of scavenging, 53 Bhangi Kashta Mukti Sevaks, 3 Regional Sevaks and 4 Zonal Organizers worked in the field. These workers got 8,196 drylatrines converted into water-borne and 4,121 water-borne latrines constructed. Highest number of such latrines were converted in **Gujarat** (5209) followed by West Bengal (833) and Orissa (500). Largest number of water-borne latrines were constructed in **Gujarat** (1,040), **Orissa** (1,200), **West Bengal** (727) **Karnataka** (566). Zonal Organizer engaged in **Gujarat,** organised a number of training camps with the help of State Government. The Safai Vidyalaya at Ahmedabad run by the Sangh which provides training to a large number of workers in urban rural sanitation and systematic and hygenic disposal of night soil, organised a number of training camps in the districts of Ahmedabad, Broach, Amreti, Mehsana & Valsad in which about 325 workers participated. The Government of Gujarat continued to provide a subsidy of Rs. 400 and Rs. 500 for conversion of latrines in Municipal and Panchayat areas respectively. Under this scheme, 2,600 latrines were converted in Municipal areas. The Municipalities of Jamnagar, Surat, Baroda, Savarkantha, Dangs and Broach completed their work of conversion of latrines. The Sangh is also running a residential institution for girls namely 'Kasturba Balika Vidyalaya' which provides education upto higher secondary standard. The Institution had 597 students of whom 217 were resident students, out of whom 199 students belonged to Scheduled Castes, one to Scheduled Tribes and 17 to other. In addition, a primary school 'Bapa Ashram School' is also being run for the children of the members of scavenging community. The school had 374 children on roll out of whom 241 belonged to the scavenging community, 81 to other Scheduled Castes and 52 to other backward classes. Out of these 252 were resident students.

Bharatiya Depressed Classes League

7.43. The Bharatiya Depressed Classes League continued their activities for the removal of the practice of untouchability and to secure equality for the Scheduled Castes with the rest of the society. Seventy Pracharaks including Lady Pracharaks conducted meetings and arranged **melas** in various localities to impress upon the caste Hindus the desirability of eradicating the unsocial practice of untouchability. During the first half of the year 1978-79, the Pracharaks of the League arranged 884 public meetings and social gatherings in the States of **Andhra Pradesh, Bihar, Madhya Pradesh, Orissa, Tamil Nadu, Rajasthan, Uttar Pradesh** and **West Bengal.** In addition, 5 hotels, 3 drinking water wells and 2 temples were also thrown open to the Scheduled Castes in these States through the efforts of the Pracharaks. It is reported that the Pracharaks got freed 150 bonded labourers in the States of **Punjab, Haryana** and **Uttar Pradesh.** The Pracharaks also attended to various complaints of harassment of Scheduled Castes and made on the spot verifications of the facts and brought them to the notice of the concerned authorities, to redress their grievances. Posters giving quotations from the Vedas and Shastras against the practice of untouchability, incorporating messages from Saints like Balmiki Rishi, Mahatama Ravidass and social reformers like Rishi Dayanand, Raja Ram Mohan Ray and Mahatama Gandhi were printed and distributed freely to acquaint the public with the ideas of these saints about the evil practice of untouchability.

Hind Sweepers' Sevak Sangh

7.44. During the year 1978-79, the Hind Sweepers' Sevak Samaj continued to run 9 Social Welfare and Education Centres at Allahabad, Lucknow, Shahjahanpur, Varanasi, Fatehpur, Katni and Ranaghat in **Uttar Pradesh,** Gurgaon in **Haryana** and Patiala in **Punjab,** to cater to the needs of the children and women belonging to the Scheduled Castes. All Centres are manned by two teachers and one **Aya** except the Centre at Katni and Ranaghat which are run by a single teacher. The Samaj also maintained one hostel for 35 Scheduled Caste Post-matric students at Allahabad where provision for free board and lodging and special coaching was made. In addition, the Samaj was running one shorthand/typewriting training Centre for 30 Scheduled Caste students and an Ashram School for Sweepers' children at Allahabad where provision was made to accommodate 72 children of school going age belonging to poor Scheduled Caste families of the rural areas particularly of the sweeper community. The inmates were given free board and lodging facilities.

7.45. The Samaj contemplates to start an agricultural training institute for training Scheduled Caste Youths and to inculcate in them feelings of religious harmony, social fellowship and love of the motherland on the lines of 'Divyayam' an institute run by Ram Krishna Mission Ashram, Ranchi. The Samaj had applied to the Government of **Uttar Pradesh** for allotment of land in Lucknow district to start the proposed institute. Sometime back, the Commissioner had recommended the proposal to the then Chief Minister of **Uttar Pradesh** but it appears that the State Government have not so far taken any decision in the matter. **In view of the satisfactory work done by the Samaj, and the need to impart agricultural training to Scheduled Castes youngmen. It is hoped that this proposal would receive sympathetic consideration by the Government of Uttar Pradesh.**

Sri Ramakrishna Advaita Ashram, Kalady

7.46. Ramakrishna Advaita Ashram, Kalady, is running a hostel for 70 Scheduled Caste/Tribe school going boys. There are a few other paying inmates belonging to other communities. The

Ashram provides a very congenial atmosphere to the immates for their education and to grow spiritually and morally. Apart from coaching by the competent teachers and hostel warden, the weak students are given special tuition. During the year under report, a three week training in Yogasana exercise was given to a few selected boys by an expert. 42 boys alongwith 21 paying boarders were taken to various places for excursion.

Ramakrishna Mission Ashram, Puri

7.47. Ramakrishna Mission Ashram, Puri is conducting a Students' Home for the students belonging to Scheduled Castes/Tribes. During the year 1978-79, the total strength of the 'Home' stood at 65 out of whom 46 belonged to Scheduled Tribes, 13 to Scheduled Castes and 6 to economically backward and Other Backward Classes. A group of 15 students was imparted typewriting training under the guidance of a part-time instructor. Special coaching was also given to the boys regularly by the teachers appointed for the purpose. The Ashram is also maintaining a dairy farm which provides practical demonstration in cattle rearing to the boys and provides milk to the inmates. The students are also imparted training in 'Bakery'.

Nagaland Gandhi Ashram, Chuchuyimlang (Nagaland).

7.48. Nagaland Gandhi Ashram, Chuchuyimlang established in the year 1955 has completed 25 years of service to people of **Nagaland.** The first activity taken up by the Ashram was a small medical aid centre. The Ashram started a rural artisans school in 1957 where facilities to teach the trades of tailoring and carpentry were provided. A good number of young men trained at this centre were earning their livelihood through the trades in which they were trained. The activities of the rural artisans training school have recently been extended to physically handicapped (other than blind) for imparting training in trades like carpentry, tailoring, bamboo and cane work etc. Another activity undertaken is to depute youngmen and women to Wardha to learn Hindi. Many of these trained persons are now employed as Hindi teachers in different schools in **Nagaland.** The Ashram has also taken up Bee-keeping with the help of Khadi and Village Industries Commission and have spread more than 2000 Bee-Colonies in different villages in **Nagaland.** In the field of education, the Ashram is running a few **Balwadis** in the neighbouring villages. The Ashram has also maintained a small library where books on Indian Culture and history, Gandhism and tribes of North-East India etc., are kept. In the field of agro-industrial development the Ashram has undertaken developmental work in the integrated Rural Development block in which the Ashram is situated. It will cover all the villages of Changtongya Community Development Block. The programme which will be spread over five years, aims at introducing terrace cultivation, small irrigation schemes and certain cottage industries projects. It is hoped that under the dynamic leadership of Shri Natwar Thakkar the Ashram will bring about the right sort of awakening among the tribals.

7.49. Besides the above mentioned activities, the Ashram in general and Shri Natwar Thakkar in particular have maintained special links with the people of Nagaland due to their service to the cause of humanity and their selfless devotion. The indefatigable efforts being made by Shri Natwar Thakkar in the field of social service and his sincerity to the cause, have motivated the Naga people for their alround development, retaining their best traditions. The work done by Shri Natwar has succeeded in making psychological impact and has thus promoted self reliance among the Nagas. The rural reconstruction work done by Shri Natwar in very old circumstances with his limited resources, in various parts of the State will no doubt prove increasingly fruitful. Judging from the success which the Ashram has achieved, it is desirable that the influence of good work started by Shri Natwar Thakkar and his Ashram should be extended and more and more such Gandhi Ashrams should be started in Nagaland and its surrounding regions.

Bharatiya Adim Jati Sevak Sangh

7.50. The Bharatiya Adim Jati Savak Sangh founded by late Shri Thakkur Bappa undertakes works for the welfare of Scheduled Tribes through its central office in New Delhi as well as through its affiliated branches in various States. During the year 1978-79, the Bharatiya Adim Jati Sevak Sangh undertook 8 different schemes approved by the Government of India costing Rs. 3,14,794. These schemes were implemented in various States. At Rupa, near Bomdila in **Arunachal Pradesh,** the Sangh started 'Rajendra Ashram' in 1963 to cultivate the sentiments of national and emotional integration among the local tribals through welfare schemes. During the year under report there were 75 students, (49 boys and 26 girls) undergoing training in agriculture, tailoring, and social sciences. Special coaching classes are also conducted in addition to their general studies. A Tribal Women Training Centre is also being run at Jhalod in **Gujarat** which trains women workers to undertake and implement child welfare programmes and to do extensive work among rural and tribal women. During the year 1978-79, 40 women from **Arunachal Pradesh, Maharashtra, Gujarat, Kerala** and **Uttar Pradesh** attended the Centre to get training in child care, nutrition and women's welfare. At Shrikakulam in **Andhra Pradesh,** the Sangh is running a Tribal Ashram School where about 75 girls from Srikakulam district and its interior areas come for studies upto college stage. These inmates are provided with board and lodging. Clothing is also provided at the rate of Rs. 50 per girl per year. Integrated agricultural development schemes in 10 villages in Namkum Block Randhi are conducted by one of the life members of the Sangh. During the year 1978-79, the Government of India, sanctioned the old scheme of

'Life Members'—comprising 20 senior Life Members, 12 junior Life Members and 12 Volunteers and approved an expenditure of Rs. 4,14,528 for a period of six months from 1st October, 1978 to 31st March, 1979 towards payment of salaries to these Members. New life members and volunteers have since been appointed who have started their work in selected areas.

Ramakrishna Mission Ashram, Ranchi (Bihar)

7.51. The Ramakrishna Mission Ashram, Ranchi continued running the Scheme 'Divyayan', a farmers training institute specially meant for the young tribal farmers of Chotanagpur region and other surrounding areas. The Mission has trained a total number of 1,924 farmers upto 31st March, 79, out of whom 146 trainees completed their training during the year under report. In addition, 25 trainees underwent special training in Agronomy (2), Horticulture (6) Poultry (4), Dryland farming (11) and Miscellaneous (2) during the year. A very well maintained library with about 10,130 books on various subjects, 9 daily news papers and 102 weekly/fortnightly/monthly magazines and periodicals is being run for the benefit and use of the students and local residents of the area. The Ashram also runs a homoeopathic dispensary. About 90% of the total of 7,467 patients attended during the year 1978-79, belonged to Scheduled Castes and Scheduled Tribes.

Work done by the various media of Ministry of Information and Broadcasting for the removal of untouchability

7.52. The Ministry of Information and Broadcasting have been doing useful work for creating public opinion against the practice of untouchability. Information regarding the work done by the different media of the Ministry may be seen at Appendix **LIII.**

CHAPTER 8

TRIBAL DEVELOPMENT

Strategy for Tribal Development

In the Vth Plan the entire tribal scene was reviewed and a new strategy for tribal development was adopted. This approach was broadly divided into four parts to cover the tribal population of the country :—

(i) States/Union Territories having majority of Scheduled Tribes population ;
(ii) Areas of tribal concentration;
(iii) Dispersed tribals; and
(iv) Primitive tribals.

The States and Union Territories of **Meghalaya, Nagaland, Arunachal Pradesh, Dadra** and **Nagar Haveli, Lakshadweep** and **Mizoram** have more than 75%* Scheduled Tribe population and these States/Union Territories are not required to prepare separate plans for the development of tribal areas as their developmental plans are deemed to be plans for the tribal development. In the remaining 16 States@ and 2 Union Territories,@ in all development blocks where the Scheduled Tribe concentration was more than 50%, area-based tribal sub-plan approach was adopted. In pursuance of that approach the tribal sub-plans were prepared for areas of tribal concentration and the welfare of dispersed tribals continued to be part of the normal programmes of welfare of Scheduled Tribes in the State Sector. In 1978, certain communities were declared as Scheduled Tribes in the State of Sikkim. A tribal sub-plan is yet to be drawn up. There are a number of tribal communities at pre-agricultural, food gathering and hunting stage of technology who are recognised as primitive tribes struggling for their survival. They were treated under special programmes.

Tribal Development since Independence

8.2. Since the beginning of Independence tribal development has received considerable attention. 43 Special Multi-purpose Tribal Development Projects were taken up in the First Plan in selected tribal areas. "This programme was subsequently modified and made less intensive. Tribal Development Blocks were started in 1956 which had a larger coverage. In view of the sparseness of population and difficult terrain, the norm for establishment of a tribal Development Block was kept in about 25,000 population within an area of about 150 to 250 sq. km. as against the general norm for a Community development Block of about 66,000 population. In the first phase, the Tribal Development Blocks were started in those areas where the tribal population was more than two-thirds. Up to the end of the Third Plan, about 504 Blocks were on the ground. The Tribal development Block programme comprised two stages of five years each. The additional investment of Rs. 10 lakhs for Stage I and Rs. 5 lakhs for Stage II making a total of Rs. 15 lakhs over a 10 year period was provided in addition to the normal investment under the Community Development Block programme and other State programmes. On the eve of the Fourth Plan, this programme was reviewed. It was decided that the efforts made in the Tribal Development Blocks needed consolidation. Therefore, another stage of five years (Stage III) with investment of Rs. 10 lakhs was added to the 10-year period. It was also decided that the programme should not be expanded during the Fourth Five Year Plan period. Thus, at the end of the Fourth Plan also, there were about 504 Tribal Development Blocks covering all areas with more than two-thirds tribal population. These Blocks were able to bring within their ambit about 40 per cent of the total tribal population in the country.

8.3. On the eve of the Fifth Plan, the tribal development scene was again reviewed. Shilu Ao Committee, appointed by the Planning Commission, examined in detail the working of the tribal development programme in all the States. They came to the conclusion that the Tribal Development Block programme had become much too rigid and schematic with the result that there was not much consonance between the problems of the area and the programmes undertaken. The supplemental investment by the Government of India in the Tribal Development Blocks tended to be exclusive investment since there was a tendency to treat that problem of these areas as the responsibility of the Tribal Welfare Departments and the Tribal Development Block was expected to attend to them. These areas, therefore, did not get, in any appreciable measure, the benefits of normal developmental programmes. The Committee also observed that a Tribal Development Block was too small a unit for planning and implementation of development programme in these areas. In view of the large number of units, it was difficult to get suitable personnel for key positions and to have effective monitoring and supervision. The Committee, therefore, recommended a complete overhauling of the programme."

8.4. As a part of the Fifth Plan formulation, the Planning Commission had set up a Task Force on Development of Tribal Areas in April, 1972 and it was recommended by the Task Force that the approach in the 5th Plan should be on the following lines :

(1) To ensure balanced socio-economic development of tribal areas, a different approach would be necessary for the Fifth

*For details please see Appendix LIV.

@For details please see Appendix LV.

and subsequent Plans. From Fifth Plan onwards, a policy of integrated development for tribal areas may be emphasised.

(2) There are distinct advantages in making out larger tribal development areas by grouping continuous Tribal Development Blocks and other areas with high concentration of tribal population. These development areas, however, should be geographically and administratively viable. This would require selection of areas, where tribal population is concentrated. Such tribal areas may be macro-areas which could generally be correspond to a sizeable Scheduled Areas, meso-areas may be coterminus with district or taluk boundaries and micro-area may be a Tribal Development Block.

(3) Apart from macro, meso and micro areas, there are small pockets of tribal population throughout the country. These need special attention and their development will necessarily have to be given priority in multi-level planning at district level.

(4) In the last analysis, a combination of ecological, occupational and social parameters have to be properly assessed and taken into account in policy formulation and implementation of programmes so as to ensure steady flow of benefits to the weakest among Scheduled Tribes.

Tribal Sub-Plan and ITDPs

Financial and Physical targets achieved

8.5. In the guidelines issued by the Planning Commission on preparation of sub-plans for tribal regions during the Fifth Plan, it was made clear that attention had to be focused on specific problems of each identifiable group and area so that a definite perspective emerged for their development. It was indicated that tribal sub-plans should be drawn up for such areas as might present an integrated view of their problems, the broad objectives and stragegies, an outlines of the various programmes, physical inputs, financial aspects and legislative and administrative frame. It was also pointed out in the guidelines that the regions of tribal concentration or sub-plan areas in each State should comprise of a number of viable projects. For each such Integrated Tribal Development Project (ITDP), an integrated area development plan focusing attention on the specific problems of the area and the people needed to be formulated. The sub-plan concept introduced in the Fifth Plan involved the identification of areas with more than 50 per cent tribal concentration and constituting them into ITDPs in the States of **Bihar, Himachal Pradesh, Gujarat, Madhya Pradesh, Manipur, Orissa, Rajasthan** and **Union Territory of Andaman & Nicobar Island.** In **Andhra Pradesh, Assam** and **Maharashtra** a threshold of about 20,000 Scheduled Tribe population was adopted to cover tribal population. In **Kerala** and **Tamil Nadu** this norm was further reduced to about 10,000. In **Tripura** and **West Bengal** where the tribal population is more dispersed, villages with 50% tribal concentration were included in the sub-plan areas. In **Karnataka** and **Daman** the tribal population is fully dispersed, family based approach was adopted. At the ITDP level, it is envisaged that funds from all sources would be pooled with a view to utilising them for a total and integrated development of the area with a special focus on Scheduled Tribes. The Sixth Five Year Plan conceived as rolling plan commenced in April, 1978.

8.6. The entire tribal sub-plan areas of the country have been divided into 179 ITDPs. The programmes for the tribals are expected to be prepared with reference to the specific needs of each ITDP area. By the end of 1977-78, 129* Projects had been prepared. The States of **Andhra Pradesh, Maharashtra, Tamil Nadu,** and **Himachal Pradesh** had prepared all the projects required of them. The sanctioning Committee in the Ministry of Home Affairs had approved the broad approach and inter-sectoral priority for 129 out of 179 projects. As stated earlier, the sub-plan envisages a total developmental effort of the area. The financial investment flows in tribal sub-plans from four sources viz. (i) outlays from the State Plans, (ii) sectoral outlays from the Central Ministries/Departments, (iii) institutional finance, and (iv) Special Central Assistance. However, the major component for investment in the tribal sub-plan areas is the allocation made from the State plan outlays and the Special Central Assistance.

Financial investment in the Sixth Plan in sub-plan areas

8.7. In the Sixth Five Year Plan, it is envisaged that a total investment of Rs. 3,000 crores will be made for the development of tribal areas. The largest share will flow from the State Plans to the tune of Rs. 1,850 crores and from the Central Sector of Rs. 350 crores will be provided. Out of Rs. 350 crores Rs. 300 crores will be provided for sub-plan areas, Rs. 40 crores for development of tribal pockets and Rs. 10 crores for Primitive tribes. The amount of Rs. 300 crores and Rs. 40 crores will be disbursed to the concerned States on certain criteria based on the population of Scheduled Tribes in sub-plan areas geographical area of the sub-plan, etc. the flow from the Central Ministries/ Departments which is not yet formalised may be of the order of Rs. 500 crores and from the institutional finance about Rs. 300 crores. The amount of Rs. 500 crores estimated to be made available from the Central Programmes may undergo a change as many Central Sector Programmes have been transferred to the States.

8.8. The financial outlays in the tribal sub-Plan areas from the State Plans and Special Central Assistance during the four years of the

*Please see Appendix LVI for State-wise details.

Fifth Five Year Plan period and the first year of the Sixth Plan may be seen at Appendix LVII. In the four years period 1974-78, the total investment in tribal sub-plan areas from the State Plans was of the order of Rs. 509.63 crores and from the Special Central Assistance Rs. 119.30 crores. In the year 1978-79, an outlay of Rs. 344.12 crores and Rs. 67.36 crores was provided under State sub-plans and Special Central Assistance.

Physical achievements during 1974-79 in tribal sub-plans areas

8.9. Sector-wise/programme-wise expenditure and physical achievements made during the years 1974-79 in the tribal sub-plan areas in the States of **Andhra Pradesh, Assam, Gujarat, Karnataka, Maharashtra, Manipur, Rajasthan, Tripura, West Bengal, Bihar, Madhya Pradesh** and **Orissa** may be seen in Statement No. 1 to 22 of Appendix LVIII. The table* below indicates the sectorwise expenditure during 1974-78 and it would be observed that agriculture and allied sectors, water and power development, social and community services and communications were the major programmes taken up in the sub-plan areas.

(Rs. in crores)

S. No.	Sector	Expenditure		
		State Plan	Special Central Assistance	Total
1	2	3	4	5
1.	Agriculture & Allied Sector	119·65	68·52	188·173
2.	Cooperation . . .	15·54	17·26	32·80
3.	Water & Power Development.	190·05	0·01	190·06
4.	Industries & Minerals .	21·16	6·00	27·16
5.	Transport & Communication.	47·52	5·93	53·45
6.	Social & Community Services.	114·03	19·73	133·76
7.	Economic & General Services.	1·68	1·85	3·53
	GRAND TOTAL .	509·63	119·30	628·93

It will be seen that tempo of tribal development work was accelerated during the 4 years of the Fifth Plan period and sufficient infrastructure created in the tribal areas, but, it is reported that due to limited absorption capacity and lack of effective delivery system for the new development programmes the much desired progress could not be achieved in these areas.

8.10. It will be seen from information given in the Statements in Appendix that minor irrigation received considerable attention in the tribal sub-plan areas during 1974-79. In **Andhra Pradesh,** 1,66,787 acres, **Assam** 21,485 hectares, **Bihar** 45,000 hectares, **Gujarat** 18,900 hectares, 14,032 hectares in **Madhya Pradesh, Tripura** 432 hectares and **Orissa** 1,10,381 acres were provided irrigation facilities and in **Maharashtra** additional irrigation potential covering 3.33 lakhs hectares was created. Additional area (in hectares) brought under soil conservation was 6,804 in **Andhra Pradesh,** 8,564 in **Assam,** 62,940 in **Bihar,** 46,608 in **Gujarat,** 649 in **Manipur,** 32,970 in **Orissa,** 3,315 in **Rajasthan,** 4,127 in **Tripura** and 2,061 in **West Bengal.** Shifting cultivation is a major problem in many tribal areas and has been dealt separately in this chapter. Programme for supply of high yielding varieties of seeds, plough bullocks, oil engines and electric motors for irrigation purposes land development, distribution of fertilizers etc. etc. were also taken up. Horticulture was extensively encouraged in many tribal areas, and areas (in hectares) brought under horticulture was 12,082 in **Andhra Pradesh,** 50,000 in **Bihar,** 14,000 in **Orissa** and 930 in **Rajasthan.** Milch cattle, sheep and poultry units were distributed. Collection and sale of minor forest produce occupies an important place in tribal economy. Although a large number of LAMPS have been established to provide production as well as consumption credit, purchase surplus agriculture and minor forest produce and supply consumer commodities to the tribal communities, there are many hindrances in their working and thus the tribals continue to remain at the mercy of shopkeepers and money lenders. The various types of cooperative societies functioning at the village level have been amalgamated in the LAMPS and the problem of outstanding overdues from the members does not allow them to take the necessary help from the LAMPS.

8.11. In order to find out the impact of the schemes, the State Governments/Union Territory Administrations having sub-plan areas, were requested by the office of the Commissioner for Scheduled Castes and Scheduled Tribes to indicate whether any programme had picked up in any particular I.T.D.P. or not and if not the reasons thereof. Besides this the State Governments were also requested to furnish information about the delegation of administrative and financial powers to the project authorities and arrangements made for monitoring and evaluation at State level as well as at project level. Scanty information has been made available to this Organisation by some States/Union Territories concerned. Some of the salient observations are indicated below :—

Bihar :

During the period 1974-78 a sum of Rs. 113.27 crores had been earmarked from the State Plan and the utilisation had been of the order of Rs. 106.77 crores indicating a shortfall of Rs. 6.50 crores. For the same period against the allocation from the Special Central Assistance of Rs. 17.51 crores utilization had been of the order of Rs. 16.61 crores representing a shortfall of Rs. 0.90

*Figures provisional, source Ministry of Home Affairs.

crore. It is observed that although 427 LAMPS had been established only 30 per cent of them were functioning and majority of them had not got off the ground. The big problem was stated to be pendency of heavy overdues. The bench mark survey which was to be undertaken by the State Directorate of Statistics was delayed due to difficulty in the printing of forms. It is also observed that no meeting of the Screening Committee constituted to select the officers for tribal areas had been convened. In Khunti Meso Project (Ranchi) it was observed that there was significant shortfall in utilisation and accumulation of unspent funds was increasing. Details of Janata Rojgar Scheme and 11 Point Development Programmes under them and achievements were not available. Money was sanctioned during 1978-79 for the rehabilitation of Birhors a primitive tribe in Burhadi (Tamar Block) and Amunburu (Bundu Block) but target achieved have not been intimated.

Kerala :

Out of five ITDPs viz. Punalur, Idukki, Milambur, Manantoddy and Attappady only one project officer for the Attappady ITDP has been appointed. It is reported that for the remaining ITDPs the matter is still under consideration. The appointment of the Project Officer is a prerequisite for an efficient administrative infrastructure and for implementation of various tribal development programmes. The constitution of Project Level Committee has also not been done so far. The State Government should consider this matter urgently. The VIIth Finance Commission had awarded a sum of Rs. 20 lakhs for payment of compensatory allowance and Rs. 40 lakhs for construction of residential buildings for employees posted in tribal areas but it is reported that no physical plan of action as required has been submitted to the Ministry of Home Affairs. The Kerala Scheduled Tribes (Restriction on Transfer of Land and Restoration of Alienated Land) Act, 1975 restricts transfer of tribal land to non-tribals. But it is a matter of regret that the Act has not yet been enforced. It is still reported to be under the consideration of the State Government. **The Act should be enforced by the State to prevent alienation of tribal lands immediately.** The Girijan Cooperative Societies were functioning as branches of large size multipurpose societies (LAMPS) and were engaged in monopoly collection and marketing of minor forest produce like honey, wax, cardamom and medicinal plants. Though these societies were doing good work there was need to organise and strengthen the cooperative structure at all levels.

Orissa :

During the period 1974-78 there was a shortfall of Rs. 12.27 crores in the utilisation of funds for tribal sub-plan provided from the State Plan. The amount provided was Rs. 101.70 crores and utilization Rs. 88.80 crores. For the same period the shortfall in the Special Central Assistance was of the order of Rs. 4 crores with the allocation figures of Rs. 17.37 crores and utilization of Rs. 13.35 crores. In ITDP Panposh, it was observed that out of the target of 750 dug wells for 1978-79 only 312 applications were received and loans had been sanctioned for 275 wells. It was reported that the funds have already been exhausted and heavy claims for subsidy were still lying with the administrator. The performance under soil conservation programme was also reported to be discouraging. It was also reported to be discouraging. It was also revealed that Rs. 4,722 had been utilized out of Rs. 1,50,000 allotted for land development under Special Central Assistance. The performance of animal husbandry was also tardy as against the target of 184 goats only 74 were purchased. Similarly in the ITDP, Koraput it was observed that the scheme of dug wells was not progressing satisfactorily while there was a backlog of 95 wells in 1977-78, work on the scheme was started only in the month of January, 1979 out of a target of 700 wells for 1978-79, work on 404 wells were taken up and not a single well was reported as completed. In the same project area it was observed that whole of the allocated amount of Rs. 67,300 had been spent on construction of six mini irrigation projects without knowing actual irrigation potential to be created and its actual utilization for the tribals living in the ITDP area.

Karnataka :

It was observed that during 1974-78 allocation to the sub-plan area was Rs. 282.50 lakhs out of which utilization was Rs. 108 lakhs indicating a shortfall of Rs. 174.50 lakhs. Six LAMPS had been organised but they were undertaking only the marketing of minor forest produce. Credit and consumer goods facilities were not provided by these LAMPS. It is encouraging to know that the State had placed a complete ban on transfer of land to non-tribals implying that the land could not be transferred even with the permission of the competent authority. This was done with a view to prevent **benami** transactions.

Uttar Pradesh :

Lakhimpur Kheri block was included in the sub-plan in the Fifth Plan period. **Out of 42 villages in the ITDP, 36 are forest villages. Though the State Government have issued orders for the vesting of the land for these villages in the Revenue Department with a view to allotment to tribal families belonging to these villages, it should be ensured that relevant provision is made in the law so that the land does not pass on to the non-tribals after the allotment is made. The Government of Uttar Pradesh should consider imposition of ban on transfer of tribal lands to non-tribals as obtaining in Madhya Pradesh and**

Andhra Pradesh. It was reported that 3 LAMPS were functioning in the area but they needed to be strengthened. It appears that banking sector as well as State financing agencies are not financing the LAMPS properly. The State Government should look into this aspect so that the LAMPS could discharge the threefold functions namely procurement of the agricultural and forest produce, sell to tribals their consumer necessities and providing them production and consumption credit. It was also observed that the concept of Integrated Tribal Development involving all departments with the aid of a pool of funds from all sources was missing, as many development departments felt that the task of tribal development was mainly of the Social Welfare Department.

Survey undertaken by the Organisation of the Commissioner for Scheduled Castes & Scheduled Tribes about the working of I.T.D.P., Narayanpur in Madhya Pradesh

8.12. A sample survey was undertaken by this Organisation in I.T.D.P., Narayanpur in Bastar District in **Madhya Pradesh** from 16th September, 1979 to 30th September, 1979. The Team consisted of Shri M. M. Sharma, Research Officer and Shri Vijay Tamhane, Investigator. During the survey the Team studied some of the major developmental programmes like cooperation, education, communication and public health. The survey revealed certain pertinent points which need special attention of the Government of **Madhya Pradesh** as well as the Central Government. Extracts from survey report are given at Appendix LIX. Some of the important observations/suggestions made in the Report have been summarised below :—

1. Forests are being exploited by the local inhabitants as well as by Forest Department which has started plantation of 'Sagon' trees. These trees have a high commercial value but take a long time to grow fully. These trees are of no use to local tribals as they do not get any forest produce out of them. It is suggested that quick growing species of trees and minor forest producing species should be introduced side by side the commercial plantations so that local inhabitants who depend on forests could get benefit in the immediate future.
2. In respect of education, it is suggested that instead of opening new schools, existing schools & ashram schools should be strengthened, stress should be given on imparting qualitative education. It is suggested that an ashram school should be opened at Sonpur village which will benefit children of about 33 Abhujmaria villages in the radius of 10 kms. surrounding Sonpur.
3. Communication facilities need to be given top priority. Construction of all weather roads to connect at least all Block headquarters and growth centres with project headquarter Narayanpur should be taken up.
4. Tribals prefer collection of forests products to agriculture and high yielding seeds are not being used in this area. Tribals attitude towards use of fertilizer is also negligible. The Abhujamarias still practice shifting cultivation. Horticulture schemes instead of intensive agriculture programmes should be started.
5. Cooperative societies should be established in the interior tribal areas. An assessment should be made as to how much forest produce is expected every year. After having collected this information, the societies should be established and a yearly target fixed for them regarding purchase of forest products. Managers of these societies should be rewarded from time to time considering their performance.
6. In Abhujmar area generally each tribal family has 5 to 10 cattle but they do not use milk. Dairy Development should be encouraged as far as possible.
7. Local tribals are good artisans of woodcrafts and metal work, cottage Industries should be encouraged and help should be given for marketing of the products.
8. Problems of public Health need special attention. There are neither any specialist doctor in the area nor mobile unit in any of the four PHC's in the project area. It was observed that doctors posted in interior areas did not live at their places of postings. A special health programme based on the findings of special health survey undertaken by the Government of **Madhya Pradesh** some time back should be taken up in the area with at least 2-3 specialist doctors and one mobile unit for each PHC, considering the distance and inaccessibility of area.
9. Bastar allowance to all Government servants working in the area at the same rate was being given whether they belonged to Bastar District or to other Districts. It is suggested that employees from other District should be given some extra incentives. Bastar allowance should also be given to contingent staff working in different Departments. It was understood that special project allowance was to be given to the project staff which had not been sanctioned.

The concept that tribal development is the responsibility of all developmental departments has now been more or less accepted by all the State Governments. However, based on the information available it is observed that while project authorities have been constituted in most cases, the integration of sectoral programmes at

ITDP level and its implementation in a coordinated manner under the direction of the project authority has not yet been achieved. Although almost all the States have accepted the guidelines for administration and personnel policy in tribal areas, effective implementation is yet to take place. The State Governments/Union Territory Administrations concerned should look into this aspect urgently and take up various measures for implementation of this accepted policy in the tribal areas. The project proposals should be scrutinised on the basis of absorption capacity and the direct relevance of the programmes for the tribal development.

Role of Central Ministries in Tribal Development

8.13. The role of the Central Ministries/ Departments in earmarking of funds out of the Central Sector Programmes has been reviewed at various meetings. One of the suggestions made several years ago was that each Ministry should appoint a senior officer to exclusively look after the tribal interests in the Ministry and keep liaison with the Ministry of Home Affairs and other agencies. For the preparation of programmes for Tribal sub-plans during the medium term plan 1978-83, guidelines were issued by the Planning Commission in December, 1977 and it was spelled out in these guidelines that in the sub-plans the role of the Central Ministries was crucial since they had to assume overall responsibility for the development of tribal areas in their respective sectors. It was necessary for them to prepare specific schemes for tribal areas where they feel that the Government of India must supplement the efforts of the State Governments in their respective sectors. They were required to play a key role because of the special responsibility of the Central Government under the Constitution. It was not enough to quantify or disaggregate the sectoral investment for these areas in the Central and Centrally Sponsored Programme, but each Ministry should take a total view of the development of the tribal areas under its sector even though bulk of the programmes may be covered by resources from the State Plans. Each Ministry would have to devise its own strategy and wherever necessary should give priority to the tribal areas from within its investments and the programmes may have to be modified to suit the need of the tribals. The Ministries have to provide necessary guidance, secure reallocation of priorities and supplement the efforts wherever necessary. It was also expected of the Central Ministries to undertake detailed exercise in that regard. It was desired that 10 per cent of the total outlay in various developmental Ministries should be earmarked for tribal development though the percentage might differ from State to State varying with the percentage of tribal population. Several meetings have also been held by Ministry of Home Affairs with the representatives of various developmental Ministries in order to know the steps being taken by the concerned Ministries in this regard. Information regarding amount earmarked by Central Ministries for the tribal sub-plan areas out of Central Plan Programmes during the year 1978-79 and 1979-80 may be seen at Appendix LX. From the information received so far, it appears that some of the Ministries at this stage have not found it possible to indicate the financial resources flowing to tribal areas during the Five Year Plan period (1978-83). **It is suggested that the concerned Ministries should complete this exercise as early as possible so that clear cut quantification from Central and Centrally Sponsored Schemes of the concerned Ministries may be available for the tribal development.**

8.14. **It is feared that the implementation of the decisions communicated recently by the Planning Commission to various Ministries/ Departments of the Government of India in regard to financing of Central/Centrally Sponsored Schemes from 1979-80 according to which a number of developmental schemes in the tribal areas will be transferred from the Central Sector to the State Sector or are to be financed on matching basis may in effect result in a situation where Ministries may find themselves handicapped in earmarking requisite funds from the Central Sector for tribal development. But the overall responsibility of the Central Government for raising the level of administration in the Scheduled Areas and for the welfare of Scheduled Tribes has to be fulfilled. In the circumstances, it appears necessary that in consultation with the concerned Central Ministries/Departments, the Planning Commission may find out the effect of the latest orders regarding the devolution of funds to the State Governments by the Centre in so far as development of tribal areas is concerned and take urgent steps to approach the National Development Council for continuation of the old pattern of financing various sectoral programmes from Central funds to be utilised in the tribal areas. Alternatively, the Central Ministries/Departments should themselves examine and sanction funds to the State Governments under Article 275(1) to fulfil the above mentioned objectives of the Constitution.**

8.15. The Ministry of Home Affairs suggested to the State Government to have Modified Area Development Approach for tribal development outside the sub-plan areas which may have to be divided as follows :—

(1) Modified area development approach comprising a minimum population threshold of about 10,000.

(2) Family/community oriented programme which may comprise (a) programmes for a string of small groups of predominantly tribal villages or predominantly tribal hamlets, (b) programmes for specific professional groups, (c) programmes addressed to dispersed tribal families.

It was indicated that in order to identify the area of tribal concentration during the 5th Plan, areas up to the block level were covered. But

in this Modified Area Development Approach it was desired to go below the block level in all the States, where exercise of modification was restricted to the block level. It was envisaged that with a view to bringing a larger proportion of tribals under developed programmes during the Medium-term Plan 1978-83 pockets with a total population of 10,000 and 50 per cent or more tribal population should be included. Under the Modified Area Development Approach the percentages of tribal population covered by sub-plan is likely to increase from 65 to 75 per cent. Based on the information received, it appears that some of the State Governments namely **Andhra Pradesh, Assam, Gujarat, Himachal Pradesh, Maharashtra, Orissa** and **Rajasthan** have already made some progress in identifying a number of tribal Pockets outside the sub-plan areas. The information received as on 10th November, 1978 may be seen at Appendix LXI. **It is suggested that other States/Union Territory Administrations concerned should also take up similar exercise and identify tribal pockets outside the sub-plan areas so that developmental programmes could be taken up for them.**

Dispersed Tribals

8.16. With the Modified Area Development Approach the percentage of tribal population covered by sub-plan is likely to increase from 65 to 75 per cent. The dispersed tribals who would not come under the Modified Area Development Approach would constitute about 25 per cent of the total tribal population of the area. The dispersed tribal population is not dispersed throughout the State. They are located in well defined regions, because of certain socio-economic reasons. The development of these communities is expected to be covered by the General Sector programmes reinforced by the schemes under the welfare of the Backward Classes Sector. It is observed that the schemes under the Backward Classes Sector largely concentrate on education in the form of scholarship, stipend etc. The economic welfare schemes have not been distinctive in nature and they have failed to make a decisive impact on the economic conditions of the tribals in these areas. **It is, therefore, necessary that character of these schemes is changed and preferably they should be family based suiting to the needs of the tribals living in the area concerned so that they may also take the benefit of the national development programmes taken up in these respective areas. If this is not done urgently we will be creating restlessness in the area as they would find their brothern taking advantage of the special schemes under the sub-plan regions, whereas, they are being denied the benefits of these schemes as they happen to reside outside the sub-plan area.**

Constitution of Working Group on Tribal Development during Medium Term Plan 1978-83 :

8.17. The Ministry of Home Affairs constituted in February, 1978, a working group to examine various facets of tribal development and suggest measures for their development during the Medium Term Plan 1978-83. The Minister of State in the Ministry of Home Affairs was the Chairman of the working group. The Commissioner for Scheduled Castes and Scheduled Tribes, secretaries of the concerned Central Ministries, representatives of the Planning Commission, State Tribal Welfare Department, social scientists and social workers were members. The terms of reference of the working group were as follows :—

(a) To review the measures planned for the protection and elimination of exploitation of tribals and their implementation by various States.

(b) To review the programmes for tribal development taken up by the States and Central Ministries.

(c) To advice on the approach, strategy and priorities in respect of protection and developmental programmes in the next 5 years.

(d) To formulate concrete proposals and suggest the phasing of tribal development programmes indicating financial and other requirements; and

(e) To review the administrative arrangements for implementation of the programme in the States and in the Centre and suggest measures for improvement.

The working group at its first meeting on 25th February, 1978 discussed the broad approach on various facets of tribal development. In order to facilitate its working, it constituted 7 Study Teams relating to (a) implementation (b) minimum needs (c) agriculture and allied sectors (d) infrastructural development (e) credit and marketing (f) social services (g) industries and allied sectors.

8.18. The basic aim to constitute the Study Teams was to consider in depth, all aspects relating thereto which have a bearing on tribal development. The working group submitted its report in August, 1978. 7 Study Teams have also submitted their reports which have been circulated to the Central Ministries concerned and State Governments. **These reports of the Working Group and the Study Teams are another step in influencing the process of change and development in the tribal areas. In view of the momentum the sub-plans have gathered during the 5th Plan it becomes all the more important for the Central Ministries and State Governments concerned to provide further direction on the basis of recommendations made by the Working Group and Study Teams, so that the policy frame agreed to at the highest level may be translated into reality.**

Working Group on Tribal sub-plans constituted by the National Committee on the Development of Backward Areas

8.19. One of the important events which took place during 1978-79 was the setting up

of a National Committee on the Development of Backward Areas by the Planning Commission to formulate the appropriate strategy for effectively tackling the problems of backward areas. It was further decided to constitute a Working Group on Tribal sub-plans. The terms of reference of this working group are as follows :—

(a) To review the on-going programmes under Tribal sub-plans.

(b) To review the actual allocation of resources by the State/Central Governments for Sub-plans and sub-allocation to different projects within a State.

(c) To review the Planning methodology for Sub-plans, as a whole, and for micro-regions, with particular reference to the social constraints, levels of development of different tribal areas, involvement of the local community, and adaptation of general sectoral programmes.

(d) To examine the administrative arrangements for implementation of the tribal sub-plans.

(e) To review protective measures adopted for ensuring that the tribal communities retain command over resources.

(f) To assess the credit availability and marketing structures; and

(g) To recommend programmes and policy measures for streamlining development of the tribal areas.

Primitive Tribes and their problems

8.20. A special programme for primitive groups was considered necessary as a part of the new strategy for tribal development. As the primitive groups were by and large isolated and in many cases fighting for their very existence, the basic question with these communities has been that they were not able to adjust with the changing situation. Numerically they were too small to have an effective voice in the decision making even at the local level. Some of them were being pressed between the more advanced communities both tribal and non-tribal and dwindling and better managed forests. Many of these communities have also developed peculiar diseases and other genetic problems causing a negative growth and at times a rapid decline in the population.

8.21. The first task was, therefore, to identify these groups and the State Governments were, therefore, asked by the Ministry of Home Affairs to identify the groups and document the present social and economic conditions of these groups which required urgent attention. In 1975, a workshop on primitive communities was organised in which the following criteria for identification of such communities were suggested :—

1. Pre-agricultural technology.
2. Low level of literacy.
3. Marginal or stagnant rate of growth.

8.22. In the 5th Plan an allocation of Rs. 10 crores was set apart for primitive tribes. During the years 1975-76, 1976-77, 1977-78 and 1978-79 an expenditure of Rs. 31.00 lakhs, Rs. 65.00 lakhs, Rs. 77.00 lakhs and Rs. 111.00 lakhs had been incurred on primitive tribes. Although some State Governments initiated the work in identifying these groups and documenting their socio-economic conditions, yet it was observed that they had not been able to come out of the schematic approach. The problem of inadequacy of base line data also came in the way of preparation of projects for these groups. It has also been felt that there has been difficulty in getting suitable personnel for working with these people who require an extremely delicate handling.

8.23. 55* Primitive groups have been identified by different State Governments and Union Territory Administrations. The Working Group on Tribal Development appointed by Ministry of Home Affairs in 1978, made the following recommendations :—

1. High priority should be given to the programme of primitive groups in the current plan.
2. Voluntary organisations should be associated in an increasing measure in these programmes.
3. Adequate flexibility should be built into these programmes by adopting society models.
4. Selected persons if necessary on negotiated special terms may be posted for working amongst the primitive tribes. Senior officers willing to serve in modest positions among these groups may also be allowed to work by giving special terms; and
5. Special regulations may be urgently framed for ensuring continued traditional command on their resources of the primitive tribal communities like Abujmarias, Bondaparajas, Onges and Jarwas and for protecting them from encroachment by the stronger groups.

8.24. It has already been mentioned in the previous Reports that some of the primitive groups like the Andamanese, Onges, and Shompons in **Andaman & Nicobar Islands,** Kotas and Paniyans in **Tamil Nadu,** Paharias in **Bihar** and Totos in **West Bengal** are facing special health problems. In the case of some other tribes like Abujhmarias in **Madhya Pradesh,** it was observed that they were also not getting the benefits of normal health services. In this connection it will not be out of place to mention about the critical health and nutrition problems of Madia Gonds, Katkaris and Kolams, primitive tribals of **Maharashtra** and health and genetic problems of Kutia-Kondhs of District Pulbhani of Orissa whose studies were undertaken by the Tribal Research Institute, Pune and by the State Tribal & Harijan

*Please see name of Primitive Tribes in Appendix LXII.

Research-cum-Training Institute, Bhubaneswar respectively. These studies have revealed that most of the diseases afflicting the tribals are mainly due to insanitary conditions, lack of personal hygiene, health education and ignorance. The survey indicated that the incidence of sickle-cell disease (Sickle-Cell trait and anaemia) and the red-cell enzyme deficiency (G-6-PD) is quite high. **It is, therefore, necessary to carry out a detailed investigation to find out if any other type of genetic diseases are prevalent in the tribal areas as each of the genetic hazards needs special preventive and curative measures. High incidence of malaria was also observed in the surveyed village of Kutia-Kondhs which was generally treated with anti-malaria drugs but in case these drugs are administered to persons with genetic G.6-PD enzyme, deficiency, it may induce acute haemolytic anaemia and in some cases it may cause death. This important point should be taken into consideration before administering antimalaria drugs.**

8.25. **In view of the special health problems of some of the tribals, the Ministry of Health, All India Institutes of Medical Sciences and JIPMER, Pondicherry have been actively involved in conducting health surveys in providing the right type of medication. But it is yet to be known as to what progress has been made by them in conducting the health surveys and to what extent the benefits have been derived by the tribals in receiving the right type of medical facilities.**

New Excise Policy for Tribal Areas

8.26. In the 5th Plan the Excise Policy in the Tribal areas was reviewed at the national level. The guidelines evolved in this regard envisaged discontinuance of commercial vending in the predominently tribal areas and allowing the tribals to prepare their traditional drinks for personal and social consumption, but not for sale. The national consensus to have complete prohibition in four years adds a new significance to implementing the measures already agreed to in the tribal areas. The anxiety of the Commissioner for Scheduled Castes and Scheduled Tribes can be judged from the recommendation made in his Annual Report for the year 1977-78 which indicated that though the out-still system was abolished in many areas, it changed into supply system. It was further recommended in the Report that the decision to have complete prohibition in four years should be utilised in eradicating commercial vending of liquor completely from tribal areas and the services of non-officials should be utilised to wean away the tribals from habit of liquor. Implementation of new Excise Policy was discussed in the meeting of the Chief Ministers of various States held in October, 1976. The general consensus in the meeting was that the policy should be implemented immediately. Another meeting was held in January, 1977 with representatives of predominantly tribal States. They were requested to draw up programmes involving the social workers, local community workers and voluntary organisations in the implementation of the new excise policy. It appeared that the pace of implementation was rather slow as the Department of Social Welfare had to address the State Governments on 27th July, 1978 to expedite the enforcement of the Excise Policy. It is an admitted fact that one of the worst forms of exploitation in the tribal areas, is that of the practice of liquor vending. **It is, therefore, suggested that all liquor shops must be abolished in the first instance and it should be ensured by the States/Union Territory Administrations concerned that out-still system is not changed into the supply system. The State/Union Territory Administrations concerned should draw up programmes involving social workers, local leaders, voluntary organisations and students for dissuading the community from drinking habit.**

8.27. In the States of **Gujarat** and **Tamil Nadu,** there is complete prohibition which has undoubtedly improved the conditions of the people in these States in general and tribals in particular. Prohibition has also been extended all over the State from 1-4-79 in **Bihar.** In **Arunachal Pradesh, Lakshdweep** and **Mizoram,** there are no liquor shops. **Rajasthan** has also introduced total prohibition in the tribal areas. Keeping in view the guidelines issued earlier to the States, some State Governments have initiated action in implementing the new Excise Policy as indicated below :—

1. Andhra Pradesh

The Government of Andhra Pradesh issued orders in September, 1977 according to which 'Arrack' shops in Scheduled Areas would be allotted to tribal co-operatives consisting of tribals only and where it is not possible to allot the shops to tribal co-operatives, the shops would be put to auction in which tribals only would participate. Where the tribal population is less than 50%, first opportunity would be given to tribal co-operatives to have the 'Arrack' shops, in case they fail to take the shops it would be put for open auction.

2. Assam

Liquor is not sold through contractors. The vendor is given lease normally for a period of three years on fixed vend fee system and liquor is issued to him from Government warehouses. In plain areas where the population is mixed, liquor is sold by Government shops only. However, Government desires to extend prohibition gradually in the entire State. In the three districts of Kamrup, Goalpara and Nowgong, the Assam Liquor Prohibition Act, 1952 was reported to be in force since 1954 and possession, sale, consumption of liquor was prohibited under the provision of the said Act. For prohibition propaganda and for implementation of the policy of temperance, the Government of Assam have already constituted a

State level non-official body with the executive powers and functions to pursue vigorously the policy of prohibition to create a congenial ground for total prohibition.

3. Himachal Pradesh

All liquor shops in the Tribal Areas have been closed with effect from 1-4-78, and as a result thereof 34 liquor shops in tribal areas were closed. However, tribals are permitted to brew mild liquor for their home consumption on a nominal fees of Rs. 5 per year and Rs. 25 per year per licence to destill hard liquor for their home consumption.

4. Karnataka

There were only 6 shops in the tribal sub-plan areas in 1977-78 and according to the information the licences for these have not been renewed from 1978-79.

5. Orissa

The contract system of liquor vending in three districts of Koraput, Mayurbhani and Sundergarh was abolished from 1-4-78 excepting at the district, sub-divisional and tahsil head-quarters, municipal areas industrial and mining areas and areas having urban characteristics. In those areas where liquor vending has been abolished, the tribals are allowed to brew liquor subject to certain limitation (1.5 lts. per individual and a maximum of 5 lts. per household) for their own domestic consumption on social and religious occasions but not for sale.

6. Madhya Pradesh

The new excise policy has been implemented in a modified way in certain areas of this State, having tribal concentration. The out-still system of shops numbering 562 have already been closed. The small number shops viz. 152 have been retained in these areas to cater to the needs of the non-tribals residing in these areas. Out of these 152 shops 40 shops have been closed with effect from 1-4-79 and the remaining shops are expected to be closed within the coming two years. In the areas where the new excise policy has been implemented, the tribals have been allowed to brew from **Mahua** for their domestic and social consumption but not for sale. In view of the national policy of prohibition restrictions are being imposed even on this excepting in certain parts of Bastar where consumption of liquor prepared from **Mahua** is widely prevalent.

7. Maharashtra

Foreign liquor shops in selected tribal areas were closed with effect from 30th September, 1976. On the suggestion of the Government of India, a Committee was appointed to go into the special problems in adopting the Excise Policy in tribal areas. The State Government have taken the following decisions after considering the report of the Committee.

(a) In the selected tribal areas the tribals should be allowed to prepare their own traditional drinks for personal and social purposes and not for sale.

(b) Country liquor retail shops should be closed altogether.

(c) Toddy retail shops may be licenced instead of being auctioned. While granting these licences preference should be given to the tribals.

8. Manipur

The State Government have enacted excise laws with respect to brewing of liquor only by tribal under licence system. Country liquor is totally prohibited and as such vending of liquor through contractors has not been allowed. As soon as the scheme for distillation of country liquor is implemented vending of liquor will be done through individuals under licence.

9. Tripura

There are no liquor shops in the tribal areas.

10. West Bengal

The State Government have already decided to shift the country spirit shops from the tribal areas and issue home brewing licences to the tribal people for their traditional needs.

11. Andaman & Nicobar Islands

No liquor shops are reported to have been opened in the tribal areas. The Nicobarese tap toddy from their coconut trees for their own consumption.

8.28. It will thus be seen that the goal of abolition of liquor shops in tribal areas has still not been achieved. It has also been observed that in some States, the ousted liquor contractors have entrenched themselves in tribal areas by restoring to large scale illicit distillation as well as in neighbouring distillery liquor areas. Moreover it is reported that tribals themselves distill liquor not only for their own consumption but for sale in local market, and this situation is further exploited by contractors who do business in the name of tribals. **It is, therefore, suggested that a strict watch should be kept on those connected with liquor trade in the recent past, so that they may not indulge in illegal activities in tribal areas. The State Governments and Union Territory Administration should involve the social workers to wean the tribals from the drinking habit.**

Forests

8.29. Tribal economy is intimately connected with the forests. They collect minor forest produce like grass, **tendu** leaves, **mahua** flowers seeds, sal seeds leaves, gum, lac, tasar cocoons and several other wild fruits and flowers etc. They also collect wood for the construction of their houses and agriculture implement and firewood for their own use as well as for sale. It

is difficult to conceive the economy of the tribals without the forest component. Though this relationship was recognised long back but unfortunately was not translated in terms of clear policies and programmes. It is also observed that the management of the forests so far have not shown the special concern of the tribals which they deserve. Forestry operations have only drawn their working force from the tribal community. The administrative authorities of the Forest Departments too have been imposing considerable restrictions on the traditional rights and privileges of Scheduled Tribes in forests. This created antagonism between the tribal population and the Forest Departments all over the country. **It is, therefore, suggested that all forest based developmental programmes should be so imaginatively chalked out so that they directly improve the economy of the tribals living in the forest areas. It is also very essential that in the first instance a feeling is inculcated among the tribals that their traditional rights and privileges are not being encroached upon.**

8.30. If we go through the previous reports of the Commissioner for Scheduled Castes and Scheduled Tribes, we would find that it was always emphasised that the whole approach of the Forest Departments need to be reoriented and they must consider the development of the tribal people living in the forest areas, their responsibilities as much as protection of the forests. In these Reports of the Commissioner for Scheduled Castes and Scheduled Tribes certain important aspects relating to forest development, social forestry and their impact on tribal development have been discussed in detail. Some of the important issues discussed in these reports have been summarized below :—

1. Management of the forest should be done in such a manner that it creats confidence among the tribals and give them a sense of involvement.
2. In the plantation of trees the traditional species which provide minor forest produce and other sources of income to the tribal should be included.
3. Rights of the tribals in the collection of minor forest produce should be recognised without reservation and no royalty should be charged from the tribals. It should be ensured that the tribals are paid remuneratives prices for the minor forest produce collected by them which is related to the price of the commodity prevailing in the adjacent market. The collection of minor forest produce should be conducted through the Co-operative Societies. The State Governments must encourage the setting up of processing plants within the tribal areas by providing necessary facilities to the private, public and cooperative sectors.
4. A high priority should be given to the plantation of the quick-growing species of trees which would supply fodder, fuel, wood and materials for housing and village industries.
5. The forest settlement operation should be completed most expeditiously in all the forest areas, so that the rights and privileges of the local tribal people are officially recognised and codified.
6. Special developmental programmes should be undertaken in the forest, villages and basic amenities like educational, medical and drinking water supply should be provided. All the tribals cultivating forest land outside the reserve forest should be given permanent tenancy rights, so as to enable them to practice intensive cultivation.
7. The privileges and concessions of the tribal people in collection and use of forest product should be published in the various regional languages in the form of booklets for free distribution among tribals.

8.31. It has been observed that at the national level there is consensus on many issues but they remain to be operationalised in the field. **It is, therefore, suggested that the State Governments concerned should consider the issues referred to in the above para while formulating their perspective plans for forestry programmes and ensure that developments of forests should form an integral part of the comprehensive plans of the integrated tribal development areas.**

Recommendations of the Conference of Ministers incharge of Forests & Tribal Welfare

8.32. The Union Ministry of Agriculture and Irrigation convened a Conference in July, 1978 of Ministers incharge of Forests and Tribal Welfare of the States of **Andhra Pradesh, Bihar, Gujarat, Madhya Pradesh, Maharashtra, Orissa, Rajasthan** and **West Bengal** which have large concentration of tribal population to discuss the role of forest in tribal economy. The Conference underlined the need for associating the tribals in bringing large areas under forest for restoring ecological balance by giving the individual tribal the right in the trees and use which he may grow in an assigned area. Some of the important recommendations/observations made in the Conference have already been discussed in the Annual Report for the year 1977-78. The Conference passed resolutions on mainly four major points which are stated as under :—

(a) The forest policy should regard the forests not only as a source of revenue but should take into consideration the social and economic aspects of tribal life.

(b) The tribals should have right over the collection of minor forest produce.

(c) In the working of forests, forest labour cooperative societies should play a predominant role, and.

(d) Forest villages should either be converted into normal revenue village or alternatively all development works be taken up in them.

8.33. One of the important recommendations of the Conference was that the Tribal Welfare Department of the States in consultation with Forest Departments should organise Forest Labour Cooperative Societies according to a time bound programme to undertake all forestry programmes in tribal areas replacing the contractors and intermediaries. In this connection it is worthwhile to mention about the paper contributed by Shri S. K. Kaul, Deputy Commissioner for Scheduled Castes and Scheduled Tribes to the National Seminar on Economic Development of Scheduled Tribes sponsored by Department of Social Welfare, Government of India, Department of Social Welfare, Government of Maharashtra and Tata Institute of Social Sciences, Bombay, which may be seen at Appendix LXIII. It may be mentioned here that except in States like **Maharashtra** and **Gujarat,** forest labourers cooperative societies are yet to take their roots in other States/Union Territory Administrations.

Minor Forest Produce

8.34. It has been observed that the resolutions passed at the Conference of Ministers incharge of Forests & Tribal Welfare referred to earlier, have been implemented inadequately. In some cases leases of minor forest produce are not being assigned in favour of large sized multipurpose cooperatives or other specialised cooperatives or apex bodies like Tribal Development Cooperative Corporations. It is reported that in **Orissa** and **Madhya Pradesh,** leases of **Sal** seeds are being given to private parties. It has also been obserevd that commercial forestry still remains a major concern and social forestry has not occupied its rightful place in tribal areas.

Social Foresty

8.35. The life of the tribals is inseparably linked to forests. The economy of the tribals which is mainly agriculture in character is in some ways dependent on forests. Isolation of the tribals from the forests is therefore, unthinkable. Forests occupy an area of 746 lakhs hectares and account for 22.7% of the total geographical area. According to an estimate out of about 40 million tribal people, more than 50% derive their livelihood either directly or indirectly from the forests. Prior to 1865, there were no restrictions on the enjoyment of forests rights by the tribal people. From that period to 1952 when present Forest Policy was laid, lot of changes took place. There appeared to be departures in policy relating to release of forest land for cultivation, supply of villagers needs including grazing and shifting cultivation. Forests are our national wealth and it is obvious that if rational use is not made of forest wealth, the nation may incure heavy losses both in terms of climatic conditions as well as in the use of land. It is, therefore, necessary that a harmonious balance is established in the forestry programmes keeping in view the human welfare aspects. Our forests are disappearing primarily because the rural people must have fuel. Tribal and other people who live near forests must be provided with fuel. Fuel wood plantation must be grown near every village, so that such plantation can meet the fuel requirements of the villagers on a substantial-yield basis. It is estimated that about 40 million hectares and more of degraded land in our country is available on which those species of trees which are most suitable ecologically may be grown to provide fuel, fruit and minor forest produce. Fodder grass can also be grown and if water is available or can be impounded, some of the land may be used for fish farming. This task may provide jobs for millions and the produce from the land will not only meet their basic needs but also provide them money for other necessities of life. Some aspects of social forestry have also been dealt with in detail elsewhere in this Report.

8.36. During his visit to Bihar, in November & December, 1979 it was observed by the Commissioner that, the Forest Department had taken up the work of social forestry on lands belonging to Scheduled Tribes. On these lands, fruit trees like Guava, Mango, Kathal, Keranj, etc., was planted and maintained by that Department. Some teak trees for the tribals requirements of timber as well as other trees suitable for their fuel needs were also planted. The Commissioner also discussed the working of the social Forestry Scheme with the State Conservator of Social Forestry. The scheme was started in the State in November, 1978 with the aim of extending forestry beyond the forest areas and is included in the State sub-Plan. An outlay of Rs. 60.00 lakhs was made for the scheme during 1978-79, out of which an expenditure of Rs. 27 lakhs was incurred during that year. During 1979-80 also, an outlay of Rs. 60 lakhs was made. One of the social forestry schemes seen by Commissioner in November, 1979 was the Agri-Silviculture Research Centre, Mandar, in Ranchi District. The Centre was established under the Centrally Sponsored Programme. It was running a farm measuring about 32 acres, on which experiments were being made for growing forest trees in the midst of agricultural crops. Four types of experiments were being conducted namely, (i) Controlled **Sissoo** only, (ii) Arhar, Maize, with Sissoo, (iii) Arhar, Ragi with Sissoo and (iv) Arhar, Paddy with Sissoo. The farm was also used for demonstration purposes for the benefit of the local tribals and non-tribals.

8.37. Commissioner also saw the working of Bishtunpur Plantation in Singhbhum District and Jhikti Social Forestry Scheme in Dumka Block on Dumka Sub-Division district Santhal Parganas in December, 79. The latter scheme was started on 44 acres of land belonging to the Scheduled Tribes and Scheduled Castes. A small bund on a **Nalah** had been constructed at

a small cost of Rs. 500 for the purpose of irrigating these plants. It was proposed to construct another **bund** for drinking water at that place. The trees grown in these lands were Keranj, Guava, Mango, Teak, Kathal etc. The planting of these trees also serves the purpose of checking soil erosion in the area. About 15 to 20 tribal families were benefitted from this scheme.

8.38. **This appears to be a good scheme which can supplement the income of the tribals and also provide timber and fuel to them for their use. It is desirable that the State Forest Department should take up more social forestry schemes on the lands belonging to the Scheduled Tribes.**

Bihar State Forest Development Corporation

8.39. The Commissioner for Scheduled Castes and Scheduled Tribes during the course of his tour in **Bihar** in November, 1979 discussed with the Chief Conservator of Forests the problems relating to development of forests and the tribals and working of Bihar State Forest Development Corporation. It was stated that the agitation against large scale teak plantations was largely on the erroneous grounds that teak adversely effects climate of the locality, poisons the air and water, spread diseases and does not allow roots, tubers and medicinal plants to grow. During the agitation certain high quality plain forests were felled. It was brought to his notice that since 1977 the Corporation had been appointed as the sole agent of the State Government for collection and marketing of **sal** seeds. The Corporation collected and marketed about 15,000 tons of **sal** kernel in 1977 from all the forests of the State. During, 1978, the Corporation was entrusted with the collection and marketing of **Mahua, Kusum** and **Karanj** seeds, in addition to **sal** seeds. In this process, the middlemen had been eliminated and the tribals were ensured suitable prices for the forest produce. The Corporation had fixed the following prices for different items :—

1. Sal seeds	Rs.0·40 paise per kg.
2. Mahua seeds	Rs. 1·50 per kg.
3. Kusum seeds	Rs. 1·25 per kg.
4. Karanj seeds	Rs. 1·00 per kg.

The Corporation had almost doubled the price of these seeds after its entering in the trade. Previously the middlemen/contractors were exploiting the tribal people by exchanging such valuable commodities with articles of daily consumption like salt, Kerosine oil, etc. on a barter system. During 1977, the Corporation distributed Rs. 70 lakhs to the tribal people inhabiting the forest areas. In 1978 about Rs. 100 lakhs were distributed to the tribal people. The collection of these seeds is done during the period when there is hardly any employment for the local people. The Corporation also aimed at giving full employment to the tribal people in the areas in which it operated. In the first stage, the Goelkera Community Development Block in Singhbhum District was taken up where the population was 53,000 with a working force of about 21,000. In 2 years of its operations, the Corporation was reported to have ensured full employment to all the members of adult working force. The opening of a branch of a nationalised bank in 1978 in the area is an indicator of the improved economy of this area. It is, however, learnt that collection and marketing of Mahua, Kusum and Karanj seeds has been given up due to agitation organised by middle men and political parties and the remunerative prices paid by the Forest Department to the tribal collectors of these seeds have fallen down in the open market after denationalisation. **It was, therefore, apparent that in spite of the good work done by the Forest Department in paying double the price to the tribals of the MFP purchased from them, undertaking digging of wells and sale of articles of necessities at reasonable prices, the vested interests had succeeded in scuttling the programme. What was missing in the whole programme was non-involvement of the local people and lack of political will on the part of the Government to withstand the pressures of local contractors and shopkeepers. The Chief Minister of Bihar has promised to get the whole matter investigated with a view to finding out the reasons for the denationalisation of certain minor forest produce and again reviving the scheme with the consent and cooperation of local tribal leaders. At the same time to improve the condition of poor Scheduled Tribe tassar cocoon rearers the Government should take over the trade of the cocoons. This is necessary because only a part of the total produce purchased by the tassar marketing organisation of the Union Government and the Khadi Board.**

Financial & Physical targets achieved in Fifth Plan under Forestry Scheme in Sub-Plan areas

8.40. During the year under report an effort was made to compile the information regarding the expenditure incurred and physical targets achieved during the 5th Plan period on forestry in Tribal Sub-plan areas. The information may be seen at Appendix LXIV. It will be seen that the Governments of **Bihar, Rajasthan** and **West Bengal** have good schemes under forestry sector. **It is suggested that other State Governments should formulate need based programmes under this sector and efforts should be made to introduce minor forest produce yielding trees like amla, harra, bahera, mahua etc., in the plantation of species for industrial or commercial purposes as they have direct bearing on the economic development of the tribals.**

8.41. The forestry programmes have been elaborately discussed in the report of the Working Group on Tribal Development during Medium-Term Plan 1978-83. Some of the important recommendations made by the group on forestry are mentioned below :—

(i) Comprehensive plans may be prepared for all integrated tribal development projects with sizeable forest area in which

tribal development and forestry development should be two co-equal goals. In forest-rich regions, forestry-oriented tribal development programme may be prepared in which agriculture could occupy a secondary position. The reformulation of developmental and forestry schemes in all ITDPs may be taken up urgently and completed within the next one year so that the new policy can be reflected in the medium-term project plans for 1978-83. The basic needs of the tribal economy should be provided on a priority basis as part one in all forestry plans whether conventional, intensive or commercial. The second part of these plans could be decided on the basis of other relevant considerations in each case;

(ii) The commercial forestry programmes should be taken up only after fully considering their implications to the local tribal economy. There may be a preparatory stage in all programmes for the more backward areas. The development of the tribals in the zone of influence of intensive economic programmes should be a part of the Project. All existing forestry projects and special projects should be reviewed within a year and suitably adopted so that necessary supplemental investments are provided in the medium plans for 1978-83;

(iii) A programme of large scale plantation should be taken up with the help of the tribals giving them rights on the trees planted by them in assigned areas and their usefruit ;

(iv) In all future departmental plantation programme there should be an adequate mix of fruit trees and other spices useful to the local tribal economy ;

(v) The tribal should have full rights on minor forest produce and remunerative prices should be fixed for their collection without charging any royalty. The purchase of minor forest produce should be organised through cooperatives eliminating the middlemen within one year ;

(vi) All forestry operations should be executed through the cooperatives of forest labourers which should be encouraged by the forest department and organised by the Tribal Welfare Department. The cooperatives should be given a share in the profits accruing to the State from those operations. A phased programme should be prepared so as to complete this switchover within two to three years ;

(vii) Minimum wages should be fixed for all operations undertaken by the forest department, directly or through the contractors, which should not be lower than the minimum agricultural wages; and

(viii) The tribals living in the forest villages should be given inheritable but inalienable rights, over the land which they cultivate without any further loss of time in those States where this is not already done. All social and economic developmental programme should be extended to those villages on the same lines as for residents in other villages.

8.42. **These are no doubt good recommendations and if implemented with all seriousness would go a long way in improving the lot of the tribals living in the forest areas.**

Shifting Cultivation

8.43. **Jhum** or shifting cultivation is a common practice among some tribals of forest areas or those who live on the hilly tracks in many parts of the country. Tribals perform shifting cultivation for growing food grains. The practice is also associated with some kinds of rituals and beliefs of the tribals. It is estimated that in **Assam, Arunachal Pradesh, Andhra Pradesh, Orissa, Manipur, Tripura, Nagaland, Meghalaya, Mizoram, Madhya Pradesh and Tamil Nadu** over 5.28 lakhs families practice shifting cultivation. It is understood that about 9,33,500 tribals are engaged in shifting cultivation of an area of 17,700 sq. miles in the State of **Orissa** only. **Meghalaya** has 3,50,000 persons depended on shifting cultivation with 76,000 hectares of land under the system while in **Manipur** 3,00,000 persons of five districts are engaged in shifting cultivation on an area of 60,000 hectares.

8.44. The Commissioner for Scheduled Castes and Scheduled Tribes has been laying stress in his previous reports on this problem and has been suggesting the State Governments concerned to create special cells which can attend to preparation of special programmes for shifting cultivators. In the absence of information it is not known whether all the concerned State Government have established this kind of special cell or not. Government of India had also asked State Governments concerned to prepare composite programmes to check shifting cultivation bringing in all the elements together. The States were also requested to prepare clear perspectives for shifting cultivators.

8.45. Ministry of Agriculture & Irrigation, Government of India had taken up a Central Sector Scheme in the Fifth Plan for control of shifting cultivation in the States/Union Territories of **Andhra Pradesh, Orissa, Assam, Meghalaya, Nagaland, Tripura, Arunachal Pradesh** and **Mizoram.** Under this scheme basic developmental works such as terracing of land for agriculture and raising of plantation of horticultural crops were undertaken. This scheme became operational only during 1977-78. In the first two years namely 1977-78 and 1978-79, the basic developmental works such as terracing of

land for agriculture and raising of plantation/ horticultural crops were undertaken. The State-wise details of this scheme are mentioned below :—

*(Rs. in lakhs)

S. No.	State/Union Territory	No. of Units sanctioned	No. of families proposed to be settled	Outlays approved for three years (1977-78 to 78-80)	Funds provided to the States/ Union Territories 1978-79
1.	Andhra Pradesh	1	100	10·77	2·347
2.	Orissa	3	300	32·31	17·596
3.	Assam	2	200	21·54	1·716
4.	Meghalaya	1	100	10·77	2·917
5.	Nagaland	1	100	10·77	4·230
6.	Tripura	1	100	10·77	3.000
7.	Arunachal Pradesh	2	200	10·77	7·900
8.	Mizoram	1	100	21·54	3·155
	TOTAL	12	1200	129.24	42.861
	For Central Staff			10·76	0·061
	GRAND TOTAL	12	1200	140.00	42·920

*The outlays approved under column 5 are for a period of 3 years viz. 1977-78 to 1979-80. National Development Council has since decided to transfer this Central Sector Scheme to the States during 1979-80.

8.46. It is worth while to mention here that the Government of **Orissa** have prepared a composite programme to tackle the problem of shifting cultivation in three Districts of the State. Government of India approved programmes only for the three units in Koraput district. Government of **Tamil Nadu** is also reported to have prepared a composite programme in the same way, details of which are yet to be received. In **Orissa,** of all the programmes for prevention of shifting cultivation, the major thrust is on the plantation of fruit plants like Mango, Jack fruit, Guava, etc. on hill slopes and foot hills. The programme for rehabilitation of podu practising tribals will be undertaken on project basis. In the first instance, 300 tribal families will participate in the programme. It is proposed to provide employment to two adults in a family for about 120 days in a year. Payment of wages will be @Rs. 4 per day. Thus during the year, employment will be made available for 72,000 man days. The expenditure on account of wages will be Rs. 2.88 lakhs. In addition to this, a sum of Rs. 72,000 will be provided as programme contingencies for meeting the cost of transport and other incidentals that will be required in connection with creation of durable assets.

8.47. A Juang Development Agency has been established for Juangpirh area in Keonjhar district. A special scheme, as discussed earlier, for podu prevention has been sanctioned for implementation in the micro project area on priority basis. Allotment so far received under shifting cultivation is Rs. 10 lakhs. The programme is to be implemented in the Juang Micro Project from 1980 working season. Its outcome vis-a-vis response of the Juangs is to be watched in the coming years. **This Programme will succeed only if the participation of the tribals can be ensured. In order to make it a success, it is necessary that the tribal who raises the fruit plantation is formally recognised as the owner of the plantation from the beginning.** As per programme, the plantation of fruit plants like mango, jack fruit, Guava, etc. will be raised in Podu hill slopes (Khesra forest) which is owned by the Juang community and this is their traditional right as per the "Rules for the preservation and management of the State Forests in Keonjhar". But the plantation programme reveals that the tribals will have no right over the land on which the plantation will be raised. **This is an inherent contradiction in government policy. It should be modified and the tribals should be given right over the podu and where fruit plants will be raised.** In this connection a research team of this Organization visited Banspal village of Telkoi Block where Mango-in-situ plantation has been done on 45 acres of tribal's own land under horticultural plantation during 1975-76. 35 tribal families are participating in the programme. Each podu cultivator was provided with financial assistance to raise mango plantation on 1.25 acres of podu hill slopes, inter cropping and subsidy for settled cultivation on 1 acre of valley land at the rate of Rs. 150 per acre. The programme of Mango-in-situ plantation is successful at present. The plants are still in infancy and require attention. It is expected that with proper care the plants will start bearing fruits in the next three/four years. The participants (tribals) of Banspal village have their own suspicion regarding the programme. They are afraid about their right over the land and usufructs of the plantation. Moreover, Government has yet to decide many things such as marketing of fruits, period of lease and annual rent per tree etc.

8.48. Based on the available information, it is understood that the State Governments of **Andhra Pradesh, Orissa** and **Meghalaya** have implemented schemes for control of shifting cultivation under Central Sector scheme. Programmes of land development, plantation of horticulture trees/quick growing species and rehabilitation of shifting cultivators by providing them one to two acres of developed lands were taken up

during the year 1978-79. The Government of **Orissa** has completed terracing and preparation of land for raising plantation over an area of 450 hectares.

8.49. In **Meghalaya,** out of 5 Civil Administrative districts, the practice of shifting cultivation is prevalent in the East and West Hills and to a lesser extent in the East and West Khasi Hills & Jaintia Hills districts. The State Government is providing permanent and settled cultivable lands to **jhumias** as feasible under the scheme and also rehabilitating the shifting cultivators in more permanent viable village units of a minimum of 50 families each to facilitate smooth and effective functioning of administrative machinery. Under the **jhum** control schemes there is a provision of allotment of 2 hectares of permanent cultivable land per family by way of development of lands by terracing as well as reclamation of valley bottom land. The State Government also provides irrigation facilities, input such as seeds, plants, manures and fertilizers. Grant of Rs. 2,000 per family for house construction where families have to shift from distant areas to the site where land is developed near the re-grouped villages is also provided. During the Sixth Five Year Plan, it is proposed to spend Rs. 540.43 lakhs to settle **jhumia** families and during 1978-79, 600 families were benefitted and Rs. 80.35 lakhs were incurred on different items under **Jhum** control schemes. The State Government also proposes to take up 5,000 hectares of land for coffee and rubber cultivation during the Sixth Plan period.

8.50. The Government of **Andhra Pradesh** has also started work under centrally sponsored scheme and 50 families were rehabilitated during the year 1978-79. **Andhra Pradesh** Government has also started coffee plantation to provide alternate employment to rehabilitated tribals. This scheme is existing since 1961. It is reported that every 100 acres of coffee plantation provide employment to 50 labourers throughout the year. It was proposed to take up coffee plantation on 500 acres area annually during the years 1977-78 and 1978-79. Colonies have also been constructed for these labourers.

8.51. The Government of **Manipur** has taken up schemes for weaning the tribals away from shifting cultivation and during the year 1978-79 development work was taken up on an area of 2192 hectares of land.

8.52. In **Tripura** different tribal communities are doing shifting cultivation. On one extreme are the primitive tribal communities like Riangs who are still at pre-agricultural stage of technology and are unaware about the art of cultivation. On the other, even the most advanced communities resort to this practice to supplement their agricultural income. Between these two extremes are different tribal groups practicing shifting cultivation in varying degrees. The Government of **Tripura** have rehabilitated **jhumia** families in specific colonies. Gurupada colony and Ratchera Forest Settlement are some of the important colonies of these shifting rehabilitated cultivators. The scheme envisaged raising of 1.25 hectares of orchards for each **jhumia** family and reclamation of 0.4 hectare for paddy cultivation for them; besides agriculture input assistance etc. In the course of the Fifth Plan, an amount of Rs. 15.00 lakhs had been spent for the settlement of 3,400 **jhumias** who had been able to raise paddy and fruit worth more than Rs. 1.00 lakh. According to an estimate there are about 20,000 shifting cultivators in **Tripura.**

8.53. It is noticed that apart from the developmental work being done to control or to wean the tribals away from shifting cultivation under centrally Sponsored Scheme funds from Integrated Tribal Development Projects are also being used for this purpose. **As per the decision of the National Development Council, the Centrally Sponsored Scheme has been proposed to be transferred to the concerned States/Union Territory Administrations during 1979-80 and hence with the transfer of this scheme to the States more funds for the left over programmes including maintenance are expected to be made available by the State Governments for tackling this problem.**

8.54. In a recent sample study of Integrated Tribal Development Projects, Narayanpur in the Bastar District of Madhya Pradesh, a study team consisting of Shri M. M. Sharma, Research Officer and Shri V. Tamhane, Investigator of this organisation observed shifting cultivation in the Abujhamar Block of the project. The study team visited village Sargipar and found that shifting cultivation called **Penda** was being practised on an area of about 15 acres on the top of a hill. It was noticed that trees of high commercial value were burnt to make land available for shifting cultivation. Kodo, Kutki, Kang and Maize were sown there at a time. It was suggested to the Project Officer, Narayanpur that some alternative land should be made available for cultivation to those doing shifting cultivation in the project area, so that this wasteful practice could be stopped. It was also observed that the yield per acre of the land was very poor. Shifting cultivators depended on rains as irrigation was not possible on hill tops. It appeared that the Project authorities had not taken up any step to check shifting cultivation nor have prepared any composite plan for rehabilitation of these cultivators. **It is, therefore, suggested that Government of Madhya Pradesh should immediately take up steps to check this practice and draw a composite programme of weaning away the shifting cultivators.**

8.55. It has been observed that approach in tackling shifting cultivation has been schematic. The problem is very complex economic, sociological and psychological at the same time. The Working Group on Tribal Development constituted by the Ministry of Home Affairs in 1978 made certain good recommendations which are given below :—

(i) A perspective may be prepared for resettlement of shifting cultivators in all

those States having the problem of shifting cultivation within a maximum period of ten years ;

(ii) A comprehensive programme of resettlement should be prepared for each specific area for which inter-disciplinary teams may be constituted to work on a continuing basis ;

(iii) A specific part of the outlay on agriculture and allied sectors should be set apart for development of shifting cultivators besides which a nucleus amount, as gap-filled, may also be provided for this purpose ;

(iv) The outlay may be kept at the disposal of the concerned Integrated Tribal Development Project Authorities for implementation of approved comprehensive development programme ; and

(v) A high level expert committee may be set up in each of these States and at the Centre, which may provide technical support as also constantly review the programme of shifting cultivation.

8.56. **It is suggested that the State Governments concerned should seriously implement the recommendations made by the Working Group and the States having sizeable shifting cultivators should allocate definite proportion of the total outlay on agriculture and allied sectors to tackle this problem.**

Sericulture

8.57. The economy of the Scheduled Castes and the Scheduled Tribes to a great extent is different in each region and each individual possesses a variety of skills to eke out a living in those regions. Some of the tribals and the Scheduled Castes are skilled in weaving, smithy, carving and variety of handicrafts. Sericulture is an important labour oriented agro-based cottage industry providing gainful occupation to these communities. According to an estimate, over 3.79 million persons are engaged in sericulture of whom 30% belong to the weaker sections of the society, particularly the Scheduled Castes and the Scheduled Tribes. There are mainly two kinds of sericulture prevalent viz., tassar and mulberry. Muga and Eri are also in practice but on small scale. The mulberry sericulture is practiced in **Karnataka, West Bengal, Jammu & Kashmir, Tamil Nadu, Andhra Pradesh** and **Uttar Pradesh.** The non-mulberry silk industry is established in **Bihar, Madhya Pradesh, Orissa, Maharashtra, Andhra Pradesh, West Bengal** and in the north Eastern States. The various development programmes formulated for development of sericulture during the 5th Plan period aimed at the establishment of block plantation of tassar and muga host plant for increasing leaf yield, supply of disease-free silk worm seed, etc. These measures proved beneficial in increasing the output at different levels and enhancing the earning of the persons engaged in sericulture. Specific schemes were also formulated to introduce rational marketing organisation with a view to preventing the exploitation of rearers by the middlemen and to help them to get an economic return for their produce.

8.58. It may be emphasised that the proven potential of both tropical and temperate tassar culture and its exploitation for the economic well being needs special mention. According to an estimate, more than 12.7 million tribals are said to be living right in the tropical tassar belt of whom hardly 1.04 lakh tribal families are presently engaged in tassar rearing. Similarly, out of 11 million hectares of tassar food plants hardly 0.55 million or 5% are reported to have been put to use. **There is, therefore, an urgency that the Central Silk Board and the State Governments concerned should exert themselves in systematic exploitation of the available manpower and forest resources for economic upliftment of the tribals.**

8.59. The Central Silk Board which came into existence in 1972 had set up a raw material Bank for tassar at Chaibasa in **Bihar.** The purpose of the Bank was to ensure a fair economic return to the tribal rearer and also supply tassar cocoons and tassar waste to the poor handloom workers at steady price. The activities of the Board have also been extended to all the major tassar producing States so as to provide a measure of relief to tribal families who are largely being exploited by the middlemen. At the instance of Central Silk Board, the States have initiated action for implementation of intensive development programmes for increase of tassar cocoons and tassar waste. The Statewise break-up showing the work done for the welfare of Scheduled Castes and Scheduled Tribes and other backward communities through sericulture schemes during 1978-79 is given below :—

S. No.	State	No. of Schemes	Allocation (Rs. in lakhs)	Expenditure incurred (Rs. in lakhs)	No. of beneficiaries			
					SC	ST	Others	Total
1	2	3	4	5	6	7	8	9
1.	Andhra Pradesh	2	0·850	0·850	186	896	703	1,785
2.	Karnataka	2	19·500	10·351	..	1,116	..	1,116
3.	Manipur	7	83·00	56·450	605	585	710	1,900
4.	Meghalaya	16	25·470	15·420	..	..	..	8,472
5.	Mizoram	8	9·000	9·00	..	6,100	..	6,100

1	2	3	4	5	6	7	8	9
6.	Nagaland	9	15·170	12·950	..	814	..	*814 (families)
7.	Orissa	20	25·250	25·970	4,066	23,871	4,141	32,078
8.	Punjab	1	0·400	0·400	20	..	..	20
9.	Tamilnadu	3	2·250	1·655	40	88	..	128*
10.	Tripura	4	4·058	1·501	140	148	..	288
11.	Uttar Pradesh	2	28·720 (Plan)	13·390 (Plan) 25·520	2,768 NP	1,728	1,123	5,610
	TOTAL	74	213.668	173·457	7,985	35,954	6,677	62,088

8.60. It may be observed from the above statement that out of an allotment of Rs. 213.668 lakhs for implementation of 74 sericulture schemes in the States mentioned above both under plan and non-plan programmes during the year under reference, an amount of Rs. 173.457 lakhs was reported to have been spent for the welfare of as many as 62,088 persons belonging to Scheduled Castes and Scheduled Tribes and other backward communities engaged in various sericulture pursuits. It is worth mentioning that the Board's Research Station at Ranchi had also initiated action for setting up Pilot Extension-cum-Training Centre, one each in the States of **Bihar, Madhya Pradesh,** and **Orissa. It is recommended that these centres should not only meet the basic seed requirement for tassar cultivation but should also provide training facilities to departmental staff in the new rearing and grainage techniques.**

8.61. A Study Team of this organisation visited Integrated Tribal Development Project Narayanpur, District Bastar (Madhya Pradesh) in the month of September, 1979 and observed that the tribals were collecting Kosa and selling at the rate of Re. 1 per 4 pieces to the society, whereas, local merchants were purchasing 6 pieces at the rate of Re. 1 and hence paying less to the tribals. However, it was observed that the primary society which was authorised to purchase the entire Kosa of that region was not in a position to purchase even half of the total produce because of inadequate staff position and other factors. **It is, therefore, suggested that the primary societies in tribal areas in Madhya Pradesh should be properly staffed so that they may be in a position to procure Kosa as well as all the other important forest produce available in that areas so that the tribals could get remunerative price for their produce.**

8.62. The Commissioner for Scheduled Castes and Scheduled Tribes while on tour in Bihar visited the Tassar Seed Supply Centre, Hatgamaria, District Singhbhum in December, 1979. The Centre was started mainly for the purpose of supplying disease free eggs to the tassar rearers. The Centre was functioning for the last 15 years and the disease free eggs were supplied to the tribal tassar reares who hatched these eggs on tree leaves. It was observed that during the last three years the number of tassar reares belonging to Scheduled Tribe increased to 1,500. The Commissioner was informed that due to lack of funds it was not possible to supply disease free eggs to all the 1500 tribal tassar rearers. Only 400 tribals were being financed by the Bank. It was encouraging to note that the desease free eggs were now being hatched on bushes in the Centre and the Centre had also started its own seed production. It was learnt that the Centre purchased 20% cocoons from the tribals where as 80% cocoons were purchased by private traders, Tassar Marketing Organisation, Chaibasa, Raw Material Bank, Chaibasa which were set up by the Central Silk Board. **It is, therefore, recommended that efforts should be made by the Centre to supply disease free eggs to all the 1,500 tribal tassar reares and the private traders who purchase cocoons from the tribals should be eliminated by giving remunerative price for cocoons to the tribals.**

8.63. Study Team on Industries and Allied Sectors in tribal areas constituted by the Working Group on Tribal Development 1978-83 made some observations which are indicated below :—

1. Identification of the forests having food plants for the tassar silk worm.
2. Maintenance of existing tassar food plantation by proper pollarding, weeding and soil loosening.
3. Recognising the rights of the tribals and other weaker section to use the food plants in the forests for rearing of the tassar worm.
4. Giving rights on clearly demarcated patches of forests to identified families.
5. Identifying forests suitable for plantation of food plants for the tassar work and taking up an extensive programme of plantation with the help of the families, who will have rights to rear tassar work in the trees standing on the specified parcel of land.
6. Raising of economic plantations of tassar food plants under the afforestation programmes of the forest department in the tassar growing areas.
7. Establishing suitable number of seeds and extension farms to supply seedworms

to the rearers which will include strengthening of the seed organisation through a network of Pilot Project Centres for increasing the availability of quality seed.

8. Extensive education of the tribals on the economics of the plantation techniques and improved rearing practices advocated by the Central Tassar Research Station, Ranchi.
9. Arrangements for supply of worms to the rearers.
10. Arrangements for purchasing the tassar cocoons at remunerative prices.
11. Establishment of yarn-making and weaving centres, duly supported by a design section and marketing arrangement.
12. Providing training for weaving and yarn-making.
13. Provision of additional marketing facilities in all the production centres backed by adequate financing from commercial banks at low rate of interest and on personal sureties.
14. Arrangement for marketing of the tassar cloth in order to plough back maximum profits to the growers and weavers.
15. Organisation of cooperatives of tassar rearers and tassar weavers to serve as service centres in selected areas with provision for banking facilities.
16. Expansion of the training programmes at various levels to meet the demand of trained technical personnel for manning the developmental schemes in the States vis-a-vis training of farmers in extension of education.

8.64. **It is hoped that these observations if implemented earnestly would help in improving the economic conditions of the Scheduled Caste/ Scheduled Tribe persons engaged in sericulture.**

Irrigation in Tribal Areas

8.65. The main source of income of a large number of tribals is agriculture. In order to improve the socio-economic conditions of the tribals it is a pre-requisite that more emphasis is laid on the improvement of agriculture and allied sectors. The return from agriculture in tribal areas is very poor and one of the main reasons is almost complete dependence on rains and lack of irrigational facilities in these areas. According to an estimate the total irrigation in tribal areas is less than one per cent as compared to the 25 per cent in the country as a whole. In many States the major chunk of total investment on major and medium irrigation goes to the ongoing projects. Such a policy operates against the tribal areas because most of the ongoing programmes are located outside the areas. It is also observed that some State Governments do not take up new projects unless the ongoing projects are completed.

8.66. Most of the tribals are on the upper reaches of the rivers and streams and many irrigation works are taken up in the lower reaches taking into consideration the total availability of water. **It is, therefore, necessary that certain percentage of total water in each river basin is kept reserved for use only in the upper reaches. It is encouraging to note that the States of Gujarat and Maharashtra have enacted laws for this purpose.** In **Gujarat** 20 per cent of the water is reserved for future use of the upstream areas. In **Maharashtra** the reservation is only up to 5 per cent. At times, it is observed that though programme like irrigation etc., are taken up in the tribal areas, benefit is derived by non-tribals. **In some States no minor irrigation work is allowed to be taken up in an area which is to come up under the command of a medium or major project likely to be taken up in future. Since the minor irrigation works provide water at low investment, it is felt that these small projects should not be discarded only because a major or medium irrigation project is likely to come up in future. It has also been observed that different agencies provide different components of a minor irrigation scheme to the tribal cultivators. It would be in the interest of the tribals if one organisation is made responsible for completing all components of the scheme.**

8.67. According to available information the approved outlay for irrigation in tribal sub-plan areas for the year 1978-79 were as follows :—

(Rs. in lakhs)

S. No.	State	Flow from State Plan outlay	
		Minor Irrigation	Major & Medium Irrigation
1.	Andhra Pradesh	66·00	472·00
2.	Assam	220·00	Nil
3.	Bihar	950·00	**
4.	Gujarat	263·00	541·00
5.	Himachal Pradesh	35·00	10·00
6.	Karnataka	15·00	Nil
7.	Kerala	Nil	Nil
8.	Madhya Pradesh	1,000·00	500·00
9.	Maharashtra	388·65	538·30
10.	Manipur	38·00	205·00
11.	Orissa	376·30	897·00
12.	Rajasthan	50·97	423·00
13.	Tamil Nadu	9·00	Nil
14.	Tripura	27·00	4·00
15.	Uttar Pradesh	Nil	Nil
16.	West Bengal	31.00	526.00
17.	Andaman & Nicobar Islands	Nil	Nil
18.	Goa, Daman & Diu	Nil	Nil

**Outlay for the State as a whole is separate outlay for tribal areas not indicated.

8.68. It is encouraging to note that different States have earmarked outlays for minor and major irrigation projects from the State Plan outlays. **There are different agencies dealing with the ground water, minor irrigation, medium and major irrigation and lift irrigation in each State. It is recommended that a Master Plan for irrigation in tribal areas in each State should be prepared.**

Observations of the Commissioner for Scheduled Castes and Scheduled Tribes and the two Study Teams in Bihar

8.69. In much of the Chotanagpur-Santhal Parganas, where tank irrigation is not possible due to high evaporation, there is considerable scope for lift irrigation from river beds. A Study Team of this office visited Govindpur North Lift Irrigation Scheme in Seraikella Block in Singhbhum District on 9-12-79. This scheme was completed in November, 1979 on Sanjai river which contains water throughout the year at a cost of Rs. 3.50 lakhs. To lift the water from the river, two electric motors of 25 Horse Power each were functioning. The command area is 200 acres. The entire land irrigated belongs to Govindpur village. The total number of households of the village are 200, out of which tribal households are 100 (50%). Out of 200 acres of command area, the tribals land is about 80 acres.

8.70. Commissioner visited Pandu Lift Irrigation Scheme in Murhu block of Ranchi District on 17-11-79. This scheme has been set up on Banai river at Pandu village, 6 kms. from Khunti. It was completed on 20-9-76 at a cost of Rs. 2.9 lakhs and the command area is 170 acres. Water is lifted by two electric motors of 25 Horse Power each. Out of 64 households in village Pandu, 60 families belong to Scheduled Tribes and the remaining 4 families to Scheduled Castes. 29 families of Scheduled Tribes are getting benefits from this scheme and have formed a cooperative society with a compact far having an area of 102 acres without any fencing. The remaining beneficiaries belong to adjoining villages. The percentage of land owned by Scheduled Castes/Scheduled Tribes Irrigated by this scheme is about 60. Another Study Team visited Patrakund Lift Irrigation Scheme in Lohardaga Block of Ranchi District which is 20 kms. from Ranchi on Ranchi-Lohardaga road. About 200 acres of land belonging to 100 families is being irrigated. Out of these 100 families about 50 families belong to Scheduled Tribes.

8.71. It was reported that a Lift Irrigation Scheme in village Bhur of Burmu Block of Ranchi District at an estimated cost of Rs. 3.11 lakhs to provide irrigation to 210 acres Khariff and 80 acres Rabi crops was completed in November, 1978. However, out of 100 beneficiaries only 5 belong to Scheduled Tribes. The command area could not be brought under cultivation because of short supply of diesel. One point, that needs particular attention in the tribal areas is the maintenance of existing assets like school buildings, roads, tanks, etc. Funds for the maintenance of these assets have to come from the non-plan budget. However, due to widespread demand for investment in irrigation, roads, schools, hospitals, etc., these funds are diverted for new buildings and institutions without caring for the old ones which results in huge losses on account of deterioration of existing assets. In tribal areas, many old tanks have gone out of use. **It is recommended that for the maintenance of existing assets, funds should be adequately provided to ensure that the benefits continue to be derived by the tribal people.**

Constitution of Working Group on Minor Irrigation of the Ministry of Agriculture and Irrigation

8.72. The Working Group on Minor Irrigation constituted by the Ministry of Agriculture & Irrigation have made recommendations regarding the strategy to be adopted for minor irrigation development in the tribal areas. These recommendations are as under :—

1. As far as possible water shed management approach should be applied in the tribal areas under which the programme of minor irrigation and soil conservation should be actively coordinated;
2. It will be desirable that all surface water minor irrigation projects in the tribal areas may be taken up by the State Department concerned and also managed by them. Adequate grants will have to be assured for proper maintenance ;
3. Investigations for surface water minor irrigation projects as well as groundwater schemes should be given priority. It would be desirable that all feasible sites for surface minor schemes may be surveyed within next three years. Ground water surveys should be aimed to be completed within a period of 5 years ;
4. Efforts should be made to complete all surface water and ground water development in the tribal areas in 5 to 10 years;
5. Provision for subsidy should be more liberal in the tribal areas in order to promote private works. It will be desirable that the extension of subsidy may be processed through the same channel which gives loans to the farmers ;
6. More active water management and extension measures will be necessary in the tribal areas in order to ensure that the completed minor irrigation projects are effectively utilised.

Social Services in Tribal Areas

8.73. If we look at the tribal scene in India we find that different tribes are at different levels of socio-economic development. Areas in which Scheduled Tribes live lack in social services infrastructure. Remote forests and hilly areas in which many tribals live, lack in drinking water facilities and the diet on which

they subsist is deficient in many respects. These deficiencies coupled with absence of adequate medical facilities result in many diseases prevalent among them. Besides, whatever medical facilities have been provided in these areas, are not being put to full use. Here comes the important role of education among these communities. Important items like education, health services, nutrition, drinking water facilities which broadly constitute the social services infrastructure are discussed in subsequent paras.

Education

8.74. Education has a major role in bringing about the socio-economic changes among the Scheduled Tribes. In fact it is a key to their development. It is, therefore, essential that high priority is accorded to education in all the developmental programmes. The literacy position of Scheduled Tribes differs from State to State. In some States, like **Kerala,** the difference between the general literacy rate and that among the Scheduled Tribes was alarming. The general literacy rate in the State was 60.16% but as low as 3.64% in places like Attapady, an area predominently inhabited by Irulas, Mudugas and Kurumbas belonging to Scheduled Tribes. In **Gujarat** too the percentage of literacy among Scheduled Tribes was well below 50% of the general average. For instance, while the State average was 35.79%, the State average for Scheduled Tribes was 17.10%. Blocks like Limkhda and Santrampur (Panchmahals) showed a literacy average of 6.82% and 6.49%, respectively. Similarly in **Andhra Pradesh,** the literacy rate was 24.50% for the general population, 5.34% for the Scheduled Tribe population and in pockets like Warrangal, the literacy was as low as 3.66%. In States like **Madhya Pradesh, Orissa** and **Bihar** with large tribal concentration, there was considerable variation in literacy rates in the States as compared to many blocks with predominent tribal population.

8.75. According to an estimate, nearly 74% of the non-enrolled children are in educationally backward States namely, **Andhra Pradesh, Bihar, Orissa, Madhya Pradesh, Rajasthan, Uttar Pradesh, Jammu & Kashmir** and **West Bengal,** and these States excluding **Jammu & Kashmir** have large concentration of tribal population. Since the large majority of non-enrolled children are from weaker sections including Scheduled Tribes, greater emphasis should be laid through formal as well as non-formal educational system to spread education in these States especially areas predominently inhabited by Scheduled Tribes.

8.76. The problem of wastage of education among the Scheduled Tribes is very acute. It has been observed that, though enrolment among the Scheduled Tribes at primary level has shown some progress, yet the percentage of their enrolment at the middle level falls steeply indicating that a large percentage of the tribal children dropout by the time they reach the middle level. The percentages of enrolment among Scheduled Tribe children from classes I to V and classes VI to VIII during 1977-78, in various States/ Union Territories are given in the table below :—

S. No.	State	Percentage of enrolment during 1977-78 in Class I-V	Classes VI to VIII
1	2	3	4
1.	Andhra Pradesh	62·8	9·3
2.	Assam	85·4	31·6
3.	Bihar	75·8	32·4
4.	Gujarat	71·8	20·3
5.	Himachal Pradesh	78·2	32·7
6.	Kerala	67·7	40·1
7.	Karnataka	105·7	38·8
8.	Madhya Pradesh	46·6	10·2
9.	Maharashtra	76·3	16·1
10.	Manipur	164·9	40·7
11.	Meghalaya	132·7	42·6
12.	Nagaland	155·9	116·7
13.	Orissa	61·1	9·0
14.	Rajasthan	35·5	11·1
15.	Tamil Nadu	59·9	15·5
16.	Tripura	55·8	14·1
17.	Uttar Pradesh	75·5	30·9
18.	West Bengal	48·7	13·4
19.	Andaman & Nicobar Islands	78·9	27·8
20.	Arunachal Pradesh	70·2	15·9
21.	Goa, Daman & Diu	73·4	15·6
22.	Laksadweep	159·2	86·3

8.77. It would be seen from the above table that in almost all the States/Union Territories given therein, the percentage of enrolment among the Scheduled Tribes in classes VI to VIII fell down steeply leading to a lot of wastage of education. In some tribal pockets in various States this problem is still more pronounced. **It is, therefore, desirable that the State Governments should give suitable incentives like universal coverage under the scheme of award of Pre-matric stipends, opening of more Ashram Schools, Backward Classes hostels, Book-Banks, change in curricula and adjustment of school timings according to the needs of the Scheduled Tribes, free distribution of stationery and uniforms etc., to Scheduled Tribe students to encourage more of them to continue their education at the middle and higher levels.**

8.78. After going through different reports of the Integrated Tribal Development Projects it has been noticed that problems like absentee teachers, insufficient posting of staff, lack of adequate leave reserves, building infrastructure and teachers quarters are more common. A Study Team from this office which conducted a survey of Integrated Tribal Development Project Narayanpur District Bastar, in Madhya Pradesh observed that teachers belonging to Narayanpur block were not willing to go to the interior areas. In Sompur village adjoining the Abhujhmar area, a teacher was working without any

staff quarter and the school building was also in a very bad shape. Even minimum facilities which are required for subsistance were not available for that teacher who hailed from Bhind district, almost 1500 kms. away from his home town. **It is, therefore, suggested that as far as possible efforts should be made to post local Scheduled Tribe teachers in the schools of their areas so that community feeling may induce them to work for the development of the people.**

8.79. We have elsewhere in this Report highlighted the importance of increasing the number of Ashram Schools, opening of more Adult education Centres, enhancing the rates of Post-matric scholarship and universal coverage under Pre-matric scholarship scheme, increase in the number of Hostels in accordance with the needs of tribal regions and admission of Scheduled Tribes in various educational and technical institutions.

Health Services

8.80. Developed medical technology has equipped man with increased ability to cure diseases and to provide maximum medical facilities to the people. By and large, benefits of developed medical facilities are available to the urban people while communities living in the rural/tribal areas do not have these facilities Tribal areas have specific health problems. Some of the tribal communities are small and are reported to be declining in numbers because of genetic and other problems. It was envisaged in the Fifth Plan period that State Governments/ Union Territory Administrations would take up special programmes for these communities. The All India Institute of Medical Sciences, the Ministry of Health and JIPMER at Pondicherry were to be associated with these programmes. We have discussed elsewhere in the chapter the special health and genetic problems of Kutiakonds of district Phulbani of Orissa.

Leprosy Control

8.81. Different reports of Integrated Tribal Development Projects have revealed that diseases like Tuberculosis, Leprosy, Venereal Disease sicklecell disease etc., have affected some tribal communities in different States. No intensive survey has been made so far, to identify the actual number of leprosy patients in India. However, on the basis of sample surveys conducted by the Central Government in 1972, it was estimated that there were about 35 lakh leprosy patients in the country, out of whom about 20 percent were of infectious nature and 20 percent to 52 percent suffered from physical deformities. About 4 lakh of them were socio-economically dislocated from their family or occupations. 20 percent of the total leprosy patients in the country, were estimated to be in **Bihar.** The National Leprosy Control Programme was started in 1950, prior to which leprosy control work was confined to carring for the patients in leprosy asylums and homes. Besides the Central and State Governments, some voluntary organisations have also done useful work in this regard.

Santhal Paharia Seva Mandal:

8.82. During his visit to Santhal Parganas District in **Bihar** in December, 1979 the Commissioner for Scheduled Castes and Scheduled Tribes observed that a Voluntary Organisation, namely, Santhal Paharia Seva Mandal had been doing leprosy control work in the hilly and tribal areas of Santhal Parganas District of the State, since 1942. It has established 4 Primary Health Education Treatment Centres, 2 Leprosy Control Units, one 40 bedded temporary indoor emergency hospital at T. K. Gram, one 50 bedded indoor Reconstructive Surgery Hospital at Madhupur, in addition to other activities like physiotheraphy, shoe-making, X-Ray, blood bank, laboratory etc. It has also taken up health education programme, combatting malnutrition etc. 8,947 leprosy patients are reported to be under treatment by the Mandal, out of whom 1,100 have been declared bacteriologically negative and have been completely cured under its different schemes. Out of the total number of patients under treatment, 2,827 belong to Scheduled Tribes and 1,634 to Scheduled Castes.

Health Education Work:

8.83. The Mandal has a cinema van and 47 films on leprosy and other diseases, to educate the people about the cure and avoidance of this disease. The Mandal also publishes different health education posters, pamphlets, brochures about this disease and distributes them among the people. It holds leprosy exhibitions in fairs. The Mandalis also carrying out research work on treatment of leprosy through Naturopathy. The work being done by the Mandal is commendable. **The Mandal, therefore, deserves encouragement and financial assistance by the Central and State Governments.**

Primary Health Centres/sub-centres:

8.84. Primary health centres/sub-centres are the basic units through which developed medical facilities are provided to the tribals. According to some reports there were as many as 892 blocks in tribal and backward areas which needed special treatment for providing minimum health facilities. Though 812 primary health centres and 2,559 sub-centres were functioning in these blocks, it was reported that 123 blocks were left out where Primary Health centres were still to be established. **It is, suggested that in these blocks such centre may be opened on priority basis.** Earlier, the norm for opening a primary health centre/sub-centre was 80,000 to 1,00,000 population. It is encouraging to note that the norm to establish a Primary Health Centre in the tribal areas has since been reduced and in future, for every 20,000 population, there will be a Primary Health Centre and a sub-centre for 3,000 to 5,000 population. It has been observed that Primary Health Centres are mostly located in small towns or big villages in which more than one doctors are posted while

large tribal areas remain unattended. It is reported that most of the doctors are not willing to be posted in the interior tribal areas for want of proper housing and other facilities. **Proper housing and educational facilities should, therefore, be provided to doctors posted in these areas and doctors should also be posted at sub-centres so that their services are better utilised by people from inaccessible areas.**

Community Health Workers :

8.85. A Special Health Scheme was initiated by the Central Government in 1977 in 733 primary health centres. Under this scheme, one Community Health Worker was to be selected from every village to deliver primary health services to a community of about 1,000 persons. Till 2nd October, 1978, the scheme had been extended to 1,056 more primary health centres. The following additional facilities were to be provided, under the scheme :—

(a) One additional doctor was to be posted at each Primary Health Centre ;

(b) Additional medicines worth Rs. 6,000 per annum were to be provided to every Primary Health Centre ;

(c) Medicines worth Rs. 60,000 per annum, were to be distributed free, through Community Health Workers, among the population covered by each Primary Health Centre.

(d) A non-recurring grant of Rs. 5,000 was to be given to every Primary Health Centre for equipment and laboratory facilities.

According to available information, the Governments/Administrations of **Gujarat, Nagaland, Dadra & Nagar Haveli, Goa, Daman & Diu, Lakshdweep** have implemented community health workers scheme and have trained these workers.

8.86. Centrally Sponsored Schemes for control of Leprosy, Tuberoculosis have also been initiated in **Nagaland** and in the Union Territories of **Dadra** and **Nagar Haveli, Goa, Daman** and **Diu, Lakshdweep** and **Andaman & Nicobar Islands.** In **Dadra & Nagar Haveli,** considerable work in controlling these diseases was reported to have been done during the year 1978-79. Cases of Tuberoculosis, leprosy and Venereal Disease were reported and medical treatment was given at Primary Health Centres/ dispensaries after thoroughly diagnosing them at district level hospitals. The Government of **Gujarat** established four hospitals and 6 mobile dispensaries in the tribal areas of the State during the year 1978-79. Mobile health units were also started in **Gujarat, Nagaland, Dadra & Nagar Haveli, Goa, Daman & Diu** and **Andaman & Nicobar Islands** to provide medical facilities to tribals at their door steps. Although some progress has no doubt been made in providing medical facilities to the tribals, yet much remains to be done in the tribal areas of the country. **It is, therefore, suggested that the State Governments/Union Territory Administrations concerned should make a clear assessment of the prevailing health situation in tribal areas and draw intensive time bound programmes keeping in view the priorities for the target groups. In this venture social workers and voluntary organisations of repute should also be associated. The Study Team on Social service in tribal areas constituted by the Working Group on Tribal Development, 1978-83 have gone into the problem in depth and have made important recommendations which should be implemented by the State Governments/Union Territory Administrations concerned.**

Nutrition

8.87. In India mal-nutrition and under nutrition are gigantic problems requiring colossal resources. Infant mortality, child mortality and maternity mortality in this country are stark facts, signifying inability to achieve a breakthrough in this field. The statistics revealed in the International Conference of the Federation of World Association of Paediatric Surgeons held in Bombay recently were alarming. According to the Federation one in every five new born children in India dies within a year of its birth which comes to 20% child deaths in first year of their births. If this is the situation of the country as a whole one can imagine the plight of new born children in tribal areas. Malnutrition is one of the most acute problems among the tribals, particularly, because in some parts of the sub-plan areas natural resources have got depleted and no new sources of sustenence have emerged which are within the economic reach of the tribals. The disappearance of the wild animals change in the area of vegetation, growing pressure of population, new use of minor forest produce etc. have further added to malnutrition and under nutrition of the tribal people. **It is, therefore, of utmost importance that tribal areas are covered by specific nutritional programmes. The emphasis in these programmes should be on target groups like expectant and nursing mothers, pre-school going children, Primitive Tribes and weak and infirm persons besides coverages of children and others suffering from mal-nutrition.**

8.88. The Applied Nutrition Programme, a Centrally Sponsored Scheme was launched in 1963 to combat mal-nutrition in children and amongst vulnerable groups of community in the rural areas predominantly inhabited by the weaker sections. The programme is now being implemented by the Ministry of Rural Reconstruction. The major source of financial assistance for the programme is provided by central assistance, State/Union Territory Administration commitments. UNICEF is also a major partner in the implementation of this programme. The Department of Social Welfare started a special nutrition programme in 1970-71 with the object of providing supplementary nutrition to pre-school children, expectant and nursing mothers in urban slums and in tribal and drought prone areas. The programme envisaged giving supplementary nutrition consisting of

200 to 300 calories and 8 to 12 gms. protein per child per day and 500 calories and 25 gms. protein for mother for 250 to 300 days in a year. In the 5th Plan, the programme was transferred to the State Sector under the Minimum Needs Programme. Another important programme was also initiated in 1970-71 by the Department of Social Welfare which was called Balwadi Nutrition Programme. This is being implemented through four national level organisations namely Central Social Welfare Board, Indian Council for Child Welfare, Harijan Sevak Sangh, and Bhartiya Adim Jati Sevak Sangh. The Department of Social Welfare released grant to the tune of Rs. 100.00, 30.18, 12.30, 12.52 lakhs to the above mentioned four organisations respectively, during the year 1978-79. The other important scheme in the nutritional field are mid-day meals programme being implemented by the Department of Education. The Department of Health and Food were also engaged in nutritional programmes. **It is recommended that all nutritional programmes should be incorporated in the Integrated Tribal Development Projects, so that there may be wider coverage of nutritional programmes in tribal areas.** No doubt, the Department of Social Welfare has been given the role of co-ordinating all nutritional programmes and for this purpose a co-ordination Committee has been set up. **It is recommended that this Co-ordination Committee should play an important role in channelising nutritional programmes to weaker sections of the community particularly the tribals by taking into account their nutritional needs in sub-plan areas and other areas.**

Drinking Water

8.89. The problem of drinking water needs to be given top priority in the tribal areas. In some of the areas, tribals are getting drinking water from the conventional water sources and the water they consume is most unhygienic and sometimes polluted which results in various diseases. At times they have to fetch water from far off distances. The problem of drinking water has been tackled on the basis of identification of problem villages. The drinking water schemes are being implemented under the Backward Classes Sector of the State Plans, National Drinking Water Supply and Central Accelerated Rural Water Supply Programmes. Schemes are also being undertaken under the Minimum Needs Programme and Integrated Tribal Development Projects. During the Fifth Plan 1974—78, an outlay of Rs. 432 crores was provided under Rural Water Supply Scheme. During the Sixth Plan period 1978—83. it is proposed to spend Rs. 765 crores and it is estimated that 1.45 lakh problem/difficult villages would be covered in the country under this scheme. **It is recommended that protected supply of drinking water should be provided in tribal areas where it is lacking and the existing sources should be improved. In the identification of problem villages in the tribal areas, the unit should be hamlet rather than a village.**

8.90. It is observed that various States Governments/Union Territory Administrations are not maintaining separate data regarding coverage of Scheduled Castes and Scheduled Tribes under Drinking Water Supply Schemes. It is, therefore, not possible to know the exact coverage of these communities under the programmes. **Separate statistics should be maintained for these communities so that a realistic plan for drinking water supply arrangements for different groups including target groups amongst the Scheduled Tribes may be possible on priority basis.**

Infrastructural Development

8.91. The objective of bridging the gulf between the tribal areas and surrounding developed areas and undertaking suitable developmental programmes has not been achieved. One of the main obstacles has been that the infrastructure has not been adequately developed in these areas. A net work of roads, railways and facilities like telecommunications and electricity are important if full benefits of investment in these areas has to reach the tribal people. The tribal areas are characterised by existence of considerable exploitable potential which is not tapped due to deficiency of public investment in the infrastructure as well as the continued exploitation of the tribals in the existing process of exploitation of available resources. In many tribal areas which are fertile and rich in natural resources with hard working people, the transition from modes of work to those of the rest is slow.

Road Development in tribal areas

8.92. The road development in the tribal areas should provide support to the economic activity and tribal development. With the formulation of Sub-plans and creation of Integrated Tribal Development Projects there arose a need for faster transportation system to reach the sub-divisional headquarters and the block headquarters, market centres etc. in a short time. This was also required for supervisory personnel reaching their destination quickly for efficient administration. **It is, therefore, necessary that all sub-divisional headquarters, block headquarters are linked up with all weather pacca roads in a phased manner. In the first stage, it is of paramount importance that weekly market centres and PHCs are linked to the block headquarters with all weather roads. In case where immediate necessity is for construction of culverts, bridges and cross drainage structure to allow people to cross rivers at all times of the year, top priority should be given to this by the State Governments concerned. In difficult terrain like those in the Lahaul & Spiti and Pangi valleys of Himachal Pradesh which are not accessible for 8-9 months in a year, the roads are the life lines of the tribals living in those areas. Road construction should have very high priority in tribal areas. Land slides and avalanches are frequent which breach roads irrigation channels & cause floods.**

8.93. The Central assistance for State Plan is given in the shape of block loans and grants for construction of rural link roads. It is envisaged that special problems of tribal area, hill areas and backward areas should constitute the basis for the actual allocation of this provision and the identification of roads to be taken up under the scheme is left to the State Governments/Union Territory Administration concerned. As many as 21 National Highways, list of which may be seen at Appendix LXV are passing through the tribal areas of the country. **It is recommended that the State Governments concerned should take up construction of those link roads on priority basis which will connect the National Highways with the tribal areas. The linking of roads with National Highways would have for reaching results in boosting up the economy of the tribal people living in inaccessible areas.**

Construction of roads in ITDP, Narainpur, Madhya Pradesh

8.94. A Study Team of this organisation while undertaking a survey of ITDP, Narainpur, District Bastar in Madhya Pradesh in September, 1979 observed that the total geographical area of Narainpur Project was 8,34,600 hacs. while the total road length in the project area was only 130 kms. out of which 59.5 kms. was all weather roads and 70.5 kms. was fair weather roads. Apart from this the total length of forest roads in the project area was 361 kms. It was observed that many roads were cut off during monsoon period and two block headquarters out of four were not connected with all weather roads. Out of 8 roads which were proposed to be constructed in the 5th Plan period, only four were reported to have been completed. Only 12, kms. out of 23 kms. of road from Chotedunger to Orcha, which was sanctioned many years back, had been constructed. **It is, therefore, suggested that road construction should get priority in the developmental programmes of the project.**

Telecommunications

8.95. The provision of telecommunication facilities in towns and village of administrative importance like the District/Sub-divisional headquarters appears to be an obvious necessity for carrying on administration as well as for providing the basic infrastructure for economic and agriculture/industrial growth. Normally telephone and telegraph facilities are provided by the Post & Telegraph Department only when it is expected that the revenue meets at least the cost of maintaining the services. With this rigid policy most of the tribal areas are not included for telecommunication facilities. A provision for Rs. 37.50 crores has been made for opening a total of 15,000 long distance public call offices-cum-Telegraph (combined) offices in the Sixth Plan period. Out of these, 3,000 are expected to be opened in the tribal areas. **Although a decision has been taken to open public call offices irrespective of loss at all district/Sub-divisional/Tehsil/Sub-tehsil/Block headquarters and places with a population of 5,000 or more in ordinary areas and 2,500 or more in backward areas, it is suggested that more relaxed norms should be applied for tribal areas.**

Postal Service

8.96. It is encouraging to note that new norms for opening of post offices in rural & tribal areas have been approved by the Post & Telegraph Board. It was proposed to open 1,500 post offices in tribal & hilly areas out of which approximately 50% were proposed to be opened in the tribal areas during the year 1978-79. An allocation of Rs. 364.90 lakhs was made for provision of postal facilities in the rural areas including tribal areas during that year. Targets relating to the extension of postal facilities in rural areas including tribal areas during 1978-79 were as under :

S. No.	Circle	Opening of post offices			
		Normal rural areas	Back-ward areas	Hilly & tribal areas	Total
1.	Andhra Pradesh .	100	100	30	230
2.	Bihar. . .	100	100	75	275
3.	Delhi. . .	15	..	..	15
4.	Gujarat . .	105	155	40	300
5.	Jammu & Kashmir.	5	25	20	50
6.	Kerala . .	20	40	55	115
7.	Karnataka .	120	40	15	175
8.	Madhya Pradesh.	275	175	300	750
9.	Maharashtra .	200	200	100	500
10.	North East. .	80	170	200	450
11.	North West .	25	50	100	175
12.	Orissa . .	95	100	130	325
13.	Rajasthan . .	175	160	70	400
14.	Tamil Nadu .	105	50	50	205
15.	Uttar Pradesh .	200	300	170	670
16.	West Bengal .	135	85	145	365
	TOTAL .	1,750	1,750	1,500	5,000

It may be seen that out of 5,000 post offices, 1,500 were to be opened in hilly & tribal areas. It is not yet known as to what extent the proposed targets were achieved. **It is suggested that all Integrated Tribal Development Projects & Scheduled Areas should be eligible for liberalised financial norms for expansion of postal services in these areas.**

Rural Electrification

8.97. The development of infrastructure through public investment is a necessary condition for stimulation of economic growth and entrepreneurship in the tribal areas. Rural electrification is important for development of the tribal areas. In the 5th Plan, a substantial outlay was set apart for rural electrification in the tribal areas and some progress was achieved in that direction. But in many cases the norms were such that the schemes could not reach to the sparsely populated areas in tribal regions. **Rural electrification has to be linked to the**

economic programmes like irrigation and village and house-hold industries. A programme of electrification suitably linked with the plan of processing units for at least the first stage processing of commodities available in the tribal areas and energising pump sets, should be prepared.

Electrification in tribal areas

8.98. The Rural Electrification Corporation had sanctioned 200 schemes in tribal areas involving a total loan assistance of Rs. 91 crores upto the end of 1977-78. On completion, 16,167 villages were to be electrified. 3,720 new villages had been electrified as on 30th September, 1977. State-wise position of rural electrification schemes sanctioned in tribal areas is given in the following statement :

S. No.	State	No. of schemes sanctioned	Loan sanctioned (Rs. in lakhs)	No. of Village villages covered	electrified upto 30-9-7
1.	Andhra Pradesh	24	10·15	1,278	262
2.	Assam	9	5·73	1,042	90
3.	Bihar	24	14·14	3,277	588
4.	Gujarat	8	2·94	406	123
5.	Himachal Pradesh	2	0·67	285	94
6.	Madhya Pradesh	51	19·51	2,967	566
7.	Maharashtra	14	6·00	1,069	516
8.	Manipur	1	0·43	66	..
9.	Meghalaya	10	4·56	639	169
10.	Nagaland	4	2·48	163	31
11.	Orissa	31	12.83	3,122	79
12.	Rajasthan	15	8·56	1,271	402
13.	Tripura	3	1·76	324	15
14.	Uttar Pradesh	1	0·72	112	25
15.	West Bengal	3	0·90	146	73
	TOTAL	200	91·38	16,167	3,72

Electrification of Scheduled Caste Basties

8.99. 10,406 Harijan Basties in 13 States were electrified with Rs. 4.5 crores made available to the Rural Electrification Corporation, in the Fourth Five Year Plan under the special scheme. The Special Scheme for the loan assistance through the R.E.C. for extension of electricity of Harijan Basties adjoining the already electrified villages was not continued in the Fifth Five Year Plan period. However, State Electricity Boards were advised that in the villages already electrified power supply should be extended to Harijan Basties from the funds available within the States Annual Plan provisions. As on 31-8-1977, localities inhabited by Harijans and other backward communities in 69,330 villages in 15 States and Union Territory Administrations were electrified. 8,124 villages were electrified and 1,84,903 pumpsets energised during the period from 1st April to 31st December, 1978 in the country. **It is not known how many Scheduled Castes/ Scheduled Tribes habitations and pumpsets were energised. It is necessary that basic data regarding the benefits derived by these communities is collected by the Rural Electrification Corporation to know whether under the normal programmes of electrification due benefits are derived by them.**

Railways

8.100. Railways play an important role in opening backward areas. The total length of railway line in areas of the country where the population is predominantly tribal is about 3,800 kms. which comes to 5.32 kms. per 1,000 sq. kms. of the area of tribal belt. This average is quite low compared to the average for the entire country which is 18.9 kms. for 1,000 sq. kms. Some States/Union Territories like **Mizoram, Manipur, Arunachal Pradesh** and **Meghalaya** are not covered by railway lines at all while only short lengths of railways exist in **Tripura** and **Nagaland.** It was only after independence when due importance to industrialisation was given that some railway lines were constructed in backward areas of **Orissa, Bihar, Madhya Pradesh,** and **Andhra Pradesh.** These lines were primarily meant for serving industrial belts and complexes and passenger traffic was not opened. It is encouraging to note that the Ministry of Railways is of the view that construction of new railway lines should be taken up in backward areas. It is reported that the Ministry of Railways sanctioned the following new lines in 1979-80 in the North East region :—

(i) BG line from Gauhati to Burnihat in **Assam & Meghalaya.**
(ii) MG line from Dharamnagar to Kumarghat in **Tripura.**
(iii) MG line from Balipara to Bhalvkpong in **Arunachal Pradesh.**
(iv) MG line from Silchar to Jiribam in **Manipur.**
(v) MG line from Amguri to Tuli in **Nagaland.**
(vi) MG line from Lalaghat to Bhairabi in **Mizoram.**

It is also reported that surveys for new lines have also been undertaken in the following tribal areas :—

(i) Parvatipuram—Koraput **(Orissa).**
(ii) Lalitpur—Singrauli (partly falling in tribal areas).
(iii) Barwadih—Karonji (partly falling in tribal areas).

8.101. It is, however, felt that adequate funds are not made available by the Ministry of Railways for construction of new railway lines in tribal areas. **It is necessary that sufficient funds should be provided for construction of new railway lines in tribal areas and where railway lines exist in tribal areas passenger traffic may be opened up along side goods traffic irrespective of financial loss.**

Research into the problems of Scheduled Castes & Scheduled Tribes

8.102. Tribal Research Institutes have to play an important role in studying the nature and magnitude of the problems relating to Scheduled

Castes and Scheduled Tribes and evaluate the impact of different socio-economic schemes initiated by the Government for these communities. The establishment of the Tribal Research Institutes has been an outcome of the earliest recommendations made by the Commissioner for Scheduled Castes and Scheduled Tribes and this subject has been reviewed in all the reports. At present 11 Tribal Research Institutes are functioning in the country to conduct action oriented research in tribal culture and some of them are training personnel working in tribal areas. In the 5th Plan a provision of Rs. 132 lakhs was approved by Planning Commission out of which an amount of Rs. 82.06 lakhs was incurred by the States concerned. For the Sixth Plan, an outlay of Rs. 200 lakhs was approved by the Planning Commission. Out of this an amount of Rs. 30 lakhs has been earmarked for the financial year 1978-79. An outlay of Rs. 50 lakhs has been proposed for the year 1979-80. In addition, an outlay of Rs. 5 lakhs was kept apart for supporting projects of all-India Institutes and expert bodies. The Tribal Research Institutes at Kozikhode, Pune, Shillong, Ranchi, Ahmedabad, Udaipur, Calcutta and Uttar Pradesh have furnished the information about the work done by them which is given at Appendix LXVI.

8.103. The above mentioned institutes except the Tribal Research Institute, Shillong have completed/undertaken some significant studies which would go a long way to help in formulating policies and modifying existing tribal schemes. The Research Institute at Kozikhode had completed a study on Koragas a Primitive Tribe in **Kerala.** They have also undertaken some important studies such as displacement of tribals by Industrial and Irrigation Projects, impact of Tribal Co-operative Societies in Sub-plan areas and drop outs among the Scheduled Caste and Scheduled Tribe students in schools and colleges. Similarly, the Tribal Research Institute at Pune had completed significant studies on land alienation and restoration of land to the Scheduled Tribes and organisation and development of Adivasi Cooperative Societies in Tribal sub-plan areas in **Maharashtra.** In this study 10 Adivasi-Cooperative Societies out of 207 Adivasi Co-operatives in **Maharashtra** were taken up for study. The report has dealt in detail the co-operative structure in the State and has highlighted some important problems in the organisation and working of Adivasi cooperatives. The Tribal Research Institute at Udaipur has completed a study on displacement of tribals on account of Kadana Irrigation Project. **It is hoped that the State Government concerned would make necessary efforts to implement the recommendations contained in these studies.**

Strengthening of Institutes

8.104. In the sub-plan approach for tribal development initiated in the 5th Plan period specific programmes were to be developed for each area with reference to its problems. This calls for appointment of competent staff and continuous monitoring and evaluation. The process of restructuring and strengthening Tribal Research Institutes started in the Fifth Plan period. **The Tribal and Harijan Research-cum-Training Institute, Bhubaneswar, Orissa has established five zones for benchmark surveys and formulation of project reports and some research staff have been transferred and posted at different zones. This is a good development and it is suggested that other Tribal Research Institutes should also put staff in different tribal areas for continuous studies in the field instead of keeping all staff at the headquarters.** Some of the State Governments have drawn upon the resources of tribal research institutes in the preparation of sub-plan and Integrated Tribal Development Projects. They were also engaged in preparing basic papers on the primitive tribal communities. Some special health surveys in tribal areas have also been taken up by them and now they are also associated in various degrees, in the Bench Mark Surveys of the sub-plan areas. It would thus be seen that their role have become multi-functional and they are required to take up the additional burden of formulation and evaluation of schemes being undertaken in sub-plan areas. According to the present information the Government of **Andhra Pradesh** have restructured their Tribal Research Institute. In **Kerala,** the **Tribal** Research Training Centre has been reorganized as a separate Department of the Government under the direct control of the Secretary to Government, Development Department and has been renamed as Kerala Institute for Research Training & Development Studies of Scheduled Castes and Scheduled Tribes. The head of the institute has been declared as Head of the Department and designated as Director. In **Orissa** and **Maharashtra** senior persons have been appointed as heads of the Tribal Research Institutes, the Government of Orissa have appointed a Committee to review the structure of the Institute. The proposal to restructure the Tribal Research Institute in **Bihar, Rajasthan** and **Madhya Pradesh** are under consideration of the respective Governments. In **Gujarat** the Tribal Research Institute is a part of Gujarat Vidhyapith. It would thus be seen that various Tribal Research Institutes are at various stages of technical competency. **Since the Tribal Research Institutes have been associated to play an important role in the formulation in the sub-plan, Integrated Tribal Development Projects and evaluation of tribal as well as Scheduled Castes developmental programmes, it is emphasised that efforts should be made by the State Governments concerned to restructure and strengthen the Institutes to make them viable to discharge the duties expected of them.**

Central Research Advisory Council

8.105. The Central Research Advisory Council was set up in November, 1972 to review work of Tribal Research Institutes and suggest research programmes for them. The main functions of the Council are :

1. Co-ordinate the activities of the Tribal Research Institutes.

2. Provide broad guidance in policy formulation.
3. Serve as a clearing house for Tribal Research Institutes, Central and State Governments and other research organisations connected with the tribal programmes; and
4. Organise seminars and conferences to provide an All-India forum for research workers.

8.106. The third meeting of the Council was held on 26th June, 1976 and some of the important points that emerged from the discussions were as follows :—

1. The linkages between the Tribal Research Institutes and the Anthropological Survey of India would be strengthened. As a first step, the Regional Directors of the Anthropological Survey should be coopted into the Research Advisory Council, Governing Councils of the Tribal Research Institutes.
2. The research priorities for the Tribal Research Institutes may be related closely to the problems of implementation of the sub-plan and the Integrated Tribal Development Projects. With specific reference to sectors, such as road programmes, irrigation, soil conservation and land development programmes, drinking water and rural electrification are the sectors of highest investment.
3. As regards investigation and evaluation studies, the Director, Tribal Research Institute, **Andhra Pradesh** would prepare a design for the study on the impact of road programmes in tribal areas. A design on the impact of irrigation programmes on the tribals would be prepared by the Director, Tribal Research Institute, **Madhya Pradesh.**
4. The Tribal Research Institutes should prepare the designs of the various all-India studies.
5. A design for Bench Mark Survey for Integrated Tribal Development Projects may be prepared by the Directors of Tribal Research Institutes, **Bihar, Orissa, Madhya Pradesh** and **Andhra Pradesh.**
6. The unpublished survey reports with the Tribal Research Institutes may be examined with reference to their quality and content. If the Tribal Research Institute find difficulty in the printing and publication of any report which they consider desirable to print and publish, the Ministry of Home Affairs may consider the question of giving suitable assistance.
7. Efforts should be made to disseminate information and research studies among the various Tribal Research Institutes.
8. State Governments should proceed with the restructuring of the Tribal Research Institutes along the pattern decided at the last meeting of the Tribal Research Advisory Council.

8.107. It is not known what action has been taken by the State Governments concerned on the above mentioned suggestions. **The Council should meet at least every six months, so that the work done by Tribal Research Institutes could be reviewed.** In the previous Report it was suggested that each TRI should have Research Advisory Committee for formulating the research programme, keeping in view the local problems of their respective areas. **It is observed that Institutes of Kozikhode, Poona, Calcutta, Shillong, have not constituted such committees. It is recommended that steps should be taken to constitute Research Advisory Committees wherever they have not been established.**

8.108. Social scientists working at institutes like Gokhle Institute of Politics and Economic Change, Poona; Institute for Social and Economic Change, Bangalore; Indian Institute of Advance Study, Simla; Anthropological Survey of India, Calcutta, Registrar General of India, New Delhi and National Institute of Community Development, Hyderabad and many other institutes were also engaged in research work amongst Scheduled Tribe communities. The information regarding the research work undertaken by some of these institutes have been compiled which may be seen at Appendix LXVII.

Research Fellowship Awards

8.109. A scheme for the award of Research Fellowships in various aspects of tribal development was introduced by the Ministry of Home Affairs for the first time in 1977. Annually, 25 awards are made to scholars who are registered as Ph.D. students in Universities and work on problems relating to tribal development. The awards are of two types—doctoral and post-doctoral—the value of each being Rs. 400 and 600 p.m. respectively. The scholars are provided with grants for meeting other contingent expenditure including travelling and Dearness Allowance at prescribed rates. In 1977-78, 26 awards were made. The list of studies for which Research Fellowships have been awarded during 1978-79 may be seen at Appendix LXVIII. It is expected that the original work done in the tribal areas by these scholars will be a valuable addition to the literature on tribal development which may help in planning for tribal areas.

Monitoring and Evaluation

8.110. The tribal sub-plan areas are divided into 179 integrated operational units called the Integrated Tribal Development Projects (ITDPs). The Project Administrator is expected to get feed-back from lower functionaries such as Block/Taluka Development Officers or the concerned district level officers. At the district level, a review is to be made periodically by the district level authorities. At the State level, the programmes are to be monitored by the respective heads of Departments and coordinated by the Tribal Development Commissioner. This arrangement is supposed to exist in most of the States. However, the system does not

adequately throw up the required data to effectively monitor the programmes.

8.111. On the suggestion of the Planning Commission, the Ministry of Home Affairs constituted a Working Group on Monitoring and Evaluation of Programmes of Tribal Development and Development of Backward Classes in July, 1978. The terms of reference of the working group were as follows :—

(i) To study the existing monitoring system in respect of Tribal Development & development of Backward Classes sector; and

(ii) To make suggestions for improvement in the system in the context of the rolling plan.

8.112. The Working Group in its meeting held on August, 1978 constituted a sub-Group. The terms of reference of this sub-Group were as follows :—

1. What should be the channels of flow of information in individual sectors and in an integrated form from the lowest level to the highest level in the States and Central Ministries;

2. What should be the content of information flowing from one level to another in individual sectors and in an integrated form; and

3. Whether the existing monitoring agencies at different levels are strong enough or require strengthening.

8.113. The Working Group has suggested *inter alia* a three-tier reporting system as below :—

Level III Reporting.—Generated and utilised at integrated Tribal Development Project level for planning, decision-making and control.

Provide data base for Level II reporting.

Level II Reporting.—Emanating from ITDP and submitted to the respective sectoral departments at the State Government level in respect of concerned programmes and in totality to the Tribal Commissioner of the State Government.

Level I Reporting.—Emanating from the respective sectoral departments at the State level and submitted to the concerned Central Departments/Ministries and from the Tribal Commissioner to the Ministry of Home Affairs.

8.114. The Working Group has suggested a report format. It is expected that with the introduction of the reporting system, as suggested by the Working Group, it would be possible to monitor the tribal development programmes. However, the basic defect in the system is that realiable data from the grass-root functionaries is not being funnelled upwards. It is to this aspect that greatest attention needs to be paid.

8.115. In regard to monitoring at the Central Ministries/Departments level, it must be admitted that no well laid down system has yet been evolved, although the Tribal Development Division in the Ministry of Home Affairs is receiving some periodical reports about expenditure incurred. In the guidelines issued by the Planning Commission to the Central Ministries regarding preparation of programmes for tribal sub-plan 1978-83, it has been made clear that the Central Ministries must make their own arrangements for monitoring of programmes for the tribal areas. A similar view has been expressed by the Central Coordination Committee for the Welfare of Backward Classes. The Working Group on Monitoring referred to above has also prescribed returns for the Central Ministries. Each Central Ministry will, of course, obtain necessary data from field relation to their subjects and monitor the programmes accordingly. In regard to evaluation of programmes, this is being now done on a selective basis by the Tribal Research Institutes. **It is recommended that suitable non-official research organisations should also be considered for being entrusted with evaluation of programmes. It should be ensured that TRIs and these organisations are fully equipped to take up these additional assignments.**

CHAPTER 9

ATROCITIES AND HARASSMENT

Enormity of the problem

It is not at all a happy situation to report that the number of atrocities like murder, rape, arson, violence resulting in grievous hurt, etc., against Scheduled Castes and Scheduled Tribes has been increasing from year to year. Their proportion is becoming alarmingly high for some time past. The last report of the Commissioner (1977-78) had struck a note of warning that the atrocities were acquiring the dimension of organised aggressiveness on the part of the perpetrators and were drifting towards a kind of class war. **The enormity of the problem can be easily gauged from the fact that the number of these atrocities has registered almost a three-fold increase during the last three years. It is really sad that this situation should prevail in spite of the fact that various measures have been claimed to have been adopted by the Governments—both Centre and States, to check atrocities on Scheduled Castes and Scheduled Tribes. The malady appears to be deep-rooted and requires more drastic steps to attack it.**

Jurisdiction of the Central/State Governments

9.2. According to one view, atrocities on Scheduled Castes and Scheduled Tribes constitute criminal offences and are within the purview of public order which is a State subject as per Entry 1 of the State List of the VII Scheduled to the Constitution and the matter therefore falls exclusively within the jurisdiction of the State Governments. It is, therefore, argued that in purely legal and constitutional sense the Centre has no jurisdiction in such matters and can content itself by only issuing guidelines to the State Governments to curb this evil. **The Commissioner for Scheduled Castes and Scheduled Tribes has strongly contested this view and is of the opinion that in correct legal and constitutional appreciation of the issue, the Centre has an over-riding responsibility in matters of ensuring protection to the weaker sections, more particularly, the Scheduled Castes and Scheduled Tribes. This opinion was categorically stated in the earlier Report (1977-78) and is being considered more elaborately in Chapter 1 of this Report.**

Causes of atrocities

9.3. **It is now common knowledge and as has been varified from earlier analysis of many atrocity cases in recent years, the causes leading to such atrocities on the Scheduled Castes and the Scheduled Tribes are both social as well as economic. Social indignities emanating from the practice of untouchability and acute economic disparity arising out of landlessness, wage labour, bondage, etc. present a total picture of exploitation and injustice and any attempt to shake off any these forms of exploitation under the impact of the awakening of the age or in order to avail of the benefits of the various measures launched to uplift them socially and economically, easily invites the wrath of the vested interests. The result is atrocity of any proportion. Lack of efficient law and order machinery and inadequate legal protection have also contributed to a large extent to the rising trend in the incidents of atrocities.** Land disputes are one of the major causes of atrocities on these communities which have been discussed in detail in the Chapter on Land and Agriculture. **It has been observed that those in illegal possession of land are often responsible for committing atrocities on Scheduled Castes who are allotted surplus ceiling land but are not allowed to derive benefits from that land. It is, therefore, felt that the possession of land allotted to Scheduled Castes from surplus land or government land should be protected. Such land should be clearly demarcated and persons responsible for dispossessing them of their land should be summarily evicted and tried under law which should provide deterrent punishment and the land should be restored to the original allottees without any delay. Necessary amendments in the existing law on the subject should be made to achieve this purpose.** Similarly, most of the atrocities on Scheduled Tribes are the result of large scale alienation of tribal lands by non-tribals as well as inadequate legal provisions which have not been able to deliver the goods, so far as the restoration of these lands to the tribals is concerned, due to various loopholes in the existing legislation on the subject. Other causes for the increasing atrocities on the Scheduled Tribes are indebtedness, forest policy which restricts the rights of tribals in forests, non-payment of minimum wages, bonded labour, excessive toll tax at Hats, etc. **It is, therefore, desirable that in order to check the root-cause of atrocities on tribals the existing tenancy legislation in the Scheduled Areas as well as the rest of the areas in various States should be examined and loopholes, if any, should be plugged by making suitable amendments. The State Governments concerned should also take suitable measures to remove the other causes of atrocities listed above, by ensuring payment of the prescribed minimum wages to tribal labourers, liberalising forest policy to protect the tribal interests, etc.**

Number of cases of atrocities on Scheduled Castes/Tribes.

9.4. The total number of atrocities committed on Scheduled Castes and Scheduled Tribes in the country during the years 1976 to 1979 as well as the percentages of the increase

in their numbers over the base-year 1976, is given in the table below :—

Year	Number of cases of atrocities* on		
	Scheduled Castes	Scheduled Tribes	Total
1976 . .	6,197	1,065	7,262
1977 . .	10,879	1,138	12,017
	(75·55%)	(6·85%)	(65.47%)
1978 . .	15,053	1,632	16,685
	(142·91%)	(53·14%)	(129·73%)
1979 . .	13,426@	367†	13,793

@This does not include information for part of the year in respect of some States, which is still awaited.

†Includes information received in this organisation in respect of a part of the year 1979 from four States.

*Figures in brackets indicate percentages of increase in number over the base year 1976.

It would be seen from the above table that the number of atrocities on Scheduled Castes and Scheduled Tribes is increasing from year to year. The number of atrocities on the Scheduled Castes increased from 6,197 in 1976 to 10,879 in 1977, 15,053 in 1978 and is estimated to reach this figure in 1979 also. Thus the number of atrocities on Scheduled Castes in 1979 may be about two and a half times that number in 1976. The percentage of increase in the number of atrocities on Scheduled Castes as compared to the base-year 1976 were 75.55 in 1977 and 142.91 in 1978. In the case of the Scheduled Tribes, the number of atrocities increased from 1,065 in 1976 to 1,138 in 1977 and 1,632 in 1978. The percentages of increase in the number of atrocities on the Scheduled Tribes as compared to the base-year 1976, were 6.85 in 1977 and 53.14 in 1978.

State-wise break-up of incidents of atrocities

9.5. Available State-wise information regarding the incidents of atrocities on the Scheduled Castes/Tribes persons during 1977 and 1978 is given in the table below :—

Name of the State	Number of cases registered				Percentage increase (+) or decrease (—) in 1978 over 1977	
	Scheduled Castes		Scheduled Tribes			
	1977	1978	1977	1978	Scheduled Castes	Scheduled Tribes
1	2	3	4	5	6	7
1. Andhra Pradesh	102	110	19	14	+7·84	(—)26·3
2. Assam	..	1	..	..	..	..
3. Bihar	681	1,911	N.A.	196	+180·62	..
4. Gujarat	331	540	407	116	+63·14	(—)71·4
5. Haryana	26	66	Nil	..	+153·88	..
6. Himachal Pradesh	42	66	1	1	+57·14	Nil
7. Karnataka	59	376	4	N.A.	+537·27	..
8. Kerala	233	767	..	127	+229·18	Nil
9. Madhya Pradesh	3,366	3,240	147	714	—3·74	(+)385.7
10. Maharashtra	570	1,046	406	267	+83·51	(—)34.2
11. Orissa	69	135	24	N.A.	+95·65	..
12. Punjab	84	84	Nil	..	..	..
13. Rajasthan	261	886	103	184	+239·46	(+)78·6
14. Tamil Nadu	54	130	..	N.A.	+140·75	..
15. Uttar Ptadesh	4,974	5,660	6	1	+13·79	(—)83·3
16. West Bengal	7	6	..	N.A.	—14·28	..
17. Pondicherry	9	14	..	..	+55·56	..
18. Dadra & Nagar Haveli . .	8	1	21	6	—87·50	(—)71·4
19. Delhi	3	14	..	..	+366·67	..
20. Goa, Daman & Diu . . .	..	N.A.	..	6		..
21. Arunachal Pradesh . . .	..	..	..	..	..	..
TOTAL .	10,879	15,053	1,138	1,632	+38·37	(+)43·5

It would be seen from the above table that relatively speaking, more incidents of atrocities on Scheduled Castes were reported during 1978 in the States of **Uttar Pradesh** (5,660), **Madhya Pradesh** (3,240), **Bihar** (1,911), **Maharashtra** (1,046), **Rajasthan** (886), **Kerala** (767), **Gujarat** (540), **Karnataka** (376), **Orissa** (135), **Andhra Pradesh** (110), **Punjab** (84), **Haryana** (66), **Himachal Pradesh** (66), **Delhi** (14), **Pondicherry** (14) and **West Bengal** (6). In the case of Scheduled Tribes, more incidents of atrocities were reported during 1978 from **Madhya Pradesh** (714), **Maharashtra** (267), **Bihar** (196), **Rajasthan** (184), **Kerala** (127), **Gujarat** (116), **Andhra Pradesh** (14), **Dadra & Nagar Haveli** (6), **Goa, Daman & Diu** (6) and **Himachal Pradesh** (1).

Crime-wise break-up of incidents of atrocities

9.6. Crime-wise and State-wise details of incidents of atrocities on Scheduled Castes and Scheduled Tribes during the year 1978—may be seen in the table given below :—

S. No.	Name of the State/Union Territory	Total number of cases reported during 1978					
		Scheduled Castes					
		Murder	Violence	Rape	Arson	Others	Total
1	2	3	4	5	6	7	8
1.	Andhra Pradesh	5	7	12	6	80	110
2.	Assam	..	..	1	..	..	1
3.	Bihar	63	146	76	260	1,366	1,911
4.	Gujarat	14	48	5	10	463	540
5.	Haryana	4	10	14	5	33	66
6.	Himachal Pradesh	..	3	2	1	60	66
7.	Karnataka	17	10	10	28	311	376
8.	Kerala	10	20	17	13	707	767
9.	Madhya Pradesh	41	411	94	201	2,493	3,240
10.	Maharashtra	26	119	35	167	699	1,046
11.	Orissa	5	14	5	8	103	135
12.	Punjab	10	20	6	1	47	84
13.	Rajasthan	38	137	68	51	592	886
14.	Tamil Nadu	4	8	6	4	108	130
15.	Uttar Pradesh	219	613	188	445	4,195	5,660
16.	West Bengal	..	2	..	1	3	6
17.	Dadra & Nagar Haveli	..	..	..	..	1	1
18.	Delhi	..	2	2	..	10	14
19.	Pondicherry	..	..	..	1	13	14
20.	Goa, Daman & Diu	..	..	..	..	..	..
	TOTAL	456	1,570	541	1,202	11,284	15,053

S. No.	Name of the State/Union Territory	Total number of cases reported during 1978					
		Scheduled Tribes					
		Murder	Violence	Rape	Arson	Others	Total
1	2	3	4	5	6	7	8
1.	Andhra Pradesh	4	..	2	..	8	14
2.	Assam	..	..	..	..	..	..
3.	Bihar	9	12	30	8	137	196
4.	Gujarat	13	44	3	4	52	116
5.	Haryana	..	..	..	..	..	..
6.	Himachal Pradesh	..	..	..	..	1	1
7.	Karnataka	..	..	..	..	..	..
8.	Kerala	3	..	5	4	115	127
9.	Madhya Pradesh	..	..	..	..	..	714*
10.	Maharashtra	14	38	11	11	193	267
11.	Orissa	..	..	..	..	..	..
12.	Punjab	..	..	..	..	..	..
13.	Rajasthan	10	19	17	9	129	184
14.	Tamil Nadu	..	..	..	..	..	..
15.	Uttar Pradesh	1	..	..	..	..	1
16.	West Bengal	..	..	..	..	..	..
17.	Dadra & Nagar Haveli	..	..	..	..	6	6
18.	Delhi	..	..	..	..	..	..
19.	Pondicherry	..	..	..	..	..	..
20.	Goa, Daman & Diu	..	..	..	..	6	6
	TOTAL	54	113	68	36	647	1,632

*Crime-wise break-up not available.

It would be seen from the above table that among Scheduled Castes, the maximum number of cases of atrocities during 1978 belonged to the category 'violence' (1,570), followed by arson (1,202), Rape (541) and murder (456). Among Scheduled Tribes, the maximum number of cases of atrocities during that year belonged to category 'violence' (113), followed by rape (68), murder (54) and arson (36). It may be mentioned here that complete reliance cannot be placed on statistical information alone because the number of cases of atrocities on these communities may be actually much more than that revealed by these figures.

Special arrangements made at the Centre and in the States to deal with the cases of atrocities on Scheduled Castes and Scheduled Tribes

Special arrangements at the Centre

9.7. The National Integration Division in the Union Ministry of Home Affairs deals with the subject of atrocities on Scheduled Castes and Scheduled Tribes. It is reported that the Ministry maintains liaison with the State Governments and collects data through prescribed periodical returns from the State Governments/ Union Territory Administrations to know the number of incidents of atrocities, their nature as well as the progress of investigation and trial of such cases. Instructions are issued by the Ministry to various State Governments from time to time suggesting measures for the prevention of atrocities on Scheduled Castes/Scheduled Tribes. In March, 1980 the Union Minister for Home Affairs wrote* to the Chief Ministers/ Governors/Lt. Governors of all the States/ Union Territories, conveying his concern about the rise in the number of atrocities and suggested certain precautionary, preventive and punitive measures as well as measures of rehabilitation and personnel policy to check cases of atrocities. Some of the important steps recommended to prevent such crimes against the Scheduled Castes and Scheduled Tribes, are as follows :—

(i) Administrative measures should be taken up to tone up the Police Administration and especially the agencies dealing with collection of intelligence;

(ii) Preventive measures should be taken well-in-time on the basis of the intelligence received, including posting of Police and Armed Police pickets.

(iii) In such crime-prone areas, gun licences of persons who are likely to indulge in such crimes should be suspended, and even cancelled.

(iv) A sustained drive should be launched for un-earthing illicit arms and ammunition in such areas.

(v) The crimes should be speedily investigated and the offenders brought to book without delay.

(vi) Special Judges may be appointed to speed up trial of such offenders so as to have a deterrent effect on them.

(vii) Relief should be rendered to the victims immediately and their rehabilitation expedited.

(viii) Peace committees should be formed in such areas consisting of respectable persons from various castes and groups so as to bring a permanent re-conciliation.

(ix) The Minimum Wages Act for agricultural labours should be enforced vigorously.

(x) Communication facilities, specially the roads, should be improved in the interior areas.

It is hoped that the State Governments would take early action to implement the above instructions promptly.

Special arrangements in the States to deal with cases of atrocities

9.8. Some State Governments have made special arrangements like establishment of Harijan Cells/Committees to deal with cases of atrocities on the Scheduled Castes and Scheduled Tribes. Available information about the constitution and working of these Cells in various States is given below :—

Andhra Pradesh :

A separate cell attached to the Crime Branch, C.I.D. was constituted in the State in 1976 to ensure prompt investigation, prosecution and disposal of cases of atrocities against Scheduled Castes and Scheduled Tribes and disposal of cases under P.C.R. Act. The cell was also to do coordination work in reviewing the cases of atrocities and harassment against the Scheduled Castes and Scheduled Tribes, registered and investigated by District Police and in issuing suitable instructions to the Superintendents of Police in such cases. The Cell is headed by one Additional Superintendent of Police with supporting staff of two Deputy Superintendents, three Inspectors and two Police Constables and ministerial staff. It is understood that similar cells at district level have been created in various districts of the State with skeleton staff.

Bihar :

The State Government established a Harijan Cell, headed by a Deputy Inspector General of Police and assisted by one Deputy Superintendent of Police, seven Inspectors and supporting staff, in July, 1975. A Police Station constituted under the Harijan Cell is placed under the charge of an Inspector who is assisted by two Sub-Inspectors, one Clerk and fifteen Constables. Complaints received in the Harijan Cell are examined and scrutinised on merits and all complaints of serious nature are investigated by the Officers

*A of the letter may be seen at Appendix LXIX.

of the Cell. A Harijan Police Station has also been set-up to look into the complaints of general nature. Other cases pertaining to land and revenue are generally referred to the respective district authorities for necessary action.

Gujarat :

Two Harijan Cells, with one Deputy Superintendent of Police, one Inspector of Police, one Sub-Inspector of Police, two Head Constables and three Police Constables, each are functioning since October, 1973 with Headquarters at Gandhinagar and Rajkot. These Cells in addition to their normal duties of enquiring into the complaints of Harijans are to make trap cases against Hotel-keepers, barbers' shops and others who indulge in untouchability. Visiting of Police Station affected by Harijan problems and scrutinising the records of Harijan cases to ensure that proper investigation has been done, is also a part of duties assigned to the Cell. An officer of the rank of Additional Inspector General of Police has been assigned the work of supervising the functions of the Harijan Cells.

Haryana :

A cell has been established by the State Government at the State Police Headquarters under the personal supervision of the D.I.G. (CID) to monitor information regarding crimes against the Scheduled Castes and to ensure prompt and effective preventive/corrective action. Similar cells have also been set up at the district headquarters. Registers are maintained in every Police Station to keep a record of the complaints received from Scheduled Castes and action taken thereon. The Superintendent of Police/ Deputy Superintendent of Police/District Inspectors are required to personally supervise the investigation.

Himachal Pradesh :

Harijan Cells were set up at the State Headquarters and district Headquarters with effect from August, 1977 with the following staff :—

State Headquarters

(i) Superintendent of Police, C.I.D./ Crime Branch.
(ii) Deputy Superintendent of Police, CID/Crime Branch.
(iii) One Inspector of Police.
(iv) One Assistant Sub-Inspector of Police.
(v) One Head Constable, and
(vi) Two Constables.

District Headquarters

(i) Deputy Superintendent of Police.
(ii) Inspector of Police.
(iii) Sub-Inspector of Police and.
(iv) Two Head Constables.

The cell at the State Headquarters is required to look after the welfare of Harijans and to maintain up-to-date information about the cases registered, progress made and the final out-come of these cases. The cell is also to deal with all complaints concerning Harijans received in the Criminal Investigation Department and the follow-up work. The cells functioning at the district Headquarters were constituted to expeditiously finalise the investigation/enquiry of the various criminal cases and complaints received from the Scheduled Castes and the Scheduled Tribes. The investigation/enquiry is conducted by an officer of the rank of the Assistant Sub-Inspector and above, in ordinary cases and by the District Inspector of Police in serious cases. The District Cell is to submit fortnightly/monthly review report regarding the cognizable cases and complaints from Harijans against non-Harijans. These are later on scrutinised in the State C.I.D. and fortnightly/monthly information is sent to the State Government. Apart from these cells, the local C.I.D. Units in the district have also been instructed to collect and pass on information about the cases of atrocities committed on Harijans, to the Superintendent of Police with a copy to the Superintendent of Police, C.I.D. (Crime). These Units are also supposed to report about the cases or likely causes that might give rise to tension between the Harijans and the non-Harijans.

Jammu & Kashmir :

No incident of atrocities has come to the notice of the State Government and as such the Government have not felt the need to constitue a Harijan Cell/Police Cell in the State. The State Goevrnment, have, however, issued certain instructions to all concerned to ensure that Harijans are not subjected to any harassment or any indiscrimination.

Karnataka :

With a view to supervising the cases registered under the P.C.R. Act in different parts of the State and to coordinate the efforts of all the agencies for redressal of the grievances of Harijans, a 'Special Cell' called the 'Civil Rights Enforcement Cell' was created in the State C.I.D., headed by a Superintendent of Police with some supporting executive and ministerial staff. The cell started functioning from the last week of October, 1974. In February, 1978, a post of the Deputy Inspector General of Police exclusively for the Civil Rights Enforcement Cell was sanctioned. At present the following staff is working in the Cell :—

(a) Executive Staff :

1. Deputy Inspector General of Police	1
2. Superintendent of Police	1
3. Deputy Superintendent of Police	1
4. Police Inspectors	2
5. Police Sub-Inspectors	4

6. Head Constables	4
7. Police Constables	8
8. Armed Head Constable-Driver	1
9. Armed Police Constable-Drivers	4

(b) Ministerial :

1. Section Superintendent	1
2. First Division Clerk	2
3. Second Division Clerk	2
4. Stenographer	1
5. Typist	1

The Cell is working under the control and supervision of the Special Inspector General of Police, Training and C.I.D., Bangalore, subject to the over-all control of the Inspector General of Police, Karnataka State. The Cell acts as a watch dog organisation in respect of the enforcement of the Bonded Labour System (Abolition) Act and statistics are compiled regarding the cases under the enactment and also the number of visits made by the Police Officers of all ranks in the districts to the Harijan colonies every month. Apart from supervision over the P.C.R. Act cases, the Cell is constantly watching the investigation and prosecution of offences against the Scheduled Castes and Scheduled Tribes which come under the IPC. These offences are termed as atrocities and the district police are expected to pay special attention to these cases. Proposals for the augmentation of the staff and re-organisation of the Cell were sent to the Government in September, 1977. It is understood that these proposals are still pending sanction. In the reorganisation proposals, four regional offices at the four Range Headquarters, each headed by a Deputy Superintendent of Police with the supporting executive and ministerial staff were proposed.

Madhya Pradesh :

A Cell headed by a Deputy Inspector General of Police (Harijan Welfare) and assisted by a Deputy Superintendent of Police and other ministerial staff is functioning in the State for registration, investigation and immediate legal action on complaints lodged by Scheduled Caste/Tribe persons. In addition, seven Special Police Stations have been established at Divisional levels to deal with such cases. The State Government have also recently constituted a Special Cell in the Tribal and Harijan Welfare Department for protecting Harijans from atrocities.

Maharashtra :

A Special Cell, known as the Protection of Civil Rights Cell under the Deputy Inspector General of Police was constituted in the State from December, 1977, for effective implementation of the PCR Act. Six Protection of Civil Rights Centres have also been constituted at Range Headquarters at Nasik, Aurangabad, Kolhapur, Amravati, Nagpur and Thane. Each Centre functions under the charge of a Police Inspector, assisted by two unarmed Head Constables and four unarmed Constables. The Deputy Inspector General of Police (PCR) with Headquarters at Bombay is assisted by a Deputy Superintendent of Police. The complaints received from the Scheduled Castes/Tribes by the Special Cell are forwarded to the Police Inspectors in-charge of the Range Units for enquiries and report. However, serious cases in which the local Police have not been able to get any clue and in which Scheduled Castes/Tribes are the aggrieved persons, are given to the Special Cell for investigation. In addition, important cases under the PCR Act regarding boycott of Harijans of cases in which Police Officers are involved, are entrusted to the Special Cell for investigation.

Orissa :

The State Government have issued a set of guidelines to the district authorities to deal promptly and effectively the cases relating to atrocities committed on Scheduled Caste/Tribe persons.

Rajasthan :

A Special Cell under the over-all charge of the Additional Inspector General of Police (Vigilance and Headquarters) was constituted in March, 1978, to deal with cases of atrocities committed on Harijans. At the State level the Cell consists of one Superintendent of Police, one C.I. (circle-in-charge) and one Sub-Inspector. At district level, the cases relating to atrocities committed on members of Scheduled Castes and Scheduled Tribes are deemed as Special Report cases which are to be supervised by Circle Officers who are officers of the rank of Deputy Superintendent of Police and progress reports are to be sent to the Special Cell at the Police Headquarters which in turn closely looks into, analyses and supervises such cases.

Tamil Nadu :

During 1976, a Special Cell was set-up headed by a Police Officers of the rank of Deputy Inspector General, designated as Director of Civil Defence, to ensure the effective enforcement of the PCR Act throughout the State. The Cell is functioning since 1977 as the PCR Wing under the control of the Director of Civil Defence. The Cell attends to all petitions received through the Union Ministry, Governor's Secretariat, Chief Minister's Special Cell, Scheduled Castes and Scheduled Tribes Federations, Mahajans and from the Scheduled Caste persons. The Superintendent of Police posted in various districts in the State have been instructed to review these cases critically every month during the crime meeting. They have also been instructed that the Mobile Police Squad is a Special task and hence the local police should not shun their responsibilities in attending to these cases. Disciplinary action is taken if any officer neglects investigation of these cases.

Uttar Pradesh :

To look into the incidents relating to Scheduled Castes including those under the PCR Act, a Special Enquiry Cell under the charge of Deputy Inspector General of Police has been constituted. The Deputy Inspector General is assisted by a senior Superintendent of Police and two Superintendents. It is understood that the Cell is being further, strengthened by providing additional staff consisting of one Superintendent of Police and seven Deputy Superintendents. Harijan Cells have also been set-up at district level in the district police Departments. The State Government have also appointed Sub-Divisional Magistrates and Senior Public Prosecutors of the respective districts as competent authorities for the purpose.

West Bengal :

The question of setting-up of Harijan Cell/Special Police Cell is under consideration of the State Government.

Pondicherry :

A Cell headed by the Collector-cum-Secretary reviews periodically incidents involving offences against the Scheduled Castes.

Special steps taken by the State Governments to protect Scheduled Castes and Scheduled Tribes

9.9. In addition to setting up harijan cells to check atrocities on Scheduled Castes and Scheduled Tribes, some State Governments have also taken some special steps to protect the Scheduled Castes and Scheduled Tribes, which are given below :—

Andhra Pradesh :

The Chief Secretary functions as ex-officio Commissioner for Scheduled Castes and Scheduled Tribes, one of whose functions relates to the protection of the Scheduled Castes and the Scheduled Tribes against exploitation and harassment. The Collectors and District Magistrates have also been appointed as Ex-officio Deputy Commissioners for Scheduled Castes and Scheduled Tribes having the same responsibilities as entrusted to the Commissioner, within their districts. One of the functions of the State Level Committee on the Welfare of Scheduled Castes and Scheduled Tribes under the Chairmanship of the Chief Minister which meets once in three months is to review cases of harassment and atrocities. Standing instructions have been issued to the Collectors and Superintendents of Police to visit the places of occurrence of atrocities to create a sense of security in the minds of the affected Scheduled Castes and Scheduled Tribes and to ensure speedy investigation of such offences. A review of all cases of atrocities is made quarterly by the Collectors and the Superintendents of Police in order to keep a watch on such cases and to fix responsibility about delays and lapses as well as for failure of prosecution. Periodically, the Secretary, Social Welfare, also reviews the cases of atrocities.

Bihar :

The State Government has made a provision to give a cash award of Rs. 100 to a person who gives timely and correct information regarding atrocities on Scheduled Castes to the district or sub-divisional officers or competent Police Authority. A cell has also been set up at the A. N. Sinha Institute of Social Studies to conduct research on incidents of atrocities on the Scheduled Castes. The State Government initiated a scheme to train Scheduled Caste persons in the use of firearms in selected villages in some districts, as well as to constitute a voluntary force to protect themselves. The details of the scheme have been given in para 50 of the Chapter on Land, Agriculture and Housing.

Gujarat :

The District Magistrate and the Deputy Superintendents of Police are held personally responsible about incidents of atrocities in their respective areas.

Haryana :

The Deputy Commissioner is required to pay special attention to cases involving dispossession of Scheduled Castes from lands allotted to them for cultivation or for construction of houses. At the State level also, a Special Cell has been set up under the Chief Secretary to supervise the action taken to deal with crimes against Harijans.

Punjab :

Instructions have been issued to all the Special Divisional Police Officers and Station House Officers to deal with complaints of Scheduled Caste persons, promptly. An extra Assistant Commissioner is earmarked in each District to look after the job of providing quick relief to Harijans whenever any case of harassment is reported.

Uttar Pradesh :

1. Instructions have been issued to the police station to write down the complaints of Scheduled Castes in full, in cases of their harassment by non-Scheduled Caste. Such instructions are applicable to cognisable, non-cognisable and P.C.R. cases. The police stations have also been instructed to take prompt action in such cases.
2. Instructions have been issued to the effect that in the case of persons who have been found guilty of harassing the Scheduled Castes, their licences for arms should be suspended.
3. The State Government have impressed upon the District Magistrates to visit at least one village in a month to look into the complaints of the Scheduled Castes. They have also been asked to visit the

spot of atrocity and take action against the defaulting staff.

Monetary relief to Scheduled Castes and Scheduled Tribe victims of atrocities

9.10. It was recommended in Commissioner's 1975-77 Report that the State Governments/ Union Territory Administrations which had not so far taken necessary action to give monetary relief to the Scheduled Caste/Tribe victims of atrocities, should do so at an early date. In pursuance of that recommendation, a number of State Governments have introduced schemes to give monetary relief to such victims. Available information regarding measures of relief provided by various State Governments is given below :—

(i) Andhra Pradesh :

The State Government introduced a scheme in 1975, to provide monetary relief to the extent of Rs. 2,000 to the families of Scheduled Castes and Scheduled Tribes who died as a result of atrocities committed on them by members of other communities. In the case of temporary incapacitation, the amount of relief to be provided was upto Rs. 500, in the case of an earning-member and upto Rs. 250 in the case of a non-earning member. In the case of loss of houses and/ or other belongings, compensation upto Rs. 500 was to be paid, depending on the extent of the loss. Compensation to be paid for loss of movable property was upto Rs. 250. The District Collectors are empowered to sanction the relief after enquiry of the incident. The State Government have also issued instructions to the District Collectors to sanction legal aid to such Scheduled Caste and Scheduled Tribe persons and for grant of land to the family members of the persons who are permanently incapacitated or killed. Provision has also been made for the supply of milch cattle, sheep, pigs etc., as well as for the admission of the children of the victims to Social Welfare/Tribal Welfare/Backward Classes hostels and for grant of scholarships to them.

(ii) Bihar :

The State Government decided in October, 1978 to give financial help to the victims of atrocities belonging to the Scheduled Castes and the Scheduled Tribes. In the case of death or permanent incapacitation of an earning Scheduled Caste/Tribe person, the family members of the deceased are to be paid compensation of Rs. 2,000. In the case of the death of a non-earning member, the amount of compensation payable is upto Rs. 1,000. For temporary incapacitation of a Scheduled Caste/Tribe person, compensation upto Rs. 500 in the case of an earning member and upto Rs. 200 in the case of a non-earning member is to be paid. In the case of rape, compensation upto Rs. 1,000 is to be paid. Victims of burning of houses are to be paid upto Rs. 2,000. In the case of loss to houses or movable property, compensation upto Rs. 250, depending on the extent of loss, is to be paid.

(iii) Gujarat :

The State Government provides monetary relief to the Scheduled Caste and Scheduled Tribe victims of atrocities upto Rs. 5,000, in case of murder or permanent incapacitation, upto Rs. 1,250 for temporary incapacitation and upto Rs. 2,000 for loss of house, household or other immovable property.

(iv) Himachal Pradesh :

The State Government have introduced a scheme to provide monetary relief ranging from Rs. 250 to Rs. 2,000 to members of Scheduled Castes and Scheduled Tribes becoming victims of atrocities, committed by members of other communities. The District Collectors have been empowered to sanction the relief and the Tehsildars are to draw the amount for disbursement among the victims or their families as the case may be.

(v) Karnataka :

The State Government introduced a scheme for the payment of monetary relief to the Scheduled Caste/Tribe victims of atrocities, in November, 1978. In case of death or permanent incapacitation of an earning member, his family is to be paid a compensation of Rs. 2,000 while in the case of a non-earning member, an amount of Rs. 1,000 is to be paid. The amount of compensation payable in the case of temporary incapacitation is upto Rs. 500 for an earning member and upto Rs. 250 for a non-earning member, depending on the degree of incapacitation. For the loss of house or movable property compensation upto Rs. 500, depending on the degree of loss, is to be paid.

(vi) Madhya Pradesh :

It is reported that the State Government have sanctioned a scheme to provide monetary relief to the Scheduled Caste/Tribe victims of atrocities, in June, 1979. However, the details of the scheme are not known.

(vii) Maharashtra :

The State Government have categorised, murder, violence, resulting in any grievous hurt, (section 320 IPC) at 'atrocities' and have decided to sanction a monetary relief ranging from Rs. 250 to Rs. 2,000 to the members of Scheduled Castes and Scheduled Tribes becoming victims of such atrocities committed by members of other communities. The Director of Social Welfare, Maharashtra State, has been empowered to sanction relief.

(viii) Orissa :

The State Government have introduced a scheme according to which monetary relief

ranging from Rs. 250 to Rs. 2,000 is sanctioned to all the Scheduled Caste and Scheduled Tribe victims of murder, violence resulting in any grievous hurt, rape and serious mischief or arson categorises as 'atrocities' for the purpose of relief by the State Government. The Collectors of the districts concerned have been empowered to sanction the relief after immediate enquiry without waiting for the results of criminal proceedings in respect of such incidents.

(ix) Punjab :

The proposal of giving monetary relief to victims of atrocities was considered by the State Government but owing to extremely negligible incidence of such cases in the State, the proposal could not be taken up. Sporadic cases, if any, are, however, taken care of by the civil authorities by sanctioning ex-gratia grants from various relief funds already in existence.

(x) Tamil Nadu :

The State Government, in December, 1977 introduced a scheme for monetary relief to the Scheduled Caste and Scheduled Tribe victims of murder, violence, rape and serious mischief or arson, categorised as 'atrocities'. Under the scheme, relief amounting to Rs. 2,000 is granted for death or permanent incapacitation, upto Rs. 500 for temporary incapacitation, upto Rs. 500 for loss of house and/or other belongings therein and upto Rs. 250 for loss of movable properties. The Collectors have been empowered to sanction the relief.

(xi) Uttar Pradesh :

A scheme for providing monetary relief to the Scheduled Caste/Tribe victims of the atrocities, is being implemented by the State Government. In case of murder of an earning member, the family members of the deceased are to be paid a compensation of Rs. 5,000 while the family of a non-earning deceased person is to be paid an amount of Rs. 1,000. In the case of incapacitation of an earning member, the amount of compensation is upto Rs. 1,000 while in the case of a non-earning member it is upto Rs. 500. The amount of compensation payable in the case of burning of house is upto Rs. 500, for loss of movable property and crops, it is upto Rs. 250 and for other loss, it is upto Rs. 200. The amount of relief payable is determined by a Committee comprising the District Magistrate, Senior Superintendent of Police and the District Harijan and Social Welfare Officer concerned.

9.11. **It is desirable that the Governments/ Administrations of States/Union Territories which have not so far introduced schemes for providing monetary relief to victims of atrocities on Scheduled Castes/Tribes, should take immediate action to do so now.**

Number of complaints received in the organisation of the Commissioner for Scheduled Castes and Scheduled Tribes for Scheduled Caste and Scheduled Tribe persons.

9.12. A large number of complaints regarding untouchability and harassment as well as problems relating to land, housing, educational matters etc. continued to be received in this Organisation from Scheduled Caste and Scheduled Tribe persons. The subject-wise break-up of these complaints during the years 1977-78 and 1978-79 is given below :—

S. No.	Nature of complaint	Number of complaint received during 1977-78	1978-79
1.	Harassment and untouchability	667	777
2.	Land and Agriculture . .	407	546
3.	Housing	110	162
4.	Education	191	217
5.	Miscellaneous	98	188
	TOTAL .	1,473	1,890

It would be seen from the above table that the number of complaints received in this Organisation during 1978-79 increased by 28.3 per cent as compared to the complaints received during the year 1977-78. Subject-wise and year-wise details of the number of complaints received in this Organisation from 1954-55 to 1978-79 may be seen in the statement at Appendix LXX. It would be seen from that statement that the number of complaints received during 1978-79 was almost seven times the number of complaints received in 1954-55. The State-wise and crime-wise break-up of the number of complaints reported to this organisation during 1977-78 and 1978-79 is given in statement Nos. L and 2 at Appendix LXXI.

Commissioner's visit to Bihar in June, 1979

9.13. In June, 1979, the Commissioner for Scheduled Castes and Scheduled Tribes visited **Bihar** to study the conditions of Scheduled Caste and Scheduled Tribe persons and in the course of his tour it was understood that there was an alarming increase in the number of cases of atrocities. During 1978 as many as 2107 cases of atrocities on Scheduled Castes and Scheduled Tribes took place as compared to 1,222 atrocity incidents during 1977 and 635 incidents during 1976. It is a sad commentary on the performance of the concerned Government functionaries in the State that inspite of various measures announced by the State Government from time to time it has not been possible for them to check atrocities on the persons belonging to these communities.

9.14. Perhaps, the machinery charged with the implementation and enforcement of the measures lacked the requisite will to do so. It was also learnt that even after the establishment of a Harijan Cell, enquiries into incidents involving Harijans were not promptly conducted. It

was learnt that the police have been able to submit charge-sheets within a period of 60 days in 2 to 4 cases only. It was also understood that the Harijan Thana functioning at Patna since 2nd January, 1978 had registered 51 cases of atrocities on Scheduled Castes/Tribes. The Harijan Thana, however, was very inadequately manned. **There is a desirability of providing more staff at the Harijan Thana and facilities such as Jeep, wireless, etc. are also required to be given.**

Incidents in Marathwada region, Maharashtra

9.15. Detailed description of the disturbances in Marathwada region of **Maharashtra** State on the basis of the visits of Commissioner and Deputy Commissioner was given in the earlier Reports of the Commissioner. It is understood that the places of disturbances were also visited by the Maharashtra Legislative Committee on the Welfare of Scheduled Castes, Scheduled Tribes, Vimukta Jatis and Nomadic Tribes. It is a matter of serious concern that even after a lapse of one and a half years, peace and amity continues to be disturbed in the region. Similarly, in the Kanjhawla village of **Delhi,** the Harijans still do not feel safe to cultivate the lands allotted to them by the administration a long back.

Incidents at Villupuram, South Arcot District in Tamil Nadu

9.16. Another incident of atrocity which took place in Villupuram, South Arcot District in **Tamil Nadu,** resulting in arson and brutal killing of 12 Harijans in July, 1978, has already been mentioned in Commissioner's previous Report. This incident was also personally enquired by the Commissioner for Scheduled Castes and Scheduled Tribes, who had detailed discussions with the then Chief Minister of the State as well as some other Ministers. A one-man Judicial Commission, known as Sadasivam Commission, was later appointed by the State Government to enquire into the incidents at Villupuram. The Commission has since submitted its report. The main findings of that report are given below :—

(i) Though the Villupuram incidents did not arise on account of communal clash but on account of the anti-social activities of Thiru Loganathan and some anti-social elements of Periya Colony, enmity arose between the residents of Periya Colony and non-Harijans and though the residents of Periya Colony were at first the target of attack, ultimately there were characteristics of a communal clash of Harijan and non-Harijans.

(ii) The local revenue and police officials failed in carrying out their duties despite the fact that a large number of persons—Harijans and non-Harijans, committed arson in their very presence. If orders under Section 144 Cr. P.C. had been promulgated on the morning of the 25th July, 1978, the subsequent burning of houses in Periya Colony and shops nearby could have been averted.

(iii) Neither the Collector nor the Superintendent of Police paid a visit to the spot of trouble. An immediate visit by the higher officers in-charge of law and order could have a salutary effect in boosting up the morale and confidence of the people. The State Government should emphasise the need for immediate visit to the trouble spots by higher executive authorities in such a law and order situation.

(iv) The incidents that occurred in July, 1978 in Villupuram town following tension between non-Harijans and Harijans, were the result of gradual developing situation that took serious proportions, which the local officers should have come to know about in time. This failure of intelligence and preventive action was responsible for the open lawlessness in the town and the whole matter reflected little credit to the local police.

(v) The Harijans were living in different parts of Villupuram including the localities where the caste Hindus resided and there was an amicable relationship between the Harijans and Caste Hindus. Colonies should be built in future for economically backward people and allotment of houses in such colonies should not be based on caste but on other relevant circumstances such as economic backwardness. Thus, instead of building separate Harijan colonies, if the Harijans were allotted houses in colonies put up for economically backward classes, it would pave the way for complete identification of Harijans with other caste Hindus and help to avoid communal clashes between Harijans and non-Harijans.

(vi) There were frequent quarrels at the bus-stand, groundnut marketing committee etc., on account of the conduct of some coolies, who demanded reasonable remuneration. There is no provision in the Municipality Act to authorise the Villupuram Municipality to license and control loaders at the bus-stand, the Marketing Committee and the market where large number of labourers work. Suitable legislative amendment should be made in the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Acts of 1920) to license the coolies at public places like bus-stand, market etc. and to fix the cooli charges payable to the labourers in the same manner as is done in the railways.

Commissioner's observations regarding the incidents at Villupuram

9.17. In this connection, it had been observed by the Commissioner for Scheduled Castes

and Scheduled Tribes during his visit to Villupuram town that some influential people of the town were trying to shift the residents of the Periya Harijan Colony which is in the heart of the town, on the plea of avoidance of segregation. Such attempts are highly detrimental to the interests of the Scheduled Castes living in the Harijan Colony and may result in their dislocation. Such attempts should, therefore, not be agreed to by the State Government. **While there may be no objection to the suggestion made by the Sadasivam Commission that segregation on caste basis should be avoided while constructing new colonies in future, this should not, however, be made a plea to dislocate the Harijans from their existing residential areas, like Periya Colony. The State Government should look into the matter and take necessary action to ensure that the Harijans of the Periya Colony are not removed from there on this account.**

9.18. Regarding the frequent quarrels at the bus-stand, groundnut marketing committee etc. in Villupuram town, on account of the demand of labourers for reasonable remuneration, the Commissioner for Scheduled Castes and Scheduled Tribes had observed that most of the labourers working at the above mentioned places belonged to Scheduled Castes and were not being paid adequate remuneration for their labour and the quarrels at the bus-stand etc., were the result of the inadequate wages paid to them. **It is, therefore, felt that the State Government should take urgent action to ensure that adequate wages are paid to them. For that purpose, the above mentioned Act should be amended at an early date to enable the Villupuram Municipality to fix minimum charges to be paid to the labourers.**

9.19. **It is also recommended that the State Government should take suitable measures to ensure that the officers concerned take timely action in such incidents so that the loss of lives and property of the Scheduled Castes as well as other atrocities against them may be avoided in future. Urgent steps should also be taken by the State Government to pay adequate compensation to the families of the Scheduled Caste persons killed during the incidents of violence at Villupuram.**

Enquiries conducted by the organisation of the Commissioner for Scheduled Castes and Scheduled Tribes

9.20. Enquiries are conducted by this Organisation in serious cases of atrocities on Scheduled Castes/Tribes. Investigations in the alleged atrocities committed on Scheduled Castes in Muzaffar Nagar town in Uttar Pradesh and on Scheduled Tribes in a village in Khunti subdivision, Ranchi District, Bihar were made by this Organisation and the findings are discussed in subsequent paragraphs :—

Incidents of atrocities on Scheduled Castes in Muzaffar Nagar, Uttar Pradesh

9.21. In Uttar Pradesh the incident of atrocities on Scheduled Caste persons which attracted a lot of publicity took place in Muzaffar Nagar town. A communication was received by the Commissioner from the Lok Sabha Secretariat that the Chairman of the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes had learnt that there was some firing on the procession taken out by the Scheduled Caste persons on the occasion of the birth anniversary of Guru Ravidas in February, 1979 and there were heavy casualties among the Scheduled Caste processionists. A request was made to the Commissioner that he being a constitutional authority might depute a team for an on-the-spot study of the incident. Accordingly, the Commissioner for Scheduled Castes and Scheduled Tribes deputed a fact-finding team led by his Deputy Commissioner to make an on-the-spot study of the incident. The Team remained in Muzaffar Nagar for two days and met senior officers and also visited the affected localities known as Raidasspuri Mohalla occupied by Scheduled Caste persons and Brahampuri Mohalla occupied by caste Hindus, mostly Tyagis. They met several residents of both Mohallas and visited about 20 houses. They also visited the District Jail where they had the versions of the leaders of the Scheduled Castes on the incident and met all the 33 persons who were still in Jail in connection with the incident. They also visited the District Hospital afterwards. Many officials and non-officials including the Divisional Commissioner (DIG Range), D.I.G. Special Cell who came from Lucknow to look into the incident were also contacted. The findings of the Team are summarised in the following paragraphs :—

1. There was no conclusive proof about any loss of human life. Even in the case of one boy belonging to Scheduled Caste who was reported to have suffered grievous injuries, there was no conclusive proof that he died even though he was missing since the incident. But many people belonging to Scheduled Castes were reported to be missing.
2. Regarding the firing on the procession of the persons belonging to Scheduled Castes, facts seem to indicate that some people may be police men, or may be some undesirable elements amongst caste Hindus, opened fire at Scheduled Caste persons. The weapons used, however, were likely to be 12/16 bore guns, country-made pistols etc., as indicated by wounds recorded in the hospital. There were two persons whose wounds could have been possible caused by police firing from either a rifle or a gun.
3. So far as actions of the police were concerned it appeared that these were excessive. A large number of persons belonging to Scheduled Castes suffered injuries whereas the injuries of the policemen were relatively insignificant. More than 60 persons belonging to Scheduled Castes were finally recorded as having received injuries ; there were many more

injured who were not treated at the Muzaffar Nagar Hospital. This indicated that the police had been resorting to more firing than was necessary. In arresting the people, the district administration seemed to have been heavy handed against the Scheduled Caste persons. On the first day of the incident, i.e. 11th February, 1979, both sides of the communities involved were arrested more or less evenly and were released on the same day on personal bonds. But on the second day, only the persons belonging to Scheduled Castes and their leaders were arrested even though people from Brahampuri Mohalla were also involved in brick-batting. Even though a person belonging to caste Hindu was the only person known to have opened fire, not only once but twice, on his own admission, was never arrested, whereas at least six persons belonging to Scheduled Castes who were the victims of firing were arrested under Section 25 of the Arms Act apart from other Sections of the I.P.C. Persons belonging to Scheduled Castes were not only arrested but were kept in handcuffs even in the hospital.

4. There did not appear to be any plausible reason on the part of the district administration to disallow the procession on 12th to celebrate the postponed Ravi Das Jayanti. Even with the proper attention and precautionary measures the procession could have passed off peacefully and all the resultant incidents would have been averted.

5. There seemed to be a number of people missing though the exact number and identity of the missing persons were not known but the visit to the houses of Scheduled Caste persons convinced the Study Team that a number of persons were indeed missing. The Team supported the allegation of molestation of women and looting by local police-men and P.A.C. personnel.

9.22. The Study Team made the undermentioned recommendations :—

(a) All victims of police high-handedness should be suitably and adequately compensated.

(b) The allegations of molestation should be very thoroughly investigated. Each case must be investigated by an agency on which Scheduled Castes themselves have confidence. They may not have confidence in the local police.

(c) In the same way, each alleged case of snatching of jewellery and looting of property should be investigated thoroughly.

(d) The administration should make necessary arrangements for medical treatment of all the injured persons without any further delay.

(e) The administration should take immediate steps to prepare a list of persons who were still missing and each missing case should be investigated and duly accounted for.

(f) It was obvious that some people did use fire arms. The administration must not spare any effort to find out who used fire arms at the time of the incident. Necessary action should be taken against them. Any person who has been known to use fire arms should be arrested and kept in custody until his innocence or justification of self-defence was established by court.

9.23. Copies of the report submitted by the Study Team were forwarded by the Commissioner to the Union Home Minister, Minister of State in the Ministry of Home Affairs, State Chief Minister and the Chief Secretary to the Government of Uttar Pradesh. It is, however, understood that the State Government has entrusted this enquiry to a Judicial Commission.

Incident of firing in Khunti Sub-Division of Ranchi District, Bihar

9.24. In **Bihar** a case of atrocities on Scheduled Tribes came to the notice of the Commissioner for Scheduled Castes and Scheduled Tribes during his visit to Ranchi in that State in November, 1979, in which one Scheduled Tribe person was killed and 6 Scheduled Tribes were injured as a result of firing by non-tribals, in Mahua Toli of village Hatubda in Khunti Sub-Division of Ranchi District, on 14-11-1979. A study team comprising a Research Officer and an Investigators was deputed by the Commissioner to make an on-the-spot study of the incident. The team conducted the enquiry from 16-11-79 to 17-11-79. The team met the S.D.O. Khunti, the Executive Magistrate, Sub-Divisional Magistrate, D.S.P. in-charge of the Khunti Police Station and the Deputy Medical Superintendent of the Sub-Divisional Hospital Khunti and had discussions with them about the incident.

9.25. The incident of firing took place on the 14th November, 1979 at Mahua Toli of Hatubda village which is located about 3 kms. east of Khunti Police Station. According to the police version, the incident was reported to the police station Khunti at about 2 p.m. on 14th November, 1979 by both the parties, viz., the non-tribals belonging to village Hatubda as well as the tribals belonging to Mahua Toli. The tribals of Mahua Toli alleged that the standing crop in the field belonging to one Shri Keshto Munda of that Toli was being forcibly harvested by the labourers and toughmen engaged by the non-tribals of Hatubda village. When Shri Munda objected to this the non-tribal toughmen and gunmen who were allegedly prepared to create trouble, started firing gunshots at the tribals standing in the Mahua Toli, as a result of which the above mentioned Scheduled Tribe namely Shri Keshto Munda was killed and 6 other Scheduled Tribe persons were injured,

9.26. On the other hand, the non-tribals namely, Ganjus of Hatubda village alleged that their labourers were harvesting the paddy crops in their own fields when a large number of tribals from Mahua Toli came and surrounded the labourers working in their fields. The tribals also allegedly threw stones and shot arrows at the labourers of the non-tribals.

9.27. After registering the report an armed police party was deputed by the Khunti Police Station to the place of occurrence. The Police party reached there at about 3.30 p.m. and recovered the dead body of Sri Munda as well as 6 injured Scheduled Tribe persons from there. The dead body was sent to the hospital at Khunti for post-mortem and the injured persons were brought to the Police Station for treatment. 13 accused non-tribal persons were arrested from Hatubda village, while 9 of the alleged accused were still at large. 4 firearms of .12 bore were also seized. Licences of 3 fire arms were not produced. It was learnt that any other firearms owned by the residents of the area were not seized. An armed party comprising one Magistrate, one A.S.I., one Havaldar and four armed constables were posted at the place of occurrence to maintain law and order. It was learnt at the time of enquiry that no incident had occurred at the place of occurrence after the 14th November, 1979 and the situation in the area was peaceful. It was, however, observed that an under-current of tension was still prevailing in the area. The police were considering to ask the tribal as well as non-tribal owners of the paddy crops in the area to start harvesting their crops for which police would provide necessary armed protection to them. The Report of the Study Team has been sent to the State Government for taking necessary action. The following are the main findings of the study team :—

Findings of the Study Team

1. The main cause of the dispute between the tribals of Mahua Toli and the non-tribals of Hatubda village appear to be the ownership of the disputed agricultural land located between Mahua Toli and Hatubda Village. According to the tribals this land belongs to their forefathers as recorded in the Cadestral Survey 1902-1903 but in the course of time and specially during the revisional survey in 1928-29 this land was fraudulently entered in the records in the name of non-tribals. The tribals, therefore, claim that all the agricultural lands in village Hatubda now in possession of the non-tribals actually belong to them and should be restored to them. According to the existing tenancy legislation, viz., the C.N.T. Act, 1908 and the Scheduled Areas Regulation, 1969 the tribal lands alienated to non-tribals during the past 30 years should be restored to the Scheduled Tribes. However, due to certain lacunae in the Chhotanagpur Tenancy Act, 1908, transfer of tribal land is still taking place. For example, Section 49 of the Act permits transfer of tribal land for charitable, religious etc., purposes with the permission of the Deputy Commissioner. Under Section 46 of the Act, transfer of Rayati land from tribals to tribals is allowed with the permission of the Deputy Commissioner. Again, in view of the ruling given by the Patna High Court that the Chhotanagpur Tenancy Act is not applicable to municipal areas, many cases of alienation of tribal lands are taking place in the urban areas in municipal limits. These provisions are being exploited by vested non-tribal interests for alienation of tribal lands. Such transfers of tribal lands have taken place all over the district but the incidence is greater in and around the urban areas, industrial and commercial complexes and other growth centres. It is gratifying that the State Government have since promulgated the Chhotanagpur Tenancy (Amendment) Ordinance, 1979. Sub-Section (2) of Section 1 of the Chhotanagpur Tenancy Act, 1908 has been amended by the ordinance to the effect that the provisions of the said Act will also be applicable to the tribal lands alienated in areas or parts of areas which have been constituted into a municipality or a notified area Committee or which are within a cantonment. This amendment will have retrospective effect. The State Government should take early action to restore tribal lands alienated in the municipal areas concerned. It is desirable that the State Government should also review of the other Tenancy Laws applicable in the Scheduled Areas and remove various lacunae noticed therein, by suitable amendments thereof. This will remove one of the major causes of discontentment among the tribals. In the mean time, the district authorities should intervene and settle the dispute over the ownership of the disputed agricultural land at the place of occurrence by negotiations among the tribals and non-tribals of Mahua Toli and Hatubda village.

2. The allegation of the non-tribals of Hatubda village that they were attacked by the Scheduled Tribes of Mahua Toli when they were harvesting their crops, does not appear to be plausible because it was observed from the Hospital and Police records that all the injured persons were Scheduled Tribes and none of the non-tribals had sustained any injury. No arrow or stone alleged to have been used by tribals was reported to have been recovered from the place of occurrence.

3. It appears that non-tribals had come prepared with firearms on the 14th November, 1979 to harvest the crops, with the intention of using the same against the tribals in case of any dispute. It also appears that when the tribals of Mahua Toli raised an objection to the harvesting of crops by the non-tribals of Hatubda village, the later allegedly resorted to indiscriminate firing with their guns which were kept ready towards Mahua Toli resulting in the alleged death of one Scheduled Tribe person and injury of six other Scheduled Tribes.

4. The hospital records showed that the death of the deceased tribal had taken place as a result of gun shot wounds. The injured persons also had injuries caused by pellets fired from guns.

5. Another cause of dispute between tribals and non-tribals was the burial ground in front of Hatubda village, where the tribals of Mahua Toli were burying their dead. The non-tribals had raised a wall in the burial ground to restrict the extension of the ground. It was learnt that the wall had been demolished by the tribals. A complaint was also lodged by the tribals in the court but they are reported to have lost the case. **The District authorities should look into the matter and make an amicable settlement between the two parties to remove any possibility of future trouble on this account.**

6. It is felt that it would have been better if all the firearms owned by the residents of the area were seized and the licences of the firearms used in the incident were cancelled. The Police were making investigations in the case. It was suggested that the investigation should be completed as soon as possible and the case submitted to the court for trial.

7. Since the family of the deceased Scheduled Tribe person will be put up a lot of hardship due to the loss of their bread winner, it is desirable that the Welfare Department of the State Government should take immediate action to sanction suitable compensation to the family of the deceased as well as those who have been injured as a result of the firing. The relevant rules of the State Government provide for payment of compensation of Rs. 2,000 to the family of a deceased Scheduled Tribe person killed as a result of atrocities and an amount of Rs. 500 to an injured Scheduled Tribe person. However, in case of the incidents at Belchi in Patna district in May, 1977, the State Government had sanctioned Rs. 5,000 as compensation to each of the dependent families of the Scheduled Castes and others who died in the incident. The desirability of increasing the amount of compensation to be paid to the family of the deceased in the present case also from Rs. 2,000 to Rs. 5,000 may be considered by the State Government.

8. It has been observed that in many cases in which restoration orders have been issued by the Authorities concerned, actual possession is not made to the Scheduled Tribes concerned. In many cases this is due to stay orders obtained by the non-tribals from the Courts, while in many other cases the implementation of the actual possession is delayed by the non-tribals. The State Government should ensure that after the orders for the restoration of alienated tribal lands are issued the actual possession to the tribals is made promptly. The local administration should also keep a record of the cases in which possession of the restored lands has been actually taken by the tribals.

9. The Police and the local administration should ensure that the accused are punished according to the law. For the purpose it would be desirable that the cases in respect of the firing incident are handled by senior officers concerned.

10. It is desirable that revisional survey which was suspended in the Sub-Division some time back due to agitation by the tribals should be resumed as early as possible so that the root cause of the ownership of the agricultural land is settled finally. For that purpose, necessary steps should be taken by appointing suitable personnel for doing this job so that confidence is instilled among the tribals that the record of rights will reflect the true picture of the ownership of land and there will be no fraudulent entry during the survey.

Suggestions to check atrocities on Scheduled Castes and Scheduled Tribes

9.28. It would be seen from the foregoing paras that the incidents of atrocities and harassment continued to take place in various parts of the country inspite of various steps taken by the Central and State Governments to check the same. It appears that the authorities concerned have not taken necessary follow-up action on many of the recommendations made in Commissioner's earlier Reports. In order to safeguard the Scheduled Castes and Scheduled Tribes against atrocities on them, the following recommendations are made. Some of these recommendations have already been made in one form or other, in our earlier Reports.

Measures to be taken by the Central/State Governments

Central Government

(i) In Article 46 of the Constitution, the word 'State' refers to the sovereign power exercised by the Central as well as the State Governments and it is not correct

to say that atrocities being a law and order problem fall under the State List and should be dealt with by the State Governments only. The Central Government has an over-riding responsibility in matters of protection of the weaker sections and in particular of the Scheduled Castes and the Scheduled Tribes from social injustice and all forms of exploitation. In view of this, effective intervention of the Central Government in cases of atrocities on the Scheduled Castes and Scheduled Tribes, appears to be obligatory. Urgent steps should therefore be taken to work out the modalities of such intervention in consultation with the State Governments.

(ii) Processual reforms should be undertaken to treat cases of social injustice as separate from ordinary violation of law and the law relating to burden of proof, the Evidence Act and the Criminal Procedure Code should be suitably amended as in anti-corruption cases.

State Governments

(iii) Frequent incidents of atrocities against Scheduled Castes and Scheduled Tribes in incident-prone-areas reveal a failure on the part of Revenue, Police and Development Departments in redressing the grievances of weaker sections of the society. The State Governments should take necessary action to gear up the working of these departments.

Police

(iv) Suitable instructions should be issued by the State Governments to explain in unambiguous terms to their district staff about the type of cases to be brought under the purview of 'atrocity'.

(v) In cases where police officials are found guilty of involvement in committing atrocities on Scheduled Castes and Scheduled Tribes, severe punishment should be awarded to them.

(vi) The role of the police station in the Police Administration is crucial. It is, therefore, desirable that a gazetted Police Officer not below the rank of a Deputy Superintendent of Police or Assistant Superintendent of Police should be incharge of a Police Station, to ensure that a Police Station is managed in a better way and specially the cases of atrocities against the weaker sections are attended to promptly. It is also desirable that adequate number of police personnel should be posted in the police stations in sensitive areas, so that they are able to move about in the areas regularly and take timely action to prevent any atrocities on the Scheduled Castes and Scheduled Tribes.

(vii) Whenever a serious incident of atrocity on Scheduled Castes/Tribes takes place resulting in the death or injuries of Scheduled Caste/Scheduled Tribe persons, the Chief Minister/Minister/other high officers like the Commissioner of the Division, the Inspector-General of Police/Collector of the affected unit etc., of the State concerned should promptly visit the place of occurrence and ensure that the matter is thoroughly investigated by the authorities, energetic steps are taken for the apprehension of the culprits, and charge sheets are promptly submitted and adequate compensation is paid to the families of Scheduled Caste/Scheduled Tribe victims of atrocities who are killed and the injured persons belonging to these communities.

(viii) It would instil greater confidence among Scheduled Castes/Scheduled Tribes and other weaker sections if police personnel belonging to these communities are adequately represented in the police force.

(ix) If atrocities on the Scheduled Castes and Scheduled Tribes take place repeatedly in an area, arrangements should be made to post special police force in that area and the entire cost of maintaining that force should be realised from the residents of that area. If atrocities on Scheduled Castes and Scheduled Tribes still persist, punitive fines should be imposed on the residents of that area.

(x) In order to check the cases of atrocities against Scheduled Castes and Scheduled Tribes, the police should not restrict itself only to the maintenance of law and order but jointly with other departments make efforts for the solution of the social and economic problems that are faced by the weaker sections of the society. What is required is social intelligence instead of police intelligence which is weak and deficient in respect of the problems of social and agrarian unrest that are brewing up in rural areas.

(xi) It has been observed that in some incidents of atrocities on Scheduled Castes and Scheduled Tribes local landlords employ musclemen or specially hired **goondas** for committing atrocities on these communities. The police should take necessary action to collect information about these musclemen or **goondas** and take preventive action against them, in order to ensure the maintenance of peace in the areas, and to prevent atrocities against the Scheduled Castes and Scheduled Tribes.

(xii) Licences for firearms are not issued indiscriminately in sensitive areas where incidents of atrocities against Scheduled Castes and Scheduled Tribes occur frequently. It would be desirable that in such areas licences of the firearms already issued are cancelled.

(xiii) Special police stations for Scheduled Castes on the lines of those set up in **Madhya Pradesh** and **Bihar** should also be established by all the State Governments in the sensitive areas. Special Police Flying Squads should also be constituted at district level so that they may visit the areas of atrocities soon after the occurrence of the incidents for investigagation. Some units of special Police force which should be well equipped and mobile should be located at strategic places to instil confidence among the Scheduled Caste/Scheduled Tribe persons and to deter perpetrators of atrocities.

(xiv) Whenever a Scheduled Caste person is dispossessed of his lands, it should be treated as a criminal tresspass which is cognizable offence under Section 447 of the Indian Penal Code and the Police should promptly take action under the provisions thereof.

(xv) Whenever a case of atrocity on Scheduled Castes/Tribes is reported to the police, persons belonging to the well-to-do sections of the society should not be spared, if they are found to be responsible for committing the atrocity.

Revenue Departments

(xvi) In order to redress the grievances of the Scheduled Castes and Scheduled Tribes against the police force, special Grievances Cells should be established under the charge of the S.D.O. at the Sub-Divisional level and the District Magistrate at the District level. At the higher level, a similar grievances cell should be established at the headquarters of the State Government under the charge of the Chief Secretary.

(xvii) In order to remove the root cause of atrocities on Scheduled Castes and Scheduled Tribes, the existing tenancy legislation in the Scheduled Areas as well as the rest of the areas in various States should be examined thoroughly and loopholes, if any, should be plugged by making amendments.

(xviii) Incident-prone areas should be located and preventive steps taken there in time to redress the socio-economic grievances of Scheduled Castes and Scheduled Tribes to avoid occurrence of unhappy incidents. Officers of State Revenue Departments should tour in the rural areas and identify incident-prone pockets and submit their reports to the authorities concerned. These reports should be promptly attended to by the State Governments and suitable steps taken to avoid unpleasant incidents and to minimise social tensions.

(xix) Revenue-*cum*-Police Teams should be set up at district level in all States to attend to cases of atrocities in connection with disputes over possession of lands by Scheduled Caste/Scheduled Tribe persons. These teams should promptly attend to these cases.

Labour Departments

(xx) One of the main causes of atrocities on the Scheduled Castes and the Scheduled Tribes is the ineffective enforcement of the Minimum Wages Laws, continuance of Bonded Labour and rural indebtedness. It is desirable that State Governments should take urgent action to remove these sources of conflict in order to check the rise in the number of cases of atrocities. All the State Governments should therefore take urgent action to ensure that the Scheduled Caste/Scheduled Tribe agricultural labourers are not paid wages at rates less than the statutory minimum wages. It should also be ensured that the Minimum Wages Act is enforced by setting up adequate machinery for that purpose. It is estimated that about 66 per cent of the Bonded labourers in the country belong to Scheduled Castes. They should be released promptly and rehabilitated.

Judiciary

(xxi) The State Governments should ensure the speedy disposal of atrocity cases by the law-courts, because inordinate delays in disposal of these cases undermines the confidence of the victims of atrocities in the judicial system, emboldens the perpetrators of these crimes after they are released on bail, demoralises the complainants and makes the witnesses vulnerable to pressures and the unabated continuation of tension in the affected villages. At times, these cases are prolonged for years. Special courts with mobile units should therefore be set up, to expedite the disposal of such cases.

(xxii) A judicial enquiry should be automatically held into cases of atrocities in which there is large scale arson, looting, murder and indiscriminate firing by the police involving Scheduled Castes and Scheduled Tribes, in order to create confidence among these communities.

Compensation to victims of atrocities

(xxiii) Some State Governments have taken steps to grant compensation to the Scheduled Caste and Scheduled Tribe victims of atrocities. However, the maximum compensation prescribed by them for the families of the Scheduled Caste/Scheduled Tribe persons killed as a result of atrocities on them is Rs. 5000 while the amount prescribed for victims of atrocities who are injured or those who have lost their properties, is from

Rs. 500 to Rs. 2,000. These rates of compensation are quite inadequate and should be suitably enhanced. It should be ensured that the full income of the affected family before the incidents of atrocities took place, is restored by providing employment to the dependents of the deceased or by providing self-employment to the incapacitated victims. Power to grant compensation to the victims of atrocities should be delegated to the Collectors/Deputy Commissioners of the districts in order to avoid delay in payment thereof. The State Governments/ Union Territory Administrations which have not so far made provision for the payment of compensation to Scheduled Caste and Scheduled Tribe victims of atrocities, should take early action to do so.

(xxiv) In cases where the houses of Scheduled Castes/Tribes are destroyed as a result of arson, **pacca** houses should be constructed at full Government cost.

(xxv) If all the survivers among a Scheduled Caste/Tribe family who have become victims of atrocities, are children and there is no bread-winner alive in the family, the children should be provided allowances for their education and maintenance, till they come of age.

Socio-economic studies

(xxvi) A study in depth of some atrocity cases which occurred in the past in **Bihar, Uttar Pradesh, Madhya Pradesh, Maharashtra, Andhra Pradesh** and **Tamil Nadu** would indicate the social and economic problems which continue to remain unresolved and are the main causes for the recurrence of these unhappy incidents. Such studies should be assigned to expert bodies for detailed analysis and for pinpointing the short-comings in the implementation of various socio-economic, political and administrative measures.

Typical cases of atrocities and harassment

9.29. The complaints received in this organisation are referred to the State Governments/ Union Territory Administrations concerned for necessary action and for finding out facts of the cases. In some cases requiring urgent attention the Commissioner for Scheduled Castes and Scheduled Tribes or his officers visit the places of occurrence for making on-the-spot enquiries. Reports of such enquiries are sent to the Central Government and the State Governments/ Union Territory Administrations concerned. 62 typical cases of complaints which would throw light on their nature and action taken thereon, grouped under the categories, murder, violence, rape, arson, untouchability, land disputes, housing, education, atrocities by Police, etc., are given below. In addition, 48 cases of atrocities have been given in the Chapter on 'Land, Agriculture & Housing Programmes'.

Murder

(i) There were reports about the killing of 2 Scheduled Castes in Soorangudi village, Tirunnelveli district, in **Tamil Nadu.** According to the report of the Collector, during the first week of August, 1978 one Scheduled Caste named Ayyappa Naicker of Soorangudi was fined Rs. 1001/- by the village Panchayat Board President in a drunken mood. The fine was subsequently reduced to Rs. 10/- and paid by the Scheduled Caste person. on 18th September, 1978 at Vembar Bridge on Soorangudi—Vembar Road, one Paramasive Thevar of Soorangudi was waylaid and murdered. Upon hearing the news of the murder, Caste Hindus were reported to have assembled in groups and armed with deadly weapons rushed towards Scheduled Caste residential area. The armed picket, blocked the advance of Caste Hindus. About 200 Scheduled Castes were also reported to have assembled in groups at street junctions, and they were also armed. In spite of efforts made by the Police to restore peace, a Scheduled Caste named Muniandi was reported to have been murdered at the northern part of the village. The Police arrested 47 persons. The Revenue Divisional Officer, Kovilpatti, extended the prohibitory orders issued under Section 144 (Cr. P.C.) for a period of 15 days from 26th September, 1978 to 10th October, 1978. The Police were also reported to have initiated action. The Police picket and patrol parties continued to remain in the villages and close vigil was being maintained.

(ii) A news item appeared in the National Herald on 21st May, 1978, regarding the murder of a Scheduled Caste by three Thakurs of the village Tejepur in Hardoi District of **Uttar Pradesh.** It was alleged that the deceased had assaulted a Thakur of that village, 12 years ago. The wife of the Thakur instigated her sons to avenge the insult of their father. When the deceased was sleeping in his barn, he was attacked by the assailants and killed. The matter was referred to the District Magistrate, Hardoi for facts. His report revealed that previous enmity was the cause of this incident. The accused persons were arrested by the police. Further out-come of the case is awaited.

(iii) A Scheduled Caste person belonging to Narainpur Gerua, Pratap Pur P. S. Hazaribagh District in **Bihar** was reported to have died in October, 1978 on being assaulted by the **Mukhia** of the village.

(iv) A news item appeared in the Hindustan Times dated 11th May, 1978 regarding the murder of a Shoshit Samaj Dal Leader near Mahoba village, District Bareilly in **Uttar Pradesh.** An enquiry

into the matter revealed that the deceased was a social worker. On 8-5-1978 he had gone to Mahota village and then to Rohata village, where two persons fired at him. The Sub-Inspector of Police, Aliganj, went to the spot of murder and made an enquiry about this case. One accused person had been arrested alongwith a gun and the other had surrendered himself in the Court. Both the accused persons were sent to jail. Final outcome of the case is awaited.

(v) According to newspaper reports, 13 persons had been arrested in connection with alleged murder of 2 Scheduled Castes at Pipri village under Karghar P. S. of Rohtas District in **Bihar.** The murder was reported to have been committed on account of an enmity over land in August, 1978.

(vi) A representation was received from a Scheduled Caste—Chairman, Improvement Trust, Kapurthala, in **Punjab** regarding alleged murder of his son by agitated labourers in collusion with the departmental officers with deadly weapons in the office premises of the Food Corporation of India, Jammu in **Jammu & Kashmir.** The matter was taken up with the concerned authorities for facts. The enquiry report revealed that the victim had informed the concerned authorities about the rough treatment to which he was subjected by the labourers at FSD chatha when he was rescued by his staff members. The deceased returned on 6-10-78 after three days' leave and visited the Regional Office, Jammu in connection with official work. While returning to his office, he was attacked with lethal weapons by a miscreant just close to his office building. The victim was rushed to the Government Hospital where he breathed his last. The matter was reported to the police and four persons were arrested. The case is **sub-judice.** Information about the latest position of the case is awaited.

(vii) A representation was received in this organisation during the last week of August, 1978 from the General Secretary, All India Scheduled Caste/Tribe officers' Welfare Association, Bombay regarding the alleged murder of a Scheduled Caste widow, a social worker of village Satgad Harkhol, District Hoshiarpur, **Punjab** on 8th June, 1978. She had worked as a **Sewadar** at Dera Sant Garh, Gurdwara Harkhol, in Hoshiarpur for 30 years. She was reported to have been tortured and murdered. The matter was taken up with the Government of Punjab. A case was registered but the accused was acquitted by the Sessions Court.

(viii) At least three persons were reported to have been killed in arson and rioting following a clash between Badagas and non-Badagas at Ittalaru near Gudalur in the Nilgiri District, **Tamil Nadu,** according to newspaper reports dated 6th January, 1979. Some of the victims were reported to be Scheduled Castes. There were also reports that following a quarrel between illicit liquor dealers and their customers in Sembattu village on December 11, a Police Party was reported to have entered the harijan colony and assaulted the inmates and some women were also molested. One Scheduled Caste person was reported to have sustained deep injuries on his head and 2 others were beaten. Reply was awaited from the Government of **Tamil Nadu.**

(ix) A representation was received from a shunting master, employed at Tundla Railway Station in **Uttar Pradesh** regarding alleged murder of his wife by his tenant. The matter was taken up with the Collector of Agra who informed that the applicant had let out his quarter to the accused but the latter did not shift from there when requested by him. On 22-7-78, the son of the tenant alongwith his friend came to the quarter and requested the complainant's wife to open the door. She abused him with the result that a dual took place in which she was stabbed with a knife. A case was registered under Section 147/148/144/302 IPC and the case is pending trial at Sessions Court.

(x) A Scheduled Caste person of village Pusawali, P.O. Chakmaharajpura, District Gwalior in **Madhya Pradesh** represented to this office in July, 1979 that some persons belonging to Gadaria community murdered the applicant's brother and absconded. It was alleged that in spite of the judgment of the Madhya Pradesh High Court, the persons of the Gadaria community were harassing the applicant and were destroying his crops. These people were threatening the harijan family to kill them. The case was referred to the Collector, Gwalior for taking necessary action but so far no reply has been received.

(xi) A complaint was received in the month of September, 1978 from a Scheduled Caste of village Rambhan, district Karnal, **Haryana** regarding the alleged murder of his brother-in-law by a landlord. The deceased was working as a labourer of a landlord in agricultural operations and another landlord wanted him to water his fields. Upon his refusal, he was threatened with dire consequences and later on murdered. Two accused persons were arrested in this connection and the case was challaned under Section 302 Cr. P.C. They were, however, acquitted by the Court.

(xii) A news item appeared in the Indian Nation dated 22-10-78 regarding killing of two Scheduled Tribe persons in village Makrampur, Police Station Masalia, District Santhal Paraganas in **Bihar.** The enquiry report of the Deputy Commissioner concerned revealed that in a fair in the month of October in a non-Santal village Makrampur which is located in a predominantly Santhal surroundings, some boys of a non-Santal village tried to outrage the modesty of Santhal girls. This led to violence in which non-Santals used fire arms. In all, ten persons sustained gun shot injuries. Two Santhals were reported to be missing. The body of one of them was reported to have been recovered from Masanjore lake adjacent to village Makrampur while the body of the other was found floating near the Dam. Eleven persons were arrested in this connection. Final outcome of this case is awaited.

(xiii) A press report appeared in the Times of India dated 30-3-1978 regarding the murder of a Harijan in Orro village, Hasur Police Station, District Nawadah in **Bihar.** The enquiry report of the District Magistrate revealed that about 10 to 12 persons including some Scheduled Castes of village Biku went to the hut of the complainant Shri Kuldip Dusadh of village Orro to take away the standnig crops from his fields. The latter requested them not to do so in turn were abused by them. Hearing the noise some of the villagers nearby gathered there. In the meantime one of the accused persons attacked Shri Mauji Paswan with a sharp edged weapon and he died on the spot. Others who had come to settle the matter also sustained injuries. The accused persons took away the standing crops from the field. An incident had occurred prior to this also in which a straw hut situated near a field was removed by the villagers of Biku. The complainant and his brother alongwith the villagers of Orro had objected to this. Thus previous enmity is said to be the cause of this incident. Nine accused persons were arrested in this connection. The case is pending trial in the court and the final outcome is awaited.

(xiv) It was reported in the Times of India during the last week of November, 1978 that some atrocities on Scheduled Castes of village Bajitpur in Begusarai district of **Bihar** had been committed in which one person was killed, 18 injured, 4 of them seriously, 3 women were raped and some others were subjected to inhuman treatment. The matter was taken up with the Government of Bihar. It was revealed that on 15-11-78 an armed mob of about 200 to 300 people led by Shri Durga Prasad Singh, a big landlord of village Nayanagar, raided the Bajitpur village which consisted of about 600 people mostly Harijans and Backward Classes. The mob who were fully armed with lethal weapons exploded bombs at the entry point of the village which scared the people. The villagers ran away in panic and the village was deserted in about two hours. Four persons who were seriously injured were admitted to hospital, where one of the victims Shri Jageshwar Sao, a 75 year old man succumbed to his injuries. Three women were reported to have been raped. However, the medical report did not confirm this. The police arrived the next day when the village presented a deserted look. The assailants were in the village till dusk and carried away grains, utensils, ornaments and other household articles of the village people. They demolished their huts and threw a poisonous substance in the village well.

After 19th November, 1978 people started returning to their village after hearing that a police party had been posted there for their protection. The cause of the incident was stated to be that Shri Durga Prasad Singh owned lands in nearby villages, like Nayanagar, Bariarpur and Seikhpura including the lands of Bajitpur. During 1975-76 as a result of imposition of land ceiling, about 415 acres of land was to vest in the State Government in Samastipur district. In February, 1976 a function was organised by the District Magistrate to distribute the vested lands amongst the landless, and the people of Bajitpur were also to benefit by this. Shri Durga Prasad Singh brought a stay order from the Patna High Court and the distribution became null and void. However, in a voluntary surrender of lands organised by the State Government during 1976 in **Bihar** at various places, Shri Durga Prasad donated 45 acres of land in village Bajitpur which was already in the possession of people belonging to Backward Classes and Scheduled Castes although they had not got **parchas** for the lands. They were thus deprived of the lands they were cultivating. The Sarpanch and others of the village had a number of meetings with Shri Durga Prasad and his men for restoring the right of ownership to the village people and after sometime he agreed to give 20 acres of land to the people who were in occupation of the land including the Sarpanch of the village. But **parchas** were not given for such lands which were the cause of tension in the village. Preparation for attack had taken place prior to the incident and some of the

village people had informed the police about the preparations. But no action was taken by the police to check the truth of the statement and to take action accordingly, with the result that poor Harijans and Backward Class people became a prey to Shri Durga Prasad and his men. The victims were provided with monetary and material help for their rehabilitation. The accused Shri Durga Prasad has got bail from the Chief Judicial Magistrate of Begusarai. The case is **sub-judice** at present and its further outcome is awaited.

(xv) It was alleged that a young Scheduled Caste person of village Binda, Monghyr District in **Bihar** had been done to death by some persons in April, 1978. The wife of the deceased alleged that some persons had asked her husband to accompany them on the night of 7th April, 1978 and after that her husband never returned. The case was reported to be under investigation.

(xvi) A person belonging to Scheduled Caste of village Ladipur, Bhagalpur district in **Bihar** was alleged to have been murdered on account of a dispute regarding distribution of irrigation water. The main cause was stated to be that the Scheduled Caste person had also filed nomination in the election of **Mukhia** besides 3 other persons. Due to more population of Harijans in Ladipur the chances of his victory were considered bright. It was reported that out of 14 persons named in the F.I.R., 2 persons had been taken into Police custody and in respect of the remaining, orders for attachment of properties had been issued.

(xvii) It was reported in the Statesman dated 29-4-1979 that a 15 years old Scheduled Caste boy was allegedly beaten to death by his Caste Hindu employer on 15th April, 1978 at Samiyarpalayam village, in Coimbatore district of **Tamil Nadu.** The matter was taken up with the district authorities for facts. The enquiry report revealed that the deceased who was working as a farm servant, was asked by his caste Hindu employer to come to the field on the night of 14-4-79 for irrigating his fields. The boy did not turn up for the work on that day. Next day when he went to his employer's house for work, he drank a cup of coffee kept there without asking anybody. This enraged the employer who beat him black and blue and the boy fell down unconsciously. This happening was reported by the accused to the boy's relatives and they took him to a private nursing home at Kunnathur where the boy succumbed to his injuries. The accused and his associates threatened the boy's relatives of dire consequences if they reported the matter to the police or other authorities and told them to bury the body immediately. The funeral took place on 16-4-79. When the father of the deceased boy who was away at the time of this episode, came to know of this, he lodged a complaint with Uthukuli Police Station on 24-2-79. The Police took up the case and the body was exhumed on 25-4-79. A judicial enquiry was held by the Tehsildar and Executive Taluka Magistrate of Erode, the same day. The medical report however, could not establish the exact cause of the death and opined that the deceased appeared to have died more than a week ago. However, the bones of the deceased were sent to the Chemical Examiner at Madras for examination, whose report was awaited. The accused was arrested by the Inspector of Police, Perundurai and the stick used by the accused for beating the deceased was also recovered. The accused along with other persons who assisted him in the disposal of the corpse were given bail by the Court. Information about the final outcome of the case is awaited.

(xviii) At Maner in Patna District of **Bihar** a person belonging to a Scheduled Caste was reported to have been murdered in September, 1978. It was alleged that though the police were informed well in time they reached the place of incident only after the Scheduled Caste person had been killed.

(xix) A Scheduled Caste woman of village Pakriyar, P. S. Chanpatia near Bettiah, District Champaran in **Bihar** was allegedly poisoned to death by some people in April, 1978. The minor son of the victim in his F.I.R. named 3 persons as accused. The Police was able to arrest 2 persons in this regard.

(xx) A representation was received during September, 1978 from a Scheduled Caste person regarding the brutal murder of his brother in village Bathanatah, Purnea district in **Bihar.** A dispute arose when buffaloes entered into the fields of the landlord who took them to his house and the owner of the buffaloes had to pay Rs. 25 as fine for the destruction of the crops. When the owner of the buffaloes reached the house of the landlord to release his buffaloes, he was brutally murdered. On receipt of this complaint, the matter was taken up with the Deputy Inspector General of Police, Patna and the District Magistrate, Purnea for facts. According to the enquiry report of the Deputy Inspector General of Police, a case had been registered under section 302 IPC. Further outcome of the case is awaited.

(xxi) A person belonging to a Scheduled Caste was killed and several others were reported to have been seriously injured when a group of landlords attacked them at Garha village under Ladania P.S. of Madhubani District in **Bihar** in August, 1978.

(xxii) A representation regarding the brutal murder of a Scheduled Caste boy aged 14 years was received from the father of the deceased, a resident of village Madanpur Kheala. **Delhi.** Union Territory in June, 1978. The matter was taken up with the Inspector General of Police, New Delhi. It was revealed that earlier enmity was the cause of the incident. The case is **sub-judice.**

(xxiii) A person belonging to a Scheduled Caste of Bhagwanpur, Rajnagar P.S., Madhubani District in **Bihar** was allegedly murdered by a tradesman in August, 1978. One person was reported to have been arrested in this connection and warrants for attachment of properties of 10 others were reported to have been issued.

Violence

(xxiv) A press report appeared in the Times of India dated the 12th April, 1978 regarding 15 Scheduled Castes having been hurt in an attack by a group of caste Hindus of village Roopanagrahara near Bangalore in **Karnataka.** The matter was taken up with the Inspector General of Police. His report revealed that the village Roopanagrahara was politically divided into two groups. One party had the support of Scheduled Castes and the other party that of non-Scheduled Castes. There was also a land dispute between the leaders of the two groups. On 8-4-78, during **Ugadi** festival, the leader of one of the parties as usual fed all the Scheduled Castes and others in the village. This infuriated the rival leader and others. Next day, they were attacked by some persons with clubs, sticks, stones and the houses of Scheduled Castes were also attacked. About 20 persons were injured including women and children. The house of the leader of one of the groups who is a Caste Hindu was also attacked and his father who came to his rescue was also severely beaten resulting in head injuries. 15 accused persons were reported to have been arrested and 2 were absconding. Further outcome of this case is awaited.

(xxv) It was represented in November, 1978 that one Shri Sunder Harijan and family members in village Berri, P.O. Langna District Mandi in **Himachal Pradesh** were allegedly beaten severely with **lathis** by some Caste-Hindus of the village on 30-10-78. The raiders were not satisfied with all this and they again raided the house of the Harijan at about 10.00 P.M. on the same day and beat the whole family with lathis. Afterwards, they snatched and took away with them some golden ornaments of the wife of the Harijan applicant. The matter was taken up with the Deputy Commissioner, Mandi who informed that both the parties had compromised and no further action was required to be taken in this regard.

(xxvi) An incident of stone throwing and the resultant injuries was reported in the temple town of Mangadu, Chinglepattu district in **Tamil Nadu.** According to the version of the State Government, a dispute arose between Caste-Hindus and Scheduled Castes in the village during a **maryimman** festival held from 11th August to 20th August, 1978 over the fire-walking ceremony on the last day. While the Scheduled Castes insisted that they should be permitted to take part in the fire-walking ceremony on the 20th August, 1978, the Caste-Hindus were not in favour of this, as according to them the festival was not a village festival but a community festival celebrated by the Naickers and Mudaliars at their own expense. However, they did not have any objection if the Scheduled Castes raised their own fire and walked through it even in front of the temple. When the Scheduled Castes interferred in the fire-walking ceremony arranged by the Caste-Hindus, it was cancelled. The next day, a section of Scheduled Castes, as usual, turned up for harvesting the paddy of the Caste-Hindus, but in the course of the day other Scheduled Castes prevailed upon them to boycott the work. On 22nd August, 1978 the Scheduled Castes were reported to have come to the spot where the Caste-Hindus were harvesting their own crops and demanded that the Caste-Hindus should not harvest the fields as they had refused to permit them to participate in the Fire-Walking ceremony. The Police officials intervened and advised them to go away but at about noon, some 500 Scheduled Castes armed with sticks and stones allegedly came to the fields and pelted stones at the Caste-Hindus who were harvesting the crops with the resultant tension. When Police officials and Revenue officials rushed to the spot, they found that the caste Hindus had gathered in small groups and there was a crowd of 1000 Scheduled Castes including women assembled on the road and engaged in pelting stones on the Caste-Hindus who were also retaliating. The Caste-Hindus agreed to withdraw from the village on the orders of the Police officials. But the Scheduled Castes did

not heed to the warning. So a mild lathi charge was made. A cowshed and some huts were set on fire by the Scheduled Castes and two pump sets were damaged. A case was registered in Kunnathur Police Station. 27 Scheduled Castes were arrested. 8 Policemen and 17 Caste-Hindus were injured and sent for medical treatment. The Collector and Superintendent of Police visited the village and normalcy was restored.

(xxvii) According to press reports dated 21st December, 1978 a group of landlords and money-lenders were alleged to have destroyed the standing crops in 40 acres of land belonging to tribals of Thanayil village in Sulurpet taluk of Nellore district, Andhra Pradesh on 9th December, 1978. The tribals were reported to have been assaulted and driven away from the village.

(xxviii) Two Scheduled Caste women were reported to have been seriously injured when a group of armed men attacked a Scheduled Caste family in village Azamnagar, under Thakurganj Police Station in Purnea district, **Bihar** on 13th February, 1978. The injured persons were reported to have been admitted to the Thakurganj hospital. The matter was reported to be under investigation.

(xxix) It was reported that a crowd of about 200 persons had assaulted a Scheduled Caste worker, his son and 2 policemen who were protecting them at village Khajurdea in Jamkandcrana taluka of Rajkot District in **Gujarat.** The incident was reported to have taken place when the owner of a hotel had refused to serve tea to the persons belonging to the Scheduled Caste. A platoon of S.R.P. was reported to have been posted in the village and the situation was reported to be peaceful. The Police was reported to have arrested 34 persons including the Sarpanch of the village.

Rape

(xxx) A press report appeared in the Hindustan Times dated the 13th July, 1978 regarding the rape of a Scheduled Caste woman by a Government employee at Hanuganhalli in Mandya District, **Karnataka.** The Deputy Commissioner concerned informed this office that the accused was the presiding officer of the polling booth in Mandya in connection with village panchayat elections. When the Assistant Sub-Inspector went to the polling booth, he was informed by the staff that the presiding officer had left the booth after signing about 20 ballot papers. The village accountant who was present there told the Assistant Sub-Inspector that he had seen him going away to B. Hatna. The Assistant Sub-Inspector alongwith the accountant went in a jeep to that place. They saw some people assaulting the presiding officer. The Assistant Sub-Inspector was informed that the presiding officer had raped a girl when she was going to the forest to collect wood. A case was registered by the Police. It was reported that the accused was acquitted by the Court.

(xxxi) It was reported in the Oriya Daily 'Samaj' dated 16-5-79, that a Scheduled Caste girl was allegedly raped in Nahatutha village, Police Station Bhanjanagar, District Ganjam in **Orissa.** The enquiry report of the State Atrocities Committee revealed that the victim used to go to the Bhanjanagar reservoir everyday early in the morning to procure fish from the fishermen to be sold by her grandmother in the local market. On 5-8-78 when the girl as usual went to the reservoir, she was stopped by one Tukula Das on the way, whose father's farm house was situated at a distance of about 4 Kms. from Bhanjanagar town. He dragged her to the farm house and raped her four times. When the parents of the accused reached the place she narrated the whole incident to them. They did not believe it. They left the farm house with their son leaving her alone there. When the father of the victim came to know that his daughter had not returned since morning, he went in search of her but could not find her. Next morning when he came to know through someone that his daughter was sitting in the farmhouse of the accused he went there and asked his daughter to come along. She narrated the whole incident and refused to come along. The father of the victim lodged a complaint in the police station. She refused to get herself examined locally and therefore was sent to Berhampur Medical College Hospital on 8-8-78 for medical examination which confirmed rape. The accused was examined in Bhanjanagar hospital itself and the report revealed no mark of violence on his body. The SDPO who supervised the investigation of the case had instructed the officer-in-charge not to arrest the accused hastily since his father happened to be an influential man of the locality. Anticipating arrest by the police he surrendered himself in the Court of Judicial Magistrate, Bhanjanagar on 19-8-78. Information regarding the latest position of the case is still awaited.

(xxxii) A press report appeared in the Times of India dated the 13th May, 1979 regarding rape on two Harijan women in Devadi village, Junagarh District in **Gujarat.** The matter was taken up with the Collector, Junagarh for facts. The

State Government informed that the facts so far reported by the District Superintendent of Police, Junagarh revealed that on 8th May, 1979 at about 23.00 hours, few persons had come to the spot and beaten some Harijan labourers with a stick. All the labourers run away except two Harijan women and four of the assailants committed rape on them. Accused persons went to the Sarpanch of the Devadi village and complained that the Harijans labourers were committing loot etc. during night time. The Sarpanch alongwith other persons came to the spot in public carrier and beat the Harijans and threatened them to set fire to their huts and then went away. One of the victims, on 9th may, 1979, at about 12.45 hours registered her complaint in Talala Police Station. During investigation of the case, 28 accused persons including the Sarpanch were arrested. Preventive action was also taken against 23 persons out of 28 accused persons. The investigation is over and the case has already been charge sheeted in the court on 6th August, 1979. The case is **sub-judice** at present and its outcome is awaited.

(xxxiii) A Scheduled Caste girl of Khajuri Anchal, Nauhata Police Station, Patna District in **Bihar** was molested and her father seriously wounded in September, 1978. The father was reported to have lost his life subsequently. As per reports 2 persons had assaulted the girl and when the father came to her rescue he was inflicted fatal head inujries. A case is reported to have been lodged with Nauhata Police Station to this effect and the State Harijan Cell was also informed.

Arson

(xxxiv) Enquiries conducted in an incident of arson at Tiruvallurnagar, Panruti, South Arcot district, **Tamil Nadu** between 30th May to 1st June, 1979, revealed that the accused was going along a tea-stall in Panruti on 29th May, 1979, when the victim sitting on the bench shouted something which was not audible to the accused. He thought that the victim had uttered something due to his illicit relationship with the latter's wife. He slapped and beat him. On seeing this the Scheduled Caste girls from the Harijan colony intervened and the accused went away. When the cousins of the victim came to know about the incident, they questioned the accused about it and he tried to beat them also. In retaliation they beat the accused. The matter was reported to the police station, as a result of which the two cousins had to surrender themselves in the police Station on the same day. A conspiracy was allegedly hatched to beat the harijans and to set their houses on fire. The next day, the Caste-Hindus armed with sticks and stones moved towards the Harijanwada. When this news reached the Scheduled Castes they also armed themselves to face the Caste-Hindus. There were clashes between the two groups and the police had to resort to teargas. The harijans ran back towards their colony, but were chased by part of the Caste-Hindu mob, which was not fully dispersed. Some miscreant Caste-Hindus seem to have set fire to the harijan thatched huts. The local fire-brigade which came to extinguish the fire was stopped for about an hour by the angry Caste-Hindu mob. By the time it reached Harijanwada, considerable damage had been done to the harijan huts. In all 129 houses were gutted in fire but there was no loss of life nor any burn injuries to any person.

In the evening, the Collector arranged for a meeting of both the Harijans and Caste-Hindus. A Peace Committee with persons drawn from both the groups and belonging to different political parties was formed and entrusted with the work of maintaining peace in the area. Police **bandobust** was strengthened and a fire engine was also kept in the community centre.

On 31st May, 1979 peace prevailed in the area. The shops remained opened and the people went to their work as usual. During the day, however, one house was set on fire. Fire engine kept nearby, extinguished the fire before any further damage could be done.

On the 1st June, 1979 a thatched hut near the Community Centre caught fire which was brought under control by the fire brigade. In the meanwhile, three or four Caste-Hindu boys living in the Caste-Hindu area were seen running towards and through the fields behind the colony. They were apprehended by the police. The police force was further strengthened in order to prevent any untoward incident. The accused persons are still at large. As a measure of relief, the Government had constructed a large **pandal** for giving shelter to the Scheduled Castes affected in the arson. An amount of Rs. 100 and a set of dress to each harijan family was given as a measure of relief to 178 families.

(xxxv) According to a newspaper report dated 3rd January, 1979, a violent mob of nearly two dozen men attacked Harijan Toli of Mahuli village, District Patna in **Bihar** under Barh Police Station on 1st January, 1979, and set their houses on fire. According to reports, a dispute was going on between landlords and harijans over rights regarding fisheries on

a public tank which led to altercation on 1st January, 1979. The armed landlords chased away harijans and fired at them. Later they were reported to have set their houses on fire. The cases were reported to be under investigation.

(xxxvi) It was alleged that the house of a Scheduled Caste woman of village Rupas Marhahi under Bakhtiarpur Police Station of Patna District in **Bihar** was set on fire in March, 1978 by about 15 persons belonging to Raghopur Thana. According to the Police reports, a person had gone to the village for purchase of a goat from the harijan woman. But as there was some exchange of hot words over the price of the goat he put the house of the Scheduled Caste women on fire. A police case was reported to have been registered.

(xxxvii) According to newspaper reports, cases of atrocities on Scheduled Caste persons in many villages of Purnea District in **Bihar**, were reported. In Rampur village under Kritiyanand Nagar Block, the house of a Scheduled Caste person had been set on fire. The Police authorities were reported to have taken necessary action and one of the accused persons had been arrested. From Kajhar Sector of the Krityanand Nagar, reports of tension between Caste-Hindus and Scheduled Tribes and Scheduled Castes had also been received. The Police authorities and the magistracy were reported to have already taken precautionary measures to contain any flare-up.

(xxxviii) 6 huts belonging to Mantang community of Ramgawan village in Ambed Taluka, District Aurangabad in **Maharashtra** were allegedly set on fire by Caste-Hindus in February, 1979. The incident was a sequal to the refusal of the Mantang community to do the traditional **gawaki** work such as removing the skin of dead animals and playing drums at the village temple. Some of the accused persons belonging to Bangara community were reported to have been taken into police custody. It was alleged that the members of the Mantang community in the village were unable to get essential commodities due to social boycott.

Untouchability

(xxxix) A news item appeared in the National Herald, New Delhi dated the April, 1976, that the Sarpanch of village Sarkoli in Pandharpur Taluka of Sholapur District, **Maharashtra** imposed a fine of Rs. 500 each on two Scheduled Caste persons for entering Bhairavanath temple and breaking a coconut in the sanctum sanctonum of the temple. The matter was brought to the notice of the concerned authorities and it was informed that 13 persons were arrested including the sarpanch and the Deputy Sarpanch and that the Sarpanchas in the State had no power to impose fines on the villagers. This case was also mentioned in the 1975-77 Report of the Commissioner. The judgement delivered by the Judicial Magistrate of Pandharpur on 29-4-78 reveals that out of the 13 accused persons, 5 were sentenced to one month's rigorous imprisonment with a fine of Rs. 100 each and in default of payment, another 7 days Rigorous Imprisonment. The rest of the accused were acquitted.

Land Disputes

(xl) The Secretary, Harijan Dalit Varg Kalyan Sabha, Dakshinpuri, New Delhi represented to this office in July, 1978 that one Shri Rakhu Ram Balmiki, village Darsauli, Tehsil and Police Station Sambhal, District Moradabad in **Uttar Pradesh** was allotted agricultural land and given its possession but he was beaten and his papers snatched away by some persons. A report to this effect was also made in the Police Station, Sambhal. It was requested that either the Scheduled Caste persons should be helped in getting possession of the allotted land or alternate land should be allotted to them. The matter was taken up demi-officially with the District Magistrate, Moradabad who informed this office that the matter had already been investigated by the Police and as per their findings no action was necessary because the grievances of the Scheduled Caste persons were not based on facts and there was no threat to peace. However, the case was again referred to the District Magistrate, Moradabad to know as to what steps had been taken to give possession of the lands allotted to Scheduled Caste persons. The District Magistrate informed that the actual possession had been given to the allottees of land and they had no complaint in this regard.

(xli) It was reported to this office in August, 1978 that the Caste-Hindus had ejected the harijans of village Sangdah, Tehsil Renuka, District Sirmur in **Himachal Pradesh** from the land which was in their possession for many years. This was allegedly due to changes in revenue records made by the local Patwari who was reported to be under the influence and pressure of the vested interests. It was alleged that the Caste-Hindus including the local Patwari had decided to give back the land under dispute, if the Harijans offered a grand feast, including liquor and meat of one full goat. Later, influential persons in that area destroyed the saplings, which the harijans had planted in the disputed land

and also threatened all the Harijans that they would be ousted forcibly from the village in case they dared to enter or used the land in question. The matter was taken up with the Deputy Commissioner, Sirmur who informed that enquiries were almost completed in this regard and the position would be intimated soon to this office.

(xlii) The Harijans of village Tilwada, Police Station Chhaprauli, District Meerut in **Uttar Pradesh** represented to this office in August, 1978 that the village Pradhan, belonging to a 'Jat' community was harassing them. 11 families belonging to Chamar community were allotted **banjar** land for cultivation by the Government and the crops of the harijans were forcibly cut by the village **pradhan.** It was alleged that the village **pradhan** was trying to evict these harijans from the land allotted to them. It was also mentioned in the representation that whenever the State Government officials came for enquiry to ascertain their caste, the village **pradhan** informed that there was no Chamar community in the village and they were called as 'Jhulahas'. The case was referred to the District Magistrate, Meerut who informed that enquiries were made by Tehsildar, Baghpat in this case and he came to know that these people were called 'Julahas' and not harijans. The matter was again taken up with the District Magistrate, Meerut requesting that the grievances of the aggrieved persons were that whenever the State Government officials were deputed for enquiry to ascertain their caste, the village **pradhan** used to inform that the representationists were not Chamars and belonged to 'Julaha' community. It was also requested that this matter should be got suitably investigated and in case, the representationists belonged to Chamar community their interests of land should be duly protected. Reply in the matter is awaited.

(xliii) Some of the harijans of village Mandi. Police Station Arjungarh, **New Delhi** represented to this office that about 100 families of landless harijans of this village were assigned the **gaon sabha** land on lease basis for a period of one year in 1978. On 29-7-1979 some Caste-Hindus of the village at the instance of the village Pradhan destroyed the Kharif crops grown on this land and threatened the harijans with dire consequences if they used the said land. It was alleged that the harijans had to suffer a loss of Rs. 20,000 due to crop damages. The case was referred to the Superintendent of Police, South Delhi but no reply has so far been received in the matter.

(xliv) Clashes were reported at Madhurantakam, Chengalpattu District in **Tamil Nadu.** According to the report of the Collector, it was stated that cattle belonging to Rajagopal Gounder and Venugopal Gounder had grazed the groundnut crops in the fields belonging to Arumugham and his brothers of Vadakkuputhur colony. There were altercations between these persons. It was alleged that Rajagopal Gounder, Venugopal Gounder and some others joined together and assaulted some persons including women of Vadakkupattu Harijan colony. The Police registered 3 cases on the complaints filled by the Village Munsiff, villagers of Vadamanipakkam and the Harijans of Vadakkuputhur. The Tehsildar, Madurantakam, who visited the village reported that the clash was solely between Arumugham, his family members of Vadakkumputhur Harijan Colony and Rajagopal Gounder and his family members on account of grazing the crops. The situation was reported to be normal. A Police party was reported to have been stationed in Vadakkumputhur Colony.

(xlv) A Scheduled Caste applicant belonging to village Danpur, Bulandshahr District of **Uttar Pradesh** complained to this organisation that his land had been illegally occupied by a Rajput of the same village. The matter was referred to the Collector, Bulandshahr. It was reported that the dispute over land was going on before consolidation of land and though the disputed land was recorded in the name of the father of the representationist yet the same was occupied by the person against whom complaint was lodged. The Collector advised the applicant to take up the case in a Court of Law for settlement of the dispute.

Housing

(xlvi) A representation was received in the second week of November, 1978 regarding alleged forcible occupation of the hutment used as Panchanan Smriti Bhawan by Raj Banshis and insult to Panchanan Thakur by some people of **Saat Mile** and its neighbourhood in Cooch-Behar Sub-Division of Cooch Behar District, **West Bengal,** alleged to be the supporters of Communist Party of India (Marxist). The matter was referred to the Deputy Director for Scheduled Castes and Scheduled Tribes, Bhubaneswar for making on-the-spot enquiry. The enquiry report revealed that on 5-10-78 a gathering of Raj Banshis collected near the Satish Club at **Saat Mile** and performed pooja of Panchanan Thakur. After that, a board with the inspection "Sri Sri Panchanan Thakur

Sheti Bhawan" in memory of Panchanan Thakur was installed. Next morning some persons removed the board physically and insulted the Panchanan Thakur by kicking it several times in the presence of Raj Banshis of the area. This was reported to have been brought to the notice of the Deputy Commissioner. S.D.O. (Civil) and the Block Development Officer concerned who were also informed of the above incident, visited the area and asked the accused to hand over the sign-board, which was complied with. The informant had a grouse against District authorities since the culprits were not punished and thus justice was denied to them. In protest they organised a peaceful hartal which was intervened by some political workers resulting in assault of Raj Banshis. A complaint was lodged in the Kotwali Police Station in this connection, but no action was taken. Police was deputed in the hartal area by Deputy Commissioner on receipt of telephonic message received from the North Bengal Road Transport Corporation that the strikers had obstructed the movement of vehicles. The police arrested 83 persons out of whom 73 were Raj Banshis and one Namasudra (Scheduled Caste). The agitators, however, said that Police had resorted to lathi charge also which was denied by the district authorities. The arrested persons were later released on bail. The case is **sub-judice.**

(xlvii) Shri Kusheshwar Paswan of Patna in **Bihar,** stated in his representation dated 26-7-1978, that he had constructed a house in Mohalla New Purandarpur near Doopulwa, West of Keshri Plastic, Patna. But some Caste-Hindus, some of whom were in Police Service had started harassing him in various ways. The case was referred to the Zonal Director for Scheduled Castes and Scheduled Tribes, Patna for conducting an on-the-spot enquiry. His enquiry report revealed that Shri Kusheshwar Paswan belongs to a **dusadh** community was working as sorter in Railway Mail Service, Posts and Telegraphs Division, Patna. Shri Paswan had completed construction of his house in 1974. The dispute started in 1975 while Shri H. N. Singh, District Superintendent of Police, Government of Bihar was constructing house for his daughter in another plot of land opposite the house of Shri Paswan. He blocked the path of Shri Kusheshwar Paswan. Later, Shri Shiv Prasad Misra, retired Sub-Inspector also blocked the same path. Shri Paswan requested both of them to leave the path, but they refused with angry mood. In 1977 Shri Kamla Prasad Roy started construction of his building opposite the house of Shri Kusheshwar Paswan. Shri Roy also blocked the path of Shri Paswan. Shri Paswan informed the officer-in-charge of Jakkanpur Police Station about this incident and requested to stop the blocking of path. The Assistant Sub-Inspector visited the place and asked Shri Roy to clear the path but Shri Roy did not agree. On 7-5-77, the S.D.O. issued an order under Section 133 Cr. P.C. in which the encroacher and the local Police were directed to maintain **status quo.** But neither the encroacher nor the local Police carried out the order. Thereafter, Shri Paswan requested the District Magistrate, Patna for immediate relief from water accumulated in his house on account of heavy rain and the blockade of passage by the opposite party. The Deputy Collector and Executive Magistrate enquired into the matter and found the facts true. The Patna Municipal Corporation deputed its own Special Officer (Sanitary) for the enquiry and report. He also found the facts true and suggested for immediate removal of the water and the blockade of the passage. The officer-in-charge of Jakkanpur Police Station recommended to the S.D.O., Patna to charge Shri Kamla Prasad Roy under Section 107 Cr. P.C. The S.D.O. ordered the Second Officer to enquire and report. The Second Officer reported to the S.D.P. that as action under Section 133 Cr. P.C. was in progress there was no need to start action also under Section 107 Cr. P.C. against Shri Roy.

(xlviii) A Scheduled Caste lady named Smt. Radha Devi wife of late Shri Mohan Lal of Barmer District of Rajasthan had sent representation to this office that a rich muslim person was trying to deprive her of her house fraudulently. The matter was referred to the Collector, Barmer, who informed that the case had been enquired by the municipality and Tehsildar, Barmer and it was found that the dispute was required to be settled by filling a case in a Court.

(xlix) A Scheduled Caste resident of Delhi Cantonment represented to this office that he had been allotted a house by the Delhi Development Authority on cash payment basis and he had applied to this office for a loan. His loan application alongwith necessary papers had been forwarded to the Ministry of Defence by this office in June, 1978. But till the last date prescribed for payment to the Delhi Development Authority, no intimation was given to him about the sanctioning of his loan, with the result that he could not make the requisite payment. The case was referred to Ministry of Defence, who informed that

the loan had been sanctioned to him in full on 22nd December, 1978.

(l) A Scheduled Caste applicant, from Nandgaon Taluka, District Nasik of **Maharashtra** State had represented to this office in November, 1978 that while in many municipalities sweepers and scavengers had been provided with wheel barrows, gloves etc. no such facilities were provided by the Manmad municipality for improving their working conditions. The case was referred to the Collector, District Nasik, who informed that due to stringency of funds, provision under the scheme 'Conversion of dry latrines into flush or water borne latrines' could not be made during the year 1978-79. However, a provision of Rs. 2.00 lakhs was proposed by the Nasik District Planning and Development Council for the year 1979-80 in the Annual Plan.

Education

(li) A Scheduled Caste Research Scholar from the School of International Studies, Jawaharlal Nehru University, **New Delhi** represented regarding denial of University Grants Commission Junior Research Fellowships on account of limited number of fellowships awarded every year. The representationist also stated that he would be forced to discontinue his studies due to his poor economic background. The matter was taken up with the authorities concerned and ultimately the student was granted fellowship.

(lii) A Scheduled Caste medical student from **West Bengal** studying in a Delhi Medical College represented regarding delay in payment of post-matric scholarship. She had submitted that in spite of several reminders to the State Government she did not get any reply from them and she was experiencing severe hardship due to her poor financial background. The matter was taken up with the State Government and with the intervention of this office the scholarship was granted to the Scheduled Caste student.

(liii) A member of Parliament referred to the Commissioner for Scheduled Castes and Scheduled Tribes a case of denial of admission to Scheduled Tribe boy in Class I in one of the Kendriya Vidyalayas of **Delhi** on the plea that he was over-aged by about three months. The matter was taken up with the Kendriya Vidyalaya Sangathan and the concerned school authorities. They were requested to consider the desirability of relaxing the age limit in favour of Scheduled Tribe student. The school authorities ultimately agreed to give admission and the Scheduled Tribe boy was admitted.

(liv) Two Scheduled Castes doctors represented to this organisation regarding non-reservation of seats for Scheduled Caste and Scheduled Tribe candidates for House Jobs in Smt. Sucheta Kripalani and Kalawati Saran Hospitals, **New Delhi.** The matter was taken up with the Department of Health, Ministry of Health and Family Welfare. The Department of Health ultimately informed that both the candidates were admitted to the first year Junior Residency in Sucheta Kripalani Hospital, New Delhi.

Police Atrocities

(lv) A Scheduled Caste person was reported to have been beaten to death by Policemen at Harnaut Police Station in Nalanda District in **Bihar** in October, 1978. It was reported that 2 Scheduled Castes had been taken into custody by the Harnaut Police in connection with the theft case. The matter was reported to be under investigation.

(lvi) A respresentation was received in this organisation from some Scheduled Castes of village Chandana Koli, Police Station Deoband, District Saharanpur in **Uttar Pradesh** regarding a clash between two groups belonging to Scheduled Castes and non-Scheduled Castes, respectively, during the elections to the Seventh Lok Sabha on 6th January, 1980. It was alleged that the Jats assaulted 15-20 Scheduled Caste voters who were standing in queue for casting their votes in a polling booth, as a result of which the Scheduled Castes could not caste their votes. It is also alleged that the Police Constables themselves helped the non-Scheduled Castes in attacking the Scheduled Castes. It is alleged that on the 18th January, 1980, some unidentified persons alongwith 2 policemen in uniforms entered the house of a Scheduled Caste persons at mid-night, assaulted his mother and daughter and took away cash and other household articles. The following morning, a Police squad came to the village without any prior report of robbery to the Police Station, caught a Scheduled Caste boy, beat him up and then released him. Later, six Scheduled Caste persons were arrested and harassed. This process was reported to be continuing. The matter was taken up with the Collector concerned whose report is awaited.

Miscellaneous

(lvii) A complaint was received in this office from Shri Ghanshyam Dass of village Naraina in Delhi that he as well as his wife were beaten by three persons of same village as a result of a quarrel over repair charges of shoes. The matter was taken up with the Union Territory Administration. It was revealed that the

case had been challanged on 8-2-1979. Further outcome of this case is awaited.

(lviii) According to a Press report during the first week of November, 1978, some Scheduled Caste persons in Dhaleswar village, Ganjan District, **Orissa** were assaulted. It was revealed that some Scheduled Castes of Jaleswarkhandi and caste-Hindus of Akuli village were gambling in the course of which a quarrel arose between them. After this quarrel ill-feeling grew between the two groups. A fortnight before the incident of assault, Caste-Hindus went to Jaleswarkhandi to enrol members from Scheduled Caste communities for paying a contribution of Re. 1 per house. The Scheduled Castes refused payment due to poor economic conditions. On 20-10-1978 two Scheduled Castes were going towards Berhampur. On their way at Ankuli village, the caste-Hindus assaulted them. The Scheduled Castes went back to their village and reported the same to their co-villagers, who armed themselves with seapons and came to Ankuli village to take revenge. On their way they met a caste-Hindu, who was assaulted very badly. Hearing this the caste-Hindus also gathered in retaliation resulting in confrontation with the Scheduled Castes. Cases were registered with the Police and are pending in the court.

(lix) Some Scheduled Caste persons of Sanwal-Nagar Colony in **New Delhi** represented to this office in December, 1978 that one Shri Ishwarchand Gupta, his son and two wives were harassing them and using abusive words for their communities. It was also alleged that false cases were instituted against the harijans by the caste-Hindus of the colony. A report to this effect was also made in the Police Station. The case was referred to the Deputy Commissioner, Delhi who in turn referred the matter to the Deputy Commissioner, Police (South Delhi) whose reply is still awaited.

(lx) A news item appeared in the Times of India dated the 19th September, 1978 regarding alleged attack on a 60-year old Scheduled Caste farmer by the caste-Hindu landlords for taking water from a public tank in Nanodara village of Dholk taluka near Ahmedabad in the State of **Gujarat.** The enquiry report however revealed that on 12-9-78 a quarrel took place between a young caste-Hindu and a 60-year old Scheduled Caste person over drawing water from irrigation canal. Both the parties have registered complaint at the Bawla Police Station. Information about the present position of the case is awaited.

(lxi) It was reported that about 40 Scheduled Castes of Mandala village in Dabhoi taluqa in **Gujarat** had been camping in the compound of the District Collector's office, Baroda to protest against their social boycott by the Patels and Rajputs in the village following a scuffle between Simarkhas (farm watchmen) and 4 youths belonging to Scheduled Castes on 28th December, 1978. It was alleged that 4 persons belonging to Scheduled Castes were charged with vegetable theft by the Simarkhas and were asked to appear before the village Patel on the evening of 28th December, 1978 in the presence of Simarkhas and a clash took place. The Scheduled Caste youths were beaten up. About 300 persons belonging to Scheduled Castes left Mandala by train but when they covered a distance of about 5 Kms. a group of Simarkhas attacked them. Due to protection by the R.P.F. they reached Dabhoi where a complaint was recorded on 29th December, 1978. Four Scheduled Caste persons and two Simarkhas were reported to have been arrested.

(lxii) A representation was received in June, 1979 from a Scheduled Caste person belonging to Nagpur District of **Maharashtra** that in spite of the best efforts made by him the Sub-Divisional Megistrate refused to issue a caste certificate to him. The matter was taken up with the authorities concerned as a result of which the District authorities issued the requisite caste certificate to the representationist.

(SHISHIR KUMAR)
COMMISSIONER

RECOMMENDATIONS MADE IN THE REPORT

S.No.	Recommendation/Observation	Reference	
		Para No.	Page No.
1	2	3	4

CHAPTER 1—INTRODUCTORY AND GENERAL REVIEW

(1)	**With the tasks and ideals so pronouncedly declared and imperative mandates so specifically provided in our Constitution, every assessment of our endeavours need must bear and reflect upon the answer to the all embracing question as to how far the members of the Scheduled Castes and Scheduled Tribes have been viably integrated and brought at par with the rest of the people. Thirty-two years are no small period to stabilise transformation in a society and yet may not be long enough to fully atone the sins of centuries. Efforts have been made, perhaps not commensurate with the magnitude of the problems. The result achieved could not, therefore, answer to the crying needs in a manner of a leveler.**	1.2	1
(2)	**The target should be to wipe out inequalities both social and economic during the remaining crucial two decades of the Twentieth Century. Priorities of development may have to be drawn up in ascending order, putting emphasis on the Scheduled Castes and the Scheduled Tribes and the Backward Classes of comparatively lower order among them, constituting the majority of our people. It may be Antodaya with a difference in as much as, it will project the class as a whole for rapid growth rather than individuals on selective basis. Any such scheme, must ensure enough employment guarantees and massive construction programmes as also ownership of the means of production, trade, commerce and industry. What is called for is a massive new deal to offer, a dedicated new zeal to implement and renewed emphasis on distributive justice.**	1.6	4
(3)	**Protective legislations enacted for safeguarding the social and economic rights of the Scheduled Castes and Scheduled Tribes alone are not enough to produce the desired results. For abiding transformation, active support and involvement of larger sections of the society is needed at the present stage of our development. Change of age-old beliefs and prejudices which are against the constitutional sactions and civilised conduct calls for a climate to change the outworn prejudices by mobilising and enthusing the people on constructive lines in order to accelerate the pace of social and economic progress.**	1.7	5
(4)	**The problem of atrocities on Scheduled Castes and Scheduled Tribes can be solved to a large extent if the police does not restrict itself only to the maintenance of law and order but jointly with other departments makes efforts for the solution of the social and economic problems that are faced by the weaker sections of the society, as active agents of conflict resolution. What is required is 'social intelligence' instead of 'police intelligence' which is weak and deficient about the problems of social and agrarian unrest that are brewing in rural areas. Another important point which needs urgent attention is the speedy disposal of atrocity cases by the law courts. Inordinate delay in the disposal of these cases undermines the confidence of the victims of atrocities in the judicial system, emboldens the perpetrators of these crimes after their release on bail, demoralizes the complainants and makes the witnesses vulnerable to pressures and thus allows the tension in the affected villages to continue unabated. At times these cases are prolonged for years. State Governments should, therefore,**		

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	persuade the High Courts for constituting Special Courts with mobile units for trial of atrocity cases. A study in depth of some atrocity cases which had occurred in the past in the States of Bihar, Uttar Pradesh, Madhya Pradesh, Maharashtra, Andhra Pradesh and Tamil Nadu would indicate the social and economic problems which continue to remain unresolved. These studies should be assigned to expert bodies for a detailed analysis and to pinpoint the short-comings in the implementation of various socio-economic, political and administrative measures.	1.8	6
(5)	The matter regarding the responsibility of the Central Government for the protection of weaker sections of the society has been considered very carefully and in order to know the extent of executive powers to effectively deal with the atrocities committed on members of Scheduled Castes and Scheduled Tribes in States, reference has to be made to certain Articles of the Consitution. Article 46 of the Constitution casts upon the Union and States alike an imperative obligation "to protect the members of the Scheduled Castes and Scheduled Tribes from social injustice and all forms of exploitation". The word "State" occurring in this Article does not mean State Government but includes the Union as well, as would be clear from a reference to Article 36. It is true that Article 46 finds a place in the Chapter on "Directive Principles of State Policy" and is not, therefore, enforceable in court of law. But the principles mentioned therein have been expressly declared by Article 37 as fundamental in the governance of the country. The Directive Principles were not, for the lack of their justiciability, a "pious wish" or a "needless fraud". If "protection of the members of the Scheduled Castes and Scheduled Tribes from social injustice and all forms of exploitation" is an imperative obligation on the Union and the States and constitutes a fundamental tenet in the governance of the country, there can be no doubt that their subjection to atrocities would constitute the worst kind of social injustice and exploitation and should, therefore, obviously be a matter of the greatest concern both for the Union and the States. The responsibility resting on the shoulders of the Union Government cannot be passed to the States with a feeling of helplessness in the matter of taking adequate and effective steps. Such a feeling would only be based on the misconception that in dealing with the situation arising therefrom, it would be going beyond the sphere of its own executive powers as specified in certain provisions of the Constitution and should, therefore, leave it to the States.	1.9 1.10 1.11	9 10 12
(6)	It is indisputable that if atrocities are committed in a State on the members of the Scheduled Castes and Scheduled Tribes and such atrocities amount to offences under the Indian Penal Code, the Union Government is fully empowered to issue directions for proper enforcement of the Indian Penal Code and the Criminal Procedure Code and issue directions as to the mode of their enforcement. As a necessary incident to it, the Union is also equally empowered to ask the State Government to utilize the services of such Police, Army or other personnel, as the Union may place at the latter's disposal, if the State is lacking in effectiveness in dealing with it. This would not at all amount to infringement of constitutional provisions or acting beyond the scope and ambit of the executive powers of the Union. Indeed it would be a performance of a duty imposed on the Union by the Constitution.	1.22	21
(7)	In Bihar, Haryana, Himachal Pradesh, Jammu & Kashmir, Madhya Pradesh, Orissa, Punjab, Rajasthan, Tamil Nadu and Tripura, the percentage of post-matric scholarship awards to Scheduled Caste students is less than the percentage of their population to the total population of the respective States. In the case of Scheduled Tribes, in Andhra Pradesh, Karnataka, Madhya		

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	Pradesh, Maharashtra, Orissa, Rajasthan, Tamil Nadu, Tripura, and West Bengal, the percentage of Post-matric Scholarship awards to Scheduled Tribe students is less than the percentage of their population to the total population of the respective States. It has been repeatedly stressed in the earlier reports that the Central initiative in the shape of liberal financial grants is necessary to help financially backward States to augment their schemes of financial assistance to Scheduled Caste and Scheduled Tribe students at the pre-matric stages of education and educationally more backward communities among these categories so that they are able to derive full benefits of the post-matric scholarships scheme. This is an area which has been left entirely to the care of the State Governments and no appreciable progress will be possible unless the Government of India comes forward with a scheme to help the State Governments. At the same time, as a result of various educational development schemes, first generation graduates from educationally backward Scheduled Tribe communities and numerically and educationally weak Scheduled Caste communities have to face competition from comparatively more educationally advanced Scheduled Caste/ Scheduled Tribe communities, which results in denial of employment opportunities to them. This calls for a positive discrimination in favour of educationally less advanced Scheduled Caste/ Scheduled Tribe communities in giving them educational facilities and employment opportunities.	1.30 1.31	28 30
(8)	Arrangements for extra coaching in Science and Maths to Scheduled Caste/Scheduled Tribe students exist in some Backward Classes hostels in some States, at Higher Secondary/+2 stage, which helps them to some extent in securing better marks in the qualifying examinations. It would be useful if such schemes are started by all the States/Union Territories and Central assistance is also provided to the State Governments to supplement their funds for the implementation of these schemes to enable all the deserving Scheduled Caste/Scheduled Tribe students at +2 stage to receive intensive coaching in the abovementioned stages.	1.32	31
(9)	Concerted efforts are required to be made by all the State Governments/Union Territory Administrations by giving incentives at pre-matric level, like pre-matric stipends, free books, stationery, uniforms, mid-day meals and extra coaching to Scheduled Caste/ Scheduled Tribe students, to ensure that the high rate of dropouts among the students of these communities is checked and an increasing number from them are able to secure admission and complete professional and higher courses. In the case of Scheduled Caste/Scheduled Tribe girls who lag far behind even the Scheduled Caste/Scheduled Tribe boys in the field of education, universal coverage should be ensured in the matter of giving the above mentioned incentives to them.	1.33	33
(10)	The State Governments should give due consideration to the policy of according special priority to the areas of Scheduled Castes and Scheduled Tribes concentration while starting the Adult Education Centres.	1.34	33
(11)	The full implications of the special responsibility of the Government of India for the economic development of Scheduled Castes has been realised by ensuring that all blocks with 20% or more of Scheduled Caste population are covered under the Integrated Rural Development Schemes. The benefits in the scheme should be earmarked to the extent of the proportion of the Scheduled Castes among the target groups in each case and till such figures are available, it should be 50% of the total benefit.	1.39	8

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(12)	The approach of shelving the issue relating to economic development of Scheduled Castes under the argument that the subject matter of a particular scheme falls within the purview of the responsibility of the State Governments and that there are no Central or Centrally Sponsored Schemes, would not help in solving the problems. The Planning Commission has a responsibility to discharge and they should come forward with a scheme for giving Special Central Assistance for Scheduled Castes to enthuse the States to earmark sizeable funds for Scheduled Castes from different sectors under the Special Component Plan. The Planning Commission should identify some schemes in each State which can make a massive impact in improving the economic conditions of Scheduled Castes and provide adequate funds for their implementation. One such scheme was discussed by the Commissioner during his tour in the coastal districts of Orissa, under which each Scheduled Caste landless and marginal cultivator family could be given 150 coconut fruit bearing palms along the 10,000 kms. of canal embankments as well as rehabilitation of landless Scheduled Caste families on Government waste land for coconut plantations. If such schemes can be identified in various States, a time-bound programme with provisions of necessary funds should be drawn up for implementation in a phased manner. Another scheme in Bihar which proved of immense benefit to the share croppers and small and marginal farmers was to bring under cultivation waste land on the river banks by installing a pump and giving necessary inputs to the beneficiaries. A scheme of this type could be taken up under DPAP, SFDA, MFALA to be supplemented in respect of Scheduled Caste beneficiaries by providing them money for becoming members of the Cooperative Societies, purchase of seedling etc. If help can be given for marketing of the produce, substantial improvement can be made in the economic development of the Scheduled Castes and weaker sections of the society.	1.40	39
(13)	Inspite of the various measures adopted by different State Governments, incidence of alienation of tribal lands continues and is highest around the industrial and mining complexes, growing towns and areas of immigration. Actual restoration of alienated land is not attached adequate importance and statistics based on acreage of land restored by courts is considered an index of administrative efficiency. The State Tribal Welfare Departments have to play a vital role in this regard by constantly reviewing whether actual benefit is derived by Scheduled Tribe persons from the working of protective legislations. If actual possession of alienated tribal lands is restored to the tribals and necessary facilities are provided to cultivate them, a good deal of unrest in tribal areas may be removed.	1.41	40
(14)	The Tribal Development Corporations and Forest Development Corporations have been set up in different States for the development of tribal areas. But these Corporations do not function in a co-ordinated manner. The impact of the Corporations with different organisational framework and operative goals on the life of the tribals and on the economic and social development of the areas concerned require a deep probe.	1.44	43
(15)	The tribals should get full return for the minor forest produce collected by them and the price paid to them should have a co-relation with the sale price of the products in the market. If this step is taken by the various State Governments concerned it would mean that minor forest produce is not viewed as a source of State income, reasonable price is ensured to the tribal collectors leading to the improvement in the economic conditions of Scheduled Tribes. A positive policy should also be evolved to associate the tribals in the growing of minor forest produce rather than their remaining merely as collectors.	1.45	44

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(16)	The States concerned and the Ministry of Home Affairs have not carried out evaluation studies on the working of Integrated Tribal Development Projects and this important aspect has not been given the desired attention. A rapid evaluation of the wroking of Integrated Tribal Development Projects in the State like Madhya Pradesh, Orissa, Bihar etc., is urgently called for. There are numerous problems of administrative structure and personnel also which need a closer examination. The integration of sectoral programmes at the ITDP level has not been fully achieved so far in many States and the Project Officers do not play an effective role as envisaged. They are not even aware of the schemes that are being implemented by different departments. The Government of Gujarat initiated the idea of placing at the disposal of the Project Officer some funds which he could use for the proper implementation of various sectoral programmes as well as initiating new developmental schemes, and this practice has been adopted by Andhra Pradesh, Assam, Karnataka, Maharashtra, Manipur, Orissa, Rajasthan, and Tripura. This approach should also be followed by other State Governments. The Government of Maharashtra have decided to treat the outlays for tribal sub-plans as non-lapsable. The State Government is introducing a practice according to which the Government will purchase securities for an amount equivalent to the shortfall in the expenditure in the Sub-Plan areas during the financial year. These securities could be encashed in the following year and will be available for investment in the tribal areas. This practice should also be followed by other State Governments to avoid lapsing of funds from the State Sector as well as Special Central assistance. In some States, the entire Sub-Plan outlays have been brought under one demand instead of separate sub-heads under each major functional head to ensure non-divertibility. This would ensure that if any department desires to divert these funds for any other sectoral activities not covered in the Sub-Plan, it would not be able to do so without prior approval of the Sub-Plan authority. This method should also be followed by all States to avoid diversion of funds from tribal Sub-Plan areas to non-tribal areas outside the Sub-Plan areas. The Project Committee at the ITDP level should be involved in planning and review of implementation of developmental programmes and the Project authorities should be delegated adequate administrative and financial powers for sanctioning of schemes.		
(17)	As shifting cultivation is an age-old practice with the tribals and the cost of terracing and preparing the land is very high, the programme to regulate shifting cultivation, apart from terracing of fields for cultivation, should necessarily include the programme of plantation crops like rubber and coffee, fruit trees and development of minor forest produce to provide an alternative to shifting cultivation. The steps that have been taken by the Government of Orissa for weaning away the shifting cultivators appear to be on the right lines. But care has to be exercised that wherever tribals who practice shifting cultivation on hills are given terraced fields or reclaimed bottom valley lands for cultivation, their lands are not alienated by the non-tribals. Constant supervision is necessary to protect the land interests of Scheduled Tribe beneficiaries. The land on which the tribals practise shifting cultivation and are now to be utilised for growing fruit trees for which the tribals have an innate liking, should continue to remain under the ownership of the tribals who were practising shifting cultivation on this land. The laws against alienation of tribal lands if properly implemented may be a sufficient safeguard that such lands on which fruit trees have been grown with the investment by the Government do not pass into the hands of the non-tribals. It would not be possible for State Governments to put a stop to shifting cultivation for many years to come. Therefore, it would be better that along with schemes for control of	1.48	48

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	shifting cultivation, those aspects if shifting cultivation like construction of field channels and rudimentary bunds across slopes to reduce soil erosion practised by many tribal communities in the North East India are promoted.	1.49	51
(18)	In the North East, where urbanisation has taken place rapidly, the urban migrants are mostly non-tribals. It has also been found that among the migrants to urban areas a good number are illiterate. On the other hand, a good percentage of literate tribals are staying back in the rural areas. This pattern of demographic structure has social and political implications. It is unfortunate that these have not received adequate attention not only of the policy makers but also of the social scientists. It has to be examined whether the new mood of tribal revivalism on the one hand and crystallisation of new type of political pattern on the other can be related to this.	1.51	53
(19)	So long as the deficiency in representation of Scheduled Castes/ Scheduled Tribes in services continues, the policy of special opportunity distinct from mere equality of opportunity will have to be continued. What is imperative in the situation is to pursue the policy with more vigour and determination even by enhancing the prescribed minimum percentage of reservation to get the desired result in quickest possible period of time and much before it acquires the stigma of vested interests as is very unjustifiably alleged in certain quarters.	1.56	57
(20)	In order to reach the desired level of representation for Scheduled Castes and Scheduled Tribes in services within a reasonable time frame, a fresh look at the scheme seems to be warranted. While the principle of reservation in posts filled by promotion is sound and upheld by the Supreme Court, the benefits, however, for members of Scheduled Castes and Scheduled Tribes in the form of higher representation in Government services, seem to be marginal. It is, therefore, desirable to place more emphasis on direct recruitment at all induction levels. It is necessary to increase the percentages of reservations for Scheduled Castes and Scheduled Tribes to 20 and 10 instead of the present 15 per cent and 7½ per cent, respectively, in all recruitment particularly in those services and cadres where the level of representation of Scheduled Castes and Scheduled Tribes is still poor. Unless this policy is adopted, the desired level of representation may never be achieved in the foreseeable future. The recruitment of Scheduled Castes and Scheduled Tribes could have been improved substantially if each Selection Committee/Departmental Promotion Committee or the Appointing Authority had followed strictly in letter and spirit the various relevant Government orders regarding relaxations and concessions available to Scheduled Caste and Scheduled Tribe candidates. This is so particularly in non-technical or quasi-technical posts in Groups C & D.	1.57 1.58	58 58
(21)	With no perceptibly different spheres of work the atmosphere of confusion and uncertainty created as a result of the establishment of a multi-member Commission for Scheduled Castes and Scheduled Tribes by an executive order, in addition to the existing constitutional single-member Institution of the Commissioner for Scheduled Castes and Scheduled Tribes, has also contributed in hampering the effective functioning of the statutory authority. A more appropriate course should have been to first amend the relevant Article of the Constitution and then set up the Commission for Scheduled Castes and Scheduled Tribes in terms of the Constitution rather than creating by executive order a machinery supposed to be apparently independent and to act as a judge and auditor of the performance of the State, with regard to the various constitutional safeguards guaranteed to the members of the Scheduled Castes and Scheduled Tribes. Little attention seems to have been paid to the fact that any such authority would		

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	in the very nature of its functioning, be *impinging* upon the authority and jurisdiction of the existing constitutional authority in the matter, contrary to the opinion of the Ministry of Law given in 1951 that their duties could be shared by or delegated to any person or authority not answerable to the Commissioner for Scheduled Castes and Scheduled Tribes.	1.61	61
(22)	Now that the Commission for Scheduled Castes and Scheduled Tribes has been constituted and has completed almost half of its tenure, it is suggested that the amendment of the Constitution be given the priority and till such time as an amendment is effected the Commissioner for Scheduled Castes and Scheduled Tribes may be enabled to extend his due control and authority over the regional offices in order to conform to the opinion of the Ministry of Law given in confirmation of the Principle *delegates non-protest delegate* and in consideration of the *raison detre* of Article 338 of the Constitution.	1.62	62
(23)	Considering the fact that the recommendations either of the Commissioner or for that matter of the Commission for Scheduled Castes and Scheduled Tribes cannot be mandatory, there appears to be much force in the demand that there should be a separate Ministry of Scheduled Castes and Scheduled Tribes at the Centre headed by the Prime Minister and the Department concerned in the State Governments by the Chief Ministers. Since the safeguards for special classes under the Constitution is a charge on the nation, it is appropriate that these should be dealt with at the highest level both at the Centre and in the States. More, so, because the goal set before the nation is to bring these under-privileged classes at par with the rest of the community within a reasonable time frame, it is necessary that a separate machinery meant exclusively for this task should be established at the Centre. The prime need today is not only to incorporate the results of the investigations in the shape of recommendations by the Commissioner or the Commission but also to get things done as expeditiously as possible which can be best ensured by a separate Ministry charged with exclusive attention to the problems of the Scheduled Castes and Scheduled Tribes.	1.63	63
	CHAPTER 2—CONSTITUTIONAL SAFEGUARDS PROVIDED FOR THE SCHEDULED CASTES AND SCHEDULED TRIBES		
(24)	It is regretted that as required under Section 15A(4) of the Protection of Civil Rights Act 1955, the annual Report prepared by the PCR Cell for the year 1978 was not laid on the Table of both Houses of Parliament by the Ministry of Home Affairs till the end of 1979. The Report for the year 1979 is also due and it is hoped that the Reports separately for the years 1978 and 1979 would be laid in Parliament at an early date.	2.10	76
(25)	Although the Protection of Civil Rights Act, 1955 does not provide for a discussion in Parliament on the Report laid by the Central Government, it is suggested that a discussion on the Report would bring out in sharper focus the prevalence of untouchability and the steps that are still required to be taken for its abolition.	2.10	76
(26)	The Governments/Administrations of Assam, Manipur, Meghalaya, Nagaland, Sikkim, Andaman & Nicobar Islands, Arunachal Pradesh, Chandigarh, Delhi, Lakshadweep and Mizoram should introduce schemes for grant of legal aid to the poor Scheduled Castes/Tribes persons.	2.11	77
(27)	The Union Ministry of Home Affairs should examine the question of the amounts allocated for the grant of legal aid remaining unutilised due to lengthy procedures and lack of competent legal assistance at proper time, in greater detail with a view to streamlining the procedures for timely disbursement of legal aid. The		

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	annual income limit prescribed by most of the State Governments is on the low side and needs to be enhanced. Funds for this purpose should be provided by the State Governments out of their State Plan budgets and not from the special allocations made by the Central Government for the implementation of the PCR Act.	2.11	77
(28)	The suggestion made in the Act for appointment of officers for initiating or exercising supervision over the prosecutions launched under the PCR Act, 1955 should be examined by the State Governments in the light of the fact that the underlying idea in this Act for appointment of officers or exercising supervision over prosecutions for the contravention of the provisions of the the Act seems to be to make available expert legal advice to the Public Prosecutors in these cases.	2.13	81
(29)	The suggestion for establishing Special Courts for trial of offences under the PCR Act, 1955 should be considered in the light of urgent necessity to instil confidence among the members of the Scheduled Castes regarding the Government's determination to bring quick justice and ensure punishment to the offenders with deterrent rapidity. The stand that is generally taken by many State Governments and the High Courts that small number of offences registered under the PCR Act do not warrant the establishment of Special Courts is, therefore, not in line with the social objectives that are proposed to be achieved by the enforcement of the provisions of the PCR Act. The State Governments which have not so far established the Special Courts should consider the desirability of establishing these for expeditious disposal of cases relating to the atrocities on Scheduled Castes/Scheduled Tribes and offences under the Act and Criminal Procedure Code.	2.14	82
(30)	In the Committees set up by various State Governments to assist them in formulating or implementing measures to ensure that the rights arising out of the abolition of untouchability are made available to Scheduled Castes, adequate representation should be given to non-officials and social workers working in the rural areas. If these committees are vigilant and prompt action is taken on various suggestions and recommendations made by them there is no reason to doubt that the problem can be tackled. The involvement of the Scheduled Castes and non-Scheduled Castes in the programme for removal of untonchability should be secured through effective functioning of these committees. It is observed that in some States these committees are dorment and seldom meet to transact business. It should be the duty of the senior officers who visit the districts to find out if meetings of these committees are taking place regularly and action initiated on the various suggestions made at these meetings.	2.15	84
(31)	The State Governments should indicate in their reports on the measures taken under sub-section (1) and (2) of Section 15(A) of the PCR Act, about the assessment of the working of the provisions of the Act and suggest measures for their better implementation. The Cells that have been set up in the various States are expected to perform this task and based on the situation obtaining in each State/Union Territory measures should be initiated for the effective enforcement of the provisions of the PCR Act.	2.16	87
(32)	There is lot of information available on the basis of the surveys conducted by various institutions from time to time about the areas in which untouchability is widely prevalent. The Central and State Governments should ensure that concrete steps are initiated in cooperation with the public for combating this practice.	2.17	88
(33)	The Government of India should take urgent action to notify rules for proper implemenation of the PCR Act, 1955. One of the important points on which rules should be notified by the Central Government relate to the setting up of Special Courts for trial of offences under the Act.	2.20	91

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(34)	It is apprehended that many workers in different brick-kilns might be leading a life of bondage. Labour Departments of different State Governments should, therefore, undertake surveys in all the brick-kilns in their respective States and identify the number of bonded labourers, if any, and get them released and rehabilitated.	2.26	111
(35)	The efforts of the Government of Madhya Pradesh in constituting three teams for the detection of bonded labourers deserve to be appreciated. Their starting point would be the data thrown up by the Gandhi Peace Foundation in collaboration with the National Labour Institute. Other State Governments/Union Territory Administrations concerned should also constitute similar teams for detection of bonded labourers in their respective areas.	2.32	119
(36)	Any estimate about the incidence of bonded labour is at the most a statistical projection. It does not tantamount to actual identification.	2.33	119
(37)	It has been observed that the process of the rehabilitation of released bonded labourers has been quite slow. The Central Review Committee under the Ministry of Labour with the representatives of different Departments and State Governments, concerned should, therefore, co-ordinate all programmes regarding rehabilitation of bonded labourers more effectively.	2.37	121
(38)	A larger allocation should be provided by the Ministry of Labour so that the identified bonded labourers are suitably rehabilitated on need-based programmes. The State Governments/Union Territory Administrations should make optimum utilisation of the resources available under the various Central and State Sector on-going schemes in the integrated area development programme and weaker section development programme for the purpose of rehabilitating the bonded labourers in their respective areas. Special schemes for the rehabilitation of bonded labourers may be drawn in areas of their concentration where either there is no on-going scheme in operation or the resources available under such schemes are inadequate.	2.40	123
(39)	The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Services and Miscellaneous Provisions) Act, 1979, which has since been passed has not so far been notified by the Central Government. The Act should be notified early by the Union Ministry of Labour. The provisions of the Act attempt to deal with the basic problems of most vulnerable section of our working population. However, no legislation on the statute book, however, foolproof it may be, will be of an adequate avail unless it is properly implemented. Efficacy of any legislation lies in its implementation. In choosing inspectors every care must, therefore, be taken to see that proper kind of officers are inducted, and they do not succumb to the pressures exercised by the Undertakings and Contractors.	2.41 & 2.44	126
(40)	The Election Commission should seriously consider the question of intimidation of Scheduled Castes and other weaker sections of the society at the time of exercising their right to vote at elections, with a view to finding out ways and means—political, administrative and legal, whereby in future intimidation and coercion of voters belonging to these categories in casting their votes in elections to Parliament and State Legislatures is avoided. One of the steps that should be considered by the Election Commission is that the polling booths should be set up in hamlets of the Scheduled Castes and other weaker sections of the society by lowering the norms laid down in respect of the number of voters for establishment of special booths. At the same time to cover the scattered hamlets of members belonging to these communities mobile polling booths with suitable police force should visit these areas to enable the voters to exercise their right of vote in a meaningful manner so that they can make an impact on the results of the elections in their constituencies.	2.56	

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(41)	The punishment prescribed under Section 171F of IPC for undue influence or personation at an elections is not adequate. The punishment prescribed under that Section should, therefore, be made more stringent, by amending it suitably to the effect that undue influence or personation at an election will be punishable with imprisonment as well as fine. Both these punishments should be awarded simultaneously and their minimum and maximum limits should also be prescribed. Coercion and intimidation of electors should also be made on electoral offence. At the same time identify cards with photographs of the voters should be introduced. The special booths set up for Scheduled Castes and other weaker sections of the society should be linked up by means of wireless with the nearest Police Station so that on receipt of any intimation about the intimidation of voters, police can immediately rush to the spot and make proper arrangements for enabling the voters to exercise their right to vote.	2.58	145
(42)	The stand taken by the Government of Gujarat in not issuing caste certificates to members of Mochi community in spite of the clear verdict of the State High Court, appears to be neither justified nor legal because imposition of area restriction in respect of a Scheduled community lies in the jurisdiction of Parliament. The State Government should not, therefore, impose any area restrictions in respect of the above mentioned community, of their own accord and should continue treating the community as Scheduled, throughout the State, till an amendment in respect of the area, restrictions is made by Parliament.	2.72	158
(43)	The Government of India in the Ministry of Home Affairs should issue necessary instructions to the Government of Tamil Nadu not to impose any area restrictions in respect of Kondareddis till necessary amendment to the Presidential Order is made by Parliament in this regard.	2.73	159
(44)	The notification of the lists of synonyms/Scheduled Castes/ Scheduled Tribes by the Union Ministry of Home Affairs in respect of Andhra Pradesh, Gujarat, Haryana, Jammu & Kashmir is welcome. It is hoped that these lists will provide relief to the Scheduled Caste/Tribe persons belonging to the States concerned and help them in obtaining caste certificates. The Government of India should bring forward a suitable legislation for revision of the lists of Scheduled Castes and Scheduled Tribes in the Seventh Lok Sabha and at that time the above mentioned synonyms etc. notified by the Ministry of Home Affairs should be incorporated in the revised lists to avoid any disputes and litigation in the matter.	2.75	163
(45)	No reservation has so far been made for Scheduled Caste and Scheduled Tribe students at the Post-graduate level in medical courses and in I. I. Ts. Most of the State Governments as well as the Union Ministry of Health have expressed the view that they are not in favour of any reservation or relaxation for candidates belonging to these communities for admission to post-graduate medical courses on the plea that it would not be proper to lower the standard of post-graduate medical education which is a specialised training in any selected branch of medicine and plays a prominent role in medical care. As pointed out in earlier Reports it is reiterated that reservation of seats or relaxation of minimum standard will be made only for the purpose of admission of these candidates to the post-graduate courses and the standard of post-graduate medical education will not be lowered because the standard of the examination these students are required to pass, to complete the course will not be lowered. The Ministry of Health as well as the I. I. Ts. should, therefore, reconsider their decision and make the required reservation of seats for Scheduled Caste/Scheduled Tribe students for admission to post-graduate courses.	2.78	166

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(46)	It is necessary to strengthen the educational base of Scheduled Caste and Scheduled Tribe communities at pre-matric level, to enable more students belonging to these communities to go in for higher education. It is recommended that the State Governments/Union Territory Administrations who have not so far achieved universal coverage in the matter of pre-matric scholarships to Scheduled Caste/Scheduled Tribe students should do so early. Other facilities like hostels, free books and stationery etc. should be provided to these students as incentives to them to complete prematric education.	2·80	168
(47)	Rationalisation of the Scheduled Areas, in pursuance of the "Fifth Schedule to the Constitution (Amendment) Act, 1976" should be completed in respect of the States of Andhra Pradesh, Himachal Pradesh, Maharashtra and Rajasthan, as early as possible.	2.83	171
(48)	The Governor's reports for the administration of Scheduled Areas should be comprehensive and deal specially with the action taken by State Governments concerned for the peace and good Government of the Scheduled Areas as also raising the level of administration of these areas during the period covered by the reports.	2.84	172
(49)	The scope of the Governor's reports for the administration of Scheduled Areas should be expanded to cover tribal development programmes outside the Scheduled Areas also. Clause (3) of the Fifth Schedule should be suitably amended for this purpose, after which the Governors' reports should be obtained from all States having tribal population. The desirability of laying the Governors' reports in both the Houses of Parliament should also be considered by the Government of India.	2.85	173
(50)	The Governors reports on the administration of Scheduled Areas should be submitted before the due date each year.	2.86	173
(51)	The regulations under the Fifth Schedule to the Constitution or where necessary, a central law, should be made for providing effective protection to the tribals in all their new relationships with the modern economy and administration. In particular, matters relating to land, credit and marketing, employment and working conditions and conduct of civil servants should be specifically covered. Suitable provisions should also be made for promotion and protection of tribal interests in new economic activities.	2.87	175
(52)	A review of all the existing laws should be undertaken by the Governments of Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Madhya Pradesh, Maharashtra, Orissa and Rajasthan as early as possible and a decision taken about the extension or otherwise of the various general laws to the Scheduled Areas.	2.88	176
(53)	A uniform practice should be followed with regard to Tribes Advisory Councils and these Councils should be set up in all States having Scheduled Tribes population for which the President may consider giving suitable directions under clause (4) of the Fifth Schedule.	2.90	177
(54)	The State Governments concerned do not appear to involve the Tribes Advisory Councils to the desired extent in the matter of formulation and implementation of Plans and programmes for the development of the Scheduled Tribes and Scheduled Areas in a purposeful manner. These councils should be reactivated so that they may discharge the functions entrusted to them in a more meaningful manner and achieve fully the purpose for which they are constituted.	2.91	177
(55)	It is reported that the villagers in Mizoram who have gone back to their old permanent villages since 1970, are denied their right to form the village councils which were existing upto 1966. Village councils in the Union Territory is vested with executive and		

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	judicial powers for the governance of the village. No doubt there are some positive aspects of grouping centres like provision of facilities like medical assistance, schooling, marketing of products, better communication, encouraging wet rice cultivation and dry terrace farming, introduction of horticulture, coffee and rubber plantation, poultry and pig rearing and cottage industries. The whole question of how and where the new villages should be located has been under consideration by one committee or the other since 1973. The delay in arriving at a decision has not stopped the people to go back to their old villages. It is therefore, desirable that the Ministries of Home Affairs and Defence and the Mizoram Administration should restore the institution of the village councils in the old permanent villages at an early date.	2.94	182
(56)	It is gratifying that the long standing demand of the tribals in Tripura for the formation of a District Council has now been met with the enactment of the Tripura Tribal Areas Autonomous District Council Act, 1979. It is hoped that the provisions of the Act as well as the existing legislation for the restoration of alienated tribal lands (Tripura Land Revenue and Land Reforms Act 1974 (Second Amendment)) will go a long way in solving the various problems faced by the Scheduled Tribes in the State.	2.97	185
(57)	It is not known whether 'The Tripura Tribal Areas Autonomous District Council Act 1979' has since been notified by the Government of Tripura. If the same has not so far been done, the State Government should take early action to issue the required notification in the official Gazette.	2.100	188
(58)	It is not known whether the Governments of Andhra Pradesh, Assam, Himachal Pradesh, Kerala, Madhya Pradesh, Manipur, Rajasthan, Tamil Nadu, Tripura, Uttar Pradesh and West Bengal have so far formulated plans for the utilisation of the amounts provided by the Seventh Finance Commission for payment of compensatory allowance to transferable Government servants and construction of residential building in tribal areas. Early action should be taken by them in this regard.	2.105	192
(59)	It is hoped that the Mini Secretariat at Ranchi in Bihar would be allowed to play its full role so that the effort at tribal development is accelerated.	2.106	195
(60)	The Government of India in consultation with the State Governments concerned should take up a review of the level of administration of the Scheduled and Tribal Areas and suitable schemes should be prepared for upgrading it within a reasonable time frame. This review should be taken up annually and adequate outlays for items not covered otherwise, under the Plan or devolution by Finance Commission should be provided.	2.106	195
CHAPTER 3—REPRESENTATION OF SCHEDULED CASTES AND SCHEDULED TRIBES IN SERVICES			
(61)	It has been noticed that in many cases the rosters maintained earlier for direct recruitment are not available and, therefore, it is not possible to determine the extent of reservation at the time of confirmation. There is also difficulty in implementing reservation orders at the time of confirmation in the case of isolated posts and small cadres which are grouped together having one roster. Besides, there is difficulty in implementing reservation in confirmation where posts are sanctioned purely on temporary basis at the initial stage and are converted to permanent posts in a gradual manner, as is the practice in many of the Government offices. In order to overcome the above difficulties and also to have very clear reservation points, it is suggested that for the purpose of implementing reservation orders at the time of confirmation, the previous procedure for maintaining separate roster		

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	at the time of confirmation should be adopted again. This procedure will ensure proper implementation of reservation at the time of confirmation and no additional difficulty is likely to follow the adoption of such a procedure.	3.10	227
(62)	The recommendation that the apprentices belonging to Scheduled Castes and Scheduled Tribes trained by various organisations should be absorbed as far as possible by the organisations which have trained them, does not seem to have been considered by the Government so far. The recommendation is, therefore, reiterated.	3.20	237
(63)	It has been recommended in the Report for the year 1977-78 that the Government should reconsider their earlier decision and introduce reservation for Scheduled Castes and Scheduled Tribes in the recruitment of personnel in the Armed Forces.	3.24	241
(64)	The Commissioner for Scheduled Castes and Scheduled Tribes has suggested to the Government in his Report for the year 1975-77 that exchange of reservation between Scheduled Castes and Scheduled Tribes could be permitted in each year in the case of posts filled by promotion particularly when it is known for certain that the Scheduled Caste or Scheduled Tribe candidates are not available for promotion and are not likely to become available for promotion even by the third year of carry-forward because of the condition in the recruitment rules of satisfying a minimum length of service in the feeder cadre from which promotion is to be made. It is, therefore, reiterated that the above suggestion about permitting the exchange of reservation in posts filled by promotion may be considered by the Government.	3.27	246
(65)	The Department of Personnel & Administrative Reforms have revised the instructions regarding dereservation of reserved vacancies according to which the Ministries/Departments will not be required to seek prior approval of that Department before filling reserved vacancies by general candidates in posts filled by promotion where Scheduled Caste/Scheduled Tribe candidates fulfilling the eligibility condition are not available. In other words, the authority to dereserve such reserved vacancies has been delegated to the Ministries/Departments. It is apprehended that with the passage of time, this authority delegated to the Ministries/ Departments is likely to be construed as blanket authority to dereserve all promotional posts at the level of Joint Secretary in the Ministry/Department and it is likely that after some time Ministries/Departments will stop sending the proposals to the Department of Personnel and Administrative Reforms and to the office of the Commissioner for Scheduled Castes and Scheduled Tribes even for information as required under the present instructions. Moreover, this amounts to losening of the control of the Department of Personnel and Administrative Reforms on such proposals. It has been our experience that since the appointing authorities had to explain to the Department of Personnel and Administrative Reforms about the circumstances necessitating dereservation of reserved vacancies, this itself served as a sort of deterrent and because of this, the Ministries/Departments exercised more vigilance before sending proposals to the Department of Personnel and Administrative Reforms. It is, therefore, suggested that the orders of the Department of Personnel and Administrative Reforms, dated 16th November, 1979 may be withdrawn and the previous procedure should be continued according to which general candidates can be appointed against reserved vacancies only after obtaining prior approval of the Department of Personnel and Administrative Reforms. If the Department of Personnel and Administrative Reforms wants to shift the responsibility to the Ministries/Departments concerned because of avoidable delay at their end, they may increase their staff deployed for the purpose.	3.30	250

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(66)	The instructions regarding association of Scheduled Caste/ Scheduled Tribe member in the Departmental Promotion Committee/Selection Board meetings did not make it obligatory on the part of the Ministries/Departments to include invariably a member belonging to Scheduled Castes or Scheduled Tribes in the Departmental Promotion Committee/Selection Boards. It has, therefore, been suggested that these instructions should be made obligatory and the Ministries/Departments and Public Sector Enterprises should make serious efforts to locate suitable Scheduled Caste/Scheduled Tribe officers to serve on such committees and if any Departmental Promotion Committee/ Selection Board had to be set up without a Scheduled Caste/ Scheduled Tribe member, the office concerned should explain the matter to the Department of Personnel and Administrative Reforms indicating the nature of efforts made in that regard.	3.31	251
(67)	After the introduction of reservation in posts filled by promotion on the basis of selection in 1974, it was recommended by the Commissioner in his Report of 1975-77 that Government should provide reservation for Scheduled Castes and Scheduled Tribes in nomination to I. A. S. from State Services. In the meeting of the High Power Committee held in October, 1978 the Prime Minister directed that reservation for Scheduled Castes and Scheduled Tribes should be provided even in this promotion quota. It is, therefore, recommended that the instructions in this regard may be expedited.	3.32	54
(68)	While the Government have issued instructions regarding reporting of cases of supersession to the Minister/Minister of State/Deputy Minister concerned in the case of Group 'A' and 'B' posts and to the Head of the Department in the case of Group 'C' and 'D' posts in the case of vacancies against the reserved quota, the instructions still do not cover the cases of supersession of Scheduled Caste/Scheduled Tribe employees against the unreserved quota, It is, therefore, recommended that this lacuna in the present instructions should be removed.	3.33	256
(69)	It was recommended by the Commissioner in his Reports for the years 1961-62 and 1962-63 that in view of the fact that oral interview was not always the perfect method of assessment of the potentiality of the candidate, the need for holding such interviews at least for the junior posts should be done away with. It is still felt that it should be possible for the Government to do away with the system of interview at least in such cases where written test and interview both are prescribed and to select the Scheduled Caste/Scheduled Tribe candidates on the basis of written test only.	3.38	262
(70)	It is felt that the provision regarding suitable prompt action against the officers found guilty of lapses in the implementation of reservation should be a two-way process. On the one hand the officers found responsible for non-implementation or violation of reservation orders should be punished and on the other hand the Scheduled Caste/Scheduled Tribe employees who suffered on account of administrative lapses should be given the benefit of reservation from retrospective effect i.e. from the date it was due to them but for the administrative lapses.	3.41	267
(71)	We are of the view that the Liaison Officers entrusted with the work relating to representation of Scheduled Castes and Scheduled Tribes, are often not devoting sufficient and proper attention to this work with the result the inspection reports submitted by them at the close of the year are just a ritual. It is, therefore, suggested once again that these Liaison Officers should be made personally responsible for any lapse in the matter of reservation orders and their performance in this regard should be reflected prominently in their annual Confidential Reports.	3.42	267

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(72)	Instructions have been issued by the Government of India that Central Government employees belonging to Scheduled Castes and Scheduled Tribes can approach the Commissioner for Scheduled Castes and Scheduled Tribes direct in matters relating to the appointments against the reserved quota without seeking prior permission from their employers. The State Governments are yet to respond with specific orders in this regard. However, the Government of Maharashtra have issued two circulars which adversely affect the jurisdiction of the Commissioner to call for the relevant records and to entertain representations from the Maharashtra Government employees. This tantamounts to depriving the Commissioner from an important and vital source of information for investigation into service safeguards. This has been brought to the notice of the Home Ministry for their intervention. The Commissioner has also taken up the matter with the Chief Minister of Maharashtra at his own level. A final reply is awaited.	3.45 & 3.73	272 311
(73)	Recently there have been cases in some High Courts whereby provision of reservation made in posts filled by promotion through executive instructions without making relevant amendment in the Statutory Recruitment Rules was struck down. It is observed that the High Courts have not contested the validity of reservation as such but have struck down the orders issued by the Comptroller and Auditor General of India on the Technical grounds that these are not supported by amendment of the relevant rules issued under the authority of the President of India. It is, therefore, imperative that the saving clause providing for reservation and other relaxations etc. is introduced in all the Recruitment Rules in order to avoid any embarrassment that may be caused later for want of such a provision in the statutory rules. Actually such adverse judgements could have been avoided if only the Comptroller and Auditor General had complied with Government instructions introducing a saving clause in the recruitment rules, so far as the reservation in Services was concerned.	2.123 3.46 3.81 3.82	 274 324 325
(74)	The Commissioner has suggested that a directive should be issued to all the Universities making it obligatory on their part to introduce reservation in the teaching posts as suggested by the University Grants Commission. The University Grants Commission has, however, expressed its inability to issue such a directive as University Grants Commission Act does not empower it to do so. The Ministry of Education and the University Grants Commission have, therefore, been advised by the Commissioner to ensure that the Act is suitably amended so as to enable the University Grants Commission to issue a directive to all the Universities for implementation of the safeguards in services matters.	3.48	275
(75)	The Reserve Bank of India drew up a Scheme for giving benefit of reservation to the members of the Scheduled Castes and Scheduled Tribes in posts filled by promotion but the provisions made in this scheme were not in line with those issued by the Government of India and, therefore, the Reserve Bank of India were requested to make suitable modifications in the scheme so as to ensure due benefit of reservation to Scheduled Castes and Scheduled Tribes in posts filled by promotion. It has also been suggested that other Public Sector Banks viz. the State Bank and its subsidiaries as well as the nationalised banks should follow the scheme of reservation in posts filled by promotion, also ensuring that the agreements existing between the bank management and the trade unions did not come in the way of implementation of reservation orders in posts filled by promotion.	3.54	285
(76)	Considering the lack of uniformity in the implementation of reservation policy at the Centre and in the States it was suggested in the Report for the year 1977-78 that the inspiration being the same		

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	in the Constitution, the Government should consider the desirability of having an Act of Parliament and persuade the State Governments to adopt the same as a model for legislation in their respective States. It is high time the Government should give a serious thought to this proposal and frame suitable legislation in consultation with the State Governments and the Commissioner for Scheduled Castes and Scheduled Tribes.	3.55	287
(77)	According to Government instructions, there is no reservation in such of the posts filled by promotion where component of the direct recruitment exceeds 66.2/3 per cent. It is felt that this restriction of direct recruitment component on the reservation in posts filled by promotion has no rationale behind it and should be removed altogether.	3.57	291
(78)	Some of the State Governments viz. Andhra Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Punjab, Meghalaya, Tamil Nadu and West Bengal have issued instructions according to which Scheduled Caste/Scheduled Tribe candidates selected on their own merit are not counted against the reserved quota. It is most desirable that the Central as well as the remaining State Governments should adopt similar procedure so as to increase the intake of Scheduled Castes/Scheduled Tribes and accelerate the pace towards reaching the goal of adequate representation of these communities in the services.	3.59	292
(79)	It has been suggested in the Report for the year 1977-78 that the reservation in allotment of general pool accommodation should be made in all types of accommodation and to the extent of 15 per cent for Scheduled Castes and 7½ per cent for Scheduled Tribes i.e. corresponding to the reservation for these communities in the Government services. Such a step would serve the dual purpose of increasing the representation of Scheduled Castes and Scheduled Tribes in the Government Services and helping the assimilation of these communities with the rest of population. This recommendation is, therefore, reiterated.	3.60	294
(80)	The Commissioner for Scheduled Castes and Scheduled Tribes has advised the Department of Personnel & Administrative Reforms of the Government of India to make itself a party in the court cases involving interpretation and defence of the reservation policy, that Department being the appropriate authority in so far as rules and instructions relating to reservation for Scheduled Castes and Scheduled Tribes in services are concerned as this would have a reassuring effect on such cases. This purpose could also be served to an extent if Department of Personnel and Administrative Reforms agreed to vet and approve the affidavits submitted by concerned authorities in the courts. It has, therefore, been suggested to Department of Personnel and Administrative Reforms to issue general instructions to all Ministries/Departments of the Government of India directing them to get the affidavits vetted by that Department before fil them in the courts. This step is necessary in order to project the policy and background of reservation before the court in correct perspective.	3.82 3.85	325 329
(81)	In the last report for the year 1977-78, it was observed that the very system of zone of consideration which is discretionery in nature tends to vitiate the very principle of reservation in promotion and should be done away with whereby any Scheduled Caste/Scheduled Tribe candidate fulfilling the eligibility condition should be considered for promotion unless he is found unfit for promotion. Alternatively it was recommended that zone of consideration should be applied separately to the reserved vacancies even in the cases of promotion to Group 'B', within Group 'B' and upto the lowest rung of Group 'A'. The Government is urged to reconsider the matter and expedite a decision.	3.90	334

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(82)	It was suggested that the zoning scheme as applicable to Central Secretariat Services in the matter of promotion on the basis of seniority subject to fitness, should be suitably modified to allow full benefit of reservation to Scheduled Caste/Scheduled Tribe candidates. Urgent action in this regard is called for on the part of the Department of Personnel and Administrative Reforms.	3.91	336
(83)	It was recommended in the Reports for the year 1973-74 (para. 3.15) and for the years 1975-77 (para. 3.30) that provision of carry-forward should be made applicable in the case of promotion to Group 'B' and Group 'A' selection posts also. It was further recommended in our last report of 1977-78 (para. 3.42) that in posts filled by direct recruitment as well as promotion the vacancies should not be allowed to lapse and these should be permitted to be carried-forward till they are eventually filled by Scheduled Caste/Scheduled Tribe candidates. These recommendations are reiterated.	3.92	336
(84)	It appears that there is no further argument with the Government to justify their stand and the time has come for the Government to relent on this issue and allow reservation in promotion by selection within Group 'A' also so that it can be said with satisfaction that the Government left no scope whatsoever in giving effect to the constitutional provisions in regard to service matters. It is a well known fact that enough Scheduled Caste/ Scheduled Tribe candidates are not available in senior positions. The benefit provided by the constitution for Scheduled Castes and Scheduled Tribes may also be fully made available to these few persons.	3.93	338
(85)	It has been observed that meetings of the Departmental Promotion Committees are not held for years together and the vacancies are allowed to accumulate from year to year with the result that the position of Scheduled Caste and Scheduled Tribe officers who are fit to be promoted but are comparatively less meritorious, drifts downwards on account of their being considered alongwith a large number of candidates particularly in posts filled by promotion by the method of selection. In order to avoid such a situation, it is necessary that (a) Departmental Promotion Committee meetings are held in the same year when the vacancies occurred and (b) if it becomes unavoidable to hold the Departmental Promotion Committee for a number of years, then the select list should be prepared for each year separately taking particular date as crucial date for the purpose of promotions in that year. This will avoid supersession of Scheduled Castes and Scheduled Tribes on an unprecedented scale.	3.95	341
(86)	It is felt that in the posts filled by promotion by selection method carrying an ultimate salary of Rs. 2,250 per month or less, it should be ensured that in the case of a Scheduled Caste/Scheduled Tribe officer falling within the number of vacancies, while drawing up the select list, he is allowed to retain his *inter se* seniority position in the select list also.	3.96	342
(87)	As pointed out in the last Report there is no rationale behind the orders to follow the fixed percentages of reservation at the stage of promotion from out of the feeder cadres which are initially filled on a local/regional basis and in which case the percentages of reservation vary from state to state. In order to avoid anomalies arising out of this situation, it is once again recommended that the percentge of reservation in these cases at the stage of promotion should be corresponding to the reservations applied to the feeder cadres initially filled on local/regional basis.	3.97	343
(88)	It is recommended that a special provision may be made in the Recruitment Rules to the effect that recourse to direct recruitment should be made whenever Scheduled Caste/Scheduled Tribe candidates are not available for promotion in the feeder cadres,	3.98	344

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(89)	Special recruitment drive to clear the backlog on the lines of the suggestion made in paragraphs 3.30 and 3.31 of 1977-78 Report is yet another method to achieve the goal of adequate representation of Scheduled Castes and Scheduled Tribes in Services and is once again commended to the Government for consideration.	3.51 3.99	281 345
(90)	It is once again urged that in view of the clear opinion of the Supreme Court on the definition of Castes/Tribes, the question of dubbing the associations of Scheduled Caste and Scheduled Tribe employees as based on Caste, Tribe or religion for the purpose of recognition of their services associations may be reconsidered by the Government of India for issuing necessary guidelines to all the Ministries/Departments. The organisations concerned can also independently consider this matter sympathetically and allow the associations formed by their employees belonging to Scheduled Castes and Schdeuled Tribes to take up the problems concerning service matters with them.	3.100	347
(91)	There is a tough competition for every post and the chances of Scheduled Caste/Scheduled Tribe candidates for selection in the very first attempt are remote. These candidates have, therefore, to pay the fees for examination or for the selection for entry into Government service a number of times before they are actually selected. Grant of full exemption from payment of fees is bound to bring great relief to the already unemployed reserved category candidates in these hard times. Complete exemption will help Scheduled Caste and Scheduled Tribe candidates not only financially but also by removing the extra procedure and complexity inherent in the system.	3.101	348
(92)	It is desirable that the Central Government and all State Governments should issue necessary orders and remove the restrictions on the grant of travelling allowance to Scheduled Caste/Scheduled Tribe candidates called for interview/test so that all the Scheduled Caste/Scheduled Tribe candidates attending the interview/test from outside the Municipal limits can avail the concession of travelling allowance.	3.102	349
(93)	When the Government have found it necessary to issue instructions for ensuring a fair proportion of the posts filled by deputation to Scheduled Caste/Scheduled Tribe candidates, it is not understood why the Government is not conceding the demand for a formal reservation in such posts. After all a formal provision of reservation can only ensure a fair proportion of such posts to Scheduled Caste and Scheduled Tribe candidates; failure to do so will only render these instructions ineffective.	3.103	350
(94)	It is recommended that the suggestion made in para 3.42 of our report for the years 1975-77 may be given a fair consideration. The suggestion had been that the cases of premature retirement of Scheduled Castes and Scheduled Tribes be referred to the Department of Personnel and Administrative Reforms with endorsement to the office of the Commissioner for Scheduled Castes and Scheduled Tribes on the lines of the proposals for dereservation of reserved vacancies.	3.105	354
(95)	In view of the difference of opinion among the Members of the High Power Committee regarding the desirability and constitutional permissibility of following the policy of reservation in the appointment of Judges of the High Courts, the proper course for the High Power Committee should have been to refer the issue for the opinion of the Supreme Court on a Presidential reference under Article 143 of the Constitution as recommended in the Report for the years 1975-77 and reiterated in 1977-78 Report.	3.106	356
(96)	It is rather unfortunate that the Ministry of Law have held the view that the High Court is considered as a "State" and, therefore, the appointment of Chief Justice and other Judges to the		

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	High Courts could not be considered as Services under the "State" since the High Court itself is to be regarded as the "State". It is, high time that the issue is settled once for all, if necessary, by making a Presidential reference to the Supreme Court to decide whether appointment of judges to the High Courts and Supreme Court is outside the purview of the provisions made in Articles 16(4) and 335 of the Constitution.	3.107	357
(97)	It is regrettable to point out that the only item which has continuously attracted adverse comments in the last 25 Reports, has been the lack of cooperation on the part of the State Governments to furnish the statistical information in time regarding the representation of Scheduled Castes and Scheduled Tribes in their Services. There is, therefore, need to streamline the machinery of implementation of service safeguards in the States/Union Territories in order to furnish this important information as also to secure to Scheduled Castes/Scheduled Tribes adequate representation in their services as envisaged in the Constitution.	3.109 3.110	361 361
(98)	It is also regrettable to note that even the softer approach as indicated by the High Power Committee in the matter of securing a share of appointments to Scheduled Castes and Scheduled Tribes in the private sector establishment has not been translated into action by putting a condition on the private sector employers at the time of granting licenses/assistance to them that they should undertake to introduce reservation in their services. It is, therefore, strongly felt that if the Government is reluctant to introduce an element of compulsion by legislation on the private sector employers, it should at least make the private industry to accept the above condition.	3.113	366
(99)	The Commissioner for Scheduled Castes and Scheduled Tribes has been handicapped in the discharge of his constitutional obligation to investigate into the working of service safeguards and report to the President, in so far as working of these safeguards in the Secretariats of the Lok Sabha and Rajya Sabha are concerned on the one hand and the statutory bodies on the other. No final decision has been arrived at so far. As a last resort, it is suggested that either the President may obtain the opinion of the Supreme Court in the matter of Article 338(2) of the Constitution may be amended to exclude or include from the purview of the Commissioner the constitutional and statutory bodies.	3.115	368
(100)	While the change in the mood of the High Power Committee and Government's orders in the matter of posts filled by promotion on *ad hoc* basis are welcome, it is rather difficult to understand as to the manner in which the claims of Scheduled Caste/Scheduled Tribe employees would be kept in view. Since the Government have already issued instructions to minimise the incidence of such promotions, very few such cases should arise. Why then this small number be kept outside the purview of reservation orders particularly when the High Power Committee has directed to keep the claims of Scheduled Caste/Scheduled Tribe persons in view.	3.116	370
(101)	It is strongly felt that Department of Personnel and Administrative Reforms should once again impress upon the Ministries/Departments the need to set up special cells exclusively for work relating to Scheduled Castes and Scheduled Tribes with adequate staff particularly in bigger Ministries/Departments and organisations having substantial staff, and in other organisations/offices at least one or two Assistants should be put on this job exclusively.	3.117	372
(102)	It is hoped that the Appreciation Courses conducted by the Institute of Secretariat Training and Management for Liaison Officers for work relating to the representation of Scheduled Castes and Scheduled Tribes and the Refresher Courses for Section		

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	Officers and Assistants handling the work of implementation of reservation orders would continue till all the Central Government offices are covered. In order to expedite this process it is suggested that at least four Appreciation Courses should be arranged for the Liaison Officers in a year and at least 12 (i.e. one each month) for Section Officers and Assistants and the intake of officers in these courses may be raised so as to impart this training to the maximum number feasible in as short a time as possible.	3.118	373
(103)	As the Institute of Secretariat Training and Management is conducting the Appreciation/Refresher Courses on Reservation for Scheduled Castes and Scheduled Tribes mostly intended for Central Government Offices and that too, the benefit of these courses has been derived by the offices which are located in Delhi, there is need for holding Camp Courses in various important cities where a large number of Central Government offices and undertakings are located. It is also desirable that bigger establishments such as the Ministries of Railways, Communications, Defence etc. as also some of the big undertakings having a large employment potential should arrange such courses confined to their officers with the help of the specialists from the Institute of Secretariat Training and Management as well as Office of the Commissioner for Scheduled Castes and Scheduled Tribes.	3.119	373
(104)	The Food Corporation of India deserve appreciation, perhaps being the first such undertaking to start training courses on the subject of reservation for Scheduled Castes and Scheduled Tribes in services for the benefit of Liaison Officers and Assistant Managers working in various zones. Other undertakings can either make their own arrangements or send their officers in the Central Training Institute of the Food Corporation of India in a phased programme so as to complete the process of imparting this training to the maximum number of officers as early as possible.	3.119	375
(105)	A suggestions has also been made to the Bureau of Public Enterprises to start a Training Division in the Bureau on the lines of Institute of Secretariat Training and Management and arrange refresher courses on the subject of reservation in services for the Officers of the Personnel Departments in all the Public Sector Undertakings. It is hoped that the Bureau would expedite a decision in this matter.	3.119	375
(106)	It has been our experience that many public sector undertakings have been ignoring the directives on reservation for Scheduled Castes and Scheduled Tribes. It was further observed that efforts made to reduce the backlog of reservation in these bodies had been centred more or less on the Group 'C' and 'D' posts. Serious efforts, therefore, need to be made to recruit adequate number of Scheduled Castes and Scheduled Tribes against the vacancies reserved for them in Group 'A' and 'B' posts.	3.125	381
(107)	With the present working strength of the office of the Commissioner for Scheduled Castes and Scheduled Tribes it would take decades to conduct the studies into the working of service safeguards in all the organisations only once leaving aside the need for repeat studies to assess the improvement brought about as a result of the first study. Based on these estimates the Commissioner could have put forth a claim of fifty to hundred study teams which could visit Government offices in every nook and corner of the country, but he preferred to strike a reasonable balance between the need and feasibility keeping in view the prevailing economic position. It is, therefore, recommended that the Government should sanction a bare minimum of ten such teams, each consisting of one Research Officer and two Investigators with supporting stenographic and clerical staff. It is, therefore, hoped that since the Government is interested in keeping a watch over the welfare of Scheduled Castes and Scheduled Tribes		

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	who enjoy special previlege under the Constitution, and also in expediting the achievement of the goal of adequate representation of Scheduled Castes and Scheduled Tribes in the services, it would realise the imperative need for strengthening the machinery for watching the implementation of service safeguards in the office of the Commissioner for Scheduled Castes and Scheduled Tribes.	3.132 3.133	389 390
(108)	It has been observed that the Indian Institute of Technology, Kanpur have been very much reluctant to implement the orders regarding reservation for Scheduled Castes and Scheduled Tribes in their services. We have also been pressing the Indian Institute of Technology authorities to complete the follow-up action on the findings of the Study Team of the Commissioner for Scheduled Castes and Scheduled Tribes and also to fix the responsibility for the inordinate delay in the implementation of reservation orders from the very beginning. Therefore, it can safely be concluded that the authorities in Indian Institute of Technology, Kanpur are not yet mentally prepared to implement the scheme of reservation. It is strongly felt that the authorities of the Indian Institute of Technology, Kanpur, instead of trying to find alibies to delay the execution of reservation policy, should seriously consider how best to apply the reservation orders and fall in line with other institutions in honouring the constitutional provision for providing adequate representation to the Scheduled Castes and Scheduled Tribes.	3.137 3.138	395 399
(109)	The Commissioner does not agree with the contention of the Department of Personnel and Administrative Reforms that expression of opposition to the policy of reservation by the Government servants and carrying on activities in an organised manner does not constitute a violation of Conduct Rules, and would, therefore, like the Government to refer the matter to the Ministry of Law for their opinion whether any activity on the part of Government servants not only opposing the reservation policy of the Government as enforced in accordance with the provisions of the Constitution, but also carrying on in an organised manner an agitation against the very principle of reservation in their respective organisations even during office hours and inside office premises, constitutes an activity to warrant action against them under the Government Servants' Conduct Rules or not. The Ministry of Law may also be requested to indicate whether employees not belonging to Scheduled Castes/Scheduled Tribes can form associations with the sole object of opposing the reservation policy and carrying on activities with a view to influencing the administrative Ministry/Department concerned and trying to bring pressure upon them to go slow in the matter of implementation of reservation orders. Needless to mention in this regard that such an activity does create a great deal of ill-feelings between the Scheduled Castes and Scheduled Tribes on the one hand and those opposing this policy on the other. It is high time that this tendency is curbed effectively otherwise it is likely that more serious consequences may follow.	3.142 3.144	414 418
	CHAPTER 4—ECONOMIC DEVELOPMENT		
(110)	Taking into account the recommendations made in the earlier Reports of the Commissioner, for the economic development of the Scheduled Castes and Scheduled Tribes, it can be safely concluded that if these recommendations had been implemented in right earnest by the Central and State Governments, the economic conditions of these communities would not have virtually remained unchanged as observed by the Planning Commission.	4.16	454
(111)	The most backward communities amongst the Scheduled Castes and the Scheduled Tribes should be indentified and special programmes should be implemented for them by the Central as well as all the State Governments/Union Territory Administrations.	4.18	456

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(112)	The Central Ministries/Departments should also formulate special component plans for Scheduled Castes and the Planning Commission and the Ministry of Home Affairs should pursue the formulation of these Plans.	4.25	463
(113)	The States/Union Territories which have not prepared special component Plans for Scheduled Castes should do so at an early date.	4.25	
(114)	In the Sixth Five Year Plan the strategy of special component plans for Scheduled Castes has been evolved. However, this alone will not deliver the goods. Effective monitoring and evaluation cells should be established to assess whether the funds are being actually spent for the purpose for which they are provided. A social audit along with concurrent monitoring including field level monitoring alone can ensure that corrective action is taken in the implementation of the programmes and for this purpose Government of India should assist the State Governments. A sub-budget head should be created under each budget head in the case of special component funds set apart for Scheduled Castes as is being done in the case of tribal sub-plans and these funds should also be made non-divertible and non-lapsable. The Government of India should provide substantial Special Central Assistance to the States for bringing the Special Component Plan under each Sector upto the desired level as has been done in the case of tribal sub-plans. The Ministry of Home Affairs should constitute a Working Group to consider this administrative structure for implementation of the Special Component Plans for Scheduled Castes with representation of important Central Ministries and State Governments. The Special Component Plan should take into consideration the proportion of the Scheduled Caste population in the target groups with reference to the schemes included in the special Component Plan. Through a closer examination of the plan programmes, it is possible to identify schemes from which benefits could flow to the Scheduled Castes and where necessary suitable modifications/re-orientations could also be made to the schemes. New schemes could also be included taking into consideration the needs of different occupational categories of the Scheduled Castes. For Scheduled Tribes the pattern of family oriented schemes under Integrated Tribal Development Projects is generally with 50% subsidy; whereas for Scheduled Castes in the SFDA & MFAL the normal subsidy of 25% or 33.1/3% continues to apply. It is felt that 50% subsidy for the Scheduled Castes is also necessary which may be raised to at least 75% and loan 25% of differential rate of interest in the case of such beneficiaries who are below poverty line, and for this purpose specific allocations to fill this subsidy gap should be met by the Sectoral programmes and included in the special component plan.	4.26 4.27	465 466
(115)	The State Governments should take up a programme for the comprehensive development of all land holdings of the Scheduled Castes, including land distributed to them from ceiling surplus, Government lands allotted to them and their own private holdings by preparing lists of their land holdings as done by the Government of Karnataka. Irrigation facilities should be provided to all the land holdings of the Scheduled Castes in a planned manner. Soil conservation Schemes should be given top priority. The coverage of Scheduled Castes under animal husbandry programmes of sheep, poultry, goats and piggery development must be specified in terms of number of families, and all aspects like feed and fodder and marketing should be taken care of. Similar coverage of the target group families of the Scheduled Castes should be made under the cottage and village industries, where not only traditional artisans and craftsmen but also new entrants from amongst agricultural labourers, marginal/small		

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	farmers should be inducted. A comprehensive programmes for the decentralised leather industry is necessary, right from the flaying stage to the marketing of foot-wear, including raw material supply, common facility centres, credit support etc.	4.27	
(116)	Provisions should be made under the Special Component Plan for Scheduled Castes to open new Schools and adult education centres in the localities of Scheduled Castes. Different castes or occupational categories among Scheduled Castes who lag behind in education should be identified and necessary funds provided under component plans to remedy the situation. Under the health sector, priority should be given to the identification of the disease to which the Scheduled Castes are prone and funds provided to eradicate the same. Sanitation and conversion of dry latrines should be taken up on a large scale.	4.27	
(117)	In Andhra Pradesh the main thrust under the Special Component Plan has to be directed for the development of Agricultural labourers, marginal and small farmers. Schemes of animal husbandry provided good scope for their development. Their lands require to be developed and irrigation facilities are required to be provided. Comprehensive crop production programmes should be undertaken. Coverage of target group families of Scheduled Castes should be undertaken with reference to cottage and village industries. Besides soil conservation, forest and other labour intensive sectors could provide employment opportunities through formation of labour contract societies/cooperatives. In forests, plantations of cashew and palm could be leased to the Scheduled Castes.	4.27(i)	470
(118)	In Assam, any programme for the development of the Scheduled Castes under the Special Component Plan must, concentrate on the marginal and small farmers and agricultural labourers in that order. In the schemes included in the Special Component Plan, the proportion for the Scheduled Castes could be increased. In most sectors like agriculture (6%), minor irrigation (5%), animal husbandry and dairy development (6.67%), the outlays for the Scheduled Castes could be much higher. In I. R. D. areas full advantage of the scheme for land development, wherein upto Rs. 3,000 could be given to each small and marginal farmer, could be taken. The coverage of Scheduled Castes in duck, poultry, goats and piggery development must be specified in terms of number of families. The recently formed Fisheries Development Corporation must be fully involved as a promoter of fishermen. There is considerable potential for the Scheduled Castes in sericulture and weaving and it would be useful to draw up composite programmes. Among other crafts, pottery, bamboo cane and boat making and repairs also offer considerable scope. Under health, the training of Scheduled Caste girls for the preparation of nurses, for whom there is considerable demand outside Assam and even outside India, could be taken up.	4.27(ii)	471
(119)	It is observed from the Special Component Plan of Gujarat that in sectors like agriculture (1.98%), minor irrigation (0.59%) soil and water conservation (3.16%), animal husbandry (2.73%), the outlays for the Scheduled Castes could be much higher suitable animal husbandry programmes require to be taken up. All the Scheduled Caste land holders should be made members of co-operative societies, and arrangements made to make available to them agricultural inputs and technical and extension services. The Scheduled Castes engaged in weaving and spinning, leather work, sweeping and scavenging, basket and rope-making and shoe-making should also be ensured benefit of coverage of the target group families. Comprehensive programmes also require to be taken up for the development of decentralised leather industry right from flaying stage to the marketing of footwear. Dairy products, poultry development; brick-kiln lime-stone kiln and salt		

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	ponds etc. offer good scope for development of Scheduled Castes in the State. Since mining and quarrying are important in the State, the State Government should consider the desirability of granting sanads (leases) to the cooperatives of Scheduled Castes. Full use requires to be made of the Gujarat State Scheduled Castes Deveopment Corporation to ensure benefits to Scheduled Caste persons of the schemes of the Industries Department.	4.27(iii)	472
(120)	In the Special Component Plan of Karnataka, in respect of certain sectors like agriculture (3.11%), land reforms (13.2%), horticulture (4.02%), animal husbandry (2.40%), fisheries (5%) and sericulture (4.64%), the outlays should be increased. Full advantage of the District Industries Centres required to be taken in coordination with the Scheduled Castes Development Corporation. There are good potentialities of Development for Scheduled Castes in handlooms, match making, soap making etc. A comprehensive programme for the decentralised leather industry is also necessary.	4.27(v)	474
(121)	In Kerala, for agricultural labourers, 26% of whom are Scheduled Castes, dairy development and animal husbandry schemes have a vast potential. The outlays in the Special Component Plan, however, are very small compared to the potential and need. The outlays in agriculture and minor irrigation should also be increased. In the Village and Small Industries Sector, an allocation of Rs. 9.52 lakhs has been made. This is very small amount when compared to the total outlays in the sector namely Rs. 491 lakhs. Cottage and Village Industries are very important for giving family and individual benefits to the Scheduled Castes.	4.27(vi)	475
(122)	The Government of Madhya Pradesh should chalk out a definite programme for the coverage of the 8.23 lakh cultivators of the State with suitable planning and coverage of a meaningful proportion of them each year, in their special Component Plan for Scheduled Castes. In the fisheries sector of the Plan, a very good approach has been adopted. The deepening of fishing ponds should be linked up with the 'food for work programme'. This scheme could be commenced even without waiting for the tie-up. While in the tribal sub-plan areas, the State Government have given a weightage to the Scheduled Castes in all relevant programmes, the same approach should be adopted even in the non-tribal areas. The electrification of all Harijan localities which have not so far been covered should be taken up and included in the special component plan.	4.27(vii)	475
(123)	In the Special Component Plan of Maharashtra, no attempt was made to modify the existing schemes to include new schemes of relevance for the benefit of Scheduled Castes. Sector-wise analysis of the Special Component Plan revealed that in most of sectors, the outlays for the Scheduled Castes in agriculture (1.34%), minor irrigation (4.69%), animal husbandry (0.86%), dairy development (1.34%) and fisheries (1.89%) could have been much higher. Besides undertaking animal husbandry programmes, the State Government should examine the possibility of taking up minor irrigation schemes, dugwells on the land holdings of Scheduled Castes under the Employment Guarantee Scheme. The population of Neo-Buddhas in the State is 32.64 lakhs i.e. 6.48% and their interests do not appear to have been taken into account while framing the Special Component Plan for Scheduled Castes when they are eligible for benefits from a number of Plan Schemes under Backward Classes Sector on par with the Scheduled Castes. Substantial increase in the funds earmarked under Special Component Plan is, therefore, urgently called for.	4.27(viii)	478
(124)	In Orissa, the agricultural labourers and cultivators (mostly marginal and small farmers), together account for about 80% of all Scheduled Caste workers in the State. It is, therefore,		

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	necessary to direct the economic development efforts at the agricultural labourers and marginal and small farmers amongst the Scheduled Castes. Animal husbandry provides the maximum potential in this regard, specially for agricultural labourers. Similarly the coverage of Scheduled Castes in poultry, goats, sheep and piggeries development must be specified in terms of number of families. Not only the animals should be provided but the supply of fodder/feed, provision of health and veterinery care, sale of the end product and the full utilisation of all items such as carcass, setting up of bacon factories, will have to be organised.	4.27(ix)	479
(125)	Component Plan of Punjab revealed that in most sectors like agriculture (4.03%), animal husbandry (11.32%) and village and small industry (2.91%), the outlays for the Scheduled Castes could be much higher. The main effort for the development of the Scheduled Castes must be directed at the agricultural labourers. Animal husbandry including dairying provides the maximum potential for the Scheduled Castes in the State. Other animal husbandry programmes for sheep, poultry and piggery development could also be taken up to the extent of their full scope based on the market, and specific coverage of Scheduled Castes. In the cottage and village industries sector like production of barrack blankets, there is also scope for the Scheduled Castes.	4.27(x)	480
(126)	In the Special Component Plan of Rajasthan, it is necessary to increase the outlays in the divisible schemes and also to restructure the schemes within each sector. The sector-wise analysis of the Special Component Plan revealed that in most sectors like agriculture (0.24%), soil and water conservation (0.76%), animal husbandry and dairy development (1.62%), power (1.58%), village and small industries (6%), mines (0.29%) and housing (8.71%), the outlays for the Scheduled Castes could be much higher. The handloom sector has a very large potential in the State. There are over 1½ lakh handlooms in the State. Since most of the weavers are from the Scheduled Castes, this can become a big programme. There is also a lot of scope for a variety of handicrafts like basket and mat making. For providing employment to the Scheduled Castes, soil conservation, forestry and other labour intensive sectors provide an opportunity and labour contract societies could, if properly organised, enable the Scheduled Castes to derive considerable benefits. The formation of labour contract societies can give substantial impetus to labour oriented schemes both during the slack season and peak season.	4.27(xi)	481
(127)	For improving the Special Component Plan of Uttar Pradesh the proportion for the Scheduled Castes should be increased and more schemes from which benefits flow to the Scheduled Castes should be identified. The Sector-wise analysis of the Special Component Plan revealed that in most sectors like agriculture (0.57%), minor irrigation (5.56%), animal husbandry (20.00%), forest (1%), village and small industries (4.59%), education (2.83%), the outlays for the Scheduled Castes could be much higher. To the extent it is not possible to make changes in the plan outlay ceilings of different sectors, adjustments must be made within each sector so that the programmes needed for the development of Scheduled Castes find place within the available total sectoral outlay. This is necessary because there is no doubt that the Scheduled Castes are far behind others in development and have to be given priority in all sectors. The Scheduled Caste agricultural labourers and small and marginal farmers in Uttar Pradesh comprise the main target group for Special Component Plan. Schemes in the animal husbandry sector provide the maximum potential for those who have no land or those who have a meagre land holding. Since 48% of the agricultural labourers are Scheduled Castes, taking into account their economic backwardness,		

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	the distribution of about 6 lakh milch animals to 3 lakh Scheduled Caste families could be undertaken. Dairying is the largest single programme from which the Scheduled Castes could drive substantial benefits. Coverage of the target group families of the Scheduled Castes under Cottage and Village Industries should also be taken up. Training programme can easily be tied up with employment in carpet making. Match industry, soap industry and weaving etc., offer good scope for development of Scheduled Castes. Soil conservation, forestry and other labour intensive sectors provide employment opportunity. Labour Contract Societies/Cooperatives could enable the Scheduled Castes to derive considerable benefits.	4.27(xii)	482
(128)	In West Bengal, 42.57% of the Scheduled Caste workers are agricultural labourers (1079 lakhs), 33.4% are cultivators small and marginal farmers (8.47 lakhs). Thus of the total Scheduled Caste workers, over 75% are accounted for by these categories of agricultural labourers, marginal and small farmers. These would include, of course also the sharecroppers. The main effort for the development of the Scheduled Castes must, therefore, be directed at these groups.	4.27(xiii)	484
(129)	The benefits to the Scheduled Castes from the Integrated Rural Development Programme initiated by the Union Department of Rural Development should be earmarked to the extent of the proportion of Scheduled Castes amongst the target groups in each case and till such figures are available it should be 50% of the total benefits.	4.32	493
(130)	All the State Governments/Union Territory Administrations should take necessary action at an early date to implement the recommendations of the Working Group on Scheduled Castes and other Backward Classes, to the effect that, due to the average holding of the members of Scheduled Castes being very small and their not being, therefore, eligible to get benefits of various schemes under the Integrated Rural Development Programme, like irrigation wells, it may be necessary to change the structure of such schemes with reference to the economic condition of the members of the Scheduled Castes.	4.33	496
(131)	The Government of India should take an early decision on the recommendations of the 'Sivaraman Committee on the Role of Voluntary Agencies in Rural Development', that voluntary agencies which are engaged in social and developmental work, especially in rural areas, should be profitably involved in planning and/or implementation of the Integrated Rural Development Programme.	4.34	497
(132)	All the State Governments/Union Territory Administrations should take an early action to implement the recommendations made in the meeting of the State Chief Secretaries and other officials held in February, 1979, to review the progress of the implementation of the Integrated Rural Development Programme, viz. (i) the implementation of the programme should be speeded up, (ii) the State Governments should maintain close liaison with the banks and help them in sanctioning loans, (iii) the State Governments should strengthen their cooperative instructions with a view to enabling them to provide more funds for the programme and (iv) they should make necessary provisions in their plans for the creation of social and economic infrastructure.	4.35	498
(133)	In Maharashtra, Mahatama Phule Backward Class Development Corporation Ltd. proposes to take up a broad-based programme to improve the economic conditions of the weaker sections. The Corporation is still at its initial stage and the actual contribution made by it remains to be watched with interst.	4.39	524

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(134)	The desirability of allotting suitable plots of land to the Lahaul Potato Growers Cooperative Marketing-cum-Processing Society Ltd., Manali for housing its offices and godowns may be considered by the Government of Himachal Pradesh, urgently.	4.40	525
(135)	Leaving aside a few States, no break-through has been made in ameliorating the economic conditions of Scheduled Castes through the formation of Development Corporation. In the case of Scheduled Tribes as well, considerable efforts still require to be made to finance their development schemes through Development Corporations.	4.43	529
(136)	From the detailed information given about the recommendations/ observations made by the Commissioner in his various reports for improving the conditions of the persons connected with unclean occupations it is felt that strenuous efforts on the part of the authorities concerned are necessary to improve the living and working conditions of scavengers.	4.52	546
(137)	All the Rural Banks should be instructed to maintain separate data with regard to the assistance provided by them to the persons belonging to the Scheduled Castes/Tribes as well as to the other sections of the population.	4.59	555
(138)	No information is so far available about the benefits derived by the persons belonging to Scheduled Castes/Tribes in terms of financial assistance provided and additional employment opportunities accruing to them from the implementation of the Centrally Sponsored Scheme, of Assistance for setting up District Industries Centres. It appears that this programme has immense potentialities of development, and all efforts are required to be made to assist persons belonging to Scheduled Castes/Tribes both financially as well as in technical matters for improving their socio-economic condition.	4.64	560
(139)	The new programme of entrepreneurial development amongst weaker sections of the community requires to be watched with interest. There is no doubt that this programme can help in promoting entrepreneurial skills amongst the persons belonging to Scheduled Castes/Tribes provided it is properly implemented.	4.66	562
(140)	The stand taken by the Municipal Corporation of Delhi that they did not consider it feasible to provide specific reservations for members of Scheduled Castes/Scheduled Tribes for the allotment of trade licences is not correct. It is as though they have taken it for granted that the Scheduled Caste/Scheduled Tribe persons would not be able to fulfil the technical requirements of the trade. The Corporation should prescribe specific reservation for the persons belonging to these communities in the allotment of trade licences and grant these to them in case they fulfilled the technical requirements of the trade. They should also maintain data regarding the number of licences issued to the persons belonging to Scheduled Castes and Scheduled Tribes.	4.79	577
(141)	Provision of free legal aid to the persons belonging to Scheduled Castes and Scheduled Tribes is essential so that they should get proper justice whenever they are dragged to courts in civil, revenue and criminal cases or they themselves are forced to go to the courts for securing justice. To make proper assessment about the usefulness of the schemes, detailed information should be collected by the concerned States/Union Territories giving description of the applications received from Scheduled Caste/Scheduled Tribe persons for legal assistance, details of the cases which were considered admissible for the grant of legal assistance and the final outcome of their cases. Expert bodies should also review the schemes of legal assistance for Scheduled Castes and Scheduled Tribes to suggest measures that are required to be undertaken to make these more purposeful. Moreover, as has been		

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	suggested by the Commissioner in his earlier reports processual reforms are required to treat cases of social injustice as separate from ordinary violations of law and the law relating to burden of Proof, Evidence Act and Criminal Procedure Act should be suitably amended.	4.81	589
(142)	The Government of Bihar should consider the desirability of introducing a special column in the returns prescribed for the district authorities etc., to know the benefits derived by the persons belonging to Scheduled Castes and Scheduled Tribes from the implementation of Antyodaya Programme in the State.	4.83	591
	CHAPTER 5—LAND, AGRICULTURE AND HOUSING PROGRAMMES		
(143)	In cases where the waste lands allotted to Scheduled Caste/Tribe persons are very uneven and beyond the capacity of the beneficiaries to make these culturable, the State Governments/Union Territory Administrations concerned should either allot alternative lands to them or help them in their reclamation.	5.5	605
(144)	The State Governments/Union Territory Administrations who have not yet taken necessary action to implement the recommendations made in Commissioner's 1959-60 Report, that the Scheduled Caste/Tribe allottees of waste lands should be allowed a period of atleast 3 years to make these lands culturable before they were asked to pay full land revenue to the Government and that ordinarily no such levy should be imposed on them during the first year of allotment and during the 2nd and 3rd years only 1/3rd and 2/3rd of the land revenue respectively, should be charged from them, should take early action to do so now.	5.6	606
(145)	It is reiterated that complete information regarding the extent to which the Scheduled Caste/Tribe persons have benefitted from *bhoodan* & *gramdan* movement should be maintained both by the Revenue Departments of the State Government and the Boodan Samities so as to assess the actual benefit accruing to the Scheduled Castes/Tribes from these measures.	5.7	607
(146)	Liberal assistance should be given to the new Scheduled Caste/Tribe settlers by various State Governments/Union Territory Administrations, for reclamation of land and various agricultural inputs and minor irrigation programme should be given high priority in the tribal sub-plan areas as well as for the benefit of agriculturists belonging to Scheduled Castes. The desirability of forming cooperative farming societies of Scheduled Caste and Scheduled Tribe landless labourers by providing technical and financial assistance to them should also be considered. Conducting research to evolve new varieties of crops suitable to tribal areas is also considered necessary for improving the economic conditions of the Scheduled Tribes.	5.9	611
(147)	The work of the completion of land records in tribal areas in various States/Union Territories should be attended to on priority basis and the same should reflect a faithful record of corporate rights of the community, clans, lineages and individuals, over land.	5.14	616
(148)	The Government of West Bengal should explore the possibility of establishing a revolving fund out of which help may be given to the share croppers (bargadars) for bringing the land under cultivation so that their share of harvest is increased from 50 to 75%.	5.21	627
(149)	It was observed by Commissioner during his visit to Mohammad Bazar Block in Birbhum District of West Bengal in December, 1979 that 6 bargadars had not been issued receipts by their respective landlords in respect of the share of the crops given to the landlords. The revenue officers concerned were asked to look		

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	into the matter and if necessary take suitable action under sub-Section 2(A) of Section 19A of the West Bengal Land Reforms Act, 1955. The State Government should look into the matter and do the needful at an early date.	5.24	630
(150)	The Government of West Bengal should take up cases in the High Court on behalf of the bargadars in whose cases the landlords have filed writ petitions in the High Court to stall the 'operation barga'. This would help in creating confidence among the share croppers that the State will help them at all stages of litigation regarding their recording of rights without their increasing any expenditure on this account.	5.25	630
(151)	In Assam, illegal land alienation inside and outside the tribal belts is one of the pressing problems on account of the influx from Bangla Desh, Nepal, Bihar etc. Suitable steps should be taken by the State Government to identify such cases and restore the alienated lands to the tribals.	5.27	633
(152)	Identification of alienated land and its restoration in areas of high incidence of land alienation should be carried out by various State Governments/Union Territory Administrations and special machinery appointed for restoration of land which should be reviewed regularly at State level. To expediate land restoration, the State should become a party in the case of tresspass of illegal alienation of tribal land and summary procedures adopted for this purpose.	5.28	634
(153)	The tribal lands illegally alienated to non-tribals in the Santhal Parganas district of Bihar should be restored to them as early as possible and various loopholes in the existing tenancy legislation which hinder the restoration of such lands to the tribals should be plugged immediately by making suitable amendments to the said legislation.	5.32	644
(154)	The Government of Bihar should take necessary action to arrange for the sanction of consumption loans to the tribals in the Santhal Parganas district through LAMPS so that the tribals do not have to depend on the moneylenders for their urgent needs.	5.32	644
(155)	The Government of Bihar should ensure that the tribal workers in the Santhal Parganas district are invariably paid wages as prescribed under the Minimum Wages Act.	5.32	644
(156)	The system of toll tax in *hats* in the Santhal Parganas district of Bihar through private contractors should be abolished and the *hats* should be run by tribal cooperative societies formed for this purpose. Alternatively at prominent places in the *hats* the rates of toll tax should be displayed and lessees charging more than the stipulated rate should be prosecuted.	5.32	645
(157)	The Government of Bihar should take early action to ensure regular supply of controlled cloth and fertilizers to the LAMPS, in the district of Santhal Parganas and withdraw the circular stopping the supply of these articles to the LAMPS. The State Government should also ensure that LAMPS in the sub-plan areas should be established in predominently tribal pockets so that benefits from them accrue to the tribals. The location of other developmental schemes like minor irrigation schemes should be selected in such a way that the beneficiaries are predominantly tribal people.	5.32	645
(158)	The Government of Bihar should ensure that prompt action is invariably taken to pay adequate compensation in cases of various clashes involving loss of tribal life and property.	5.32	646
(159)	It was noticed during Commissioner's visit to Santhal Parganas District in Bihar during December, 1979 that 6 *kathas* of land belonging to a tribal of village Munidih in Sunderpahari block of Dumka Sub-Division, had been taken by a Mahajan in lieu		

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	of a loan of Rs. 150/-. The land was being cultivated by the tribal while half of the produce was taken by the Mahajan. Thus it was a case of the worst type of exploitation. The State Government should look into the matter and take necessary action to ensure that such cases do not recur.	5.33	647
(160)	The Government of Bihar should take early action to review the tenancy legislation in the Santhal Parganas district of the State in order to restore the alienated tribal lands at an early date.	5.36	651
(161)	It is felt that unless necessary facilities for short and long term credit as well as necessary agricultural inputs are given to the tribals whose alienated lands in Chhotanagpur are restored, there is every possibility of these lands again being alienated. The Government of Bihar should, therefore, take early action to afford these facilities to the tribals.	5.38	654
(162)	In the Singhbhum district of Bihar, tribal leaders like the *Munda,* the *Manki,* the B.D.O. concerned, local government officials, M.L.As. and the M.P. concerned should be associated with the Advisory Council of the State Forest Development Corporation, and all these persons should be consulted before cutting the *sal* trees to avoid any trouble.	5.39	654
(163)	It is alleged by the tribals in the Singhbhum district of Bihar that 35 Khuntkatti villages in the Saraikela Sub-Division were acquired by the British Government in 1899 and declared as reserved forest without the payment of any compensation to them by the then Government. The Tribals are now demanding that these Khuntkatti villages should be restored to them. The State Government should have the matter thoroughly examined and take necessary action to satisfy the demands of the tribals in this regard if found to be legitimate.	5.39	655
(164)	Various loopholes in the Chhotanagpur Tenancy Act, 1908 and the Scheduled Areas Regulation, 1969 should be plugged as early as possible by the Government of Bihar to ensure that the tribal land is not alienated to non-tribals, and the land already alienated is restored to the tribals.	5.39	655
(165)	It has been observed that a large number of tribal boys and girls have migrated from Singhbhum district of Bihar to other States for working as labourers in brick-kilns and doing other work. Some of these tribal girls were allegedly being exploited by the contractors for immoral purposes. Most of these migrant tribals are being paid wages at rates much less than those prescribed under the Minimum Wages Act. The Government of Bihar should get the matter thoroughly examined and take urgent action to ensure that the tribal workers are not exploited by the contractors and they are paid minimum wages prescribed under the Minimum Wages Act.	5.39	657
(166)	The Union Ministry of Labour should notify early the "Inter State Migrant Workmen (Regulation of Employment and conditions of Services and Miscellaneous Provisions) Act, 1979".	5.39	657
(167)	To remove the difficulty created by non-tribals obtaining stay orders from the higher courts against orders for the restoration of alienated tribal lands in many cases under the Scheduled Areas Regulation, 1969, the Government of Bihar should make a suitable amendment to the said Regulation, to the effect that, an appeal against an order of restoration passed under Section 71(A) of the Chhotanagpur Tenancy Act can be made only after complying with the said order.	5.40	658
(168)	A provision should be made by the Government of Bihar to the effect that cases of rejection of applications filed by tribals for restoration of alienated lands under Section 71A of the Chhotanagpur Tenancy Act, 1908, on technical grounds, by the trial		

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	courts, are put up to the higher court of appeal for confirmation who may hear the parties concerned and recommend cases with observations and directions to pass appropriate orders.	5.40	659
(169)	Many Scheduled Tribes had been forcibly dispossessed of their lands after the Revisional Survey without any legal or illegal transfers of land. According to a view such cases are not covered under Section 71A of the Chhotanagpur Tenancy Act, 1908 which covers only cases of transfers under the 'Transfer of Property Act' and these can be tried only by ordinary law. The summary proceedings under the Scheduled Areas Regulation, 1969 cannot be attracted. The Government of Bihar should, therefore, suitably amend the wording of the Section 71A, to rectify this lacuna.	5.40	659
(170)	The Government of Bihar should strictly watch the genuineness of cases of transfer of tribal land to non-tribals for certain purposes under Section 49 of the Chhotanagpur Tenancy Act, 1908. Some system should be evolved to ensure that the tribal lands thus acquired are actually used for the purpose for which these are acquired.	5.40	659
(171)	In a large number of cases, raiyati lands of Scheduled Tribes which were alienated to non-tribals via the *Zamindars* could not be restored to the tribals under the Scheduled Areas Regulation, 1969. The Government of Bihar should plug this loophole by inserting a new clause in the said Regulation.	5.40	660
(172)	Section 71A of the Chhotanagpur Tenancy Act, 1908 should be amended by the Government of Bihar, so as to bring not only the lands of *raiyats* belonging to Scheduled Tribes but also *Bhuinhari* and *Khuntkathi* lands under the Protective and Restorative Wings.	5.40	660
(173)	By the amendment in the Indian Limitation Act (XXXVI of 1963) the period of limitation was extended from 12 years to 30 years in respect of immovable property belonging to members of Scheduled Tribes. However, not much relief can be granted in a large number of cases where transactions were affected more than 12 years ago. The Government of Bihar, should therefore, notify the amendment as retrospective in operation.	5.40	661
(174)	The Government of Bihar should take necessary action to ensure that the implementation of the penal provisions prescribed under Section 71(B) of the Chhotanagpur Tenancy Act, 1908 is vested with the officers of the Revenue Courts instead of Judiciary, to avoid unnecessary delay. The provisions of this Section should also be implemented vigorously by the State Government.	5.40	661
(175)	Comprehensive surveys should be made by expert agencies to find out the magnitude of the problem of alienation of tribal lands and also to study the regulations in force for controlling alienation of tribal lands as well as to restore the lands which have gone into the hands of non-tribals. Various State Governments should make provisions in their lands to the effect that the sale of a holding belonging to a member of a Scheduled Tribe shall be void unless it is in favour of any person belonging to a Scheduled Tribe. The laws must clearly provide that a plea to this effect can be taken at any stage of the proceedings and by a successor-in-interest.	5.43	666
(176)	The poor agricultural labourers belonging to Scheduled Castes/ Tribes should be helped in all possible ways by the State Governments to get wages at the rates fixed by them. There should be adequate supervisory staff to look into their grievances and take prompt action against the defaulters. The enforcement machinery of the State Government should be strengthened by providing funds under the Plan as has been done by the Government of West Bengal by alloting funds under the Social Welfare		

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	head side by side, it is necessary that the Government should take up public works under the 'Food for work' programme not only in the slack season but also in the agricultural season so that the landless are compelled to pay the minimum wage.	5.45	668 669
(177)	The Government of Bihar should seize all weapons where atrocities on Harijans take place. Mere issue of instructions for curbing atrocities on Scheduled Castes is not enough. What is needed is that all-out efforts should be made by the people, particularly, the social and voluntary organisations as well as by the Government, to assist in solving the numerous and varied problems of the Scheduled Castes which mostly relate to land and wage disputes.	5.52	683
(178)	It is appreciable that the Government of Gujarat has taken some positive steps to assist the persons belonging to Scheduled Castes in redeeming their loans and get back their lands. They should provide more staff and funds to assist the Scheduled Caste persons who have been deprived of their lands and are not in a position to arrange for the funds to make repayments. The remaining State Governments/Union Territory Administrations should also undertake similar steps to check land disputes and assist the Scheduled Castes.	5.57	689
(179)	As has been the experience of this organisation in the earlier years, complete details regarding the benefits derived by Scheduled Castes/Scheduled Tribes from the scheme of S.F.D.As. are never made available in time to make overall analysis regarding the economic development of the persons belonging to Scheduled Castes/Tribes from this programme. On the basis of inadequate data it is difficult to say if the persons belonging to Scheduled Castes/Tribes have started getting their due from this programme.	5.59	691
(180)	There are several voluntary organisation of repute working for the Welfare of Scheduled Castes/Tribes in the country. Efforts should be made by various State Governments/Union Territory Administrations to seek the cooperation of such organisations in the implementation of the Integrated Rural Development Programme.	5.63	694
(181)	All the State Governments/Union Territory Administrations should ensure the establishment of mixed colonies while implementing various housing schemes and avoid the segregation of Scheduled Castes in separate localities.	5.65	698
(182)	It is reiterated that all the State Governments/Union Territory Administrations should fix a percentage of shops to be allotted to Scheduled Caste/Tribe persons in the new shop areas being developed by them, in order to help the person belonging to these categories to enter into commercial ventures.	5.67	700
(183)	An urgent review is called for by the Union Ministry of Works and Housing to enhance the percentage of reservation for the allotment of Government accommodation to Scheduled Caste/Scheduled Tribe employees as well as extending the orders of allotment for these employees upto Type V.	5.68	700
(184)	All the public sector undertakings which have not so far adopted reservation quota in the allotment of accommodation to the employees belonging to Scheduled Castes and Scheduled Tribes, should consider the desirability of making specific reservations for the allotment of accommodation to such employees, even if they do not possess any accommodation at present for allotment to these employees. Such policy decision would help in protecting the interests of Scheduled Castes/Tribes in case the undertakings construct/acquire houses at a later date.	5.70	704
	CHAPTER 6—EDUCATIONAL DEVELOPMENT		
(185)	It is reiterated that concerted efforts should be made by the Governments/Administrations of Bihar, Haryana, Jammu & Kashmir, Madhya Pradesh, Rajasthan, Orissa, Uttar Pradesh, West Bengal, Andhra Pradesh, Gujarat, Maharashtra, Tamil Nadu, Tripura,		

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	Arunachal Pradesh and Goa, Daman and Diu to increase the enrolment of Scheduled Caste/Scheduled Tribe students by giving them incentives like stipends, free uniforms, books and stationery.	6.4 6.5	713
(186)	Studies similar to the one conducted by the Tribal Research Institute, Ahmedabad should also be made by Tribal Research Institute in other States to find out the extent of wastage of education and stagnation among the Scheduled Caste and Scheduled Tribe students. Unless wastage of education among these communities is reduced to the minimum, the huge funds being spent on increasing the enrolment of the children of these communities in primary classes will go waste. All the State Governments/ Union Territory Administrations should, therefore, take urgent steps to provide sufficient incentives to the Scheduled Caste/Scheduled Tribe children to enable them to continue in school and to ensure that wastage and stagnation among them is reduced to the minimum.	6.7	717
(187)	The suggestions made by the Union Ministry of Education that the State Education Departments should be vested with the responsibility of formulating the details of all the educational programmes including incentives programmes for Scheduled Caste and Scheduled Tribe children in consultation with other Departments irrespective of the implementing agency, are welcome. It is hoped all the State Governments/Union Territory Administrations will take necessary follow-up action to implement these suggestions.	6.8 6.9	720
(188)	The steps taken by the Ministry of Education to give special priority to Scheduled Caste/Scheduled Tribe persons while implementing the National Adult Education programme, are welcome. It is hoped that all the State Governments/Union Territory Administrations will implement the above instructions issued by the Ministry of Education to give priority to Scheduled Castes/ Tribes while starting Adult Education Centres.	6.13 6.14	725
(189)	As recommended in Commissioner's 1977-78 Report, it is reiterated that the State Governments/Union Territory Administrations should take necessary action to locate the proposed Adult Education Centres in areas of tribal concentration as well as Scheduled Caste localities, to enable more Scheduled Caste/ Scheduled Tribe illiterate persons in the age group 15-35 to derive benefit from the programme.	6.15	72[illegible]
(190)	The Government of Bihar, Karnataka, Kerala, Orissa and Rajasthan should take urgent steps to increase the number of Ashram schools in their respective States.	6.16	729
(191)	It is reiterated that all the State Governments/Union Territory Administrations having Ashram schools in their respective States/ Union Territories should review the curricula in these schools at an early date and ensure that craft-based education is actually imparted therein. For that purpose these schools should be provided with the required craft equipments and necessary craft-oriented teachers.	6.17	730
(192)	Since the number of Backward Classes hostels in Bihar, Gujarat, Himachal Pradesh, Kerala, Rajasthan and Uttar Pradesh having large Scheduled Caste/Scheduled Tribe population is still quite inadequate, it is reiterated that the State Governments concerned should take urgent action to increase the number of these hostels.	6.20	733
(193)	It is reiterated that the State Governments/Union Territory Administrations should take necessary action to avoid-lop-sided growth in the establishment of Backward Classes hostels for Scheduled Castes and Scheduled Tribes by adopting a well though out policy at Government level to bring about an area-wise balanced growth of hostels in accordance with the needs of the respective regions which should be assured after conducting necessary surveys.	6.21	734

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(194)	The State Governments/Union Territory Administrations which have not yet increased the rates of grants-in-aid to Backward Classes Aided hostels should do so urgently to neutralise the steep rise in the price level, and to enable the voluntary organisations to run the hostels efficiently.	6.22	735
(195)	A specific percentage of seats in general hostels should be reserved for Scheduled Caste/Scheduled Tribe students. The Governments/Administrations of Bihar, Haryana, Himachal Pradesh, Jammu & Kashmir, Punjab, Chandigarh, Goa, Daman & Diu and Pondicherry should take early action to make necessary reservation of seats for Scheduled Caste/Scheduled Tribe students in all general hostels.	6.24	737
(196)	It is reiterated that the Government of India as well as the State Governments in whose States the number of girls' hostels for Scheduled Castes and Scheduled Tribes is small should take urgent steps to increase the number of these hostels to enable more Scheduled Caste/Tribe girls to receive elementary as well as higher education.	6.26	740
(197)	The rates of Postmatric scholarships to Scheduled Caste/Scheduled Tribe day scholars pursuing Medical and Engineering courses as well as Scheduled Caste/Tribe day scholars and hostellers pursuing courses other than the above mentioned two courses should also be increased suitably taking into consideration the steep rise in price level.	6.32	748
(198)	Employed Scheduled Caste/Scheduled Tribe students should also be made eligible for the award of Post-matric scholarships subject to the same means test as is prescribed for non-employed students with the difference that in their case the total family income should be assessed for the purpose of the means test. The Post-matric scholarship regulations should be suitably amended in this regard, by the Ministry of Home Affairs.	6.33	750
(199)	The Union Ministry of Home Affairs should consider the desirability of taking an early action to remove the restriction of award of Post-matric scholarships to only two children of the same parents/guardians and making all their children eligible for the scholarships if they satisfy the means test.	6.34	752
(200)	The State Governments/Union Territory Administrations which have not so far taken necessary action on the various suggestions made by the Union Ministry of Home Affairs as well as the Commissioner for Scheduled Castes and Scheduled Tribes in his earlier reports, to eliminate delay in the payment of Post-matric scholarships to Scheduled Caste/Scheduled Tribe students, should take early steps in this regard.	6.37	758-59
(201)	Early action should be initiated to identify the economically more backward communities among the Scheduled Castes/Tribes in all the States/Union Territories and to launch special programmes like special coaching classes, increased rates of Pre-matric stipends and starting special residential schools like Ashram schools for them to encourage more students among these communities to reach the level of Post-matric scholarships, and to derive benefit from the scheme.	6.38	760
(202)	It is reiterated that the number of Post-matric scholarships to children of non-Scheduled Castes/Tribes engaged in scavenging of dry latrines and flaying are not adequate and should be increased by the Union Ministry of Home Affairs to cover all the eligible students as in the case of Post-matric scholarships to Scheduled Caste/Scheduled Tribe students.	6.39	761
(203)	The action taken by the Union Ministry of Home Affairs to start Book Banks in Engineering and Medical Colleges, for Scheduled Caste/Scheduled Tribe students, is welcome. The scheme should		

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	be expanded to cover all the Degree colleges to enable the deserving Scheduled Caste/Tribe students pursuing Science/Commerce and Arts Degree courses, as well, to derive benefits from the Book Banks facility.	6.42	763
(204)	It is reiterated that all the State Governments/Union Territory Administrations who have no schemes of pre-matric stipends and other incentives like book-grants, uniforms, mid-day meals etc., should take early action to introduce the same in their respective States/Union Territories.	6.43	764
(205)	All the State Governments/Union Territory Administrations who have not yet made universal coverage of pre-matric stipends etc., at the primary and secondary stages, should do so urgently by making liberal provisions for these schemes in their budgets. They should ensure that all the eligible Scheduled Castes/Tribe students at pre-matric stages are granted stipends and the number of these stipends is not restricted by the availability of funds.	6.44	765
(206)	Since the number of pre-matric scholarships to children of those engaged in unclean occupations, i.e., scavenging of dry latrines, tanning and flaying, is too small to cover all the children of these categories, it is reiterated that the number of these scholarships should be increased suitably, to cover more children of these categories.	6.45	767
(207)	Until all the overseas scholarships to Scheduled Caste/Scheduled Tribe students are utilised by attracting more eligible candidates through wider publicity, the very purpose of increasing the number of these scholarships will be defeated. Since some overseas scholarships for 1976-78 are still unutilised suitable measures should be taken by the Union Ministry of Home Affairs to see that all the scholarships are utilised by deserving Scheduled Caste and Scheduled Tribe students.	6.50	771
(208)	The attitude of the Aligarh Muslim University in not agreeing to reserve any seat for Scheduled Caste/Scheduled Tribe candidates in their medical college is disquieting. It is, recommended that the Union Ministry of Education as well as the University Grants Commission should take necessary action urgently to persuade the University to make the prescribed reservation of seats for Scheduled Caste/Scheduled Tribe candidates in their Medical College.	6.52	772
(209)	It is reiterated that the Governments of the States in which admission to private medical college is made on payment of capitation fees should take necessary action to pay the capitation fees for Scheduled Caste/Scheduled Tribe students admitted to these colleges, like the Government of Karnataka.	6.53	773
(210)	The scheme proposed by the Government of Madhya Pradesh to give special coaching in Science/Mathematics/Biology to selected Scheduled Caste/Tribe students at the stage of higher secondary/ first year B.Sc. in selected schools and colleges before their admission to professional courses to improve their educational performance as well as to enable them to compete well in the entrance test for admission to medical and engineering colleges, is commendable. It is hoped that the same will be started at an early date to enable more Scheduled Caste/Tribe students to be admitted to Medical and Engineering Colleges. Similar schemes should also be started by all the other State Governments. Special coaching to Scheduled Caste/Scheduled Tribe students of I year in Medical College, Raipur, should be extended to II and III years as well to enable these students to improve their performance.	6.54	775
(211)	The Universities/Institutes which have not yet made the required reservation of seats for Scheduled Caste/Scheduled Tribe candidates in Post-graduate medical courses should take action to do		

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	so immediately. The Union Ministry of Health should also reconsider their stand in this regard and persuade these Universities/ Institutes to make the required reservation of seats for admission of Scheduled Caste/Scheduled Tribe candidates to Post-graduate medical courses. The All India Institute of Medical Science, New Delhi should make specific reservation of seats for Scheduled Caste/Scheduled Tribe candidates at Post-graduate level instead of clubbing the reservations made for them alongwith many other categories.	6.55	780
(212)	It is reiterated that the percentage of seats reserved for Scheduled Caste/Scheduled Tribe candidates in Post-graduate courses in I.I.Ts. should be increased to 20 and various steps like further lowering the minimum standard prescribed for their admission should be taken urgently to ensure that all the reserved seats are filled by Scheduled Caste and Scheduled Tribe candidates.	6.56	782
(213)	It is reiterated that the Ministries of Education as well as Home Affairs should take immediate action to start the proposed special coaching centres for Scheduled Caste/Scheduled Tribe candidates with a view to preparing them for the J.E.E. for admission to the various I.I.Ts. to enable more candidates belonging to these communities to be admitted to these Institutes and to enable them to pull on well therein.	6.58	785
(214)	All the Kendriya Vidyalayas should implement the instructions issued by the Kendriya Vidyalaya Sangathan in August, 1978 to relax the standard prescribed for admission to these schools in favour of Scheduled Caste/Scheduled Tribe students and ensure that the seats reserved for students belonging to these categories are filled by them. The Sangathan should also keep a strict watch to ensure that all the Vidyalayas are following the instructions issued by them in this regard.	6.65	792
	CHAPTER 7—UNTOUCHABILITY		
(215)	The workers of the Harijan Sevak Sangh should work for the removal of the various practices of untouchability noticed by them in the villages surveyed by them. The State Governments concerned should also come forward to land a helping hand to these workers for the eradication of untouchability in the villages surveyed by them. After an interval of one year, these villages should be resurveyed to find out whether there are still vestiges of social disabilities noticeable there.	7.7	813
(216)	Voluntary organisations should undertake surveys and enlighten the public about the punishment to which they will be subjected if they observe untouchability in the matter of access to shops, restaurants, hotels or other places of public entertainment.	7.14	822
(217)	The action taken by the Government of Pondicherry to circulate the Protection of Civil Rights Act in regional languages is commendable. All the other State Governments/Union Territory Administrations should also take similar action in this regard.	7.14	822
(218)	All the State Governments/Union Territory Administrations except Andhra Pradesh, Bihar, Gujarat, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Pondicherry, Tamil Nadu and Tripura should consider the desirability of giving short and long term benefits to the inter-caste married couples and ensure that such couples are free from all sorts of harassment.	7.37	849
(219)	All the State Governments/Union Territory Administrations should take into consideration, the suggestion made by the Working Group on Scheduled Castes and Other Backward Classes, constituted by the Ministry of Home Affairs that, while giving benefits to the inter-caste married couples, the children of inter-caste marriages where one of the spouses belongs to Scheduled Castes, should be entitled to the same benefits of reservation, as provided		

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	for the Scheduled Castes and that each spouse of such marriages should be eligible for the highest priority in employment in the quota/category to which he/she will be ordinarily entitled so long as there is no separation or divorce.	7.38	850
(220)	The State Governments which have not so far notified the concession for the grant of priority to inter-caste married couples in the matter of recruitment, as suggested by the Working Group on Scheduled Caste and Other Backward Classes constituted by the Ministry of Home Affairs, should consider the desirability of doing so.	7.39	850
(221)	In view of the satisfactory work done by the Hind Sweepers Sevak Sangh and the need to impart agricultural training to Scheduled Caste youngmen, the Government of Uttar Pradesh should give sympathetic consideration to the proposal of the Sangh to start an agricultural Training institute for Training Scheduled Caste youths and to inculcate in them feelings of religious harmony, social fellowship and love of the motherland on the lines of 'Divyayam' an institute run by Ramakrishna Mission Ashram, Ranchi.	7.45	859
(222)	Judging from the success which the Nagaland Gandhi Ashram, Chuchuyimlang, Nagaland has achieved, it is desirable that the influence of good work started by Shri Natwar Thakkar and his Ashram should be extended and more and more such Ashrams should be started in the State and its surrounding regions.	7.49	862
	CHAPTER 8—TRIBAL DEVELOPMENT		
(223)	Tempo of work in tribal development was accelerated during the 4 years of the Vth Plan and sufficient infrastructure created in the tribal areas, but due to limited absorption capacity and lack of effective delivery system for the new development programmes the much desired progress could not be achieved in these areas.	8.9	875
(224)	The Kerala Scheduled Tribes (Restriction on Transfer of Land and Restoration of Alienated Land) Act, 1975 which restricts transfer of tribal land to non-tribals should be enforced to prevent alienation of tribal lands immediately.	8.11	879
(225)	The Government of Uttar Pradesh have issued orders for the vesting of the land of 36 forest villages of ITDP, Lakhimpurkheri in the Revenue Department with a view to allotment to tribal families belonging to these villages. It should be ensure that relevant provision is made in the law so that the land does not pass on to the non-tribals after the allotment is made. The State Government should also consider imposition of ban on transfer of tribal lands to non-tribals as obtaining in Madhya Pradesh and Andhra Pradesh. In the ITDP, 3 LAMPS were functioning but they needed to be strengthened. It appears that banking sector as well as State financing agencies are not financing the LAMPS properly. The State Government should look into this aspect so that the LAMPS could discharge the threefold functions of procurement of the agricultural and forest produce, selling to tribals their consumer necessities and providing them production and consumption credit.	8.11	880
(226)	The concept that tribal development is the responsibility of all developmental departments has now been more or less accepted by all the State Governments. However, it is observed that while authorities have been constituted in most cases, the integration of sectoral programmes at ITDP level and its implementation in a coordinated manner under the direction of the project authority has not yet been achieved. Although, almost all the States have accepted the guidelines for administration and personnel policy in tribal areas, effective implementation is yet to take place. The		

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	State Governments/Union Territory Administrations concerned should look into this aspect urgently and take up various measures for implementation of this accepted policy in the tribal areas. The project proposals should be scrutinised on the basis of absorption capacity and the direct relevance of the programmes for the tribal development.	8.12	883
(227)	It is feared that the implementation of the decisions communicated recently by the Planning Commission to various Ministries/ Departments of the Government of India in regard to financing of Central/Centrally Sponsored Schemes from 1979-80, according to which a number of developmental schemes in the tribal areas will be transferred from the Central Sector to the State Sector or are to be financed on matching basis, may in effect result in a situation where Ministries may find themselves handicapped in earmarking requisite funds from the Central Sector for tribal development. But the overall responsibility of the Central Government for raising the level of Administration in the Scheduled Areas and for the welfare of Scheduled Tribes has to be fulfilled. In the circumstances, it appears necessary that in consultation with the concerned Central Ministries/Departments the Planning Commission may find out the effect of the latest orders regarding the devolution of funds to the State Governments by the Centre in so far as development of tribal areas is concerned and take urgent action to approach the National Development Council for continuation of the old pattern of financing various sectoral programmes from Central funds to be utilised in the tribal areas. Alternatively, the Central Ministries/Departments should themselves examine and sanction funds to the State Governments under Article 275(1) to fulfil the abovementioned objectives of the Constitution.	8.14	886
(228)	The Governments of Andhra Pradesh, Assam, Gujarat, Himachal Pradesh, Maharashtra, Orissa and Rajasthan have made some progress in identifying tribal pockets outside the Sub-plan areas. The remaining States/Union Territory Administrations concerned should also take up similar exercises and identify tribal pockets outside the Sub-Plan areas.	8.15	889
(229)	The development of dispersed tribals is expected to be covered by the General Sectors reinforced by the schemes under the welfare of the Backward Classes Sector. The schemes under the Backward Classes Sector have failed to make a decisive impact on the economic conditions of the tribals in these areas. It is, therefore, necessary that character of these schemes is changed and preferably they should be family based suiting to the needs of the tribals living in the area concerned, so that they may also take the benefit of the national development programmes taken up in these respective areas. If this is not done urgently we will be creating restlessness in the area as they would find their brethern taking advantage of the special schemes under the Sub-plan regions, whereas, they are being denied the benefits of these schemes as they happen to reside outside the Sub-plan area.	8.16	890
(230)	The reports of the Working Group on Tribal Development and the Study Teams are another step in influencing the process of change and development in the tribal areas. In view of the momentum the Sub-plans have gathered during the Vth Plan, it becomes all the more important for the Central Ministries and State Governments concerned to provide further direction on the basis of recommendations made by the Working Group and Study Teams so that the policy frame agreed to at the highest level may be translated into reality.	8.18	892
(231)	The studies about the health, genetic and nutrition problems of Madia Gonds, Katkaris and Kolams, Primitive Tribe of Maharashtra and Kutia-Kondhs Primitive Tribes of Orissa undertaken		

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	by the Tribal Research Institute, Pune and State Tribal & Harijan Research-cum-Training Institute, Bhubaneswar respectively reveal that the incidence of sickle-cell disease and red cell enzyme deficiency are quite high. It is necessary to carry out a detailed investigation to find out if any other type of genetic disease are prevalent in the tribal areas as each of the genetic hazards needs special preventive and curative measures. High incidence of malaria was also observed in the surveyed villages of Kutia Kondhas which were generally treated with anti-malaria drugs. In case these drugs are administered to persons with genetic (G. 6-PD) enzyme deficiency, it may induce acute haemolytic anaemia in some cases and may cause death. This important point should be taken into consideration before administering anti-malaria drugs.	8.24	897
(232)	In view of the special health problems of some of the tribals, the Ministry of Health, All India Institute of Medical Sciences and JIPMER, Pondicherry have been actively involved in conducting health surveys in providing the right type of medication. But it is yet to be known as to what progress has been made by them in conducting the health surveys and to what extent the benefits have been derived by the tribals in receiving the right type of medical facilities.	8.25	897
(233)	All the liquor shops in the tribal areas must be abolished in the first instance and it should be ensured by the concerned State Governments/Union Territory Administrations that out-still system is not changed into the supply system and programmes involving social workers, local leaders, voluntary organisations and students for dissuading the community from drinking habit, should be drawn up.	8.26	899
(234)	Tribals sometimes distill liquor not only for their own consumption but for sale in the local market also. This situation is further exploited by contractors who do business in the name of tribals. A strict watch should be kept on those connected with liquor trade in the recent past, so that they may not indulge in illegal activities in tribal areas.	8.28	903
(235)	All forest based developmental programmes should be so imaginatively chalked out that they directly improve the economy of the tribals living in the forest areas. It is very essential that in the first instance a feeling is inculcated among the tribals that their traditional rights and privileges are not being encroached upon.	8.29	904
(236)	At the national level there is consensus on many issues relating to forestry programmes but they remain to be operationalised in the field. It is, therefore, suggested that the State Governments concerned should consider the important issues raised in earlier Reports of the Commissioner for Scheduled Castes & Scheduled Tribes while formulating their perspective plans for forestry programmes and ensure that development of forests should form an integral part of the comprehensive plans of the integrated tribal development areas.	8.31	907
(237)	The Social Forestry Schemes of Bishtunpur in Singhbhum District and Jhikti in Dumka Block of Dumka Sub-Division in Santhal Parganas District of Bihar are commendable. The State Forest Department should take up more such social forestry schemes on the lands belonging to the Scheduled Tribes.	8.38	913
(238)	The vested interests in Bihar had succeeded in scuttling the programme of purchase of minor forest produce which had to be given up by the State Forest Development Corporation. In the whole programme non-involvement of the local people and lack		

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	of political will on the part of the Government to withstand the pressures of local contractors and shopkeepers was observed. The Chief Minister of Bihar has promised to get the whole matter investigated with a view to finding out the reasons for the denationalisation of certain minor forest produce and again reviving the scheme with the consent and cooperation of local tribal leaders. At the same time, to improve the condition of poor Scheduled Tribe Tassar cocoon rearers, the Government should take over the trade of cocoons. This is necessary because only a part of the total produce is purchased by the tessar marketing organisation of the Union Government and the Khadi Board.	8.39	915
(239)	The Governments of Bihar, Rajasthan and West Bengal have good schemes under Social Forestry Sector. Other State Governments should also introduce need based programmes under this sector and efforts should be made by them to introduce minor forest produce yielding trees like amla, harra, bahera, mahua, etc., in the plantation of species for industrial or commercial purposes as they have direct bearing on the economic development of tribals.	8.40	916
(240)	The recommendations made by the Working Group on Tribal Development during the Medium Term Plan 1978-83 on forestry should be implemented by the State Governments/Union Territory Administrations concerned with a view to improving the lot of the tribals living in the forest areas.	8.42	919
(241)	In Juangpirth area in Keonjhar district of Orissa a special scheme for the prevention of podu cultivation has been sanctioned for implementation in the micro project area on priority basis. The tribals who raise fruit plantations should be given rights over the land where fruit plants are being raised and also formally recognised as the owners of the plantations from the beginning.	8.47	923
(242)	According to the decision of the National Development Council, Centrally Sponsored Scheme to wean away the tribals from shifting cultivation is proposed to be transferred to the concerned State Governments/Union Territory Administrations during 1979-80. With the transfer of this scheme to the States more funds for the left over programmes including maintenance are expected to be made available by the State Governments for tackling these problems.	8.53	927
(243)	The State Government of Madhya Pradesh should immediately take up steps to check shifting cultivation and draw a composite programme of weaning away the shifting cultivators.	8.54	929
(244)	The State Governments concerned should implement the recommendations made by the Working Group on Tribal Development constituted by the Ministry of Home Affairs in 1978 to check shifting cultivation. All States having sizeable shifting cultivators should allocate definite proportion of the total outlay on agriculture and allied sectors to tackle this problem.	8.56	930
(245)	The Central Silk Board and State Governments concerned should take urgent steps in systematic exploitation of the available manpower and forest resources for economic upliftment of the tribals engaged in sericulture.	8.58	931
(246)	The Pilot Extension-*cum*-Training Centres initiated by the Central Silk Board's Research Stations in Bihar, Madhya Pradesh and Orissa should not only meet the basic requirements for tasar cultivation but should also provide training facilities to the departmental staff in the new rearing and grainage techniques.	8.60	934
(247)	The primary societies in tribal areas of Madhya Pradesh should be properly staffed so that they may be in a position to procure Kosa as well as all the other important forest produce available so that the tribals could get remunerative price for their produce.	8.61	934

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(248)	Tassar Seed Supply Centre, Hatgamaria, District Singhbhum, Bihar should make efforts to supply disease free eggs to all the tribal rearers in the area and the private traders who purchase cocoons from the tribals should be eliminated by giving remunerative price for cocoons to the tribals.	8.62	935
(249)	The observations made by the Study Team on Industries and Allied Sectors in Tribal Areas constituted by the Working Group on Tribal Development of Ministry of Home Affairs should be implemented earnestly to help in improving the economic conditions of the Scheduled Caste/Scheduled Tribe persons engaged in sericulture.	8.64	937
(250)	Most of the tribals reside on the upper reaches of the rivers and streams and many irrigation works are taken up in the lower reaches taking into consideration the total availability of water. It, therefore, becomes necessary that certain percentage of total water in each river basin is kept reserved for use only in the upper reaches. In this regard the State Governments of Gujarat and Maharashtra have taken initiative and have enacted laws for this purpose.	8.66	938
(251)	In some States no minor irrigation work is allowed to be taken up in an area which is to come up under the command of a medium or major project likely to be taken up in future. Since the minor irrigation works provide water at low investment, these small projects should not be discarded only because a major or medium irrigation projects is likely to come up in future. Different agencies provide different components of a minor irrigation scheme to the tribal cultivators. Tribals would be benefitted more if one organisation is made responsible for completing all components of the scheme.	8.66	938
(252)	Different agencies are dealing with the ground water, minor irrigation, medium and major irrigation and lift irrigation programmes in each State. A master plan for irrigation in tribal areas in each State should, therefore, be prepared.	8.68	940
(253)	For the maintenance of existing assets in tribal areas funds should be adequately provided to ensure that the benefits continue to be derived by the tribal people.	8.71	942
(254)	The State Governments concerned should give suitable incentives like universal coverage under the scheme of Pre-matric stipends, opening of more Ashram Schools, Backward Classes hostels, Book-Banks, change in curricula and adjustment of school timings according to the needs of the Scheduled Tribes, free distribution of stationery and uniforms etc., to Scheduled Tribe students to encourage more of them to continue their education at the middle and higher levels.	8.77	947
(255)	Efforts should be made by States/Union Territory Administrations concerned to post local Scheduled Tribe teachers in the schools of their areas so that community feeling may induce them to work for the development of the people.	8.78	948
(256)	Santhal Paharia Seva Mandal is doing commendable work of Leprosy control in the hilly and tribal areas of Santhal Parganas District of Bihar. It, therefore, deserves encouragement and financial assistance by the Central and State Governments.	8.83	952
(257)	Primary health centres/sub-centres should be opened in such tribal blocks on priority basis where these facilities are not available, and proper housing and educational facilities should be provided to doctors posted in these areas and doctors should also be posted at sub-centres so that their services are better utilised by the people from inaccessible areas.	8.84	953

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(258)	The State Governments/Union Territory Administrations concerned should make a clear assessment of the prevailing health situation in tribal areas and draw intensive time bound programmes keeping in view the priorities for the target groups. In this venture social workers and voluntary organisations of repute should also be associated. The Study Team on Social Service in tribal areas constituted by the Working Group on Tribal Development 1978-83 have gone into the problem in depth and have made important recommendations which should be implemented by the State Governments/Union Territory Administrations concerned.	8.86	955
(259)	Mal-nutrition is one of the most acute problems among the tribals. Tribal areas should, therefore, be covered by specific nutritional programmes. The emphasis in these programmes should be on target groups like expectant and nursing mothers, Primitive Tribes and weak and infirm persons, besides coverage of children and others suffering from mal-nutrition.	8.87	956
(260)	Nutritional programmes are being implemented by different Ministries through different agencies. It is, therefore, recommended that all nutritional programmes should be incorporated in the ITDPs, so that there may be wider coverage of nutritional programmes in tribal areas.		
(261)	The Coordination Committee constituted by the Department of Social Welfare should play an important role in channelising different nutritional programmes to weaker sections of the community particularly the tribals by taking into account their nutritional needs in Sub-plan areas and other areas.	8.88	958
(262)	The protected supply of drinking water should be provided in tribal areas where it is lacking and the existing source should be improved. In the identification of problem villages in the tribal areas the units should be hamlet rather than a village.	8.89	959
(263)	The State Governments/Union Territory Administrations should maintain separate statistics regarding the coverage of Scheduled Castes and Scheduled Tribes under Drinking Water Supply Schemes so that a, realistic plan for drinking water supply arrangements for different groups including target groups among the Scheduled Tribes may be possible on priority basis.	8.90	960
(264)	Road development in the tribal areas provides support to the economic activity and tribal development. All Sub-Divisional Headquarters, Block Headquarters should be linked up with all weather pucca roads in a phased manner. In the first stage it is of paramount importance that weekly market centres and Primary Health Centres are linked with the Block Headquarters with all weather roads. In case where immediate necessity is for construction of culverts, bridges and cross drainage structure to allow people to cross rivers at all times of the year, top priority should be given to this by the State Governments concerned. In difficult terrain like those in Lahaul, Spiti and Pangi valleys of Himachal Pradesh which are not accessible for 8-9 months in a year, roads are the life lines of the tribals living in those areas. Road construction should be given very high priority in these areas. Land-slides and avalanches are frequent which breach roads, irrigation channels and cause floods.	8.92	961
(265)	The State Governments concerned should take up construction of link roads which will connect the National Highways with the tribal areas on priority basis. The linking of roads with the National Highways would have far reaching results in boosting up the economy of the tribal people living in inaccessible areas.	8.93	962

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(266)	**Road construction should get priority in developmental programmes of the Integrated Tribal Development Project, Narayanpur in Madhya Pradesh.**	8.94	963
(267)	**A decision has been taken to open public call offices irrespective of loss at all District/Sub-Divisional/Tehsil/Sub-Tehsil/Block Headquarters and places with a population of 5,000 or more in urban areas and 2,500 or more in backward areas. More relaxed norm should be applied for tribal areas in this regard.**	8.95	964
(268)	**All Integrated Tribal Development Projects and Scheduled Areas should be eligible for liberalised financial norms for expansion of postal services in these areas.**	8.96	965
(269)	**Rural electrification should be linked to the economic programmes like irrigation and village and household industries. A programme of electrification suitably linked with the plan of processing units for at least the first stage processing of commodities available in the tribal areas and energising pump sets, should be prepared.**	8.97	966
(270)	**The Rural Electrification Corporation should collect basic data regarding the benefits derived by Scheduled Castes and Scheduled Tribes in connection with the electrification programmes. It would help to know whether under the normal programme of electrification due benefits are being derived by them.**	8.99	968
(271)	**The Ministry of Railways should provide sufficient funds for construction of new railway lines in tribal areas and where railway lines exist in tribal areas passenger traffic should be opened along side goods traffic irrespective of financial loss.**	8.101	969
(272)	**The State Governments of** Maharashtra, Bihar, Rajasthan **and** Kerala **should implement the recommendations contained in the studies conducted by the Tribal Research Institutes, Pune, Ranchi, Udaipur and Kozhikode in the year 1978-79.**	8·103	972
(273)	**The Tribal Research Institutes should post staff in different tribal areas for continuous studies in the field instead of keeping all staff at the headquarters, as done by the Tribal and Harijan Research-*cum*-Training Institute, Bhubaneswar, Orissa.**	8.104	972
(274)	**Efforts should be made by the State Governments concerned to restructure and strengthen the Tribal Research Institutes to enable them to play an important role in the formulation of the Sub-Plans, Integrated Tribal Development Projects and evaluation of tribal as well as Scheduled Caste developmental programmes.**	8.104	974
(275)	**The Central Research Advisory Council should meet at least every six months to review the work done by Tribal Research Institutes. The State Governments concerned should take action on the recommendations made in the third meeting of the Council.**	8.107	976
(276)	**The Tribal Research Institutes at Kozhikode, Pune, Calcutta, Shillong, have not constituted Research Advisory Committees for formulating the programmes keeping in view the local problems of their areas. Steps should be taken to constitute such Committees by the concerned Institutes.**	8.107	976
(277)	**Suitable non-official research organisation should be considered for being entrusted with evaluation of programmes relating to Scheduled Castes and Scheduled Tribes. It should be ensured that Tribal Research Institutes and these organisations are fully equipped to take up these additional assignments.**	8.115	980

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	CHAPTER 9—ATROCITIES AND HARASSMENT		
(278)	**The enormity of the problem of atrocities on the Scheduled Castes and the Scheduled Tribes can be easily gauged from the fact the number of these atrocities has registered almost a three-fold increase during the last three years. It is really sad that this situation should prevail in spite of the fact that various measures have been claimed to have been adopted by the Governments—both Centre and States—to check atrocities on these communities. The malady appears to be deep-rooted and requires more drastic steps to attack it.**	9.1	981
(279)	**It is now common knowledge and as has been verified from earlier analysis of many atrocity cases in recent years, the causes leading to such atrocities on the Scheduled Castes and the Scheduled Tribes are both social as well as economic. Social indignities emanating from the practice of untouchability and acute economic disparity arising out of landlessness, wage labour, bondage, etc., present a total picture of exploitation and injustice and any attempt to shake off any of these forms of exploitation under the impact of the awakening of the age or in order to avail of the benefits of the various measures launched to uplift them socially and economically, easily invites the wrath of the vested interests. The result is atrocity of any proportion. Lack of efficient law and order machinery and inadequate legal protection have also contributed to a large extent to the rising trend in the incidents of atrocities.**	9.3	982
(280)	**Those in illegal possession of land are often responsible for committing atrocities on Scheduled Castes who are allotted surplus ceiling land but are not allowed to derive benefits from that land. The possession of land allotted to Scheduled Castes from surplus land or government land should be protected. Such land should be clearly demarcated and persons responsible for dispossessing them of their land should be summarily evicted and tried under law which should provide deterrent punishment and the land should be restored to the original allottees without any delay. Necessary amendments in the existing law on the subject should be made to achieve this purpose.**	9.3	983
(281)	**The State Governments should implement the instructions issued by the Union Ministry of Home Affairs from time to time suggesting measures for the prevention of atrocities on the Scheduled Castes/Tribes promptly.**	9.7	993
(282)	**The Governments/Administrations of the States/Union Territories, which have not so far introduced schemes for providing monetary relief to victims of atrocities on Scheduled Castes/Scheduled Tribes, should take immediate action to do so now.**	9.11	1008
(283)	**More staff and facilities such as jeep, wireless, etc., should be provided at the Harijan Thana at Patna, Bihar.**	9.14	1011
(284)	**While there may be no objection to the suggestion made by the Sadasivam Commission that seggregation on caste basis should be avoided while constructing new colonies in future, this should not, however, be made a plea to dislocate the harijans from their existing residential areas, like Periya colony in Villupuram town, Tamil Nadu. The State Government should look into the matter and take necessary action to ensure that the harijans of the Periya Colony are not removed from there on this account.**	9.17	1015
(285)	**The Government of Tamil Nadu should take urgent action to ensure that adequate wages are paid to the labourers working at the bus stand, ground nut marketing committee etc., at Villupuram town. For that purpose, the Tamil Nadu District Municipalities Act, 1920 (Tamil Nadu Act 5 of 1920) should be amended at an early date to enable the Villupuram Municipality to fix minimum charges to be paid to the labourers.**	9.18	1016

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(286)	**The Government of Tamil Nadu should take suitable measures to ensure that the officers concerned take timely action in incidents like those which took place at Villupuram in July, 1978 resulting in arson and brutal killing of 12 Harijans, so that the loss of lives and property of the Scheduled Castes as well as other atrocities against them may be avoided in future. Urgent steps should also be taken by the State Government to pay adequate compensation to the families of the Scheduled Caste persons killed during the incidents of violence at Villupuram.**	9.19	1016
(287)	**The authorities concerned in the Government of Bihar should look into the cause of dispute between tribals and non-tribals in respect of the burial ground in front of Hatubda village, Khunti Sub-division, District Ranchi, and make an amicable settlement between the two parties to remove any possibility of future trouble on this account.**	9.27	1027
(288)	**In Article 46 of the Constitution, the word 'State' refers to the sovereign power exercised by the Central as well as the State Governments and it is not correct to say that atrocities being a law and order problem fall under the State List and should be dealt with by the State Governments only. The Central Government has an overriding responsibility in matters of protection of the weaker sections and in particular of the Scheduled Castes and the Scheduled Tribes from social injustice and all forms of exploitation. In view of this, effective intervention of the Central Government in cases of atrocities on the Scheduled Castes and Scheduled Tribes, appears to be obligatory. Urgent steps should therefore be taken to work out the modalities of such intervention in consultation with the State Governments.**	9.28(i)	1029
(289)	**Processual reforms should be undertaken to treat cases of social injustice as separate from ordinary violation of law and the law relating to burden of proof, the Evidence Act and the Criminal Procedure Code should be suitably amended as in anti-corruption cases.**	9.28(ii)	1030
(290)	**Frequent incidents of atrocities against Scheduled Castes and Scheduled Tribes in incident-prone areas reveal a failure on the part of Revenue, Police and Development Departments in redressing the grievances of the weaker sections of the society. The State Governments should take necessary action to gear up the working of these departments.**	9.28(iii)	1030
(291)	**Suitable instructions should be issued by the State Governments to explain in unambiguous terms to their district staff about the type of cases to be brought under the purview of 'atrocity'.**	9.28(iv)	1030
(292)	**In cases where police officials are found guilty of involvement in committing atrocities on Scheduled Castes and Scheduled Tribes, severe punishment should be awarded to them.**	9.28(v)	1030
(293)	**The role of the police station in the Police Administration is crucial. It is, therefore, desirable that a gazetted Police Officer not below the rank of a D.S.P. or A.S.P. should be in-charge of a Police Station, to ensure that a Police Station is managed in a better way and specially the cases of atrocities against the weaker sections are attended to promptly. It is also dersirable that adequate number of police personnel should be posted in the police stations in sensitive areas, so that they are able to move about in the areas regularly and take timely action to prevent any atrocities on the Scheduled Castes and Scheduled Tribes.**	9.28(vi)	1031
(294)	**Whenever a serious incident of atrocity on Scheduled Castes/ Tribes takes place resulting in the death or injuries of Scheduled Caste/Scheduled Tribe persons, the Chief Minister/Minister/other high officers like the Commissioner of the Division, the Inspector General of Police/Collector of the affected district of the State**		

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	concerned should promptly visit the place of occurrence and ensure that the matter is thoroughly investigated by the authorities, energetic steps are taken for the apprehension of the culprits, charge sheets are promptly submitted and adequate compensation is paid to the families of Scheduled Caste/Scheduled Tribe victims of atrocities who are killed and the injured persons belonging to these communities.	9.28(vii)	1031
(295)	It would instil greater confidence among Scheduled Castes/Scheduled Tribes and other weaker sections if police personnel belonging to these communities are adequately represented in the police force.	9.28(viii)	1031
(296)	If atrocities on the Scheduled Castes and Scheduled Tribes take place repeatedly in an area, arrangements should be made to post special police force in that area and the entire cost of maintaining that force should be realised from the residents of that area. If atrocities on Scheduled Castes and Scheduled Tribes still persist, punitive fines should be imposed on the residents of that area.	9.28(ix)	1031
(297)	In order to check the cases of atrocities against Scheduled Castes and Scheduled Tribes, the police should not restrict itself only to the maintenance of law and order but jointly with other departments make efforts for the solution of the social and economic problems that are faced by the weaker sections of the society. What is required is social intelligence instead of police intelligence which is weak and deficient in respect of the problems of social and agrarian unrest that are brewing up in rural areas.	9.28(x)	1031
(298)	It has been observed in some incidents of atrocities on Scheduled Castes and Scheduled Tribes local landlords employ musclemen or specially hired *goondas* for committing atrocities on these communities. The police should take necessary action to collect information about these musclemen or *goondas* and take preventive action against them, in order to ensure the maintenance of peace in the areas, and to prevent atrocities against the Scheduled Castes and Scheduled Tribes.	9.28(xi)	1031
(299)	Licences for firearms should not be issued indiscriminately in sensitive areas where incidents of atrocities against Scheduled Castes and Scheduled Tribes occur frequently. It would be desirable that in such areas licences of the fire arms already issued are cancelled.	9.28(xii)	1032
(300)	Special police stations for Scheduled Castes on the lines of those set up in *Madhya Pradesh* and *Bihar* should also be established by all the State Governments in the sensitive areas. Special Police Flying Squads should also be constituted at district level so that they may visit the areas of atrocities soon after the occurrence of the incidents for investigation. Some units of special Police force which should be well equipped and mobile, should be located at strategic places to instil confidence among the Scheduled Caste/Tribe persons and to deter the perpetrators of atrocities.	9.28(xiii)	1032
(301)	Whenever a Scheduled Caste person is dispossessed of his lands, it should be treated as a criminal trespass which is a cognizable offence under Section .447 of the Indian .Penal Code and the Police should promptly take action under the provisions thereof.	9.28(xiv)	1032
(302)	Whenever a case of atrocity on Scheduled Castes/Tribes is reported to the police, persons belonging to the well-to-do sections of the society should not be spared, if they are found to be responsible for committing the atrocity.	9.28(xv)	1032

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(303)	In order to redress the grievances of the Scheduled Castes and Scheduled Tribes against the police force, Special Grievances Cells should be established under the charge of the Sub-Divisional Officer at the Sub-Divisional level and the District Magistrate at the District level. At the higher level, a similar grievances cell should be established at the headquarters of the State Government under the charge of the Chief Secretary.	9.28(xvi)	1032
(304)	In order to remove the root cause of atrocities on Scheduled Castes and Scheduled Tribes, the existing tenancy legislation in the Scheduled Areas as well as the rest of the areas in various States should be examined thoroughly and loopholes, if any, should be plugged by making suitable amendments.	9.28(xvii)	1033
(305)	Incident-prone areas should be located and preventive steps taken there in time to redress the socio-economic grievances of Scheduled Castes and Scheduled Tribes to avoid occurrence of unhappy incidents. Officers of State Revenue Departments should tour in the rural areas and identify incident-prone pockets and submit their reports to the authorities concerned. These reports should be promptly attended to by the State Governments and suitable steps taken to avoid unpleasant incidents and to minimise social tensions.	9.28(xviii)	1033
(306)	Revenue-cum-Police Teams should be set up at district level in all States to attend to cases of atrocities in connection with disputes over possession of lands by Scheduled Caste/Scheduled Tribe persons. These teams should promptly attend to these cases.	9.28(xix)	1033
(307)	One of the main causes of atrocities on the Scheduled Castes and the Scheduled Tribes is the ineffective enforcement of the Minimum Wages Laws, continuance of Bonded Labour and rural indebtedness. It is desirable that the State Governments should take urgent action to remove these sources of conflict in order to check the rise in the number of cases of atrocities. All the State Governments should therefore take urgent action to ensure that the Scheduled Caste/Scheduled Tribe agricultural labourers are not paid wages at rates less than the statutory minimum wages. It should also be ensured that the Minimum Wages Act is enforced by setting up adequate machinery for that purpose. It is estimated that about 66 per cent of the Bonded Labourers in country belong to Scheduled Castes. They should be released promptly and rehabilitated.	9.28(xx)	1033
(308)	The State Governments should ensure the speedy disposal of atrocity cases by the law-courts, because inordinate delays in disposal of these cases undermines the confidence of the victims of atrocities in the judicial system, emboldens the perpetrators of these crimes after they are released on bail, demoralises the complainants and makes the witnesses vulnerable to pressures and the unabated continuation of tension in the affected villages. At times, these cases are prolonged for years. Special courts with mobile units should therefore be set up to expedite the disposal of such cases.	9.28	1033
(309)	A judicial enquiry should be automatically held into cases of atrocities in which there is large scale arson, looting, murder and indiscriminate firing by the police involving Scheduled Castes and Scheduled Tribes, in order to create confidence among these communities.	9.28(xxii)	1034
(310)	Some State Governments have taken steps to grant compensation to the Scheduled Caste and Scheduled Tribe victims of atrocities. However, the maximum compensation prescribed by them for the families of the Scheduled Caste/Scheduled Tribe persons killed		

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	as a result of atrocities on them, is Rs. 5,000 while the amount prescribed for victims of atrocities who are injured or those who have lost their properties, is from Rs. 500 to Rs. 2,000. These rates of compensation are quite inadequate and should be suitably enhanced. It should be ensured that the full income of the affected family before the incidents of atrocities took place, is restored by providing employment to the dependents of the deceased or by providing self-employment to the incapacitated victims. Power to grant compensation to the victims of atrocities should be delegated to the Collectors/Deputy Commissioners of the Districts, in order to avoid delay in payment thereof. The State Governments/Union Territory Administrations which have not so far made provision for the payment of compensation to Scheduled Caste and Scheduled Tribe victims, should take early action to do so.	9.28(xxiii)	1034
(311)	In cases where the houses of Scheduled Castes/Tribes are destroyed as a result of arson, *pacca* houses should be constructed at full Government cost.	9.28(xxiv)	1035
(312)	If all the survivers among a Scheduled Caste/Tribe family who have become victims of atrocities, are children and there is no bread-winner alive in the family, the children should be provided allowances for their education and maintenance, till they come of age.	9.28(xxv)	1035
(313)	A study in depth of some atrocity cases which occurred in the past in *Bihar, Uttar Pradesh, Madhya Pradesh, Maharashtra, Andhra Pradesh* and *Tamil Nadu* would indicate the social and economic problems which continue to remain unresolved and are the main causes for the recurrence of these unhappy incidents. Such studies should be assigned to expert bodies for detailed analysis and for pinpointing the shortcomings in the implementation of various socio-economic, political and administartive measures.	9.28(xxvi)	1035

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ERRATA

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25	2·23	1	(xii)18	state	State
30	2·38	1	6	ongoing	On-going
31	2·42	1	(i)8	preceding	preceeding
34	2·56	2	7	celection	election
36	2·65	1	17	census	Census
36	2·68	2	1	constitution	Constitution
42	2·92	1	9	jainia	Jaintia
43	2·96	1	4	Disrict	District
44	2·105	2	(ii)6	welfare	Welfare
47	2·120	2	17	Alhough	Although
48	2·121	1	23	mus	must

Chapter 3 : REPRESENTATION OF SCHEDULED CASTES AND SCHEDULED TRIBES IN SERVICES.

50	3·1	1	13	matter	matters
52	3·13	1	1	recommendations	recommendation
55	3·27	1	34	year	years
58	3·37	1	18	Inter alia	inter alia
58	3·37	1	22	either	other
58	3·37	1	27	instruction	instructions
58	3·39	2	13	though fulfilling	though not fulfilling
59	3·43	2	3	T. T. Devdasan	T. D. Devadesan
59	3·43	2	11	Maximum	maximum
60	3·45	2	32	representation	representations
62	3·50	1	3	had	bad
63	3·53	1	3	year	years
63	3·53	1	7	safeguard	safeguards
63	3·54	1	11	relaxations	relaxation
64	3·57	1	2nd line from below	hand	and
65	3·62	1	2	there was tendency	there was a tendency
65	3·64	2	Heading	Trading	Training
69	3·77	1	First Quotation First line	In the	In
69	3·77	2	Third quotation—12th line	board	broad
70	3·80	2	49	suplement	supplement
71	3·81	1	Quotation—first line	nothing in these rules affect	nothing in these rules shall affect.
72	3·85	1	4th line from the bottom of the paragraph 3·85	course	courts
72	3·87	2	2	dimention	dimension
72	3·87	2	First quotation—line 8	for irrespective	for them irrespective
77	3·105	1	22	officer	officers
78	3·108	1	11	is	it
78	3·109	1	Heading	line 3 to be shifted to No. 2	
78	3·110	2	11	also,	also;
79	3·111	1	3	its	their
81	3·120	2	statement col. 5 line 3	53,960	53,460
87	3·139	1	1	ackward	awkward
87	3·139	1	6	one	none
87	3·141	1	13	guaranted	guaranteed
88	3·141(ii)	1	2	be	by
88	3·141(ii)	1	21	Government	Govt. employees
88	3·141(viii)	2	15	Castes	Caste
90	3·142	1	18	has	as

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1	2	3	4	5	6
90	3·143	2	last but one line	case	east
92	3·145(4)	1	23	appears	arrears
93	3·145(9)	1	12	and one	one
95	3·145(25)	2	2	The	a
	Chapter 4 : ECONOMIC DEVELOPMENT				
99	4·3	table	S. No. 1	Schorships	Scholarships
100	4·7	1	3-4	continuance	continuous
100	4·7	1	8	examination	examinations
100	4·7	1	10-11	appearing competitive	appearing in competitive
100	4·10	2	line 2 of heading	scheduled castes.	Scheduled Castes,
101	4·13	1	37	Government	Governments
101	4·15	2	31	Facts,	Facts had,
102	4·17	1	2	programme	programmes
102	4·18	1	7	level	pre-agricultural level
104	4·27	1	20	raised at	raised to at
105	4·27(i)	1	25	however	However
105	4·27(i)	1	29	fishering	fisheries
105	4·27(i)	1	51	(21·73%) lakhs	(21·73%)
105	4·27(ii)	2	3	fishermen	fishermen's
105	4·27(ii)	2	30	farmers	farmer
107	4·27(viii)	2	51	of a families each	of families in each
108	4·27(viii)	1	8	Plantation	plantations
108	4·27(ix)	1	7	from	form
110	4·27(xiii)	1	53	Specifies	specifies
116	4·36(10)	2	28	and losses	any l osses
117	4·36(11)	1	6	were	was
118	4·37	1	9	was	were
118	4·38(5)	2	22	a new	anew
119	4·38(2)	1	1	presently	recently
123	4·49	1	9	municipal scavengers. It	municipal scavengers, it
123	4·52	2	3	had to	had taken to
126	4·59	1	8	not make	not made
127	4·61	1	13	business and	business had
	Chapter 5 : LAND, AGRICULTURE AND HOUSING PROGRAMMES.				
137	5·1	1	7	State-vise	State-wise
137	5·1	1	22	Report	Reports
137	5·2	1	heading	alloted	allotted
138	5·4(6)	1	23	villagers other	villagers from other
141	5·17	2	8	bargardar	bargadar
142	5·17	1	1	bargardar	bargadar
142	5·17	1	2	bargardar	bargadar
143	5·23	1	2	from	form
143	5·23	1	5	effected	affected
143	5·25	2	14	that recording	the recording
143	5·26	2	2	relating	relates
144	5·27	1	3	in	is
144	5·27	1	30	non-tribal	non-tribals
147	5·32(2)	1	2	exhorbitant	exorbitant
147	5·32(2)	1	3	them the	them on the
149	5·39(ii)	1	11	khuntikatti	Khuntkatti
151	5·40(vi)	1	11	Khunkatti	Khuntkatti
159	5·59	1	5-6	programme	programmes

1	2	3	4	5	6
160	5·63	1	24	February, New	February, 1979 at New
161	5·68	1	13	been in	been made in
	Chapter 6 : EDUCATIONAL DEVELOPMENT				
170	6·30	2	36	absolete	obsolete
175	6·45	2	2	these	those
177	6.54		45 (Footnote)	availad	available
	Chaper—7: UNTOUCHABILITY				
183	7·5	1	18	Samlakha	Samalkha
184	7·5	2	(9)6	Samlakoha	Samalkha
184	7·5	2	(10)11	horses	horse
185	7·6	1	15th line of the table	Khargoun	Khargone
185	7·6	1	27	Meetings	meetings
187	7·6	1	(14)1	Betual	Betul
187	7·6	1	(15)1	Khargoun	Khargone
187	7·6	1	(15)11	panchas	Panchas
187	7·6	1	(16)10	panchas	Panchas
187	7·6	1	(16)11	panchas	Panchas
187	7·6	1	(17)10	panchas	Panchas
187	7·6	1	(17)11	panchas	Panchas
187	7·6	2	(18)13	panchas	Panchas
187	7·6	2	(19)8	panchas	Panchas
188	Foot-note	2	1	brackes	brackets
189	7·14	2	15	states	States
190	7·14	1	9	Shahjanpur	Shahajahanpur
190	7·14	1	13	Pithorgarh	Pithoragarh
190	7·14	1	14	.	,
190	7·15	1	9	i n this regard	6 in this regard.
190	7·15	1	33	puja	*puja*
190	7·16	2	5	Hindus	Hindu
190	7·16	2	6	Hindu	Hindus
191	7·16	1	6	Pithorgarh	Pithoragarh
192	7·24	2	15	Savings	sayings
193	7·29	2	15	Koraput	*Koraput*
195	7·36	1	5 (sub-para A.P.)	mariage	marriage
197	7·42	2	12		
198	7·42	1	33	sanarkantha	Sabarkantha
198	7·44	2	4	Shahjahanpur	Shahajahanpur
199	7·50	2	28	Shrikakulam	Srikakulam
199	7·49	2	14	Old	Odd
	Chapter 8 : TRIBAL DEVELOPMENT				
203	8·9	1	17	188·173	188·17
207	8·16	1	30	brothern	brethren
215	8·45	Foot-note under the table should be printed at the bottom of the page.			
220	8·71	2	26	of the	by the
221	8·78	2	12	Sompur	Sonpur
224	8·92	2	30	&	and
225	8·93	1	18	for	far
229	8·115	2	19	relation	relating
	Chapter 9 : ATROCITIES AND HARASSMENT				
230	9·3	1	11	any these forms	any of these forms
231	9·5	2	2 to 3	Scheduled Castes/ Tribes	Scheduled Caste/ Tribe

1	2	3	4	5	6
231	9·5	table	S. No. 15	Uttar Pradesh	Uttar Pradesh
231	9·5	table	Col. 16	vacant space	..
233	9·6	1	5	Rape	rape
241	9·24	2	10-11	Investigators	Investigator
246	9·29(i)	2	7	aicker	Naicker
250	9·29(xxii)	1	5	Kheala. *Delhi.*	Kheala, *Delhi*
251	9·29(xxix)	1	5	Jamkande-rana	Jamkando-rana
252	9·29(xxxii)	1	12	Harijans	Harijan
253	9·29(xxxix)	1	9	Sanetonum	Sanetorum
257	9·29(lviii)	1	4	Ganjan	Ganjam
257	9·29(lviii)	1	24	Seapons	weapons

Page	*Recommendation*	*line*	*for*	*read*
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262	16	4	wroking	working
265	30	10	untonchability	untouchability
267	41	10	indentify	identify
268	46	10	prematric	pre-matric
273	80	15	fil	filling
276	99	9	of	or
278	111	2	indentified	identified
283	131	4	expecially	especially
283	132	9	instructions	institutions
285	145	5	Boodan	Bhoodan
294	225	4	ensure	ensured

RECOMMENDATIONS MADE IN THE REPORT

S. No.	Recommendation/ Observation	For		Read	
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(3)		1·7	5	1·7	2
(4)		1·8	6	1·8	2
(5)		1·9	9	1·9	3
		1·10	10	1·10	3
		1·11	12	1·11	3
(6)		1·22	21	1·22	5—6
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(11)		1·39	8	1·39	9
(12)		1·40	39	1·40	9—10
(13)		1·41	40	1·41	10
(14)		1·44	43	1·44	10—11
(15)		1·45	44	1·44	11
(16)		1·48	48	1·48	12
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		3·110	361	3·110	
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(197)		6·32	748	6·32	171
(198)		6·33	750	6·33	172
(199)		6·34	752	6·34	172
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(202)		6·39	761	6·39	174
(203)		6·42	763	6·42	175
(204)		6·43	764	6·43	175
(205)		6·44	765	6·44	175
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(208)		6·52	772	6·52	176
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(225)		8·11	880	8·11	204-205
(226)		8·12	883	8·12	205-206
(227)		8·14	886	8·14	206
(228)		8·15	889	8·15	207
(229)		8·16	890	8·16	207
(230)		8·18	892	8·18	207
(231)		8·24	897	8·24	209
(232)		8·25	897	8·25	209
(233)		8·26	899	8·26	209
(234)		8·28	903	8·28	210
(235)		8·29	904	8·29	211
(236)		8·31	907	8·31	211
(237)		8·38	913	8·38	213
(238)		8·39	915	8·39	213
(239)		8·40	916	8·40	213
(240)		8·42	919	8·42	214
(241)		8·47	923	8·47	215
(242)		8·53	927	8·53	216
(243)		8·54	929	8·54	216
(244)		8·56	930	8·56	217
(245)		8·58	931	8·58	217
(246)		8·60	934	8·60	218
(247)		8·61	934	8·61	218
(248)		8·62	935	8·62	218
(249)		8·64	337	8·64	219
(250)		8·66	938	8·66	219
(251)		8·66	938	8·66	219
(252)		8·68	940	8·68	220
(253)		8·71	942	8·71	220
(254)		8·77	947	8·77	221
(255)		8·78	948	8·78	222
(256)		8·83	952	8·83	222
(257)		8·84	953	8·84	223
(258)		8·86	955	8·86	223
(259)		8·87	956	8·87	223
(260)		8·88	..	8·88	224
(261)		8·88	958	8·88	224
(262)		8·89	959	8·89	224
(263)		8·90	960	8·90	224
(264)		8·92	961	8·92	224
(265)		8·93	962	8·93	225
(266)		8·94	963	8·94	225
(267)		8·95	964	8·95	225
(268)		8·96	965	8·96	225
(269)		8·97	966	9·97	225-226
(270)		8·99	968	8·99	226
(271)		8·101	969	8·101	226
(272)		8·103	972	8·103	227
(273)		8·104	972	8·104	227
(274)		8·104	974	8·104	227
(275)		8·107	976	8·107	228
(276)		8·107	976	8·107	228
(277)		8·115	980	8·115	229
		CHAPTER 9—ATROCITIES AND HARASSMENT			
(278)		9·1	981	9·1	230
(279)		9·3	982	9·3	230
(280)		9·3	983	9·3	230
(281)		9·7	993	9·7	233
(282)		9·11	1008	9·11	238
(283)		9·14	1014	9·14	239
(284)		9·17	1015	9·17	240
(285)		9·18	1016	9·18	240
(286)		9·19	1016	9·19	240
(287)		9·27	1027	9·27	243
(288)		9·28(i)	1029	9·28(i)	243-244
(289)		9·28(ii)	1030	9·28(ii)	244
(290)		9·28(iii)	1030	9·28(iii)	244
(291)		9·28(iv)	1030	9·28(iv)	244
(292)		9·28(v)	1030	9·28(v)	244
(293)		9·28(vi)	1031	9·28(vi)	244
(294)		9·28(vii)	1031	9·28(vii)	244
(295)		9·28(viii)	1031	9·28(viii)	244
(296)		9·28(ix)	1031	9·28(ix)	244
(297)		9·28(x)	1031	9·28(x)	244
(298)		9·28(xi)	1032	9·28(xi)	244
(299)		9·28(xii)	1032	9·28(xii)	244
(300)		9·28(xiii)	1032	9·28(xiii)	245

1	2	3	4	5	6
(301)		9.28(xiv)	1032	9.28(xiv)	245
(302)		9·28(xv)	1032	9·28(xv)	245
(303)		9·28(xvi)	1032	9·28(xvi)	245
(304)		9·28(xvii)	1033	9·28(xvii)	245
(305)		9·28(xviii)	1033	9·28(xviii)	245
(306)		9·28(xix)	1037	9·28(xix)	245
(307)		9·28(xx)	1033	9·28(xx)	245
(308)		9·28(xxi)	1033	9·28(xxi)	245
(309)		9·28(xxii)	1034	9·28(xxii)	245
(310)		9·28(xxiii)	1034	9·28(xxiii)	245-2
(311)		9·28(xxiv)	1035	9·28(xxiv)	246
(312)		9·28(xxv)	1035	9·28(xxv)	246
(313)		9.28(xxvi)	1035	9·28(xxvi)	246

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