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REPORT  
OF  
THE COMMISSIONER  
FOR  
SCHEDULED CASTES  
AND  
SCHEDULED TRIBES

1975-76 AND 1976-77

(Twenty-fourth Report)

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OFFICE OF THE COMMISSIONER  
FOR  
SCHEDULED CASTES AND SCHEDULED TRIBES

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*As required under Article 338 of the Constitution, I have the honour to submit my Report upon the working of the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution, for the years 1975-76 and 1976-77.*

*This is my first Report. When I took over as Commissioner for Scheduled Castes and Scheduled Tribes on 24th November, 1976, I found that the preparation of Annual Report for the year 1975-76 was behind the time schedule by a year—the last Report 1974-75 having been submitted on 19th September, 1976. I proposed to submit a combined Report for two years (1975-76 and 1976-77), as I felt that this would appropriately facilitate and ensure submission of future Reports strictly according to the time schedule and the Reports, when submitted to the President and presented before Parliament, would be up-to-date.*

*I am obliged to the President for having accorded his permission in this behalf.*

New Delhi  
29th December, 1977

  
SHISHIR KUMAR  
Commissioner

The President,

(through the Minister for Home Affairs)

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## CHAPTER 1

### INTRODUCTORY AND GENERAL REVIEW

Three decades of Independence, and the dawn of freedom is yet to bestow a willing smile on many a hamlet and slums of the Scheduled Castes and Scheduled Tribes. They continue to submit to the decrees of fate rather than have the benefits of the decrees of our basic law. Liberty, Equality and Fraternity, so richly enshrined in the Constitution of the country have still to acquire any meaningful proposition for most of them. Untouchability has been abolished by Article 17 of the Constitution but those whose article of faith in this pernicious persuasion is superior to an article of the Constitution choose to defy the fundamental law with impunity. That a law, such as the Protection of the Civil Rights Act, with more stringent provisions to eradicate untouchability, had to be enacted in the thirtieth year of our freedom by amending the Untouchability Offences Act, 1955 bears ample testimony of the fact that we continue with our sin of denying basic human rights to quite a sizeable section of our people. There are many areas in the country where the Scheduled Castes are denied even common sources of drinking water. At places, they dare not take out funeral processions through the same route on which others do.

1.2. The nation's resolve made with due solemnity to secure to all the citizens, "Justice—social, economic ....." has remained just a promise, honoured perhaps more in breaches in the case of the Scheduled Castes and Scheduled Tribes. Political justice, even if available, loses much of its meaning if it is bereft of the social and economic justice.

1.3. Amoral, and unhealthy social disequilibrium continues despite legal provisions and state efforts to the contrary. There is an obvious clash between the aims of the society and the response of the society. The unethical practices of the society have tended to prove stronger than the prescriptions of law. The irrelevant continues to subordinate the relevant. Perhaps the efforts made so far to change the milieu by state action have been more in the nature of expedients rather than borne out of a firm conviction to change the social landscape, to initiate a social revolution whatever the social and political cost

the transition might demand. The result: hesitant approach to equality and the dragging feet of justice. So much has been done for these communities all these years may be a rightful claim. But how little has been achieved cannot be easily disclaimed.

1.4. The Scheduled Castes constituted 8.25 crores forming 15.04 per cent of the total population of the country as per 1971\* census while the Scheduled Tribes constituted 7.5 per cent of the population and numbered 4.12 crores. The Scheduled Castes are not in a majority in any part of the country. They, however, constitute more than 20 per cent of the total population in 666 talukas. The Scheduled Tribes are in a majority in 329 talukas and on the basis of 50 per cent Scheduled Tribes population, areas have been identified in the country in which 65 per cent of the Scheduled Tribes live. It will, thus, be evident that the Scheduled Castes live interspersed with the other sections of population whereas Scheduled Tribes are in a majority in many parts of the country. In fact, there are two States of Nagaland and Meghalaya and 4 Union Territories of Arunachal Pradesh, Dadra and Nagar Haveli, Manipur and Mizoram where majority of the population belongs to Scheduled Tribes.

1.5. Consecutive census reports have shown that the participation rates of the Scheduled Caste and Scheduled Tribe males and females in the working force are higher than those amongst the rest of the population, although, the data provided by the last two censuses is not fully comparable. In 1961, the participation in the working force was 43 per cent among the total population and 47.7 per cent and 57 per cent among the Scheduled Castes and Scheduled Tribes respectively. In 1971, the corresponding figures were 33 per cent for general population and 36 per cent for Scheduled Castes and 38 per cent for Scheduled Tribes. These higher rates of participation in the working force are indicators of the helplessness of these communities and the low return for the sweat of their brow. In 1971, 82.3 per cent and 93.8 per cent Scheduled Caste and Scheduled Tribe workers were engaged in the primary\*\* sector of economy respectively, 8.1 per cent and 2.5 per cent were in the secondary† and 9.4 per cent and 3.9 per cent in the tertiary‡

\*The latest population of the Scheduled Castes and Scheduled Tribes is based after coming into force of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976.

\*\*Primary Sector includes workers engaged as cultivators, landless labourers and in mining, quarrying, livestock, forestry, fishery, hunting and plantations, orchards and allied activities.

†Secondary Sector includes workers engaged in household industry, manufacturing, other than household industry and construction.

‡Tertiary Sector includes workers engaged in trade and commerce, transport, storage and communications and other services.

sectors. It is significant that during 1966—71 there had been a decline in the contribution of the secondary and tertiary sectors. In 1961 census, 75.1 per cent Scheduled Caste and 91.3 per cent Scheduled Tribe workers were enumerated in the primary sector, 10.4 per cent Scheduled Caste and 3.5 per cent Scheduled Tribe in the secondary sector and 14.5 per cent Scheduled Caste and 5.2 per cent Scheduled Tribes in the tertiary sectors. The point to be noticed is, that the growth in the primary sector has actually resulted in an increase in the population of the landless labourers and a decline in the proportion of cultivators and no significant mobility from primary to other sectors of economy. In 1961 there were 345 and 197 landless agricultural labourers and 378 and 681 cultivators among Scheduled Castes and Scheduled Tribes respectively per one thousand workers while in 1971 the corresponding figures were 518 and 330 in respect of agricultural labourers and 279 and 576 for cultivators. The other point to be observed is that whereas the secondary and tertiary sectors provide employment opportunities to some extent to the Scheduled Castes, its role in tribal economy is very meagre. The number of persons below the poverty line has been increasing in the country. It is estimated that in urban areas 55 per cent of the population and in rural areas 50 per cent live below the poverty line and most of the Scheduled Castes and Scheduled Tribes would fall in this category. Both Scheduled Castes and Scheduled Tribes suffer from economic and educational backwardness. The Scheduled Castes, in addition, particularly in rural areas, are victims of social discrimination.

1.6. The Constitution of our country has not only provided a number of safeguards for these communities but also spelt out the administrative arrangements for the effective investigation of the working of these safeguards. The Commissioner for Scheduled Castes and Scheduled Tribes appointed under Article 338 of the Constitution is required to investigate all matters relating to the safeguards provided for those communities and submit a report to the President which is placed before both Houses of Parliament for discussion. From a small office in 1950, the Organisation of the Commissioner for Scheduled Castes and Scheduled Tribes developed by 1967 into an office at the Headquarters and 17 field offices in the various States. However, in June 1967, Commissioner was deprived of his field organisation and he was left to function from the headquarters. This development was adversely commented upon in the first report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes (Fourth Lok Sabha) and in spite of the various proposals made by eminent persons belonging to these communities and the previous Commissioner from time to time nothing

has so far been done to restore the field organisation of the Commissioner. The procedure of expecting the officers of the Directorate General of Backward Classes Welfare to also assist the Commissioner in the field has not proved satisfactory because these officers are not under his administrative control and this arrangement is not in consonance with the spirit of the Article 338 of the Constitution under which Commissioner has to investigate into the working of safeguards through his own agency. This policy issue which has not been resolved has been discussed in the second chapter of this Report. It is hoped that the Government of India will take expeditious steps to restore the field organisation of the Commissioner so that he has an effective and independent machinery at his disposal for the discharge of his constitutional responsibilities.

1.7. Untouchability has been abolished by law. But can one dare say that vicious practice has altogether disappeared from our society? What to say of the rural areas, even in cities and towns untouchability continues to be observed in one form or the other. The Untouchability Offences Act, 1955 was found wanting and has now been substituted by the Protection of Civil Rights Act which came into force on 19th November, 1976. No doubt the penal provisions in the present Act have been made more stringent but what is needed is the expeditious disposal of such cases. Our experience with the previous Act has not been happy. From 1955 to 1976\* as many as 22,470 cases under the Untouchability Act were registered of which, 19,893 were taken to court, out of which 3,402 were compounded, 3,288 acquitted and 6,178 offenders were convicted. Since the cases were allowed to hang on for a long time in the courts and Scheduled Caste persons were subjected to various kinds of pressurisation, many of the cases were either lost or compounded. So far no State Government has set up Special Courts for the trial of offences as permissible under the Protection of Civil Rights Act. The plea of State Governments that the number of offences does not warrant the setting up of the Special Courts is not at all valid. While it is noticed that the number of cases may not be very large at present, the disposal of cases is extremely slow. The Special Courts may dispose of the case expeditiously and that would by itself have its own impact on the problem of eradicating untouchability.

1.8. The Protection of Civil Rights Act, 1955 enjoins upon the Central and State Governments certain duties relating to the enforcement and implementation of the provisions of the Act by creating appropriate machinery at various levels. In the Fifth Five Year Plan, an outlay of Rs. 5 crore has been provided for strengthening of machinery for enforcement of Untouchability

\* Figures in respect of the year 1976 pertain only to the States of Andhra Pradesh, Gujarat, Himachal Pradesh, Madhya Pradesh, Maharashtra, Tamil Nadu and Uttar Pradesh.

Act, but unfortunately, it has remained unutilised, largely on account of lack of initiative on the part of Directorate General, Backward Classes Welfare. The Act provides for a periodic survey of the working of the provisions of the Act and identification of the areas where untouchability is prevalent. No positive steps have been taken by the State Governments to exactly identify areas where this problem is existing in varying degrees. A number of surveys regarding the prevalence of untouchability were conducted in the past by the Office of the Commissioner for Scheduled Castes and Scheduled Tribes and many other agencies. If corrective steps had been taken by the authorities concerned to eradicate various forms of untouchability pointed out in these surveys considerable progress would have been achieved in eliminating this evil practice. To cite an example, in the year 1965, the office of the Commissioner for Scheduled Castes and Scheduled Tribes had conducted a study in some of the rural areas of Rajasthan and reported its findings that the persons belonging to Scheduled Castes were subjected to humiliating form of untouchability, inasmuch as, their small tanks of drinking water (commonly known as gharohies) were built adjacent to the water tanks provided for cattle. It was suggested to the State Government to rectify this position. However, when a repeat study was conducted in the same area after a gap of about 10 years, it was found that the only improvement was that some wells had been energised but separate taps were fitted for the use of the Scheduled Castes. The Protection of Civil Rights Act, 1955 is a Central legislation and the Central Government should therefore persuade and assist the State Governments to take urgent steps required under Section 15(A) of the Act.

1.9. It cannot be overemphasised that along with the Government machinery for enforcement of the provisions of the Act, the non-official agencies must be associated to arouse a social consciousness against the harmful and unethical practice of untouchability. But it is surprising that the Government of India is reducing the grants sanctioned to non-official agencies for propaganda against untouchability every year by 10 per cent from 1970-71. Perhaps, it is assumed that the practice of untouchability is fast disappearing. We must face the realities and adopt all possible measures to combat untouchability. The grants to non-official agencies should therefore, be stepped up so that in the next five years we are able to create an atmosphere that Caste-Hiadus give up the practice of untouchability in thought and action. We have also not succeeded in moulding the opinion of women in the rural areas against the practice of untouchability. If we succeed in this respect half of our battle against untouchability will be won. We must inculcate the spirit of cosmopolitanism among our children. Socialisation of children in the villages is of paramount importance and the

energies of 26 lakh teachers at various levels, youths and students should be mobilised against the practice of social discrimination.

1.10. Untouchability is a product of the caste system which is firmly embedded in the Hindu society and has percolated even amongst Christians, Muslims and Sikhs. At present the caste system has divided the Hindus into various superior and inferior caste groups and the feelings of 'high and low' has even permeated the different sections of Scheduled Castes. We have, therefore, to evolve, through discussions, a national consensus and take bold measures to discard the caste system. Inter-caste marriages should be encouraged and persons contracting such marriages should be suitably rewarded and the practice of using prefixes and suffixes denoting the castes and sub-castes of the persons concerned should be abolished. The legislators, jurists and social workers should evolve ways and means to discourage the use of caste factor in politics and an atmosphere should be created in the country for the annihilation of caste system. If vigorous steps in this direction are taken there is no doubt that it may be possible to eradicate untouchability from all walks of life.

1.11. Bondage and emancipation have been co-existing in this country even after Independence. Among the many forms of exploitation of the Scheduled Castes and Scheduled Tribes is one to force them to work as bonded labourers. Bonded labour is known by various names in different parts of the country. The practice of bonded labour has been discussed at length in the Chapter on Working of Constitutional Safeguards. It took years for the Government to be convinced about the existence of bonded labour. It was only after the abolition of bonded labour by Central legislation in 1976 that this problem has been tackled in a few States to some extent as a result of which bonded labourers in thousands were liberated and some of them were rehabilitated. 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 at least of dying as free men in a free country. The extent of exploitation and bondage could be imagined by the fact that while some male members of a particular community in the Jaunsar Bawar area of Dehra Dun district in Uttar Pradesh have to work as 'slaves' their ladies are sent to the red light areas of adjacent districts. Mention may be made of the good work done by Nehru Yuvak Kendra workers who have succeeded in rescuing a number of fallen women and freed bonded labourers in several villages. The State Government should formulate programmes for this area keeping the solution of the problem of bonded labourers and trafficking in women as central issues and elicit the cooperation of social workers in educating

the local people against the customary practices which drive them into the clutches of unscrupulous persons.

1.12. The problems of Scheduled Castes are manifold. There is no doubt that educationally they have progressed to some extent but the fact remains that they have not come up at par with the other sections of the society. Even amongst Scheduled Castes, there are certain groups which have lagged far behind others in educational advancement. It is, therefore, necessary that the Central and State Governments should give necessary financial incentives to the children belonging to these doubly backward groups amongst the Scheduled Castes so that they can afford to send their children to schools. It will be seen from Chapter V relating to educational development that there is a steep fall in the enrolment of Scheduled Caste children in classes V to VIII and this trend continues right upto higher education. It is obvious that due to poverty and inadequate financial support the Scheduled Caste children are not able to continue their studies. This is evident from the fact that only 3 lakhs students belonging to the Scheduled Castes were in receipt of Government of India post-matric scholarships in 1976-77. The benefit of the Government of India scheme for award of post-matric scholarships can be availed of by only those students who complete their high school education for which provision of scholarships at the school stage which is, on the whole, meagre needs further strengthening to a considerable extent.

1.13. The progress of education amongst the Scheduled Tribes is still very poor. Our Constitution makes it incumbent on the State to provide free and compulsory education to every child upto the age of 14 years. There are many instances of tribal communities amongst whom the literacy in 1971 Census had actually gone down compared to the 1961 Census. In fact, there are some tribal communities who are almost at zero level of literacy. Comparative data about rate of literacy during 1961-71 shows that in the States of Andhra Pradesh, Assam, Bihar, Madhya Pradesh, Manipur, Orissa and West Bengal there was only a nominal increase in literacy amongst the Scheduled Tribes. The children belonging to more backward tribal communities should, therefore, receive larger incentives for their education. In some cases, it may be necessary to provide even 100 per cent assistance for this purpose. The scheme of ashram schools has proved its usefulness in accelerating the pace of education amongst the tribal communities living in sparsely populated areas. A network of educational institutions consisting of residential ashram schools, lower primary, primary, middle and high schools along with hostel facilities and other incentives with necessary linkages amongst them should form a package of services to be provided in

each tribal area depending upon the social, educational and economic conditions. The value of non-formal education needs no emphasis. The exploited Scheduled Caste and Scheduled Tribe communities should be made aware of their rights and privileges and the role of various Government agencies who can render them help and redress their grievances. In the areas of existing or prospective industrial complexes, a programme of saturation of educational programmes should be planned to enable the members of these communities to get benefit from the new economic activities.

1.14. The planned efforts of the last four Five Year Plans were supposed to go a long way in raising the levels of living of the Scheduled Castes and the Scheduled Tribes and to ensure them to occupy their rightful place with other sections of the people. Facts, however, have belied this expectation so far. Indeed it is not a happy commentary on the methodology of our planning that even now some of the communities amongst Scheduled Tribes should be known as primitive tribes and confined to isolated hilly tracts living at the pre-agricultural level of technology. It was proposed to give priority to the backward classes under the Minimum Needs Programme by relaxing the general norms applicable to other classes. Though this programme has been in implementation for quite some time, no workable strategy has been evolved to know the impact of this programme on the backward classes. With the nationalisation of banks in 1969, it was expected that the Scheduled Castes and the 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. The much publicised scheme of differential rate 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. Large scale exploitation of Scheduled Castes and Scheduled Tribes at the hands of money lenders and traders is even now the order of the day. Although a moratorium was put on the recovery of debts from poorer sections, this became a sort of handicap since no suitable alternative avenues had been provided to finance cheaper loans to the Scheduled Castes and Scheduled Tribes for their dire needs. It is, however, good to note that in May 1977, the Government of India issued instructions to the nationalised banks to advance 0.5 per cent of their gross deposits under 4 per cent rate of interest to Scheduled Castes and Scheduled Tribes. This percentage needs to be enhanced substantially to meet the credit requirement under specific programmes for the benefit of the Scheduled Castes and Scheduled Tribes.

1.15. In spite of the various welfare schemes and legislative measures undertaken to help them, the fact remains that the Scheduled Castes have not progressed economically to the desired extent. Lands for cultivation have been allotted to some of them under various land distribution programmes. At certain places land colonisation schemes were taken up but generally they were assigned small pieces of land. Where the land could easily be brought under cultivation, the Scheduled Caste landless labourers did so with their own labour, but at places where the land was infertile and required reclamation and financial assistance the progress was tardy. There are occasions when the vested interests in the rural areas prevent the Scheduled Castes from cultivating the lands allotted to them resulting in long drawn out litigation and consequent tensions.

1.16. During the last two years under report, a number of socio-economic measures were initiated by the Central and State Governments for improving the lot of the Scheduled Castes and Scheduled Tribes. But what needs to be emphasised is that for effective implementation of basic socio-economic measures, it is necessary that a very high degree of will at the political level and at the level of bureaucracy should be manifested. At the same time, effective agency to carry out the programmes in the field coupled with the presence of a high degree of involvement of the community in a meaningful manner is required for the implementation of the programmes. It is in the last two areas that we have partially failed. Lack of adequate social conscience towards these communities and also inadequate administrative support made it possible for landlords to forcibly grab the lands allotted to the Scheduled Castes. The emergence of social tension in the rural areas was inevitable in the wake of socio-economic programmes and it was the duty of the administration to anticipate such tensions and to take adequate preventive measures to ensure that these tensions did not result in violence against Scheduled Castes. The atrocities on Scheduled Castes can be traced to their poor economic conditions—indebtedness, non-payment of prescribed minimum wages to agricultural labourers, non-implementation of Land Ceiling Act etc. and socio-political reasons and to the fact that at times administration has not always been resilient enough to take proper care of these communities. The atrocities on the Scheduled Castes and the Scheduled Tribes have been a continuing feature all these years despite assurances for providing all protection to these communities. Basic to the needs of socio-economic development of the backward classes, particularly the Scheduled Castes and Scheduled Tribes, is reshaping and restructuring of the socio-economic and cultural landscape of the country. Any partial attack on poverty merely provokes the expropriators to take to cruder methods of exploitation with the exploited sections not having acquired sufficient strength to

resist. It is quite possible that the 20—Point economic programme of the previous Government had engendered the feelings of social tension in many rural areas of the country. Although the Scheduled Castes and Scheduled Tribes in such areas were beneficiaries of the programme, they were also exposed to harassment and atrocities without having been provided adequate protection by the State machinery. The recent suggestion of the Prime Minister to all the Chief Ministers that the use of force by landlords to grab lands from the Scheduled Castes and Scheduled Tribes should be made a cognizable offence should, let us hope, go a long way in affording security to these communities in the rural areas. It is also suggested that incident-prone areas should be located and preventive steps taken in time to redress the local socio-economic grievances of Scheduled Castes to avoid occurrence of unhappy incidents. At the same time, it is necessary that the Panchayats should also be involved in this task and made responsible to ensure that no hardship is inflicted on the Scheduled Caste persons by the vested interests.

1.17. Inordinate delays take place at various levels in the disposal of cases of atrocities on the Scheduled Castes and Scheduled Tribes, in the courts of law as a result of which a large number of cases are pending in these courts. Most of the Scheduled Castes/Scheduled Tribe victims of atrocities are socially and economically backward landless people and they do not have the required means to collect and present prosecution evidence against the perpetrators of these atrocities who are generally well-to-do and influential people. Our laws, with their rigid formalistic concepts and procedure are apt to take their course without taking these facts into consideration. Unless our judiciary show more realism and the rules of evidence take cognizance of the utter backwardness and helplessness of the victims of atrocities due to socio-economic causes, the ends of justice will not be met. When these cases of atrocities are disposed of, the requirements of our present laws may be met, but it is for consideration whether the requirements of justice, specially social justice to the victims are also met.

1.18. It may be pertinent to cite here a case from Tamil Nadu where few years back atrocities almost four times bigger in magnitude and enormity than even the Belchi tragedy had been inflicted on the Scheduled Castes. About 42 members of the Scheduled Castes including 20 children were burnt to death. The victims were landless labourers. The case came up to Madras High Court and the accused were acquitted. The judgement reads as follows:

*“Further, there is something astonishing about the fact that all the 23 accused implicated in this case should be Mirasdars. Most of them are rich men owning vast extents of land. The evidence is that the first*

accused owns a car. However much the Mirasdars might have been anxious to wreck vengeance upon the Left Communist kisans, it is difficult to believe that they themselves walked bodily to the scene and set fire to houses unaided by any of their servants. Rich men, who have vast vested interests, are more likely to play for safety than desperate and hungry labourers. One would expect the Mirasdars to have kept themselves in the background and sent their hired henchmen to commit the several offences, which according to the prosecution the Mirasdars personally committed by coming directly to the scene."

**It further reads:**

"The learned Sessions Judge finds,—We accept his findings—that killing these innocent persons did not form part of the common object of the riotous crowd."

**Finally the High Court came to the conclusion:**

"In our view, the aggressors must bear the blame for the tragic occurrence that took place in the night of 25th December, 1968. But we regret that the evidence does not enable us to identify and punish the guilty. We have tried our best to separate the chaff from the grain and to sustain the conviction of at least some of the accused without at the same time departing from the normal standards of appraisal of evidence. But the intrinsic infirmities in the prosecution evidence prevent us from convicting persons who are probably innocent."

The above is only one instance. Most of the cases between the poor Scheduled Castes/Scheduled Tribes people on the one side and the influential people on the other some time meet almost similar fate. Law makes its presence felt and yet justice continues to elude them. In this connection, it may not be out of place to quote Justice Shri D. A. Desai, Supreme Court Judge who recently said as follows:

"The very function of law as a social institution demands that change must be managed. Law must be approached as a purposive goal oriented system. It must be understood that the behaviour of legal actions is designed to achieve settlement of social disputes, to achieve effective social engineering. If law is to be the instrument for this change, how do we look at the institution of law. If enacting legislation is an end in itself we have plethora of laws. Every such law brings into being two limbs; one implementation machinery and another sanction of law, namely, forum with power to

punish, for the breach of the law. But those who are charged with a duty to enforce and punish themselves belong to a class especially not the class for whose benefit the legislation is enacted and are coloured by class prejudice and therefore, they are not passionately involved in bringing out true change by implementing law in its full vigour. On the contrary, experience sadly tells us that implementation is so half-hearted that those for whose benefit law is enacted lose faith in it."

A jurist of great eminence, Benjamin Cardozo, while dwelling on the subtle impact of sub-conscious forces on the minds of judges says:

"The spirit of the age as it is revealed to each of us, is too often only the spirit of the group in which the accidents of birth or education or occupation or fellowship have given us a place. No effort or revolution of the mind will overthrow utterly and at all times the empire of these sub-conscious loyalties".

1.19. The society and the Government should, therefore, view the atrocities against weaker sections clamouring for social justice not as mere violations of law but as deep-rooted sins against the society by the predominant sections which law and courts of law may not encounter to the fullest satisfaction in the given context of our social development. While dilating on the method of sociology in judicial process, Cardozo says:

"From history and philosophy and custom, we pass, therefore, to the force which in our day and generation is becoming the greatest of them all, the power of social justice which finds its outlet and expression in the method of sociology."

1.20. It is for consideration whether it is not almost imperative that processual reforms are undertaken to treat cases of social injustice as separate from ordinary violation of law, that the law relating to burden of proof, the Evidence Act and Criminal Procedure Code are suitably amended as in anti-corruption cases and that special courts with mobile units are needed to be set up for cases pertaining to socio-economic justice. These considerations are necessary if the law has to fulfil the current notions and objectives of social engineering.

1.21. According to 1971 Census, of the total workers amongst the Scheduled Castes 51 per cent were working as landless labourers. We have, therefore, to plan not only for the improvement of the economic conditions of these landless labourers but also for the marginal cultivators

amongst them. There is great desirability to encourage supplementary occupations and agro-industries amongst these communities. One of the cardinal principles of the Five Year Plans has been that the Scheduled Castes and Scheduled Tribes must get adequate share from the general sectors of development. Unfortunately this important question did not receive the required attention to enable the Scheduled Castes to derive benefits from the developmental schemes implemented by various departments like Agriculture, Minor Irrigation, Animal Husbandry, Industry, Horticulture etc. etc. The share of Scheduled Castes and Scheduled Tribes in the matter of allotment of distributive agencies by the States and the Central authorities is still meagre. Leaving aside a few State Governments and Central agencies, nothing worthwhile has been done in the matter of allotment of fair price shops, coal depots and such other distributive agencies. There are a number of useful schemes in operation by the Industry Departments of various State Governments like allotment of factory sheds, provision of credit, technical assistance and guidance etc. Quite a lot could be done if such schemes were suitably modified to give benefit to the Scheduled Castes and the Scheduled Tribes. A qualitative change in some of the schemes is necessary by restructuring them with reference to specific areas and communities.

1.22. Inhuman conditions under which the scavengers, flayers and tanners work remain to be tackled. The degrading practice of manual removal of night soil by scavengers who belong to a particular community of Scheduled Castes still continues in many parts of the country. Although a good deal of work in the improvement of living and working conditions of sweepers and scavengers was initiated in the earlier plans, the tempo has considerably slackened. It is estimated that not more than 199 out of nearly 3,000 urban centres in the country are seweraged; almost all of them partially. There is not a single city or town which is fully seweraged. There does not appear to be a possibility in the near future to cover the urban areas with sewerage as the capital cost of providing sewerage is very high. We have, therefore, to take up along with schemes of introducing sewerage, a scheme for clean and sanitary method for night soil removal. The programme of constructing scavenger-free latrines must be given the highest priority by the local bodies and for this purpose they should stop all schemes for beautification of the towns and divert these resources for ameliorating the working conditions of the sweepers and scavengers. The programme of construction of cheap water-borne latrines has proved successful in many States and it should be the duty of the local bodies to ensure that dry latrines are completely eliminated. Some pioneering work in this direction has been done in some cities by social workers in Bihar and elsewhere and with suitable

modifications can be extended to other places. The sweepers and scavengers employed on sanitation work are exposed to health hazards and have to handle obnoxious waste manually. A study has revealed that about 25 per cent of local bodies in class I cities had not provided protective devices like gloves, gum boots, soap etc. to the sanitary workers and the local bodies of class II, III and IV towns were negligent about this important measure. A number of local bodies had banned the removal of night soil as head loads but it is seen that this had only a partial success. The State Governments should deduct the grants that are given to the local bodies who fail to eliminate this practice which is degrading to human dignity.

1.23. Towards the end of the Fourth Five Year Plan the Government of India evolved the strategy of tribal sub-plans and Integrated Tribal Development Projects for integrated development of tribal areas where the population of Scheduled Tribes is 50 per cent and more with particular focus on the Scheduled Tribes. Under this new strategy, a comprehensive exercise in respect of each sub-plan area has indicated the various shortcomings in the existing legislations to curb the exploitation of the tribals, has enabled an appraisal of the present resources of the area and the developmental work that is being done by the existing departments as well as drawing up a plan for the overall development of the area. The State Governments have accepted their responsibilities for the development of the tribal areas and in the Fifth Five Year Plan it is estimated that an amount of Rs. 975 crores would be spent from the State Plan in the tribal sub-plan areas. This is a happy augury, for the planned development of the tribal areas in the future.

1.24. Centuries of exploitation in these areas made by the money-lenders, traders, excise contractors, forest contractors, etc. etc., have impoverished the tribal communities to such an extent that no perceptible and lasting economic improvement is possible without putting a complete stop to the activities of the exploiters. The Government of India in consultation with the State Governments have taken a very laudable measure to put a stop to the system of preparation of liquor by the excise contractors in the tribal areas. It is reported that the outstills have disappeared from many tribal areas but shops for sale of liquor imported from outside have sprung up. Efforts need to be made to put a complete ban on the sale of liquor brought from outside into these areas.

1.25 If the tribals get a reasonable price for their meagre surplus agricultural produce and minor forest produce, the economic condition of these communities can be improved to a very large extent. For this purpose, it is necessary that the activities of the petty trader who plays havoc with the

tribals are curbed. The establishment of Large Sized Multi-Purpose Cooperative Societies in the tribal areas for giving productive and unproductive loans, purchase of surplus produce and sale of necessities of life to the tribal people is a step in the right direction. It is hoped that the initial difficulties in the setting up of LAMPS would be overcome and these societies would be able to give much needed succour to the exploited tribal communities. However, the area of many of these LAMPS is very large and these societies should therefore adjust their working in such a manner that they are able to meet the demands of all the tribal people living in their jurisdiction. In this connection it may be mentioned that the Government of Maharashtra have taken an innovative step by passing a law covering all credit and marketing activities in the tribal areas. The experiment undertaken on pilot basis in the two tribal areas of the State may be extended to other areas after removing short-comings noticed during the course of its implementation. It would be useful if other State Government also take up similar steps.

1.26. There are always initial problems whenever a new concept is translated into action. The first two years of the Fifth Five Year Plan were largely utilised in finalising the various developmental schemes to be taken up in tribal sub-plan areas and evolving an administrative structure to implement them. In the beginning, the Government of India sanctioned money to the State Governments for advance action on selected priority schemes for tribal development. In one State, out of the funds sanctioned for advance action during the years 1974-75 and 1975-76, first priority was to be given to the schemes relating to minor irrigation followed by agriculture, animal husbandry, land records, credit and marketing and administration. However, it was observed that only 24 per cent and 34 per cent of the funds were utilised during the respective years and that minor irrigation ranked fourth and agricultural schemes last in so far as utilisation was concerned. Similarly in the same State, in one I.T.D.P. it was noticed that under the scheme of animal husbandry improved variety of sheep were exchanged for the indigenous type owned by the non-tribal beneficiaries. Integrated Tribal Development Project is an area development programme with a special focus on the development of Scheduled Tribes and therefore care has to be exercised that at least the schemes in which subsidy is disbursed the benefit is derived by the Scheduled Tribe persons.

1.27. A large sum of money is being spent on the schemes for reclamation of lands for allotment to the tribals, digging of irrigation wells, commissioning of minor and medium irrigation projects with a view to helping the tribal people to get maximum benefit from agricultural programme. Schemes relating to agriculture and irrigation are

no doubt a very important component of the Integrated Tribal Development Project Programmes because the bulk of the tribal cultivators are dry farmers or owners of comparatively inferior lands. It has been observed that sometimes investments that are made find their way to non-tribals rather than to the tribals. This happens largely due to unchecked exploitation process which has been going on in the tribal areas for a very long time. For example, if an irrigation well is dug on tribal land, the land gets alienated. There are laws practically in all the States to combat the alienation of tribal lands and during the last few years the provisions have been made more stringent. However cases of benami land transactions continue to take place in the tribal areas. It is for consideration whether irrigation wells, minor and medium irrigation projects, if built by the cooperatives of the tribals could help in the retention of benefits by the tribal beneficiaries and the non-tribals may not be able to take possession of new productive resources. There is also need to safeguard the corporate rights of the tribals over the land and forests during the preparation of record of rights and about the problems of management of the same during introduction of modern technology and market oriented production system.

1.28. The objective of full employment in the country has to be achieved in the next 10 years. The Scheduled Castes and Scheduled Tribes will naturally get benefit of various programmes launched for the landless which may include programmes of development of village and cottage industries, pasture development, animal husbandry, fisheries, forestry, horticulture, etc. Non-availability of cultivable agricultural land for allotment, high incidence of unemployment and under employment in some tribal areas and among Scheduled Castes compel persons belonging to these communities to migrate seasonally to other areas in search of jobs and availability of low level of employment opportunities calls for the adoption of a new approach in planning with emphasis on employment-oriented production programmes to secure full employment for them. It has been observed that any attempt to orient the land and other resource utilisation pattern in the tribal areas and the productive activities among the Scheduled Castes and Scheduled Tribes to the requirement of the outside market, without satisfying the basic needs of these communities places them in a very disadvantageous position. It is also necessary that provision of credit and marketing facilities have to be given the highest priority. If the traditional craftsman gets a reasonable return for his goods and the Scheduled Caste and Scheduled Tribe persons fair market price for their agricultural and minor forest produce, it would mean substantial improvement in their standard of living. There are one million tribal workers mainly engaged in shifting cultivation. No integrated programme for tackling this problem has yet



emerged although some good work has been done in the States of Tripura, Manipur, Orissa. The shifting cultivators have to supplement their earnings by sale of forest products and working as wage labourers. Similarly the bulk of settled tribal agriculturists get employment for not more than 120 days in a year and they have to supplement their income by working as labourers and sometimes on the very land which might have belonged to them and was subsequently alienated. The small holdings of Scheduled Castes do not provide full employment to them for the whole year and they also eke out their living by engaging themselves in other occupations. In times of distress, they therefore, fall easy prey to the traders and money-lenders. It is, therefore, essential that side by side with the programmes of providing appropriate employment to the Scheduled Castes and Scheduled Tribes care should be exercised that the development of the resources does not lead to their being dispossessed of the same, in future.

1.29. It has been observed that reservation of jobs for Scheduled Castes and Scheduled Tribes has been of limited help. The private sector is yet to fall in line with the State and public sectors in providing adequate job opportunities to these communities. Perhaps, an element of compulsion can alone make the private sector realise its obligations towards these long deprived sections of our people. An unfortunate impression, largely emerging from past prejudices and untenable notions of superiority seems to prevail among certain advanced sections of the population, that the Scheduled Castes/Tribes are being unnecessarily pampered by their induction in services by reason of their birth rather than their merit. These sections of the society do not quite comprehend the real import behind the special provisions contained in our Constitution relating to the members of the Scheduled Castes/Tribes who constitute a sizeable section of the population of this country. It is these communities who have been exploited and denied their rights and basic human dignity for several centuries. To make up the leeway of several centuries and enable them to level up with the other sections of the populace of this country, they have to be specially treated for a reasonable period of time and nurtured in climate that aids in bringing them up to their needed stature. A number of meritorious and competent persons among Scheduled Castes and Scheduled Tribes are not getting proper recognition, obviously, in many cases, due to caste prejudices. In all fairness, they should be enabled to associate at all levels of administration, judiciary, educational institutions, trade and industry. For a confident march towards equality and to achieve any real social, economic and emotional integration, the apathy

of so-called higher caste people has to be rooted out and a meaningful sense of equality of status and opportunities has to be inculcated amongst and secured for those who have stood repressed so long by them.

1.30. Reservation for Scheduled Castes and Scheduled Tribes has been provided in services and posts under the control of the Central and State Governments and Public Sector Undertakings and there is no doubt that as a result of steps taken by Central and State Governments during the last three years the position in regard to the intake of members belonging to these communities against the reserved posts has improved to some extent. But the position is still far from satisfactory.\*

1.31. Ways and means of increasing the representation of the Scheduled Castes and Scheduled Tribes in services and posts have, therefore, got to be explored. This can be done by increasing the percentage of reservation provided for these communities. In the earlier reports, this aspect of the matter was posed so that in a short period of time the representation of these communities becomes satisfactory. Another step that needs to be urgently considered is to conduct special recruitments and special selections confined to members of Scheduled Castes and Scheduled Tribes.

1.32. Reservation has been provided in the recruitment to all categories of posts under the Nationalised Banks but it is observed that their representation in the officers grade continues to range between 1.01 to 0.57 per cent. One of the reasons is that even after 8 years of nationalisation of banks, reservation in promotions has not been extended on the plea that promotions from clerical to officers cadre are governed by various agreements/undertakings between Employees' Union and the respective banks. There is urgent need that the principle of reservation in the matter of promotion to posts is also followed by the nationalised banks. In some Public Sector Undertakings, qualified Scheduled Caste and Scheduled Tribes candidates selected for appointment are required to execute surety bonds of Rs. 25,000 and above which many of them are not in a position to fulfil on account of their pecuniary condition. It is necessary that the Bureau of Public Enterprises should issue suitable instructions regarding minimisation of the bond amount and also consider the desirability that the candidates selected for employment or training may be allowed to furnish fidelity bonds of insurance companies for the reduced loaned amount.

\*According to available information as on 1-1-1976 in Central Government Services in Class I and Class II the representation of Scheduled Castes was 3.46 per cent and 5.41 per cent and of Scheduled Tribes it was 0.68 and 0.74 per cent respectively. In Public Sector Undertakings for the same period the representation of Scheduled Castes in Class I and Class II was 1.68 per cent and 3.19 per cent while of Scheduled Tribes it was 0.36 and 0.54 per cent respectively.]

1.33. The University Grants Commission had agreed in principle that reservation should be made for the posts of lecturers but they have not been able to give effect to it as it was discovered that there was no provision to issue any directive under the University Grants Commission Act to the universities for providing reservation for Scheduled Castes and Scheduled Tribes. It is hoped that this question would be looked into by the Ministry of Education with the urgency it requires and if necessary the Act be amended to enable the University Grants Commission to issue directives to the Universities for providing reservation for Scheduled Castes and Scheduled Tribes in the posts of lecturers.

1.34. Reports have continued to be received about the lukewarm, prejudicial and biased confidential reports given to the Scheduled Caste and Scheduled Tribe employees affecting their confirmations and promotions and also resulting in supersession and in premature retirement. This matter also came up for review at the meeting of High Power Committee and the Government is perhaps reviewing the question of recording of confidential reports on the work of employees. It has, therefore, been suggested by us that in every review committee, a senior Scheduled Caste/Tribe officer should be co-opted as a member and the cases of such Scheduled Caste/Tribes officers who have been finally decided to retire, should be submitted to the Minister/Minister of State concerned for his final orders. It is strongly felt that if after proper enquiry it is established that the officers were prejudiced and had failed to comply with the existing orders/instructions of the Government in regard to protection/promotion of the Scheduled Caste/Tribes employees, they should invite disciplinary action and necessary comments/remarks to that effect should invariably be made in their Confidential Reports.

1.35. In spite of the prescribed procedure laid down by the Department of Personnel and Administrative Reforms for de-reserving the posts reserved for Scheduled Castes and Scheduled Tribes, it has been noticed that there is increasing tendency to de-reserve the reserved posts on one pretext or the other and to fill the reserved vacancies by appointing general category candidates without obtaining the prior approval of the Department of Personnel & Administrative Reforms in contravention of the orders to that effect issued as far back as 1963. It needs to be emphasised that the Department of Personnel & Administrative Reforms entrusted with the task to look after the service matters of Scheduled Castes/Tribes must take due care to collect data regarding the number of vacancies de-reserved during the last two years to find out what measures can be adopted to put a stop to the de-reservation of reserved vacancies.

1.36. The Government of India and the State Governments have established a few pre-examination training centres for coaching Scheduled Caste and Scheduled Tribe candidates for taking examinations for the All India Services and this has had a very beneficial effect in increasing their representation during the last decade in I.A.S., I.P.S. and I.F.S. etc. For entry into IAS cadre, there is a provision for nomination from the State Service cadres. It is felt that reservation for Scheduled Castes and Scheduled Tribes should be provided in the quota that is nominated by the States for entry into IAS. In the Engineering Services, representation of Scheduled Castes and Scheduled Tribes was far from satisfactory. In Military Engineering Services the representation of Scheduled Castes was only 3.35 per cent and there was not a single Scheduled Tribe person. In the Central Engineering Services the representation of Scheduled Castes and Scheduled Tribes was less than 5 per cent and 1 per cent respectively.

1.37. It has been observed that while trained and experienced persons are available most of the Public Undertakings find it difficult to get suitable Scheduled Caste/Tribe candidates and the posts are de-reserved. What is felt lacking is a co-ordinated effort to ensure that the Scheduled Caste/Tribe candidates are employed against vacancies reserved for them. The Employment Exchanges should collect lists of all successful candidates belonging to Scheduled Caste and Scheduled Tribe communities from the I.T.Is. and I.L.Ts. and send those to all the Public Undertakings under their respective jurisdiction. They can also advise the I.T.Is. on the trade which are in demand in the area. A central data-bank should immediately be started either by the Central Employment Exchange or by the Bureau of Public Enterprises for collection of data regarding available qualified Scheduled Caste/Tribe candidates (particularly the Scheduled Tribe candidates).

1.38. We have been emphasising that ad hoc promotions if continued for long and indefinite periods will tend to deprive the Scheduled Castes and Scheduled Tribes of their share in promotions and that, therefore, the practice must stop. It was made aware to the Govt. of the fact that to avoid ad hoc promotions, the Union Public Service Commission had laid down a schedule for holding Departmental Promotion Committees for regular promotions and Railway Board had adopted the principle of reservation in ad hoc promotions successfully. The Government ultimately issued an order to this effect in July, 1976 instructing that except for short term leave vacancies, no ad hoc promotions should be made as far as possible. The impact of the order is yet to be known.

1.39. It is really unfortunate that in spite of repeated reminders to elicit information regarding representation of Scheduled Castes and Scheduled Tribes in the services under the State Governments and Union Territory Administrations, the requisite information is not made available in time and in some cases the time lag happens to be of 5—6 years. The State Government/Union Territory Administrations must ensure that the required information is sent to the Office of the Commissioner in time to help evaluate the progress made by them in fulfilling the constitutional obligations.

1.40. Although it has to be admitted that due to most inadequate staff not many studies could be undertaken to investigate into the working of the service safeguards. However, the surveys of the special studies undertaken for the purpose are communicated to the concerned Ministries/Undertakings with suggestions for the corrective measures. But it is not often that follow-up action on the recommendations is not communicated to the Office of the Commissioner in due time. Unless it is ensured that the corrective measures suggested in such studies are promptly given effect to by the concerned authorities all such efforts will be an exercise in futility. The Department of Personnel and Administrative Reforms should, therefore, immediately issue suitable instructions to all the Ministries/Departments to make it obligatory on them to take follow-up action within 3 months and to send a detailed report on the action taken/proposed to be taken to the Office of the Commissioner.

1.41. There is a mounting discontentment among the Scheduled Caste and Scheduled Tribe employees of the Central/State Government establishments, Nationalised Banks and Public Undertakings regarding improper and ineffective implementation of service safeguards. During the period under report i.e. 1975-76 and 1976-77 we received about 29,000 representations alleging various types of service grievances. An analysis of the representations received reveals: (i) biased/prejudicial attitude of the high caste officials; and (ii) lack of adequate knowledge about the existing rules/regulations and/or wrong interpretation thereof by the officials who are responsible for the implementation of Government orders/instructions.

1.42. It needs to be emphasised that in order to enable the Commissioner for Scheduled Castes and Scheduled Tribes to investigate into the working of the service safeguards provided for the Scheduled Castes and Scheduled Tribes, Commissioner's Organisation should be provided with adequate number of inspecting teams/units for constant study/inspection of the observance of reservations orders by various Central Government Offices/Departments, Public Undertakings,

State Government Offices/Departments etc. which are located in far flung areas throughout the length and breadth of the country.

1.43. It is not at all a happy situation to report that one field wherein the Constitutional Directive as pronouncedly contained in Article 335 of the Constitution—namely, due consideration of the claims of the members of the Scheduled Castes and Scheduled Tribes in making appointments to services and posts in connection with the affairs of the Union or of the States has yet remained inadequately operative, is the judiciary.

1.44. The representation of the members of the Scheduled Castes and Scheduled Tribes in the judiciary continues to be markedly low. This would be obvious from the following facts. Out of a total of 352 judges in the various High Courts in the country, there are only 4 who happen to belong to Scheduled Castes, one of them being an Acting Chief Justice and none from the Scheduled Tribes. So far as the total number of District Judges is concerned, it is regrettably to be mentioned that while information in this respect was sought by this Office from each and every State, only 14 States/Union Territories furnished the required information and it appears therefrom that there is only one District Judge belonging to the Scheduled Castes.

1.45. It appears, that provisions for reservation for members of Scheduled Castes and Scheduled Tribes in appointments of District Judges have not so far been made, as the view that seems to have been taken is, that Article 16(1) of the Constitution guarantees equality of opportunity for all citizens in matters relating to employment or appointment in any office under the State, and Article 16(4) permits only making provision for reservation of appointments or posts in favour of any backward class of citizen which in the opinion of the State is not adequately represented in the services under the State. What is, therefore, considered as an impediment in the making of any provision for reservation in regard to appointments of District Judges is, that such a provision can be made only in respect of services under the State, and since the High Courts themselves constitute a State within the meaning and import of that expression in the Constitution, such a provision can be made only if in their opinion, any backward class or citizen is not adequately represented in the services under them. As regards appointments of High Court Judges, making of any provision for reservation for members of the Scheduled Castes and Scheduled Tribes is considered to be out of question as High Court Judges hold a Constitutional office, which cannot be regarded as a service under the State. In this connection, the views held by the Chief Justices of the High Courts at their conference and the

**Ministry of Law (Department of Justice) have been procured and they are, as briefly stated, to the following effect:—**

**Chief Justices views:**

*"predominant consideration is merit and total objective assessment only is to prevail. No rigid formula can be laid down."*

**Law Ministry views:**

*"it has been held in judicial pronouncements that the persons appointed by the Chief Justice or his delegate may be deemed as belonging to public services and posts in connection with the affairs of the State. The definition of the words "the State" in Article 12 of the Constitution is an inclusive definition and, therefore, even if it is held that "the State" includes apart from the Government of India and the Parliament of India, the Supreme Court or the High Court, the question that has to be considered is whether the Judges of the High Courts could be considered as the services under the State. If the High Court is considered as a State and by virtue of the provisions of Article 216 the High Court would mean the Chief Justice and other Judges of that Court, it would follow that the Chief Justice and Judges collectively constitute the High Court and are a State. The services of Judges and the Chief Justice cannot therefore, be regarded as under the High Court inasmuch as they themselves constitute the High Court and, therefore a State. Looking from this point of view, although it may be considered that the staff appointed by the High Court could be considered as services under the High Court and, therefore, Services under a State, the appointment of the Chief Justice and Judges themselves cannot be considered as services under the State if the High Court itself is to be regarded as the State. In these circumstances, it is possible to take a view that the provisions of Article 16(4) may apply to the staff of the High Court but not to the appointment of a Judge of a High Court. It has been decided by the Supreme Court that Article 16(4) has to be interpreted in the context of Article 335 and that so interpreted, it does not confer any constitutional obligation on the State.*

*"In view of the importance and the special position assigned to Judges of the High Courts under the Constitution appointment of Judges of the High Courts are made solely on the basis of merit and suitability and on no other consideration. It is not desirable to make reservation in these appointments in favour of any particular caste or community."*

1.46. These views undoubtedly possess weight of their own authority and they have, therefore, to be given consideration with the highest of deference. At the same time, however, it cannot be denied that regard being had to the provisions of Article 46 of the Constitution, which, though not enforceable in courts of law constitute one of the basic principles in the governance of the country and the provisions of Article 335 of the Constitution which have been put in the Constitution in the form of an injunction and constitute an important Constitutional directive, the claims of the members of the Scheduled Castes and Scheduled Tribes, in making of appointment to services and posts in connection with the affairs of the Union or of the State cannot be brushed aside either. What is worthy of thought and consideration is, that even if it may not be legally permissible to make any provision for reservation for members of the Scheduled Castes and Scheduled Tribes in appointment of District Judges and High Court Judges under Article 16(4) of the Constitution, is it not possible to make such a provision independently of Article 16(4) of the Constitution and under Article 335 of the Constitution itself? The answer to the question will necessarily depend upon the proper determination of the scope and ambit of Article 335 of the Constitution in the particular context. The matter is certainly of such a nature and such public importance that it may be expedient to obtain the opinion of the Supreme Court on a reference of appropriate question bearing on the matter by the President under Article 143 of the Constitution.

1.47. The Constitution has directed the State to make special provision for the advancement of any socially and educationally backward classes of citizens in addition to the Scheduled Castes and Scheduled Tribes. The State can also make provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State. The Government of India had appointed a Backward Classes Commission under Article 340 of the Constitution and on the receipt of the report of the Commission it was decided by the Government of India that they would not declare any list of socially and educationally backward classes and suggested to the State Governments that they may do so on the basis of income criteria. Many State Governments, however, have declared lists of socially and educationally backward classes and benefits of various developmental programmes and reservation in services are also provided to them. Some of these lists

prepared on the basis of multiple criteria have had the scrutiny of the High Courts and even Supreme Court.

1.48. It was in October, 1971 that the Government of India extended the concession of post-matric scholarships meant for the Scheduled Castes and Scheduled Tribes to Neo-Buddhists formerly belonging to the Scheduled Castes. In March, 1977, on the eve of General Elections, the Central Government extended to Neo-Buddhists further facilities under the Centrally Sponsored Schemes such as grant of overseas scholarships, admission to pre-examination training centres and girls hostels and grant-in-aid to non-official organisations engaged in their welfare. The Government of India also decided to award 1,000 scholarships at pre-matric and 500 post-matric scholarships for children belonging to those persons other than Scheduled Castes and Scheduled Tribes who are engaged as scavengers

of dry-latrines, tanners and flayers. No one will dispute the sagacity of these measures as these groups continue to suffer from the same social disabilities as Scheduled Caste although they profess religious other than Hinduism and Sikhism.

1.49. Apparently, the benefits have been given by the Government of India under Article 15(4) of the Constitution by considering these classes as socially and educationally backward. The concept of 'ANTYODAYA' of Mahatma Gandhi can be fulfilled if all persons who are socially, educationally and economically backward are helped by the State. The Government of India should, therefore, join the State Governments in the task of helping the socially and educationally backward classes in all possible ways as envisaged under Articles 15(4) and 16(4) of the Constitution and consider the desirability of drawing up a list of such classes.

## CHAPTER 2

### WORKING OF THE CONSTITUTIONAL SAFEGUARDS PROVIDED FOR SCHEDULED CASTES AND SCHEDULED TRIBES

2.1. Various Articles in the Constitution of India such as 15, 16, 17, 19, 23, 25, 29, 35, 38, 39A, 46, 164, 244, 244A, 275, 320(4), 330, 331, 332, 333, 334, 335, 338, 339, 340, 341, 342, 371A, 371B and 371C have been provided with the object of promoting and safeguarding the interests of the persons belonging to Scheduled Castes/Tribes, Other Backward Classes and Anglo-Indians. Briefly these are as under:—

Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth, but special provision for Scheduled Castes/Scheduled Tribes—Article 15.

Equality of opportunity in matters of public employment, but special provision for Scheduled Castes/Scheduled Tribes—Article 16.

Abolition of Untouchability—Article 17.

Protection of certain rights regarding freedom of speech etc.—Special provision for Scheduled Tribes—Article 19.

Prohibition of traffic in human beings and forced labour—This safeguard is relevant to many instances of bonded labour among Scheduled Castes and Scheduled Tribes—Article 23.

Freedom of conscience and free profession, practice and propagation of religion—Entry into temples—Article 25.

Protection of interests of minorities—Religion, race, caste, language, no bar to admission in educational institutions—Article 29.

Legislation to give effect to the provisions relating to Fundamental Rights—Article 35.

State to secure a social order for the promotion of welfare of the people—Article 38.

Equal justice and free legal aid—Article 39A.

Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections—Article 46.

Other provisions as to Ministers—Appointment of Minister in charge of tribal welfare

in Bihar, Madhya Pradesh and Orissa—Article 164.

Administration of Scheduled Areas and Tribal Areas—Article 244.

Formation of an autonomous State comprising certain tribal areas in Assam and creation of local legislature or Council of Ministers or both therefor—Article 244A.

Grants from the Union to certain States—Grants for welfare of Scheduled Tribes and for raising the level of administration of Scheduled Areas—Special provisions for Tribal Areas of Assam—Article 275.

Functions of Public Service Commissions—Consultation with Public Service Commissions not necessary as regards the manner of giving effect to safeguards for Scheduled Castes/Scheduled Tribes—Article 320(4).

Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People—Article 330.

Representation of the Anglo-Indian community in the House of People—Article 331.

Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States—Article 332.

Representation of the Anglo-Indian community in the Legislative Assemblies of the States—Article 333.

Reservation of seats and special representation to cease after thirty years—Article 334.

Claims of Scheduled Castes and Scheduled Tribes to services and posts—Article 335.

Special Officer for Scheduled Castes, Scheduled Tribes, etc.—Article 338.

Control of the Union over the administration of Scheduled Areas and the welfare of Scheduled Tribes—Article 339.

Appointment of a Commission to investigate the conditions of backward classes—Article 340.

**List of Scheduled Castes—Article 341.**

**List of Scheduled Tribes—Article 342.**

**Special provision with respect to the States of Nagaland, Assam and Manipur—Articles 371A, 371B and 371C.**

The working of some of the main constitutional safeguards provided for Scheduled Castes/Scheduled Tribes is discussed in the subsequent paragraphs:

#### **List of Scheduled Castes and Scheduled Tribes**

2.2. In pursuance of the provisions of Articles 341 and 342 of the Constitution, the President, for the first time, made two Orders in 1950, in relation to the then Part 'A' and Part 'B' States, called the Constitution (Scheduled Castes) Order, 1950, and the Constitution (Scheduled Tribes) Order, 1950 specifying various castes and tribes as Scheduled Castes and Scheduled Tribes in relation to respective States and Union Territories.

2.3. On the re-organisation of States by the States Re-organisation Act, 1956 and on the enactment of the Bihar and West Bengal (Transfer of Territories) Act, 1956, the Orders were further modified by the Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956 in respect of some States. On the creation of the States of Maharashtra and Gujarat by the Bombay Re-organisation Act, 1960, lists of Scheduled Castes and Scheduled Tribes in respect of these two States were issued. Separate orders were also issued at appropriate times for Jammu and Kashmir (1958), Andaman & Nicobar Islands (1959), Dadra and Nagar Haveli (1962), Pondicherry (1964), Uttar Pradesh (1967), Goa, Daman and Diu (1968) and Nagaland (1970).

2.4. The lists of Scheduled Castes and Scheduled Tribes appearing in various orders came up for criticism on the plea that they were not rational and contained several anomalies. Consequently the Government of India appointed an Advisory Committee for revision of the lists of Scheduled Castes and Scheduled Tribes in

1965. On receipt of the report of the Committee and discussion with the State Governments and the Office of the Commissioner for Scheduled Castes and Scheduled Tribes, the Government of India introduced the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1967 in the Fourth Lok Sabha, in 1967 and thereafter the Bill was referred to a Joint Committee of both the Houses of Parliament, set up under the Chairmanship of the late Shri A. K. Chanda. The report of the Joint Committee which was submitted in November, 1969 was discussed in the Lok Sabha but due to sharp differences on some controversial questions of the status of Scheduled Tribe persons converted to Christianity and Islam, discussion on the Bill was adjourned and thus with the dissolution of the Fourth Lok Sabha, the Bill also lapsed.

#### **The Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976.**

2.5. As indicated in the last report, the Scheduled Castes and Scheduled Tribes Orders (Amendment) Bill, 1976 was introduced in the Fifth Lok Sabha. In the month of September, 1976, the Fifth Lok Sabha passed this Bill and it received the assent of the President on 18th September, 1976. The Act came into force with effect from the 27th July, 1977, providing for the removal of area restrictions except in cases where it was considered necessary and for the re-adjustment of representation of Parliamentary and Assembly constituencies. No new caste or tribe was included or deleted from the existing lists of the Scheduled Castes and Scheduled Tribes.

#### **Determination of Population of Scheduled Castes and Scheduled Tribes.**

2.6. Section 5(1) of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 provides that as soon as, may be after the commencement of that Act, the population as the last census of the Scheduled Caste or, as the case may be, of the Scheduled Tribes, in each State shall be ascertained or estimated by the Census authority.

2.7. The Registrar General has since notified the revised population of Scheduled Castes and Scheduled Tribes in respect of the concerned

States/Union Territories where area restrictions have been removed as indicated in the table below:—

Population according to 1971 Census

(Figures in lakhs)

Sl. No.	Name of State/Union Territory	SCHEDULED CASTES			SCHEDULED TRIBES			
		Original	Revised	Increase/Decrease	Original	Revised	Increase/Decrease	
1.	2.	3.	4.	5.	6.	7.	8.	
1.	Andhra Pradesh	57.75	58.16	+0.41	16.58	22.26	+5.68	
2.	Assam	9.13	9.13	..	16.07	16.07	..	
3.	Bihar	79.51	83.86	+4.35	49.33	49.33	..	
4.	Gujarat	18.26	18.90	+0.64	37.34	37.57	+0.23	
5.	Haryana	18.96	18.96	..	No Scheduled Tribes		..	
6.	Himachal Pradesh	7.70	8.08	+0.38	1.42	1.42	..	
7.	Karnataka	38.50	42.77	+4.27	2.31	2.62	+0.31	
8.	Kerala	17.72	20.02	+2.30	2.69	1.93	-0.76	
9.	Madhya Pradesh	54.54	57.52	+2.98	83.87	98.15	+14.28	
10.	Maharashtra	30.26	31.77	+1.51	29.54	38.41	+8.87	
11.	Manipur	0.16	0.16	..	3.34	3.34	..	
12.	Meghalaya	0.04	0.04	..	8.14	8.14	..	
13.	Orissa	33.11	33.07	-0.04	50.72	50.75	+0.03	
14.	Punjab	33.48	33.48	..	No Scheduled Tribes		..	
15.	Rajasthan	40.76	42.16	+1.40	31.26	31.35	+0.09	
16.	Tamil Nadu	73.16	73.38	+0.22	3.12	4.50	+1.38	
17.	Tripura	1.93	1.93	..	4.51	4.51	..	
18.	Uttar Pradesh	185.49	190.95	+5.46	1.99	1.99	..	
19.	West Bengal	88.16	89.00	+0.84	25.33	26.03	+0.70	
20.	Andaman & Nicobar Islands	No Scheduled Castes			..	0.18	0.18	..
TOTAL		788.62	813.34	+24.76 -0.04	367.74	398.55	+31.57 -0.76	

2.8. It will be seen from the above table that there has been a net increase of 24.72 lakhs in the population of Scheduled Castes and 30.81 lakhs in the population of Scheduled Tribes. It will also be noticed that there has been a decrease of 76,000 in the population of Scheduled Tribes in Kerala and 4,000 in the population of Scheduled Castes in the State of Orissa. In Kerala, the decrease is due to the transfer of Pulayan community declared as Scheduled Tribes in Malabar district to the list of Scheduled Castes where they were treated as Scheduled Castes throughout the State except Malabar district and are now declared as Scheduled Castes throughout the State. In case of Orissa, the Kuli community which was earlier declared as Scheduled Caste in Sambalpur district has been deleted from the list as Kulis are already declared as Scheduled Tribes throughout the State. The revised population of Scheduled Castes throughout the country has, therefore, increased from 7.99 crores to 8.25 crores forming 15.04 per cent of the total population of the country and the population of Scheduled Tribes has increased from 3.80 crores to 4.11 crores forming 7.5 per cent of the total population.

Re-adjustment of constituencies by the Election Commission.

2.9. Under section 6(1) of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976, it has also been provided that after the population figures have been notified for any State under section 5, it shall be the duty of the Election Commission to make such amendments as may be necessary in the Delimitation of Parliamentary and Assembly Constituencies Order, 1976 (without altering the extent of any constituency as given in such order) having regard to the provisions of Articles 81, 170, 330 and 332 of the Constitution, of section 8 of the Delimitation Act, and of this Act, for the purpose of giving proper representation to the Scheduled Castes or, as the case may be, to the Scheduled Tribes of that State on the basis of the number of reserved seats as specified in that Order in the prescribed manner by the Commission, and the First Schedule and Second Schedule to the Representation of the People Act, 1950 shall be deemed to have been amended accordingly. The Election Commission has since notified its proposals to amend delimitation of



Parliamentary and Assembly constituencies. One more seat for Scheduled Castes in Madhya Pradesh and one additional seat each in Madhya Pradesh and Maharashtra would be reserved for Scheduled Tribes in the Lok Sabha. 16 more seats would be reserved for Scheduled Castes and 21 for Scheduled Tribes in certain Legislative Assemblies. There is a reduction of one reserved seat for Scheduled Tribes in the Legislative Assembly of Kerala which is compensated by reserving one additional seat for Scheduled Castes in that State Assembly.

**Need for introduction of a bill to provide for the inclusion in and the exclusion from the lists of Scheduled Castes and Scheduled Tribes.**

2.10. The removal of area restrictions in respect of Scheduled Castes and Scheduled Tribes will no doubt enable the members of these communities, who were deprived so far of the benefit and concessions given by the Central and State Governments to get their due share of educational, economic and political safeguards. The fact, however, remains that the question of drawing up comprehensive lists of Scheduled Castes and Scheduled Tribes which has been pending since 1956 must now be taken up by the Central Government at an early date.

**Preparation of lists of synonyms, phonetic variations, sub-castes and sub-tribes.**

2.11. In the existing lists of Scheduled Castes and Scheduled Tribes, names of some synonyms, sub-castes and sub-tribes either separately or under the main caste or tribe have been mentioned. In this connection, the decision of the Supreme Court in the case of *Bhaiya Ram Munde versus Anirudh Patar* and others in 1971 is relevant:—

“The name by which a tribe or a sub-tribe is known is not decisive. Even if the tribe of a person is different from the name included in the Order issued by the President, it may be shown that the name included in the Order is a general name applicable to sub-tribes”.

In view of this judgement, individual cases should be decided after proper enquiries by the Government of India in consultation with the State Governments and if it is established that the name of the sub-group of a person is a genuine synonym, sub-caste or sub-tribe, instructions should be issued to all concerned that persons belonging to that particular sub-caste or sub-tribe or synonym should be treated as Scheduled Caste/Tribe because they belong to main caste/tribe which is included in the Scheduled Caste/Tribe list. In this connection it may also be pointed out that a number of administrative difficulties have cropped up on account of

the list of synonyms notified by the Census authorities in one State. It would be better that after necessary enquiries, the Government of India notifies a list of local synonyms, sub-castes and sub-tribes under each Caste/Tribe so that difficulties of persons belonging to the Scheduled Castes/Tribes in obtaining caste certificates are removed.

**Issue of Scheduled Caste and Scheduled Tribe Certificates.**

2.12. The Government of India had issued instructions in May, 1975 to be followed by the authorities at the time of issuing caste certificates. These instructions indicate various points to be observed while verifying the claims of a person to belong to a Scheduled Caste or a Scheduled Tribe by birth, cases of migration from one State to another, cases of conversion and re-conversion, adoption and claims through marriages.

2.13. The Ministry of Home Affairs have since issued further clarifications regarding the term ‘residence’ which should be followed by the authorities empowered to issue Scheduled Caste and Scheduled Tribe certificates. A copy of the letter dated 22nd March, 1977 may be seen at Appendix I. It will be seen from this letter that the following points are to be observed by the authorities concerned before issue of caste certificates:—

- (1) Residence has not to be understood in the literal or ordinary sense of the word. It connotes the permanent residence of a person on the date of the notification of the Presidential order scheduling his caste/tribe in relation to that locality.
- (2) In the case of persons born after the date of notification of the relevant Presidential order, the place of residence for the purpose of acquiring Scheduled Caste or Scheduled Tribe status, is the place of permanent abode of their parents at the time of notification of the Presidential Order under which they claim to belong to such a caste/tribe.
- (3) It is necessary that proper verification based primarily on revenue records and if need be through reliable enquiries is made before such certificates are issued.
- (4) Where revenue authorities have been empowered to issue certificates on the basis of a certificate issued by a Member of Parliament, Member Legislative Assembly, Gazetted Officer, etc., they should do so after having proper verifications and after having satisfied themselves of the correctness of such certificates.

2.14. The above mentioned instructions will no doubt ensure that certificates are issued to genuine persons who claim to belong to a Scheduled Caste or Scheduled Tribe, but the procedure for verification by the revenue authorities would be a time consuming one. **It is, therefore, hoped that State Governments/Union Territory Administrations would examine the existing procedures and issue instructions that within a stipulated time the revenue authorities must complete the verification so that caste certificates can be issued in time to the persons concerned.**

2.15. There is another point which needs further examination. If a person residing permanently in a particular State on the date of notification of the Presidential Order scheduling his caste/tribe in relation to that State, migrates subsequently to another State where the caste/tribe is also scheduled and is now permanently residing in that State, it is not understood why he cannot be treated as a Scheduled Caste/Tribe of the State in which he is now permanently residing. Diversification in the occupations of the Scheduled Castes and Scheduled Tribes is taking place all over the country and a large number of persons belonging to these communities have migrated to other States for employment where they are residing on permanent basis. **If a particular caste/tribe is scheduled in a State as well as in the State where the Scheduled Caste/Tribe person concerned has migrated there is no reason why he should be denied the issue of caste/tribe certificate especially to his children who may have no links with the State of his forefathers.**

2.16. Caste certificates issued to the Scheduled Caste and Scheduled Tribe persons are very important documents as these enable them to avail of the concessions given to the members of these communities by the Central and State Governments. As mentioned in this chapter earlier, reservation of seats for Scheduled Castes and Scheduled Tribes in educational and technical institutions is provided under Article 15(4) of the Constitution. Candidates belonging to these communities have to produce a certificate issued by the competent authority to secure admission against the reserved seats.

2.17. In the case of the Principal, Guntur Medical College, Guntur and others versus Mohan Rao, Civil Appeal No. 984 of 1975, decided on April 6, 1976, the Supreme Court considered whether a person whose parents belong to a Scheduled Caste before their conversion to Christianity can, on conversion or re-conversion to Hinduism, be regarded as a member of the Scheduled Castes so as to be eligible for the benefit of reservation of seats for Scheduled

Castes in the matter of admission to a medical college. The facts of the case were as follows:—

In **Andhra Pradesh**, Scheduled Caste converts to Christianity are treated as belonging to backward classes and **inter-alia** eligible for admission against the seats reserved for backward classes in the medical colleges. In 1973, a candidate applied for admission to a medical college as a member of a backward class as his parents originally professed Hindu religion and both were converted to Christianity and the candidate was born after their conversion. He, however, failed to secure admission in the medical college. He got himself converted to Hinduism on 20th September, 1973 from Andhra Pradesh Arunachatiya Sangham stating that he has renounced Christianity and embraced Hinduism after going through **Suddhi** ceremony and he was thereafter received back into Madiga caste of Hindu fold. On the strength of this certificate, claiming to be a member of Madiga caste, he applied for admission to Guntur Medical College and on the basis that he was a member of the Scheduled Caste, he was provisionally selected for admission, but subsequently he was informed by the Principal of the medical college that his selection was cancelled as he was not a Hindu by birth. In this connection it may be mentioned that a person whose parents belong to a Scheduled Caste before their conversion to Christianity and on conversion or reconversion to Hinduism can be regarded as the member of the Scheduled Caste only if he is accepted as a member of that caste by the other members of the caste. On such acceptance, he would be eligible for the benefit of reservation of seats for Scheduled Castes in the matter of admission to an educational institution.

On the cancellation of the provisional admission by the Principal of the college, the candidate preferred a writ petition in the High Court of Andhra Pradesh challenging the validity of the cancellation of his admission on the ground that it was unconstitutional to hold that a candidate in order to be eligible for a seat reserved for Scheduled Castes, should belong to Scheduled Caste by birth. This plea was accepted by a single judge of the High Court and on appeal a Division Bench of the High Court also took the same view. The State Government did not succeed in obtaining leave from the High Court and hence it preferred a special leave petition to the Supreme Court and the Supreme Court agreed to hear the petition after the State Government agreed that whatever be the result of the appeal, the admission of the candidate will not be disturbed.

2.18. The Supreme Court, after referring to Article 341 of the Constitution and the Constitution (Scheduled Castes) Order, 1950, observed as follows:—

“Now Note (b) was interpreted by the Principal of the Medical College to require that a candidate in order to be eligible for seat reserved for Scheduled Castes, should be a Hindu by birth. This interpretation was plainly erroneous because what Note (b) required was not that a candidate should be a Hindu by birth but that he should belong to a Scheduled Caste by birth. But even this requirement that a candidate in order to be eligible for a reserved seat should be member of a Scheduled Caste by birth went beyond the provision in clause (3) of the Constitution (Scheduled Castes) Order, 1950 and was rightly condemned as void and no reliance was placed upon it on behalf of the State.”

The Supreme Court dismissed the appeal of the Principal and gave a ruling that a person whose parents belonged to Christianity can, on conversion or reconversion to Hinduism, be regarded as a member of the Scheduled Caste so as to be eligible for the benefit of reservation of seats for Scheduled Castes in the matter of admission to a medical college. The Supreme Court did not go into the question whether the candidate, on conversion to Hinduism, was accepted as a member of Madiga caste, by the other members of that caste, for it is not if he was so accepted that he could claim to be a member of a Scheduled Caste, because it had been agreed by the State that whatever be the result of the appeal, the admission of the candidate will not be disturbed.

2.19. A letter was addressed by the Office of the Commissioner for Scheduled Castes and Scheduled Tribes to the Government of **Andhra Pradesh** to know what proof, if any, was submitted by the candidate to establish that he had been accepted by the members of the caste claimed by him. A reply from the State Government is still awaited.

2.20. Another case (Civil Writ Petition No. 974 of 1976) came up for decision before the High Court for the States of **Punjab and Haryana** in which a person born in a non-Scheduled caste family claimed that he had become a member of the Scheduled Castes because of his adoption by a member of the Scheduled Castes and by his acceptance as a member of the caste by the **Baradari** of the caste and questioned the rejection of his application for admission into two of the Medical Colleges in the State of **Punjab** by the authorities on the ground that he

was not a Scheduled Caste by birth. The petitioner had relied on the decision of the Supreme Court regarding the admission of a candidate in Guntur Medical College referred to in the above paras. The learned judges held that:—

“It is not possible to understand the decision of the Supreme Court as laying down a wide proposition that a person belonging to a non-Scheduled Caste could become a member of a Scheduled Caste by the mere acceptance of the caste-men of the particular Scheduled Caste. It is impossible to conceive of a Brahman or a Kshatriya becoming member of the Scheduled Caste by the simple process of the caste-men accepting him as one of them. If we accept the proposition like the one contended for by the petitioner, we will be throwing open the floodgates for all sorts of undesirable practices to gain narrow ends.”

2.21. It is not known whether the Scheduled Caste certificate obtained by the candidate was issued after the authorities concerned had satisfied themselves that the requirements of valid adoption prescribed under the Hindu Adoption and Marriage Act, 1956 were fulfilled. **The above judgements of the Supreme Court and the High Court of Punjab and Haryana highlight the necessity of authorities empowered to issue caste certificates to verify the claims of belonging to the Scheduled Caste/Tribe properly before issuing the caste certificates.**

2.22. The Ministry of Home Affairs had circulated a set of legal views on the caste status of the off-springs of inter-caste married couples in May, 1977 to all States/Union Territories. The nexus between the child and the community or class or caste has been sought to be accepted as the real test to deny or entitle the child to the benefits accruing to the members of the Scheduled Castes and Scheduled Tribes.

2.23. A number of representations have been received from the associations of Scheduled Caste converts to Christianity demanding that they should be included in the list of Scheduled Castes. They have argued out their case on the basis that untouchability is practised against them and that they are segregated from other Christians. The Neo-Buddhists have also demanded that all facilities that are being given to the Scheduled Caste should also be made available to them.

#### **Reservation of seats for Scheduled Castes and Scheduled Tribes in Lok Sabha and Vidhan Sabhas.**

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

Tribes till 25th January, 1980. Under Article 330 of the Constitution, it was provided that seats shall be reserved in the Lok Sabha for (a) Scheduled Castes, (b) the Scheduled Tribes except the Scheduled Tribes in the tribal areas of Assam; and (c) the Scheduled Tribes in the autonomous districts of Assam and the seats shall bear nearly the same proportion to the total number of seats allotted to that State or Union Territory in the Lok Sabha as the total population of the Scheduled Castes in the State or Union Territory or of the Scheduled Tribes in the State or Union Territory.

2.25. The position regarding provision for reservation of seats for Scheduled Castes has remained the same, but in the case of Scheduled Tribes, there have been some variations. By the Constitution (23rd Amendment) Act, 1969, in Article 330 of the Constitution for the words "except Scheduled Tribes in the tribal areas of Assam", the words "except the Scheduled Tribes in the tribal areas of Assam and in Nagaland" were substituted. Subsequently, 31st Amendment of the Constitution, provided that seats shall be reserved in Lok Sabha for:—(a) Scheduled Castes; (b) Scheduled Tribes except the Scheduled Tribes.

- (1) in tribal areas of Assam.
- (2) in Nagaland.
- (3) in Meghalaya.
- (4) in Arunachal Pradesh; and
- (5) in Mizoram; and (c) the Scheduled Tribes in autonomous districts of Assam.

2.26. Under Article 332, it was provided that the seats shall be reserved for the Scheduled Castes and the Scheduled Tribes, except in the tribal areas of Assam, in the Legislative Assembly of every State. It was mentioned that seats shall be reserved also for the autonomous districts in the Legislative Assembly of the State of Assam. Vide The Constitution (Twenty-third Amendment) Act, 1969, dated 23rd January, 1970, for the words "except the Scheduled Tribes in the tribal areas of Assam", the words "except the Scheduled Tribes in the tribal areas of Assam and in Nagaland" were substituted. Vide 31st Amendment of the Constitution for the words "except the Scheduled Tribes in the tribal areas of Assam and in Nagaland," the words "except the Scheduled Tribes in the tribal areas of Assam, in Nagaland and in Meghalaya" were substituted.

#### **Representation of Scheduled Castes and Scheduled Tribes in the Lok Sabha.**

2.27. According to available information out of a total number of 542 seats in the Lok Sabha, 78 and 38 seats were reserved for Scheduled Castes and Scheduled Tribes respectively. The seats had been redetermined by the Delimitation

Commission. The total number of Lok Sabha seats had increased from 526 to 542. The number of seats for Scheduled Castes had increased from 77 to 78, whereas the seats for Scheduled Tribes decreased from 42 to 38. Till March, 1974, 7 seats were reserved for Scheduled Castes in Bihar, whereas under the Delimitation Act, 1972, 8 seats were reserved. As regards decrease of 4 seats for Scheduled Tribes in the Lok Sabha as on 31-3-1976, 2 seats in Meghalaya and one seat each in Arunachal Pradesh and Mizoram, were declared as general seats according to the Delimitation Order, 1976.

#### **Representation of Scheduled Castes and Scheduled Tribes in Vidhan Sabhas.**

2.28. Out of 3,977 seats in the Vidhan Sabhas in various States and Union Territories concerned, 540 and 282 seats were reserved for Scheduled Castes and Scheduled Tribes respectively. The number of seats for Scheduled Castes had increased from 539 to 540, because according to notification issued by the Election Commission, one seat had been reserved for Scheduled Castes in Goa, Daman and Diu. Earlier out of a total number of 60 seats in the Vidhan Sabha of Meghalaya 50 seats used to be reserved for Scheduled Tribes, but according to Delimitation Order, these 50 seats had been declared as general seats.

#### **Proposals of the Election Commission for increase in the number of seats for the Scheduled Castes and Scheduled Tribes in the Lok Sabha and Vidhan Sabhas.**

2.29. In pursuance of clause (a) of sub-section (15) of Section 6 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976, the Election Commission notified its proposals to amend delimitation of Parliamentary and Assembly constituencies Order 1976, on the basis of the revised population figures for Scheduled Castes and Scheduled Tribes notified by the Registrar General of India. Undermentioned changes have been proposed by the Election Commission of India:—

1. One additional seat i.e. 6 seats as against the existing 5 seats are proposed to be reserved for Scheduled Castes in the Lok Sabha from the State of Madhya Pradesh.
2. Two additional seats i.e. 9 seats as against the existing 8 seats and 4 seats as against the existing 3 seats are proposed to be reserved for Scheduled Tribes in the Lok Sabha from the States of Madhya Pradesh and Maharashtra respectively.
3. 16 additional seats have been proposed to be reserved for Scheduled Castes in the State Legislative Assemblies of Bihar (2), Gujarat (1), Himachal Pradesh (1).

Karnataka (4), Kerala (1), Madhya Pradesh (2), Maharashtra (1), Rajasthan (1) and Uttar Pradesh (3). Similarly 21 more seats have been proposed for reservation for Scheduled Tribes in the State Legislative Assemblies of Andhra Pradesh (4), Gujarat (1), Kerala (1), Madhya Pradesh (11), Maharashtra (5) and Tamil Nadu (1).

2.30. Information regarding existing seats in the Lok Sabha and Legislative Assemblies as well as the position emerging on the basis of the proposals of the Election Commission may be seen at Appendix II.

2.31. There is no constitutional provision for reservation of seats for Scheduled Castes and Scheduled Tribes in the Rajya Sabha and Vidhan Parishads. It may incidentally be mentioned that during the last Lok Sabha Election 2 Scheduled Tribe candidates from the respective States of Assam and Maharashtra and one Scheduled Caste candidate from West Bengal, were returned to the Lok Sabha from general seats. However, such information in respect of elections held in 13 States/Union Territories for Vidhan Sabhas, etc. during June-July, 1977, is not readily available.

#### Intimidation and coercion at elections

2.32. The Election Commission in its report dealing with the General Elections held in 1968-69 to the Legislative Assemblies of Haryana, Punjab, Uttar Pradesh, Bihar, West Bengal, Nagaland and Pondicherry, had stated that "a few stray incidents of intimidation and coercion were received from a few polling stations in Haryana, but a comparatively large number of complaints about intimidation and coercion were received from Bihar and Uttar Pradesh, especially Western Uttar Pradesh. From Bihar reports of open violence in or near polling stations were also received in a number of cases." The Commission further stated "while it may be difficult to prove the truth or otherwise of these complaints according to the strict rules of evidence, the possibility of intimidation, coercion and undue influence being exercised by the powerful and economically better off sections of the community over the weaker and poorer sections cannot be altogether ruled out especially in areas where the more powerful and economically better off sections outnumber the weaker sections." According to the Commission:—

"The probable causes of such large scale intimidation, coercion and undue influence are mainly social and economic. Sometimes personal factors of individual candidates also count. Casteism with all its attendant evils still prevails on a large scale in many parts of India. If caste-ridden communities

are economically well off and outnumber the weaker sections, then they can successfully exercise intimidation and coercion upon the members of the weaker and poorer sections of the community because if they vote against the candidate supported by the stronger and economically better off communities, then members of the weaker and poorer sections may perhaps be boycotted economically and that will mean their hunger, starvation, disease and ultimate ruination. The Harijans and weaker and backward sections of the community cannot under the circumstances dare go against the wishes of the more powerful, economically better off and more numerous caste-ridden sections of the electorate. Over and above this, if a candidate belonging to the strong and economically better off sections is a man of stature and wields influence over the local population, then it becomes very difficult for any candidate supported by the weaker sections to get elected. Therefore, if this evil of intimidation, coercion and undue influence on a large scale is to be successfully fought and eliminated, then it has to be met squarely and with courage at the political, economic, social, administrative and also legal levels. For that, the first condition requisite is that the gravity of the evil should be genuinely recognised by everybody, by every right-thinking person and by every political party so that the leaders and representatives of all political parties and groups, irrespective of party or group considerations, may recognise it as an evil to be avoided at all costs and sit together and find out the ways and means, economic, political, social, administrative and legal whereby the evils of casteism and the resultant corrupt and evil practices and criminal offences of intimidation and coercion may be uprooted."

2.33. At the time of the last General Elections the Chief Election Commissioner had mentioned "in the past there had been allegations of undue pressure being put on them (weaker sections) to vote for particular candidates". He further stated that "to avoid the exercise of such pressures it has now been decided to locate polling stations in their localities". In view of this observation of the Chief Election Commissioner, the Commissioner for Scheduled Castes and Scheduled Tribes addressed a letter to all the Chief Ministers/Governors suggesting that during the General Elections special arrangements should be made in the sensitive areas to provide due protection to the Scheduled Caste/Tribe voters to enable them to exercise their fundamental right to franchise without fear. He further suggested that suitable instructions may be issued to the police authorities to render all possible assistance to the State Chief Electoral Officer to ensure

that there is no intimidation or coercion of Scheduled Caste/Tribe voters in exercising their voting right and expressed the hope that suitable steps would be taken for the safety and protection of the Scheduled Caste/Tribe voters in the course of the Elections. The State Governments/ Union Territory Administrations of **Assam, Bihar, Himachal Pradesh, Jammu and Kashmir, Madhya Pradesh, Maharashtra, Karnataka, Punjab, Rajasthan, Sikkim, Tamil Nadu, West Bengal, Uttar Pradesh Andaman & Nicobar Islands, Delhi, Manipur, Pondicherry** informed that necessary instructions had been issued to the Police Officers/District Magistrates/Chief Electoral Officers etc. in this regard. The respective State Governments of **Bihar, Karnataka and Uttar Pradesh** informed that separate polling booths for Scheduled Caste/Scheduled Tribe voters in their localities at some places were provided.

2.34. After the elections were over a communication was addressed by this office to the Secretary, Election Commission, to give details of cases of intimidation and coercion of Scheduled Caste/Tribe voters which came to their notice and the action taken thereon by the concerned authorities. It is learnt from the Election Commission that complaints regarding Scheduled Caste and Scheduled Tribe voters at the time of General Elections held in March, 1977 were received in **Andhra Pradesh** (18), **Bihar** (16), **Haryana** (2), **Punjab** (8), **Rajasthan** (6), **Tamil Nadu** (1), **Uttar Pradesh** (15) and **Dadra & Nagar Haveli** (1). As regards 18 complaints of **Andhra Pradesh**, the Election Commission informed that no action was possible in 17 cases because the complaints were received after the poll. One case was referred to the Chief Electoral Officer for necessary action. About 16 complaints pertaining to Bihar, the Election Commission stated that in as many as 11 cases no action could be taken because the complaints had been received after the conclusion of the poll. Remaining 5 cases had been referred to the Chief Secretary/Chief Electoral Officer for necessary action. One complaint received in **Haryana** regarding detention of harijan voters of Narnaul was found baseless. In another case request was made for Election Commission's Observer as threat to harijan voters was apprehended. However, it was not acceded to. Out of 8 complaints received in **Punjab**, 7 were referred to Chief Electoral Officer/Chief Secretary for necessary action. Regarding one complaint in respect of threat and intimidation to harijan voters of Ropar constituency, it was found by the Deputy Commissioner that there was no large scale intimidation of harijan voters and the Deputy Commissioner went round the District to assure all concerned of security and freedom in voting. In respect of 3 cases of **Rajasthan**, no action was possible as complaints were received after the poll. Remaining 3 cases had been sent to Chief Secretary for necessary action. One complaint in respect of **Tamil Nadu**

was found to be baseless on enquiry. In respect of 10 complaints pertaining to **Uttar Pradesh**, the copies of the complaints had been sent to authorities concerned for necessary action. In one case no action was considered necessary because the matter was already under investigation by the Police. In 3 cases no action was considered necessary because complaints were received after the poll. About one case, the Chief Election Commissioner personally contacted Chief Electoral Officer and through him the District Officials, and was satisfied that there was adequate security to ensure peaceful poll. One case relating to **Dadra and Nagar Haveli** regarding threat to adivasi voters was forwarded to the Administrator, Dadra & Nagar Haveli for necessary action.

#### Appointment of Ministers in-charge of welfare of Scheduled Castes and Scheduled Tribes.

2.35. Under Article 164 of the Constitution, it is provided that in the States of **Bihar, Madhya Pradesh and Orissa** there shall be a Minister in-charge of Tribal Welfare who may, in addition be in-charge of welfare of Scheduled Castes and backward classes or any other work. This provision was given effect to during the years 1975-76 and 1976-77 in all the three States. It is provided in paragraph 14(3) of the Sixth Schedule to the Constitution that in allocating the business of the State among his Ministers the Governor may place one of his Ministers especially in-charge of the welfare of autonomous districts and autonomous regions in the States of Assam and Meghalaya. There was a Minister in-charge of Tribal Areas Development in Assam and a Minister in-charge of District Council Affairs in Meghalaya.

#### Organisation of the Commissioner for Scheduled Castes and Scheduled Tribes.

2.36. Under Article 338 of the Constitution, it has been provided that there shall be a Special Officer for the Scheduled Castes and Scheduled Tribes to be appointed by the President, and it shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for Scheduled Castes and Scheduled Tribes under the Constitution and report to the President upon the working of those safeguards at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament. It is also mentioned in that Article that references to the Scheduled Castes and Scheduled Tribes shall be construed as including references to such other backward classes as the President may on receipt of the report of a Commission appointed under clause (1) of Article 340, by order specify and also to the Anglo-Indian community.

2.37. The first Special Officer designated as Commissioner for Scheduled Castes and Scheduled Tribes was appointed by the President on the 18th November, 1950 and so far 24 Reports

have been submitted. The Commissioner had a small staff working directly under him in accordance with the opinion expressed by the Ministry of Law that "in order that the reports submitted by Commissioner to Parliament are accurate and dependable, it is necessary that the data on which they are based was collected and assessed by an independent and impartial agency." The opinion of the Ministry of Law on the subject given as far back as in the month of June, 1951 is reproduced below:—

"Clause (2) of Article 338 provides that it shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes and to report on the working thereof to the President, who is to cause his report to be laid before Parliament. In clear and unambiguous terms, the clause imposes this as a duty upon the Special Officer, and so requires him to take all action that may be necessary for carrying on the investigations and the making of the report. **The language of the clause prima facie excludes any implication that the duty, in any respect, can properly be passed on to any authority or person not subordinate and answerable to the Special Officer. This is confirmed also by the Principal delegatus non-protest delegare which applies here as the functions of investigation involve the exercise of judgement and discretion in the collection and assessment of data. And a consideration of the *raison detre* of Article 388 also points to the same conclusion. In order that the reports submitted to Parliament are accurate and dependable, it is necessary that the data on which they are based is collected and assessed by an independent and impartial agency, applying uniform methods and uniform standards.** Therefore, the duty in its entirety must be discharged by the Special Officer himself, with the assistance of such staff as may be provided. He may no doubt request the State Governments to furnish information as to the safeguards provided for the Scheduled Castes and the Scheduled Tribes in each State, and the machinery provided for their enforcement, etc. But it is for the Special Officer himself (with the assistance of his staff) to ascertain their actual working, how for they are effective and whether they are adequate, and so forth."

2.38. In due course of time, the Commissioner was provided with a field organisation consisting of 17 offices in various States owing allegiance to him and working according to standards and norms laid down by him. Unfortunately, Commissioner's organisation was stripped off its regional offices in 1967, and the Commissioner

was obliged to function only from his headquarters at New Delhi with a limited staff to look after the working of constitutional safeguards applicable to more than one-fifth population of the country.

2.39. This decision was criticised by the various Committees and suggestions were made for the restoration of regional offices to the Commissioner. In the Report of the Committee on Untouchability, Economic and Educational Development of the Scheduled Castes submitted to the Government of India on 30th January, 1969 it was stated:—

"that the Commissioner's Organisation must not only be given a really independent status with clearly defined and codified powers, responsibilities and jurisdiction of actions, but his field organisation as existing before the 1967 reorganisation must also be immediately restored, further strengthened and systematised."

2.40. The Study Team on Tribal Development Programmes appointed by the Planning Commission which submitted its Report on 19th September, 1969, stated:—

"The abolition of the regional organisation under the Commissioner has not only reduced the orbit of his effective exercise but it has deprived him of the facility of making frequent on-the-spot enquiries into the condition of tribal communities. The Study Team can hardly regard as satisfactory an arrangement where the Commissioner is required to discharge his constitutional functions through the very agencies on whose performance in certain spheres he may be called upon by virtue of his office, to sit in judgement. The team recommends that Commissioner's organisation may be strengthened suitably to enable him to make independent enquiries in the field with regard to matters connected with the working of the safeguards provided in the Constitution for the Scheduled Tribes."

2.41. The Committee on the Welfare of Scheduled Castes and Scheduled Tribes under the Chairmanship of Shri D. Basumatari in its first Report presented on 26th November, 1969, expressed its firm 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 recommend that the Commissioner should be provided with a field organisation of his own. The Committee also suggest that the Government should take urgent action to enable the 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 1967, the question of the restoration of the regional offices of the Commissioner came up for discussion in Parliament a number of times and assurances were also given by the Ministers concerned to strengthen the Commissioner's organisation. The long pending suggestions for strengthening the headquarters office and sanctioning regional offices for Commissioner's organisation were considered by the Government of India and it was decided that the Zonal Directors, Backward Classes Welfare, whose offices are located at Chandigarh, Ahmedabad, Madras, Bhopal and Patna would also be designated as ex-officio Deputy Commissioners for Scheduled Castes and Scheduled Tribes. It was also decided that two inspecting teams would be sanctioned for inspection of Central and State Government Offices to find out if orders for reservation of posts for Scheduled Castes and Scheduled Tribes are being observed.

2.42. Apart from being constitutionally objectionable, the arrangement of designating Zonal Directors as ex-officio Deputy Commissioners for Scheduled Castes and Scheduled Tribes has not been of much help. Quite often it has been found that the Zonal Directors do not give due attention to the assignments given to them and concentrate on the work assigned to them by the Director General, Backward Classes Welfare. As regards sanctioning of two inspecting teams, only one Research Officer without any supporting staff has been posted. **It is hoped that the Government of India will initiate immediate steps to strengthen the headquarters office of the Commissioner and restore the regional offices to enable the Commissioner to discharge constitutional duties effectively.**

2.43. In the Ministry of Home Affairs, there are two separate divisions to look after the work relating to (i) the Scheduled Tribes, and (ii) Scheduled Castes and Other Backward Classes. The division dealing with the Scheduled Tribes is headed by a Joint Secretary, who is assisted by two Directors, one Deputy Secretary, one Under Secretary, a Research Unit and Secretariat Sections. The division dealing with the Scheduled Castes consists of a Director-General, Backward Classes Welfare, who is assisted by a Zonal Director (the post has been transferred from Zonal Office Chandigarh to Delhi), a Deputy Secretary, an Under Secretary, two Deputy Directors, four

Secretariat Sections and one Statistical Cell. The entire work relating to the Scheduled Castes and Scheduled Tribes is under the overall charge of an Additional Secretary. The division dealing with Scheduled Tribes primarily looks after the Centrally Sponsored Schemes in the backward classes sectors for the welfare of Scheduled Tribes like tribal sub-plans, construction of hostels for Scheduled Tribe girls, cooperation and research & training. They are concerned with the matters relating to the implementation of Integrated Tribal Development Projects involving an outlay of Rs. 1500 crores in the Fifth Five Year Plan without a field agency. On the other hand the division dealing with the Scheduled Castes under the Director General, Backward Classes Welfare is also having a field organisation consisting of 5 Zonal Offices and 3 Sub-Offices in various parts of the country. The Directorate General of Backward Classes Welfare, primarily issues sanctions for the Centrally Sponsored Schemes like Post matric scholarships, construction of hostels for Scheduled Caste girls, coaching and allied schemes, machinery for the enforcement of Untouchability (Offences) Act etc., involving an outlay of Rs. 106.94 crores during the Fifth Plan. The regional organisation undertakes surveys/studies with reference to the above mentioned schemes which have not substantially improved the working of the schemes. Even now many complaints are received in the office of the Commissioner for Scheduled Castes and Scheduled Tribes about the delays in the payment of Post-matric scholarships. One of the main functions of the Zonal Offices is to inspect working of Voluntary Organisations which are given grant-in-aid out of the annual budget of Rs. 40.00 lakhs provided for the purpose whereas the annual expenditure on regional set up is of the order of Rs. 16.00 lakhs. All remaining schemes are implemented by the State Governments.

2.44. It was suggested by the Commissioner for Scheduled Castes and Scheduled Tribes to the State Governments/Union Territory Administrations that they should set up Commissioner's Cell to collect information on various circulars/letters addressed by this organisation. **It is hoped that necessary steps would be taken by State Governments in this regard.**

2.45. It may be stated here that with regard to the provision made under Article 340 of the Constitution for appointment of a Commission to investigate the conditions of backward classes, the Government of India decided not to draw up lists of such classes consequent to the receipt of the Report of Backward Classes Commission, as it was considered that it would perpetuate the existing distinctions on the basis of caste. However, several State Governments like those of **Andhra Pradesh, Tamil Nadu, Karnataka, Kerala, Jammu and Kashmir, Bihar, Maharashtra,**



**Rajasthan, Uttar Pradesh** etc., have declared socially and educationally backward classes and some of these lists have been subjected to judicial scrutiny of the High Courts and even Supreme Court. It is observed that 'other backward classes', have been declared by many State Governments on the basis of multiple criteria and includes persons belonging to various religions. Plan funds are being provided by State Governments for undertaking schemes for the welfare of these communities/classes with the approval of the Planning Commission. Besides reservation in Government services and posts and admission to educational institutions are also being made by many State Governments. **It is, therefore, suggested that the Central Government should accept the lists of 'other backward classes' adopted by the State Governments and give to members belonging to these classes facilities admissible to them under the various provisions of the Constitution. The other backward classes as indicated under the Constitution can be looked after by the Commissioner for Scheduled Castes and Scheduled Tribes, provided a policy decision is taken by the Government to accept the lists of other backward classes declared by the State Governments.**

#### **Abolition of Untouchability**

2.46. 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. The amended Act got the assent of the President on the 13th September, 1976 and was enforced with effect from 19th November, 1976. It has been renamed as Protection of Civil Rights Act, 1955.

2.47. The amended Act has considerably tightened the provisions to enable the eradication of untouchability. All untouchability offences which are cognizable will now be treated as non-compoundable and in cases where the punishment does not exceed 3 months, these can be tried summarily. The punishment for untouchability offences has been enhanced and both fine and imprisonment will be awarded for such offences. For subsequent defaults the punishment has been enhanced. For instance, for the third and subsequent offences, the punishment may range from one year's imprisonment with a fine of Rs. 500 to two years' imprisonment and a fine of Rs. 1,000.00. One significant characteristic of the Act is that public servants who willfully show negligence in the investigation of any offence punishable under the Act, shall be deem-

ed to have abetted an offence punishable under that Act. The Act contemplates surveys and studies for determining the areas where untouchability is practised, the setting up of committees for implementing the Act and the grant of adequate facilities to persons subjected to disabilities arising out of untouchability, to enable them to avail of their rights. 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. The direct or indirect preaching of untouchability or its justification on historical, philosophical or religious grounds has been made an offence. Compelling any person to do scavenging or sweeping, removal of carcasses; flaying of animals or removing the umbilical cord has also been made punishable. The 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. The Central Government issued notification on 15th September, 1977 prescribing the manner of inquiry under Sub Section (1) of Section 10A of the Act pertaining to power of State Government to impose collective fines.

2.48. It has been provided that the Central Government shall coordinate the measures taken by the State Governments, for implementation of the provisions of the Act and shall, every year, place on the Table of each House of Parliament, a report on the measures taken by itself and the State Governments in pursuance of the provisions of the Act. The Government of India has asked the State Governments to furnish statistical and other information about the number of cases dealt with by them under the Act alongwith detailed notes containing information regarding steps taken by them for the proper implementation of the provisions of the Act contained in Section 15A(2) with particular reference to the provision of adequate facilities including legal aid; appointment of officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of the Act; setting up of special courts for the trial of offences under the Act; setting up committees at appropriate levels for formulating or implementing measures; undertaking periodic surveys regarding the working of the Act with a view to suggesting measures for its better implementation and identification of areas in respect of untouchability and adoption of measures for its removal. **The Central Government was expected to frame rules under Section 15A(1) to enable the State Governments to ensure that the rights accruing from the abolition of "untouchability" may be availed of by the concerned persons. It is, however, observed that so far this has not been done by the Government of India.**

2.49. As regards the action taken on the measures suggested under Sub-Section (2) of Section 15A of the Act, the State Governments of **Andhra Pradesh, Bihar, Gujarat, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan** and **Uttar Pradesh** have framed schemes for grant of legal aid to the Scheduled Castes in certain types of civil and criminal cases including untouchability offences. As regards appointment of officers for initiating or exercising supervision over prosecutions, the Government of **Andhra Pradesh, Bihar, Gujarat, Karnataka, Kerala, Madhya Pradesh, Orissa, Punjab, Rajasthan, Tamil Nadu** and **Uttar Pradesh** are understood to have set up special cells at different levels. Prosecutions for the contravention of the Act in **Haryana** are to be conducted under the personal supervision of the District Attorney. The Government of **Maharashtra** directed the Inspector General of Police, Bombay to establish Local Crime Units, at district levels empowering them to register and investigate the offences against Scheduled Castes. Regarding special courts, the Government of **Bihar, Karnataka, Orissa** and **Tamil Nadu** have informed that the number of cases under the Act do not warrant the setting up of special courts to deal with untouchability offences. In **Gujarat**, mobile courts in selected areas were understood to have been set up for speedy disposal of untouchability cases. With regard to setting up of committees, advisory/review/implementation committees are understood to have been set up by the State Governments of **Andhra Pradesh, Bihar, Gujarat, Haryana, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan** and **Tamil Nadu**. The Governments of **Andhra Pradesh** and **Haryana** are understood to have entrusted the work of periodic surveys to the district level committees. The Government of **Gujarat** proposed to carry out surveys through Social and Research Institutes, Universities and the Government agencies like the Bureau of Economics and Statistics and the Directorate of Social Welfare. The Government of **Orissa** entrusted this work to the Harijan Welfare Advisory Board at Sub-Divisional levels. With regard to identification of 'disability areas', the Government of **Andhra Pradesh** proposed to give suitable incentives/awards for furnishing information on the existence of untouchability. The Government of **Gujarat** entrusted this work to the District Vigilance Committees and Social Justice Committees of the District Panchayats. In **Haryana** this work was proposed to be entrusted to the district level committees. The Government of **Orissa** asked the Sub-Divisional Level Committees to perform this task. In **Tamil Nadu** the State Government proposed to attend to this work in consultation with the Inspector General of Police.

2.50. It is observed that some of the new provisions incorporated in the Act have not received adequate attention of the concerned authori-

ties. Inadequate amounts are allocated by the State Governments for giving legal aid to Scheduled Castes. The work of conducting periodic surveys and identification of disability areas should be entrusted to eminent scholars in the universities/research institutions with necessary technical staff so that their findings are acceptable to all concerned. These surveys should be taken in hand immediately so that the State Governments can take corrective steps for the better implementation of the provisions of the Act and adopt necessary measures for removal of untouchability in the areas where the prevalence of this practice has been identified.

### Bonded Labour

2.51. **Begar** and other forms of forced labour are prohibited under Article 23 of the Constitution. Many State Governments like **Orissa, Rajasthan, Gujarat** and erstwhile **Madras** had enacted legislations to abolish this practice before and after independence. In the earlier Reports of the Commissioner for Scheduled Castes and Scheduled Tribes instances of the existence of evil practice of bonded labour system in the country had been indicated and remedial action suggested to eradicate it. Despite the various provisions about the abolition of **begar**, the evil practice continued to be in existence, in some form or other. The inclusion of abolition of bonded labour system as one of the points in the 20 Point Economic Programme underlined the importance attached to the eradication of this barbarous practice.

2.52. 'Bonded Labour System' (Abolition) Ordinance, 1975 came into being on 25th October, 1975. Subsequently, the Ordinance was replaced by an Act of Parliament and came into force on 19th February 1976. The main provisions of the Act are to declare bonded labourer free from any obligation to render any free service, manual or menial and all such customs, traditions, contracts and agreements as applied to them were declared void. Under the Act, the State Governments may vest the District Magistrates with powers to take cognizance and prosecute the offenders. The new law has also made provision of setting up of Vigilance Committees at Districts and Sub-divisional levels to help in identifying the bonded labourers, advise the implementing authorities on all matters relating to the enforcement of legal provisions and for the economic and social rehabilitation of the freed bonded labourers.

### I. Position regarding States which have denied the existence of Bonded Labour System.

#### Identification of bonded labourers

2.53. Out of 31 States/Union Territories in the country, 20 States/Union Territories of **Assam, Haryana, Himachal Pradesh, Jammu and Kashmir,**

**Maharashtra, Manipur, Meghalaya, Nagaland, Punjab, Sikkim, Tripura, West Bengal, Andaman & Nicobar Islands, Arunachal Pradesh, Chandigarh, Dadra & Nagar Haveli, Delhi, Goa, Daman & Diu, Lakshadweep and Pondicherry** have denied the existence of bonded labour system in their jurisdiction. However, in some of the above mentioned States preliminary enquiries and surveys have indicated that bonded labour system is still prevalent. In one State, the State Government holds the view that since each of the landless labourers has been allotted one acre of waste land, the question of existence of bonded labour system does not arise. In some other States, a view has been taken that if payment of wages to landless labourers for agricultural operations for a specified period is not in accordance with the prescribed minimum wages, it would not attract the provisions of the Bonded Labour System (Abolition) Act, 1976. Bonded labour system is essentially an outcome of the imbalance between the demand and supply of labour in the rural labour market and also the scarcity of institutional credit. Different covert forms of debt bondage exist under the guise of ostensibly legal systems.

#### Definition of Bonded Labour System

2.54. Let us examine how the "bonded labour system" has been defined in the Act. According to the Act, "bonded labour system" means the system of forced, or partly forced, labour under which a debtor enters, or has, or is presumed to have entered, into an agreement with the creditor to the effect that,—

- (i) in consideration of an advance obtained by him or by any of his lineal ascendants or descendants (whether or not such advance is evidenced by any document) and in consideration of the interest, if any, due on such advance, or
- (ii) in pursuance of any customary or social obligation, or
- (iii) in pursuance of an obligation devolving on him by succession, or
- (iv) for any economic consideration received by him or by any of his lineal ascendants or descendants, or
- (v) by reason of his birth in any particular caste or community.

he would—

- (1) render by himself or through any member of his family, or any person dependent on him, labour or service to the creditor, or for the benefit of the creditor, for a specified period or for an unspecified period, either without wages or for nominal wages, or

- (2) forfeit the freedom of employment or other means of livelihood for a specified period or an unspecified period, or
- (3) forfeit the right to move freely throughout the territory of India, or
- (4) forfeit the right to appropriate or sell at market value any of his property or product of his labour or the labour of a member of his family or any person dependent on him."

Under the Act, "nominal wages" in relation to any labour means a wage which is less than—

- (a) the minimum wages fixed by the Government, in relation to the same or similar labour, under any law for the time being in force, and
- (b) where no such minimum wage has been fixed in relation to any form of labour, the wages that are normally paid, for the same or similar labour, to the labourers working in the same locality.

2.55. It will be seen from the above definition that bonded labour system, *inter alia*, means that if persons belonging to any particular caste or community are forced or partly forced to work for a creditor under an agreement either without wages or for nominal wages which are less than the prescribed minimum wages, they would come under the definition of 'bonded labour system'. In many States, labourers are engaged for agricultural operations by payment of advance to them and if the total payment received including advance is less than the prescribed minimum wages or there is an element of compulsion that he cannot seek employment elsewhere such cases would come under the purview of the Bonded Labour System (Abolition) Act.

#### Surveys for identification of bonded labourers.

2.56. The Ministry of Labour has attached great importance to the surveys for the identification of bonded labourers. The Organisation of the Commissioner for Scheduled Castes and Scheduled Tribes with the very limited staff at its disposal has undertaken some surveys in the States which have denied the existence of this system as well as in those States which have acknowledged it. The Government of Maharashtra has all along been disputing the fact that bonded labour system is prevalent in that State. However, it is a known fact that the practice of employing labour on yearly basis exists there on quite a large scale and the labourers so employed are known as **Saldars**. A quick survey in 10 villages in Nandurbar and Shahada Talukas of Dhulia district conducted by the organisation of the

Commissioner for Scheduled Castes and Scheduled Tribes had revealed that out of a sample of 72 cases investigated of the Saldars who were engaged by the landlords on payment of yearly wages, 28 persons belonging to Scheduled Tribes were receiving less amount than that prescribed under the Minimum Wages Act for that area. It was also observed that they were engaged in agricultural operations and household work from sun-rise to sun-set and sometimes even late in the night. They were not free to leave their employers who were generally "deshmukhe", "patels" and rich landlords. Most of them were not allowed any paid holidays and their wages were deducted for remaining absent from work. At times, they were ill-treated. Their economic conditions were miserable to such an extent that their boys of school going were required to work as 'dhorakiyas' (herdsmen) either on yearly or monthly basis with the landlords for supplementing family incomes. As mentioned in the earlier paragraphs, all the elements which are necessary for identification of bonded labourers, namely, payment to the labourers less than the prescribed minimum wages, compulsion to work with the creditor, absence of leisure, exist and thus these cases should attract the provisions of the Bonded Labour (Abolition) Act. The Government of Maharashtra had appointed a Committee under the Chairmanship of Shri V. S. Page which besides investigating into the practice of illicit money-lending was also required to investigate inter-alia the existence of bonded labour system in that State. During his recent visit to Bombay, the Commissioner for Scheduled Castes and Scheduled Tribes had a discussion with the Chief Minister of Maharashtra and the problem of identification of bonded labourers was discussed at great length. The findings of the survey conducted by the office of the Commissioner for Scheduled Castes and Scheduled Tribes were brought to his notice as well as some other studies conducted by expert bodies. The Chief Minister agreed to get this question examined and it is hoped that early action would be taken by the Government of Maharashtra in the identification of bonded labourers in that State.

2.57. The Himachal Pradesh Government is also of the view that bonded labour does not exist in that State. However, from a survey made in October, 1975 by the Harijan Sevak Sangh in 12 villages of Tehsil Paonta, District Sirmor, it was observed that 63 persons belonging to Koli and Dom Scheduled Caste communities and one Brahman person had taken loans ranging from Rs. 100 to Rs. 3,000 and in lieu of the payment of interest charges had been working with their creditors without wages except food and old clothes given to them. It was also revealed that four persons had been working with their masters for the last 2-3 generations. It appears that the system prevalent in this area is similar to the one noticed in the adjacent area of Jaunsar Bawar

of Dehra Dun District of Uttar Pradesh where 19,000 bonded labourers have been identified by the district authorities.

#### Suggestions for identification of bonded labourers

2.58. To sum up, the problem of identification of bonded labourers may be tackled by the concerned States/Union Territories by taking the following steps:

- (1) The Research Institutes/Universities may be asked to carry out studies in selected areas for the identification of bonded labourers.
- (2) The State Governments should confer such powers and impose such duties on the District Magistrates as to enable them to act effectively under Section 10 of the Act, for proper implementation of the Act.
- (3) The State Governments should consider the question of setting up of vigilance committees in every district as well as in every sub-division to carry out the functions enumerated in Section 14 of the Act. Under Sub-section (1) of Sec 21 of the Act, powers of Judicial Magistrate may be conferred on the Executive Magistrates so that the offences if detected could be tried by them.
- (4) The members of the Vigilance Committees must be given all necessary facilities to go round the rural areas for identification of bonded labourers.

2.59. It is hoped that if the above mentioned steps are taken by the State Governments which have denied the existence of bonded labour system in their State/Union Territories, it may be possible to find out the correct position in the far flung inaccessible areas of our country.

#### II. Position regarding States which have identified bonded labourers.

2.60. Since the enactment of the Central Law abolishing bonded labour, some of the State Governments had launched a drive to identify the bonded labourers and free them from their shackles. Eleven States/Union Territories viz., Andhra Pradesh, Bihar, Gujarat, Karnataka, Kerala, Madhya Pradesh, Orissa, Rajasthan, Tamil Nadu, Uttar Pradesh and Mizoram have identified bonded labourers in their respective States. According to the latest available information 98,051 bonded labourers have been identified in these States/Union Territories in certain areas out of whom it is reported that 97,114 have been

freed and 23,720 have been rehabilitated. Arithmetic is proving to be the most elusive part of the problem if one goes by the above figures. It would also appear that the problem is localised one. However, these figures do not indicate the true dimensions of the problem. It is estimated that 4 to 5 per cent of the agricultural labour force suffers from bondage of one form or another. If we are to judge the prevalence of bondage by the criterion whether any member of the labour force is denied free participation in the labour market, the number of those involved in bondage would increase substantially. In the subsequent paragraphs, the problem of bonded labour in these ten States is discussed.

#### Andhra Pradesh :

In Andhra Pradesh, the bonded labour system existed in the form of 'Gothi' and 'Vetti' in Visakhapatnam, East Godavari and West Godavari Districts of former Madras State and legislation to abolish the system was also passed as far back as 1940 but little could be achieved. Instead, labour employed under Jeeta or Paleruthanam (farm servants employed on annual contract basis) system also began to be converted into bonded labourers by their masters taking advantage of poor economic condition of the tribals. The traditional political system of administration embodied into intermediary landlords in tribal areas (Muttadari system) also gave shelter to the bonded labour system to flourish and these landlords being economically well off and politically powerful gave an institutional shape to the system of forced labour. Thus it can be seen that the bonded labour system existed in some form before the enactment of the Central Act.

After the enactment of the Central Act, the report received from the State Government indicated that 826 bonded labourers were identified and freed in Khammam, Kurnool, Cuddapah, Visakhapatnam, Mehboobnagar, Srikakulam, Anantpur, Hyderabad and East Godavari Districts of the State of Andhra Pradesh. A study was conducted in Adilabad, Cuddapah and East Godavari Districts where 430, 370 and 248 households belonging to tribals respectively were contacted. In all 17 cases of bonded labour were identified for detailed study. The survey revealed that indebtedness of tribals was mainly responsible for the existence of the system. Out of the 17 cases of bonded labourers, 6 were in Adilabad, 1 in Cuddapah and 10 in East Godavari Districts. 14 out of 17 cases were covered by oral agreement and 3 cases by written agreement. The study also revealed that no labourer was paid more than Rs. 500 per annum which was little over

50% of the amount prescribed under the Minimum Wages Act. The age group analysis indicated that 9 bonded labourers were children and their annual wages were less than Rs. 300 which was less than 50% wage amount prescribed. The tribals had been borrowing from their creditors on instalment basis by pledging their services and the amount to be repaid was always in excess of the wages to be paid by the employer. Only in some cases the labourers were given fringe benefits like food and clothes. The most deplorable thing was that the children were also employed as bonded labourers without any wage.

#### Bihar :

According to a report received from the State Government so far 2,562 bonded labourers had been identified and 2,038 freed from the clutches of their masters in Palamau District. **The economic conditions of agricultural labourers in other backward districts of the State are more or less the same and there may be bonded labourers in other districts also.**

#### Gujarat :

In Gujarat, Hali system, a local variant of bonded labour, was abolished in 1948 soon after Independence. A study undertaken in Surat District of Gujarat State revealed that there were 115 bonded labourers in 9 villages in 3 Talukas of Kamrai, Mangrol and Pulsana. The State Government informed in November 1976 that Commissioner of Labour would personally check these cases, but the results have not been made known to the Commissioners for Scheduled Castes and Scheduled Tribes as yet. However, it was noticed that 36 Scheduled Caste persons were found to be held as bonded labourers in the Kutch District and prosecutions were launched against 8 Zamindars. In Surendranagar District also one case had been instituted in which 2 Kolis were found to be working as bonded labourers. The initial reluctance on the part of the State Government of Gujarat to accept the prevalence of bonded labour system was therefore not understandable. It is, however, gratifying to note that the Government of Gujarat have reported that they have identified 37 bonded labourers who have been freed from bondage and 36 out of them have been rehabilitated. In this connection, it may also be mentioned that the State Government had decided to carry out surveys through research institutions in the three districts of Surat, Baroch and Bulsar. **It is hoped that these surveys would bring out more cases of bonded labourers.**

**Karnataka :**

The most common form of bonded labour known as Jeetha that existed in **Karnataka** was of the obligation of the labourers to work in the fields of the landlord to discharge the loan which their father or forefather had taken. With the efforts of the State Government 64,040 bonded labourers have been identified and freed so far. It is astonishing to note that most of them freed were from Mysore District. **It is hoped that the State Government would accelerate the process of identification of bonded labourers in other districts.**

**Madhya Pradesh :**

Bonded labour known as **Mahidari** has been very much a part of life in the rural areas of Madhya Pradesh. With the growth of population, division of families and the resultant fragmentation of land holdings the small cultivator sold his holdings to the big cultivators and himself became a landless agricultural labourer. The systems of bonded labour is prevalent mostly in Ratlam, Jhabua, Mandsaur, Betul, Bilaspur, Raipur, Balaghat, Morena, Bastar and Surguja districts. It has been reported that in the forest villages of Bastar people are required to give 140 days' free labour to the Forest Department in exchange for the forest land they cultivate but over which they have no proprietary rights. The Government of **Madhya Pradesh** have identified 1,612 bonded labourers so far. A study conducted in Betul and Rewa Districts in April, 1976 revealed that 227 cases reported in Betul district were registered under Section 374 of I.P.C. (Unlawful Compulsory Labour) and not under the Bonded Labour Systems (Abolition) Act, 1976. **It is desirable that the cases should be registered under the Act. The State Government should undertake surveys by involving Tribal Research Institute and other voluntary organisations. The Vigilance Committees which have been formed in all the districts can also be helpful in identifying the bonded labour, in their respective districts.**

**Orissa :**

The State Government of Orissa have informed that the problem of bonded labour system is confined to Ganjam, Phulbani, Koraput and Kalahandi districts of the State. Out of 612 persons identified in the State only 302 could be rehabilitated. It has also been reported that the State Tribal and Harijan Research-cum-Training Institute has been asked to undertake an intensive survey on the system. **It is hoped that more cases of bonded labour would be revealed by this study. The Government of Orissa had also requested**

**the office of the Commissioner for Scheduled Castes and Scheduled Tribes to conduct a survey for identification of bonded labourers in some selected districts of the State. Due to paucity of staff this could not be undertaken by this Organisation and it is therefore necessary that more staff should be sanctioned so that sample studies for identification of bonded labourers and other problems concerning Scheduled Castes and Scheduled Tribes can be taken up.**

**Kerala :**

A system of bonded labour is reported to be prevalent among the Paniyas and Adiyans (Scheduled Tribes) in Wynad Area in the districts of Kozhikode, Malapuram and Cannanore. Under this system, a certain amount of money, house sites or other concessions are given to the persons by the landlord on condition that he himself or through some family members will render labour or personal services to the landlord for a specified period either without wages or on payment of nominal wages. The illiteracy and ignorance of the persons taking advances under this system were exploited with the result that they were in perpetual bondage to these landlords. A special survey conducted by the Bureau of Economics and Statistics of the State Government during 1965 revealed that 12 per cent of the Paniyas population were engaged in bonded labour. The State Government have reported that 702 bonded labourers have been identified so far. **It is expected that the repeat study completed recently by the Bureau of Economics and Statistics would throw a fresh light on the problem and more cases would be revealed.**

**Rajasthan :**

The system of bonded labour in **Rajasthan** is known as 'Sagri' and exists in 13 of the State's 26 districts. It is reported that in the districts of Bhilwara, Chittorgarh and Dungarpur which have pockets of backward area, the system is wide-spread. Bhils are the worst victims of **Sagri** system. So far the State Government have identified 5,533 bonded labourers and all of them have been freed. A study conducted in 6 villages in two talukas of Kushalgarh and Bagidora in Banswara District of **Rajasthan** revealed 26 identified bonded labourers. Out of them 25 were tribal and 1 was Scheduled Caste. The study revealed that 92.30% of them took loan for unproductive purposes from '**Patils**'/'**Patidars**' who had migrated from the adjoining State of **Gujarat**. Although bonded persons could stop doing labour by paying the loan amount in cash but they were just living below the poverty line and thus remained in perpetual

bondage. The study also revealed that the landlords would advance a large amount as loan much above the needs of the labourer in order to put him under his grip. The working hours of bonded labourers extended upto 12 hours a day. It is encouraging to note that the Labour Department of the State and District Magistrates of all the districts have initiated preliminary surveys.

#### **Tamil Nadu :**

The Government of **Tamil Nadu** initiated the process of freeing bonded labourers almost the Paniyan Tribe in Gudalur Taluqa of Nilgiri district in February, 1976. The only identified group were working under the money-lending **Chettis** of the area. The **Chetti** moneylender would advance cash to the Paniyan bonded labourers and they would work on Chetti's land for nominal wages or sometimes only on food given to them. Of late, the bonded labourers have been identified in Jagir villages in Kalrayan hills in Kallakurichi Taluqa of South Arcot District and some parts of Coimbatore District. So far the State Government have identified 2,882 persons as bonded labourers. It has been reported that the Collector of South Arcot District took the technical assistance of Madras School of Social Work in identifying the bonded labourers. **It would be desirable if the bonded labourers are identified by carrying out a survey in Dharampuri, Pudukottai and Madurai districts in particular and other districts where they have not been identified so far.**

#### **Uttar Pradesh :**

The Government of **Uttar Pradesh** identified bulk of bonded labour in the narrow tribal belt forming part of the State's hill region particularly Jaunsar-Bawar area of Dehradun District where 19,000 of them were identified. The Government have also identified 242 bonded labourers in Uttar Kashi, Tehri Garhwal, Kheri, Banda and Mirzapur districts.

2.61. The problem of bonded labour is much more pervasive than admitted by the States which have identified them. The prevalence of bonded labour in one form or other is a basic issue in our rural economy. In identifying the bonded labourers on the basis of the various elements mentioned in the Act, there appears to be inadequate understanding and some confusion which needs clarification. The confusion arises in respect of (1) determination of payment which is considered as below nominal wages, (2) payment of advance to attached labourers, (3) period of contract governing an agreement between labourer, his parent or guardian and the master, (4) lack of

adequate leisure of the labourers, (5) existence of bonded labour in other sectors apart from agriculture etc. **In so far as the criteria of payment below the minimum wage and advance payment are concerned, it may be mentioned that almost all the State Governments have fixed minimum wages for agricultural labour. There is a general practice of giving advance wages especially in the agricultural sector. While identifying the cases of bonded labour it is to be examined if the wages agreed upon are below the prescribed minimum and if so, then the cases should be treated as one of bonded labour.**

2.62. **The other important aspect is the consideration of the period for which the contractual/attached labour could be allowed and the conditions imposed on the labourers. The Act does not specify this in clear terms.** Here it may be stated that an agreement for an agricultural season with minimum wages as fixed by the State Government may not be identified as a bonded labour agreement provided minimum wages are actually paid and the labourer is not freed to remain with the landlord to repay the advance, if any, taken. **The authorities should examine whether the labourer is free to leave the creditor and the fixing of the period of employment does not lead to unfair practices like compulsion, punishment, wrongful confinement, deduction of wages for days absent and that the conditions imposed on the workers are reasonable.** So far efforts of the State Governments have been to identify the bonded labourers in agricultural sector alone. **Wherever there is labour, bonded labour may exist. It may exist in quarrying industry, weaving industry, hotel industry and domestic services etc.** In their identification the simple criteria generally followed in the case of agricultural labourers must be followed. In the cases where minimum wages are not fixed, the criteria should be the wages generally paid in the area.

#### **Rehabilitation of bonded labour**

2.63. The problem of bonded labour is both economic as well as social and the rehabilitation of released bonded labour in very important aspect of the problem. The State Governments had been asked by the Union Ministry of Labour to suggest the strategy that should be adopted for the economic rehabilitation of the bonded labour. At the same time, it was also suggested to the State Governments to utilise on going plan schemes such as soil conservation, irrigation works, distribution of house sites, allotment of agricultural land, confirmation of ownership rights, free education and free hostel facilities for Scheduled Caste and Scheduled Tribe children, for the rehabilitation of bonded labourers. It was expected that the State Governments would take steps to formulate schemes for social and economic rehabilitation of the emancipated bonded labour.

2.64. According to the available information 98,051 bonded labourers have been identified out of whom 97,114 have been freed and 23,720 have been rehabilitated. The details are given below:

Sl. No.	Name of State	Identified	Freed	Rehabilitated
1	2	3	4	5
1	Andhra Pradesh ..	826	826	698
2	Bihar ..	2,562	2,038	613
3	Gujarat ..	37	37	36
4	Karnataka ..	64,040	64,040	4,668
5	Kerala ..	702	702	186
6	Madhya Pradesh ..	1,612	1,500	33
7	Orissa ..	612	311	302
8	Rajasthan ..	5,533	5,533	2,381
9	Tamil Nadu ..	2,882	2,882	1,998
10	Uttar Pradesh ..	19,242	19,242	12,805
11	Mizoram ..	3	3	..
TOTAL ..		98,051	97,114	23,720

The above figures indicate that the rehabilitation process of the bonded labour is quite slow. So far 97,114 bonded labourers have been freed but only 23,720 have been rehabilitated. In this connection, a Central Review Committee under the Ministry of Labour with the representative of the Department of Agriculture/Rural Development/Social Welfare/Planning Commission/Ministry of Home Affairs/Commissioner for Scheduled Castes and Scheduled Tribes has been set up to coordinate all programmes regarding rehabilitation of bonded labour and watch and report their progress.

2.65. It is desirable that programmes for rehabilitation of freed bonded labourers should be drawn up carefully to suit the local conditions. As a first step immediately after release from bondage, the State authorities must come forward to help the person concerned financially to meet his immediate family requirements. It is likely that such persons who are allotted land may require agricultural inputs from time to time and therefore, it will be necessary that financial help in the initial stages is made available to them. At places where the released bonded labourers are settled under colonisation schemes etc., technical guidance should be given on a long term basis. Schemes of animal husbandry and providing other subsidiary means of occupation should also be designated to help them. Special schemes of adult literacy and education of their children would also require immediate attention. In this connection, it will be worth mentioning the problems of bonded labourers in village Samera in Palamau district of Bihar which came to notice at the time a camp was organised by the Ministry of Labour in November, 1976. The Government of Bihar had granted agricultural land roughly at

the rate of 1½ acre per family, but in many cases the physical possession of the land had not been given. It was also observed that most of the land was of inferior quality and in one case the so called agricultural land measuring 0.27 acre allotted was nothing but a 12 feet wide and 4 or 5 feet deep perennial and natural water course which could not be reclaimed under any circumstances. The local revenue officer remarked that as there was no surplus land, this land was allotted. It is suggested that such allotments of land should never be made as it amounts to a mockery of the released bonded labourers. If surplus lands are not available for rehabilitation the released bonded labourers should be assisted to take up some other occupation.

2.66. Some of the States have taken appropriate action in rehabilitating the bonded labourers such as in Rajasthan wherein the State authorities have taken a very good step in getting the freed labourer, agricultural wages to which he was legitimately entitled in the past, from the landlord with whom he was working. Government of Orissa have also taken a very prudent decision to give Rs. 50 per month for first six months to freed bonded labour and in case of unmarried female bonded labour, marriage grant of Rs. 500 is paid to her. Over and above these facilities of land allotment, seeds and fertilizer are also given. In case of Uttar Pradesh, where a large number of bonded labourers have been identified in a pocket, it is necessary that a time bound action oriented programme should be drawn up for their permanent rehabilitation. It is also reported that the State Governments have made some provisions in their Annual Plans and tribal Sub-Plans to rehabilitate released bonded labourers and it is hoped that timely action would be taken so that the released bonded labourers stand on their own feet.

2.67. First and foremost, a great pre-requisite is the strict enforcement of the Agricultural Minimum Wages Act. Constant vigilance will have to be kept to see to what extent the released bonded labourers have availed of the actual benefits under the various schemes meant for them and have been able to stand on their own feet through various developmental programmes. Nationalised banks and other institutional financing agencies should take up the task of providing alternative credit in the vacuum created by abolition of the traditional moneylender. It is important that occupational mobility of bonded labourers for better and more lucrative jobs outside their traditional areas of residence should be slowly encouraged.

More than all, non-official agencies should come forward in a big way to tackle the problem both for identification and rehabilitation of bonded labourers. There should be persistent propaganda by them against the practice of bonded labour. In tackling this problem, unless there is an integrated programme offering a package of



services simultaneously from them moral, social, educational and economic fronts, the solution is not likely to strike deep roots and bring out a total transformation in the lives of the most deprived section of India's population who have been the victims of exploitation and social injustice.

### Dadan Labour System

2.68. The system of Dadan labour is another abusive form of bonded labour. The system exists in the State of Orissa whereby persons are recruited on the basis of contract for doing any skilled or semi-skilled work in large projects of the Central and State Governments in the States of Jammu and Kashmir, Himachal Pradesh, Madhya Pradesh, Manipur Assam, Tripura, Punjab, Uttar Pradesh and Andhra Pradesh. The agent who recruits these labourers are called Sardars/Khatedars who give advance to each labourer and engages them on contract basis for six months. At place of work, each worker is issued one Kg. of rice per day and 25 paise for vegetable, dal, etc. and made to work without any fixed working hours, rest intervals or rest days. It has been observed that they usually work for 15 to 16 hours a day and for all days in a week. The Government of Orissa with the enactment of the Orissa Dadan Labour (Control and Regulation) Act, 1975 tried to prevent the abuses inherent in the system. The Act provides for registration of Agents to recruit Dadan Labour and for payment of wages and service conditions under the Minimum Wages Act. But it has not produced the desired result. It is, therefore, suggested that such States/Union Territory Administrations where Dadan Labour is employed should take steps to ensure that prescribed minimum wages are paid to the labourers.

### Reservation for Scheduled Castes and Scheduled Tribes in Educational and Technical Institutions.

2.69. Article 15(4) of the Constitution provides that 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 and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes. It may be mentioned here that the need for such a provision was felt right in the beginning and clause (4) was added to Article (15) of the Constitution as a result of the Constitution (First Amendment) Act, 1951 notified on 18th June, 1951. This provision of the Constitution has enabled the State Governments to make reservation of seats for admission of Scheduled Castes and Scheduled Tribes in educational and technical institutions, acquisition of land for use by the members of these classes etc. etc.

2.70. The Union Ministry of Education had issued instructions to the State Governments/ Union Territory Administrations and Universities

regarding concessions to be allowed to the Scheduled Caste and Scheduled Tribe candidates for their admission to education and technical institutions to enable them to compete with the general candidates. It was suggested that 20% of the seats should be reserved for Scheduled Castes and Scheduled Tribes with a distinct reservation of 15% for Scheduled Castes and 5% for Scheduled Tribes. This reservation is inter-changeable if a sufficient number of candidates do not become available to fill the reserved seats. It was also suggested that the 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 seat. Where admissions are restricted to candidates obtaining a certain minimum percentage of marks and not merely the passing of a certain examination, 5% reduction in marks had been provided in the case of candidates belonging to Scheduled Castes and Scheduled Tribes. In the matter of maximum age limit, the candidates belonging to these categories are to be given three years' concession.

2.71. Most of the technical and medical institutions have been making reservations in the case of candidates belonging to Scheduled Castes and Scheduled Tribes and have also given them other concessions. It is good to note that even specialised institutions like Indian Institutes of Technology and medical institutions have been admitting persons belonging to Scheduled Castes and Scheduled Tribes on relaxed standards. The Government of West Bengal had enacted. "The West Bengal Medical and Dental Colleges (Regulation of Admission) Act, 1973" and "The West Bengal Medical and Dental Colleges (Regulation of Admission) (Amendment) Act, 1974", in which provision was made for the reservation of 15% and 5% of the available seats for Pre-Medical course in all the medical and dental colleges in the State, for Scheduled Caste and Scheduled Tribe candidates, respectively. However, there are still a few Universities like Aligarh Muslim University which have not so far started acting upon the instructions issued by the Government of India. Some private medical colleges in the States of Andhra Pradesh, Bihar and Maharashtra had not been given the above concessions to Scheduled Caste/ Scheduled Tribe candidates and were charging capitation fees from candidates for admission.

2.72. Reservation of seats for admission of the Scheduled Caste and Scheduled Tribe candidates in the educational institutions is by itself not sufficient to promote the advancement of education amongst these classes. There is need to grant scholarships at pre and post matric levels and the quantum of these scholarships should be enhanced if educational standards among the backward sections of these communities are to be improved and

brought at par with the other sections of the society. Similarly mere allotment of house-sites will not improve the living conditions of these communities unless necessary financial aid is given to them for construction of houses.

### **Reservation for Scheduled Castes and Scheduled Tribes in services and posts**

2.73. Article 335 of the Constitution provides that "the claims of members of Scheduled Castes and Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of a State". Article 16 while giving the equality of opportunity in matters of public appointment states that "nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens, which in the opinion of the State, is not adequately represented in the services under the State".

2.74. It is worth mentioning that the position regarding reservations and other concessions/relaxations, etc., for Scheduled Castes and Scheduled Tribes has been undergoing changes from time to time to give better representation to the persons belonging to these categories in government services. Besides, reservations and relaxations, the Government has also been giving attention to the training of Scheduled Caste and Scheduled Tribe candidates to facilitate their entry into government services and posts. Coaching-cum-guidance centres and Pre-examination Training Centres have been started. Orders regarding reservations in Public Sector Undertakings were implemented much later than in the case of government services.

2.75. The two over-riding considerations involved in Article 335 are: (a) claims of the members of the Scheduled Castes and Scheduled Tribes to services and posts in connection with the affairs of the Union or of a State, and (b) maintenance of efficiency of administration. The very wording of the article, and the part of the Constitution in which it appears, indicate that the aim of this article is to make it a primary duty of the State to keep in view the claims of the Scheduled Castes and Scheduled Tribes for giving them adequate employment under the Government and while doing so they should keep an eye on the efficiency of administration as well. The stress apparently is on the "claims" of the Scheduled Castes and Scheduled Tribes but as efficiency of administration is also an important consideration, the State has been directed to keep that as well in view.

2.76. The issue of 'efficiency of administration' vis-a-vis the constitutional requirement of reser-

vation for Scheduled Castes and Scheduled Tribes has been very clearly dealt with and explained by Justice Gajendragadkar in his judgement\* in the Supreme Court in the case of General Manager, Southern Railway V/s Rangachari. Summing up, Justice Gajendragadkar in April, 1961 said:—

"It must not be forgotten that the efficiency of administration is of such paramount importance that it would be unwise and impermissible to make any reservation at the cost of efficiency of administration. That undoubtedly is the affect of article 335. Reservation of appointments or posts may theoretically and conceivably mean some impairment of efficiency; but the risk involved in sacrificing efficiency of administration 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 class of citizens must be fairly and objectively considered and an attempt must always be made to strike 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 ...".

2.77. The executive instruction issued by the State (Central and State Governments) providing for reservation in posts filled by direct recruitment as well as by promotion in pursuance of the provision made in Article 16(4) of the Constitution have also been questioned taking shelter under Articles 14 and 16(2) of the Constitution, claiming that these provisions amount to discrimination on grounds of Caste. This issue went up to the Supreme Court in the case of State of Kerala Vs. N. M. Thomas and others. The main dispute between the appellant and the respondents, centred on the promotion of some lower division clerks to the grade of upper division clerks. The respondents' grievance was that some clerks who were members of the Scheduled Castes or Tribes were shown preferential treatment in that they had been promoted to the higher grade without having cleared the prescribed test. They also claimed that these clerks were given extension after extension so as to enable them to pass the test, and that the series of extensions had culminated in the order creating Rule 13 AA which was wholly discriminatory and violative of Article 16 of the Constitution. The State Government contended before the High Court that the impugned rule and orders were not only legal and valid but also supported a rational classification under Article 16(1) of the Constitution. The High Court, however, accepted the pleas of the petitioners (Mr. Thomas and

others) and held in April, 1974 that Rule 13 AA was discriminatory and also beyond the reservation permitted by Clause 4 of Article 16 relating to equal opportunity in employment to every citizen.

2.78. The Supreme Court, however, set aside the decision of the Kerala High Court in September, 1975 and ruled that preferential treatment to Scheduled Castes and Scheduled Tribes with due regard to administrative efficiency is a constitutionally permissible object and does not violate the concept of equality enshrined in Articles 14 and 16(2) of the Constitution. The Chief Justice Mr. A. N. Ray said in his judgement that:

“Equality under Article 16 could not have a different content from equality under Article 14. 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 reason 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 a rational classification recognised by our Constitution. Therefore, differential treatment in standards of selection are within the concept of equality”. The Chief Justice also held that “A rule in favour of an under-developed backward community specifying the basic needs of efficiency of administration will not contravene Articles 14, 16(1) & 16(2).” He further said that “Scheduled Castes and Tribes are descriptive of backwardness. It is to the aim of our Constitution to bring them up from handicapped position to improvement. If classification is permissible under Article 14, it is equally permissible under Article 16, because both the Articles lay down equality.” The quality and concept of equality is that if persons were dissimilarly placed they cannot be made equal by having the same treatment. Promotion of members of the Scheduled Castes and Scheduled Tribes under the impeached rules and orders is based on the classification with the object of securing representation to members of Scheduled Castes and Tribes. Efficiency has been kept in view and not sacrificed.”

2.79. It would thus be seen that there is a wide, substantial and unflinching support of the Supreme Court, the highest judicial authority in the country to the upholding of the provisions contained in Articles 16(4) and 335 of the Constitution. This should lay at rest the doubts, if any, still lurking in the minds of those who have not and do not want to reconcile to the paramount

need to bring up the Scheduled Castes and Scheduled Tribes at par with the rest of the population by making specific provisions for reservations and other relaxations etc. for these communities in pursuance of the constitutional provisions.

## Scheduled and Tribal Areas

### I. Scheduled Areas

2.80. In accordance with the provisions of the Fifth Schedule to the Constitution, Scheduled Areas were declared in the States of **Andhra Pradesh, Bihar, Gujarat, Madhya Pradesh, Maharashtra, Orissa, Rajasthan and Himachal Pradesh**. The Fifth Schedule to the Constitution envisages a special role and responsibility of the Governors and the Central Government in regard to the administration of Scheduled Areas. The Scheduled Areas and Scheduled Tribes Commission appointed under Article 339 of the Constitution had pointed out that these constitutional responsibilities remained largely undischarged. The Commission had suggested an alternative approach of setting up of Tribal Development Blocks in areas of tribal concentration, accompanied by special protective legislation to be applied to Scheduled Tribes every where. In the Fifth Plan, areas where the population of Scheduled Tribes is 50% or more have been covered under the strategy of tribal Sub-Plans, but it is observed that still 30% of total Scheduled Tribe population will remain outside these areas. It is further noticed that 38% (11 lakhs) of Scheduled Tribe population in **Maharashtra**, 35% (29 lakhs) population of Scheduled Tribe in **Madhya Pradesh**, 58% (18 lakhs) Scheduled Tribe population in **Rajasthan**, 59% (15 lakhs) Scheduled Tribe population in **West Bengal**, 45% (7 lakhs), Scheduled Tribe population in **Andhra Pradesh**, 29% (4 lakhs) Scheduled Tribe population in **Assam**, 25% (12 lakhs) Scheduled Tribe population in **Bihar** would not be covered under the tribal Sub-Plans. However, as an area development programme with a special focus for accelerated development of Scheduled Tribes, the tribal sub-plan strategy would go a long way in improving the conditions of Scheduled Tribes. The Fifth Schedule to the Constitution amended by Parliament by passing the Fifth Schedule to the Constitution (Amendment) Act, 1976, assented to by the President on 7th September, 1976, gives the President additional powers 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 are to be Scheduled Areas.

It will thus be possible for the Central Government to enlarge the extent of the Scheduled Areas. **The question of enlarging the Scheduled Areas has a number of implications and it is hoped that all factors would be taken into consideration before extending the Scheduled Areas so that the Scheduled Tribes are not kept away from the process of national integration.**

2.81. In **Rajasthan**, the inclusion of reconstituted Panchayat Samitis of Girwa and Gogunda of Udaipur District, Abu-Road and Pindwara of Sirohi District, Choti Sadri, Chittorgarh District and the mini blocks of Bhildar and Bhansroadgarh in the Scheduled Areas are reported to be under consideration of the Government. The extension will cover about 2 lakh more tribal population and will bring them within the Scheduled

Areas. The Tribal Sub-Plan in **Orissa** covers 118 blocks out of which 100 blocks have been declared as Scheduled Areas. A proposal to declare the entire Sub-Plan area as Scheduled Area was reported to be under process.

2.82. In accordance with paragraph 3 of the Fifth Schedule to the Constitution, the Governor in each State having Scheduled Areas is required to submit the report to the President regarding administration of the Scheduled Areas in that State. Such reports are required to be submitted by the 31st October every year. The table below indicates information about the receipt in the Ministry of Home Affairs of reports of the Governors on the administration of Scheduled Areas for the years 1973-74 to 1975-76:—

State	1973-74		1974-75		1975-76	
	Due date	Date of receipt	Due Date	Date of receipt	Due date	Date of receipt
Andhra Pradesh .. ..	31-10-74	23-8-76	31-10-75	Awaited	31-10-76	Awaited
Bihar .. ..	Do.	6-2-75	Do.	20-12-75	Do.	Do.
Gujarat .. ..	Do.	11-11-75	Do.	24-5-76	Do.	16-9-76
Madhya Pradesh .. ..	Do.	12-6-75	Do.	11-5-76	Do.	Awaited
Maharashtra .. ..	Do.	29-10-76	Do.	9-9-77	Do.	Do.
Orissa .. ..	Do.	23-4-76	Do.	26-5-76	Do.	29-9-77
Rajasthan .. ..	Do.	3-4-75	Do.	31-5-76	Do.	16-5-77
Himachal Pradesh .. ..	Scheduled Areas were declared on 21-11-75					Awaited

It would be seen from above that no report for the last two years has been submitted in respect of Scheduled Areas of **Andhra Pradesh**. For 1975-76, leaving aside **Gujarat, Rajasthan** and **Orissa**, no other State had submitted such Reports. Based on the information contained in the reports received from the various States in this office, a brief review of the position regarding allotment of land and alienation of tribal lands to non-tribals is given at Appendix III.

2.83. In accordance with the provisions laid down in para 4 of Fifth Schedule to the Constitution, Tribes Advisory Councils were set up in the States having Scheduled Areas and also in **Tamil Nadu, Uttar Pradesh** and **West Bengal**. Available State-wise information about the number of meetings of the Tribes Advisory Councils held during

the years 1975-76 and 1976-77, is given below:—

S. No.	Name of State	Number of Tribes Advisory Council meetings held during	
		1975-76	1976-77
1	2	3	4
1	Andhra Pradesh ..	Nil	2 (3-12-76 & 5-2-77)
2	Bihar .. ..	1 (24-6-75)	2 (31-7-76 & 14-12-76)
3	Gujarat .. ..	Nil	Nil
4	Madhya Pradesh ..	1 (17-7-75)	3 (27-4-76, 19-8-76 & 30-12-76)
5	Maharashtra ..	Nil	Nil
6	Orissa .. ..	2 (7-7-75 & 25-9-75)	3 (21-5-76, 31-8-76 & 10-12-76)
7	Rajasthan ..	Nil	1 (3-7-76)
8	Himachal Pradesh ..	Not available	Not available
9	Tamil Nadu ..	Nil	Nil
10	Uttar Pradesh ..	Not available	Not available
11	West Bengal ..	1 (11-6-75)	1 (9-6-76)

## II. Tribal Areas

2.84. Tribal Areas have been declared in the States of **Assam** and **Meghalaya** and the Union Territory of **Mizoram**. These areas are administered according to the provisions of Sixth Schedule to the Constitution. Under the Schedule, the areas have been divided into autonomous districts. There are eight such districts, namely, North Cachar Hills and Mikir Hills districts in **Assam**, Khasi Hills, Jaintia Hills & Garo Hills districts in **Meghalaya** and Chakma, Lakher and Pawi districts in **Mizoram**. Each autonomous district has a district council consisting of not more than 30 members of whom not more than four 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.

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

2.85. Under the first proviso to Article 275 of the Constitution, grants can be given by the Union to States to be charged on the consolidated Fund of India to meet the costs of such schemes of development as may be undertaken by the State with the approval of the Government of India for the purpose of promoting the welfare of Scheduled Tribes in that State or raising the level of administration of the Scheduled Areas therein to that of the administration of rest of the areas of that State. This is a very important safeguard which is designed to protect the developmental programmes of the tribal areas from vicissitudes of budgetary cuts.

2.86. **The Government of India has been sanctioning grants to the State Governments for the welfare of the Scheduled Tribes under the framework of the Five Year Plans. But it appears that the intention behind this provision of the Constitution that, if necessary, grants could also be given outside the Plan to meet the emergent situation in the Scheduled and tribal areas has not been fully made use of.**

2.87. **It has also been observed that so far the Central and State Governments have 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 has largely remained unimplemented.** The geographical jurisdiction of many of the administrative units in the tribal areas is too large. Generally the pattern of administrative units of the advanced areas have been duplicated in the tribal areas without assessing their specific needs. With the stepping up of development expenditure, administrative unpreparedness has been felt to be an obstacle in the effective implementation of the

programmes. Lack of administrative and institutional buildings acts as an impediment for effective administration and extension of social services. Postings in tribal areas are considered as punishment postings and right type of personnel feel discouraged to work there. **It is, therefore, necessary that the State Governments concerned should carefully review the existing level of administration in the Scheduled and tribal areas with particular reference to items like restructuring administrative units; applicability of rules and regulations; provision of buildings as well as other infrastructure; posting of right type of staff etc., for progressive equalisation of standards existing in the adjacent areas and the Government of India should give necessary financial assistance to the State Government for the purpose as envisaged under the first proviso to Article 275 of the Constitution.**

### **Representation of Anglo-Indians in Lok Sabha and Vidhan Sabhas**

2.88. Article 331 of the Constitution provides that the President may nominate not more than 2 members of the Anglo-Indian community to the Lok Sabha. Till the dissolution of the 5th Lok Sabha on 18th January, 1977, Shri Frank Anthony and Smt. Marjorie Godfrey represented Anglo-Indian community. In the 6th Lok Sabha the President has nominated Shri A. E. T. Barrow and Shri Rudolf Rodrigues to represent Anglo-Indian community.

2.89. Under Article 333 of the Constitution, it is provided that the Governor of a State may, if he is of opinion that the Anglo-Indian community needs representation in the Legislative Assembly of the State and is not adequately represented therein, nominate one member of that community to the Assembly. According to available information during 1975-76, one Anglo-Indian member each in the Vidhan Sabhas of **Andhra Pradesh, Bihar, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Uttar Pradesh and West Bengal** was nominated by the respective Governors of these States to the State Vidhan Sabhas. In the Vidhan Sabha of **Tamil Nadu**, the nominated Anglo-Indian member continued to represent his community till 31st January, 1976 when the State Assembly was dissolved and the State placed under the President's Rule.

2.90. One Anglo-Indian member each in the respective Vidhan Sabhas of **Madhya Pradesh, Maharashtra, Karnataka and West Bengal** continued to represent Anglo-Indian community in their respective State Vidhan Sabha during 1976-77 also. In **Tamil Nadu** after the General Elections held in March, 1977, one member belonging to Anglo-Indian community was nominated by the Governor of the State Vidhan Sabha in July, 1977.

## CHAPTER 3

### MANPOWER PLANNING—SERVICE SAFEGUARDS

It is true that the Scheduled Castes and Scheduled Tribes are getting greater attention than they were getting in the past, yet many things remain to be done. Their problems are social, economic and psychological. Reservation of jobs for Scheduled Castes and Scheduled Tribes has been of limited help. The available information regarding the representation of Scheduled Castes and Scheduled Tribes in Central Government services (as on 1-1-1976) indicates that in Class I and Class II services, the representation of Scheduled Castes was 3.46 per cent and 5.41 per cent and of Scheduled Tribes it was 0.68 per cent and 0.74 per cent, respectively. In Public Sector Undertakings for the same period representation of Scheduled castes in Class I and Class II was 1.68 per cent and 3.19 per cent while of Scheduled Tribes it was 0.36 per cent and 0.54 per cent, respectively.

3.2. An impression, largely born out of past prejudices and untenable notion of superiority prevails among forward classes that the Scheduled Castes and Scheduled Tribes have been, and are being, inducted into services due to exigencies of birth and not on the basis of merit. This view has also been ventilated by a section of Press. They fail to understand that the Scheduled Caste/Scheduled Tribe communities which constitute one fifth of the total population of the country were denied rights and basic human dignity for several centuries. They forget that if a vast humanity is not allowed to develop along with the general development of the country, total development of the nation cannot be achieved. The weaker sections have to be given their due share in administration and special opportunities have to be given to them by making adequate provisions. If the so called high caste people feel that the weaker communities having enjoyed protection for over a quarter century, need no more such protection, they fail to realise that these are the communities which were economically and socially exploited for centuries and can hardly in such a short span of time, come up to the level of advanced sections of the community who were their exploiters. They need reasonable time to regain self-confidence. The fact remains that the representation of Scheduled Castes and Scheduled Tribes is still less than the prescribed percentage of reservation. It would be a folly to think that there are no meritorious or competent persons among the Scheduled Castes and Scheduled Tribes. They are there, but the existing social conditions are not allowing them to get proper recognition, obviously in many cases, due to caste prejudices.

3.3. It is most essential that the Scheduled Castes and Scheduled Tribes are given more special opportunities in administrative services, educational institutions, trade and industry, judicial services, policy framing bodies, political, social and religious institutions, etc. For a confident march towards removing inequality and achieving any real social and economic integration the following basic pre-conditions must be ensured:—

1. Hostility of the so-called high caste population towards the Scheduled Castes and Scheduled Tribes will have to be eliminated;
2. sense of security has to be infused in the minds of weaker communities and any complex has to be removed; and
3. confidence has to be regained and the spirit of competition has to be developed in the minds of the Scheduled Castes and Scheduled Tribes.

#### Potential Avenues of Employment for Scheduled Castes and Scheduled Tribes

3.4. With the passage of time, with the implementation of numerous orders and instructions issued by the Government from time to time, the Governments at the Centre and in the States came to be recognised as the largest single source of employment for Scheduled Castes and Scheduled Tribes. However, it was observed that due to erratic implementation of various rules/instructions regarding service safeguards for Scheduled Caste and Scheduled Tribe candidates and some other factors, the representation of Scheduled Caste and Scheduled Tribe candidates in Government services did not improve much. For example, as on 1-1-1969 the representation of Scheduled Caste/Scheduled Tribe employees in Central Government services was as follows:—

	Class I	Class II	Class III	Class IV
Scheduled Caste ..	2.29	3.52	9.09	18.04
Scheduled Tribe ..	0.36	0.32	1.47	3.55

Government had to confront a few emerging problems which were as follows:—

- (a) number of educated unemployed persons among the Scheduled Caste/Scheduled Tribe communities were increasing rapidly;

- (b) representation of Scheduled Castes/ Scheduled Tribes in Government services in lower categories was likely to reach the prescribed limit in near future; and
- (c) fresh recruitment and creation of new posts were limited in Government services.

3.5. It was then felt that diversification of employment potential other than government services was the only alternative to solve the emerging problem. The public undertakings were a major source for such diversification since those were expanding and productive organisations and numerous posts including higher categories were being created and filled at a larger pace. We, in earlier reports had discussed and analysed the situation and suggested that Government should consider the desirability of issuing instructions to agencies like Public Undertakings, Banks, Universities, High Courts etc., for providing reservation, concessions, relaxations etc. in favour of the Scheduled Castes and Scheduled Tribe candidates.

**(a) Public Sector Undertakings:**

3.6. A beginning was made with the public enterprises under the control of the Government of India and the Bureau of Public Enterprises, set up under the Ministry of Finance, prepared a draft directive and circulated it to all the Ministries and Departments of the Government of India some time in 1969. When we compare the position of increase in the intake of Scheduled Castes and Scheduled Tribes in Government and the public sector, we find that the public sector has shown a phenomenal rise in intake of Scheduled Castes and Scheduled Tribes though actual representation of Scheduled Castes and Scheduled Tribes particularly in Class I and Class II posts is still far from satisfactory. The vital factors for the increased percentage of representation of Scheduled Castes and Scheduled Tribes in the public sector enterprises are: (i) they have been giving effect to the reservation orders immediately after they are set up; (ii) the public sector enterprises are expanding rapidly. The Organisation of Commissioner for Scheduled Castes and Scheduled Tribes has been instrumental in emphasising the need for greater absorption of Scheduled Castes/Scheduled Tribes. On the spot studies were undertaken by the teams of the Commissioner's Organisation in some of the major public sector undertakings. We scrutinised the advertisements which appeared in news papers and "Employment News" bulletin and omissions regarding reservation, concession and relaxation in favour of Scheduled Castes and Scheduled Tribes were immediately brought to the notice of the concerned authorities. Several undertakings in the public sector sent their teams to the Office of the Commissioner for Scheduled

Castes and Scheduled Tribes for advice, guidance and better understanding of rules/orders on various aspects of reservation and we gave them proper guidance. However, the management of public sector undertakings deserved credit for having responded so well in such a short span of time.

**(b) Public Sector and Nationalised Banks:**

3.7. The State Bank of India and its subsidiaries started giving effect to reservation for Scheduled Castes and Scheduled Tribes with effect from September, 1966 and the Reserve Bank of India from May, 1967. The 14 nationalised banks were, however, brought under the purview of reservation orders only after the bank nationalisation in 1969, thereby opening yet another avenue of employment for members of Scheduled Castes and Scheduled Tribes to secure their share of services in the banking sector. The Statement in Appendix IV indicates the representation of Scheduled Castes and Scheduled Tribes in the Reserve Bank of India, State Bank of India, and its subsidiaries, and the 14 nationalised banks. The statement shows that the representation of Scheduled Castes and Scheduled Tribes in various cadres under the nationalised banks, started improving only from 1975.

3.8. The important reasons for low representation of Scheduled Castes and Scheduled Tribes can be attributed to the facts that; (i) orders regarding reservations for these communities have not so far been made applicable to promotion posts in the nationalised banks; and (ii) many nationalised banks do not recruit candidates directly for officers posts and there are not many Scheduled Castes and Scheduled Tribes in the feeder posts who could be promoted in the normal course. The matter was taken up with the Government of India in the Department of Banking which reported that the views of various banks had been considered in consultation with the Reserve Bank of India and accordingly, to start with, all the nationalised banks were advised to consider giving relaxation of 5 per cent in the qualifying marks both in the written examinations and in the interviews to the Scheduled Caste/Scheduled Tribe employees in case of promotions on the basis of written examination and interview. The banks had also been requested to ensure that agreements entered into with the employees unions should not stand in the way of making reservations in promotions wherever required. **It is, however, regretted that the Government of India have not so far taken any firm decision on this vital issue.**

3.9. It may be stated that only after the Organisation of the Commissioner persued the matter vigorously, the bank management took it seriously and on several occasions made special recruitments to clear the backlog. According to

information available in this office, the Bank of India in 1976 filled up 129 vacancies of probationary officers out of which 69 went to Scheduled Castes and 6 to Scheduled Tribes. The authorities have further assured that they would continue their efforts to locate more Scheduled Caste/Scheduled Tribes qualified candidates to fill up the remaining vacancies reserved for them. Similarly, in the case of recruitment of Probationary Officers in the State Bank of India, during that year, against 400 vacancies, 116 had been reserved for Scheduled Castes and 22 for Scheduled Tribes. Against these reserved vacancies 54 Scheduled Castes and 13 Scheduled Tribes were finally selected for appointment. It was reported by the authorities that only 4 Scheduled Castes/Scheduled Tribes candidates could qualify

the test under normal standards and as such the remaining Scheduled Castes/Scheduled Tribes candidates had been declared qualified for the interview after relaxing the standards. This is a commendable effort and if the other banks also adopt such steps, the backlog of reserved vacancies can be reduced considerably.

3.10. There has been some progress in recruitment to clerical and subordinate cadres, made by the public sector and nationalised banks but the representation of Scheduled Castes and Scheduled Tribes in the officers category in these banks as on 1-1-1976 was for below the prescribed percentages, as will be seen from the table below:—

Banking Category	Percentage of Scheduled Castes/Scheduled Tribes in various categories of staff					
	Officers		Clerks		Subordinate staff	
	Scheduled Castes	Scheduled Tribes	Scheduled Castes	Scheduled Tribes	Scheduled Castes	Scheduled Tribes
14 Nationalised Banks ..	1.01	0.15	5.92	0.81	14.29	1.64
Reserve Bank of India ..	1.12	0.04	9.39	1.79	17.33	1.75
State Bank of India ..	0.57	0.10	4.47	0.51	18.75	1.75

More sincere efforts are, therefore, required to be made to increase the intake of these communities in the banking sector. **It is desirable that Department of Banking should advise the banks to resort to special recruitment of Scheduled Castes and Scheduled Tribes subject to the restriction of 50 per cent, judge them by relaxed standards, and provide them with in-service training, wherever necessary. Urgent steps should be taken to persuade the nationalised/public sector banks to fall in line with the Public Sector Undertakings by accepting the principle of reservation in promotion also.**

3.11. The Banking Service Commission set up in 1972 for recruitment to clerical and officers' cadres in the nationalised banks was expected to look after the reservation aspect for Scheduled Castes and Scheduled Tribes also. While speaking on the Banking Service Commission (Repeal) Bill, 1977 the Finance Minister is reported to have announced in the Parliament that the Government intended doing away with the single centralised banking commission for recruitment in all the nationalised banks and establishing regional recruitment boards, for this purpose. **It is hoped that while deciding about the set up of such boards and their functioning due consideration will be given to the question of effective application of reservation orders in different services under the nationalised banks.**

### (c) Universities and Teaching Institutions:

3.12. Teaching institutions at various levels offer a considerably large employment potential, a part of which can be secured for the Scheduled Castes and Scheduled Tribes. The institutions like the schools and colleges directly run by the Government are under constitutional obligation to follow the Government orders of reservation for Scheduled Castes and Scheduled Tribes but the implementation of the scheme of reservation in these institutions is far from satisfactory. The extension of the principle of reservation in government-aided institutions and in the teaching and non-teaching post under the universities is expected to open new avenues of employment for Scheduled Castes and Scheduled Tribes. The question of reservation for Scheduled Castes and Scheduled Tribes in the services under the Universities has been discussed at great length for the last eight years in annual reports of the Commissioner. After protracted efforts made by this Organisation, the University Grants Commission which discussed this question at its meeting held on 14th-15th July, 1975, agreed in principle that reservation may be provided for Scheduled Castes and Scheduled Tribes in recruitment to the posts of lecturers in the Universities and Colleges. The Commission had addressed the Universities in this regard and advised them to work out necessary mechanics for the purpose.



3.13. The University Grants Commission was advised by us to explain to the Universities and Colleges that any failure on their part to implement the reservation orders on the lines of the instructions of the Government of India was liable to the action of withholding their grants. The question, whether the Central Government or the University Grants Commission can issue any directive to the Universities in the matter of reservations for Scheduled Castes and Scheduled Tribes or withhold the grants under the provisions of Section 12-A and 14 of the University Grants Commission Act in the event of their failure to comply with the same, had been examined by the Government of India and the conclusion arrived at was that there was no power in the University Grants Commission Act to enable the Commission to issue directive to the Universities in respect of reservations for Scheduled Castes and Scheduled Tribes in their services. The Commission further observed that the grants cannot be withheld on the ground of non-compliance with the recommendation unless the recommendation was one which could be validly issued under the law. The recommendation for reservation of posts for Scheduled Castes and Scheduled Tribes is not contemplated under Section 14 of the University Grants Commission Act. The Government, therefore, regretted their inability to accept the suggestion that it should be made obligatory that all the Universities receiving grants from the Central Government or from the University Grants Commission to adopt, and implement all the orders/instructions issued by the Government of India from time to time regarding reservation for Scheduled Castes and Scheduled Tribes. Moreover, the University Grants Commission Act does not empower it to issue any directive or lay down guidelines for universities for making reservation in teaching posts, and hence it is unlikely that various universities would take the matter seriously.

3.14. Though the University Grants Commission have assured the Commissioner that all possible efforts would be made to persuade the universities to fall in line with the Government Departments in the matter of reservation, the manner in which this important issue is being tackled in University Grants Commission is nothing short of a sop and lip sympathy. Among various faculty members there are very few professors, readers, lecturers in the Universities belonging to Scheduled Caste and Scheduled Tribe communities, mainly because in such posts there is no reservation. We feel that at the centres of higher learning the future generation which is expected to give a lead to the country in social, political and economic spheres of life, should get a chance to know their responsibility towards the weaker sections of society, who constitute one fifth population of the country, and learn how to live in a mixed society. The teachers, to a

great extent, help in moulding/developing the personality and character of the students, and teachers belonging to weaker communities having crossed many a hurdle and experienced numerous hardships, perhaps would be in a better position to inculcate a sense of responsibility among the students. Our intention is not that less qualified or less suitable Scheduled Castes/Scheduled Tribes should be appointed as teachers. If suitable Scheduled Caste/Scheduled Tribe candidates are not available the posts can always be de-reserved and general candidates taken against reserved vacancies. **It is, therefore, strongly felt that Government in the Ministry of Education should reconsider their stand to evolve uniform guidelines for all the Central and State Universities to implement the constitutional provision either on the pattern of the Central Government or the State Government, as the case may be. The relevant provisions of the University Grants Commission/University Acts, may also be suitably amended to achieve the objective of providing reservation for Scheduled Castes and Scheduled Tribes as allowed under the constitutional provisions.**

#### (d) High Courts and Judicial Services:

3.15. The position regarding reservations for Scheduled Castes and Scheduled Tribes in the services under the High Courts was reviewed at the High Power Committee meeting held on 12th November, 1976 under the Chairmanship of Prime Minister. The Committee was informed that: (i) provision for reservation in services under the High Courts existed in more than half the States and action was being initiated by some more States to provide reservation; (ii) it had been clarified to the State Governments that in the matter of appointments to the Subordinate Judicial Service of the State, Article 234 can be invoked for making reservations for Scheduled Castes and Scheduled Tribes and that in the case of Higher Judicial Service, Article 309 can be invoked; (iii) the Minister for law and Justice had earlier written to the Chief Ministers of all the States requesting them to ensure that the High Courts adopt the State Government/Central Government orders for providing reservation for Scheduled Castes and Scheduled Tribes in the Ministerial, Judicial and Higher Judicial Services under the High Courts, both at the time of initial recruitment and in promotions; and (iv) the Chief Justices of High Courts had also been requested to take necessary effective steps in this regard.

3.16. According to the available information (Appendix V) the High Courts of Gujarat, Gauhati, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Punjab and Haryana, Tamil Nadu and Uttar Pradesh have accepted the principle of reservation for Scheduled Castes and Scheduled Tribes in direct

recruitment in so far as Ministerial posts are concerned. As regards the State Judicial Services the High Courts of Calcutta, Delhi, Himachal Pradesh, Karnataka, Kerala, Maharashtra, Orissa, Punjab and Haryana, Rajasthan, Tamil Nadu and Uttar Pradesh have accepted the principle of reservation in direct recruitment. For Higher Judicial Services, the High Courts of Delhi, Kerala, Maharashtra, Orissa, Rajasthan, Tamil Nadu and Uttar Pradesh have so far accepted the principle of reservation in direct recruitment only.

3.17 Thus it would be seen that only few States have accepted the principle of reservation for Scheduled Castes and Scheduled Tribes in Ministerial, State, Judicial and Higher Judicial Services, and that too, in direct recruitment only. In promotion and in nomination from the Bar, so far reservation has not been accepted. Those States which have accepted reservation in Ministerial/Judicial Services in direct recruitment have not supplied information about efforts made by them for locating/recruiting Scheduled Castes/Scheduled Tribes candidates. Information regarding actual representation of Scheduled Castes and Scheduled Tribes in various States/Union Territories may be seen at Appendix V. It is regretted that many States failed to supply the required information.

**3.18. The High Courts which have not accepted the principle of reservation or have not so far started giving effect to the reservation orders both at the time of initial recruitment and promotion in the Ministerial, State Judicial and Higher Judicial Services, should do so without any further delay. In various categories of posts the backlog should be calculated and duly qualified/eligible Scheduled Caste and Scheduled Tribe candidates should be considered against reserved quota without sacrificing efficiency in Judiciary. In any case, whenever suitable Scheduled Caste/Scheduled Tribe candidates are not available to man such reserved posts these can always be de-reserved according to the existing Government instructions. The Ministry of Law should take suitable steps in this regard and also explore the possibility of providing reservations in nomination from the Bar.**

**(e) Voluntary Agencies receiving Grants-in-aid from the Government:**

3.19. At the request of the Commissioner for Scheduled Castes and Scheduled Tribes in the Fifth Meeting of the High Power Committee held on 9th April, 1974, the Government of India decided to extend the policy of reservation for Scheduled Castes and Scheduled Tribes to the personnel employed by the voluntary agencies or organisations receiving grants-in-aid from the Government. In order to ensure compliance of this policy, it was decided that all Ministries/

Departments should include a suitable clause in the terms and conditions under which the voluntary agencies/organisations etc. are given grants-in-aid by the Government to provide for reservation for Scheduled Castes and Scheduled Tribes in posts and services under them and an order to this effect was issued on 7-10-1974 by the Government. Some broad features of the scheme of reservation were, therefore, outlined and circulated to all Ministries/Departments of the Government of India and all the Union Territory Governments/Administrations which were to be followed by the voluntary agencies/organisations as a pre-condition to the sanction of Grants-in-aid to them where:—

- (a) the recipient body employs more than 20 persons on a regular basis and at least 50 per cent of its recurring expenditure is met from grants-in-aid from Central Government; and
- (b) the body is a registered society or a cooperative institution and is in receipt of a general purpose annual grant-in-aid of Rs. 2 lakhs and above from the Consolidated Fund of India.

In regard to (a) above it was suggested in the Annual Report for the year 1974-75 that in order to make the application of this scheme wider, it would be desirable that all the agencies employing more than 10 persons on regular basis should be covered. Government is urged once again to consider this matter and issue necessary instructions. Information regarding the progress actually made as a result of the implementation of the above scheme is not available. However, it is felt that this scheme would provide, though in a small way, yet another employment avenue for the Scheduled Castes and Scheduled Tribes.

**(f) Appointments in the Private Sector:**

3.20. All the Governmental and Government sponsored/aided agencies are reserving a share of available employment openings under them for Scheduled Castes and Scheduled Tribes. Although the private sector has vast employment potential and they employ large number of both skilled and semi-skilled workers, yet they have not been brought under the purview of the reservation orders/rules, so far. Since they take advantage of the country's technical and economic achievements and various other incentives from the Government, they have some moral obligation to take active part in fulfilling Government's policy to achieve socialism and remove inequality. It is, therefore, felt necessary to explore the considerably sizeable employment potential in the private sector and secure a part of it for the benefit of Scheduled Castes and Scheduled Tribes.

3.21. The Ministry of Industrial Development renewed their appeal\* in 1971, to the Private Sector reiterating the need for stepping up the employment of Scheduled Castes and Scheduled Tribes in Industrial and commercial undertakings. This matter was discussed in the High Power Committee meeting held on 9th April, 1974. The High Power Committee observed that statutory or other measures would not be appropriate and that the trade organisations might continue to be persuaded to take steps to ensure that a share of employment was given to Scheduled Castes and Scheduled Tribes. The Ministry of Industry and Civil Supplies (Department of Industrial Development) made yet another appeal to the industry in the private sector on 27th December, 1975 to step up considerably the employment of the members of Scheduled Castes and Scheduled Tribes in the industrial and commercial undertakings and also make adequate arrangements to train them and make them fit for technical jobs. The Ministry also circulated the instructions issued by the Department of Personnel and Administrative Reforms on the reservation of vacancies for Scheduled Castes and Scheduled Tribes in the service and posts under the voluntary agencies receiving grants-in-aid from the Government to be adopted as model instructions by the private sector enterprises.

3.22. The need for building up an adequate information system so as to keep a watch on the progress made in giving adequate representation to Scheduled Castes and Scheduled Tribes in the private sector was felt but the Ministry of Industry and Civil Supplies expressed its inability to collect and process the data in respect of more than 4 lakh units in the private sector on account of inadequate staff. It is unfortunate indeed that the implementation of social measures should suffer a set-back due to lack of sufficient staff.

3.23. A significant new development was made in the direction of securing a share of employment to Scheduled Castes and Scheduled Tribes in the private sector when the then Minister of State in the Department of Personnel and Administrative Reforms in the Seventh Meeting of the High Power Committee held on 12-11-1976 had observed that "it should be examined whether a condition could be imposed while issuing licences and while sanctioning financial assistance in the form of loans etc. that the private sector establishments concerned should give due representation to Scheduled Castes and Scheduled Tribes in employment under it". During the course of discussions, he informed the Committee that this question had been referred to the Ministry of Industrial Development. As a follow-up action, this Organisation has initiated action to seek the information regarding the steps taken by the Ministry of Industrial Development to give

shape to the trend of discussion in the Seventh Meeting of the High Power Committee. We strongly feel that while issuing licences, sanctioning financial assistances, allotment of industrial sites/sheds and allowing other facilities to the private industries, it should be made obligatory on their part to follow Government's policy to give due representation to the members of the Scheduled Castes/Scheduled Tribes in their employments. If the private sector establishments are not interested to share the responsibilities of the Government in achieving the goal of removal of social and economic inequalities, they should not ask for assistance and incentives from the Government.

**Important issues regarding policy matters including those raised in the High Power Committee:**

3.24. A number of policy matters were taken up with the Government in the Department of Personnel and Administrative Reforms; but most of the issues were turned down under one pretext or the other or sidetracked. Certain important issues which were turned down by the Department of Personnel and Administrative Reforms were taken up with the High Power Committee which held its meeting on 12th November, 1976. Views of the Committee and decisions taken in the said meeting are briefly summarised below:—

**(a) Promotional avenues for Scheduled Castes and Scheduled Tribes working as Sweepers and Farashes in Government Offices:**

3.25. This point was raised by the Commissioner in the sixth meeting of the High Power Committee held on 17th September, 1975 for diverting the Scheduled Caste Sweepers and Farashes in Government offices to non-caste based Class IV services. It was suggested that the fulfilment of the educational qualifications as prescribed for direct recruitment to the posts of Peons should not be insisted. This matter was again discussed in the Seventh meeting of the High Power Committee held on 12th November, 1976 and the Committee agreed that in view of the practical considerations involved, Sweepers and Farashes etc. who possess elementary literacy and give proof of ability to read either English or Hindi or regional language may be made eligible for transfer to the Peon's cadre.

**(b) Confidential Report Forms:**

3.26. In the sixth meeting, the Commissioner for Scheduled Castes and Scheduled Tribes had expressed an apprehension that the confidential reports written on Scheduled Caste and Scheduled Tribe employees were generally biased and

\*An appeal was made first in August, 1964 to various organisations of employers in the private sector to give due representation to the members of Scheduled Castes and Scheduled Tribes in their employment.

such employees might suffer particularly when reviews are conducted for their retention or otherwise beyond 50/55 years of age. Reviewing the position in its seventh meeting, the High Power Committee noted that introduction of the results/performance oriented system of Report was under examination and the question of providing a column in the Confidential Report form to enable the reviewing officer to give an assessment of the attitude of the reporting officers towards the Scheduled Caste and Scheduled Tribe employees working under them was also under consideration. The matter is being discussed in greater detail under a separate heading in this report.

**(c) Recruitment at the initial stages in the services under the Public Sector Undertakings:**

3.27. The Minister in the Department of Personnel and Administrative Reforms desired that whenever a new undertaking is started, recruitment at the initial stage being generally large, instructions should be reiterated that the public sector undertakings concerned should make necessary reservation for Scheduled Castes and Scheduled Tribes in such recruitment. The Bureau of Public Enterprises have reiterated their earlier instructions that in recruitment in the lower scales preference should be given to persons, especially Scheduled Castes and Scheduled Tribes, displaced from areas acquired for the project so that maximum possible employment opportunities are afforded to candidates of these communities.

**(d) Utilisation of vacancies reserved for Scheduled Castes in favour of Scheduled Tribes and vice-versa in the event of suitable candidates of that particular community not becoming available:**

3.28. The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes in its forty-first report had observed that ordinarily vacancies reserved for Scheduled Castes and Scheduled Tribes should be filled by the candidates of the respective communities only. However, the Committee recommended that when a vacancy reserved for a particular community is deserved and carried-forward, that vacancy should be offered to the other reserved category candidate instead of filling it up by a general candidate even in the first year or second year of its carry-forward. The High Power Committee did not accept the recommendation.

3.29. Many instances have come to notice where specified length of service is prescribed as the eligibility condition for promotion to the higher grade and the candidates of a particular category satisfying this condition are not available nor would they become available in the remaining years of carry-forward. In such an event, there can be no objection to permit the exchange

of vacancies say reserved for Scheduled Tribes for being filled by Scheduled Castes and vice-versa in the year of occurrence of the the vacancy and in each year of carry-forward because that arrangement would not in any way affect the interests of the other category.

**3.30. In the case of Class II posts and posts upto the lowest rung or category of Class I, filled by promotion on the basis of selection where the principle of exchange is applicable in each year, there is no provision of carry-forward even if the candidates of both the categories are not eligible or available within the zone of consideration. Department of Personnel and Administrative Reforms should consider the necessity of allowing the carry-forward to the subsequent years in this case also.**

**(e) Relaxation of standards in qualifying examinations for promotion to the higher grade on the basis of seniority subject to fitness, fitness being decided on the basis of examination:**

3.31. In the seventh meeting of the High Power Committee the Commissioner for Scheduled Castes and Scheduled Tribes pleaded that unless general instructions were issued it was likely that relaxations may not be allowed by the concerned departments in the qualifying examination for promotion, if any, held by them. The High Power Committee found reason in this argument and desired that it should be examined whether some guidelines could be issued to determine the suitability criteria to be followed in the case of promotion. The Government of India have issued instructions providing for suitable relaxation in the qualifying standards taking into account the relevant factors such as the number of vacancies reserved, performance of Scheduled Caste/Scheduled Tribe candidates as well as general candidates in the particular examination, minimum standard of fitness for appointment to the first and the overall strength of the cadre and that of Scheduled Castes and Scheduled Tribes in that cadre.

**(f) Reservation for Scheduled Castes and Scheduled Tribes in Posts filled by promotion on ad-hoc basis:**

3.32. As mentioned in the earlier Reports, the existing instructions of the Government of India for reservation in promotion are applicable only to regular and long-term vacancies. All our efforts to make the reservation applicable to the ad-hoc promotion, made at various levels have failed. The question was, therefore, raised in the meeting of the High Power Committee on 12th November, 1976. It was pointedly emphasised in the Committee that since the ad-hoc promotions continued for quite long periods, it would be justified if reservation for Scheduled Castes and

Scheduled Tribes was introduced in **ad-hoc** promotions also. The Secretary, Department of Personnel and Administrative Reforms, however, explained to the Committee that the matter had been examined at length and instructions issued to all the Ministries/Departments etc. to ensure that as far as possible no **ad-hoc** arrangements were made at all except in short-term vacancies. It was also brought to the notice of the Committee that the Union Public Service Commission had laid down a schedule for holding Departmental Promotion Committees for promotion regularly so that the need for making **ad-hoc** promotions was avoided. The Committee, however, advised the authorities to collect statistical information about the number of **ad-hoc** promotions which continued beyond one year and examine the question further. The outcome is still awaited.

3.33. In this connection it may be pertinent to point out that the Railway Board in its half yearly report on the progress made in the intake of Scheduled Castes and Scheduled Tribes against vacancies reserved for them, have mentioned that "while making **ad-hoc** promotions pending selection, the duration of which is for 45 days or more, the reserved vacancies are filled by seniormost suitable Scheduled Caste/Scheduled Tribe candidates who are within the field of consideration and are likely to be considered by the Selection Board when regular selection is finally held." **It is, therefore, felt that the principle of reservation in ad-hoc promotions as has been adopted by the Railway Board, can certainly be adopted by other Ministries/Departments etc. also so that the tendency of the administrative authorities to continue ad-hoc promotions for long periods to disallow the Scheduled Castes and Scheduled Tribes their due share of promotions, is curbed.**

**(g) Reservation for Scheduled Castes and Scheduled Tribes in work-charged establishments/daily-rated staff:**

3.34. Purely temporary establishment such as work-charged staff including the daily-rated and monthly-rated staff, were excluded from the scope of reservation for Scheduled Castes and Scheduled Tribes. In the absence of reservation and their inadequate intake in such establishments, sufficient number of Scheduled Caste/Scheduled Tribe candidates were not available at the time of regular appointments. We raised this issue before the High Power Committee, which at its seventh meeting decided that the principle of reservation for Scheduled Castes and Scheduled Tribes should generally be applied to the work-charged posts to the extent possible, except in the emergencies like the flood relief work or accident restoration and relief. The Government have since issued necessary instructions in this regard.

**(h) Refresher Courses for Officers responsible for implementation of reservation orders:**

3.35. During the course of study of rosters etc. in various Ministries/Departments of the Government of India and the attached/subordinate offices and the public sector undertakings under their control, as also the scrutiny of annual inspection reports by the Liaison Officers, it has been observed by us that officers/staff dealing with the implementation of orders regarding reservation and other concessions and in some cases even the Liaison Officers assigned for this work were not fully conversant with various existing rules/instructions. Thus, on account of ignorance due share of reservation in posts filled by direct recruitment, promotion and confirmation was being denied to the Scheduled Caste and Scheduled Tribe candidates. It was, therefore, suggested to the Department of Personnel and Administrative Reforms to consider the desirability of introducing a Refresher Course in order to afford an opportunity to the Officers/staff concerned to get fully acquainted with the relevant provisions and also clear doubts, if any, in their minds, about the correct interpretation of rules/instructions.

3.36. The Department of Personnel and Administrative Reforms have brought out a consolidated book namely the "Brochure on Reservation for Scheduled Castes and Scheduled Tribes in Services". In the practical application of the rules and instructions many problems crop up which this publication by itself cannot solve. Many a times it so happens that whatever interpretation suits a particular officer in a Ministry/Department is applied without making any effort to seek clarification or correct interpretation from the Department of Personnel and Administrative Reforms. In fact, many requests have been received by this Organisation for arranging short-duration courses for their staff on various aspects of reservation and their correct interpretation to enable them to implement the Government orders regarding reservation for Scheduled Castes and Scheduled Tribes affectively.

3.37. It is heartening to note that on our persistent requests and in deference to the decision in the High Power Committee the Government have decided to introduce a four-day Appreciation Course for the guidance of the Liaison Officers nominated in each Ministry/Department for work relating to the Representation of Scheduled Castes and Scheduled Tribes. **While this step is welcome it is felt that there should be a separate course for Assistants and Section Officers who constitute the backbone of the machinery in the work for implementation of reservation orders. The other course should be for Officers of the rank of Under Secretaries and Deputy Secretaries-in-charge of Administration/Liaison**

Officers. It is hoped that the Government will consider this suggestion and organise two separate courses as suggested above.

- (i) **Prejudiced Confidential Reports on Scheduled Caste/Scheduled Tribe government servants vis-a-vis review of cases for compulsory retirement at the age of 50/55 years:**

3.38. In the sixth meeting of the High Power Committee held on 17th September, 1975, under the Chairmanship of the Prime-Minister, the Commissioner for Scheduled Castes and Scheduled Tribes raised this issue and pointed out that generally speaking the Confidential Reports written on Scheduled Caste and Scheduled Tribe employees were prejudiced and biased and as such these employees might suffer particularly when reviews are made for retention of their service in accordance with the above provision. Though the Committee had felt that no exception could be made in this regard in the case of Scheduled Caste/Scheduled Tribe employees, the Prime Minister observed that it would be worthwhile to examine whether a provision could be made in the Confidential Report forms to enable the reporting officers to indicate the manner in which they implemented the orders for safeguarding the welfare/rights of Scheduled Castes and Scheduled Tribes and their general attitudes towards scheduled Caste and scheduled Tribe employees. This observation of the Prime Minister is indeed welcome and it is understood that this matter is under consideration of the Government in the broader context of introduction of the results/performance oriented system of reporting on Government servants.

3.39. However, the main issue regarding the prejudicial and biased reports culminating in the premature retirement of Scheduled Caste/Scheduled Tribe government servants was taken up separately with the Minister in the Department of Personnel and Administrative Reforms in the month of June, 1976. It was stated in a note sent to the Minister that a number of such cases were taken up with the concerned authorities and in most cases our views were not appreciated in proper perspective. Only in one case it was possible to get the orders of compulsory retirement revoked.

3.40. It has been stated in the preceding paragraphs that confidential reports on Scheduled Caste and Scheduled Tribe employees are generally biased and unbalanced. Reasons for the same may perhaps be attributed to the following factors:—

- (i) there is greater awakening among the Scheduled Castes and Scheduled Tribes about the Government policy to safeguard and promote their service interests;

- (ii) the Scheduled Caste and Scheduled Tribe employees have become more and more vocal in claiming their due benefits; thus causing irritation among their colleagues and superiors belonging to high castes; and
- (iii) their frequent representations though do not always result in the redressal of their grievances but in the process they earn the wrath of high officers culminating in adverse confidential reports, victimisation and harassment.

3.41. Instances have come to our notice where the Scheduled Caste or Scheduled Tribe officers were never warned or censured on charges of doubtful integrity during the entire period of their service, nor was there any adverse remark regarding their performance and conduct, but on review of their cases they were retired prematurely. In one case a Scheduled Caste employee alleged that he, being the Zonal Secretary of the All India Depressed Classes (Railway Works) Welfare Association, was pleading the cases of a number of Scheduled Castes/Scheduled Tribe employees for redressal of their grievances and that had provoked the Railway authorities to take revenge on him. Charges were allegedly fabricated against him and he was eventually retired prematurely. There are a number of other cases. It is, therefore, felt that the cases of Scheduled Caste/Scheduled Tribe employees deserve to be considered with due sympathy and leniency. Although we do not plead for having different standards for Scheduled Caste/Scheduled Tribe employees whose integrity is proved to be doubtful, the officers belonging to Scheduled Caste/Scheduled Tribe communities, who have put in 20 to 30 years of service and who have just one or two adverse reports indicating their performance as average or below average, should not be considered as having outlived their utility or having become deadwood. It is also suggested that in every review Committee, a senior Scheduled Caste/Scheduled Tribe Officer may be co-opted as a Member. The cases of such Scheduled Caste/Scheduled Tribe officers which have been finally decided should be put up to the Minister/Minister of State concerned for his final orders.

3.42. Further in order to check the recurrence of cases of pre-mature retirement of Scheduled Caste and Scheduled Tribe employees, a system may be devised according to which, on the analogy of proposals for deservation of reserved vacancies, all cases of compulsory retirement involving Scheduled Caste/Tribe employees may be referred to the Department of Personnel and Administrative Reforms for their concurrence. That Department is doing a commendable job involved in scrutiny of hundreds of cases of de-reservation of reserved vacancies. The cases of premature retirement of Scheduled Caste/Scheduled Tribe employees would be very few and

therefore, this work can be easily handled by the Department of Personnel and Administrative Reforms. **In such cases a self-contained proposal marked secret and outlining the circumstances of the case can be sent to that Department with an endorsement to the Commissioner for Scheduled Castes and Scheduled Tribes.** The proposals should indicate the number of years of service put in by the employee concerned, the nature of reports earned by him, whether the adverse reports were communicated to the employee to afford him an opportunity either to represent against it or to improve his performance, details of instances in which his integrity was questioned and proved, whether any punishment was awarded if so its nature, etc. etc. This system if adopted can function very well in safeguarding and protecting the service interests of Scheduled Caste/Scheduled Tribe employees. Government is, therefore, urged to consider this suggestion and agree to it in the interest of Scheduled Caste/Scheduled Tribe employees.

3.43. Instances have come to our notice where "average" reports for one or two years in a long service record of Scheduled Caste/Scheduled Tribe government servants not only deprived them of their promotion but resulted in their premature retirement. An "average" should not be considered as an adverse report and indicative of unfitness for promotion. While reviewing cases for retention in service or otherwise, average reports cannot by any stretch of imagination be made the basis for premature retirement of Government servants assessing them as having outlived their utility or having become deadwood. This view has been upheld by the Allahabad High Court in its judgement in the case of an Assistant Engineer of the Irrigation Department of Varanasi, Uttar Pradesh. The court held that no reasonable person could hold the view that a person who did not earn any adverse entry during a period of 10 years, the entries of average nature earned by him could be deemed to indicate that he had outlived his utility. What is true for a general candidate in the above case is equally or even more true in the case of Scheduled Caste/Scheduled Tribe government employees in view of the back-ground given in the preceding paragraphs.

**(j) Supersession of Scheduled Castes and Scheduled Tribes:**

3.44. With the introduction of reservation in promotion on the basis of the seniority-cum-fitness in 1972, Government felt that normally there would be no supersession of eligible senior Scheduled Castes/Scheduled Tribes in promotion, unless they are found unfit. Hence, the earlier practice of submission of the individual cases of

supersession to the Minister/Deputy Minister for his approval which served as protection of the service rights and interest of these communities, was withdrawn. Since the protection at Minister's level has been withdrawn under the revised orders, chances of supersession of Scheduled Caste/Scheduled Tribe employees, due to unrealistic and un-balanced, biased and prejudiced and sometimes vindictive and motivated appraisal of their performance and conduct, as recorded in their annual confidential reports, are wide open. We are receiving number of representations which indicate that Scheduled Caste/Scheduled Tribe employees were superseded only due to cursory and indifferent, lifeless, lukewarm and prejudicial reports in their confidential reports.

3.45. It may be emphasised here that the confidential reports have a direct bearing on promotional prospects of Government servants, as adverse entries in their confidential reports result in their supersession, specifically to selection posts. We have already discussed this issue in detail in the foregoing paragraphs and have suggested various steps to protect the interests of Scheduled Caste/Scheduled Tribe employees. **In addition to whatever we have emphasised earlier it is suggested that in order to minimise the cases of supersession of Scheduled Caste/Scheduled Tribe candidates on account of adverse entries in their confidential reports disciplinary action should be taken against such officers who while writing the confidential reports of the Scheduled Caste/Scheduled Tribe employees fail to comply with the existing orders/instructions and are found prejudicial. Necessary comments/remarks to this effect should invariably be made in the confidential reports of such officials.**

3.46. The Department of Personnel and Administrative Reforms with whom the matter was taken up, however, observed that; (i) reservation inherently implies separate standards in respect of filling up of reserved vacancies by Scheduled Caste/Scheduled Tribe officers; and (ii) unless a Scheduled Caste/Scheduled Tribe employee is found unfit he or she is not superseded. Hence the Government did not consider it necessary to provide that all cases of supersession of Scheduled Castes/Scheduled Tribes should be submitted or reported to the Minister/Deputy Minister. The Government, however, issued orders in the month of October, 1976 to adopt the following procedure in respect of supersession of eligible scheduled Castes and Scheduled Tribes in promotion against reserved vacancies only:

**(i) In promotion to Group A and within Group A :**

Such cases should be submitted to the Minister/Minister of State/Deputy Minister concerned, as the case may be.

(ii) **In promotions to Group B and within Group B :**

Such cases should be reported to the Minister/Minister of State/Deputy Minister concerned, as the case may be, within a period of one month of the finalisation of the select list.

(iii) **In promotions to and in Group C and Group D :**

Such cases should be reported to the Head of the Department if the appointing authority is lower than the level of the Head of the Department and where the Head of the Department is himself the appointing authority, to the Secretary of the Administrative Ministry/Department.

(iv) **In case of promotions by selection to posts within Group A (Class I) which carry an ultimate salary of Rs. 2250 00 per month or less where eligible Scheduled Caste/Scheduled Tribe candidates though available in the seniority list within the number of vacancies, are not selected, are also required to be submitted to the Minister/Minister of State/Deputy Minister concerned or as the case may be.**

3.47. In this connection it may be observed that various safeguards have been provided to Scheduled Castes and Scheduled Tribes in promotion and there can be no genuine supersession of Scheduled Caste/Scheduled Tribe candidates in the above categories unless they are declared unfit for promotion. Hence, even if such cases of supersession are submitted to the Minister/Minister of State/Deputy Minister, no useful purpose will be served. But, against unreserved vacancies there may be supersession of Scheduled Caste/Scheduled Tribe candidates even though they may not have been declared unfit. In order to safeguard the interests of such Scheduled Caste/Scheduled Tribe candidates against ipso facto supersession, it is suggested that the earlier practice of obtaining the prior approval of Minister/Minister of State concerned about cases of supersession in groups A and B (Class I and II) posts, and informing the concerned Minister/Deputy Minister the cases of supersession of Scheduled Caste/Scheduled Tribe employees in Group C and D (Class III and IV) posts within a prescribed time limit, should be reintroduced. This should be made applicable to all promotions particularly to promotions made by selection where even if the Scheduled Caste/Scheduled Tribe candidates who were not declared unfit were superseded on the basis of low grading assigned to them by the Departmental Promotion Committee.

(k) **Issue of Caste Certificate :**

3.48. It was mentioned in the earlier Reports that a number of instances came to our notice where non-Scheduled Caste/Scheduled Tribe candidates for entry into service under the Central Government/State Governments/Public Sector Undertakings, secured false certificates by unscrupulous methods in support of their claims to belong to Scheduled Caste/Scheduled Tribe communities. The need for making proper and thorough enquiries/verification before issuing such certificates, on the part of the authorities, to satisfy themselves beyond doubt about the genuineness of the claims of the candidates was, time and again emphasised in our earlier Reports. As a result, the Ministry of Home Affairs suggested to all the State Governments/Union Territory Administrations that the concerned officers empowered to issue caste certificates, should take proper steps before issuing such certificates and also proposed action under relevant provisions of the Indian Penal Code, against such of the officers who are found to have issued the certificates carelessly and without making proper verification in addition to the action to which they are liable under the relevant disciplinary rules applicable to them.

3.49. The above suggestions of the Ministry of Home Affairs, if followed scrupulously and implemented by the authorities concerned, the chances of issuance of such false certificates to non-Scheduled Caste/Scheduled Tribe candidates would certainly be reduced. **But since there does not exist any deterrent to discourage persons from making efforts to secure false certificates, it is recommended that all the State Governments/Union Territory Administrations should give serious thought to this problem so that the non-Scheduled Caste/Scheduled Tribe persons do not take undue advantage of the benefits meant for the Scheduled Caste and Scheduled Tribe persons, by procuring false certificates. Such dubious persons do not deserve any leniency and action under relevant provisions of the Indian Penal Code should be taken. Stringent punishment should be given to such offenders. They should also be debarred from entering into any Government service in future. It is, therefore, suggested that the Government may consider issuing necessary directive to all State Governments/Union Territory Administrations in this behalf.**

(l) **Execution of bond for taking up appointments in the Public Sector Enterprises—Question of exemption or relaxation of the condition in the case of Scheduled Caste/Scheduled Tribe candidates :**

3.50. It is mentioned in this report that the representation of Scheduled Castes and Scheduled Tribes in the Public Sector Undertakings continues to be inadequate particularly in Class I



and Class II posts. This is generally attributed to the non-availability of Scheduled Caste/Scheduled Tribe candidates possessing requisite qualifications in technical and specialised cadres. Instances have come to the notice where Scheduled Caste/Scheduled Tribe candidates possessing requisite technical qualifications are available and even selected for appointment but they are not in a position to avail of the offers of appointment due to their inability to execute surety bonds of huge amounts to the extent of Rs. 25,000.00 and more and sureties of like amounts. In one such case a Scheduled Caste candidate who was selected as Junior Executive Trainee expressed his difficulties to furnish such a bond/surety to the Coal (India) Ltd. While this particular undertaking with whom the matter was taken up, declined to waive or relax the condition of execution of the bond, Bureau of Public Enterprises was urged to consider this question and take a general decision in the matter in so far as Scheduled Caste/Scheduled Tribe candidates were concerned.

3.51. Recently, as a nominee of the Commissioner for Scheduled Castes and Scheduled Tribes on the Selection Board of National Thermal Power Corporation Ltd., for interviewing and selecting Scheduled Caste/Scheduled Tribe candidates for the post of Executive Trainees (Engg), Shri R. M. Doiphode, Deputy Commissioner for Scheduled Castes and Scheduled Tribes made a positive contribution in suggesting to the management of that Corporation that Scheduled Caste/Scheduled Tribe candidates should be given some concession in the amount of the bond to be executed by them on their appointment. It is heartening to note that the management of the National Thermal Power Corporation Ltd., made a spontaneous gesture in agreeing to this suggestion and decided to reduce the amount of bond to Rs. 10,000.00 in the case of Scheduled Caste/Scheduled Tribe candidates as against an amount of Rs. 20,000.00 in the case of general candidates. **While appreciating this gesture, it is suggested that the Bureau of Public Enterprises may consider the desirability of issuing draft instructions on similar lines in the form of presidential directive to all public sector undertakings through their administrative Ministries/Departments to reduce the amount of bond to enable Scheduled Caste/Scheduled Tribe persons to avail of the offers of appointment.**

**(m) Promotion by seniority in Central Secretariat Services :**

3.52. In promotion on the basis of seniority subject to fitness in all classes of posts, the procedure to be followed is outlined in the Department of Personnel and Administrative Reforms O.M. No. 27/2/71-Estt.(SCT), dated 27-11-1972. This procedure does not envisage the consideration of employees falling within any zone of

consideration. In this type of promotion (i.e. seniority-cum-fitness) all those who fulfil the conditions of eligibility as laid down in the recruitment rules viz. completion of probation period, length of qualifying service etc. are considered eligible for promotion. In this case, normally promotions are made strictly according to seniority subject to rejection of the unfit. After the introduction of element of reservation in these posts with effect from 27th November, 1972, the Scheduled Caste and Scheduled Tribe employees, otherwise found fit and eligible for promotion, have to be picked up from anywhere in the seniority list in order to fill the quota reserved for them. This system is being followed in all Ministries/Departments of Government of India for all posts except those covered under the Central Secretariat Service, Central Secretariat Stenographers Service and Central Secretariat Clerical Service, where the zoning system as introduced from 1969, is also applied in the case of promotion. Under the zoning scheme, the zones i.e. range of seniority in the civil list, are to be reviewed and fixed yearly by the Department of Personnel and Administrative Reforms. For the purpose of promotion only such of the persons are considered who are fit for promotion and fall within the zone fixed by the Department of Personnel and Administrative Reforms. In cases where Scheduled Caste and Scheduled Tribe employees who are fit and otherwise eligible for promotion, but do not fall within the zones prescribed in the above manner, they do not get promotion even though reserved points are available for them.

3.53. According to the procedure laid down by the Department of Personnel and Administrative Reforms, general candidates can be appointed against reserved vacancies after prior approval of that Department only when Scheduled Caste/Scheduled Tribe candidates are either not available at all or are not eligible or fit for promotion. Here is a case where general candidates are promoted against reserved vacancies even when Scheduled Caste/Scheduled Tribe candidates are fit and eligible for promotion simply on the plea that they do not come within the zone fixed by the Department of Personnel and Administrative Reforms. A statement showing the number of vacancies reserved for Scheduled Castes/Scheduled Tribes in the post of Section Officer in the Central Secretariat Service filled by promotion on the basis of seniority subject to fitness, dereserved during the year 1974 to 1977 for want of enough Scheduled Caste/Scheduled Tribe candidates in the Zone fixed by the Central Secretariat Services Board is given at Appendix VI. This is a great injustice to Scheduled Caste/Scheduled Tribe employees and in fact a negation of the provision of reservation in posts filled by promotion. In simple words, it can be said that what the SCT Division of the Department of Personnel and

Administrative Reforms gives to Scheduled Castes and Scheduled Tribes through the decisions at times taken at the highest level under the Chairmanship of the Prime Minister, is sought to be negated and snatched away by another division dealing with Secretariat Services, through and administrative procedure which was evolved when there was no reservation in posts filled by promotion. The object of the zoning scheme was obviously to even out, as far as possible, the disparity in the promotion prospects of persons working in various Ministries/Departments. There was no objection to the zoning scheme so long as there was no reserved quota for Scheduled Caste/Scheduled Tribe employees upto 27-11-1972. However, since in accordance with the instructions contained in the Department of Personnel and Administrative Reforms O.M., dated 27-11-1972, the Scheduled Caste/Scheduled Tribe employees are to be given a quota in posts filled by promotion on the basis of seniority subject to fitness, the zoning scheme has to be amended so that the Scheduled Caste/Scheduled Tribe employees can avail of the quota fixed in aforesaid O.M. If the zoning scheme is not amended, the reserved quota will go unfilled even though eligible Scheduled Caste/Scheduled Tribe employees are available for promotion to higher grades. The Department of Personnel and Administrative Reforms have failed to see reason behind the above arguments and have finally turned down our plea with the remarks that final decision has been taken by that Department with the approval of the Secretary and Minister of State in that Department.

3.54. Reservations for Scheduled Castes and Scheduled Tribes flow directly from the provisions contained in Articles 16(4) and 335 of the Constitution. The Commissioner for Scheduled Castes and Scheduled Tribes is, therefore, constrained to point out that the Department of Personnel and Administrative Reforms should take such a stand which gives the impression of violation of constitution by the very executive which is required to implement the provisions made therein.

3.55. In view of what is stated above, the Commissioner has no other alternative but to appeal to the Government once again to ensure that the interests of Scheduled Caste/Scheduled Tribe employees do not suffer. Arbitrarily devising and fixing the zoning scheme in the matter of promotion by the Department of Personnel and Administrative Reforms runs counter to the service safeguards provided for the Scheduled Castes/Scheduled Tribes by the Constitution. **Such a serious deviation under the garb of administrative convenience gravely militates against the sanctity of the Constitutional provision for reservation of posts for Scheduled Castes/Scheduled Tribes in Government service and there-**

**fore, there is an urgent and imperative need to amend the zoning scheme suitably to ensure that the Scheduled Caste and Scheduled Tribe candidates are not deprived of their due.**

#### **Dereservation of Reserved Vacancies**

3.56. Statistical information regarding the number of vacancies dereserved in various classes of posts during the year 1974, received from the Department of Personnel and Administrative Reforms in June, 1977 has been included in Appendix VII (Statements I and II). Similar information for the years 1975 and 1976 could not be made available by the Department of Personnel and Administrative Reforms in spite of issue of reminders from time to time. It is rather unfortunate that such important information was not compiled and supplied to this Organisation in time. **It is hoped that in future Department of Personnel and Administrative Reforms would ensure that the required information is supplied to us in due time, so that the same can be included in the report for the relevant years.** It would be seen from Statement No. I that out of a total of 3,083 vacancies proposed for dereservation, 1,235 (about 40 per cent) were meant for Scheduled Castes and 1,848 (about 60 per cent) for Scheduled Tribes. It is further observed that out of the total of 3,083 vacancies proposed for dereservation, as many as 2,376 (77.07 per cent) pertained to Class III, 555 (18 per cent) pertained to Class II, 95 (3.08 per cent) to Class I and a small number of just 57 (1.85 per cent) to Class IV posts.

3.57. An alarming trend is noticed in Statement No. II. Out of the total 1,515 Scheduled Tribe vacancies proposed for dereservation, Scheduled Tribe candidates available for as many as 254 such vacancies for Class III posts were declared unsuitable for appointment. It is strange that this should happen in the case of Class III vacancies to fill when there are special instructions that the candidates belonging to Scheduled Castes/Scheduled Tribes are to be judged by relaxed standards. In this category most of the posts are non-technical or quasi-technical for which there is an additional provision to the effect that if Scheduled Caste/Scheduled Tribe candidates are not available to utilise fully the vacancies reserved for them in the direct recruitment quota even by relaxed standards, the best among them fulfilling the minimum educational qualifications are to be selected for appointment to the extent of vacancies reserved for them. In order to bring such candidates to the minimum standards necessary for the maintenance of efficiency of administration, they are to be given in-service training. It is indeed a pity that the Scheduled Tribe candidates possessing the minimum qualifications laid down for the posts, should be deemed as unsuitable for appointment to Class III posts in spite of the

above provisions. As such there is on justification to dereserve such vacancies. It is true that the Department of Personnel and Administrative Reforms did not agree to the dereservation of as many as 423 Class III posts (70 for Scheduled Castes and 353 for Scheduled Tribes) out of a total of 2,370 Class III posts proposed for dereservation during the year 1974, but it is not known as to how many of them were not agreed because of the unsuitability of Scheduled Caste/Scheduled Tribe candidates in direct recruitment quota. **Department of Personnel and Administrative Reforms should, therefore, ensure that whenever a proposal requires the vacancies to be dereserved on the ground of unsuitability of Scheduled Caste/Scheduled Tribe candidates, particularly in Class III and Class IV non-technical and quasi-technical posts, the authorities concerned are advised to take action in accordance with paragraphs 22 and 22A of the Brochure on Reservation for Scheduled Castes and Scheduled Tribes in Services.** Out of the total of 3,083 vacancies, ex-post-facto approval for dereservation was sought for 117 vacancies (38 for Scheduled Castes and 79 for Scheduled Tribes).

Most of these 117 vacancies were also in Class III i.e. 108 (35 for Scheduled Castes and 73 for Scheduled Tribes).

3.58. Orders for seeking prior approval of the Ministry of Home Affairs/Department of Personnel and Administrative Reforms for dereservation of reserved vacancies were issued as far back as 27th March, 1963 but cases of violation of these orders under one pretext or the other are still coming to notice through the proposals for dereservation of reserved vacancies. **Department of Personnel and Administrative Reforms should, therefore, reiterate their instructions in this regard so as to emphasise the need for seeking prior approval of that Department before filling reserved vacancies by general candidates.**

#### All India Services and Central Services Class I and Class II

3.59. Available information regarding representation of Scheduled Castes and Scheduled Tribes in some of the All India Services and Central Services as 1-1-1976 is given in the following table:—

Sl. No.	Name of the Service	Number of officers in position				Remarks	
		Total	Sch. Caste	Percentage	Sch. Tribe		Percentage
1.	I.C.S./I.A.S.	3,237	277	8.56	132	4.08	
2.	I.P./I.P.S.	1,753	143	8.16	38	2.17	
3.	I.A. & A.S.	560	35	6.25	11	1.96	
4.	Military Engineers Service	626	21	3.35	..	..	
5.	A.F.H.Q. Civil Service	639	3	0.47	..	..	
6.	Indian Defence Accounts Service	168	11	6.55	7	4.17	
7.	Central Engineering Service (Roads) Class I	175	8	4.57	1	0.57	
8.	Telegraph Engineering Service Class I	838	23	2.74	1	0.12	
9.	Central Information Service Class I & Class II	626	59	9.42	9	1.44	
10.	Indian Statistical Service (Grade I to Grade IV)	327	9	2.75	..	..	
11.	Indian Foreign Service	548	36	6.57	17	3.10	
12.	Indian Economic Service	451	21	4.66	7	1.55	
13.	Central Engineering Service (Civil) Class I	398	20	5.03	..	..	As on 1-1-1975
14.	Central Engineering Service (Electrical) Class I	95	5	5.26	1	1.05	do.
15.	Central Power Engineering Service Class I	223	7	3.14	1	0.45	do.
16.	Indian Income Tax Service	1,826	109	5.97	31	1.70	do.

It would be seen that only in some of the premier all India Services like the I.A.S., I.P.S., I.F.S., I.A. and A.S., I.D.A.S. and C.I.S., the representation of Scheduled Castes is quite satisfactory. The representation of Scheduled Tribes in these services and that of both Scheduled

Castes and Scheduled Tribes in all other services, particularly Military Engineers Service, A.F.H.Q. Civil Service, I.S.S., I.E.S., Telegraph Engineering Service and Central Power Engineering Service, still continues to be poor and unsatisfactory.

3.60. It has been stated by the Department of Personnel and Administrative Reforms that since 1964, in I.A.S., I.P.S. as also in Class I and Class II Central Services, to which recruitment is made on the basis of I.A.S. etc. examinations, all the reserved vacancies have been filled by appointment of candidates belonging to Scheduled Castes and Scheduled Tribes, except in one or two examinations, in which there has been a shortfall of Scheduled Tribes. In some cases, the shortfall has also been due to the Scheduled Caste/Scheduled Tribe candidates declining the offers or having been found unfit. Details of the recruitment made in various such services from 1964 onwards may be seen in Appendix VIII. In spite of the almost full utilisation of reserved vacancies since 1964 the representation of Scheduled Castes and Scheduled Tribes has not yet come up any way near to the percentages of reservation prescribed for them. But it is hoped that if sincere efforts are made to fully utilise the vacancies reserved for Scheduled Castes and Scheduled Tribes, in each year, it would be possible to reach a higher level of representation of these communities in the course of next 5 to 10 years.

3.61. The question of providing reservation for Scheduled Castes and Scheduled Tribes in nomination of State Services Officers to I.A.S. was taken up with the Department of Personnel and Administrative Reforms in February, 1975. **After a protracted correspondence we were informed that no final decision has been taken so far and the question of making reservation for Scheduled Castes and Scheduled Tribes in the promotion quota in various All India Services was under the consideration of the Government. It is hoped that a final decision in the matter will be taken by the Government without any further delay.**

#### Railway Services

3.62. The Railway Ministry enjoys the pride of place as the largest Government employer and as such is expected to afford to the Scheduled Castes/Scheduled Tribes their due share of employment according to the prescribed percentages of reservation and also by granting them various concession, relaxations, etc., as per Government instructions and orders. It is also, at the same time, true that the largest number of complaints/representations regarding various types of service grievances regarding recruitment, promotions, fixation of seniority, transfer, etc. are received by this Organisation from the Railway employees all over the country. It is in this context that the Railway Ministry has to shoulder the greatest responsibility in the matter of protecting and promoting the service interests and safeguarding the service rights of Scheduled Castes/Scheduled Tribes. **It is, therefore, suggested that the Railway Ministry should set up a**

**monitoring and evaluation cell both at the Central Headquarters and at the Zonal Headquarters to collect, analyse, and disseminate the information regarding recruitment, transfer, promotion etc., of Scheduled Castes/Scheduled Tribes in various categories from all branches/divisions under their control at regular interval say quarterly or half yearly and transmit the same to the Central Headquarters Cell in the main Railway Ministry who will in turn coordinate and evaluate the overall position. This will help to take effective measures to rectify deficiencies. The Organisation of the Commissioner for Scheduled Castes and Scheduled Tribes shall always be willing and ready to render any assistance to implement this suggestion.**

#### Training and Employment

##### Incentives for Training of Scheduled Castes and Scheduled Tribes :

3.63. In spite of the fact that a number of safeguards have been provided to protect and promote the service interests of the Scheduled Castes and Scheduled Tribes, a large number of vacancies reserved for them remained unfilled and had to be dereserved due to non-availability of adequate number of candidates from these communities. In fact lack of proper guidance and training to the eligible Scheduled Caste and Scheduled Tribe candidates constitutes the main reason for their low representation in services. Details of some important training schemes have been summarised below:—

##### (i) Pre-examination Training :

3.64. To step up the intake of Scheduled Castes and Scheduled Tribes in services especially in Class I posts like I.A.S., I.P.S. etc., the Government of India have set up six Centres at Allahabad, Delhi, Jaipur, Madras, Patiala and Shillong for giving them intensive pre-examination coaching and prepare them for these examinations. Statistical information in respect of various centres is given in Appendix IX. As a result of these efforts sufficient number of Scheduled Caste and Scheduled Tribe candidates have become available in the past several years to fill up all the vacancies reserved for them in I.A.S./I.P.S. etc. being filled through competitive examinations conducted by Union Public Service Commission. However, since sufficient number of Scheduled Caste/Scheduled Tribe candidates were not becoming available for the Engineering Services, two all-India Centres for preparing Scheduled Caste/Scheduled Tribe candidates for various Central Engineering Services were also started during the year 1973-74, one at Allahabad and the other at Tiruchirapalli. The results, however, were far from encouraging since in the examination conducted in 1975, out

of 27 candidates (Scheduled Castes 26 and Scheduled Tribe 1) only 2 Scheduled Caste candidates qualified in the Tiruchirappalli Centre and in Allahabad Centre out of 11 candidates (Scheduled Castes 9 and Scheduled Tribes 2) trained, none qualified.

3.65. It was noticed that tribal candidates from Gujarat, Madhya Pradesh and Orissa were not admitted in adequate numbers to avail of the training facilities in the above centres. This was perhaps due to the reason that the existing centres were far away from these States. Although at Shillong, 25 seats have been earmarked for tribal candidates from Gujarat, Madhya Pradesh and Orissa, it may not be of any help to the tribal candidates belonging to the above mentioned States due to far off distance. Recently Government of India have requested the Government of Madhya Pradesh to send a comprehensive proposal for setting up a Pre-examination Training Centre at Raipur in Madhya Pradesh as the same would help a large number of tribal candidates from that State. **It is strongly felt that if a Pre-examination Training Centre is started at Raipur at an early date, the Centre would not only cater to the needs of the tribal candidates of the State but also of those from the neighbouring States of Andhra Pradesh, Orissa, Maharashtra, etc.**

3.66. There are at present 15 State level Pre-examination Training Centres functioning in different States/Union Territories to train Scheduled Caste/Scheduled Tribe candidates for State Civil Services and other examinations. Since majority of the Centres are located in the State capitals the Scheduled Caste and Scheduled Tribe candidates residing at remote distant places (particularly the tribal candidates) are not able to avail themselves of the facility. **It would, therefore, be desirable if arrangements for training of the Scheduled Caste/Scheduled Tribe candidates residing far away from the State capitals are made with the local reputed training centres being run by the private organisations, located at the District/Tehsil Headquarters. The expenditure involved by way of tuition fee and purchase of books and stationery may be reimbursed in respect of those Scheduled Caste and Scheduled Tribe candidates who are sponsored for training under this scheme.**

#### (ii) Coaching-cum-Guidance Centres:

3.67. It has been observed that on account of poor economic background and also lack of proper guidance majority of the matriculates among the Scheduled Castes and Scheduled Tribes, after completing their studies, register themselves with Employment Exchanges for clerical jobs. To divert them to other potential avenues of employment, the Directorate General of Employment and Training, in consultation with the then Department of Social Welfare (now Ministry of

Home Affairs), formulated a scheme for the establishment of coaching-cum-guidance centres. Four such centres, one each at Delhi, Jabalpur, Kanpur and Madras, have been started. Some of the main functions of these centres include provision of "Confidence Building" Training, rendering of vocational guidance, guidance for suitable higher education, training on jobs etc. to Scheduled Castes and Scheduled Tribes after assessing their interests, aptitudes and intelligence.

3.68. A review of the implementation of this scheme during the last few years has given an encouraging account of the work done by these centres (Appendix X). A proposal to set up six new coaching-cum-guidance centres, one each at Calcutta, Surat, Jaipur, Hyderabad, Trivandrum and Ranchi has been made by the Director General Employment and Training to the Ministry of Home Affairs and the centres are likely to start soon. **It is suggested that the scope of this scheme should be expanded to cover all the State-capitals and other centres having sufficient employment potential in public sector bodies, private industry and banking services.**

#### (iii) Training in Stenography :

3.69. A number of Government offices, nationalised banks, public sector undertakings, etc. are finding it difficult to get qualified candidates for the post of Stenographers from the Scheduled Caste/Scheduled Tribe communities. It is an admitted fact that there is a dearth of qualified Stenographers in open market. **Hence, due attention has to be focussed on the training aspect in Stenography at various levels. The pre-examination training centres operating in various States can play an important role in providing suitable opportunities to such candidates to attain proficiency in Stenography. The Government should also sponsor deserving and willing Scheduled Caste/Scheduled Tribe candidates to the reputed institutions at district Headquarters and State capitals to train them in Stenography and the expenditure involved may be reimbursed.**

3.70. It is important to mention here that the Management of National Fertilizer Ltd., after taking into account the prevalent condition have decided to introduce 'Steno-Clerk Trainees Scheme' in which fresh graduates having aptitude and flair for Stenography profession will be inducted as Trainees. They will be absorbed in the company on satisfactory completion of the training and passing the prescribed tests. **Since this scheme is bound to help a large number of Scheduled Caste/Scheduled Tribe candidates, it is suggested that other similar undertakings/organisations, should also start such schemes when they find it difficult to get suitable Scheduled Caste/Scheduled Tribe candidates to fill up the required quota.**

## (iv) Apprenticeship Training Scheme :

3.71. The Apprentices (Amendment) Act, 1973 provides for reservations of seats for Scheduled Caste and Scheduled Tribe candidates for improving their employment potential. The State authorities were asked to ensure that there was no prejudice against recruitment of apprentices from these categories. The Act also provides similar arrangement for engineering graduates and diploma holders. The schemes was expanded to increase employment opportunities for the educated youth and it has helped a large number of Scheduled Caste/Scheduled Tribe candidates to increase their employability. Statistical information in regard to Trade Apprentices and Engineering Graduates and Diploma Holder Apprentices, undergoing training as on 29-1-1977 in State/Public Sector/Private Sector are as follows:—

Category	Total number of apprentices undergoing training	Number of apprentices belonging to	
		Scheduled Castes	Scheduled Tribes
1	2	3	4
<b>1. Trade Apprentices :</b>			
(i) State/Private Sector Establishments	98,885	8,484	1,628
(ii) Central Sector Establishments	53,965	8,039	2,327
Total	1,52,850	16,523	3,955
<b>2. Engineering Graduates and Diploma-holders* :</b>			
State/Private Sector Establishments	14,472	281	25

The low representation of Scheduled Caste and Scheduled Tribe apprentices in all the fields, as stated above, clearly shows that very few Scheduled Caste/Scheduled Tribe persons could derive the benefit of the scheme. It is felt that unless there is some guarantee that at least a fixed percentage of candidates belonging to Scheduled Castes/Scheduled Tribes who have undergone training would be finally absorbed in the organisations where they were trained, very few persons belonging to these communities will be interested to join such programmes. **Since there is a dearth of trained personnel belonging to these communities the present scheme should be suitably modified to ensure that all such trained personnel are provided employment.**

## (v) Special Training for Scheduled Caste Scheduled Tribe Women :

3.72. It has been observed that women candidates belonging to these classes are not coming up in adequate number, due to various age-old socio-psychological reasons and lack of mobility. However, there are few jobs like nursing, teaching, etc., which they would like to accept but they are unable to afford the expensive training courses. **It is, therefore, recommended that Government should take suitable steps to introduce specific schemes for training in Nursing and Teaching professions for Scheduled Caste/Scheduled Tribe women at Government expenses. Training arrangements on the lines of the pre-examination training scheme should also be made available to such of the Scheduled Caste/Scheduled Tribe women candidates who intend to compete for various clerical jobs under Government, public sector bodies and the nationalised banks.**

## (vi) Employment Exchanges :

3.73. A brief summary of the work done by the employment exchanges during the calendar years 1975 and 1976 by way of the registrations made and the placement of Scheduled Caste/Scheduled Tribe candidates effected with special reference to the number of reserved vacancies notified and the number of Scheduled Caste/Scheduled Tribe candidates sponsored has been given in the table below:—

	1975		1976	
	Scheduled Castes	Scheduled Tribes	Scheduled Castes	Scheduled Tribes
(i) Number of registration made	631,574	164,231	696,418	176,770
(ii) Number of placements effected	59,659	22,465	76,685	29,662
(iii) Percentage of placement to registration	9.45	13.67	11.01	16.85
(iv) Number of reserved vacancies notified	45,593	19,662	62,524	27,480
(v) Number of reserved vacancies filled	24,703	6,169	33,122	8,690
(vi) Percentage of reserved vacancies filled	54.18	31.37	52.97	31.62
(vii) Number on the live register at the end of the year	1,011,600	233,260	1,137,031	264,405

Detailed information in this regard has been given in Appendix XI. It will be seen from the above table that only 54.18 and 52.97 per cent of the vacancies reserved for Scheduled Castes and 31.37 and 31.62 per cent for Scheduled Tribes, which were notified to the Employment Exchanges during the years 1975 and 1976 respectively, could be filled up by the Scheduled Caste/Scheduled Tribe candidates.

\*Statistical information regarding Engineering Graduates/Diploma Holders apprentices under the Central Sector Establishments is not available.

3.74. The representative of various public sector undertakings while discussing their problems with the Organisation of the Commissioner for Scheduled Castes and Scheduled Tribes stated that they find it difficult to get suitable Scheduled Caste/Scheduled Tribe candidates for manning the senior positions and other technical posts reserved for them. In this connection it may be observed that according to the existing arrangements the employers are required to send requisitions for posts carrying basic salary of less than Rs. 500.00 per month, to employment exchanges and when the exchanges fail to get suitable candidates they write to the Central Employment Exchange. In most cases the Central Employment Exchange advertises such vacancies and in case there is no response from Scheduled Caste/Scheduled Tribe candidates, issues a non-availability certificate to enable the employer to de-reserve the post and appoint a general category candidates. Two important issues require to be considered: (a) while full representation is being allowed to the Scheduled Caste/Scheduled Tribe candidates in the matter of admission in Industrial Training Institutes for various trades, the trained candidates find it difficult to get suitable jobs for want of proper knowledge about prospective employers and vacancies; and (b) the employing units which are in need of trained Scheduled Caste/Scheduled Tribe candidates de-reserve a number of reserved vacancies on account of non-availability of such candidates. **It is, therefore, felt that if coordinated efforts are made, a sizable number of Scheduled Caste/Scheduled Tribe candidates can be gainfully employed against vacancies reserved for them. Employment Exchanges can play an important role by requesting all the Industrial Training Institutes in various States to supply relevant details of the Scheduled Caste/Scheduled Tribe trainees in the final year in various trades and can supply such lists to the organisations which approach the Employment Exchanges for trained Scheduled Caste/Scheduled Tribe candidates. If need be, such Scheduled Caste/Scheduled Tribe candidates can be approached to register their names by post under the postal registration scheme. Moreover the Employment Exchanges can advise the Industrial Training Institutes to admit larger number of Scheduled Caste/Scheduled Tribe candidates in such trades as are in demand and for which sufficient number of Scheduled Caste/Scheduled Tribe qualified candidates are not available.**

(vii) **Central Data Bank :**

3.75. With a view to overcome the difficulty of locating suitable Scheduled Caste/Scheduled Tribe candidates for senior positions, the Directorate of Employment and Training was approached by this Organisation to consider the desirability of establishing a Central Data Bank

for such vacancies, but they did not favour the proposal on the plea that the Central Employment Exchange, in its present position, may not be the appropriate agency to assist in the recruitment of Scheduled Caste/Scheduled Tribe candidates in senior posts. **It is, therefore, suggested that the Bureau of Public Enterprises which is controlling the personnel matters should look into this aspect and consider the desirability of creating a Central pool to register the names of suitable Scheduled Caste/Scheduled Tribe candidates who are available for certain specified categories of posts to be sponsored against reserved vacancies in Public Sector Units.**

(viii) **Special training for Scheduled Caste/Scheduled Tribe Engineers/Technicians:**

3.76. It is gratifying to note that some of the Public Sector Undertakings have started special schemes for giving apprenticeship training to fresh Scheduled Caste/Scheduled Tribe engineering graduates as Junior Engineers with a view to absorbing them in various posts on completion of their training. Those who are selected for training are required to give surety bond of Rs. 5000 and above as is applicable to general candidates. At a Selection Board meeting of a Public Sector Undertaking to select Scheduled Caste/Scheduled Tribe apprenticeship trainee candidates, Deputy Commissioner for Scheduled Castes and Scheduled Tribes pointed out that most of the Scheduled Caste/Scheduled Tribe candidates come from poor sections of society who are economically and financially weak and are not able to furnish the surety bond of the required amount. He, therefore, suggested to reduce the amount of surety bond by 50 per cent. That Public Sector Undertaking accepted the suggestion. Similar suggestions were made to other Public Sector Undertakings and the matter has also been taken up, in this connection, with the Bureau of Public Enterprises and the Ministry of Finance.

3.77. At the meetings of the Selection Boards/Interview Committees of a number of Public Sector Undertakings to select Scheduled Caste/Scheduled Tribe candidates against the reserved vacancies in various engineering/technical disciplines, the Deputy Commissioner for Scheduled Castes and Scheduled Tribes experienced that quite a number of candidates though they have passed their engineering degrees and even post-graduate degrees were not found suitable for middle and higher level of various technical posts. This is either because of the lack of experience or due to want of further refresher course training. Because of this situation, most of the Public Sector Undertakings have not been able to fill middle and higher level of engineering and technical posts reserved for Scheduled Castes and Scheduled Tribes. **In this context it**

is, therefore, suggested that the Bureau of Public Enterprises may set up a Monitoring and Evaluation Cell to collect data from all the Public Sector Undertakings regarding the backlog, the present requirements and future demands for Scheduled Caste/Scheduled Tribe candidates in various categories of engineering and other technical reserved posts. The Bureau may thereafter should consider selection of Scheduled Caste/Scheduled Tribe candidates according to the requirements of the Undertakings and give them necessary training to make them suitable to man various categories of middle and higher level posts. For this purpose important Engineering colleges in the country located at Bombay, Delhi, Roorkee, Pune, Kharagpur etc. may be selected. A selection Board comprising of representatives of Bureau of Public Enterprises, principals/professors of Engineering colleges and from some big Public Sector Undertakings may be set up. For financing this scheme on grant of stipends, meeting expenditure on boarding and lodging of selected candidates, training fees, etc. Government of India may make necessary budgetary provision and amount of expenditure involved per trainee may be disbursed to the concerned Engineering Colleges. The modalities of this arrangement may be worked out on the pattern of disbursement of scholarships, etc. to Scheduled Caste/Scheduled Tribe students in schools and colleges in various States.

(ix) **Central Employment Exchanges in States :**

3.78. It has been our experience that while there are a large number of qualified candidates belonging to Scheduled Castes and Scheduled Tribes registered with the Employment Exchanges in certain districts where opportunities for their employment are limited, in certain other districts there are not enough qualified candidates to fill vacancies notified as reserved in favour of job seekers belonging to these communities. The Government of Andhra Pradesh have ordered the creation of a Central Exchange in the Directorate of Employment and Training to maintain category-wise lists of all Scheduled Caste and Scheduled Tribe candidates, who have registered with the Employment Exchanges in the State, possessing Matriculation/Higher Secondary or Technical qualifications like Industrial Training Institute certificates. To facilitate this, all the Employment Exchanges in the State have to furnish full particulars of such of the candidates belonging to these communities who possess any of the above qualifications to the Central Exchange every month. Since the decision taken by the Government of Andhra Pradesh is likely to help a large number of Scheduled Caste/Scheduled Tribe persons seeking employment, it is recommended that similar Central Exchanges should also be set up by other State Governments.

**Defence Public Sector Undertakings**

3.79. The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes had made certain recommendations regarding the representation of Scheduled Castes and Scheduled Tribes in the Defence Public Sector Undertakings. The Ministry of Defence had accepted most of these recommendations and issued necessary instructions to the Defence Public Undertakings. The progress made in the representation of these communities may be seen at Appendix XII. Though there has been some improvement in the representation of Scheduled Castes and Scheduled Tribes in all classes of posts, it has not been substantial. In almost all the eight Defence Public Sector Undertakings reserved vacancies that occurred during the years 1972 to 1974 could not be fully utilised mainly due to non-availability of suitable candidates, particularly in Class I and Class II posts. In some of the Undertakings, in Class III posts, however, more Scheduled Caste candidates were appointed than the number of vacancies reserved for them. This was done in an attempt to clear the backlog but in certain undertakings some of the vacancies reserved for Scheduled Tribes were thrown open to Scheduled Caste candidates. The provision of exchange of reservation between Scheduled Castes and Scheduled Tribes is applicable in the third year of carry-forward of unfilled reserved vacancies. The Defence Public Sector Undertakings should, therefore, ensure that these instructions are properly followed. There is a shortfall in the representation of Scheduled Caste/Scheduled Tribe persons in the specialised fields like Radar Technology, manufacture of sophisticated electronic components, etc. Some of the undertakings have started taking Scheduled Caste/Scheduled Tribe persons as apprentices who would be eventually absorbed after completion of their training. Against some Class III posts where there was a shortage, more Scheduled Caste/Scheduled Tribe candidates were taken in Class IV posts and trained and they were promoted to higher grades in Class III.

3.80. To improve the intake of Scheduled Castes/Scheduled Tribes in the Defence Undertakings, in all the classes and categories of posts in which their representation is poor, following steps are recommended:—

- (i) the posts in which the representation is poor should be identified first;
- (ii) some percentage of the posts which are filled only by promotion should be earmarked to be filled by direct recruitment so that qualified Scheduled Caste/Scheduled Tribe candidates from the open market can apply;



- (iii) such of the posts as are filled only by promotion and sufficient number of Scheduled Caste/Scheduled Tribe candidates having the required trade experience are not available in lower grades, should be filled by Scheduled Caste/Scheduled Tribe candidates by giving them in-service/in-factory training and thereby making them eligible for promotion to higher grades;
- (iv) adequate reservation of seats for Scheduled Castes/Scheduled Tribes in all in-service/in-factory training programmes should be made;
- (v) for such technical jobs for which required specialised skill and training facilities do not exist in the Undertakings, the local/neighbouring Industrial Training Institutes should be contacted so that such courses can be introduced to train Scheduled Caste/Scheduled Tribe candidates in those grades to enable them to get absorbed by the undertakings; and
- (vi) for such posts particularly at the lower levels which require some skill and training, those can be filled by appointing unskilled workers and giving them some training so that they pick up the skill to man such positions.

These suggestions, if implemented in right perspective would help the undertakings to improve the intake of Scheduled Caste/Scheduled Tribe communities. It should also be ensured that due concessions and relaxations are extended to the Scheduled Caste and Scheduled Tribe candidates.

#### **Representation of Scheduled Castes and Scheduled Tribes in the Services of State Governments and Union Territory Administrations :**

3.81. It is painful to report year after year that the information regarding representation of Scheduled Castes and Scheduled Tribes in the services under the State Governments and Union Territory Administrations is not made available by them despite repeated reminders. An attempt has been, however, made to compile this information from the records available in this Organisation which may be seen in Appendix XIII. It would be seen that while the latest information as on 1-1-1977 has been received from only the Union Territories of Chandigarh, Dadra and Nagar Haveli and Pondicherry, the information in respect of Madhya Pradesh, Orissa, Punjab, Rajasthan, Tamil Nadu, Tripura, Uttar Pradesh and the Union Territories of Arunachal Pradesh, Delhi and Lakshadweep is as on 1-1-1976. Information in respect of some States/Union Terri-

tories is even older and relates to the years 1966, 1968, 1970, etc. Statistical information pertaining to the States of Assam, Bihar, Jammu & Kashmir, Meghalaya and the Union Territories of Goa, Daman & Diu and Mizoram has not been made available so far.

3.82. The Government of India have provided for reservation in their services at the rate of 15 per cent for Scheduled Castes and 7½ per cent for Scheduled Tribes which is based on their over all population in the country. In the States and Union Territories also different percentages have been provided according to their population in respective States/Union Territories. The latest available information regarding the representation of Scheduled Castes and Scheduled Tribes in Central Government Services has been included in this report. The Commissioner's Office attaches equal importance to similar information in respect of States/Union Territories. The intention is to analyse the information to see how far the State Governments and Union Territory Administrations are vigilant to ensure due representation to Scheduled Castes and Scheduled Tribes in their services.

3.83. Whatever scanty information that is available reveals that the actual position in most of the State Governments is not very satisfactory. For example in the States of Andhra Pradesh, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Punjab, Uttar Pradesh and West Bengal the representation of Scheduled Castes in Class I and Class II services is less than even half of the percentages prescribed for them. In the States of Orissa, Manipur, Tripura and Nagaland and almost all the Union Territories, the position is still worse. However, in the cases of the States of Gujarat and Rajasthan the representation of Scheduled Castes in Class I and Class II posts is somewhat encouraging when compared to the percentages prescribed for them. In so far as Class III and Class IV posts are concerned, the representation of Scheduled Castes in the services of all the States and Union Territories for which information is available, except Nagaland, West Bengal and Manipur, has reached a fairly satisfactory level considering that reservation is applicable to the vacancies as and when they arise and not to the total strength of the services. As regards the representation of Scheduled Tribes in various classes of posts in the States/Union Territory Administrations Services, the position is disappointing almost everywhere except in the case of Rajasthan, Himachal Pradesh, Manipur, Tripura and the Union Territory of Dadra and Nagar Haveli. The State of Nagaland and the Union Territories of Arunachal Pradesh and Lakshadweep which have predominantly tribal population have been able to give better representation to the Scheduled Tribes in their services.

3.84. **Realistic assessment of the situation prevailing in various state/Union Territory Government services could be made if the latest information could be made available to us. It is, therefore, reiterated that the all State/Union Territory Government should take urgent steps to ensure timely supply of this vital information.**

**Commissioner's association with the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes:**

3.85. The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes undertake studies regarding service safeguards provided to the Scheduled Caste/Scheduled Tribe employees in various Government of India offices and public sector undertakings. Before they undertake such studies, a detailed questionnaire is prepared for collection of basic data and cross-examination of the officials of the concerned organisations. Copies of such questionnaire are sent for our suggestions and comments. This Office having experience of similar studies, made various suggestions to make those questionnaire more purposeful. During the year 1976 the Parliamentary Committee also made 4 requests to the Commissioner for having the rosters and other records studied of the Director General Employment and Training, Delhi Electric Supply Undertaking, Directorate of Education, Delhi Administration, and South Eastern Railway. We undertook the studies and submitted the reports to the Parliamentary Committee along with our observations/suggestions. The Deputy Commissioner for Scheduled Castes and Scheduled Tribes attended all the meetings of the Parliamentary Committee wherein the officials of the concerned Government Departments/Undertakings were examined. The Parliamentary Committee having found our studies useful for them, during 1977 suggested few more studies to us but we had to regret our inability for the reasons:—(i) inadequate staff; and (ii) available staff being heavily preoccupied with urgent/important assignments.

**Special Studies into Service Safeguards :**

3.86. To examine and investigate the working of the service safeguards provided for Scheduled Castes/Scheduled Tribes, special on-the-spot studies are undertaken by this Organisation in various Ministries/Departments of the Government of India and other institutions/ public sector undertakings under the Central Government. Similar studies are also undertaken in States in so far as reservation for Scheduled Castes/Scheduled Tribes in State Government services are concerned. During the year 1976, without getting any additional or special staff for this particular job, as many as 20 studies were undertaken and various defects/discrepancies pointed out to the concerned authorities; and corrective measures were suggested. Some of the

important observations/suggestions made by the Study Teams as a result of these studies, which have also been communicated to the concerned authorities, have been briefly reproduced below:—

**(1) Planning commission, New Delhi :**

- (i) In the rosters the brought-forward of vacancies of the previous years were not indicated in the beginning in many cases.
- (ii) Some of the reserved points which were being carried forward year after year had been dereserved, in the first year alone, ignoring the procedure in subsequent years. The authorities were advised that procedure for dereservation was to be followed in each year in respect of current as well as brought forward vacancies. In some of the cases dereservation process was completely ignored before filling reserved vacancies by general candidate.
- (iii) While grouping various isolated posts, the authorities also grouped some of the isolated promotion posts with direct recruitment posts ignoring the orders that grouping is to be applied only in case of direct recruitment vacancies.
- (iv) In several cases the unfilled reserved vacancies had not been carried forward to the subsequent recruitment years.
- (v) Inspection report of the Liaison Officers had not been submitted for several years.

**(2) Department of Rehabilitation, New Delhi :**

- (i) In the settlement wing of the Department, though the rosters had been maintained from the date of its creation, the carry-forward of unfilled reserved vacancies had been shown without following the procedure regarding dereservation.
- (ii) No inspection report of the rosters had been submitted by the Liaison Officer.

**(3) Department of Industrial Development, New Delhi :**

- (i) The dereservation of reserved vacancies was resorted to only from the end of 1975 but the unfilled reserved vacancies were shown as lapsed without having followed the procedure in respect of those reserved points. The Principal of the exchange of reserved vacancies in the third year of carry-forward was also ignored.

- (ii) In the roster for the posts of Upper Division Clerks being filled on the basis of the Departmental Competitive Examination, entries were neither according to the dates of appointment nor according to the roster point's. The carry forward position in this roster which was also not shown correctly was not corrected after following the principle of exchange of reserved vacancies in the third year of carry forward.
- (iii) In the case of ex-cadre posts filled by direct recruitment no grouping of isolated posts (cadre of less than 20) had been done as required and separate rosters had been maintained for each category.
- (iv) The points filled by Scheduled Caste candidates in excess of their quota in 1969 were shown as adjusted in 1970 against the subsequent reserved vacancies which was not correct.
- (v) It appeared that the annual inspection of the rosters had not been conducted properly as all the defects noticed by the Research Team were not highlighted in the inspection reports of the Liaison Officer submitted earlier.

**(4) Department of Health, New Delhi:**

It was observed that the rosters for direct recruitment as well as for promotion posts were not maintained properly. Correct procedure was explained to the concerned Officers and necessary guidance given in the matter of reservations and concessions allowed to the Scheduled Caste/Scheduled Tribe employees.

**(5) Directorate General of Employment and Training, New Delhi:**

- (i) There were gaps in the roster due to delay in recruitment action. Dereservation was also not sought in all the cases and the vacancies reserved for Scheduled Caste/Scheduled Tribe candidates were being filled by general candidates without formally dereserving them.
- (ii) The rosters prior to 1970 could not be made available to the team and as such it was not possible to assess whether orders of reservation were actually followed at the time of confirmation.
- (iii) From the rosters it was observed that though the unfilled reserved vacancies were being carried forward correctly,

the procedure for utilisation of the earlier brought forward vacancies first, was not being followed.

- (iv) Grouping of the isolated posts had not been done according to the Government instructions. It was suggested that separate rosters should be maintained for the post of Key Punch Operator/Sorter Operator and Junior Computer having the sanctioned strength of more than 20 posts.
  - (v) In one of the groups for which a combined roster had been maintained, confirmation vacancies had been shown in the roster again as effective vacancies, ignoring the procedure that vacancies at the time of confirmation are to be treated as reserved or unreserved according to the points on which they fall at the time of initial recruitment.
  - (vi) The concerned officers were not aware of the latest Government instructions regarding single vacancy in a year and as such treated a single vacancy of Junior Investigator/Statistical Assistant as unreserved during the year 1976 in spite of the fact that a single vacancy in that post during 1975 had also been treated as unreserved for the same reason. While the action taken in 1975 was correct, a single vacancy in the same cadre during 1976 was to be treated as reserved in lieu of the reserved vacancy brought forward from the year 1975.
- (6) Government of India Press, Nilokheri, Haryana:**
- (i) A single roster was being maintained for all the Class III posts irrespective of the sanctioned strength of various categories of posts, ignoring the instructions on grouping of isolated posts.
  - (ii) The procedure of dereservation had not been followed by the authorities before carrying over the unfilled reserved vacancies. This was also observed in our earlier study (1972).
  - (iii) The new system of appointment of Liaison Officer in various Government of India Presses from an outside press, although found to be useful for independent inspection of roster, but the requirement of the Liaison Officer can be met only by appointing an Officer from within the press so that he could be made directly responsible to perform the duties entrusted to him.

(iv) Since there was no Scheduled Caste/Scheduled Tribe Officer in the Press it was impressed upon the authorities to locate a Scheduled Caste/Scheduled Tribe Officer in other Central/State Establishments who could be associated with the Selection Boards/Departmental Promotion Committees.

**(7) Central Soil Salinity Research Institute, Ministry of Agriculture, Karnal, Haryana :**

- (i) While grouping various isolated posts for the purpose of the maintenance of rosters, some of the posts being filled by deputation/promotion had been grouped with direct recruitment posts which was not correct.
- (ii) Reserved vacancies which could not be filled by Scheduled Caste/Scheduled Tribe candidates had been shown as carried over to the next recruitment years without following the required procedure of dereservation. Moreover while carrying forward unfilled reserved points, the year of carry forward had not been indicated.
- (iii) The exchange rule had not been applied to recruit Scheduled Caste persons against the carried forward reserved vacancies of Scheduled Tribes in the third year of carry forward.
- (iv) The rosters had not been checked and signed by any authority, nor summary prepared. The Liaison Officer nominated to look after the interests of the Scheduled Caste/Scheduled Tribe employees was not even aware of his duties, and as such inspection reports were never submitted.
- (v) Special efforts need be made to clear the backlog of reserved vacancies in Class I and Class II (Group A and B) posts for Scheduled Castes and in all the classes for Scheduled Tribes.

**(8) National Dairy Research Institute Ministry of Agriculture, Karnal, Haryana :**

- (i) Though the orders to revise the rosters were issued first in December, 1963 when consecutive reserved points were separated and again in April, 1970 when percentages of reservation for Scheduled Castes and Scheduled Tribes were raised to 15 per cent and 7½ per cent, respectively, the rosters for Class II posts had been continued in the old form. This was corrected by the authorities when pointed out by the Liaison Officer in his annual inspection report.

(ii) Rosters for Class III and IV posts had been maintained by grouping majority of the posts in both junior and senior categories irrespective of their sanctioned strength, ignoring the instructions regarding grouping of isolated posts in direct recruitment. In promotion where no grouping is allowed, separate rosters were required to be maintained for each category of post, irrespective of its sanctioned strength.

(iii) The rosters were not maintained properly. The reserved points had not been indicated clearly nor proper carry over had been shown.

(iv) Since all the promotions in Class III and IV posts were based on the seniority-cum-fitness, it was suggested that the rosters should be started from November, 1972, the date when the orders were made applicable to promotion posts.

(v) It was suggested that steps may be taken to calculate the backlog in various categories of posts and make special efforts to clear the same urgently by recruiting sufficient number of Scheduled Caste/Scheduled Tribe candidates against the vacancies reserved for them.

**(9) National Institute of Family Planning, Ministry of Health and Family Planning, New Delhi :**

(i) It was learnt that though the Institute was set up in March, 1965, orders regarding reservations were given effect to from June, 1969. Thus the benefits of reserved vacancies and other allied concessions and relaxations etc. were not made available to the members of the Scheduled Castes and Scheduled Tribes for over four years.

(ii) The roster for Class I group of posts was required to be maintained with effect from 25th March, 1970 but the vacancy shown in the roster at point No. 1 was actually filled on 24th March, 1969.

(iii) Prior approval of the competent authority to dereserve the vacancies was not sought before appointing the general candidates against the vacancies reserved for Scheduled Castes and Scheduled Tribes and the same had been shown as lapsed during subsequent years, ignoring even the principal of exchange of reservation between Scheduled Castes and Scheduled Tribes.

- (iv) It was noticed that some of the promotion posts were grouped with direct recruitment posts ignoring the orders regarding grouping of isolated posts for the purpose of the maintenance of rosters. It was suggested that such of the rosters should be recast and reservations determined afresh and shortfalls carried forward to the subsequent recruitment years.
- (v) In the Departmental Promotion Committee/Selection Board meetings no Scheduled Caste/Scheduled Tribe officer was nominated.
- (10). Delhi Milk Scheme, Ministry of Agriculture, New Delhi:**
- (i) After the Delhi Milk Scheme was set up in 1959, majority of the staff was recruited from the persons engaged on daily wages initially, circumventing the orders regarding reservation for Scheduled Castes and Scheduled Tribes. The rosters were being maintained from June, 1967 onwards only.
- (ii) Though it was claimed by the authorities that in the event of non-availability of Scheduled Caste/ Scheduled Tribe candidates, the Ministry of Agriculture was seeking approval of the Department of Personnel and Administrative Reforms for dereserving the reserved vacancies, but no record could be made available to that effect.
- (iii) A glance at the rosters revealed that these were not maintained properly. Carry-forward of reserved vacancies had not been shown either in the beginning or at the end of each year. There was no note in the rosters about dereservation and lapsing of the brought forward vacancies. The entries in the rosters were not signed by any officers. In few cases, vacancies had been shown as lapsed without following the rule regarding exchange of vacancies between the Scheduled Castes and Scheduled Tribes in the third year of carry-forward.
- (iv) Ten posts of Section Managers/Managers which were filled on **ad-hoc** promotions were continuing from the last several years rendering ineffective the orders regarding reservation in promotion.
- (v) No roster had been maintained by the authorities of the 25 per cent quota of posts of Upper Division Clerks filled on the basis of departmental competitive examination.
- (11) Joint Cipher Bureau, Ministry of Defence, New Delhi :**
- (i) Since the Office of the Chief Administrative Officer, Ministry of Defence was maintaining combined rosters for various categories of posts in J.C.B. along with other organisations it was not possible to study the rosters specifically for posts in the J.C.B.
- (ii) In a number of cases after 1972, it was noticed that though adequate number of Scheduled Caste/Scheduled Tribe candidates had been sponsored by the employment agencies no such recruitment actually materialised on one ground or the other. The reservation orders thus remained ineffective for years together.
- (iii) It was observed that recruitment rules for a number of posts in the J.C.B. were still under revision. It was contested by the Scheduled Caste/Scheduled Tribe employees that the existing rules were against their interests and any further delay was likely to harm the interests of these communities.
- (iv) It was observed that the roster points had no relevants in the beginning, because the same were filled by the candidates selected long before and in several cases the reserved points had to be carried over without making actual efforts to locate Scheduled Caste/Scheduled Tribe candidates against those reserved points. Such of the points became relevant as reserved points only after these were shown as carried over to next occasion of recruitment.
- (v) In the roster for the posts of Programme Assistant/Technical Assistant, 2 posts reserved for Scheduled Castes and one for Scheduled Tribes brought forward from the previous years were shown as lapsed in 1974 though no recruitment took place during that year. Since the year in which no recruitment takes place, cannot be treated as an effective recruitment year lapsing was in order.
- (vi) The annual inspection reports on the rosters were submitted regularly but no defects had ever been pointed out in the reports.
- (12) Engineering Projects (India) Ltd., New Delhi:**
- (i) Combined rosters had been started by the authorities for all the direct recruitment as well as promotion posts. On the advice of the team the same had been

rectified according to the Government of India instructions.

- (ii) The steps taken by the authorities to increase the representation of Scheduled Castes and Scheduled Tribes were encouraging.

**(13) Khetri Copper Project, Khetri Nagar, Rajasthan:**

- (i) The study revealed that while rosters were maintained properly but in majority of the cases where reserved points could not be filled by Scheduled Caste/Scheduled Tribe candidates, the same had been attributed to non-availability of suitable Scheduled Caste/Scheduled Tribe candidates. It appeared that the cases of Scheduled Caste/Scheduled Tribe employees, especially at the time of promotions against reserved vacancies had not been viewed in the light of the preferences being given to them.
- (ii) It was noticed that rosters had been maintained by grouping majority of the posts in various categories based on their pay scales irrespective of their sanctioned strength and nature of duties, ignoring the orders on grouping of isolated posts.
- (iii) It would be appropriate if efforts are made to recruit suitable Scheduled Caste/Scheduled Tribe candidates in each category so grouped so that it does not create problem of non-availability of candidates in a particular group at the time of promotion where no grouping was allowed.
- (iv) Any vacancy reserved for Scheduled Castes and Scheduled Tribes from the direct recruitment quota should not be filled by general candidates (as was being done at the time of study) from within the project till a non-availability certificate is issued by the employment exchange. It was also suggested that direct recruitment vacancies especially the reserved vacancies should simultaneously be notified to the Employment Exchanges.
- (v) Since the recruitment policy of the Project could in no way reduce the backlog, it was suggested that essential steps laid down in the instructions, viz., approaching the employment exchange, advertisement in the news media, wide publicity through the associations/organisations working for the welfare of Scheduled Castes/Scheduled Tribes, should be strictly followed before dereserving and filling the same by general candidates.

- (vi) While the efforts made by the authorities to recruit sufficient number of Scheduled Caste/Scheduled Tribe employees against direct recruitment vacancies was commendable, promotion policy had to be reviewed in the light of heavy shortfall of reserved vacancies. Short duration skill oriented training programme could be started for Scheduled Caste/Scheduled Tribe candidates to improve their technical skill and thereby improving their chances of promotion to higher posts at least against the vacancies reserved for them.
- (vii) The orders regarding reservation in promotion based on seniority-cum-fitness, introduced in November, 1972 had actually been implemented in June, 1974 and great injustice had been done to the Scheduled Caste/Scheduled Tribe employees by not allowing their legitimate rights for promotion against reserved vacancies for the period from 27-11-72 to 10-6-1974.
- (viii) It may be important to mention that majority of the workers of a local Scheduled Caste/Scheduled Tribe employees association who were considered for promotion against one or the other post during the past had been declared either unfit or unsuitable for promotion.
- (ix) Since the Project was a big organisation there could be no difficulty for opening a special cell to be made responsible exclusively to look after the work of implementation of service safeguards provided for Scheduled Caste/Scheduled Tribe employees.
- (x) It was noticed that Scheduled Caste/Scheduled Tribe officers who are normally associated with the meetings of the Departmental Promotion Committees/Selection Boards were in most cases not attending such meetings. It was also noticed that separate meetings of the Departmental Promotion Committees were not called to consider the cases of promotion of Scheduled Caste/Scheduled Tribe employees against reserved vacancies.
- (xi) The authorities were advised to appoint all the Scheduled Caste/Scheduled Tribe apprentices against current/brought forward reserved vacancies after completion of their apprenticeship so that the backlog of reserved vacancies can be reduced. This programme could be linked with projected needs in different

trades and their future requirements in the project so that the trained Scheduled Caste/Scheduled Tribe apprentices could be easily absorbed within the project.

**(14) Khadi Gram Udyog Bhavan, New Delhi :**

- (i) It was observed that recruitment/promotions in the 'Khadi Bhavan' were governed by the rules of the Khadi and Village Industries Commission and according to the authorities, they have not so far been asked to implement any reservation orders and as such the directive on the reservation for Scheduled Castes and Scheduled Tribes had not been implemented in that organisation.
- (ii) It was observed that while considering the cases of promotion in the Departmental Promotion Committees no Scheduled Caste/Scheduled Tribe officer was associated with such meetings.

**(15) Engineers India Ltd., New Delhi:**

- (i) Though the Engineers India Ltd., was established in 1965, the directive for introduction of reservation for Scheduled Castes and Scheduled Tribes in posts and services under them was issued to them in December, 1972.
- (ii) The authorities claimed that all the instructions in the matter of recruitment were being followed scrupulously but the study of requisitions/advertisements sent for employment did not indicate the number of vacancies reserved for Scheduled Castes and Scheduled Tribes.
- (iii) In the event of non-availability of Scheduled Caste/Scheduled Tribe candidates, despite taking all the prescribed steps, the position which was required to be explained to the Managing Director or the Board of Directors about the efforts made, had not been done before filling the reserved vacancies by general candidates.
- (iv) It was learnt that the Liaison Officer had never submitted his inspection report on the prescribed form on the maintenance of rosters.
- (v) It was noticed that the posts filled by promotion of departmental candidates had also been shown in the roster for direct recruitment vacancies.
- (vi) It was suggested that the isolated posts and small cadres of less than 20 posts which were not grouped for the purpose of the maintenance of rosters, should be

grouped together taking into account the status, salary and qualifications prescribed for posts in question in accordance with Government instructions.

- (vii) It was observed that the representation of Scheduled Castes in Groups A and B (Class I and Class II) was very poor and for Scheduled Tribes it was almost nil in all the groups.
  - (viii) As a test check, few personal files of Scheduled Caste and Scheduled Tribe employees were examined and it was found that in some cases, the Scheduled Caste/Scheduled Tribe certificates were not in proper form and order.
- (16) Indian Oil Corporation—Research and Development Centre, Faridabad :**
- (i) The Personnel and Administrative Officer who happened to be a Scheduled Caste had been functioning as Liaison Officer to look after the interests of Scheduled Castes and Scheduled Tribes in that organisation.
  - (ii) While the rosters had been checked and signed by the authorities but no inspection report had been submitted as required.
  - (iii) In order to divert the Scheduled Caste from the caste-based occupations to the non-caste based occupation the suggestion of the team that sweepers working in that organisation should be considered for the posts of Messengers, was accepted.

**(17) Fertilizer Corporation of India, Sindri Unit, Dhanbad :**

- (i) Grouping of both technical and non-technical promotion posts had been done ignoring the instructions of the Government.
- (ii) Rosters maintained during the years 1973 and 1974 were not in order and entries had not been made properly by the inspecting officer. The defects noticed by the Liaison Officer in the maintenance of rosters had also not been properly highlighted in his inspection reports.
- (iii) Prior to the year 1976 the proposals regarding dereservation of unfilled reserved vacancies were being sent in bulk at the fag end of the year instead of seeking prior approval of the competent authority.

- (iv) In most of the requisitions sent to the Employment Exchange/Press, actual number of vacancies reserved for Scheduled Castes and Scheduled Tribes and also various relaxations/concessions allowed to them were not highlighted.
- (v) Carry forward and exchange of unfilled reserved vacancies had not been done according to the prescribed procedure.
- (vi) During 1976, 119 apprentices had been taken, out of which 25 belonged to Scheduled Castes and 6 to Scheduled Tribes, which indicates that the corporation had taken due interest to improve the intake of Scheduled Castes/Scheduled Tribes during this year.
- (18) Education Department, Delhi Administration, Delhi :**
- (i) The reserved vacancies which could not be filled by Scheduled Caste/Scheduled Tribe candidates had been carried over without seeking prior approval of the competent authority for dereservation of the same.
- (ii) No rosters had been maintained in respect of promotion vacancies in the categories of Deputy Director, Education Officer, Principal, Vice-Principal etc. Majority of promotions had been made on *ad-hoc* basis ignoring the claims of the Scheduled Castes/Scheduled Tribes against the reserved quota which should otherwise go to them.
- (iii) Though the reservation orders had been made applicable to various posts and services under Delhi Administration as early as in 1950, the same had not been effectively implemented till 1974-75.
- (iv) Since there was no Liaison Officer till May, 1975, there was no question of the submission of any report of inspection of rosters.
- (v) No serious efforts had been made in the past to recruit sufficient number of Scheduled Castes and Scheduled Tribes against vacancies reserved for them and the short-fall continued to inflate every year in teaching posts. It was suggested to the authorities to take remedial measures like enhancement of percentages of reservation to the permissible limits till the backlog is cleared.
- (vi) Since sufficient number of eligible Scheduled Caste candidates were available in the feeder posts for promotion to the posts of vice-principals, they should be promoted against the backlog of reserved vacancies.
- (vii) It was observed that the posts of Deputy Directors and Vice-Principals were being filled by cent per cent promotion. Since the Scheduled Caste/Scheduled Tribe candidates were not easily available in the past and had joined in the feeder posts very late, there was hardly any chance to fill up the reserved vacancies by Scheduled Caste/Scheduled Tribe candidates. It was, therefore, suggested that recruitment rules for these posts might be modified to make it 50 per cent by promotion and 50 per cent by direct recruitment so that reserved posts could be filled by Scheduled Caste/Scheduled Tribe candidates from the open market in case sufficient number of eligible Scheduled Caste/Scheduled Tribe candidates were not forthcoming from within. It was also suggested that experience criteria might be relaxed in favour of the departmental Scheduled Caste/Scheduled Tribe candidates.
- (19) Delhi Electric Supply Undertaking, New Delhi :**
- (i) In spite of the fact that directive had been given to DESU by the Municipal Corporation of Delhi to implement the orders regarding reservation in the services but the same had been ignored on account of one or the other reason. Even in the categories where the reservation orders had been made applicable prior to 1975, no record of carry forward had been maintained.
- (ii) In the event of non-availability of Scheduled Caste/Scheduled Tribe candidates against the vacancies reserved for them, despite taking all the prescribed steps, the posts had been filled by general candidates, without seeking prior approval of the competent authority to dereserve the reserved point.
- (iii) No inspection report of rosters was submitted by the Liaison Officer, as required.
- (iv) Majority of the posts in DESU were being filled by promotion excepting at the lowest level. Since sufficient Scheduled Caste/Scheduled Tribe candidates are not available in the feeder posts who could be considered for promotion against reserved vacancies, it was suggested that a part of the vacancies



should be thrown open to Scheduled Caste/Scheduled Tribe candidates in the open market by introducing the element of direct recruitment.

(v) It appears that reservation orders had not been made applicable to the recruitment made under the blood relations scheme.

(vi) Due to delay in the finalisation of recruitment rules for posts filled by promotion the implementation of reservation orders had been ignored by making promotion on **ad-hoc** basis.

**(20) Delhi Transport Corporation, Delhi:**

(i) It was noticed that various orders regarding reservation of posts, maintenance of rosters, reservation in promotions etc. were not being implemented by the Delhi Transport Corporation. The result apparently was that the interests of the Scheduled Caste/Scheduled Tribe persons were not taken care of.

(ii) It was suggested that separate roster for each category carrying more than 20 posts should be maintained. Isolated posts should, however, be grouped according to Government instructions and separate roster should be maintained for each group.

(iii) In order to clear the backlog it was suggested that possibility of allowing relaxation in eligibility etc. for promotion to the Scheduled Caste/Scheduled Tribe candidates might be explored.

(iv) The Scheduled Caste/Scheduled Tribe candidates when called for interview for appointment to Class III and IV posts might be allowed rail fare etc. according to the existing orders.

(v) In order to look after the interests of the Scheduled Caste/Scheduled Tribe candidates, the Departmental Promotion Committees/Selection Boards must include a member belonging to a Scheduled Caste or Scheduled Tribe.

3.87. It will be seen from the observations made in various study reports mentioned above that reservation orders and various other relaxations/concessions were being ignored by almost all the organisations. It has been our experience that most of the Ministries/Organisations do not keep proper watch to see whether necessary follow-up action on the Commissioner's recommendations is taken. Unless proper implementation of various corrective measures suggested in on-the-spot study reports is effected by the concerned authorities, all the sincere efforts made by this Organisation to ensure service safeguards

for Scheduled Castes/Scheduled Tribes would be an exercise in futility and the reservation orders of the Government would be rendered meaningless. It is, therefore, suggested that the Department of Personnel and Administrative Reforms who are administratively concerned in the matter may issue suitable instructions to all the Ministries/Departments that complete follow-up action should be taken within a specified period, say three months, on the observations made by the Commissioner's Organisation and a detailed report on action taken/proposed to be taken should be communicated to him.

3.88. Reservation of posts for Scheduled Castes/Scheduled Tribes in services both at the Centre and the States/Union Territories is a constitutional provision having the force of law. Among others, the duties and responsibilities of the Commissioner for Scheduled Castes and Scheduled Tribes are to watch the effective implementation of this provision as also various Government orders, instructions etc. on the subject. Offices of the Central Government, Public Sector Undertakings and the State Government Departments are spread throughout the length and breadth of the country. With only two Research Officers and two Investigators it is impossible to cover the multitude of the problems and reach every Department/Institution to see that the reservation orders are effectively enforced and implemented. If Government is really interested to see that the existing orders/instructions are scrupulously followed by the offices/organisations, and Commissioner's Office ensures that the system is functioning effectively, additional staff should be provided to the Commissioner to enable him to do justice to the problem.

**Association of Scheduled Caste/Scheduled Tribe Members in Departmental Promotion Committee/Selection Board Meetings :**

3.89. According to the existing instructions of the Government of India, the Ministries/Departments may endeavour as far as possible to nominate a Scheduled Caste/Scheduled Tribe Officer while constituting the Departmental Promotion Committees/Selection Boards for recruitment/promotion to the posts/services under them. It has also been stated therein that in respect of Departmental Promotion Committee for Class III and IV posts, one member of the Committee is required to be an officer from another Ministry and that officer can be a member of Scheduled Castes/Scheduled Tribes in the event of such an officer not being available in the Ministry.

3.90. During the period under report the Commissioner's Organisation received several requests from Central Government Offices and Public Sector Undertakings to nominate a Scheduled Caste/Scheduled Tribe senior officer from this office for being associated in their Departmental Promotion Committee/Selection Board Meetings to

assist in selecting Scheduled Caste/Scheduled Tribe candidates. During the years 1976 and 1977 the Deputy Commissioner for Scheduled Castes and Scheduled Tribes belonging to Scheduled Caste community attended a number of Selection Board meetings held in various Public Sector Undertakings viz., Instrumentation Ltd., Kota, Rajasthan, Fertilizer Corporation of India, Bharat Heavy Electricals Ltd., National Thermal Power Corporation Ltd., National Fertilizers Ltd., etc., all in New Delhi.

3.91. Participation of the nominee of the Commissioner for Scheduled Castes and Scheduled Tribes in these Departmental Promotion Committee/Board Meetings proved to be very effective and rewarding inasmuch as; (i) Scheduled Caste/Scheduled Tribe candidates who fulfilled prescribed essential qualifications but were found lacking in adequate experience were selected with relaxed standards; (ii) those candidates who were not found fit for the posts they had applied for, were, with the persuasion of the Deputy Commissioner, selected for the next below posts; (iii) the cases of candidates who were selected for appointment by an Undertaking but could not accept the offer as they were unable to furnish surety bond of heavy amounts were considered sympathetically on the advice of the Deputy Commissioner and the bond-amount was reduced by 50 per cent; and (iv) the administrative and personnel officers of these Public Sector Undertakings have become more aware and conscientious about imperative need for implementing the existing Government rules/instructions regarding reservation, relaxation and concessions to Scheduled Castes/Scheduled Tribes and thus improve the intake of Scheduled Caste/Scheduled Tribe candidates in their units.

3.92. On the basis of experience gained by this Organisation, it is being strongly felt that unless there is a clear directive/instruction in the existing rules that association of Scheduled Castes/Scheduled Tribes member in all Departmental Promotion Committees/Selection Boards is a must and that those members should invariably be from any Ministry/Department/Undertaking other than the concerned organisation, the main purpose behind associating a Scheduled Caste/Scheduled Tribe officer in such Committees/Boards will not be properly served. It is suggested that the Bureau of Public Enterprises and the Department of Personnel and Administrative Reforms should prepare lists of Scheduled Caste/Scheduled Tribe officers (both senior and junior) available with them alongwith their places of duty and telephone numbers (residence and office) and supply the same to the Commissioner for Scheduled Castes and Scheduled Tribes, as early as possible. Clear instructions should be given to the Public Undertakings and the Government Departments that whenever they are in need of Scheduled Caste/Scheduled Tribe offi-

cers to be associated with Department Promotion Committees/Selection Boards they should contact the Commissioner for Scheduled Castes and Scheduled Tribes for nomination of such officers who may be contacted/approached by the concerned organisation. This step will: (i) minimise the problem faced by the Undertakings/Departments in locating Scheduled Caste/Scheduled Tribe officers; (ii) minimise ineffectiveness of the Scheduled Caste/Scheduled Tribe members who do not want to displease senior officers/colleagues of the concerned Ministry to which they belong and therefore, are not in a position to give fair assessment of the candidates. Moreover, Commissioner's nominee will act as a representative of the Commissioner's Organisation and therefore, create more confidence among the Scheduled Caste/Scheduled Tribe candidates.

#### **Complaints regarding denial of justice in service matters**

3.93. There is a mounting discontentment among the Scheduled Caste and Scheduled Tribe employees of the Central/State Government establishments, Nationalised Banks and Public Sector Undertakings regarding improper and ineffective implementation of service safeguards. In the year 1975, we received about 11,000 representations alleging various types of service grievances while during 1976, the figure exceeded 17,000. An analysis of the representations received in this office reveals, among others, the following four significant facts: (i) general awareness, faith and confidence among the Scheduled Caste/Scheduled Tribe employees regarding the constitutional authority and role of the Commissioner in securing justice denied to them by their employers; (ii) mental reservation and apathy on the part of authorities in the matter of recruitment, promotion, seniority, transfer, etc. of Scheduled Castes/Scheduled Tribes; (iii) biased/prejudicial attitude of the high-caste officials who feel that too much lift is being given to the Scheduled Castes and Scheduled Tribes by way of reservation, concessions, relaxations etc., and (iv) the authorities who are directly responsible for the implementation of the Government orders/instructions relating to protection and promotion of service interests of the Scheduled Castes and Scheduled Tribes have, in some cases, denied justice to them due to lack of adequate knowledge about the existing rules/regulations and/or wrong interpretation thereof. These observations are also substantiated through the findings of the various studies undertaken by this organisation in different Central/State Government Offices and Public Undertakings.

3.94. A large number of representations regarding service grievances could not be attended to individually by sending our study-cum-investigating teams due to lack of adequate staff; though this is the best course to secure speedy

redressal and justice for the affected Scheduled Caste/Scheduled Tribe employees. Except few cases of urgent and serious nature where large number of people were affected and which were investigated by our study teams, all other cases were taken up with the concerned authorities through correspondence. The representations received during the period under Report can be broadly categorised under 4 heads, promotion, fresh appointment, premature retirement/termination of service and adverse Confidential Reports. The period under Report i.e. 1975-76 and 1976-77 had been a crucial one during which a section of officers on the administration misused their authority and victimised several Scheduled Caste/Scheduled Tribe Government employees by retiring them prematurely, terminating their services, etc. (cases mentioned at serial numbers 26, 27, 28 and 29). It may be reiterated and re-emphasised that protection and promotion of service interests and safeguarding the service rights of the Scheduled Castes/Scheduled Tribes is not only a constitutional obligation but also a trust handed down to the administrative authorities for its fulfilment with fairness and justice, with sympathy and compassion. This enjoins on them a special responsibility to see that the Government instructions, orders, etc. in the matter of reservation in recruitment, promotion, various concessions, relaxation of standards, etc. for Scheduled Castes/Scheduled Tribes are faithfully and sincerely implemented.

3.95. Summaries of some of the important cases in which we succeeded in getting justice restored are given below. Few cases in which we could not succeed in spite of our best efforts have also been mentioned in the following paragraphs to highlight how justice was being denied/delayed to the Scheduled Caste/Scheduled Tribe persons and Government rules/orders were being violated.

- (1) A Scheduled Caste employee working as computer in an office under the Planning Commission made a representation in the month of April, 1974 stating that he was promoted as Junior Investigator, but after 276 days, he was reverted to the post of Computer. He claimed that his reversion was in violation of the orders regarding reservation in posts filled by promotion. The matter was taken up with the Department of Statistics in the month of May, 1974 who informed that he was promoted on **ad-hoc** basis against one of the vacancies which were caused due to promotion of persons having lien on the posts of Junior Investigators officiating in higher posts of Senior Investigators on **ad-hoc** basis. All the Senior Investigators were to revert to the posts of Junior Investigators as soon as the posts of Senior Investigators were filled

through the Union Public Service Commission, thereby causing reversion also of the Junior Investigators to the posts of Computers. Further there is no reservation in posts filled by promotion on **ad-hoc** basis. However, the Department of Statistics intimated that the representationist could be appointed as Junior Investigator on regular basis only after the posts were released by the Junior Investigators on their appointment on regular basis as Senior Investigators. After this, attention of the Department of Statistics was drawn to the Recruitment Rules for the posts of Junior Investigators which provided that 50 per cent of the posts were to be filled by direct recruitment and the remaining 50 per cent by promotion. If there were certain posts in the direct recruitment quota there should have been posts in the corresponding promotion quota as well and appointments to such posts by **ad-hoc** promotions would militate against the interests of Scheduled Caste/Scheduled Tribe employees. It was also pointed out to them that continuance of promotions on **ad-hoc** basis was depriving the Scheduled Caste/Scheduled Tribe employees of the benefit of reservation. It was stated in reply that due to low intake in Grade IV of I.S.S. a number of Senior Investigators had to be promoted as Assistant Directors on **ad-hoc** basis which resulted in filling the chain vacancies in the grade of Junior Investigators also on **ad-hoc** basis. In the meantime, the applicant was again promoted as Junior Investigator on **ad-hoc** basis. After protracted correspondence with the Department of Statistics it was learnt in December, 1976 that a decision had since been taken to regularise the appointment of a number of **ad-hoc** Junior Investigators including the representationist.

- (2) A Scheduled Caste employee of the Customs Department, working as Upper Division Clerk, who had qualified for the post of Examiner in the same department represented to this office in October, 1975 stating that he had not been appointed on the plea that there was ban on the direct recruitment. The Central Board of Excise and Customs with whom the matter was taken up on 17-11-1975 reported on 10-2-1976 that though a panel of Scheduled Caste/Scheduled Tribe candidates including the name of the applicant was prepared for filling up the vacancies but due to the ban on direct recruitment, the posts

had been filled up by promoting departmental candidates. The authorities further reported that appointments by direct recruitment would be made as soon as the ban was lifted. The case was referred back to authorities on 4-6-1976 enquiring about the details of the ban imposed. It was reported in July, 1976 that the candidate has already been appointed as Examiner.

- (3) A Scheduled Caste employee working as Income Tax Inspector in the Income Tax Department approached this office alleging that orders regarding reservation for Scheduled Castes and Scheduled Tribes in posts filled by promotions were not being observed in the Bihar-charge of that Department. The applicant further pointed out that in spite of the fact that he had passed the Departmental Examination for Income Tax Officers rendering him eligible for promotion to the grade of Income Tax Officers, his claim for promotion against point No. 1 of the roster, reserved for Scheduled Castes had been ignored by the Departmental Promotion Committee. The authorities with whom the matter was taken up in November, 1975, reported in March, 1976 that the applicant was promoted to the grade of Income Tax Officer in January, 1976.
- (4) A Scheduled Tribe employee of Western Railway represented his case to the Commissioner for Scheduled Castes and Scheduled Tribes on 2-1-1976 saying that on account of delayed decision taken by the authority although he got promotion he could not get due benefit from the said promotion. Several posts of CMI Grade-I were lying vacant since 1970 and few persons were promoted on **ad-hoc**/temporary basis but due consideration was not given to him violating existing rules/provisions in favour of the candidate belonging to Scheduled Caste/Scheduled Tribe communities. The case was taken up with the concerned authority on 20-2-1976 and this office was informed on 1-4-1976 that the representationist had since been promoted as CMI Grade-I.
- (5) An organisation working for the welfare of Scheduled Caste employees in Bihar, on 24-11-1975 brought to the notice of the Commissioner, a case of injustice in the matter of promotion of a Scheduled Caste employee of the Indian Posts and Telegraphs Department who was fully qualified and had already rendered the required number of years of service. It was further reported that the concerned authority had ignored the orders regarding reservation in promotion. The Posts and Telegraphs authorities with whom the matter was taken up on 1-1-1976 informed this office on 7-7-1976 that the applicant was promoted in the L.S.G. cadre in July, 1976 after he was approved for promotion against reserved quota.
- (6) A representation was received from a Scheduled Caste employee working as Telegraphist in the Head Post Office, Udhampur in Jammu & Kashmir in the month of January, 1976. In his representation it was stated that he joined the Department in the year 1956 and for the last 18 years, he was serving in the same post. According to his statement, two years back, Posts and Telegraphs Department issued orders for promotion of 20 per cent employees to selection grade cadre, and if the Department had followed the reservation orders to the 20 per cent quota for promotion to the selection grade, he being the senior most Scheduled Caste employee, should have been considered for promotion to the Selection Grade Cadre. He made representation to the concerned authorities in the month of January, 1975 but his case was not considered. The matter was taken up by this office in March, 1976 with the General Manager Telecommunications, Jammu & Kashmir Circle, who informed that the representationist had since been promoted to the cadre of Selection Grade Telegraphist against 20 per cent quota with effect from 1st June, 1974 with benefits of pay etc.
- (7) A Class IV employee working in Vidharbha Region of the Employees State Insurance Scheme represented that though he had passed matriculation examination and knew typewriting also, he was not being promoted to the post of Junior Clerk. He urged that he may either be promoted or appointed against direct recruitment. The matter was taken up with the authorities concerned in the month of December, 1975 who intimated in the month of July, 1976 that the applicant had since been promoted to the post of Junior Clerk.
- (8) A Scheduled Tribe employee of the Ministry of Defence approached this office in June, 1975 saying that he had been deprived of his legitimate chance for promotion to the post of Upper Division Clerk due to wrong interpretation

of the Government orders. The case was referred to the Ministry of Defence on 23-9-1975 for sympathetic consideration. According to their reply received in November, 1975, the representation was examined by the authority in consultation with the Southern Command and he was promoted against a reserved vacancy with effect from 15-9-1975.

- (9) In a proposal received for dereservation of reserved vacancies in a subordinate office under the Ministry of Shipping and Transport (Transport Wing), dereservation was sought in respect of a vacancy reserved for Scheduled Caste in the post of Head Clerk filled by promotion on the basis of selection. On careful scrutiny, of the proposal it was found that instructions regarding some of consideration applicable in such posts in accordance with the Ministry of Home Affairs O.M. No. 1/12/67-Est(C) dated 11th July, 1968 were not correctly followed thus denying promotion to a Scheduled Caste Upper Division Clerk who was otherwise eligible. Some probing queries raised by this Organisation made the authorities realise their error and omission. Subsequently, the concerned authority promoted the Scheduled Caste, Upper Division Clerk to the post of Head Clerk.
- (10) An Assistant Engineer of Delhi Electric Supply Undertaking belonging to a Scheduled Caste community approached this office stating that he had represented to the authorities to consider his case for promotion as Assistant Executive Engineer against reserved vacancy as there was no other Scheduled Caste candidate in the lower post who could be considered for promotion. The case was referred to the DESU in May, 1976 and after a prolonged correspondence for nearly a year, the authorities reported that the applicant was promoted as Assistant Engineer (Civil) in that Undertaking on **ad-hoc** basis against the reserved quota for Scheduled Castes with effect from March, 1977.
- (11) A Scheduled Caste teacher of a Government Middle School in Haryana approached the Commissioner saying that according to Government instructions, teachers having eight years service to their credit could be promoted as Headmasters of High Schools, and though he has completed eight years service he was not promoted. It was further reported by the applicant that
- there were only two Headmasters belonging to Scheduled Castes out of more than 1000 Headmasters in the State. His case was referred to the State Government authorities for facts, who reported in November, 1976 that according to the Government instructions the applicant was promoted as Headmaster of a Government High School with effect from 22nd May, 1976.
- (12) A representation was received from the Vice-President, Himachal Pradesh Scheduled Castes/Scheduled Tribes Government Employees Welfare, Association, District Una in the month of November, 1974 stating that reservation in the matter of promotion was being ignored by the Chief Electoral Officer, Himachal Pradesh. In the representation it was highlighted that a Scheduled Caste candidate working as Naib Tehsildar (Elections) in Una district who was due for promotion for the post of Tehsildar (Elections) in the State of Himachal Pradesh was denied promotion by violating the existing orders and instructions of Government of India. The said employee made several representations earlier to the authorities concerned for his promotion but they did not pay any attention to those representations. The representationist as stated in the representation, was the only official belonging to Scheduled Caste community working as Naib Tehsildar and if his case was considered sympathetically he could have been considered for promotion. The matter was taken up with the Government of Himachal Pradesh in the month of January, 1975 for favourable consideration, who in turn intimated in the month of April, 1975 that after carefully considering the points raised by the Association, the Government of Himachal Pradesh decided that the proceedings of the Departmental Promotion Committee for the promotion of Tehsil Welfare Officer had been quashed and the promotion given to other candidates had been held **ab initio-void** for all intents and purposes. It is regretted that the final decision taken by the concerned authority in this case has not yet been communicated to us, inspite of our constant persuasion.
- (13) An organisation working for the welfare of Scheduled Caste and Scheduled Tribe employees in Aligarh approached this office in October, 1976 alleging that the authorities in the Food Corporation of India, Lucknow, were withholding the orders of promotion issued

by the zonal office of the Food Corporation, Delhi, in respect of the promotion of Scheduled Caste employee by misrepresentation of the facts. It was mentioned in the representation that the concerned Scheduled Caste officer was charged of doubtful integrity in a case in which he was not involved. The Food Corporation of India, with whom the matter was taken up, however, reported that some vigilance case was pending against the applicant due to which his promotion had been withheld. It was further reported that as soon as a final report in that case was received from the Zonal Office a decision in the matter would be taken. Subsequently in February, 1977, it was reported by the Food Corporation of India that the official had been promoted and posted at Agra.

- (14) An Accountant belonging to a Scheduled Caste working in Delhi Milk Scheme represented that he was continuing on this post after promotion from the post of Junior Accountant, on **ad-hoc** basis from 1971. He was neither confirmed in the post of Accountant nor considered for promotion to the post of Head Accountant. He alleged that though he fulfilled all the qualifications for that post, a candidate belonging to general category who was called from some other office was proposed to be continued on deputation beyond the normal period of deputation, thereby depriving him of the opportunity of promotion to that post. The matter was taken up with the Delhi Milk Scheme in the month of October, 1976 and in December, 1976 this office was informed that on return of the deputationist, the Scheduled Caste Accountant was promoted as Head Accountant.
- (15) A Tracer-cum-Blue Printer belonging to Scheduled Caste community working in the Engineering Division of the Food Corporation of India, complained in January, 1976 that while there were 9 posts of Draftsman Grade II in various Divisions, there was no Scheduled Caste or Scheduled Tribe among them. He also alleged that the Scheduled Caste/Scheduled Tribe employees were not being given their due quota in posts filled by promotion. The matter was taken up with Food Corporation of India who informed that the concerned employee had been promoted as Draftsman Grade II in June, 1976.
- (16) In a dereservation case referred to this office for clearance, it was noticed that the meeting of the Departmental Promotion Committee to consider cases for promotion to the post of Line Inspector in the Posts & Telegraphs Department was held on 8-10-1976 while the seniormost Scheduled Caste candidate was to complete 5 years service in the lower grade—a condition of eligibility prescribed for promotion—on 13-10-1976. The matter was taken up with the authorities concerned to find out the reasons as to why D.P.C. meeting was held just 5 days earlier than the date on which the seniormost Scheduled Caste candidate was to fulfil the condition of eligibility and thereby depriving him of promotion. In reply it was clarified that the vacancies related to the year 1975 and the candidate fulfilling the eligibility condition on 13-10-1976 could not be considered by the Departmental Promotion Committee. In any case, it was intimated that the concerned Scheduled Caste candidate was subsequently promoted. Here is an instance where an attempt had been made not to observe and implement the reservation orders in good faith.
- (17) A Scheduled Caste widow requested for her appointment on compassionate grounds after the death of her husband working as Lower Division Clerk in Audit and Accounts Department, some time in April, 1973. For two years she tried to get a job but when she could not get the appointment, she approached the Commissioner for Scheduled Castes and Scheduled Tribes. The Director of Audit and Accounts, Posts and Telegraphs, Nagpur was approached in the matter who informed in August, 1975 that the Comptroller and Auditor General had issued sanction for her appointment in the Sorters' cadre and that she would be appointed as soon as there was a vacancy. Subsequently the Scheduled Caste lady passed the matriculation examination and requested for her appointment to a clerical post. Since there was ban on clerical appointments, it was proposed that she might be accommodated as a clerk in some other Audit Office. Later Comptroller & Auditor General conveyed his sanction for her appointment as a clerk in the office of the Accountant General Maharashtra-II, Nagpur against the next available vacancy. The latter, however, informed in December, 1975 that

her appointment was subject to her suitability for the post of clerk and on passing the typewriting test at the prescribed speed. The widow informed in June, 1976 that she had been told that she had not been found fit for the post. The matter was taken up again with the Comptroller & Auditor General of India saying that appointments of members of the bereaved families on compassionate grounds were not to be subjected to the prescribed conditions of suitability and if such conditions were to be insisted in their cases also, that would defeat the very purpose of such compassionate considerations. Finally in November, 1976 we were informed that the poor Scheduled Caste lady had been offered the appointment as a clerk in the Accountant General's office in Nagpur.

- (18) A Scheduled Caste candidate for one of the posts of clerks in a nationalised bank complained that he had qualified in the written test held on 16-12-1973 and also fared well in the interview held on 21-5-1974 but he was not offered the appointment due to shortage of vacancies. His name was reportedly kept on the waiting list against future vacancies. After two years he was called by the Bank for completion of certain formalities such as medical examinations etc. After verification of his character antecedents, he was asked to sit for a typing test on 29th April, 1976. He complained that while none else was subjected to this test nor was there any such condition mentioned in the advertisement the motive behind this was to eliminate him from the appointment to the post of clerk. When the concerned Bank was addressed by this office it was intimated that the case was still under process. Later the Bank informed that the complainant had been appointed with effect from 12th November, 1976. The fact that the Bank took almost three years to give an appointment to a Scheduled Caste candidate for the post of a clerk, is a sad commentary upon the working of the reservation policy in that Bank.
- (19) A Scheduled Tribe candidate complained in June, 1976 that though he had been selected for the post of Economic Investigator Grade-I in the Planning Commission he was not offered the appointment even after ten months. The Planning Commission with whom the matter was taken up informed that the delay had occurred due to the substan-

tial reduction in the staffing pattern as recommended by the Staff Inspection Unit. Soon after a final decision was taken in consultation with the Department of Personnel and Administrative Reforms and the Scheduled Tribe candidate was appointed as Economic Investigator Grade-I. In the month of November, 1976 this was brought to our notice that the representationist had joined his duty.

- (20) A Scheduled Caste employee of the South Eastern Railway working as Senior Clerk approached this office on 5-12-1975 saying that on account of his loyal service during the Railway Strike of 1974, he had requested the Railway authority to give employment to his daughter. Though his daughter was selected as typist, after necessary examination and interview, she was not offered any post while the other candidate selected alongwith her was appointed. The applicant further stated that subsequently the name of his daughter was dropped without any reason and he was given the alternative benefit of advance increment. The case was taken up by this office with the South Eastern Railway in January, 1976 and according to their reply received in April, 1976 the applicant's daughter had been given appointment in Class III post under that Railway.
- (21) Some Scheduled Caste/Tribe employees working as Artisan Khallasis in the Railway Loco Shed, Bandikui since 1962, represented that they were asked to take oath of allegiance on 2-1-1973 for their appointment on regular basis. After the oath, they were to be given regular appointment letters but this was not done on the plea that their medical certificates were not received by the authority concerned. While the complainants represented that they were medically examined in 1962 and their medical certificates should be available with the authorities concerned, they were compelled to produce duplicate medical certificates. This obviously took some time and when they actually produced the duplicate medical certificates on 24-1-1973, they were told that regular appointment orders could not be issued in view of the ban on recruitment imposed by the General Manager. They, therefore, represented that the formality of producing duplicate medical certificates had to be gone through due to the carelessness and inefficiency on the part

of Railway administrative staff responsible for maintenance of such records and that they should not be made to suffer because of this lapse. They also pleaded that the orders of the General Manager had not been interpreted correctly and there was no ban on regularisation of appointments. The matter was taken up with the Railway authorities who replied after a lapse of two years that the concerned persons had since been appointed on regular basis. That the Scheduled Caste/Scheduled Tribe persons were harassed in such a manner and the Railway authorities took two years to reply is a sad reflection on the working of the particular Railway Division.

- (22) A Scheduled Caste person from Tamil Nadu working in Construction Department of Western Railway since 1963 as casual labour, represented to the Commissioner for Scheduled Castes and Scheduled Tribes, in the month of December, 1975 stating that since 1973 he was working as Store-Mate on daily wages. During the railway strike of 1974 he attended duties as a loyal employee but his services were terminated with effect from 10-1-1976. However, he was offered an alternative job of a Khalasi on casual basis. He appealed to the authority stating that since he was serving in Railway from 1963 his case should be considered sympathetically and he should be absorbed in permanent cadre. His case was taken up with the concerned authority on 12-1-1976 for sympathetic consideration. This office was informed on 5-12-1976 that the representationist, who was working as a Store-Mate was served with one month's termination notice since the post was required to be surrendered from 10-1-1976. On checking the service particulars of the representationist, the Railway authorities observed that the termination of service was not in order and as he was working as Mate since 1973 from the post of Khalasi by virtue of his seniority, he should be continued on his original post of Khalasi. Accordingly, the representationist was continued as Khalasi, cancelling the termination notice served on him.
- (23) A Scheduled Tribe person working in the Ministry of Commerce, Government of India, represented that he was selected by the Union Public Service Commission in April, 1975 for the post of Assistant Director (Exhibition) in the same Ministry but was not offered appointment. On enquiries by this office it was learnt that the post against which he was selected, was not allowed to continue beyond 30-4-1975. Pressed by this Organisation, the Ministry of Commerce made efforts and finally succeeded in getting the post revived in December, 1975 and the Scheduled Tribe candidate was appointed to the said post in January, 1976.
- (24) A Scheduled Caste person working as a sweeper in a Centre under the Ministry of Tourism & Civil Aviation on daily wages for 15 long years requested the authorities concerned for regular appointment as he was unable to maintain his family on meagre income of just Rs. 6.30 per day. He had been representing for this for a long time but he could get a regular appointment only after the matter was taken up by this Organisation. He represented his case to the Commissioner in the month of November, 1975. His case was referred to the authority in the month of December, 1975 who informed in June, 1976 that the applicant was appointed on regular basis with effect from 6-4-1976.
- (25) A widow of a Scheduled Caste person working as a Chowkidar in a training institute under the Ministry of Labour requested for appointment of her brother-in-law on compassionate grounds after the death of her husband on 18-2-1974. The matter remained under correspondence with the Ministry of Labour who finally accorded their approval to the institute concerned on 31-10-1975 in favour of appointment of the brother of the deceased as Chowkidar.
- (26) A Scheduled Caste person, employed as a Clerk in the Posts & Telegraphs Department, Maharashtra Circle and whose services were terminated, represented to this office in the month of April, 1976 requesting for reinstatement as a Clerk. In his representation he stated that after serving as a Clerk from 1-9-1972 to 14-4-1973, he fell sick and was under treatment of different Doctors and was also hospitalised during the period 22-4-1973 to 10-6-1975. During this period due to his serious sickness and nervous breakdown he could not inform the authority. Only when his health improved a little, he sent his first application to the appointing authority on 3-9-1975 with the request to grant him leave. The authority on 8-10-1975 asked



him to produce documents of his illness and the reasons for not intimating the office about his whereabouts. He was also asked to produce medical certificates for his long absence to enable him to join his duties. Accordingly, he submitted an application and necessary medical certificates which were received by his employer on 23-10-1975. He did not get any reply from his employer, and finally he went to join his duties but he was not allowed to join. He represented his case to the higher authority on 16-1-1976 with the request to allow him to join his duties and regularise his leave. His case was taken up with the concerned authority on 3-5-1976 for sympathetic consideration. On 27-7-1976 this office was informed that necessary instructions have been issued to the concerned authority to reinstate the representationist.

- (27) A Scheduled Caste employee working in the Posts & Telegraphs Department represented against his premature retirement after having completed thirty years of service. According to him, his record of service was clean and he was never passed over in the matter of confirmation or promotion. He contended that his premature retirement was based on his adverse Confidential Report for the year 1974-75 which in turn was based on the order of punishment conveyed to him on 26-7-1975 regarding stoppage of annual increment on certain charges which were refuted by him. The decision of premature retirement was taken even before disposing of his appeal against the punishment orders. The matter was taken up by the Commissioner for Scheduled Castes and Scheduled Tribes with the Minister for Communications wherein it was impressed that while reviewing the cases of Scheduled Caste/Scheduled Tribe employees, due care should be taken to see that they are not retired prematurely unless there were sufficient and substantial grounds to do so. Reply received from the Ministry of Communications indicated that after a careful examination, it was considered in public interest that the Scheduled Caste official should not be allowed to continue in his officiating post and it was decided to give him the option to revert to the lower substantive post if he made a written request to that effect. It is rather unfortunate that a Scheduled Caste person who was given option to continue in a lower substantive post, was not allowed to continue in a higher officiating grade in public interest. Re-

sorting to such stern measure as to invoke the provision of premature retirement only on the ground of punishment of stoppage of annual increment is not only unjustified and cruel but a glaring instance of excess of Emergency.

- (28) A Scheduled Caste person who is President of Haryana Technicians Association and an employee of a Block Demonstration Party, District Sonapat, represented to the Commissioner stating that he alongwith other Demonstrators/Instructors/Supervisors numbering about 160 (80 per cent of whom belong to Scheduled Castes community) had been served with one months' notice terminating their services. It was further reported that all those persons had been working for more than 20 years in various Rural Arts and Crafts Demonstration Centres run by the Panchayat Samitis in the whole of Haryana State. The termination of such a large number of Scheduled Caste employees was the result of a policy decision, whereby all the demonstration units run by the Panchayat Samitis had reportedly been abolished. The case was referred to the Haryana Government in May, 1976 for sympathetic consideration. The Government of Haryana reported in June, 1976 that keeping in view the unsatisfactory functioning of the scheme, the State Evaluation Committee had recommended the winding up of the units, which was accepted by the Government. The State Government, however, assured that no employee, whether belonging to a Scheduled Caste or otherwise, would be thrown out of job. It was further reported by the authorities that the Departments of Industry, Cooperation, etc. have agreed to absorb the employees in those Departments. According to the information available majority of the employees had been transferred to various units under Haryana Agro-Industries Corporation Limited. It is hoped that the Government will do the needful to absorb the remaining employees as early as possible.
- (29) An Assistant Engineer (Technical) belonging to Scheduled Caste community who was employed in Central Public Works Department, made a complaint stating that on 24-10-1975 he was served with a notice of compulsory retirement from service after attaining the age of 50 years but there was no ground of inefficiency against him since he had been allowed to cross the efficiency bar on 27-8-1975. He also stated that there

was no case of corruption or vigilance against him and that he had been earning good and satisfactory reports from his present Superintending Engineer. It appeared that some adverse reports had been given to him previously and the order regarding premature retirement had been passed on the basis of those adverse reports. He, therefore, requested for the withdrawal of orders of compulsory retirement particularly on compassionate grounds as he had to support a large family with a number of children entirely dependent on him. The matter was taken up with the Minister of Works and Housing in November, 1975 who replied in December, 1975 that he had looked into the matter and found that there was no reason to reverse the decision taken earlier to retire the complainant compulsorily. Considering the fact that the representationist was allowed to cross the efficiency bar only in the month of August, 1975, the action taken by the authority by serving him a notice of compulsory retirement in the month of October, 1975 is yet another instance of excess of Emergency particularly when the representationist was neither found to be a person of doubtful integrity nor could be considered as one who outlived his utility and had become a dead wood. This is a clear case of service atrocity.

- (30) A Ex-serviceman belonging to Scheduled Caste community who had been working as an attendant in the Delhi Zoological Park, approached the Commissioner on 23-12-1975 saying that his services had been terminated after his hand was very badly injured due to a bear-bite while on duty. The case was referred to the authorities on 24-12-1975 for sympathetic consideration impressing upon them the desirability of reinstating the employee because he was involved in the accident while on duty. The Department of Agriculture considered this case on compassionate grounds and approved the appointment of the applicant to the post of Peon in the same Organisation after allowing necessary relaxation in upper-age limit and educational qualifications in his favour. He was also duly compensated to defray the medical treatment expenditure on account of bear-bite.
- (31) A Scheduled Caste employee of Delhi Administration working as Peon represented to this office in November, 1975 alleging that his services had been terminated

inspite of the fact that there were very few Scheduled Caste employees there. The matter was taken up demi-officially with the Delhi Administration on 24-11-1975 pointing out the orders of the Government that Scheduled Caste/Scheduled Tribe employees are to be retained in preference to others till they form such percentage among the direct recruits as is prescribed for them. The concerned authorities reported that in pursuance of the recommendation of the Commissioner's Organisation the applicant was appointed as Peon on ad-hoc basis for a period of three months with effect from 12-1-1976 and subsequently his appointment had been regularised.

- (32) A representation from the Secretary, Andhra Pradesh Scheduled Caste Welfare Association, Vijayawada was received in this office in November, 1975 alleging that a Scheduled Caste employee of the South Central Railway had been issued a notice for being prematurely retired from service with effect from 2-2-1976 inspite of the fact that nothing seriously adverse had been reported about his work, conduct and integrity. This case was referred to the Railway Board on 15-12-1975 impressing upon the authorities that great injustice had been done to the applicant by retiring him prematurely. After verifying that the applicant belonged to Scheduled Caste community he was put back to duty with effect from 10-5-1976 and the intervening period between the date of retirement and the date of reinstatement was treated as 'leave due' to him. Thus, due to Commission's intervention a poor Scheduled Caste employee could get back his job which he almost lost.
- (33) A Scheduled Caste employee working as Transportation Inspector on South Central Railway reported that he was suddenly served with a notice of retirement with effect from 28th December, 1975 while he was yet to serve for about 18 months more. He complained that no reason was assigned to him nor was he given any opportunity to defend himself. He had on the contrary served the Railways loyally even during the Railway strike. The matter was taken up by the Commissioner with the Railway Minister requesting him to review the case with due sympathy considering that the representationist belonged to the Scheduled Caste and that his overall performance did not show any deficiency in his work or conduct. It is

gratifying to note that the case was reviewed and the Scheduled Caste employee was allowed to continue in service till the attainment of the age of 58 years in June, 1977.

- (34) A Scheduled Caste Railway employee, working as Carriage Cleaner in Western Railway approached this office in March, 1972 alleging that he was removed from service with effect from 28-9-1965 on a charge made by the Divisional Accounts Officer of that Railway that he was not available for cleaning the compartment in which the Accounts Officer was travelling on 26-3-1965 though his cleaning equipment was placed on the platform before his carriage. The representation made by the applicant, however, gave different version and he refuted the charges. It was, however, not clear from the representation whether the authorities had taken into consideration all relevant facts before taking the extreme step of removing him from service. The matter was first taken up with the concerned authority on 20-4-1972. Protracted correspondence with various authorities did not yield any result. Finally, the matter was referred to the Deputy Minister for Railways in December, 1975 and after a long wait for over a year Railway Board reported in January, 1977 that the applicant has been reappointed as Carriage Cleaner with effect from 19-4-1976. Here is a case of service harassment and gross injustice to a poor Scheduled Caste Class IV employee whose grievances could be redressed only at the Ministerial level after 5 years of protracted and prolonged persuasion.
- (35) A Scheduled Caste employee of the Central Board of Excise and Customs who had been compulsorily retired from service with effect from 1-12-1975 as a penalty imposed on him on account of disciplinary charges against him, represented to this office on 8th January, 1976. The case was referred to the Central Board of Excise and Customs who reported in April, 1976 that after careful consideration of the appeal, the Board modified the penalty of compulsory retirement from service to that of withholding of his increments for a period of two years without cumulative effect. Consequent upon the Boards orders of 21-4-1976 the concerned Collector of Central Excise, reinstated the applicant in service in the same month. The question of regularisation of the period from the date of removal to the date
- prior to the date of reinstatement was yet to be decided by the Central Board of Excise and Customs.
- (36) A Havildar of the Secretariat Security Force, belonging to the Scheduled Caste community approached this office in August, 1976 saying that his claim of promotion against a reserved vacancy of Jamadar in the Secretariat Security Force had been rejected by the Departmental Promotion Committee ignoring the Government instructions to provide reservation for Scheduled Castes and Scheduled Tribes. The authorities with whom the matter was taken up, however, reported that the post of Jamadar was a selection post and the Departmental Promotion Committee had recommended another junior Scheduled Caste person after taking due note of the relative performances and proficiency of the officials concerned as reflected in their Confidential Reports. It was further reported that while reviewing the case of the applicant it was discovered that there were certain adverse remarks in his Annual Confidential Report relating to the year 1975. It was, however, observed that the adverse remarks in his A.C.R. for 1975 were conveyed to him only in February, 1977 as a result of his representation against the decision of the Departmental Promotion Committee. The case was again taken up at a higher level impressing upon the authorities the need for sympathetic consideration especially in view of the fact that the grounds on which the applicant was rejected for promotion, had not been brought to his notice at the appropriate time. The Ministry of Home Affairs, after re-examination of the case, decided to remove some of the adverse remarks and declared him fit for promotion.
- (37) An Inspector of Central Excise belonging to a Scheduled Caste community approached this office in November, 1976 saying that during the period from 1-3-1973 to 8-7-1973 he was suffering from chest pain and "Dermatitis" and to undergo intensive medical treatment, taking frequent leave from office. During May, 1973 when he was undergoing treatment he was communicated adverse remarks in his Confidential Reports. The applicant further reported that before he could realise the consequences of the adverse remarks after his recovery from illness, the period prescribed for representation against adverse

remarks had already expired. The applicant, in 1976 realised that he had been superseded by about 200 Inspectors in the seniority list and made a representation, to the Collector of Central Excise explaining the whole position, to waive the period prescribed to make a representation against adverse remarks, but the appeal was turned down by the Collector. On the basis of the representation submitted by the applicant on 2-11-1976, the case was referred to the concerned authorities but they expressed their inability to concede the demand.

While it is true that the applicant had not preferred an appeal against the adverse remarks within the stipulated period of six weeks, this had to be viewed against the circumstances of his illness which were beyond his control. The case was, therefore, taken up with the Central Board of Excise and Customs explaining that the stipulation having its force from the executive order which could be applied with flexibility, had been applied quite rigidly in the instant case, with the result that the employee had received severe punishment in the matter of seniority and promotion. The authorities, were requested to reconsider the case to set aside the adverse remarks. In June, 1977 we were informed that the adverse remarks recorded in the Confidential Reports of the applicant for the period ending 31-3-1973 had been expunged and the concerned Collector of Central Excise had also been advised to consider his case for confirmation and promotion.

- (38) An officer of the rank of Deputy National Savings Commissioner belonging to a Scheduled Caste community in the National Savings Organisation brought to the notice of the Commissioner that his claim for sponsoring him to attend Management Training Programme at Bangkok conducted by the International Savings Bank Institute, Geneva, in November, 1976, had been ignored in spite of the fact that there are Government of India instructions to encourage members of the Scheduled Caste/Scheduled Tribe to attend such training abroad. It appeared that a non-Scheduled Caste/Scheduled Tribe person who was junior to the applicant had been selected for that training. The matter was taken up demi-officially with the Ministry of Finance who reported that since the applicant had to look after the work of National Savings Com-

missioner, who was on leave, he could not be spared. It was further reported that selection for such deputation of training courses is not done on the basis of seniority. It was, however, felt that the importance of attending conferences/symposia, etc. vis-a-vis the Government instructions to **provide more opportunities to Scheduled Caste/Scheduled Tribe officers for institutional training had been ignored on the plea of administrative convenience.** The concerned authorities were requested to ensure that rightful claim of Scheduled Caste/Scheduled Tribe officers is given due consideration. His case for promotion has also been taken up with the concerned authority.

- (39) A Supervisor Instructor in an Industrial Training Institute, New Delhi represented that though he had put in more than 5 years of service and was also the senior most among the Instructors belonging to the Scheduled Castes, he was not considered for promotion to the post of Foreman Instructor though there were 8 vacancies and obviously according to the reservation roster some of them should have been reserved for Scheduled Castes/Scheduled Tribes Directorate of Employment Training and Technical Education, Delhi Administration, was addressed in the matter on 13-12-1974 who after several reminders replied on 17-6-1975 that the case was considered again and the Departmental Promotion Committee confirmed their earlier decision not to promote him. On 22-7-1975 the representationist was served with a memorandum charging him as guilty of indiscipline, negligence and carelessness in the discharge of his duties. The complainant immediately contested all these charges and requested for withdrawal of this memorandum. The matter was taken up again with the concerned authorities who replied on 14-5-1976 that the complainant had been promoted as Foreman Instructor with effect from 3-3-1976 but did not specifically indicate whether the charges against him were withdrawn or not and why he could not be promoted earlier than that. This is yet another instance of harassment of Scheduled Castes/Scheduled Tribes in Government service.
- (40) A Scheduled Caste teacher working in a school under the New Delhi Municipal Committee represented in April, 1973 that the New Delhi Municipal

Committee was going to sanction selection grades to the teachers according to the seniority subject to fitness but no reservation was being given to the Scheduled Caste/Scheduled Tribe teachers according to the Government instructions of 27th November, 1972. The case was referred to the concerned authorities who reported that the Office Memorandum of 27th November, 1972 issued by the Cabinet Secretariat provided for reservation for Scheduled Castes and Scheduled Tribes, in promotion posts and did not contain any such provision in the matter of grant of selection grade. It was, however, observed that grant of selection grade was nothing short of promotion on the basis of seniority subject to fitness and as such the matter was referred to the Department of Personnel and Administrative Reforms in the Government of India. After a prolonged correspondence for over a year the Government of India issued necessary clarification in September, 1974 stating that orders regarding reservation in promotion would also apply to the grant of selection grades. This case was again referred to the New Delhi Municipal Committee and the Delhi Administration. After a lengthy correspondence, the Delhi Administration reported in January, 1976 that it was decided to apply reservation for Scheduled Castes and Scheduled Tribes in selection grade posts also. The New Delhi Municipal Committee was accordingly informed about the decision and it took more than a year to persuade the New Delhi Municipal Committee to also apply the orders to their teachers. Accordingly the New Delhi Municipal Committee issued orders in March, 1977 to provide for reservation in selection grade to the teachers working in the schools under the control of New Delhi Municipal Committee.

- (41) A Scheduled Caste lady approached the Commissioner in September, 1976 stating that in July, 1976, the Uttar Pradesh Government recruited a large number of lady teachers for recognised/Government aided schools through the District Inspectors of Schools and Regional Inspectors of Girls Schools. The applicant further stated that she had applied for the post of Trained Graduate Tea-

cher against the reserved quota but the authorities refused to implement Government orders regarding reservation for Scheduled Castes and Scheduled Tribes in recruitment to the teacher's post and her case was rejected. The matter was taken up with the State Government and after a prolonged correspondence it was reported by the State Government in May, 1977 that a Bill has been passed providing reservation for Scheduled Castes at the rate of 18 per cent in the posts of teachers in the recognised Higher Secondary Schools and was submitted to the Government of India for President's assent. It was also reported that reservation for Scheduled Castes will be provided in this category of posts as soon as the President's assent is received.

- (42) An officer working in Uttar Pradesh Sales Tax Department brought to the Commissioner's notice on 7-10-1975 that inspite of the fact that he had recommended the case of a Scheduled Caste employee working as Peon in the Sales Tax Department under him, he was not confirmed by the authorities. He also wanted necessary clarification whether the concerned employee can approach this organisation directly in the matter of his service grievances. The matter was referred to the concerned authorities on 9-1-1976 who reported that the said employee was confirmed with effect from 1-11-1975.
- (43) A representation was received from the Divisional President, All India Scheduled Castes and Scheduled Tribes Railway Employees Association, Ratlam Division on 10-12-1975 intimating the case of a Scheduled Caste employee who was abused, insulted and threatened by a non-Scheduled Caste employee on 11-12-1975. The Scheduled Caste employee was a faithful officer and he was abused for doing his job sincerely. The case was taken up with the Railway authority on 27-1-1976 calling for facts about the case and the office was informed on 27-2-1976 that the officer who misbehaved with the representationist had been suspended with effect from 13-12-1975 and suitable action was being taken against him.

## CHAPTER 4 ECONOMIC DEVELOPMENT

Special developmental programmes were taken up in the various five year plans to improve the educational and socio-economic conditions of the persons belonging to Scheduled Castes and Scheduled Tribes. From plan to plan, the size of the investment on the supplementary special programmes had been raised and till the end of the Fourth Five Year Plan, an expenditure of Rs. 444.69 crores was reported to have been incurred. Besides the State Governments were also spending sizeable amounts during each of the years of the Fourth Five Year Plan period for the welfare of these communities from their non-plan budgets. The original Fifth Plan outlay under the Central and the State Programmes for the welfare of Scheduled Castes and Scheduled Tribes was Rs. 85.00 crores and Rs. 173.14 crores and was later raised to Rs. 119.00 crores and Rs. 208.00 crores respectively. Thus against the draft Fifth Plan outlay of Rs. 258.14 crores for Scheduled Castes and Scheduled Tribes provided in the Backward Classes Sector, the revised Fifth Plan outlay stands at Rs. 326.98 crores.

4.2. The table below gives information regarding draft Fifth Plan outlay, expenditure incurred during the years 1974-75 and 1975-76, anticipated expenditure during 1976-77 and revised Fifth Plan outlay under the Central and State Sectors for the development of Scheduled Castes and Scheduled Tribes:—

(Rs. in crores)				
Head	Draft Fifth Plan outlay	1974-75 and 1975-76 actual expenditure	1976-77 anticipated expenditure	Revised Fifth Plan outlay
1	2	3	4	5
Centre	85.00	35.08	17.50	118.88
State and Union Territories	173.14	81.16	31.47	208.10
<b>Total</b>	<b>258.14</b>	<b>116.24</b>	<b>48.97</b>	<b>326.98</b>

### Expenditure incurred on the Welfare of Scheduled Castes and Scheduled Tribes under Central Sector during 1975-76 and 1976-77

4.3. Under the Centrally Sponsored programmes the Government of India gives cent per cent grant to the States/Union Territories for schemes like Post-matric Scholarships,

coaching and allied schemes, construction of girls hostels, cooperation, research and training and these schemes have been discussed in the relevant Chapters. The expenditure under the Centrally Sponsored programmes, during the years 1975-76 and 1976-77 may be seen in the table below:—

(Rs. in crores)				
Head	Revised Fifth Plan outlay	Actual Expenditure		Anticipated expenditure
		1974-75	1975-76	1976-77
1	2	3	4	5
Centre	118.88	19.35	15.73	17.50
Tribal Development Blocks	7.29	7.29		
Post-matric Scholarships	100.00	10.09	13.61	15.50
Girls' Hostels	3.77	0.56	0.68	0.79
Coaching and Allied Schemes	1.58	0.17	0.24	0.30
Cooperation	1.44	0.69	0.46	0.10
Research and Training	1.32	0.16	0.28	0.20
Aid to Voluntary Organisations	2.97	0.38	0.46	0.60
Machinery for enforcement of Untouchability (Offences) Act.	0.51	0.01		0.01

### Tribal Sub-Plans and Integrated Tribal Development Projects

4.4. For the development of tribal areas, sub-plans incorporating programmes of special significance to the tribal economy have been prepared by 16 States and 2 Union Territories. Funds have been provided for these programmes through State Plans and Central assistance. As per available information out of 145 Integrated Tribal Development Projects, 40 projects have already been formulated and an amount of Rs. 65.00 crores spent during the first three years of the Fifth Plan. A provision of Rs. 125.00 crores of Central assistance has been made for the remaining two years of plan period.

4.5. As per available information, the Central Government in the Ministry of Home Affairs have earmarked a sum of Rs. 55.00 crores as Special Central assistance during 1977-78 for States and Union Territories having Tribal sub-plans. The amount has to be used for tribal development programmes under the agriculture and allied sectors, cooperation, industry and minerals, transport and communication, social and community services and welfare of primitive tribes.

### Expenditure incurred on the Welfare of Scheduled Castes and Scheduled Tribes under State Sector during 1975-76 and 1976-77

4.6. The State Sector Schemes are formulated according to the local needs. The State Sector schemes are also aided by the Central Government according to the principles decided by the National Development Council. Central assistance is given in the shape of block loans and block grants. The various welfare schemes fall into three broad categories i.e., education, economic uplift and health, housing and others. Under the broad head 'Education', schemes like pre-matric scholarships and stipends, exemption from tuition and examination fees, provision of educational equipments, mid-day meals, setting up of residential type of schools, construction of school and hostel buildings etc. are taken up. Under the head 'Economic Uplift' various developmental schemes relating to agriculture, co-operation, irrigation, small industries, etc. are covered. For promoting agricultural practices, Scheduled Castes and Scheduled Tribes are encouraged to take to improved methods of agriculture. Some of the State Governments have also taken up land colonisation schemes. Under the head 'Health, Housing and Other Schemes', the persons belonging to Scheduled Castes and Scheduled Tribes are given assistance for housing, electrification of their bastis, drinking water facilities, nutrition programme, legal aid etc.

4.7. Available information\* regarding overall scheme-wise expenditure incurred under three broad categories viz. education, economic uplift and health, housing and others, during 1975-76 and 1976-77 is given in the following table:

(Rs. in lakhs)				
Category	Education	Economic Uplift	Health Housing and others	Total
1	2	3	4	5
<i>1975-76</i>				
Scheduled Castes	907.193	469.688	1,714.479	3,091.360
Scheduled Tribes	578.486	467.188	291.564	1,337.238
<i>1976-77</i>				
Scheduled Castes	1,081.769	481.299	1,111.891	2,674.959
Scheduled Tribes	710.395	475.379	374.876	1,560.650

\*State-wise details may be seen at Appendix XIV.

### Quantification under General Sector Programmes

#### I—Scheduled Tribes

##### (a) Central Ministries:

4.8. In accordance with the accepted strategy for the development of Scheduled Castes and Scheduled Tribes, the main thrust of development in the Fifth Five Year Plan is to be provided by the General Sectors. In so far as Scheduled Tribes are concerned some of the Departments of the Central Ministries have undertaken some steps in this regard. At the time of the Fourth meeting of the Central Coordination Committee for the Welfare of Backward Classes held at New Delhi in June, 1976, it was stated that the Education Minister had personally addressed the Chief Ministers in the matter of preparation of educational programmes for the sub-plans and a team of officers had been sent for holding discussions with the State officials. The Education Ministry has established a monitoring cell to oversee the educational development in the tribal sub-plan areas. The Health Ministry has started a dialogue with the States in relation to the Health Programmes, but the response was stated to be poor. In some cases, as in the Ministry of Industrial Development, even the first steps towards quantification have not been taken. The Department of Agriculture has been able to quantify an outlay of Rs. 42.00 crores out of Rs. 250.00 crores in the Central and Centrally Sponsored Sectors. It is, however, noted that the quantification has not been done in some cases specifically with reference to the sub-plan areas. In some cases the quantification was mere notional disaggregation. A new national forest policy is being formulated by the Ministry of Agriculture in which the interest of the tribal economy in the working of forests will be given due consideration. The Department of Rural Development has made a quantification of Rs. 104.00 crores, but the details of these investments have not yet been provided. The Department of Agricultural Research and Education has made quantification of its research effort and the focus has been on the North East. However, special problems of tribal areas in the Central India also required greater attention. With regard to the programme of quantification by the Department of Health, it is observed that some of the special problems of the tribal areas like prevalence of yaws have not so far claimed the attention of the Department of Health. The Ministry of Shipping and Transport has quantified the investments from the Central and Centrally Sponsored programmes in the tribal areas. Out of total 6,000 kms. of national highways about 1,000 kms. fall within the tribal areas. The Ministry of Communications had opened 193 post offices during 1975-76 in the tribal areas. The rural electrification programme has made some progress in the

tribal areas. 70 schemes with an outlay of Rs. 40.00 crores have been sanctioned under the Rural Electrification Corporation and 53 schemes with an outlay of Rs. 13.00 crores under the normal electricity programmes. Although rural electrification is picking up in the tribal areas, its progress is still slow. As regards industrial development, it is observed that village and house-hold industries play an important role in the tribal economy and in many parts of the country, there is a rich tradition of handicrafts amongst the tribals, who require help in organisation, technology and marketing. The handicrafts are languishing and the craftsmen are becoming destitutes. However, this aspect has claimed little attention notwithstanding its crucial importance particularly in the development of tribal areas.

**(b) State Governments/Union Territory Administrations:**

4.9. Under the strategy of tribal sub-plans, 18 States Governments/Union Territory Administrations have provided an outlay of Rs. 960.00 crores out of general sectors for being spent in the sub-plan areas during the Fifth Five Year Plan period and out of this outlay the investment from the State Plan would be of the order of Rs. 258.00 crores during the year 1977-78 as may be seen in the table below:—

(Rs. in lakhs)

1. Andhra Pradesh—1,192.52.
  2. Assam—734.00.
  3. Bihar—5,378.00.
  4. Gujarat—2,350.00.
  5. Himachal Pradesh—372.39.
  6. Madhya Pradesh—5,324.00.
  7. Maharashtra—3,278.79.
  8. Manipur—869.00.
  9. Orissa—3,360.35.
  10. Rajasthan—683.00.
  11. Karnataka—128.50.
  12. Kerala—51.00.
  13. Tamil Nadu—153.27.
  14. Tripura—460.00.
  15. Uttar Pradesh—25.00.
  16. West Bengal—1,352.00.
  17. Andaman & Nicobar Islands—41.60.
  18. Goa, Daman & Diu—29.07.
- Total—25,782.49.

4.10. Thus it would be seen that quantification of funds from General Sector resources to be spent on the welfare of Scheduled Tribes in the sub-plan areas has actually materialised.

**II—Scheduled Castes**

**(a) Central Ministries:**

4.11. In so far as Scheduled Castes are concerned, the Backward Classes Division of the Ministry of Home Affairs which is primarily concerned with the Scheduled Castes has not been able to motivate the concerned Central Ministries for ensuring that the persons belonging to Scheduled Castes get adequate benefits from their Central and Centrally Sponsored Schemes. The Commissioner for Scheduled Castes and Scheduled Tribes, therefore, pointed out at the Fourth meeting of the Central Coordination Committee for the Welfare of Backward Classes held at New Delhi in June, 1976 that the Committee should review the progress made by the various Central Ministries in this regard.

**(b) State Governments/Union Territory Administrations:**

4.12. Information collected from various sources about the steps taken by the States/Union Territories for quantification of funds for the benefit of Scheduled Castes is given at Appendix XV. As per available information, the State Governments of **Andhra Pradesh, Bihar, Gujarat, Karnataka, Madhya Pradesh, Maharashtra, Rajasthan, Orissa, Tamil Nadu and Uttar Pradesh** have taken some steps in this direction.

4.13. However, it is observed that so far work regarding quantification of funds has been mostly limited to the chalking out of preliminaries. Three years of the Fifth Five Year Plan are already over and the persons belonging to Scheduled Castes have not been able to derive any 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.

**Development of Pockets having concentration of Scheduled Caste population**

4.14. The Governments of **Bihar and Orissa** had prepared schemes in respect of areas where the population of Scheduled Castes was sizeable. According to available information a pilot project for integrated development of Scheduled Castes was started in the Jajpur Sub-Division of the coastal District of Cuttack during 1975-76 out of State Plan funds. The project covered 6 Community Development Blocks viz. Jajpur, Bari, Dasarathpur, Baijarpur, Korai and Kanagadi. The Scheduled Caste population formed 20 per cent of the total population in the project area. The schemes taken up in the project area related to agricultural development only. During 1975-76, an expenditure amounting to



Rs. 70,239 was incurred. 113 families were given in-pit assistance 18 dug wells completed and 167 families provided with 668 goats. It has been observed that the in-pit assistance enabled the beneficiaries to grow improved varieties of crops on their lands and that the beneficiaries have been able to supplement their income on account of goat rearing and started repaying loans. **It is felt that the project if implemented on a larger scale could go a long way in improving the economic condition of Scheduled Caste persons. There is a desirability of starting more such projects for Scheduled Caste persons in the coastal districts of Orissa. Schemes like daily farming, poultry farming, coconut plantation etc. are required to be undertaken on a larger scale. Soil testing facilities should be provided in respect of land belonging to Scheduled Caste persons so that the suitability of crops to be grown, could be ascertained. The developmental activities of the various general sector departments should be coordinated under a responsible officer so that smooth and speedy development of the Scheduled Caste persons may take place.** Perhaps a mini monitoring cell at the project headquarters may be set up. According to latest available information, the Tribal and Rural Welfare Department of the Government of Orissa released Rs. 1,43,000.00 for the Jaipur Project and Rs. 1,07,000.00 for a new project proposed to be started in Bhadrak Sub-Division of Balasore district during the year 1976-77.

4.15. The Government of Bihar had decided in October, 1975 to start an area based programme for the economic development of Scheduled Castes during the year 1976-77, in 5 selected blocks of Wazirganj, Atri, Fatehpur, Hisua and Sirdala in the Nawada District. The programme was proposed to be extended to 22 other blocks subsequently. However, information regarding the actual work done and the benefit derived by the persons belonging to Scheduled Castes during 1976-77, is not available.

4.16. As per 1971 Census there are 666 talukas in the States of **Andhra Pradesh (27), Assam (1), Bihar (96), Haryana (13), Himachal Pradesh (34), Jammu and Kashmir (9), Kerala (1), Madhya Pradesh (40), Karnataka (29), Orissa (14), Punjab (36), Rajasthan (45), Tamil Nadu (46), Uttar Pradesh (129) and West Bengal (146)**, where Scheduled Castes form more than 20 per cent of the total population. **To accelerate the process of economic development of Scheduled Caste persons living in the 666 talukas of the country where more than 20 per cent of the total population of the Scheduled Castes in the country reside, it is desirable that the State Governments concerned should consider the desirability of setting up special projects with well**

**thought out schemes and earmark funds from General Sector for the development of Scheduled Caste inhabitants of the identified areas.**

#### **Assistance rendered to Scheduled Castes and Scheduled Tribes by the Nationalised Banks**

4.17. Some of the nationalised banks have taken positive steps in financing developmental schemes meant for the persons belonging to Scheduled Castes and Scheduled Tribes. It was observed in the earlier reports of the Commissioner that satisfactory arrangements had not been evolved to know as to what extent the persons belonging to Scheduled Castes and Scheduled Tribes had been able to obtain financial assistance from the banks. A number of suggestions were made in the Annual Reports of the Commissioner to collect information from the banks regarding the assistance provided to the persons belonging to Scheduled Castes and Scheduled Tribes. It is gratifying to state that in the revised guidelines issued in May, 1977 by the Central Department of Revenue and Banking to the public sector banks, non-nationalised banks and regional rural banks, it was specifically mentioned that to ensure that the persons belonging to Scheduled Castes and Scheduled Tribes got their due share of benefits under the differential rate of interest scheme, not less than 1/3rd of the bank credit under the scheme should flow to the eligible borrowers belonging to Scheduled Castes and Scheduled Tribes. Following are some of the salient features mentioned in the guidelines under reference:—

- (a) Banks should lend under the scheme minimum of 1/2 of 1 per cent of their aggregate advances as at the end of the previous year.
- (b) The banks should ensure that not less than 2/3rd of their advances under the scheme are routed through their rural and semi-urban branches. Correspondingly not more than 1/3rd of their credit under the scheme should go from the urban and metropolitan branches.
- (c) Banks may route credit under the scheme through State Corporations for the Welfare of Scheduled Castes and Scheduled Tribes.
- (d) To ensure that the persons belonging to Scheduled Castes and Scheduled Tribes get their due share of benefits under the scheme, not less than 1/3rd of the bank credit under the scheme should flow to the eligible borrowers belonging to Scheduled Castes and Scheduled Tribes.
- (e) The eligible persons would be able to obtain benefits of the scheme even if they have no tangible security of any

worth to offer, or cannot produce security/guarantee of a well-to-do party.

- (f) Normally the maximum amount under the scheme should not exceed Rs. 1500 for a working capital loan and Rs. 5000 for a term loan. In exceptional cases particularly for institutions and in the case of indigent students of merit, higher amounts could be considered.
- (g) Rate of interest would be normally fixed at 4 per cent per annum.

4.18. It is hoped that the instructions issued by the Central Department of Revenue and Banking will help in financing developmental programmes for Scheduled Castes and Scheduled Tribes and the Scheduled Castes/Scheduled Tribes Development Corporations will play a meaningful role in this regard. It is however observed that 1/2 of 1 per cent of the aggregate advances of the respective banks to be given under differential rate of interest, may not adequately serve the needs of eligible categories. It is suggested that this should be raised to 10 per cent of the total loans advanced by the Banks to meet the medium and long-term credit requirements of Scheduled Caste/Scheduled Tribe persons. At the same time it is necessary that co-operatives organised for Scheduled Castes/Scheduled Tribes should also be made eligible to get loans under the Differential Interest Rate Scheme. The State Governments should stand guarantee for the loans advanced to the Scheduled Caste/Scheduled Tribe Development Corporations which should chalk out concrete schemes and disburse the loans for viable economic schemes.

4.19. Available information about the contribution made by various banks to ameliorate the condition of Scheduled Castes and Scheduled Tribes in various parts of the country is given at Appendix XVI. It would be seen therefrom that leaving aside Punjab National Bank which has reported that no system of maintaining a separate record in respect of Scheduled Caste/Scheduled Tribe loanees has been evolved, other banks have done something for financing the development schemes for Scheduled Castes and Scheduled Tribes and maintained data in this regard.

4.20. During a visit to Nagaland, the Deputy Commissioner for Scheduled Castes and Scheduled Tribes was informed that Nagaland Government through their district authorities would sponsor villages to be adopted by the State Bank of India for agricultural finance. The State Bank of India's lending would be restricted to cover villages situated on the roadside with normal distance stipulation i.e. 10 miles from the branch. The Deputy Commissioner came to

know of a village called Changki in Mokokchung District, where a fairly large stretch of plain area was very fertile. The tribal people did not cultivate the lands themselves but employed people from the plains mostly from Assam for cultivation. The Deputy Commissioner stressed that the State Bank of India should not encourage such tribal cultivators who do not cultivate the lands themselves by assisting them financially. It is necessary that the Bank should assist such tribal cultivators who wish to take to terraced cultivation by giving them sizeable loans. The State Bank of India's programme of agricultural finance in Nagaland suffered from a number of drawbacks. Firstly they did not have sufficient number of branches all over the State. Secondly, the branches would only take up the work of agricultural finance within a radius of 10 miles from the branch office. The Bank should provide loans to the poorest tribal cultivators and not to those who are already well-to-do. It has been noticed that the elite which is emerging in the tribal areas at times, exploit their own impoverished brethren. They purchase land from the poor Scheduled Tribe persons at a very low price and employ the landless tribal persons as labourers in cultivating the land. The benefit of terrace cultivation and irrigation facilities are generally derived by the more affluent sections of the tribals. While they are benefited, the poorer tribals who practise shifting cultivation remain untouched. Integrated planning would require that the land use planning should not only aim at optimising production but also at ensuring that terraced plots and irrigation facilities are equitably distributed among the various socio-economic groups within the tribal community.

#### Setting up of Finance Corporations for Economic Development of Scheduled Castes and Scheduled Tribes

4.21. To improve the economic condition of Scheduled Castes and Scheduled Tribes, finance corporations have been set up by some of the State Governments. In general, the activities of these corporations are confined to assisting the Scheduled Castes and Scheduled Tribes under schemes such as transport and other business, loans for small business, industry, agriculture, purchase of cattle, setting up of ancillary units, workshops etc. The Government of Maharashtra is reported to have entrusted the work relating to purchase and sale of minor forest produce to the Maharashtra State Cooperative Tribal Development Corporation. In Tamil Nadu, the Harijan Housing Development Corporation is required to engage itself in the development programme as well. Some of the finance development corporations could not expand their activities primarily on account of the fact that they could not get sufficient grants for the State Governments concerned and the Scheduled Caste beneficiaries could not avail of the loans from

the nationalised banks at the high rate of interest and the coverage under the differential rate of interest scheme was very meagre. Available information regarding contribution made by the finance corporations in ameliorating the economic condition of Scheduled Castes and Scheduled Tribes is given at Appendix XVII.

4.22. It is observed that leaving aside a few corporations which are either new in the field or where there was some mal-functioning, the rest of the finance corporations have started playing meaningful role in the economic development of Scheduled Castes and Scheduled Tribes. It would appear desirable that the remaining State Governments should also set up development corporations to promote the interests of Scheduled Castes and Scheduled Tribes.

#### Minimum Needs Programme

4.23. It was laid down in the Fifth Five Year Plan that under the Minimum Needs Programme priority would be given to Scheduled Castes and Scheduled Tribes and for this pur-

pose the general norms applicable to other areas and classes would be relaxed for meeting the special requirements of Scheduled Castes and Scheduled Tribes in case of schemes like elementary education, health services, rural electrification, drinking water facilities and allotment of house-sites etc. For instance, drinking water wells were proposed to be provided in all Scheduled Caste habitations wherever possible. People's contribution was not to be insisted upon for these programmes. Similarly the States which had reached 40 per cent coverage under the rural electrification programme but had a lower coverage in respect of such areas, were also proposed to be covered under this programme. Details of general norms in respect of individual programmes as well as the modifications prescribed therein to cater to the requirements of backward classes/areas, are given at Appendix XVIII

4.24. Overall information regarding expenditure incurred on the constituents of the programme during 1974-75, 1975-76 and proposed outlays during 1976-77, is given below:—

Year	Rural Electrification	Rural Roads	Elementary Education	Rural Health Programme	Rural Water Supply	House Sites for landless labourers	Environmental improvement of slums	Nutrition	Total
1	2	3	4	5	6	7	8	9	10
1974-75	1047.35	4159.58	3467.81	1362.05	5319.66	494.00	697.92	1332.69	17781.00
1975-76	2505.34	4441.61	4632.37	1779.98	5490.33	1056.21	910.17	1508.72	22324.73
1976-77	2363.75	5337.30	5741.90	2313.98	6150.00	1002.00	907.00	1674.42	25490.35

4.25. It may, however, be mentioned that separate details on the constituents of the programme in so far as the persons belonging to Scheduled Castes and Scheduled Tribes are concerned, are not available. Available State-wise information with reference to Scheduled Castes and Scheduled Tribes is given at Appendix XIX.

4.26. Minimum Needs Programme could have been extremely useful for backward classes because the basic requirements of the poor and neglected could have been met in matters like elementary education, health services, rural electrification and drinking water facilities etc. Reliable and comparative data regarding the benefits accruing to Scheduled Castes and Scheduled Tribes from the various components of this programme have not been compiled. It is considered essential that suitable pro forma should be devised to collect details regarding the benefits derived by Scheduled Castes and Scheduled Tribes in comparison to other sections of the

population, from the implementation of the Minimum Needs Programme in various parts of the country.

#### Allotment of distributive agencies

##### Fair price/ration shops

4.27. Considerable improvement in the economic condition of the persons belonging to Scheduled Castes and Scheduled Tribes can be brought about by making them eligible on preferential basis in the matter of allotment of distributive agencies such as fair price shops, ration shops, dealerships, coal depots etc. It is understood that upto the middle of June, 1977 there were 2,43,913 fair price/ration shops functioning in various parts of the country, out of which 1,87,135 fair price shops functioned in the rural areas. It is, however, not known as to how many of them were exactly run by the persons belonging to the Scheduled Castes and Scheduled Tribes

and whether the authorities concerned had provided any reservation for the persons belonging to Scheduled Castes/Scheduled Tribes in the matter of allotment of fair price shops. The table below indicates the available information regarding the distributive agencies allotted to Scheduled Castes and Scheduled Tribes by the public sector undertakings and State Governments and Union Territory Administrations:—

S. No.	Name of Agency/State	Period	Type and number of distributive agencies given to Scheduled Castes/Tribes
1	2	3	4
1.	Indian Oil Corporation Limited.	As on 31-3-1977	19 'A' site retail outlets for petrol and diesel pumps. (b) 18 cooking gas * agencies.
2.	Scooters India Limited	1974-75	(a) 6 retail outlets in management (b) 4† retail outlets in management.
3.	Bihar (Patna, Gaya, Ranchi, and Aurangabad districts).	Upto 31-12-76	36 fair price shops, 32 kerosene depots, 8 coal depots, 313 controlled cloth depots and 9 mini bus permits.
4.	Haryana	1975-76	282 ration shops and 73 cloth depots.
5.	Kerala	Upto November, 1976	23 ration shops.
6.	Meghalaya	1974-75	178 retail kerosene oil depots, 31 wholesale agencies in controlled rice and wheat products, 4 salt agencies, 17 cement stocks and 1083 fair price shops.
7.	Tripura	1975-76	111 fair price shops.
8.	Uttar Pradesh (26 Districts)	31-12-1976	3023 distributive agencies/shops for the distribution of essential commodities.
9.	Delhi	1975-76	3 atta, 7 coal, 3 kerosene oil and 6 wheat retail agencies.

More details about the work done in this regard are indicated in the subsequent paragraphs.

\* 3 candidates resigned

† 4 candidates selected but so far did not assume position at the outlet,

### Indian Oil Corporation

4.28. According to available information, the Indian Oil Corporation have been reserving 25 per cent of the agencies (excluding 'B' site outlets) for Scheduled Caste and Scheduled Tribe candidates. As on 31-3-1977, the Indian Oil Corporation had awarded 19 'A' site retail outlets (Petrol and Diesel Pumps) to Scheduled Caste and Scheduled Tribe candidates out of the 49 outlets newly opened since 1st January, 1974. Similarly, 18 out of 71 new cooking gas agencies were awarded to Scheduled Caste and Scheduled Tribe candidates during this period. According to a study conducted in respect of distributive agencies/dealerships given by the Indian Oil Corporation in **Tamil Nadu**, it was found that out of 297 Indian Oil Corporation retail outlets, only 5 retail outlets had been allotted to the persons belonging to Scheduled Castes. However, in actual practice only 2 units—one at Madras and the other at Salem, had started functioning. In one case the dealer belonging to a Scheduled Caste had not been able to obtain any financial assistance from the Bank. It came out that in actual practice the dealership was a **benami** transaction and was managed by a person other than the bonafide allottee and the person who was actually managing the dealership did not belong to Scheduled Caste. In respect of dealership at Salem, it was learnt that the meter and installation were old and frequently giving trouble. Though the matter was reported to have been brought to the notice of the Indian Oil Corporation, prompt action had not been taken, as a result of which the business of the Scheduled Caste person was suffering.

### Fertilizer Corporation of India

4.29. It is understood that the Fertilizer Corporation of India, Madras Fertilizers Limited and Fertilizers and Chemicals Travancore Limited appoint dealers etc. for the distribution of fertilizers. However, so far no procedure has been evolved to give benefit of such dealerships to the persons belonging to Scheduled Castes and Scheduled Tribes. It would be desirable if these public sector undertakings provide for specific reservations for persons belonging to Scheduled Castes and Scheduled Tribes in the allotment of fertilizer agencies.

### Scooters India Limited

4.30. As per information furnished by Scooters India Ltd., Lucknow, 71 retail outlets were being managed by retail outlet managers in various parts of the country. The Scooters India Ltd. had selected 6 persons belonging to Scheduled Castes and Scheduled Tribes during 1974-75 for

the management of retail outlets at New Delhi, Calcutta, Ranchi, Dehradun and Quilon. However, 3 candidates belonging to Scheduled Castes and Scheduled Tribes resigned. In order to attract more Scheduled Caste/Scheduled Tribe candidates, Scooters India Ltd. were reported to have advertised exclusively for Scheduled Caste and Scheduled Tribe candidates in 1976, in response to which 4 candidates were selected for Bhilai, Baroda, Bikaner and Thana. These candidates, however, did not assume position at the outlet, though some of them had been given in-plant training at Lucknow.

#### **Distributive Agencies allotted by the State/Union Territories**

4.31. Available information regarding allotment of various types of distributive agencies by the State Governments is given below:—

##### **BIHAR**

On the basis of a study conducted in Bihar it was found that in Patna District 9 Fair Price Shops and 5 Kerosene Oil Licences had been given to the persons belonging to Scheduled Castes. In Gaya District, 12 and 45 agencies were given to the Scheduled Castes for running Fair Price Shops and distribution of controlled cloth, respectively. In Ranchi District, 27 Scheduled Caste persons and 239 Scheduled Tribe persons were engaged in the distribution of controlled cloth and 2 persons belonging to Scheduled Castes and 7 persons belonging to Scheduled Tribes, had been granted mini bus permits. 15 Fair Price Shops, 27 Kerosene Oil Dealerships, 8 Coal Depots and 2 Controlled Cloth Agencies, had been allotted to Scheduled Caste in Aurangabad District. A Scheduled Caste allottee of a Fair Price Shop of Gaya District was required to invest an amount exceeding Rs. 16,000 for his Fair Price Shop. He was, however, unable to obtain any financial help from the banks, as a result of which he had to accept a well-to-do person as a partner who could make the requisite investment and claimed half of his profits.

##### **HARYANA**

During 1975-76, in all 4,321 Ration Depots and 2,197 Cloth Depots had been allotted, out of which 282 Ration Depots and 73 Cloth Depots were in the hands of the persons belonging to Scheduled Castes. Instructions were also reported to have been issued to allot coal depots on priority basis to the persons belonging to Scheduled Castes.

##### **KERALA**

Upto the end of November, 1976, 23 Ration Shops were reported to be run by the persons belonging to Scheduled Castes and Scheduled Tribes. However, in the matter of appointment of authorised ration dealers no specific preference had been announced in respect of the persons belonging to these categories.

##### **MADHYA PRADESH**

The Food and Civil Supplies Department issued instructions to all the District Collectors in 1974 that fifth priority should be accorded to the persons belonging to Scheduled Castes and Scheduled Tribes in the allotment of Fair Price Shops. In September, 1976 further instructions were issued to the District Collectors that special consideration should be shown to Scheduled Castes and Scheduled Tribes in the matter of issuing licences for Fair Price Shops selling foodgrains, sugar, cloth etc. in the areas where the percentage of Scheduled Caste and Scheduled Tribe population exceeded 33 per cent of the total population.

##### **MEGHALAYA**

During 1975-76, 837 and 18 Fair Price Shops had been allotted to the persons belonging to Scheduled Tribes and Scheduled Castes, respectively. During this period, 5 Kerosene Oil Agencies had been allotted to the persons belonging to Scheduled Tribes. In 1974-75, the persons belonging to Scheduled Castes and Scheduled Tribes were owning 178 retail Kerosene Oil Agencies, 31 wholesale agencies in controlled rice and wheat products and 4 Salt Agencies. There were 17 Cement Stockists belonging to Scheduled Tribes. About 1229 fair price shops had been allotted, out of which approximately 80 per cent were in the hands of the persons belonging to Scheduled Tribes.

##### **TRIPURA**

During 1975-76, 43 and 68 Fair Price Shops were run by the persons belonging to Scheduled Tribes and Scheduled Castes, respectively.

##### **UTTAR PRADESH**

It was observed that out of 68,547 persons/licensees running distributive agencies, shops etc. for the distribution of essential commodities in 26 districts, 2,460 (3.59%) were Scheduled Castes and 563 (0.82%) were Scheduled Tribes. Among the districts reporting 2,460 Scheduled Caste persons engaged in running distributive agencies, Farukhabad stood first 189 (15.33%). The

second, third and fourth positions went to Jalaun 300 (14.45%), Meerut 362 (10.24%) and Gazipur (5.20%) respectively in terms of comparative benefits derived. The respective districts of Pithoragarh and Chamoli occupied first and second positions respectively in the matter of issuing licences to Scheduled Tribes. Out of the 1,866 persons of Pithoragarh who received licences, 201 (10.78%) were Scheduled Tribes and out of 2,360 persons of Chamoli, 227 (9.63%) were Scheduled Tribes. It was observed that in the recent years there had been an improvement in the participation of Scheduled Castes/Tribes in the allotment of distributive agencies, but they still lagged far behind the general population. As many as 28 District Supply Officers did not furnish the required details, which indicated lack of awareness of their responsibility to the policy of State Government to give preference to Scheduled Castes and Scheduled Tribes while allotting licences and agencies of essential commodities.

#### DELHI

During 1975-76, 3 atta, 7 coal, 3 kerosene oil and 6 wheat retail agencies had been allotted to the persons belonging to Scheduled Castes.

#### PONDICHERRY

One person belonging to Scheduled Caste had been allotted Fair Price Shop during 1975-76. Local bodies had also been asked

to allot 20 per cent of shops constructed by them for leasing out to the persons belonging to Scheduled Castes.

4.32. It is essential that besides the allotment of distributive agencies, institutional financial assistance should be made available to the persons belonging to Scheduled Castes and Scheduled Tribes in view of their poor economic condition so that the ownership of the distributive agencies may not slip out of their hands due to financial constraints.

#### Small Farmers, Marginal Farmers and Agricultural Labourers Development Agencies

4.33. The schemes of Small Farmers Development Agencies and Marginal Farmers and Agricultural Labourers were introduced to create employment and additional income in the rural areas of our country. During the course of the Fourth Plan, 46 districts were identified for setting up small Farmers Development Agencies and 41 projects were set up for marginal farmers and agricultural labourers. The number of these projects was raised to 160 during the Fifth Plan period. The parameters for identification of small and marginal farmers have been reduced to 2.02 hectares of dry land in the case of small farmers and 1.01 hectares of dry land in the case of marginal farmers. Recently, the definition of small and marginal farmers has been revised with reference to Drought Prone Areas of seven\* States to enlarge its scope.

*State	Irrigated Areas	Dry Areas
		(in Hect.)
1. Andhra Pradesh . . . . .	1.50	3.00
2. Gujarat		
(a) Arid areas—Kutch, Banaskantha, Mehsana . . . . .	1.50	7.00
(b) Semi-arid areas—other DPAP districts of Gujarat . . . . .	1.50	3.00
3. Haryana—All DPAP districts . . . . .	1.50	7.00
4. Jammu & Kashmir—All DPAP districts . . . . .	1.50	3.00
5. Karnataka—All DPAP districts . . . . .	1.50	3.00
6. Maharashtra—All DPAP districts . . . . .	1.50	3.00
7. Rajasthan		
(a) Arid-areas (Bikaner, Jaisalmer, Barmer, Nagaur, Churu, Jodhpur, Jalore, Pali) . . . . .	1.50	7.00 (10.0 in Jaisalmer)
(b) Semi-arid areas—Other districts of Rajasthan . . . . .	1.50	3.00

For purposes of marginal farmers, half of the holding size identified as small holding was to be treated as marginal holding for the purposes of assistance under the programme.

4.34. 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 of these schemes to the persons belonging to the Scheduled Castes and the Scheduled Tribes in the Fifth Plan and they had also devised the proforma to collect statistical information in respect of the Scheduled Castes and the Scheduled Tribes benefiting from these schemes.

4.35. As per information collected by this Organisation it is observed that during the years

1975-76 and 1976-77, 81,824 persons belonging to Scheduled Castes and Scheduled Tribes and 154 societies of Backward Classes were assisted by agencies with an expenditure of Rs. 238.417 lakhs. Project-wise break up of the funds utilised and physical progress achieved during the years 1975-76 and 1976-77 may be seen in the two Statements at Appendix XX.

**4.36. However, this is only partial information regarding the assistance derived by the persons belonging to Scheduled Castes and Scheduled Tribes from the operation of the programme. There are more than 100 other such projects and no information is available about the assistance rendered by them to Scheduled Castes and Scheduled Tribes. On the basis of inadequate data, it is very difficult to say whether the persons belonging to Scheduled Castes and Scheduled Tribes have started deriving adequate benefits from this programme.**

## CHAPTER 5

### EDUCATIONAL DEVELOPMENT

#### Expenditure under the Backward Classes Sector

##### Central Sector :

Under the Backward Classes Sector of the Centrally Sponsored Programme, provision is made for two educational schemes, viz., Post-matric Scholarships and construction of girls' hostels. The Fifth Plan outlay and the expenditure incurred under these schemes for the years 1974-75 to 1976-77, are given in the following table:—

(Rs. in crores)

Name of scheme	Fifth Plan Outlay	Expenditure incurred during		
		1974-75	1975-76	1976-77 (Estimated)
1	2	3	4	5
(i) Post-matric Scholarships for Scheduled Castes and Scheduled Tribes	100.00	10.09	13.61	15.50
(ii) Girls Hostels for Scheduled Castes	1.88	0.25	0.25	0.44
Scheduled Tribes	1.89	0.31	0.43	0.35

It would be seen from the above table that the expenditure under the scheme of Post-matric Scholarships has been rising steadily from Rs. 10.09 crores to an estimated amount of Rs. 15.50 crores, excluding committed expenditure. This shows that with the increase in educational facilities provided by Government for Scheduled Castes and Scheduled Tribes, more

and more students belonging to these communities are coming up for Post-matric education.

##### State Sector :

52. The main educational schemes under the State Sector are pre-matric stipends, reimbursement of tuition fees, hostels, ashram schools, etc. According to available information, provision of Rs. 58.82 crores and Rs. 36.67 crores was made under these schemes for Scheduled Castes and Scheduled Tribes respectively, for the Fifth Five Year Plan, against which expenditure of Rs. 26.85 crores and Rs. 17.02 crores was incurred for Scheduled Castes and Scheduled Tribes respectively, during the years 1974-75 to 1976-77. The State-wise provision for the Fifth Plan as well as the expenditure incurred during the years 1974-75 to 1976-77 are given in the Statement Nos. 1 and 2 at Appendix XXI.

##### Enrolment :

53. The Central Advisory Board of Education fixed the national 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. It has been observed that the bulk of the shortfall in the enrolment in these age groups relates to the Scheduled Castes and the Scheduled Tribes. The enrolment figures for 1974-75 have since been furnished by the Union Department of Education. The table below gives the progress of enrolment among the Scheduled Castes and the Scheduled Tribes as compared to the other communities in the age groups 6—11, and 11—14 during 1968-69, 1973-74 and 1974-75:—

	Classes I—V			Classes VI—VIII		
	1968-69	1973-74	1974-75	1968-69	1973-74	1974-75
<i>Scheduled Castes</i>						
1. Enrolment (in lakhs)	65.20	68.95	75.59	11.19	12.16	14.01
2. Percentage to the corresponding age-group	64.1	68.9	67.1	20.5	22.1	22.7
<i>Scheduled Tribes</i>						
3. Enrolment (in lakhs)	25.25	28.45	31.79	3.67	4.09	4.57
4. Percentage to the corresponding age-group	52.3	59.3	59.7	14.1	15.7	15.7
<i>Other communities</i>						
5. Enrolment (in lakhs)	453.24	534.53	531.05	110.51	130.64	133.66
6. Percentage to the corresponding age-group	82.8	90.7	87.6	37.7	40.4	40.2

It would be seen from the above table that the progress of enrolment among the Scheduled Castes and Scheduled Tribes during the year 1974-75 was almost insignificant. The percentage

of enrolment of Scheduled Castes in the age group 6—11 actually decreased from 68.9 in 1973-74 to 67.1 in 1974-75.



5.4. The State-wise progress of enrolment among Scheduled Castes and Scheduled Tribes in the age groups 6—11, 11—14 and 14—17 as compared to all children (including Scheduled Castes and Scheduled Tribes) during the years 1968-69, 1973-74 and 1974-75\* is given in the Statement at Appendix XXII. It would be seen from that Statement that in the case of Scheduled Castes the position is far from satisfactory in **Andhra Pradesh, Bihar, Haryana, Jammu and Kashmir, Orissa, Rajasthan and Manipur**. In the case of Scheduled Tribes the enrolment position was unsatisfactory in **Andhra Pradesh, Manipur, Orissa, Rajasthan and Tamil Nadu**. It appears that at this rate it may not be possible to achieve the targets of cent per cent enrolment by the end of the Fifth Five Year Plan. **Concerted efforts should therefore be made by the State Governments to increase the enrolment of the Scheduled Castes and Scheduled Tribes, by giving them incentives like stipends, free uniforms, books and stationery.**

5.5. It has been observed that even within a State there are a number of tribal communities in many areas which have a very low level of literacy. For example, in a study made by this Organisation it was revealed that in **Kerala**, according to the 1971 Census, the percentages of literacy among some Scheduled Tribe communities, viz., Adiyam (8.44), Eravellan (3.10), Irrulan or Irulan (3.82), Kattunayakan (1.96), Koraga (5.80), Malayan (8.74), Mannan (4.81), Muthuwan (3.46), Palliyar (9.09) and Paniyan (4.30) were very low as compared to the percentage of literacy for all Scheduled Tribes in the State (25.72). In the case of some other Scheduled Tribe communities like Malai Arayan and Malayarayar, the percentages of literacy were as high as 65.16 and 65.53, respectively. It was also observed that as compared to the level of literacy in 1961 Census, the percentages of literacy actually fell or remained almost constant in the case of some Scheduled Tribe communities, viz., Eravellan (7.14 to 3.10), Kattunayakan (1.95 to 1.96), Palleyan (11.89 to 11.01). In other States having large tribal populations also there are some tribal communities having very low literacy level. **These communities cannot be covered by the general programmes of education for the Scheduled Tribes. It is necessary that the reasons for the poor progress of education among these communities should be identified by the State Governments concerned and special efforts for the progress of education among these communities are made. Some of the reasons which are quite obvious may be curricula, vacation and school timings unsuitable to the area, remoteness of the region in which they are living, difficulty of communication because of different dialects, socio-economic conditions of the groups**

**concerned. The problems of each community should be clearly understood and specific solutions found. Each State Government concerned should, therefore, identify such communities and identify low literacy pockets and prepare specific educational programmes for them.**

5.6. The Central Advisory Board of Education also considered the problems of education among the Scheduled Castes and the Scheduled Tribes in their meeting held in July, 1976, and made the following recommendations:—

- (i) In the programme of universalising elementary education for children in the age group 6—14, the highest emphasis should be laid on the education of the children of Scheduled Castes, Scheduled Tribes and other weaker sections of society.
- (ii) The problem in relation to these groups is also most acute in some States. Even within these groups and areas there is wide variation in terms of literacy, enrolment and educational instruction. Therefore, universalisation of elementary education should be addressed to these specific groups and selected areas.
- (iii) These social groups (Scheduled Castes and Scheduled Tribes) are not homogeneous. Among certain Scheduled Castes and some Scheduled Tribes education has spread fairly widely while there are some Scheduled Castes and several Scheduled Tribes among whom the rates of enrolment are low and the percentages of literacy are less than even five. It is necessary to develop differentiated programmes, greater efforts being made for the more under privileged and less advanced Scheduled Castes and Scheduled Tribes.
- (iv) In the case of tribal areas, educational infrastructure is non-existent in many cases. A net-work of educational institutions of single teacher schools, sub-schools, peripetatic schools, residential schools should be planned for each micro-unit. A supporting net-work of hostel facilities according to the sparseness of population and the density of the school net-work should be established. It is also necessary to evolve suitable curricula, adopt appropriate school timings in the context of the local economic cycle, prepare reading material in local dialects, recruit teachers from

\*Information for general category not available for 1974-75.

the local community even with lower qualifications (but greater training input), support non-formal education, provide scholarships and stipends and construct school buildings and quarters for teachers. All these programme should be built into the tribal sub-plan for education in each State.

- (v) The Central Government should provide special assistance to enable the States to universalize education among all weaker sections and especially among the children of the Scheduled Castes, Scheduled Tribes, and other most under-privileged social groups

The recommendation of the Central Advisory Board of Education are commendable. It is desirable that all the State Governments/Union Territory Administrations concerned should take early steps to implement the same.

#### Ashram Schools :

5.7. Ashram schools are residential type of schools which also provide free boarding and lodging facilities to the students. These schools are specially suitable for the sparsely populated tribal areas where the normal day schools cannot be established and are designed to meet the specific requirements of the tribals. In some States such schools have also been established for Scheduled Castes and other Backward Classes. Besides general education, these schools also impart craft based education to the students. These schools are run by the State Governments and non-official agencies. The programme for the establishment and running of ashram schools is also included in the tribal sub-plans of the various States where such sub-plans have been formulated. The estimated outlays on ashram schools for the year 1977-78 in the States/Union Territories having tribal sub-plans as well as the existing number of ashram schools and their inmates in various States/Union Territories are given in the table below:—

S. No.	State/Union Territory	Outlay made in sub-plan-1977-78 (Rs. in lakhs)	Number of ashram schools	Number of inmates in these schools
1	2	3	4	5
1.	Andhra Pradesh . . . . .	174.14	262 (1975-76)	16,650
2.	Bihar . . . . .	42.00	76 (1975-76)	9,534
3.	Gujarat . . . . .	121.00	138 (1973-74)	15,429

1	2	3	4	5
4.	Himachal Pradesh . . . . .	1.45	N.A.	N.A.
5.	Jammu and Kashmir . . . . .	..	1 (1975-76)	16
6.	Karnataka . . . . .	22.45	65 (1974-75)	3,875
7.	Kerala . . . . .	15.44	55 (1972-73)	1,650
8.	Madhya Pradesh . . . . .	16.60	138 (1975-76)	5,520
9.	Maharashtra . . . . .	230.52	198* (1973-74)	11,230
10.	Manipur . . . . .	6.85	6 (1973-74)	527
11.	Orissa . . . . .	81.71	110 (1972-73)	1,220
12.	Rajasthan . . . . .	15.10	8 (1975-76)	243
13.	Tamil Nadu . . . . .	6.34	79 (1975-76)	4,433
14.	Uttar Pradesh . . . . .	17.73	9 (1975-76)	826
15.	West Bengal . . . . .	6.90	5 (1975-76)	360
16.	Goa, Daman & Diu . . . . .	5.00	N.A.	N.A.
17.	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, Madhya Pradesh, Orissa and Rajasthan having sizeable tribal population. The Governments of these States should, therefore, take necessary steps to increase the number of such schools in their respective States.

5.8. Starting and maintenance of ashram schools involves large expenditure especially on the purchase of equipments and employment of craft-oriented teachers for imparting craft-based education. It has been observed that most of these schools tend to function as ordinary residential schools ignoring the importance of craft based education. In such cases the expenditure incurred on these schools goes waste. For example, the Government of Karnataka have informed that education in ashram schools so far started is not craft-based, as the syllabus prescribed by the Education Department is being followed in view of the recognition given by them. Only in the Central Ashram School which is being run on an experimental basis teaching and practice of agricultural methods has been taken up. The State Government is still considering to include teaching and practice of crafts and trades with which the tribal children are familiar in the existing ashram schools. In another study conducted in Madhya Pradesh it was revealed that out of the annual expenditure of Rs. 1,270 incurred on an ashram school student, an amount

\*Run by Non-official Organisations only.

of Rs. 418 was spent on the maintenance of the student, Rs. 411 on the staff and only Rs. 43 on equipments. The study concluded that the expenditure on equipments was too little to meet the requirements. **It is, therefore, desirable 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 the schools should be provided with the required craft equipments and necessary craft oriented teachers.**

#### Hostels :

5.9. One of the most important reasons for the slow progress of education among the Scheduled Castes and Scheduled Tribes is the lack of residential facilities for students belonging to these communities, whose homes are generally far from schools. The homes of these students also do not play a complementary role in their physical and mental growth. Hostels, therefore, have an important role in the efforts for the educational advancement of these communities. Provision of hostels for the Scheduled Caste and

Scheduled Tribe boys and girls is one of the important programmes included in the Fifth Five Year Plan as well as the tribal Sub-Plans prepared by various State Governments. Under the Central Sector, funds are provided for the construction of girls hostels only, while under the State Sector, provision is made for the construction and maintenance of Backward Classes hostels. **It has been observed that as against the approved ratio of one middle school for every five primary schools, in some tribal areas the ratio is even upto 1 : 80. Such structural imbalances should be rectified and in the meantime hostel facilities should be made available in existing middle and high schools. Seats should also be reserved in the hostels for tribal students belonging to such areas where only primary and middle schools are functioning.**

5.10. All the State Governments/Union Territory Administrations were requested to furnish information regarding the number of Backward Classes hostels and the number of inmates in them during the year 1975-76. The requisite information has, however, been received from only a few States and is given in the table below:—

Sl. No.	Name of the State/Union Territory	Number of hostels for			Number of inmates in these hostels			
		Sch. Castes	Sch. Tribes	Total	Sch. Castes	Sch. Tribes	Others	Total
1	2	3	4	5	6	7	8	9
1.	Andhra Pradesh (1974-75)	1,000	299	1,299	47,527	14,362	..	61,889
2.	Bihar (1973-74)	90	180	270	3,635	5,176	..	8,811
3.	Gujarat (1975-76)	168	268	436	7,001	13,185	2,099	22,285
4.	Karnataka (1975-76)	421	16	447	18,270	719	21,325	40,314
5.	Kerala (1973-74)	52	5	57	1,200	510	..	1,710
6.	Madhya Pradesh (1974-75)	259	1,452	1,711	5,549	29,918	..	35,467
7.	Maharashtra (1973-74)	620	652	1,272	29,000	30,600	..	59,600
8.	Orissa (1972-73)	316	452	768	12,640	18,080	..	30,720
9.	Rajasthan (1975-76)	125	120	245	4,979	4,581	..	9,560
10.	Tamil Nadu (1974-75)	557	16	573	..	..	..	53,996
11.	Dadra and Nagar Haveli (1975-76)	8	..	8	..	..	..	1,021
12.	Lakshadweep (1972-73)	..	5	5	..	256	..	256
13.	Pondicherry (1975-76)	9	..	9	430	105	..	535
14.	Andaman and Nicobar Islands (1975-76)	..	2	2	..	45	..	45
15.	Arunachal Pradesh (1974-75)	..	75	75	..	2,800	..	2,800

(Information relating to years earlier than 1975-76 pertains to the States/Union Territories which did not furnish the requisite information for that year).

It would be seen from the above table that the number of Backward Classes hostels in **Bihar, Kerala and Rajasthan** continues to be quite inadequate. The Reserve Bank of India issued instructions to all the Scheduled Commercial Banks in June 1976, to provide finances for the construction of hostels for Scheduled Castes and Scheduled Tribes, at rate of interest not exceeding that prescribed under the differential interest rate scheme. According to available information the Indian Bank has agreed in principle to take up financing construction of Harijan hostels in **Tamil Nadu**. About 4,000 Scheduled Castes/Scheduled Tribes are expected to benefit from the project. This appears to be a good way of financing the construction of Backward Classes hostels. **It is, therefore, desirable that the Governments/Administrations of the other States/Union Territories in which the number of Backward Classes hostels in inadequate should take early action for the construction of more Backward Classes hostels with financial assistance from the Scheduled Banks.**

5.11. It was recommended in our earlier Reports that the rates of stipends for inmates in the Backward Classes hostels in various States were fixed long back and these had become inadequate due to rise in prices and needed to be enhanced. In pursuance thereof the rates of stipends have since been increased in several States, viz., **Andhra Pradesh, Karnataka, Pondicherry, Tamil Nadu, Rajasthan, Gujarat, Kerala and Madhya Pradesh**. The action taken by these State Governments is welcome. **It is desirable that the State Governments/Union Territory Administrations which have not yet enhanced the rates of such stipends should take early action to do so now to enable the Backward Classes hostels to provide balanced diet to the inmates.**

#### Central Sector

##### Girls' Hostels:

5.12. The Centrally Sponsored Scheme of hostels for Scheduled Caste and Scheduled Tribe

girls was started during the Third Five Year Plan. Initially, the scheme provided for construction/extension of buildings. The scope of the scheme has been expanded in the Fifth Five Year Plan, so as to incorporate provision for construction of buildings, award of stipends, maintenance of hostels and facilities for meeting the special requirements for the girls belonging to these communities. In the integrated scheme, the Central Sector will provide for (i) the hostel buildings, (ii) furnishing of hostels, (iii) initial equipment for crafts like sewing and embroidery, (iv) initial grant for necessary equipment for cultural activities and (v) initial grant for rotating capital for attached agricultural plots etc. to enable the hostels to develop as multipurpose institutions where the girls can be trained in arts, crafts, skills, games, house-keeping etc. Scheduled Caste/Scheduled Tribe girls studying in professional institutions like those for typing, stenography, nursing, midwifery, etc. are also eligible to be admitted to these hostels. The rates of grants-in-aid to these hostels were fixed as far back as 1960. As these rates became out of date with the rising cost of building materials etc. and there was demand for larger funds from the State Governments, the question of raising the per capita rate was under the consideration of the Ministry of Home Affairs for sometime. These rates have since been revised during 1975-76. According to the revised rates, the maximum grant-in-aid that can be given under the scheme is Rs. 3,200 per student if accommodation only is provided and Rs. 4,450 per student if accommodation as well as ancillary facilities like dining hall, kitchen, sanitary blocks etc. are also provided.

5.13. The revised Fifth Plan outlay, the expenditure incurred during 1974-75, 1975-76, the anticipated expenditure during 1976-77 and the proposed outlay for 1977-78 under the scheme for Scheduled Castes as well as Scheduled Tribes, is given in the table below:—

(Rs. in lakhs)

	Fifth Plan outlay	Expenditure incurred		Anticipated expenditure 1976-77	Proposed outlay for 1977-78
		1974-75	1975-76		
Hostels for Scheduled Caste girls . . . . .	188.00	25.00	25.00	44.00	50.00
Hostels for Scheduled Tribe Girls . . . . .	189.00	30.70	43.03	35.00	45.00

It would be seen from the above table that with the increase in the rates of the grants-in-aid to girls' hostels from the year 1975-76, the expenditure on the scheme has been rising and an outlay of Rs. 95.00 lakhs has been made for

the year 1977-78. The State-wise expenditure incurred under the scheme for Scheduled Castes and Scheduled Tribes during the years 1974-75, 1975-76 and 1976-77 may be seen in Statement Nos. 1 and 2 at Appendix XXIII. It would be

seen from the above mentioned statements that the progress of the scheme in the States like **Bihar, Gujarat, Himachal Pradesh, Kerala, Karnataka, Maharashtra, Orissa, Rajasthan and Uttar Pradesh** is far from satisfactory. A sample study conducted on the working of the girls' hostels for Scheduled Castes and Scheduled Tribes in Palamau and Ranchi districts of Bihar in December, 1976 revealed that the State Government was not able to start new hostels due to the non-availability of suitable buildings on rent. The hostellers faced a number of difficulties, like absence of electricity, low rates of stipends, lack of boundary walls around the hostel buildings, inadequate furniture and utensils and poor maintenance of hostel buildings. It was, therefore, recommended by the Study Team that the State Government should construct new buildings where necessary with the help of grants-in-aid from the Government of India. For that purpose, the Central Government should place adequate funds at the disposal of the State Government. A token provision of Rs. 1 or 2 lakhs for a State during a year for constructing hostel buildings is not sufficient and should be enhanced to at least Rs. 5 lakhs per annum. In order to attract more girl students to these hostels, provision should be made for the payment of stipends to the hostellers at rates not less than Rs. 80 per month. In another study conducted in October and November, 1976 in Sambalpur, Cuttack, Sundergarh and Puri districts of **Orissa**, it was revealed that of the four hostels studied, two hostels buildings constructed for Pre-matric Scheduled Caste/Scheduled Tribe girls were being used for un-approved purposes by the Headmistress/Headmaster of the concerned High Schools. One of them was using the building for her residential purposes while the second building was being used for different purposes not approved under the scheme.

5.14. **The above mentioned lapses noticed during the study are quite serious and should be urgently looked into by the State Governments. In order to give an impetus to girls' education among the Scheduled Castes/Scheduled Tribes, it is, therefore, desirable that urgent action should be taken by the Government of India as well as the State Governments concerned to increase the number of girls' hostels for students belonging to these communities. For that purpose, the revision of the rates of grants-in-aid for such hostels would be a step in the right direction.**

#### **Post-matric Scholarships**

5.15. Award of Post-matric Scholarships to Scheduled Caste and Scheduled Tribe students is one of the most ambitious centrally sponsored programmes for the advancement of higher education among these communities. This is one scheme which is an open-ended one and the

plan outlays do not determine the number of beneficiaries but on the contrary the number of beneficiaries determines the plan outlays. The number of scholarships which was only 114 in 1944-45 when the scheme was initiated increased to 3.33 lakhs (Scheduled Castes 2.73 lakhs Scheduled Tribes 0.55 lakh, Neo Budhists 0.05 lakh) in 1974-75, 3.58 lakhs (Scheduled Castes 3.01 lakhs, Scheduled Tribes 0.57 lakh) in 1975-76 and is expected to be about 4 lakhs in 1976-77. An outlay of Rs. 100 crores has been provided in the Fifth Five Year Plan for the scheme. The expenditure incurred on the scheme during 1974-75 and 1975-76 was Rs. 10.09 crores and Rs. 13.61 crores respectively. An outlay of Rs. 14.00 crores was approved for 1976-77 against which an expenditure of Rs. 15.50 crores is anticipated to be incurred during the year. During each of these years the State Governments have incurred an additional expenditure of Rs. 15.00 crores as committed expenditure.

#### **Scholarships under the new 10+2+3 pattern :**

5.16. It has been decided by the Government of India that from the academic year 1975-76, Scheduled Caste and Scheduled Tribe students studying in Classes XI and XII of the new 10+2+3 pattern of education will be awarded scholarships on the basis of public examinations at the end of Class X of the new pattern, subject to the other conditions of eligibility prescribed in the Regulations, even though Classes XI and XII of the new pattern may be in continuation of the school system of education. According to the existing regulations students studying in Class XI of the Higher Secondary School courses or Class XII of the Multi-purpose High School are not eligible, these being continuous school courses. This condition will remain unchanged. The rates of maintenance allowance to eligible students of the new pattern will be the same as for Group 'D' students in the Regulations, viz., Rs. 70 and Rs. 80 for boys and girls hostellers, respectively and Rs. 40 and Rs. 50 to boys and girls day scholars, respectively. An additional expenditure of Rs. 1 crore was estimated to be necessary to meet this additional commitment during the year 1976-77.

#### **Scholarships to two children of the same family:**

5.17. In response to a number of queries received from various State Governments and educational institutions about the number of children in a family who will be entitled to Post-matric Scholarships, the Union Ministry of Home Affairs have clarified that not more than two children in the same family will be eligible to receive these scholarships. It has been further clarified that this restriction is not for two children at any particular time but two children of the same family for all time to come. If in a family other children are receiving Pre-matric

Stipends, this will not debar those children of the family pursuing post-matric courses from receiving Post-matric Scholarships within the above limit.

#### **Students in full time employment :**

5.18. The Ministry of Home Affairs have clarified that those students who were employed and were receiving Post-matric Scholarships under the old scheme, i.e. prior to 1974-75, will continue to get scholarships at the new rates subject to other conditions like satisfactory progress etc., till they finish the course for which the scholarships under the old scheme were originally awarded, irrespective of the fact that they are still in employment. In other words, employed students who were beneficiaries of the Post-matric Scholarships under the old scheme, will not be put to any loss by the introduction of rule III (X) which debars students in full time employment to receive Post-matric Scholarships.

#### **Renewal of Post-matric Scholarships to failed Scheduled Caste/Scheduled Tribe students pursuing Engineering and Medical Courses :**

5.19. Prior to July, 1976, there was a confusion regarding the interpretation of Clause VII (ii) of the Post-matric Scholarship Regulations relating to the renewal of scholarships of the Scheduled Caste/Scheduled Tribe students pursuing Medical/Engineering Courses who failed in the examination for the second time in the course. In response to clarifications sought by the Government of **Andhra Pradesh** as well as this Organisation, the Union Ministry of Home Affairs insisted that a Scheduled Caste/Scheduled Tribe student pursuing such a course who failed for the second time at any stage of the course would not be eligible for the award of scholarship thereafter for the entire duration of the course. This resulted in a lot of hardship to the students concerned. A number of representations were also received from Scheduled Caste/Scheduled Tribe students about these hardships. The matter was, therefore, taken up by this Organisation with the Ministry at the highest level. In pursuance thereof it has now been decided by the Ministry to relax the above mentioned clause of the Post-matric Scholarship Regulations and to modify it as follows:—

“If a Scheduled Caste/Scheduled Tribe scholar pursuing Medical and Engineering courses fails in the examination for the first time the award may be renewed. For second and subsequent failures in any class the student shall bear his own expenses until he secures promotion to the next higher class.”

In other words, no scholarship will be given to Scheduled Caste/Scheduled Tribe students pursuing Medical/Engineering courses for second and subsequent failures in any class. Thereafter,

the scholarship may be given afresh when the student concerned secures promotion to the next higher class if otherwise eligible.

#### **Delay in the award and disbursement of Scholarships :**

5.20. A number of complaints are still being received in this Organisation regarding the delay in the disbursement of Post-matric Scholarships to Scheduled Caste/Scheduled Tribe students. The Union Ministry of Home Affairs have been making suggestions to various State Governments/Union Territory Administrations from time to time to streamline the procedure for the sanction and disbursement of scholarships. The action taken by the State Governments on these suggestions was recently reviewed by the Ministry who are also of the view that while efforts have been made to introduce procedure for facilitating quick disbursement of scholarships, complaints of delay are still coming from some areas. In March, 1976, the Minister for Home Affairs suggested the following further measures to the Chief Ministers of all the States/Union Territories for their consideration and implementation if the same had not already been done :

- (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;
- (ii) Scholarships should be paid to the students on monthly basis instead of quarterly or six monthly;
- (iii) the scheme should be decentralised at least to the level of District Welfare Officers;
- (iv) sufficient blank application forms should be supplied to the educational institutions before the commencement of the academic session so that the candidates can submit the application forms soon on joining college;
- (v) **ad-hoc** amount should be placed at the disposal of the college so that payments are made in time; and
- (vi) 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.

In pursuance of the above suggestion officers have since been appointed by the Governments of Assam, Arunachal Pradesh, Karnataka, Tamil Nadu and Tripura to oversee the work relating to the sanction and disbursement of the scholarships. **The action taken by these Governments is commendable. It is hoped that the State Governments/Union Territory Administrations which have not so far taken necessary action on the above mentioned suggestions of the Minister for Home Affairs would take early steps in this regard to expedite the disbursement of Post-matric Scholarships.**

#### **Private Pilot's Licence Course :**

5.21. The Union Ministry of Home Affairs excluded the Private Pilot's Licence Course for the award of Post-matric Scholarships to Scheduled Caste/Scheduled Tribe students, from December, 1975. The reason given by the Ministry for doing so is that, a non-matriculate is not debarred to receive training for that course. The argument advanced by the Ministry does not, however, appear to be logical. Since a large number of Scheduled Caste/Scheduled Tribe matriculate and even graduates may also aspire to receive training for the Pilot's licence, there is no justification in debarring them from the award of scholarships under the scheme simply because some non-matriculates also happen to be undergoing the same training. The right course would have been to prescribe matriculation or its equivalent as the minimum qualification for the award of Scholarship under the scheme. A similar condition of prescribing matriculation or its equivalent as the minimum qualification has also been laid down, by the Ministry of Tourism and Civil Aviation in their scheme for the award of scholarships to Scheduled Caste/Scheduled Tribe candidates for flying training upto Private Pilot's Licence standard. **It is, therefore, recommended that the matter may be reconsidered by the Ministry of Home Affairs and the Private Pilot's Licence course may be re-included in the scheme for Post-matric Scholarships with the condition that only those Scheduled Caste/Scheduled Tribe candidates who have matriculation or its equivalent as their minimum qualification will be eligible for the grant of these scholarships.**

5.22. The Ministry of Tourism and Civil Aviation introduced a scheme mentioned above for the grant of 20 scholarships every year to Scheduled Caste/Scheduled Tribe candidates for flying training upto Private Pilot's Licence standard in October, 1975. The details of the scheme have already been given in the previous Report.

The oral/aptitude test for the selection of the first batch of scholars was held by the Directorate General of Civil Aviation in November, 1976. It was observed during the test that a majority of candidates came from places as far as Trivandrum, Bhubaneshwar, Nagpur, etc. and mostly belonged to poor families. However, these candidates were not paid T.A. for travelling from their home towns to the place of test. It is understood that the Ministry of Civil Aviation have decided not to pay the above mentioned T.A. to the candidates concerned. The decision of the Ministry does not appear to be justified, since it may be very difficult for the Scheduled Caste/Scheduled Tribe candidates some of whom may be quite poor, to afford the transport charges to reach the place of the test and some of them may actually miss the same due to this reason. It is, therefore, desirable that necessary T.A. should be paid to candidates called for the oral/aptitude test. In some other similar schemes also, T.A. is paid to candidates called for interview. For example, under the Ministry of Home Affairs rules for the selection of Scheduled Caste/Scheduled Tribe candidates for the grant of National Overseas scholarships for post-graduate studies abroad, necessary T.A. is paid to the candidates called for interview. Relevant extracts from the rules are reproduced below:—

“Suitable candidates if required will also be called for interview and they will be paid, in the case of far flung stations not connected by rail, bus fare(s) by the lowest class from the place of residence to the nearest railway station, actual charges of crossing by ferry, air fare to the nearest rail-cum-air station and or IInd class railway fare by the shortest route enroute to the place of interview and back.”

The matter was taken up by this Organisation with the Ministry who were requested that in the light of the above arguments, provision should be made under the relevant rules for the grant of necessary T.A. to the candidates called for the test, from their home towns to the place of the test. The action taken by the Ministry in this regard is not known. **It is, therefore, recommended that the Ministry of Civil Aviation may reconsider the matter and take early action to make provision for the payment of T.A. to the candidates concerned.**

#### **Community-wise distribution of Post-matric Scholarships :**

5.23. It has been observed that the benefit of the Post-matric Scholarships scheme has not accrued equitably to all the communities comprising the Scheduled Castes and Scheduled Tribes. The number of scholarships received by the students of some economically better-placed communities among the Scheduled Castes and

Scheduled Tribes is much more than proportionate to their population, while some backward communities have not received even a single scholarship. For example, in a study made in Punjab on the basis of data pertaining to the years 1969-70 to 1973-74, it was revealed that at graduate level, Ad-dharmis and Ramdasias constituting 17.01 and 29.65 per cent of Scheduled Castes population in the State, got 40.73 per cent and 36.77 per cent awards respectively. On the other hand, Balmikis and Mazhabis constituting 15.78 and 24.74 per cent of Scheduled Caste population in the State got only 5.46 and 5.60 per cent awards respectively. The position of these communities was almost similar at post-graduate level also. In professional courses, Ramdasias and Ad-dharmis got 51.85 per cent and 26.10 per cent awards while Mazhabis and Balmikis got only 7.76 and 2.48 per cent awards respectively. Another study conducted in 9 colleges of Haryana during 1975-76 revealed that the maximum advantage of the Post-matric Scholarship scheme was derived by students belonging to Chamar/Jatav community who constitute 52.97 per cent of the Scheduled Castes population in the State and got 76.12 per cent of the total awards. The Balmikis and Kabirpanthis constituting 19.77 per cent of Scheduled Caste population got only 8.30 and 0.60 per cent awards respectively. In yet another study made on the basis of data pertaining to 1969-70, five communities of Uttar Pradesh, viz., Chamar, Kori, Pasi or Tarmali, Dhobi and Khatik constituting 72.83 per cent of the total Scheduled Caste population in the State got 92.02 per cent scholarships while all the remaining Scheduled Caste communities constituting 27.17 per cent of the Scheduled Caste population got only 7.98 per cent awards. In Karnataka, it was revealed in a sample study conducted in Mysore and Mandya districts of the State that 85.7 per cent of the Scheduled Caste students awarded Post-matric Scholarships belonged to Adi-Karnataka community while only 14.3 per cent belonged to the remaining Scheduled Caste communities. **It is, therefore, desirable that the Scheduled Caste/Scheduled Tribe communities who are not able to send their children for higher education should be identified in all the States/Union Territories and special programmes should be launched to encourage more and more students belonging to these communities to go in for Post-matric education. The following steps are recommended in this regard:—**

1. Special coaching classes should be started for the students belonging to these communities at pre-matric stage;
2. rates of Pre-matric stipends for such students should be increased;
3. special incentives like free books, clothing, mid-day meals etc. should be given to these students in schools; and

4. special residential schools on the lines of ashram schools should be started for the children belonging to these communities.

#### **Post-matric Scholarships to children of non-Scheduled Castes/Scheduled Tribes engaged in Scavenging of dry latrines, tanning and flaying:**

5.24. The existing Post-matric Scholarships scheme covers only the Scheduled Caste and Scheduled Tribe students and not the children of persons engaged in scavenging of dry latrines, tanning and flaying, who are not members of Scheduled Castes and Scheduled Tribes but suffer from the same social disabilities as Scheduled Castes and Scheduled Tribes and are in need of special attention with regard to their educational advancement. With a view to fulfilling this need, the Government of India have decided to introduce from the academic year 1977-78 a centrally sponsored scheme of Post-matric Scholarships exclusively for the children of those persons who are not members of Scheduled Castes and Scheduled Tribes and who are engaged in unclean occupations, viz. (i) scavenging of dry latrines, (ii) tanning, and (iii) flaying. This scheme will not cover the children of those persons who are employed as "Sweepers" as distinct from scavenging of dry latrines. The total number of scholarships to be awarded in a year under the scheme will be limited to 500. The allocation of scholarships to various States/Union Territories may be seen in the Statement at Appendix XXIV. The expenditure on the scheme will be met from the funds to be provided by the Central Government for the Centrally Sponsored Scheme of Post-matric Scholarships to Scheduled Castes and Scheduled Tribes. The State Governments will lay down the detailed procedure for selection of candidates. If in any particular year, the number of applications received by a State Government exceeds the quota fixed for that State, the selection will be made on the basis of merit. The means test, the rates of scholarships and other conditions of eligibility are the same as are prescribed in the existing scheme of Post-matric Scholarships to Scheduled Castes and Scheduled Tribes.

5.25. **The new scheme is commendable. However, it appears that the limited number of scholarships available under the scheme may be sufficient only to cover a small percentage of the children of the categories for whom it is meant. It is, therefore, desirable that the number of scholarships should be increased and all eligible children in these categories should be granted scholarships.**

#### **Pre-matric Stipends**

5.26. Almost all State Governments/Union Territory Administrations give Pre-matric Stipends to the Scheduled Caste and Scheduled Tribe



students under the State Sector, subject to the means tests prescribed by them, as an incentive to their parents to send their children to school. The rates of these stipends vary from State to State. According to the principle followed in the implementation of the Five Year Plans, the expenditure incurred under the scheme at the end of a Plan is treated as committed expenditure and is borne by the State Government concerned. State Governments which have been following this principle scrupulously have large funds available for the award of Pre-matric Stipends and are able to cover a large number of Scheduled Caste and Scheduled Tribe students. For example the Government of **Madhya Pradesh** have claimed that there is universal coverage for the award of Pre-matric Stipends to Scheduled Caste and Scheduled Tribe students in the State which means that all the eligible Scheduled Caste and Scheduled Tribe students are granted financial incentives for the prosecution of their studies. In Punjab all the eligible Scheduled Caste students who are studying in 8th, 9th and 10th classes are awarded Pre-matric stipends and all Scheduled Caste students in lower classes are given book grants. However, in many States/Union Territories the target of universal coverage is still far from being achieved. **It is, therefore, desirable that the State Governments/Union Territory Administrations which have not yet made universal coverage of Scheduled Caste and Scheduled Tribe students for the award of these stipends should take urgent action to increase the number thereof to give incentives to more and more students belonging to these communities to attend school and try to achieve universal coverage of the eligible students for the award of Pre-matric Stipends.**

**Pre-matric Scholarships to children of those engaged in un-clean occupations ie scavenging of dry latrines, tannery and flaying.**

5.27. The children of scavengers of dry latrines, flayers and tanners do not attend regular schools for a variety of reasons. The percentage of School drop-outs among such children is higher which results in perpetuating their backwardness. In order to provide good school education to these children, the Government of India has decided to start a Centrally Sponsored Scheme for the award of 1,000 Pre-matric Scholarships to children of these persons irrespective of their religion, from the academic year 1977. The scholarships will be awarded to students studying in classes VI to X whose parents' income does not exceed Rs. 500.00 per month. The scholarship will be tenable only to students studying in institutions having hostel facilities. The scheme will be implemented by the State Governments/Union Territory Administrations with active consultation and help of reputed voluntary organisations such as Ramakrishna Mission and Harijan Sevak Sangh. To begin with the scholarships

will be awarded to students spread over various Metropolitan centres in different States/Union Territories. Where the number of applicants is more, preference will be given to those who are poor and meritorious. Not more than one child in a family will be eligible for the award of scholarship.

5.28. The rate of scholarship will be Rs 100.00 per month for meeting the expenditure on tuition fee, cost of boarding and lodging, cost of books etc., equipment charges and other incidental expenses incurred on the child. An additional allowance of Rs. 45 per month will also be given to the children to cover expenditure on account of school uniform, clothing, towels, toilet, etc. In cases, where the scholarship amount is not adequate to meet the above expenditure, the additional requirement is to be met by the State Governments/Union Territory Administrations concerned from their budget provision for school education. The students concerned will not be allowed to take up employment or render help to their parents in their work during the course of their studies. The scholarship once awarded will be renewed by the State Governments/Union Territory Administrations concerned on the basis of an annual progress report to be prescribed by them on the recommendation of the Heads of the institutions in this regard.

5.29. The initiation of the new scheme by the Government of India is welcome. However, the number of scholarships does not appear to be adequate. **It is, therefore, desirable that the number of scholarships should be suitably increased to cover all the eligible children belonging to such categories.**

**National Overseas Scholarships to Scheduled Castes, Scheduled Tribes, Denotified, Nomadic and Semi-Nomadic tribes**

5.30. The Government of India started a scheme for the grant of overseas scholarships to Scheduled Castes, Scheduled Tribes, Denotified, Nomadic and Semi-Nomadic Tribes in 1954-55. Under the scheme, scholarships are awarded to deserving students belonging to the above mentioned communities, for post-graduate study and research in the subjects for which suitable facilities are not available in India, preferably in Engineering, Technology, Medicine, Agriculture and Science. Only those candidates from these communities are eligible, the income of whose parents/guardians including their own, does not exceed Rs. 1,000.00 per month. The number of scholarships awarded every year is 21. It has since been decided by the Government of India that from the year 1977-78, one seat, every year, out of the Scheduled Caste quota will be reserved for a Neo-Buddhist formerly belonging to a Scheduled Caste. If at any time, a suitable Neo-Buddhist candidate is not available, the seat thus reserved will revert to the Scheduled Castes quota.

5.31. During 1975-76, 7 un-utilised scholarships were carried forward from 1974-75, thus raising the total number of available scholarships to 28 (15 for Scheduled Castes, 8 for Scheduled Tribes, 3 for other economically Backward Classes and 2 for Denotified, Nomadic and Semi-Nomadic Tribes). Out of these, scholarships were sanctioned to 18 candidates during the year 1975-76 (10 to Scheduled Castes, 3 to Scheduled Tribes, 4 to other economically Backward Classes and 1 to Denotified, Nomadic and Semi-Nomadic Tribes). The remaining 10 scholarships (5 for Scheduled Castes and 5 for Scheduled Tribes) are still to be finalised. **It is hoped that the Ministry of Home Affairs will take early action in this regard.**

#### **Admission of Scheduled Caste and Scheduled Tribe students in various educational and technical institutions**

5.32. According to the instructions issued by the Union Ministry of Education to all the State Governments/Union Territory Administrations, 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 can be interchangeable, i.e. if sufficient number of candidates are not available to fill the seats reserved for Scheduled Tribes, they may 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**

##### **Graduate Courses:**

5.33. Most of the State Governments/Union Territory Administrations have issued instructions to the Medical Colleges to implement the above mentioned reservations as well as relaxation recommended by the Ministry of Education. An attempt was made to collect information regarding the percentage of seats reserved and relaxation in minimum marks allowed for admission of Scheduled Caste/Scheduled Tribe candidates to graduate courses as well as the number of such candidates actually admitted in various Medical Colleges in the country during 1975-76. The requisite information was, however, received in respect of only some Medical Colleges and is given in the Statement at Appendix XXV. It would be seen therefrom that most of the colleges have made the required reservation of

seats for Scheduled Caste/Scheduled Tribe candidates. However, according to available information some private Medical Colleges in Karnataka have been charging capitation fees from candidates including Scheduled Castes and Scheduled Tribes for admission to graduate courses. The State Government has been considering the question of regulation of admission of students to private Medical Colleges in the State. That Government is of the view that the practice of levying capitation fees and reserving seats for certain communities in the private Medical Colleges to which Government had made hospital facilities available, should be discontinued. Since immediate discontinuance is likely to cause certain financial and other difficulties to the managements of these colleges, the State Government has decided to discontinue the system in a phased manner. In pursuance of this decision and as a first step in that direction, the following instructions were issued by the State Government to regulate admissions to private Medical Colleges during 1977-78:—

- (i) A capitation fee of Rs. 5,000 shall be levied for seats reserved for students domiciled in Karnataka and those reserved for the Society.
- (ii) The capitation fee to be levied for seats other than those reserved for students domiciled in Karnataka shall be Rs. 35,000.
- (iii) Managements of the Colleges are permitted to raise their tuition fees to Rs. 2,000 per annum in respect of students admitted to first year M.B.B.S. class during 1977-78, at their discretion.
- (iv) In respect of seats reserved for students domiciled in Karnataka on payment of capitation fee of Rs. 5,000, 15 per cent, 3 per cent, 3 per cent and 28 per cent seats shall be reserved for Scheduled Castes, Scheduled Tribes, Backward Tribes and Socially and Educationally Backward Classes respectively.
- (v) The capitation fees for students belonging to Scheduled Castes and Scheduled Tribes domiciled in Karnataka who are admitted in the private Medical Colleges against seats reserved for students domiciled in the State, shall be paid by the State Government.

**It is desirable that similar action should be taken by other State Governments in respect of any private Medical Colleges which may be charging capitation fees for admission of Scheduled Caste and Scheduled Tribe students against seats reserved for them.**

### Post-graduate Courses :

5.34. The Union Ministry of Health had requested various State Governments as well as A.I.I. M.S., New Delhi and P.G.I. Chandigarh to reserve 20 per cent seats—15 per cent for Scheduled Castes and 5 per cent for Scheduled Tribes for admission to various Post-graduate Medical Courses and also to give a relaxation of 5 per cent in the minimum marks required for admission to these courses, to such candidates. As already mentioned in the previous Report, the response to the Ministry's suggestion has not been encouraging. The Ministry after considering the whole matter have also expressed the view that Post-graduate medical education cannot be equated with under-graduate medical courses. Whereas the latter are only for the purpose of entering medical profession, Post-graduate education is a specialised training in any selected branch of medicine and specialisation plays a prominent role in medical care, medical teaching and research programmes of the country. The Ministry is, therefore, of the view that it will not be proper to lower the standard of Post-graduate medical education by reserving or relaxation in the matter of admission to such courses and nothing should be done which may have the effect of reducing the standards or quality of teaching particularly at the Post-graduate level. As already mentioned in the previous Report, the views of the Ministry of Health do not appear to be justified. The minimum standard is to be lowered only for the admission of Scheduled Caste and Scheduled Tribe candidates to Post-graduate courses, but the standard of the examinations they are required to pass, to complete the courses, will not be lowered. After admission, such candidates can be given special coaching for about three to six months before the commencement of the course to bring them at par with the general candidates and to enable them to attain the required standard, as is being done in the case of other courses. **It is, therefore, reiterated that the Ministry of Health should reconsider the matter and persuade the State Governments/Union Territory Administrations who have 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. The All-India Institute of Medical Sciences, New Delhi and Post-graduate Institute of Medical Sciences, Chandigarh, should also be persuaded to take similar action in this regard.**

### Armed Forces Medical College, Poona :

5.35. Before December, 1973, no concession was given to Scheduled Caste/Scheduled Tribe candidates for admission to the Armed Forces Medical College, Poona. However, in pursuance of the efforts made by this Organisation, the

Ministry of Defence made a reservation of 10 out of the total number of 120 seats in the College for candidates belonging to these communities, from the admission year 1974. The admission against the reserved seats was to be in accordance with the general conditions of eligibility in respect of age, qualifications, physical fitness, service liability, etc. and there was to be no relaxation of the minimum standards.

5.36. The number of Scheduled Caste/Scheduled Tribe candidates who applied for admission to the College, those found eligible for taking the test and those who finally came within the zone for interview and were finally selected during the admission years 1974 and 1975, are given in the table below:—

Year	No. of Scheduled Caste/Scheduled Tribe applicants	No. of candidates found eligible to take the test	No. coming within the zone of interview	No. of candidates selected
1974 . .	310	233	3	2
1975 . .	336	251	Nil	Nil

It would be seen from the above table that during 1974, out of 310 Scheduled Caste/Scheduled Tribe candidates only 2 were selected and during 1975, out of 336 Scheduled Caste/Scheduled Tribe candidates none was selected for admission to the college. In view of the almost negligible intake of Scheduled Caste/Scheduled Tribe candidates to the college during the first two years after provision was made for reservation of seats for these candidates, the Ministry of Defence were requested to relax the minimum standard in favour of Scheduled Caste/Scheduled Tribe candidates to enable more of them to be admitted to the college against the reserved seats. In response, the Ministry have informed that the present procedure of selection of Scheduled Caste/Scheduled Tribe candidates is that on the basis of their performance in the written test and interview a combined merit list alongwith general candidates is prepared. The Scheduled Caste/Scheduled Tribe candidates are finally selected if their position in the final merit list is upto the 500th rank. The Ministry have therefore refused to further relax the minimum standard for the admission of Scheduled Caste/Scheduled Tribe candidates.

5.37. Apparently, the reason why a negligible number of Scheduled Caste/Scheduled Tribe candidates qualify in the written test and come within the zone to be called up for interview is that they have to compete with the general candidates and no relaxation in the minimum qualifying marks is allowed to them. In this connection

the Ministry of Education have recommended that "where admissions are restricted to candidates who obtain a certain minimum percentage of marks and not merely the passing of a certain examination, there may be a five per cent reduction for the Scheduled Castes and Scheduled Tribes provided that the lower percentage prescribed does not fall below the minimum required to pass the qualifying examination". It is, therefore desirable that the Ministry of Defence should reconsider the desirability of relaxing the minimum marks for qualifying in the written test and coming within the zone to be called up for interview at least by five per cent in favour of Scheduled Caste/Scheduled Tribe candidates, to ensure that all the reserved seats in the college are actually filled by the candidates belonging to these communities.

### Indian Institutes of Technology

5.38. 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% seats in these institutions are reserved for Scheduled Castes and Scheduled Tribes combined and all Scheduled Caste/Scheduled Tribe Bachelor of Technology degree holders who apply for admission are generally admitted though there is a procedure for holding a written test followed by an interview for admission.

### Graduate Courses

5.39. At graduate level, 15% and 5% seats in these institutions are reserved for Scheduled Caste and Scheduled Tribe candidates, respectively. On this basis about 220 seats are available in all the institutes for candidates belonging to these communities. However, since admission to the Indian Institutes of Technology was regulated by Joint Entrance examination, the number of reserved seats filled by the students belonging to these communities was much less. In pursuance of the recommendations of the Parliamentary Committee on the welfare of Scheduled Castes and Scheduled Tribes as well as our organisation, it was decided in 1973, to give admission to all the Scheduled Caste/Scheduled Tribe students who took the entrance examination for admission to the Indian Institutes of Technology. During the year 1974, it was decided that all the Scheduled Caste and Scheduled Tribe students securing 15% marks in aggregate in all the four papers, in the general entrance examination, would be eligible for admission.

5.40. It was however, observed from various studies, that the performance of these students after admission was not very satisfactory. Even after special coaching, several students left the courses and a number of them could not withstand the strain of the five year course. In 1975, the then Education Minister called a meeting of the Directors of Indian Institutes of Technology

in which the Commissioner for Scheduled Castes and Scheduled Tribes also participated to consider the whole question of admission of Scheduled Caste/Scheduled Tribe candidates to these institutes, in which it was decided that the existing procedure of admitting Scheduled Caste/Scheduled Tribe candidates irrespective of their performance in the Joint entrance examination should be given up. A revised procedure for the admission of such candidates was prescribed, according to which the Indian Institutes of Technology were to prescribe a cut-off value of marks obtained at the Joint Entrance Examination, approximately at 2/3 of the cut-off value prescribed for the non Scheduled Caste/Scheduled Tribe candidates and admit them on that basis. This meant that the Scheduled Caste/Scheduled Tribe candidates to be selected in the Joint Entrance Examination had to get only 66.6% of the marks obtained by the last general candidate selected. In this manner it was expected that it might not be possible to fill more than 100 seats against the reserved quota of 220. It was therefore decided that the remaining seats should be filled by direct admission of Scheduled Caste/Scheduled Tribe candidates holding rank among themselves, without any Joint Entrance Examination, by advertising in the leading newspapers. All the Scheduled Caste/Scheduled Tribe candidates who had obtained more than 50% marks in the Higher Secondary etc. examinations in the Science/technical stream were eligible to apply for admission. The first direct admission was made during the academic session 1975-76. The procedure of direct admission was continued during 1976-77 also.

5.41. In the above mentioned meeting it was also decided, in pursuance of the suggestion made by the Commissioner for Scheduled Castes and Scheduled Tribes that from the year 1976 onwards, special coaching classes for Scheduled Caste/Scheduled Tribe students should be started in different parts of the country to prepare candidates belonging to these communities for admission to the Indian Institutes of Technology on the analogy of such centres already started by the Ministry of Home Affairs for Engineering services and Indian Administrative Service examinations. The training was to be of one year's duration and it was to provide intensive coaching in Science and Mathematics. Financial benefits including free travel from the place of residence to the place of training and free board and lodging facilities to these students were also to be provided. This proposal was taken up by the Ministry of Education with the Ministry of Home Affairs in June, 1975, requesting them to start the coaching centres at an early date. Our organisation also requested the Ministry of Home Affairs to expedite the establishment of such coaching centres. This matter was also reviewed by the Ministry with the Directors of the Indian

Institutes of Technology in June 1977 and the Directors were also of the view that these candidates should undergo special coaching in the proposed coaching centres so that their standard in Mathematics, Physics and English was improved considerably. They were also of the view that such candidates if admitted on the basis of Joint Entrance Examination would be able to keep up with the high standards of education in Indian Institutes of Technology and be able to obtain degrees in the prescribed time or reasonable time. The proposed coaching classes have not so far been started by the Ministry of Home Affairs. **It is therefore recommended that in order to enable the Scheduled Caste/Scheduled Tribe candidates to attain the required standard for admission to Indian Institutes of Technology and to enable them to pull on well in these institutes, the matter should be expedited by the Ministries of Education as well as Home Affairs and the proposed coaching centres should be established immediately.**

#### Kendriya Vidyalayas

5.42. The Kendriya Vidyalaya Sangathan is running 220 Kendriya Vidyalayas in the country in which education is imparted upto the Higher Secondary standard. Admissions to these schools are made in accordance with the following priorities:—

- (i) Children of transferable Defence Personnel;
- (ii) Children of transferable Central Government Employees;
- (iii) Children of officials of All-India Services/autonomous bodies/projects fully financed by the Government of India and Public Undertakings/Corporations etc., whose services may be transferable;
- (iv) Children of non-transferable Defence Personnel and Central Government Employees;
- (v) Other floating population which includes civilian population desirous of seeking the pattern of studies conducted in the Kendriya Vidyalayas.

5.43. Upto the year 1975-76 no specific reservations were made for the Scheduled Caste/Scheduled Tribe candidates for admission to these Vidyalayas. As already mentioned in the previous Report, the matter was taken up by this Organisation at the highest level, as a result of which the Kendriya Vidyalaya Sangathan agreed to reserve 15 per cent and 7.2 per cent seats for Scheduled Caste and Scheduled Tribe candidates respectively, from the academic session 1976-77. These reservations are to be in respect of new admissions, other than transfer cases from other

Kendriya Vidyalayas. Efforts are also to be made by the Sangathan to admit Scheduled Caste and Scheduled Tribe Candidates upto the above percentages in each Vidyalaya, if necessary, by admitting to a lower class with the consent of the parents such of the children who do not qualify for admission to a particular class even after relaxing the qualifying standard. The reservation quota applies to the seats filled by fresh admissions at the beginning of an academic session and is not applicable to vacancies arising during a session.

5.44. The Sangathan has not however, clarified as to how much relaxation in the qualifying marks will be allowed to Scheduled Caste/Scheduled Tribe candidates in the admission test conducted by the various Kendriya Vidyalayas before assessing that they are not fit for admission to a particular class and are offered admission to the next lower class. It appears from the information furnished by the Sangathan that the principals of various Vidyalayas are themselves not clear about the quantum of relaxation to be allowed to the Scheduled Caste/Scheduled Tribe candidates. It has been observed that while some Vidyalayas allowed a relaxation of 10 per cent in qualifying marks, one of the Vidyalayas allowed a relaxation of 20 per cent and some of the Vidyalayas simply set easier questions for Scheduled Caste/Scheduled Tribes candidates as compared to others. **This sort of lack of uniformity in standards prescribed for admission is not desirable. As recommended in the previous Report, it is therefore reiterated that the Sangathan should prescribe a specific percentage of relaxation in qualifying marks, say 10 per cent, to be allowed to Scheduled Caste/Scheduled Tribe candidates for admission to these Vidyalayas. If some reserved seats still remain vacant after giving a relaxation of 10 per cent, a further relaxation in minimum marks should be allowed till all the reserved seats are actually filled by Scheduled Caste/Scheduled Tribe candidates.**

5.45. The children of employees who have been subject to more transfers during the past seven years are given preference to the children of employees who were subjected to less transfers. However, the children of Scheduled Castes/Scheduled Tribes were exempted from this restriction for admission to Class I in various Kendriya Vidyalayas at Delhi. It was recommended in the previous Report that this restriction should be removed in the case of all the Kendriya Vidyalayas in the country. The action taken by the Sangathan, in the matter is not known. **It is therefore reiterated that the Sangathan should consider the desirability of doing away with this restriction in the case of all the Kendriya Vidyalayas for the admission of Scheduled Caste and Scheduled Tribe children at an early date.**

## CHAPTER 6

### SOCIAL DEVELOPMENT

According to the policy of social justice laid down in the Constitution, efforts have to be made by the State to narrow down the wide disparities that exist between the socio-economic conditions of the Scheduled Castes and the rest of the population. Though some progress was achieved in the past in this direction, a lot of leeway is yet to be made up and more intensive efforts are needed to bridge the gap existing between the levels of living of the Scheduled Castes and those of the more advanced groups of society. The problem of social discrimination against people belonging to these communities is still far from solution. In the urban areas, the element of occupational mobility and the resultant mixing up of people belonging to different sections of the society have camouflaged the practice of untouchability to some extent. However, in the rural areas the practice is still widely rampant. Echoes of the incidents of atrocities on the weaker sections of the society are frequently heard in the Press and various legislatures. The roots of the problem are still deep in the social fabric of the society.

#### Untouchability

6.2. The problem of untouchability is an age-old one in our country. The behaviour named as 'Untouchability' is a historical social phenomenon which touched the conscience of the Indian leaders right from the beginning. On the eve of the adoption of the Constitution in 1950, there were many State Acts to deal with the problem. The Constitution for the first time provided an infrastructure and the law practically took away powers from the State for enacting legislation in the field of removal of untouchability. The practice of untouchability was abolished under Article 17 of the Constitution and in accordance with the provisions of Article 35, the Untouchability (Offences) Act, 1955 was passed by Parliament to make the practice of untouchability a cognizable offence punishable under law.

6.3. Ever since the Untouchability (Offences) Act, 1955 came into force, there has been criticism both inside and outside Parliament that the Act is not serving the purpose for which it was enacted. It was pointed out that punishments awarded under the Act were too few and inadequate. In view of this criticism, the Government of India appointed a Committee on Untouchability, Economic and Educational Development of the Scheduled Castes (1965) to examine,

**interalia**, the problem of Untouchability, vis-à-vis, the working of Untouchability (Offences) Act, 1955, and to make recommendations to the Government for amendment of the Act. A bill to amend the Untouchability (Offences) Act, 1955, namely, the Untouchability (Offences) Amendment and Miscellaneous Provisions Bill, 1972, was introduced in the Lok Sabha in April, 1972. Later the Bill was referred to a Joint Committee of both the Houses of Parliament which submitted its Report in February, 1974. The Act was amended by the Untouchability (Offences) Amendment and Miscellaneous provisions Act, 1976, which received the assent of the President on 13th September, 1976. The Act has been renamed "Protection of Civil Rights Act, 1955". "Civil Rights" has been defined as any right accruing to a person by reason of abolition of untouchability under Article 17 of the Constitution. The amended Act came into force from 19th November, 1976.

6.4. It has been stated in the earlier reports also that the problem of untouchability is complex one with its roots deep down in our social and religious thinking. Therefore, unless there is a change of heart and awakening amongst the masses creating a feeling against the taboos of various kinds, imposed through the so-called religious and social teachings, it would be difficult to make the much needed progress to tackle this problem. In the recent past, Mahatma Gandhi showed the way for the eradication of this evil. However, it still persists though not with the same vigour in the urban areas of the country. The objective of our Constitution is to eliminate caste from the affairs of the State. But looking at the plight of Scheduled Castes and backward classes, the Constitution provided safeguards for these communities and classes so that they may improve their social, educational economic and political coordinations and thereby enter the main stream of national life. Law alone cannot eradicate caste system. This is one of the areas where non-official agencies, social workers and intelligentsia should come forward and cooperate with the State to exercise this evil from the body politic.

#### Cases Registered under the Protection of Civil Rights Act, 1955

6.5. A table showing the number of cases registered under the Protection of Civil Rights

Act, 1955, from 1971 to 1976 and their disposal at the end of each year is given below:—

Year	No. of cases registered with the Police			Disposal of cases at the end of the year		
	Total	Chal-laned	Con-victed	Acqui-tted	Com-pound-ed	Pend-ing
1	2	3	4	5	6	7
1971 . . .	526	439	91	96	138	114
1972 . . .	1515	1416	631	253	233	299
1973 . . .	2949	2356	1207	312	388	449
1974 . . .	1908	1588	669	247	288	384
1975 . . .	3528	2588	936	480	611	561
*1976 . . .	3099	2598	86	360	155	1997

6.6. It would be seen from the large number of cases pending in the Courts of Law that a lot of delay is caused in the disposal of such cases. The State Government should, therefore, take necessary steps to expedite the disposal of the same. The number of cases registered is also not a clear indicator of the extent of the practice of untouchability in various parts of the country.

#### Observance of Untouchability

6.7. A survey undertaken on practice of untouchability in the villages of Sathod and Thuthavi of Dabhoi taluka in Baroda District of Gujarat, undertaken in September, 1977 revealed that **Bhangi** boys in the village were made to sit in a corner in the schools and were not allowed to take water from the common pot. They were required to go to their locality to take water. The Scheduled Castes in the village were refused water from the drinking water sources in the Caste Hindu localities and were also not allowed water from these sources particularly in village festivals and ceremonies. It was also observed that they were kept at a distance when they went to the flour mills or to the grocery shops. Similarly they were also denied access to village temples. In village Thuthavi an attempt was made to enrol the Harijans of the village as members of the village Milk Co-operative Society so that they could earn money and engage themselves in a non-caste based occupation. But this move was resisted by the vested interests among the caste Hindus by not allowing the Society to purchase milk from the Scheduled Caste members.

6.8. The workers of Indore Branch of Madhya Pradesh Harijan Sewak Sangh conducted a **padyatra** during the month of September/October, 1976 in order to find out the magnitude of

the practice of untouchability. The **padyatra** was conducted in several Tehsils of Gwalior, Khar-gone, Ujjain, Ratlam, Hoshengabad, Damoh, Bilaspur, Durg & Rewa districts. In all 190 vil-lages were visited by the workers. The report re-vealed that the practice of untouchability differed from area to area, the social conditions of the scheduled Caste persons in the rural areas were changing to some extent and these people had started availing the services of washermen, bar-bers etc. and in some areas they were also being allowed to enter the hotels, restaurants, tea stalls etc. The study indicated that untouchability was being observed in an acute form against members of Basor, Dumar and Mehtar communities. These castes were prevented to enter the temples and the services of barbers and washerman were also not available to them. Out of 190 villages visited, the Scheduled Castes were not found in 11 villages falling in the districts of Damoh (2), Durg (8) and Rewa (1). The Khargone district was the worst affected one. Following are some of the salient points observed in the course of **padyatra**:—

1. Out of 179 villages, the Scheduled Caste persons were allowed to draw water from the public wells in 55 vil-lages. In the remaining 124 villages, the Scheduled Caste persons were having either their separate wells or they were taking water from the nearby river.
2. Out of 179 villages, 128 villages were having temples and the Scheduled Caste persons were allowed entry in temples in 79 villages whereas in remaining 49 villages, the entry was forbidden to them.
3. Out of 179 villages, only 39 villages were having tea stalls and restaurants and out of these, tea stalls in 28 villages were not open to them.
4. Only in 38 villages the services of the barbers were available to the Scheduled Castes whereas in remaining 141 villages they were deprived of their services. The persons belonging to Basor & Mehtar communities were not getting services of barbers in any village. In towns and tehsils the situation was however com-pratively better. Similarly the services of washermen were available to Scheduled Castes in 26 villages out of 150 villages which were having washermen.
5. In the meetings of the Gram Pancha-yats, the Scheduled Caste members were generally allowed to sit on **Dari** along with other members.

\*For Uttar Pradesh, Maharashtra and Gujarat only.

NB—Cols. 2 & 3 include the number of cases brought forward from the preceding years.

6.9. The foregoing studies indicate that untouchability is practised in one form or the other in some parts of Gujarat and Madhya Pradesh. The problem continues to be acute and requires strenuous efforts on the parts of the State Governments and non-official agencies to eradicate it. The Government of Madhya Pradesh should direct the special police Cell to root out various forms of untouchability from the villages as indicated by the Harijan Sewak Sangh. Under Clause 15(A)(2)(vi) of the Protection of Civil Rights Act, surveys are required to be made to identify areas where untouchability is still prevalent and take adequate measures to combat it. The Government of Madhya Pradesh should make full use of the study made by the Harijan Sewak Sangh and activate police machinery in the areas surveyed for removal of untouchability. The State Governments which have not so far undertaken surveys for the identification of areas where untouchability prevails must do so urgently and in right earnest.

#### Access to drinking water sources

6.10. At times it is argued that it is very difficult to change the mental attitudes of the people who practise untouchability. But the State Governments have the responsibility to see that Scheduled Castes are not denied access to public places like temples, wells, restaurants etc. and if concrete steps are taken there is no doubt that hardships faced by Scheduled Caste persons in drawing water from wells etc., can be removed very soon. It is observed that the Scheduled Castes are discriminated in many villages in the matter of drawing water from the wells. In this connection the steps taken by the Gujarat Government deserve to be mentioned in some detail. The Government of Gujarat has chalked out a concrete scheme of action to ensure that public wells are thrown open to the Scheduled Castes. The first step is to identify the names of the villages where the wells are not thrown open to the Scheduled Caste persons and initiate action against the Sarpanch, Talati and the Police Patel of the concerned villages. It has been decided that the action to suspend the Sarpanch and the Talati should be taken by the district Development Officer concerned and in respect of the Police Patel by the District Magistrate. After ascertaining the names of the villages where all wells are not thrown open to the Scheduled Caste persons, the Taluka Development Officer concerned should file a complaint with the police. The Police would register the complaint under the relevant provisions of the protection of Civil Rights Act, 1955. Simultaneously the Taluka Development Officers concerned would suspend the persons concerned and the District Development Officers would also initiate proceedings for removal of Sarpanch under the Panchayat Act. It has been decided that the Taluka Development Officers concerned should take action themselves

without depending on the complaints from Harijans. A special drive was launched and as many as 180 office bearers and Government servants of the Panchayats were suspended. The district-wise details of the number of persons suspended may be seen in the table below:—

District	Sarpanch	Deputy Sarpanch	Talati cum Nantri	Police Patel	Total Suspension
1	2	3	4	5	6
Mehsana .	35	1	34	30	100
Sabarkantha .	5	3	..	1	9
Banaskantha .	8	1	1	19	29
Bharuch .	3	1	2	..	6
Vadodara .	3	1	..	..	4
Jamnagar .	3	1	..	..	4
Kutch .	2	1	1	..	4
Ahmedabad .	1	1	..	..	2
Rajkot .	5	2	..	..	7
Surat .	3	1	2	..	6
Kheda .	3	1	..	..	4
Bhavnagar .	5	..	..	..	5
Total .	76	14	40	50	180

6.11. The action taken by the State Government is commandable and other State Governments should also take immediate steps to ensure that all public wells are thrown open to Scheduled Castes.

#### Access to tea-stalls and restaurants

6.12. Another discriminatory practice in the rural areas is to discriminate against Scheduled Castes in their sitting arrangements in the tea stalls/restaurants and use of utensils in giving tea/refreshment to them. Differential treatment shown to Scheduled Castes in tea stalls was observed in villages of Tiruchirapalli and South Arcot districts of Tamil Nadu where a study to this effect was undertaken. Then challaned cases studied in South Arcot district revealed that tea was not served to Scheduled Castes in tea shops on account of untouchability. Out of ten cases only in one case, the complainant came to the Mobile Squad established by the State Government to report the incident, while in nine cases the Squad visited the villages, gave money to the Scheduled Caste persons for going to the tea stalls and registered cases against the persons who refused to serve tea to the Scheduled Caste persons on account of untouchability. The initiative taken by the Mobile Police Squad indicates that if concrete steps are taken discriminatory treatment towards the Scheduled Castes at tea stalls/restaurants can be successfully put under check.



### Steps taken for the eradication of the practice of untouchability by various State Governments

6.13. Steps taken by some State Governments for effective implementation of the various provisions of the Protection of Civil Rights Act, 1955, are indicated below:—

**Bihar :** The provisions of the Protection of Civil Right Act 1955, were highlighted through cinema slides etc. To encourage inter-caste marriages the Government of Bihar has been giving an incentive grant of Rs. 2,000 to the Harijan partners. During the years under report two meetings of the implementation committee on Protection of Civil Rights Act 1955, were held on 12th November, 1976 and 10th June, 1976 respectively.

**Gujarat :** The State Government has issued instructions to the Collectors, District Superintendents of Police, District Development Officers and Presidents of District Panchayats stressing the need for the removal of the practice of untouchability prevailing in the State particularly in rural areas as follows:—

1. To withhold the grant of those Gram/ Nagar Panchayats where the Harijans are not allowed to take water freely from the public wells.
2. Under the Gujarat Panchayat Act, powers have been delegated to the Development Commissioners to withhold the grants of the Village Panchayats where untouchability is observed.
3. Instructions have been issued to the District Superintendents of Police by name to arrange surprise checking of hotels once a month by their officers to see whether cups and glasses are kept separately for Harijans outside hotels and to prepare necessary challans, if any discrimination was noticed.
4. Instructions have also been issued to all District Magistrates and District Superintendents of Police that they will be fully held responsible to ensure adequate protection to Harijans against any kind of discrimination arising out of untouchability and they should take prompt steps to look into these cases. It will be their responsibility to launch prosecution in case of hotels, restaurants etc. or other public places where untouchability is still observed and take executive or legal action as is warranted in each case.

The State Government have also constituted the following Boards/Committees for effective implementation of the Protection of Civil Rights Act, and to improve the economic conditions of the Scheduled Castes and Scheduled Tribes:—

#### 1. District Level Vigilance Committee :

It has been decided to re-constitute broad-based District Level Vigilance Committee (which will *inter-alia* cover the implementation of Untouchability (Offences) Act, 1955) in all Districts. The Collector will be the Chairman of the Committee.

#### 2. Village Level Popular Committee :

Popular Committees have been constituted in every gram Panchayat area under the Chairmanship of Sarpanches. The Committees have been entrusted with the work of encouraging inter-dining and inter-caste marriages and persuade the people to throw open common facilities like sources of drinking water for the use of Harijans and educating public against the practice of untouchability.

#### 3. Social Justice Committees :

Social Justice Committees have been set up under a special provision made in the Gujarat Panchayat Act, 1961, for securing social justice to the weaker sections of society including persons belonging to Scheduled Castes/Tribes. These committees have been directed to remove discrimination against the members of the Scheduled Castes and the Scheduled Tribes in the sphere of drinking water supply, work for the abolition of bonded labour, payment of agricultural minimum wages etc.

#### 4. State Harijan Welfare Board :

A State Harijan Welfare Advisory Board has been constituted to advise the State Government in matters pertaining to the policy and planning for the welfare of Scheduled Castes.

#### Inter-caste Marriages :

On the occasion of inter-caste marriages between Harijans and non-Harijans, a public reception is arranged where the District Collector, important officials and prominent workers participate. The State Government gives Rs. 5,000 as gift money for inter-caste marriage to the couple.

**Kerala :** The Government of Kerala celebrates 'Harijan Day' on the 30th day of every month and 28th of February every year. Propaganda and publicity through film shows, public meetings, seminars etc. was also organised. The work done by the special Mobile Police Squâd, Kasargod, constituted for the prevention and detection of offences under the Protection of Civil Rights Act and speedy disposal of cases reported in Cannanore District has brought down the number of the incidents of practice of untouchability in Kasargod and Hosdurg areas of the State. Apart from the Special Mobile Police Squad, the State Government have also constituted a Committee with the Sub-Collector, Kasargod as its Chairman and a few prominent persons from amongst the public as its members. The Committee reviews the activities of the special Mobile Squad and other Government agencies engaged in ameliorating the conditions of the Harijans. During the years under report, a number of meetings of the committee were held at different places of the Taluk and important issues of the area were discussed. The publicity Wing of the State Harijan Welfare Department conducted publicity programmes by holding meetings, discussions seminars etc., in the backward areas where the caste system is very much prevalent. Five such seminars were conducted during the year 1976-77 at (1) Delanapady (2) Peraula (3) Wynad (4) Alathur and (5) Koshinjampara. Two cosmopolitan holiday camps, for college students of three days duration were also conducted at (1) Kasargod and (2) Malam-puzha.

**Madhya Pradesh :**

The Government of Madhya Pradesh has constituted a Harijan Welfare Cell with Deputy Inspector General of Police as its Chairman. For prompt disposal of cases relating to the grievances of the Harijans and to look into the cases pertaining to the observance of the practice of untouchability, the State has been divided into seven regions namely Punna, Morena, Bilaspur, Raipur Jabalpur, Ujjain and Bhopal. Each region is controlled by a Deputy Superintendent of Police and his subordinate staff. In the year 1976, 500 cases were registered under the Protection of Civil Rights Act 1955, in the State, out of which 465 were challaned and present-

ed in the court. Convictions were secured in 76 cases and in 92 cases compromise was effected. The rest of the cases were pending trial in the court.

**Inter-Caste Marriages :**

In order to abolish the practice of untouchability a specific scheme to give incentive to inter-caste marriages is reported to be under consideration.

**Maharashtra :**

A State Level Committee under the Chairmanship of the Minister for Social Welfare has been constituted. The Committee devotes special attention to the task of effective implementation of the provisions of the Protection of Civil Rights Act, 1955 and ensures that the cases registered thereunder are promptly investigated and are put up to the courts expeditiously. The Committee meets quarterly.

**Constitution of District Vigilance Committees**

To keep strict watch on the offences committed in violation of Protection of Civil Rights Act, 1955 and to bring offenders to book promptly and effectively, District Vigilance Committees have been constituted in each district under the Chairmanship of the District Magistrates and Collectors. These Committees are required to submit quarterly reports to the State Government. In addition, the State Inspector General of Police has been directed by the Government to establish a local crime unit at the district level which has been empowered to register and investigate the offences committed against Harijans and bring the offenders to book expeditiously. The Police have been instructed generally to take active interest in dealing with offences under the Protection of Civil Rights Act, and take prompt action in registration and investigation of such incidents. The Police are, therefore, required to obtain prompt information about incidents involving Harijans to determine whether such incidents have arisen out of any caste considerations and take necessary action immediately without waiting for complaints to be formally lodged by the aggrieved parties. The investigation of serious offences involving Harijans where caste considerations are suspected to be the motive, is required to be treated as special occurrence and such cases are normally to be entrusted to special

investigation officers not below the rank of Deputy Superintendent of Police or Police Inspector. Necessary protection is given to the persons giving information regarding instances of discrimination on the grounds of untouchability. During the year 1975-76 the State Government awarded prizes to 14 villages for doing outstanding work in the removal of untouchability

#### **Inter-Caste Marriages :**

To encourage inter-caste marriages with Harijans, the State Government gives financial assistance of Rs. 200 to Rs. 300 to the couple:

#### **West Bengal :**

The Government of West Bengal have widely publicised the salient features of the Protection of Civil Rights Act and utilised Human Rights Day falling on 10th December, 1976 for highlighting the provisions of the Act as also for a systematic anti-untouchability campaign throughout the State. The State Government have also sent copies of the new Act to all Divisional Commissioners, District Officers, Sub-Divisional Officers, Inspector general of Police, Commissioner of Police and all other concerned officers with the instructions to enforce strictly the provisions of the Act.

#### **Pondicherry :**

The Government of Pondicherry have since constituted a High Level Cell to review the incidents involving offences against members of Scheduled Castes. The Secretary to the Government in the Welfare Department is the Chairman of the Cell with the Inspector General of Police and Under Secretary to the Government (Home Department) as the Member-Secretary of the Cell.

#### **Inter-Caste Marriages :**

The scheme for incentive to inter-caste marriages has been taken up for implementation from the year 1975-76. The original scheme to award Gold medals to inter-caste married-couples formulated earlier during 1975-76 was revised to make the scheme more attractive. Under the revised scheme, financial assistance of Rs. 5,000 is given to each inter-caste married couple.

#### **Work done by the various media of Ministry of Information and Broadcasting for the removal of untouchability**

6.14. The Ministry of Information and Broadcasting have been doing useful work for creating public opinion against the practice of untouch-

ability. Information regarding the work done by the different media of the Ministry may be seen at appendix XXVI.

### **ATROCITIES AND HARASSMENT**

6.15. The weaker sections of the population, specially, the Scheduled Castes and the Scheduled Tribes continue to be subjected to various types of atrocities and harassment due to the age-old social and economic disabilities experienced by them, inspite of the various legislative and executive measures taken by Government to ameliorate their conditions. The term 'atrocities' includes not only serious offences like criminal intimidation, arson, murder, etc., but also all offences alleged by members of these communities against the other sections of the population.

#### **Analysis of the causes of atrocities**

6.16. The implementation of the 20 Point Economic Programme, which included certain items like distribution of land to the landless and weaker sections of the society, revision of minimum wages, distribution of house sites, abolition of bonded labour, etc., led to the creation of social tensions in the rural areas of the country. It was perhaps not fully realised that since the implementation of various items of the economic programme would hit the vested interests and generate social tensions in the rural areas, special protective measure on a large scale were needed to guard against possible onslaughts of the vested interests against the beneficiaries. For example, a good deal of land was distributed to the Scheduled Castes and Scheduled Tribes as a result of the implementation of the revised ceiling laws. For some time, the vested interests were afraid to take law into their own hands and acquiesced in the distribution of the surplus land to the weaker sections of the community. Some of them, however, did not reconcile themselves to this position and did not accept the economic programmes for the betterment of the weaker sections. Therefore, even during the implementation and more after sometime, the pent-up anger of the vested interest erupted in the form of harassment and atrocities on Scheduled Castes and Scheduled Tribes. Since in many cases the landlords are suspected to continue to retain large holding due to faulty implementation of the ceiling laws, a feeling naturally persisted among the poor landless labourers that inspite of various legislations, they had been denied their due by the machinations of the influential persons in collusion with bureaucracy. This resulted in a number of localised movements in some States for getting possession of land already allotted to them and to claim payment of minimum wages fixed under the law. The landlords felt that the radical measures implemented would affect their life style and that of their families and at the earliest opportunity tried to assert their right to

their lands and that in its turn resulted into a number of cases of harassment and atrocities on the weaker sections of the society. Had the Government simultaneously launched an adequate programme of action for the protection of the Scheduled Castes and Scheduled Tribes and other weaker sections, these unhappy incidents might not have taken place on such a scale.

6.17. In the light of the above discussion, it is desirable that various State Governments should ensure that the Scheduled Caste, Scheduled Tribes and other weaker sections are given actual possession of the land allotted to them and are also given protection by the police and the community as a whole for harvesting their crops. Since the atrocities are connected with the socio-economic issues it is desirable that the State Governments should make special efforts to provide adequate preventive machinery under the special charge of the district officers. At the same time, the machinery established by the various State Governments for the enforcement of the Minimum Wages Act should ensure that the prescribed wages are paid to the labourers. And wherever any trouble is anticipated immediate precautionary measures should be taken. To make it more effective it will be desirable if some selected officers are deputed by the Revenue Departments with the primary duty to tour rural areas and identify incident-prone pockets. Their reports should be promptly attended to and suitable steps taken to avoid unpleasant incidents and to minimise the tensions.

6.18. It is learned that the National Integration Division of the Union Territory Ministry of Home Affairs is conducting socio-economic studies of atrocities, the unit of study being an atrocity whether it is due to economic conditions or socio-political reasons. This is a welcome step and it is hoped that these studies will help in bringing to the surface the various conflicts responsible for the increasing number of atrocities on the weaker sections of the society. Socio-economic studies in depth in various parts of the country are necessary and social scientists should be involved in undertaking such studies. At the same time, it is desirable that the Organisation of the Commissioner for Scheduled Castes and Scheduled Tribes is also suitably strengthened to undertake such studies and recommend suitable measures to minimise conflicts and social tensions in the rural areas.

#### Number of complaints received in the Commissioner's Organisation from the Scheduled Castes and Scheduled Tribes persons

6.19. As in the earlier years, a large number of complaints were received in this Organisation during the years under Report from Scheduled Caste and Scheduled Tribe persons regarding untouchability and harassment, problems relating

to land, housing, educational matters, etc. The subject-wise break up of these complaints during the years 1975-76 and 1976-77 is given below:—

Serial No.	Nature of complaints	Number of complaints received during	
		1975-76	1976-77
1	Harassment & untouchability	741	518
2	Land and agriculture	1,026	768
3	Housing	164	123
4	Education	364	352
	Total	2,295	1,761

The State wise break up of atrocities reported to this Organisation during 1975-76 and 1976-77, is given in tables 1 and 2 at Appendix XXVII. It would be seen from the above mentioned tables that cases of murder, rape, burning and beating of Scheduled Castes continued in the country during the years under Report. A large number of such cases were reported from Uttar Pradesh, Bihar, Maharashtra, Madhya Pradesh and Delhi.

#### Typical cases of atrocities and harassment :

6.20. The complaints received in the Office of the Commissioner for Scheduled Castes and Scheduled Tribes are forwarded to the State Governments/Union Territory Administrations concerned for finding out the facts of cases and the action taken thereon. But in important cases the Commissioner or his officers visit the places of occurrence for on-the-spot enquiries and the reports thereon are furnished to the Union Ministry of Home Affairs and State Governments/Union Territory Administrations concerned. Some of the typical cases of complaints which would throw light on their nature and action taken by this Organisation are given in statement number 1 at Appendix XXVIII.

6.21. One of the important cases referred to this Organisation in December, 1976 related to the alleged illegal dispossession of the Scheduled Castes and Scheduled Tribes from their lands, taking forced labour from them, molestation of women, murders, irregularities in sale/purchase of land, etc., by some influential persons in Palamau district of Bihar. The complaint was made by a then Member of Parliament, and was also forwarded by the Parliamentary-Committee on the Welfare of Scheduled Castes and Scheduled Tribes for investigation. Commissioner sent a study Team to visit the area to make an on-the-spot enquiry in January, 1977 and a report thereon was forwarded to the Parliamentary Committee, the Union Ministry of Home Affairs and the State Government for necessary action. When the new Government assumed power after

the elections held in June 1977, a copy of the report was forwarded to the Chief Minister as action taken earlier in the matter was not known to this office. **It is hoped that the State Government would ensure suitable action on the suggestions made in the report.** Important findings of the team are given below:—

1. Two influential persons of the area who were holding important political positions in the State as well as the members of their family took possession of sizeable agricultural lands from the Scheduled Castes/Scheduled Tribes cultivators in Jogikhura and other villages in Palamau district. Some portion of this land was restored to the rightful owners but they were again dispossessed of the land by the persons concerned by exerting political and other pressures. The Team therefore suggested that the State revenue authorities should conduct a survey to find out the exact acreage of land under unauthorised possession of these two persons and appropriate action should be taken to restore lands to the rightful owners.
2. Forcible cultivation of land belonging to Scheduled Caste/Scheduled Tribe villagers by the two persons needed to be carefully looked into by the State Government in order to take necessary action against the culprits. To instil confidence among the villagers proper protection by police was essential to enable them to cultivate their lands and reap the harvest.
3. The inhabitants of Jogikhura and other adjacent villages were required to do service free or at nominal rates for the two persons concerned. It was doubtful whether even at the time of enquiry they had started paying minimum wages to their employees. Another objectionable activity of these persons noticed was their practice of imposition of fines on weaker sections and extracting **Salami** from them. Action was recommended against the two persons under the abolition of Bonded Labour System Act, 1976, Minimum Wages Act and Indian Penal Code.
4. Though cases of molestation of women committed by associates of the two persons were not on record, some women confirmed that at one time or the other they were stripped and assaulted by those men. The villagers were so much terrorised that they were afraid to lodge complaints. Their weak economic condition also did not allow them to stand the time-consuming legal procedures.

5. Regarding alleged murders committed by the associates of the two persons, due to the persistent threats and assaults committed by them, the police could not curb these undesirable activities.
6. The tribal lac growers faced difficulties in the collection of lac from their trees because of the interference and harassment caused by the associates of the two persons, which even allegedly led to murder in some cases.
7. One of the associates of the two persons who looks after their lands etc. in the village was detained under MISA but the very next day the State Government revoked the orders of arrest apparently, due to the political influence exercised by them.

6.22. It would be seen from the above findings of the Study Team that the Scheduled Castes and Scheduled Tribes in the villages concerned were living under constant fear and harassment. **It is therefore, recommended that the Government of Bihar should take early action to bring the culprits to book in order to instil confidence among the Scheduled Caste/Scheduled Tribe villagers.**

6.23. Another case of atrocity of a serious nature related to the tragedy at Belchi, a village in the District of Patna in Bihar where 11 persons including 8 Harijans were burnt alive which roused the indignation of all sections of the people in the country. In the words of Union Home Minister who told Lok Sabha later, "there can be no two opinions about the ghastly crime that had been committed and no words of condemnation of such incidents can be too strong". He was confident that "the Government of Bihar will arrange thorough investigations into the motives that led to the preparation of this ghastly tragedy".

6.24. As soon as the Belchi incident was reported in the news papers the Commissioner instructed the Zonal Director, Backward Classes Welfare and ex-officio Deputy Commissioner for Scheduled Castes and Scheduled Tribes to submit his report about the incident immediately. The Commissioner while on tour to Kerala sent a telegram to the Governor of Bihar that he was shocked to know about the incident and hoped that the district authorities were taking prompt action to apprehend the offenders. He also requested the Governor to instruct the district authorities to extend necessary assistance to the Zonal Director, who had been asked to conduct immediate enquiries. On examination of the report submitted by the Zonal Director, the Commissioner felt that a more thorough investigation was called for. In the meantime, the Government of Bihar under the President's Rule submitted a

report to the Centre on the incident. According to the State Government, "it was a clash between the two groups of hardened criminals having long standing rivalry". It was mentioned that "there were several encounters between them in the past involving the use of fire arms and murders" and that "this incident had no caste, communal, agrarian or political overtones and no atrocities on weaker sections were involved".

6.25. However, a Committee of 8 Members of Parliament belonging to the Parliamentary Forum of Scheduled Castes and Scheduled Tribes, led by Shri Ram Dhan, Member of Parliament (now Chairman of the Parliamentary Committee for Scheduled Castes and Scheduled Tribes) challenged the version of the Government of Bihar and termed it as "totally false" and "baseless". Shri Nageshwar Pandey, State Organiser-cum-Office Secretary of Bihar Harijan Sewak Sangh in his report had also mentioned that the Kurmi landlord was considered to be the leader of dacoits and Shri Singheshwar Paswan used to offer resistance to his anti-social activities and exploitation of agricultural labourers.

6.26. In view of the sharply conflicting versions as also the inadequacy of the report submitted by the Zonal Director (Backward Classes Welfare), Patna, the Commissioner felt it all the more necessary that thorough investigation more in the nature of survey of socio-economic tension in Belchi and surrounding area was called for. Accordingly, the Commissioner alongwith a team of officers of his headquarters office visited Belchi on 29th August, 1977 and also met a number of officials, non-officials and dependents and relatives of the victims. Main findings regarding the incident are given below:—

1. Some sort of conflict had been going on between the leader of the deceased, Shri Singheshwar Paswan and the landlords about cultivation of lands as well as regarding protecting the interests of agriculture labourers. It was also obvious that nothing concrete had been done by the concerned authorities about the education of Scheduled Caste persons of these areas and no attempt had been made to make them independent job earners. As a result they continued to remain in the clutches of landlords who terrorised them quite often and subjected them to indignities. It was also somewhat surprising that no cases regarding violation of the payment of the Minimum Agricultural Wages had ever been registered against the landlords of Belchi village. In fact all along landlords had been flouting the provisions of this Act. The villagers had reported that Kurmi landlords used to pay them only 15 chatank grains which was much below the rates

of the prescribed minimum wages. The agricultural labourers were also required to provide forced labour to the landlords. The landlords of Belchi and adjacent villages organised themselves to break the resistance of agriculture labourers, and even money was alleged to have been collected by some of the landlords of Nalanda District.

2. Shri Singheshwar Paswan was known for his stubborn resistance to the exploitative practices of the landlords and mobilisation of agriculture labourers in village Masiba Di. He had shifted to Belchi village about 4 years back at the invitation of his in-laws and other oppressed villagers of Belchi who had grievances against the activities of the Kurmi leader and his associates. It is possible that attempts to implicate him in criminal cases were being constantly made by some of the local police at the behest of landlords. Their usual practice was to start criminal cases against Singheshwar Paswan and then not to pursue these seriously. It looked strange that in the Railway Police case of Bihar Sharif, orders had been issued and executed for the attachment of property of Singheshwar Paswan, when in fact no dacoity had been committed and Singheshwar was not even arrested on the spot, whereas no such step was taken while investigating the involvement of Shri Singheshwar Paswan in much more serious criminal cases alleged to have been committed. It may be mentioned that though the two murders took place in January and November, 1976, the police prepared charge sheets against Shri Singheshwar Paswan only on 4th June, 1977—a week after the death of Shri Singheshwar Paswan.
3. The way in which the accused persons had assembled at the house of the Kurmi landlord of Belchi village, a day before the enactment of crime and the manner in which the whole thing was managed in broad-day light indicated that the accused persons had made advanced preparations for killings. It cannot be ruled out that there was some tacit understanding between the local police personnel and the accused persons, and they allowed time to the accused persons to commit this crime.
4. The incident was termed as non-caste based feud on the grounds that some of the accused persons belonged to Scheduled Caste community and

amongst deceased there were 3 non-Scheduled Caste persons as well. But it can be seen that out of 29 arrested accused persons only two belonged to Scheduled Castes. It is possible that these two might have been hired for the purpose or there may be some earlier criminal association. Similarly, it is somewhat significant that 3 persons belonging to Sonar community (non-Scheduled Caste) were taken away from their house and murdered at a different place, whereas the 8 victims belonging to Scheduled Castes were caught for execution after ransacking a place elsewhere. To say that persons belonging to other communities amongst Scheduled Caste persons were also living in the village and did not suffer the fury of the accused persons, does not hold much water. The persons belonging to Dusadh community suffered because they happened to be of militant type and offered resistance to the activities of the accused persons. It was due to this reason that the accused persons wanted to strike terror amongst them to establish their supremacy.

5. Some of accused persons were definitely hardened criminals and had been terrorising the people of Belchi and adjacent villages. One of the accused persons had already served a jail term of seven years. Some of the other accused persons had been committed to sessions regarding various criminal charges. On the other hand none of victims had ever been convicted by any court. Out of 11 deceased persons there was no criminal case against 4 persons and out of them one of the victims Raja Ram Dusadh was only 11 years of age. In the case of remaining 7 persons also, no case of criminality had been proved. The Government of Bihar cited 8 cases of alleged criminality against Shri Singheshwar Paswan. One case related to the murder of Shri Ram Dev Gope in November, 1972. It was understood that charge sheet had been prepared against Shri Singheshwar Paswan in October, 1974. However, nothing further could be known against this case. The second case related to a dacoity committed in Daryapur village in March, 1972. However, this case was not pursued due to lack of evidence. The third case related to an armed attack in Dumram village. However, the name of Shri Singheshwar Paswan did not figure either in F.I.R. or charge sheet. The fourth case related to a dacoity case in Baburbana village in December,

1974. Charge sheet was submitted in February, 1976 and Shri Singheshwar Paswan was shown as absconding. The fifth case related to forming unlawful gathering with arms and ammunition at village Chatiana Kauda Baghiar in January, 1977. No charge sheet had been submitted in this case, and the matter was reported to be under investigation. The sixth case was that of Bihar Shariff Railway Police case relating to dacoity at village Murahara. However, police investigations were still continuing. The seventh and eighth cases related to the two murders committed in January and November, 1976. However, charge sheets had been submitted by the police after a good deal of time lag only on 4th June, 1977 after the death of Shri Singheshwar Paswan. It does not appear tenable to call any of the victims as a hardened criminal.

6. Atrocity of such a magnitude could have taken place only in a backward and interior area like Belchi having no proper approach road to make the village accessible round the year. On account of inadequate communication facilities and lack of interest on the part of authorities concerned with the development of the area, the village has remained backward and no industry and craft worth the name is practised there.
7. There are reasons to believe that it is a case of atrocities committed on Harijans. Those who refute this charge advance the argument that generally atrocities are committed out of economic, political and social motives, and in such cases usually Harijans and non-Harijans form two separate groups. Though no apparent political motives could be ascribed to this incident, there were definite economic and social motives. Well-to-do sections among the Kurmis wanted to maintain their unchallenged economic and social supremacy and tried to be ruthless in dealing with the persons of Scheduled Castes community who posed any threat to their overlordships. Killing of 11 persons in broad-day light could be accomplished only by hardened criminals and just because some of them were involved in criminal activities against their own caste men should not be taken as indication that they did not carry out atrocities on Harijans and indulged in criminal warfare only.
8. At the time of the visit to village Belchi the land records could not be produced

by the authorities concerned for scrutiny. Charges were made in certain quarters that quite a good deal of cultivable land was under unauthorised possession of Kurmi landlords.

6.27. After his visit to Belchi, the Commissioner for Scheduled Castes and Scheduled Tribes met the Chief Minister of Bihar and gave him his impressions of Belchi incident. It was suggested by the Commissioner that to give status to Scheduled Caste persons in Belchi as well as to minimise the tension generated by the Belchi incident, the Government should distribute about 100 acres of "gair mazurwa aam" land available around Belchi to Scheduled Castes. The chief Minister agreed to consider this suggestion.

#### Atrocities by the Police :

6.28. As already mentioned in an earlier Report, sometimes even the Police personnel indulge in atrocities on the Scheduled Caste and Scheduled Tribe persons. Recently, there was an uproar in the Madhya Pradesh Assembly on the spurt of such cases by the State Police personnel. It is rather unfortunate that the Police personnel who are supposed to be the protectors of the weaker sections of society against atrocities by the influential people should themselves indulge in such atrocities on them. Some of the cases of atrocities on Scheduled Castes and Scheduled Tribes by Police personnel which were reported to this organisation are given in Statement No. 2 of Appendix XXVIII.

6.29. It would be seen from the above mentioned cases that sometimes Police Personnel are involved in committing atrocities on the Scheduled Castes and Scheduled Tribe persons. It is therefore, desirable that the State Governments concerned should ensure that police officials who are custodians of law and order are given exemplary punishment, if found guilty.

#### Statistics collected by the Ministry of Home Affairs regarding the atrocities on Scheduled Castes :

6.30. According to the information collected by the Union Ministry of Home Affairs, the number of cases of atrocities on Scheduled Castes reported in various States/Union Territories during the years 1974 to 1976 is given in the table at Appendix XXIX. It would be seen from that table that the total number of cases of atrocities declined from 8,860 in 1974 to 7,781 in 1975 and 5,968\* in 1976. However, the number of such cases showed an increase in Andhra Pradesh, Bihar, Karnataka and Madhya Pradesh.

6.31. The break up of different categories of cases reported in various States/Union Territories excluding information relating to Bihar and Haryana is given below:

Category of cases	1975	1976
Murder . . . . .	346	276
Violence resulting in grievous hurt . . . . .	1,268	1,074
Rape . . . . .	320	314
Arson or serious mischief in respect of property . . . . .	774	726
Other offences . . . . .	4,785	2,946

It would be seen from the above table that the number of cases in each category declined during the year 1976 as compared to 1975.

#### Investigation of cases of atrocities

6.32. An analysis of the stages of investigation of the various cases reported in 1975 indicates as follows:—

1. Total number of cases . . . . .	7,781
2. Number of cases in which investigation did not result in a charge-sheet . . . . .	1,898 (24.4%)
3. Number of cases pending investigation . . . . .	1,222 (15.7%)
4. Number of cases in which charge-sheet has been filed . . . . .	4,661 (59.90%)

6.33. It would be seen from the above table that charge sheet had already been filed in about 60 per cent cases registered in 1975 and 15 per cent cases were pending investigation. Out of the total number of charge sheeted cases, it was learnt that 90 per cent cases were still pending trial. About one third of the 450 cases in which trial had ended, had resulted in conviction. It is rather disquieting that such a large percentage of the charge sheeted cases are still pending trial. It is therefore, desirable that the trial in these cases should be expedited.

#### Suggestions made by the Government of India to the State/Union Territories :

6.34. Action against all cases of atrocities comes under the purview of the State Governments, though the Central Government has the responsibility to ensure that the weaker sections of the population are not harassed and therefore keeps a close watch on the action taken by the various State Governments in this regard. The Central Government has also been making various suggestions on the subject to the State

\*Excluding information relating to 5 districts of Bihar.



Governments from time to time. Some of the important suggestions made by them are given below:—

- (i) It has been suggested to the Chief Ministers of all the States that the use of force by landlords to grab land from Harijans should be made a cognisable offence in order to be able to take severe action against perpetrators of these crimes as well as to enable the police to directly intervene and act in such cases.
- (ii) Prompt collection of information about all incidents involving harijans;
- (iii) Prompt, efficient and adequate investigation of all offences involving harijans;
- (iv) investigation of serious offences where caste considerations are suspected, to be treated as Special Report Cases and entrusted to officers of the rank of Deputy Superintendent of Police or Inspector of Police;
- (v) failure to undertake prompt and efficient investigation or to exercise adequate supervision to be regarded as grave dereliction of duty on the part of the officers concerned;
- (vi) prosecuting agencies to give high priority to cases of alleged atrocities as also of offence under Protection of Civil Rights Act 1955 and to press for deterrent sentences to the culprits.

A gist of all such suggestions is given at Appendix XXX.

#### **Working group of National Integration :**

6.35. The Government of India appointed a working group on National Integration in 1976 with a view to examining different aspects of the problem of discrimination and atrocities against Harijans. The group made a number of recommendations requiring action on the part of the State Governments. These recommendations include identification of incident-prone areas, making efforts to investigate and remedy the local socio-economic and other factors in such areas, effective preventive and penal steps in specific cases, imposition of punitive fines, legal aid to Scheduled Castes and Scheduled Tribes, prompt action to provide relief and rehabilitation, assistance to victims and special arrangements such as special cells under senior police officers to look into cases of atrocities and specific complaints received from the Scheduled Castes and Scheduled Tribes. In pursuance of these recommendations, special cells or special mobile squads have been set up in some States

such as **Andhra Pradesh, Gujarat, Karnataka, Bihar, Madhya Pradesh, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal** to deal with complaints of atrocities on member of Scheduled Castes and Scheduled Tribes. In Bihar, a Harijan Grievance Cell has been set up in the Home (Police) Department, inter-alia to investigate complaints of atrocities and harassment of Harijans, adivasis and minorities as well as to issue directions and to provide guidance to the Superintendents of Police and other officers in the matter of protection of Harijans against harassment and exploitation. A statement containing information about special arrangements made in various States to deal with cases of atrocities on Scheduled Castes and to protect their interests is given at Appendix XXXI.

6.36. The Government of Orissa have issued guidelines to the district authorities according to which it would be the responsibility of Collectors and Superintendents of Police to take prompt action in respect of incidents where Harijans had been subjected to violence or intimidation. They are to ensure that such incidents are immediately inquired into by specially designated officers not below the rank of Deputy Superintendent of Police or a Deputy Collector. They are required to submit their report on the investigation without any delay. **The steps taken by various State Governments in this regard are welcome. It is desirable that the State Governments which have not yet taken necessary action in this regard should take similar steps to deal with cases of atrocities on Scheduled Castes and Scheduled Tribes.**

#### **Monetary relief to Scheduled Castes and Scheduled Tribes victims of atrocities :**

6.37. It was mentioned in the Report for 1973-74 that the Government of **Andhra Pradesh** had introduced a scheme in 1975 to provide monetary relief ranging from Rs. 250 to Rs. 2,000 to members of the Scheduled Castes and Tribes who became victims of atrocities committed by members of other communities. The offences categorised as atrocities were murder, violence resulting in grievous hurt, rape, serious mischief or arson, etc. It was also recommended in that Report that all the other State Governments/Union Territory Administrations should take similar action for rendering immediate monetary relief to the Scheduled Caste/Scheduled Tribe victims of atrocities without waiting for the results of the criminal proceedings which normally take considerable time. An attempt was made to collect information regarding the action taken by various State Governments/Union Territory Administrations on the above mentioned recommendations. According to the information received so far, the Governments of **Himachal Pradesh, Maharashtra and Tamil Nadu** have ac-

cepted the recommendations and issued necessary instructions to the district officers concerned to implement the same. The range of monetary relief provided by these Governments is almost similar to that of Government of **Andhra Pradesh**. The Government of **Bihar** sanctioned Rs. 5,000 each to the dependents of the Scheduled Castes and others murdered in May, 1977 at Belchi in Patna District of the State. However **general orders regarding the grant of relief to the victims of atrocities on Scheduled Castes/Scheduled Tribes on the lines of the scheme of monetary relief to the Scheduled Caste/Scheduled Tribe victims of atrocities introduced by the Government of Andhra Pradesh, have not so far been issued by Government of Bihar. The State Government should take early action in this regard.** The Government of **Andhra Pradesh** have since taken further steps to give relief to the Scheduled Caste/Scheduled Tribe victims of atrocities, viz., giving priority to the families of the victims if they are landless poor; in the assignment of land for cultivation; admission of the children of victims in Backward Classes hostels on priority basis; appointment of one eligible member of the family of the victims to a suitable post under Government or a public sector undertakings in relaxation of the normal regulations; payment of a maintenance allowance to the widow/daughter/son of the deceased victim in the form of old age pension, if no member of the family is eligible for employment, till some member of the family becomes eligible for appointment to a post. The Governments of **West Bengal** and **Punjab** do not consider it necessary to take such measures due to the negligible number of atrocities in these states. The Governments of **Orissa** and **Kerala** have informed that the matter is still under their consideration. The Governments/Union Territory Administrations of **Jammu & Kashmir, Tripura, Dadra & Nagar Haveli, Goa, Daman & Diu, Pondicherry** and **Lakshadweep** have informed that incidents of atrocities have not come to their notice, but they have noted the recommendations. **It is desirable that the State Governments/Union Territory Administrations which have not so far taken necessary action to give monetary relief to the Scheduled Caste/Scheduled Tribe victims of atrocities on the lines of steps taken by the Government of Andhra Pradesh, should do so at an early date.**

#### Non-Official Agencies

6.38. Some of the non-official agencies with their team of devoted workers have been rendering very useful service for the welfare of Scheduled Castes and Scheduled Tribes and other Backward Classes in various fields. The Government of India as well as the State Governments are giving grants-in-aid to such agencies for

their welfare activities in various spheres. The table below indicates the amount of grants-in-aid released by the Government of India to the various non-official Organisations working for the welfare of the Scheduled Castes, Scheduled Tribes and other backward Classes during the years 1975-76 and 1976-77:—

Serial No.	Name of the Organisation	Grants-in-aid released during the year	
		1975-76	1976-77
1	2	3	4
<b>A. For Scheduled Castes</b>		Rs.	Rs.
1	All India Harijan Sevak Sangh, Delhi	10,33,194	10,28,334
2	Bharatiya Depressed Classes League, New Delhi	1,91,621	1,25,000
3	Hind Sweepers Sevak Samaj, New Delhi	2,19,470	1,57,680
4	Ishwar Saran Ashram, Allahabad	51,204	88,823
5	Dr. Ambedkar Educational Society Chikkadapally, Hyderabad	4,00,000	..
6	Tata Institute of Social Sciences, Bombay	37,040	3,000
<b>B. For Scheduled Tribes</b>			
1	Bharatiya Adimjati Sevak Sangh, New Delhi	3,23,340	2,37,852
2	Andhra Rathra Adimjati Sevak Sangh, Nellore	56,776	49,856
3	Ramakrishna Mission Ashram, Ranchi	1,46,704	1,52,944
4	Ramakrishna Mission Ashram, Cherrapunji	4,97,303	7,29,650
5	Ramakrishna Mission Shilong	56,120	72,720
6	Shri Ramakrishna Advaita Ashram, Kalady	1,39,535	1,19,246
7	Ramakrishna Mission Sevaram, Silchar	88,500	88,300
8	Nagaland Gandhi Ashram, Mokocheung	Nil	76,500
9	Ashok Ashram, Kalri, District Dehra Dun	..	1,13,192
10	Shri Ramakrishna Society, Dinapur	6,250	25,000
<b>C. Both for Scheduled Castes &amp; Scheduled Tribes</b>			
1	Ramakrishna Mission Ashram, Puri	78,331	1,36,670
2	Ramakrishna Mission Ashram, Narendrapur	1,97,234	2,22,789
3	Thakkar Bapa Ashram, Nima-khandi	33,146	26,598
4	*Servant- of India Society Poona	3,09,309	3,34,240
5	All India Women Conference, New Delhi	13,059	18,946
<b>D. For other Backward Classes</b>			
1	Indian Red Cross Society, New Delhi	5,91,850	4,90,421
2	@Bharatiya Ghamantu Jan (Khara Badoh) Sevak Sangh, New Delhi	1,04,329	..

\*Also for Other Backward Classes.

@ For Nomadic Tribes.

6.39. The extent of atrocities committed against Scheduled Castes and the various forms of exploitation of the Scheduled Tribes in different parts of the country is very much alarming. The Prime Minister has asked the State Governments to take stringent action to prevent such inhuman atrocities committed on the Harijans. **It would help a great deal if the efforts of the Central or State Governments for the Social uplift of the Scheduled Castes are made into a movement by the massive participation by the workers of various political parties and dedicated social workers belonging to the non-official agencies. It is observed that generally voluntary Organisations do not employ female workers/parcharaks to campaign for the removal of untouchability. To make this campaign more effective it is suggested that dedicated female social workers should be recruited by the voluntary organisations for this purpose. It is also suggested that the State Governments and the non-official agencies working in the field should chalk out speedy and effective time bound action programme for economic and social betterment of the Scheduled Castes and Scheduled Tribes.**

6.40 The work done by some non-official agencies for the welfare of the Scheduled Castes and Scheduled Tribes is described below:—

#### **All India Harijan Sevak Sangh :**

The All India Harijan Sevak Sangh continued its activities through its central office and its State branches for the welfare of Scheduled Castes with main emphasis on the removal of untouchability, educational schemes and Bhangi Kasht Mukti Programme. For the removal of untouchability, the Sangh had an intensive programme which included propaganda through its workers, publication of literature, holding of public meetings, conferences and social gatherings exhibition of films and arranging **pad-yatras** etc. During the 1975-76, thirty five workers under the Central Government Scheme and 191 Sevaks and Parcharaks under the State Scheme were employed to work on the intensive programme of propaganda against the practice of untouchability in the rural areas. During the year 1975-76, the **Sevaks** conducted 4,528 conferences, meetings and social gatherings and organised 1,246 inter-community dinners. The Sangh also distributed literature through its State branches to create a favourable atmosphere for the eradication of untouchability. It also published a Hindi-cum-English bi-monthly magazine "Harijan-Seva" containing detailed information about the achievements made in the field of removal of untouchability and the welfare of Harijans. 327 cases under Untouchability (Offences) Act were lodged with the Police out of which 61 were decided in favour of Harijans and the offenders

were convicted, 44 cases were compromised, 52 were dismissed and 170 were still pending. The Sangh also conducted 473 Ashram Schools, Balwadis, Sanskar Kendras and Creches all over the country which catered to 17,978 Harijan children and 92 hostels accommodating 5,567 students. The Sangh is also running 331 Balwadi-cum-nutrition Centres in 19 States with the grants given by the Department of Social Welfare, Government of India. The Centres catered to 13,320 children of the age group upto 5 years by providing them nutritional diet. The Bhangi Kasht Mukti is another important scheme being conducted by the Sangh. Under the scheme, efforts are made first to get rid of dry type of latrines and convert them into water seal or flush type, secondly, to give the Scavengers better mechanical devices for cleaning dry latrines and thirdly to strive for the social acceptance of these people in the society. During the year 1975-76 the workers of the Sangh got 1,12,000 dry type of latrines converted into water borne ones. At Ahmedabad, the Sangh is running at Safai Vidyalaya established in 1964. It has since been developed into a full fledged Institute which provides a training programme on the science of sanitation and environmental hygiene and is attended by workers from all over the country. It is very heartening to note that the Government of Gujarat provides scholarships to those safai workers who voluntarily relinquish the profession of scavenging and go in for training in some other trade or business. Such trainees are also being given Rs. 500 each after the successful completion of their training to start their work.

#### **Bharatiya Depressed Classes League :**

The Bharatiya Depressed Classes League through its various Branches continued their activities for the removal of the practice of untouchability. Their main schemes are (i) appointment of Parcharaks for propaganda for the removal of untouchability, (ii) publishing of posters, pamphlets etc., (iii) holding of conferences, **melas**, meetings seminars etc. etc. and (iv) hostels for post-matric and Pre-matric Sch. Castes students. A total number of 25 Parcharaks and 2 regional Supervisors continued to work throughout the years 1975-76 and 1976-77 in the States of **Andhra Pradesh, Bihar, Haryana, Himachal Pradesh, Madhya Pradesh, Karnataka, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, West Bengal** and the Union Territory of **Delhi**. Out of these 25 Parcharaks, one lady Parcharak is also doing the work in **Uttar Pradesh**. These Parcharaks worked for the removal of the practice of untouchability by conducting meetings in various areas/localities and arranged **Melas** in different States. Posters and pamphlets incorporating messages of religious and national leaders against the practice of untouchability were got

printed and distributed in the public gatherings. During the year 1976-77, the Parcharaks of the League and the Regional Supervisors posted in the 13 States mentioned above, arranged 2,489 public meetings and social gatherings, got opened for Harijans 12 wells/taps and 17 hotels and 30 barber shops. In addition, 37 basties were cleaned, 38 community dinners were arranged, 10 night schools were run and 22 Bhajan Kirtans were arranged. In addition, the League is running three hostels for Harijan students at (1) Kapsichhak, Jaipur in Orissa (2) Phagwara in Punjab and (3) Bhagalpur in Bihar.

#### **Hind Sweepers' Sevak Samaj**

The Hind Sweepers' Sevak Samaj continued to run its 10 Social Welfare and Education Centres one each in Haryana and Punjab and eight in Uttar Pradesh for the children and women belonging to Scheduled Castes. In addition the Samaj is also running Post-Matric Scheduled Caste Students' Hostels one each at Allahabad and Rai-Bareilly in Uttar Pradesh. The Samaj also maintained an Ashram School for sweepers' children at Allahabad wherein a provision to accommodate 100 children of school going age belonging to poor families of Bhangi community particularly from the rural areas exist. The Ashram inmates are given free lodging and boarding facilities. For the first time, the Government of India approved the scheme of "Shorthand and Typewriting Centre" at Lucknow costing Rs. 25,000 during the year 1975-76. During that year, the scheme could not be implemented but the necessary typewriters etc. were purchased to start the work during 1976-77.

#### **Ramakrishna Mission Ashram—Ranchi (Bihar)**

The Ramakrishna Mission Ashram, Ranchi is running "Divyayan" a Farmers' training Institute as a well coordinated programme of social, cultural, spiritual and economic development of the tribals of Chotanagpur region in particular and of farmers from other areas in general with the object of making an intellectual and emotional approach through community living. The Mission has trained a total number of 1,417 farmers by October, 1976, out of whom 1,179 persons belonged to Scheduled Castes and Scheduled Tribes. Follow-up of the "Divyayan Training" is looked after by a voluntary agency "Shri Ramakrishna Sevaken-dra". It has its field units in Bihar, West Bengal and Tripura. A library with about 6,696

books on various subjects, is another attraction to the residents of the area. Besides general book lending section in the Library, there is a Text Book Section to help college students.

#### **Shri Ramakrishna Advaita Ashram, Kalady (Kerala)**

Shri Ramakrishna Advaita Ashram, is a pioneering institution in Kerala State, that has undertaken the welfare activities of backward communities from 1936. The biggest achievement of the Ashram is their hostel for boys where the students live without any feeling of caste or creed. Till the year 1975-76, 218 boy students had the benefit of studying in the Hostel. Apart from the Hostel, the Ashram is conducting a community Centre for Harijans at Mattoor, Kalady where Sunday classes and community singing of Bhajans etc. are conducted. The various activities of the Ashram aim at imparting education and self reliance through their schools, hostels and community prayers.

#### **Nagaland Gandhi Ashram, Chuchuyimlang (Nagaland)**

The Nagaland Gandhi Ashram, Chuchuyimlang was established in the year 1955 by Shri Natwar Thakkar. The main aim of the Ashram is 'National Integration' through voluntary social service on Gandhian lines and other activities conducted for social welfare and economic development of the tribals. The main activities of the Ashram are bee-keeping, running of balwadies (Pre-Primary Schools), experimental production of Gur and Khandsari, experiments in new agricultural crops, library, Carpentry Blacksmithy workshops etc. etc. A recent new venture undertaken is the organisation of a young educators orientation course. The experiment has proved very successful. The Ashram under the dynamic stewardship of Shri Natwar Thakkar is doing commendable work amongst the tribals of the area.

#### **Ramakrishna Ashram, Cherrapunji (Meghalaya)**

The Mission is assisted by the Government of India for the maintenance of Technical, Middle, Primary and J.B. Schools for the uplift of poor tribals in the remote corner of Meghalaya. This Ashram also provides for educational tours. A batch of students was taken on educational tour to Tripura and educational seminar of the teachers was also held in Ashram premises. As many as 120 teachers participated in the Seminar. There is also a scheme for special coaching for day scholars.

## CHAPTER 7

### TRIBAL DEVELOPMENT

#### Review of Tribal Development Programmes

According to the Census of 1971, the population of the Scheduled Tribes was 41 million. Geographically and culturally the tribals are at widely different stages of social as well as economic development. In some regions, they are living in isolated pockets and in some others in large concentration. The problems of tribals differ from area to area. Elimination of their exploitation at the hands of land grabbers, money lenders, traders and liquor contractors is a pre-requisite for taking up developmental programmes.

7.2. The Tribal Development Blocks which were started in the Second Five Year plan were considered too small units for long term developmental planning. In the Fourth Five Year Plan period, 6 Pilot projects for tribal development known as Tribal Development Agencies were started in **Andhra Pradesh, Bihar, Madhya Pradesh** and **Orissa** by the Union Ministry of Agriculture. Two more projects were taken up in Orissa. A special agency was constituted to administer each project. The period of operation of the six Tribal Development Agencies which started functioning during 1971-72 has been extended upto the end of the Fifth Five Year Plan period.

7.3. A new approach for tribal development was initiated in the Fifth Plan which aimed at harmonising the conflicting situations and ensuring development of the tribal areas. 'Growth with social justice' is to be translated in terms of an action programme with reference to each geographical region and each group notwithstanding their comparative sizes. According to this strategy, the tribal development programme was extended to all the Scheduled Areas and tribal areas with more than 50 per cent Scheduled Tribe population. In the Fourth Five Year Plan only areas with more than 66 per cent Scheduled Tribe population were covered under the tribal development block programme benefiting less than 40 per cent of the total Schedule Tribe population. The coverage under the new Sub-Plan scheme would be 70 per cent of the total Scheduled Tribe population in the country. The most important feature of the new strategy is that it recognises that there is no uniform solution to the variety of problems facing the tribal areas and communities which are at different levels of socio-economic development and the solutions prescribed should take into consideration the felt needs of the areas concerned. The Statewise

coverage under the Sub-Plans is given at Appendix XXXII. The Sub-Plans also include certain extremely backward isolated, smaller groups both within the areas of tribal concentration and outside.

#### Sub-Plan Formulation

7.4. The basic objectives of the Sub-Plan is to narrow the gap between the levels of development of tribal and other areas; and to improve the quality of life of the tribal communities. The immediate steps to be taken are the elimination of exploitation in all forms, speeding up the process of social and economic development, building up inner strength of the people and improving their organisational capabilities. A general strategy for achieving these objectives was to be evolved in the Sub-Plans keeping in view the special problems of the tribal region in each State. Entire legal, Administrative and institutional frame as also inter-sectoral and intra-sectoral priorities were to be reviewed keeping the primary focus on the welfare and development of the Scheduled Tribe population.

7.5. It was stated in the previous Reports that exploitation in numerous forms had been going on in the backward areas but it was found at its worst in the tribal areas. **Elimination of exploitation was therefore to be taken up on priority basis and as an integral part of the plan of social and economic development of the tribal people. Programmes for prevention of land alienation, restoration of alienated land, rehabilitation of bonded labourers and involving co-operative structure for marketing and financial assistance to the tribals, solution of the problems created in the zones of influence in industrial areas and excise policy and mining needed special attention.**

7.6. The Sub-Plan represents the total Government effort in the tribal areas including (i) the flow of benefits from the State Plan (ii) resources from the central and centrally sponsored schemes (iii) special central assistance and (iv) institutional finance. Thus an effort is being made to have a total picture of the developmental effort in the tribal areas and give a suitable direction. In the States and Union Territories which had more than 80% Scheduled Tribe population viz. **Meghalaya, Mizoram Nagaland Arunachal Pradesh, Dadra and Nagar Haveli and Lakshadweep** sub-plans were not necessary since their entire Plans were in a way meant for tribal development. The 18 States and Union Territories having sizeable

Scheduled Tribe population were required to prepare sub-plans for tribal areas. Information as on March, 1977 indicates that the sub-plans of 17 States/Union Territories viz., **Andhra Pradesh, Assam, Bihar, Gujarat, Himachal Pradesh, Maharashtra, Madhya Pradesh, Manipur, Orissa, Rajasthan, Tripura, West Bengal, Karnataka, Kerala, Tamil Nadu, Uttar Pradesh, Goa, Daman and Diu** have been finalised by the Planning Commission. Allocations for the tribal Sub-Plan areas for Fifth Five Year Plan (1974-79) in respect of the above 17 States/Union Territories as well as tentative allocations for **Andaman and Nicobar Islands** are given at Appendix XXXIII.

### **Integrated Tribal Development Projects**

7.7. The Planning Commission had indicated that the Sub-Plan areas in each State would comprise a number of viable project areas. For each project, an integrated area development programme focussing attention on the specific problems of the area and the people in that region was to be formulated. Preparation of Sub-Plan and Project formulation were to be taken up concurrently. The Integrated Tribal Development Project like the Sub-Plan represents the total State efforts in the specific area. The States have to identify the specific problems and to prepare projects with reference to those specific problems. The total number of Integrated Tribal Development Projects expected to be started in the concerned States was 178. The total number of Integrated Tribal Development Projects proposed to be started in each of the States concerned as well as the number of Integrated Tribal Development Projects considered by the sanctioning Committee of the Ministry of Home Affairs are given at Appendix XXXIV from which it will be seen that the Government of **Assam** submitted only 1 project out of 19 proposed and **West Bengal** submitted 6 out of 12 projects. **The Ministry of Home Affairs had even before the beginning of the Fifth Five Year Plan given funds to the State Governments for setting up team consisting of experts from various disciplines for preparation of the Sub-Plans and Integrated Tribal Development Projects. This exercise was expected to be initiated much earlier in view of the broad financial parameters which had been indicated to the State Governments. It is observed that the Tribal Sub-Plans took considerably longer time both for preparation and for their consideration. Consequently the project preparation also took longer time than was envisaged earlier.**

7.8. The State Governments had associated some national and regional institutes in project formulation. The notable among them were the National Institute of Community Development, Hyderabad, Agriculture Finance Corporation, Bombay, National Institute of Bank Management

Bombay, National Institute of Applied Economic Research, New Delhi, A.N. Sinha Institute of Social Sciences Patna and Kalyani University of West Bengal. **It is observed that the State Governments are submitting the Projects in the same form in which they are prepared by these Institutes. It is desirable that the State Governments should ensure that the projects are prepared according to the guidelines issued by the Ministry of Home Affairs before they are submitted to the sanctioning committee in the Ministry. That would avoid delay on the part of the sanctioning committee in approving the projects.**

### **Basic problems of the Integrated Tribal Development Projects**

7.9. In many cases the Integrated Tribal Development Project represented more disaggregation of the State Plan outlays and there was inadequate assessment of the results of the past programmes. Even in cases where priorities have been identified the programme did not take that into consideration. In many cases there was no evidence of involving the local community at the time of project formulation. It was also noticed that in many projects specific problems and requirement of the areas were not reflected. The problem may differ from area to area. In some cases the problem of shifting cultivations may be more acute whereas in others the main problem may be of making suitable arrangements for marketing and credit. In some cases, minor irrigation may require top priority and in still others soil conservation programmes may require urgent attention. **Keeping in view these factors the State Governments should identify the major thrust areas as suggested by the Ministry of Home Affairs in respect of each of the projects and give special attention to these aspects.** When the programme of Tribal Development Blocks was in operation it was observed that the benefits were not reaching the weakest groups within the tribal communities. **Now that the Integrated Tribal Development Projects are being implemented it should be ensured that the weakest are given highest priority and Integrated Tribal Development Projects framed should provide suitable directions in this regard. The more inaccessible areas of the projects should be identified and it should be ensured that benefits reach there.**

7.10. The Planning Commission had already indicated about the new concept of planning with special reference to the weaker sections and more backward areas and the emphasis was to be on actual beneficiaries within the tribal areas. It was observed that the tribal welfare departments in various States did not have adequate capacity for undertaking this task and very few States had given attention to these aspects in the Sub-Plans. Streamlining in the administrative structure is

one of the pre-requisites for administering the developmental programmes in the Sub-Plan areas. **It is therefore, suggested that the State Governments/Union Territory Administration concerned should have sufficient built-in expertise for undertaking this task. Now that the new budgetary procedures have been adopted and many projects have been grounded, it should be possible for the Ministry of Home Affairs to evolve a suitable monitoring and evaluation system to assess the progress made in the Sub-Plan areas.**

#### **Advance action on priority programmes**

7.11. While adopting the new strategy for the tribal development during the Fifth Five Year plan in the form of Sub-Plans, it was visualised that some time would be taken to prepare Sub-Plans and Integrated Tribal Development Project. Pending the finalisation of the Sub-Plans, the Ministry of Home Affairs suggested to the State Governments to take up advance action programmes on certain priority items from 1974-75 itself. These programmes were (i) debt redemption, (ii) re-organisation of Credit-cum-marketing structure, (iii) preparation and updating of land records, (iv) minor irrigation programmes, (v) plantation schemes and agricultural developmental programmes, (vi) preparation of Integrated Tribal Development Projects and (vii) restructuring of administrative machinery. The Government of India out of its special central assistance allocated Rs. 5 crores during 1974-75 for this purpose. During 1975-76, an allocation of Rs. 20 crores was made and it was further raised to Rs. 40 crores during 1976-77. The statement showing the special central assistance released is given at Appendix XXXV.

7.12. It has not been possible to ascertain the utilisation of funds sanctioned for advance action in the Sub-Plan areas and the actual benefits derived by the tribals. However, a study on the utilisation of funds sanctioned for advance action in the Sub-Plan and integrated Tribal Development Project areas in Madhya Pradesh was undertaken in January, 1977. The study is based on the analysis of data collected from the Tribal & Harijan Welfare Department of Government of Madhya Pradesh. Advance action on Core programme was undertaken in the proposed project areas on the advice of Ministry of Home Affairs and schemes such as, (1) irrigation, (2) agriculture, (3) updating of land records, (4) animal husbandry and credit and marketing were taken up.

7.13. **The Government of Madhya Pradesh have identified 31 projects at Meso level and 11 at Micro-level.** During 1974-75, Bijapur, Narainpur, Pushprajgarh, Mandla, Lakhnadon, Jhabua, Jashpur, Ambikapur and Kukshi projects were selected for implementation of core programmes. It was observed that a project having 51% Scheduled Tribe population (Lakhnadon) was included for implementation of core programmes dur-

ing 1974-75, whereas many projects having more than 80% Scheduled Tribe population e.g. Alirajpur (Jhabua District) were left out. However, during 1975-76, 19 more Integrated Tribal Development Projects and 2 micro-projects were taken up for advance action but some projects having more than 65% Scheduled Tribe population were excluded. The selection of the projects seems to have been done at random basis and the areas having tribal concentration were ignored.

7.14. As regards expenditure on various schemes under core programmes was concerned, it was reported that utilisation of funds during 1974-75 was 24% and in 1975-76, it was 34% and during both the years it was 32%. This indicates that only 1/3 of the outlay could be utilised by the State Government on the schemes of minor irrigation, agriculture, land records, animal husbandry and credit and marketing. It was revealed that out of the total expenditure during both the years about 43% was spent in Bastar District. The utilisation of funds on different schemes like (a) credit and marketing was, 100%, (b) animal husbandry—74%, (c) land records—36%, (d) minor irrigation—29% and (e) agriculture—19%. It was also noticed that while allocating funds priority was given to minor irrigation, but it ranked fourth so far as utilisation was concerned and agricultural schemes which were accorded second priority ranked last.

7.15. From the above facts, it was clear that the State Government did not follow a uniform pattern on the basis of concentration of tribal population in selecting the projects for implementation of core programme with the result that areas having more concentration of tribal population remained neglected and could not utilise the allocated amount during 1974-75 and 1975-76. The progress of schemes was satisfactory in projects in the districts of Bastar, Sarguja, Jhabua, Mandla and Dhar but in the remaining districts it was not up to the mark.

7.16. Some studies undertaken in Integrated Tribal Development Project (Bihar), Kokrajhar (Assam), Sundergarh (Orissa) and Kukshi in (Madhya Pradesh) have revealed certain pertinent points which need special attention of the concerned State Governments as well as Central Government. A study based on Field survey and discussions with the officials in Bihar revealed that central assistance of Rs. 70 lakhs was given during 1974-75 for advance action programmes. The Chotanagpur and Santhal Parganas Development Authority, Ranchi prepared schemes worth Rs. 57 lakhs only by December, 1974 and the money was actually drawn in the last week of March, 1975 by the Welfare Department. Out of this amount nearly Rs. 44 lakhs were meant for lift irrigation schemes in six Meso Project areas of Khunti, Simdega, Lathihar, Chakradharpur, Chaibasa & Dumka and Rs. 59,000 were kept for socio-economic survey on land alienation,

indebtedness etc. The rest of the amount was spent on agricultural schemes like purchase of soil testing kits and liming of soil. In respect of the lift irrigation schemes, allotments had been made very late by the Superintending Engineer, Minor Irrigation Division, Ranchi and the work was taken up in Khunti Meso area between August and October, 1975. It was also revealed that in few cases the liming of soil had been done but the soil testing kit had not been purchased as late as May, 1976 whereas the money had been received in the last week of March, 1975. The study also revealed that there was a long time lag between allotments and actual execution and completion of the work. Chotanagpur & Santhal Parganas Development Authority did not undertake any study in any Meso area in which advance action had been started in 1974-75. The Planning Department, Government of Bihar and Tribal Research Institute at Ranchi also did not undertake any evaluative study in any of the said areas. During 1975-76 pending finalisation of Sub-Plan and various Integrated Tribal Development Projects, the special central assistance went upto Rs. 2.82 crores and was spent on the schemes of minor irrigation agricultural development, health programmes and development of Paharia Tribes. During this year no special schemes were drawn up for the utilisation of central assistance portion by any department. **The special assistance was used as an additive by different departments on ordinary schemes in the Sub-Plan area without restructuring any of the schemes to suit the interest of the tribal people. Various departments had taken funds from the Central Sector assistance when they found money in the State Sector short.** Although it was decided that the copies of the sanctions issued by the different departments would be endorsed to the Authority and Meso Project Officers but it was observed that sanctions were not being endorsed. The study revealed that there was not only no coordination between the Meso Project Officers and the technical heads of different departments at the Meso level but also at the State level between the different departments executing schemes in the Sub-Plan areas. At the State level quantification has been made in the budget but no department is sure that funds provided in the Sub-Plan budget are not being spent outside the Sub-Plan areas. It was also observed that separate accounting of the Central Sector Assistance was not being kept by different departments. **The study also revealed that the Central Sector Assistance was utilised for ordinary State Sector schemes. In this respect there had been great deviation from the policies laid down in 1974-75. Under the circumstances it was not possible to know the impact of the schemes in the area.**

7.17. In another study undertaken in January, 1976 at Kokrajhar in Golapara district and Dhemji in North Lakhimpur district, Assam it was observed that special central assistance of

Rs. 20 lakhs was to be spent on taking advance action in these projects. The study revealed that the Government of Assam proposed 4 schemes viz., agriculture, soil conservation, irrigation and cooperation to be undertaken in these 2 project areas during the first year of the Fifth Five Year Plan.

7.18. Another study undertaken in March, 1976 in Sundergarh Integrated Tribal Development Project Orissa, revealed that an amount of Rs. 5.50 lakhs was sanctioned during 1974-75 for the schemes to be implemented in the Integrated Tribal Development Project area but no expenditure could be incurred. Subsequently during 1975-76 another amount of Rs. 10.69 lakhs was sanctioned and schemes of irrigation, dug wells, reclamation of land, animal husbandry and horticulture were taken up. The soil conservation department and agro-industry corporation had taken up reclamation of 2,153 acres of land after identification of compact patches of land in 23 villages. **The study revealed that in most cases the land allotted to the tribals was at scattered places which remained unreclaimed and the poor tribals had to run from pillar to post in obtaining loans. Efforts should, therefore, be made to simplify the procedure for giving loans in Integrated Tribal Development Project areas.**

7.19. A study on the working of Integrated Tribal Development Project Kukshi-Dhar (Madhya Pradesh) was undertaken in January, 1977. Kukshi Project consists of Kukshi & Manawar tehsils. Kukshi tehsil comprises three Tribal Development Blocks i.e. Bagh, Dahi, Kukshi and Nisarapur C.D. Blocks and the Manawar tahsil comprises all the Tribal Development Blocks i.e. Dharpuri, Gandhwani, Umarban and Manawar. It was observed that during 1974-75, Rs. 49 lakhs had been allocated but only Rs. 0.62 lakh had been spent on the veterinary schemes and during 1975-76, Rs. 13.68 lakhs had been allocated but Rs. 3.72 lakhs could be spent on the schemes relating to agriculture, irrigation, veterinary and cooperation. These figures show that during 1974-75 only one veterinary scheme was taken up and other schemes were left out and the amount remained unutilised and the amount allocated during 1975-76, could not be fully spent. **It was observed that 17 units of sheep on exchange basis were distributed to persons who were non-tribals. It is suggested that benefits of developmental programmes involving subsidy element should be made available to scheduled Tribe persons only. The irrigation schemes suffered because of the delay in the acquisition of land for construction of tanks and canals. A close coordination between the officers of the irrigation and revenue departments is necessary. Priority had been accorded to schemes of irrigation, credit-cum-marketing agriculture,**



power, drinking water etc., by the project authorities whereas the local persons of the area wanted that priority should be given to irrigation, agriculture, education, forest, power etc.

### Primitive Tribes and their problems

7.20. Under the Tribal Development Programmes it has been proposed that the problems of the primitive communities should be tackled on priority basis. Such primitive groups are scattered all over the country and their conditions are widely different. An amount of Rs. 10 crores has been set apart for this purpose out of special central assistance of Rs. 190 crores provided in the Fifth Plan for tribal areas. In case of these groups, it is felt that there is an urgency since some of them are facing near extinction.

7.21. In 1975, a Workshop on primitive communities was organised in which certain principles were evolved as a guide for identification of these groups and understanding their problems. The basic criteria for identification of primitive tribal communities suggested by the workshop were:—

- (i) Pre-agricultural technology;
- (ii) Low level of literacy say less than 5%; and
- (iii) Marginal or stagnant rate of growth.

Since socio-economic conditions of these groups differ widely from one area to another it will not be sufficient to describe them in general terms. In the case of specific groups, specific areas need to be identified which may satisfy the above criteria. The State Governments were therefore, requested to identify these groups and also document the present social and economic conditions of those groups which may require urgent attention.

7.22. The programmes of development for primitive tribal communities have to be sufficiently flexible. The distinctive features of the developmental programmes for these groups were suggested by the workshop as follows:—

- (i) The development plans will have specially to take the eco-system into consideration for these groups;
- (ii) Primary education of the people will need to be organised imaginatively emphasising the distinctive character of their environmental and the natural capability of the group. Specific education programme may also be needed for persons in the higher age group;
- (iii) In the first phase, development should be attempted through conservation and re-organisation of the native skills of

the group and there should be a whole time project officer with proper orientation for looking after the development programmes of each of these people;

- (iv) It may not always be necessary to wait the research findings for initiating action. Research and action programmes could go side by side where possible.

7.23. Some of the primitive groups are facing special health problems which include great Andamanese, Onges, and Shompons in **Andaman and Nicobar Islands**, Kotas and Paniyans in **Tamil Nadu**, Paharias in **Bihar** and **Tosos** in **West Bengal**. 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 service. In view of the special health problems particularly in relation to some of the tribes, the Ministry of Health have associated All India Medical Institute in the study of the problems of primitive groups. So far, 46 primitive communities have been identified in different States/Union Territories. Their names may be seen at Appendix XXXVI.

7.24. During 1975-76 out of an outlay of Rupees one crore set apart for primitive groups, only Rupees thirty two lakhs could be utilised because the State Government could not come up with suitable programmes for these groups. A high level Advisory Committee for Primitive Groups in **Andaman and Nicobar Islands** visited the Islands to look into the various aspects of the development of primitive tribal communities in the Islands—the home of the most primitive groups in the world. A society under Societies Act has been constituted which would be known as 'Andaman Adim Jayati Vikas Samati'. The Samati had been authorised to evolve its own procedures and programmes during 1975-76 and ad-hoc allocation of Rupees twenty lakhs was made to acquire a ship which could be exclusively used for the programmes connected with the development of primitive tribal communities. **It is yet to be known as to how far the Samati has been able to make any dent in the economic and social development of the tribals living in the Islands.**

### New Excise Policy for Tribal Areas

7.25. The problem of exploitation of tribals by liquor contractors has been engaging the attention of the Central and State Governments. In early 1975, the Government of India issued detailed guidelines to the State Governments in this regard. The important points in these guidelines are as follows:—

- (i) In the tribal areas where prohibition is in force no precipitate action need be taken;

- (ii) In the tribal areas where prohibition is not in force, there should be better educational effort so that there is a general atmosphere of temperance among the people;
- (iii) The contract system of liquor-vending in tribal areas should be given up. In areas of tribal concentration, where the custom of brewing local beverages still prevails, there should be no liquor shops at all. In areas where there is no vestige of this custom, due to maximum of the tribal population and general advancement as in West Bengal, liquor can be sold through Government shops;
- (iv) Where prohibition is not in force, the tribal people should be allowed to prepare their beverages for individual and social purposes, but not for commercial purposes. The local panchayats should be given the responsibility of preventing commercial preparation of local beverages; and
- (v) The sale of liquor in "Hats" should be barred.

7.26. The new excise policy is particularly relevant in the States of **Andhra Pradesh, Rajasthan, Maharashtra, Madhya Pradesh, Bihar** and **Orissa** which have the main tribal concentration and where the system of outstills was prevalent. It is gratifying to note that the new excise policy has been accepted in principle by the above State Governments. The Government of **Bihar** has implemented the new excise policy with effect from 1st April, 1976 excepting in a belt of 8 kms. bordering **Orissa** and **Madhya Pradesh**. The Government of **Bihar** have approached the Government of India to convene a meeting of the neighbouring States so that smuggling of liquor can be stopped. **Madhya Pradesh** has started implementing the new policy in two stages covering 5 districts of Bastar, Sarguja, Mandla, Jhabua and Jaspur tehsil of Raigarh in the first phase from 1st April, 1976. It is hoped that as a result of the decision taken in the Chief Ministers' meeting held in October, 1976, the State Government would implement the new excise policy from 1st April, 1977 in the entire Sub-Plan area.

7.27. The Government of **Andhra Pradesh** has also decided to run all the liquor shops departmentally from the year 1976-77. In the same way, Government of **Orissa** have accepted the new liquor policy and started closing liquor shops

in tribal areas. The tribals are allowed to manufacture and brew 'Pachwai' for domestic consumption only. The Government of **Maharashtra** have allowed the tribal people in the outstill areas of Chandrapur district to manufacture and process 'toddy' for domestic consumption but the State Government is rather reluctant to stop liquor vending in tribal areas as according to them it would lead to wide spread illicit distillation. Keeping in view this aspect of the matter, the State Government, have decided to introduce country liquor shops under the supervision of Government which would be as cheap as possible and also decided to give preference to local tribal people in issuing the licences.

7.28. In so far as **Gajarat** is concerned there is total prohibition throughout the State and it is reported that tribals have improved considerably on account of restrictions in distillation of liquor even for consumption purposes by the tribals. Similarly in **Rajasthan** also 6 Tehsils of Banswara, Doongarpur and Udaipur districts are under total prohibition but in the 9 Tehsils falling in the districts of Alwar, Sawai Madhopur, Jaipur, Bhilwara, Chittorgarh and Kota where tribal population is between 30% to 50%, the contractors are running small liquor shops and the Government do not propose to open departmental shops as it would be uneconomical and also no complaint of any exploitation has come to their notice.

7.29. It is hoped that with the implementation of the new excise policy the exploitation of the tribals by the liquor contractors would be stopped.

#### Tribals and Forests

7.30. The importance of forests in the economic and social life of the tribals is well known. It is recognised that even in the case of settled tribal cultivators, forests constitute not only important subsidiary means of livelihood, but also emergency reserves on which they can fall back in times of crisis. Unlike non-tribal peasantry, most of the tribals do not have reserve stock in the form of ornaments or other valuable possessions.

7.31. Some forests are directly controlled and managed by the forest departments whereas others are community or panchayat forests and some are even under the ownership of individual persons. It is understood that in majority of the States in the North-East\*, bulk of the forests are not under the direct control of the forest departments and are managed by the local community.

\*A paper contributed at a Seminar organised by Himalaya Seva Sangh at Shillong on Human Aspect of Forest Development in North West India by Shri S.K. Kaul, Deputy Commissioner for Scheduled Castes and Scheduled Tribes. may be seen at Appendix XXXVII.

In the past, the forest management was primarily concerned with the production of timber needed by the Government and industries for railways, ship building, plywood industry and paper mills and so on. Though some of the rights of the forest dwellers in utilising the forest products for domestic consumption were recognised by the Government, it was more in the nature of charity and there was not much concern for the development of the forests to meet the requirements of the people. **It is necessary to make multi-dimensional approach to forest planning involving integration of agriculture, animal husbandry, horticulture, water and soil conservation alongwith provisions for fuel and exploitation of forests for productive purposes. There is a need for greater involvement of local people in administration, management, exploitation and marketing of forest and forest products.**

7.32. It has been observed that the rights of the tribals about the collection of minor forest produce for barter or sale are increasingly being curtailed on the plea of protection of forest wealth and nationalisation of these products by the forest departments. The tribals are required to work as labourers either under the departmental programmes of collection of minor forest produce or for contractors/forest labourers cooperative societies who take contract from the Forest Department for collection of minor produce. At times they are allowed to collect the minor produce, but they have to sell it to forest agents. The working conditions of the forest labourers including remuneration that they get for their labour should be reasonably fixed by all the State Governments. Payment of minimum wages should be ensured to all workers. It has, however, been observed that though profits earned by the forest departments after the nationalisation of the minor forest produce have increased, the conditions of tribals who are engaged in the collection of minor forest produce have not substantially improved. The operations of collecting forest produce give employment to the tribals for a few months only. **With the emphasis on providing full employment, it is necessary that steps are taken to set up small and medium scale primary processing units in the tribal areas to provide gainful employment to the tribals. The efforts of the Forest Development Corporations should be to teach skills to the tribal workers so that non-tribals are not required to be brought to the tribal areas for skilled and semi-skilled jobs. Efforts must be made to link up the forestry programmes with the welfare of the tribal communities.** For example, in Kerala the Tribal Welfare Department has organised all the fuel wood collectors in a co-operative society in one project area. The members of the society have been given the right to collect fuel wood from the area from which they were traditionally gathering it and it is also proposed to plant a

special felling series of fuel wood. In the same State, in the hills of Palghat district, the tribals had rights of collection of cardamom in the reserved forests. By organising co-operative societies, the Tribal Welfare Department have provided technical help in processing and marketing of cardamom and eliminated the traders and thereby the income of the tribals has increased manifold.

7.33. The National Commission on Agriculture suggested a massive programme of social forestry. This programme can only succeed in tribal areas if full cooperation of tribal community is secured. **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. Production activities should be undertaken by the village communities through their cooperatives in collaboration with traditional corporate institutions. In the management of forests there should be close collaboration between the technical personnel of the forest departments, various officials and non-official agencies, researchers and informed leaders of the local community. Forest labourers cooperative societies should be promoted and successfully run not only for extraction of raw materials but also for processing. The privileges and concessions of the tribal people in villages should be published in the various regional languages in the form of booklets for free distribution amongst tribals.**

#### Shifting Cultivation

7.34. The practice of jhum or shifting cultivation continues to be followed by the tribal population of our country in the forest areas of Assam, Arunachal Pradesh, Andhra Pradesh, Orissa, Manipur, Tripura, Nagaland, Meghalaya, Madhya Pradesh, and Tamil Nadu. The practice is also associated with some rituals and beliefs of the tribals. It is estimated that about 10 lakh families practise shifting cultivation. In parts of Assam the hills for jhum cultivation are selected annually by the Council of village elders and agricultural operations are started by religious ceremonies Baigas, one of the primitive tribes in Madhya Pradesh practise shifting cultivation. According to available figures area under shifting cultivation in some of States/Union Territories was as follows:

(In '000 hect.)

States/Union Territories	
Assam	69,600
Arunachal Pradesh.	92,276
Manipur	60,000
Meghalaya	76,000
Mizoram	61,610
Nagaland	73,540
Tripura	22,300

In **Andhra Pradesh** it is estimated that about 21,600 tribal families are engaged in shifting cultivation covering an area of about 43,000 acres. Shifting cultivation is practised by the tribes in Sambalpur, Keonjhar, Kalahandi, Phulbani, Ganjam, Koraput and Sundergarh districts of **Orissa**. It is estimated that over 1,200 square miles of the State are under podu cultivation and about 2 lakh families are engaged therein.

7.35. In **Meghalaya**, the practice of shifting cultivation is prevalent in the East and West Garo Hills districts and to lesser extent in the East and West Khasi Hills and the Jaintia Hills districts. It is estimated that approximately 67% of the tribal population of the East and West Garo Hills Districts and about 25% of the East and West Khasi Hills and the Jaintia Hills Districts are dependent on this system. The system leads to a great deal of wastage. While cutting trees or cultivating the lands, practically no attention is given to preserve the productivity of the land and prevent the excessive erosion and consequent sedimentation. Commonly jhuming is practised on hill slopes and this causes severe erosion on slopes and sedimentation on the lower areas can be alarming. With the increase in population, the jhum cycle has become shorter. As a result yields of crops per unit area have been going down sharply.

7.36. Programmes to tackle this problem in different areas were drawn up under different schemes like soil conservation, horticulture, forestry, land colonisation schemes etc., and it is not possible to make any assessment of the progress made so far. The Government of India have therefore asked the State Governments to prepare composite programmes for shifting cultivation bringing in all the elements together. They were further requested to prepare clear perspectives for shifting cultivators. It is understood that the Government of **Orissa** is preparing composite programme in selected areas to tackle shifting cultivation. The Government of **Tamil Nadu** is also preparing comprehensive programme for Shifting Cultivator based on plantation and animal husbandry. **It is necessary that the State Governments concerned should create special cells which can attend to preparation of Special Programmes for shifting cultivators.**

#### **Impact of Industrialization on tribals**

7.37. The tribal areas of our country possess great potentialities of industrialisation. The general strategy for development of industries in the tribal areas should be of keeping the tribal persons as the focal point and adequate integrated programmes on local resources based materials should be prepared. Considerable employment opportunities can be offered to the tribal communities by involving them in active partner-

ship or share holding in many of the forest based industries like carpentry, workshops, paper mills, saw mills, plywood factories, newsprint factories etc. There is a vast scope for engaging tribals both as producers of raw materials and as workers in processing or semi-processing village industries.

7.38. Some of the districts having tribal areas have been identified as industrially backward areas and are eligible for concessional finance, income-tax relief etc. With suitable training and support from infrastructural organisations, like banks, state industries departments and large industries, it is possible to induce Scheduled Tribe entrepreneurs to start ancillary industries and become partners in the industrialization of tribal areas. It is somewhat unfortunate that though many big industries and construction projects have come up in the tribal areas, simultaneous attempts were not always made to ensure that the persons belonging to tribal communities derived adequate share from this process of development. On the contrary there were many cases in which good agricultural lands of the tribals were acquired for setting up projects and the displaced tribal persons were left to fend for themselves. The project authorities and the State Governments thought themselves to be free from the obligation of permanent rehabilitation of the displaced tribals merely by giving cash compensation to the affected families which was easily squandered away by them because they had no experience of dealing in monetary economy. **It is not a distant happening that some of the tribal girls of Bastar District working as maids in the houses of the Staff members of Bailadila Iron Ore Project found themselves ostracised from their society. It is very essential that officers from these Welfare Departments should be posted at the project areas to make assessment of the impact of the changing socio-economic situation on the tribals so that social tendencies may not develop.** It has been recommended in the earlier reports of the Commissioner that before the setting up of big industrial projects the cost of rehabilitation of tribals should be included in the total cost of the project itself and it should be the duty of the project authorities to ensure permanent rehabilitation of the displaced tribal population preferably by settling them on alternative agricultural lands and take up programmes of giving training to the tribals so that they can secure employment in the new jobs.

7.39. Some of the tribal areas offer considerable scope for the development of mining activities. For instance, in the tribal areas of **Andhra Pradesh** minerals like iron ore, coal, bauxite, limestone etc. are available abundantly. Medicinal and aromatic plants and grasses which had

vast potentialities for large scale growing and commercialisation with foreign exchange earning prospects have not been subjected to systematic growing and development. Many important minerals like soap stone, fluoride, asbestos, manganese, iron, limestone, lead etc., are being worked out in the tribal districts of Dungarpur, Banswara and Udaipur of Rajasthan State. There were potentialities of setting up of cement plants in the tribal areas of Banswara district. There are good potentialities of mining in the tribal districts of Bastar, Durg, Sarguja, Mandla, Rajnandgaon, Jhabua, Raigarh and Dhar in Madhya Pradesh.

7.40. It is a general experience that though there is considerable scope for employment of technical and skilled and unskilled persons in the mining projects, most of the mining activity in the tribal regions is in the private sector. Mostly these mines employ local people as unskilled labourers and for the skilled operations and management, people from outside are engaged.

#### **Research into the problems of Scheduled Castes and Scheduled Tribes**

7.41. The Scheduled Tribe communities inhabiting tribal areas of the country are at different stages of development and are confronted with the problems which are not similar in nature. Members of some of the tribal communities are still leading primitive lives and are even threatened with extinction on account of various health problems. Moreover the response of the tribals to the various developmental schemes initiated for their welfare is not uniformly encouraging and there is need for the social scientists/expert bodies to study the various aspects of tribal life in the country.

7.42. 13 Tribal research institutes are functioning in various parts of the country. Available information regarding the studies undertaken by the Tribal Research Institutes during 1975-76 and 1976-77, is given at Appendix XXXVIII. However, it is not known whether all these studies have been published. The Tribal Research Institute, Kozikhode organised a National Seminar on Tribal Education, Tribal Culture and Tribal Development in collaboration with Dravidian Linguistic Association of India. Eminent anthropologists, linguists, sociologists, historians and administrators participated in the Seminar. Shri S. K. Kaul, Deputy Commissioner for Scheduled Castes and Scheduled Tribes participated in the Seminar and a paper contributed by him on Tribal Education is reproduced at Appendix XXXIX.

7.43. In November, 1972, the Central Research Advisory Council, was set up to review the work of Tribal Research Institutes and suggest research programmes to be taken up by them. The third

meeting of the Central Research Advisory Council was held on 26th June, 1976 and topics like research work and other activities of the Tribal Research Institutes during 1975-76; utilisation of central assistance for research in 1976-77 and progress achieved in restructuring of tribal research institutes were discussed. It was suggested that the Tribal Research Institutes should reorient themselves to render assistance in the better implementation of the new strategy of tribal development. The question of evaluation and monitoring of the large investments of the Sub-Plans involved much heavier work and the Tribal Research Institutes may be required to undertake this task. In the course of the meeting it was felt that the involvement of the Tribal Research Institutes in the evaluation of the plan programmes in tribal areas had been uneven. Matters relating to award of fellowships/scholarships in respect of tribal development and research publications were also discussed. Studies of investigative-cum-evaluative nature were suggested to be undertaken by the Tribal Research Institutes during 1976-77.

7.44. Social scientists at institutes like Gokhale 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 were also engaged in research work amongst Scheduled Tribe communities. Appendix XL contains information regarding the research work undertaken by the above mentioned institutes during 1975-76 and 1976-77.

7.45. The Ministry of Home Affairs in association with the State Governments have initiated efforts to promote research amongst tribals by awarding post doctoral research fellowships. The scholars would be required to spend at least one year in the rural areas. The value of a post doctoral scholarship would be Rs. 600 per month and the value of the doctoral fellowship would be Rs. 400 per month, besides other assistance. It is understood that 4 scholars for post doctoral fellowships and 22 scholars for doctoral fellowships have been selected, out of whom 1 scholar for post doctoral fellowship and 3 scholars for doctoral fellowships belonged to Scheduled Tribes. Information regarding the subjects selected for award of fellowships is given at Appendix XLI.

7.46. **It is desirable that the organisations concerned with tribal research should equip themselves suitably to study the impact of tribal sub-plan strategy on the socio-economic life of the tribals. These institutions should also assume the role of evaluation and monitoring of information regarding tribal sub-plans and Integrated Tribal Development Projects. The Tribal Institutes**

should also devote themselves to study the problems of Scheduled Castes. It is well known that the fruits of development are not uniformly shared by the various Scheduled Caste communities. There are some communities, members of which have shown reluctance in educating their children and in taking advantage of the Government policies and programmes framed for their welfare. It is also felt that incidents of atrocities on Harijans have deeper implications than can be revealed by mere police investigations. These involve expert analysis of group relationships on account of changing socio-economic situations. The Tribal Research Institutes should be strengthened to take up studies concerning various problems of Scheduled Castes.

#### Administration in Tribal Areas

7.47. It is well known that different tribal regions have had different administrative structures. The personnel policy also presented varied picture. It has been stressed in the earlier Reports of the Commissioner that to protect the interests of the persons belonging to Scheduled Tribes and accelerate the pace of development in the tribal areas, administrative structure in various tribal regions should be suitably re-organised and competent and dedicated personnel should be posted to work in these areas. It is observed that quite a good deal of exploitation of the tribal population like alienation from their lands, indebtedness, bonded labour, nefarious role of liquor contractors can be ascribed to a great extent to the lack of interest on the part of the personnel posted to work in tribal areas. Considerable exploitation at the hands of money-lenders and traders in cheating the tribals of their agricultural and minor forest products could have been checked, if only the administrative authorities had been more vigilant in their task. Simultaneously, attempts also require to be made to associate tribals themselves in furthering development work.

7.48. The financial and administrative powers and work norms in the tribal regions should be suitably reviewed. At many places the work norms of advanced areas are adopted for sparsely populated tribal areas where work conditions are difficult; as a result the jurisdiction of the officers becomes unwieldy and the level of responsibility too low. The work-norms of development departments should be suitably revised for respective tribal areas. Weekly markets are usually held to meet the demands of surrounding villages in tribal areas. The local traders are quite active in these markets, and their monopoly can be restricted if suitable administrative arrangements are made in providing alternative marketing facilities to ensure fair deal to the tribal population.

7.49. Democratic decentralisation has not been uniformly beneficial in respect of all parts of the country. In some areas the Zila Parishads and

Panchayat Samities who were entrusted with tribal development schemes were found to be dominated by powerful vested interests consisting mostly of non-tribals who were not enthusiastic about the welfare programme for the weaker sections.

#### Training

7.50. Desirability of suitable training programmes for officers posted to tribal areas, has been emphasised in the earlier reports of the Commissioner. The training programmes for the officers posted to tribal areas should be reviewed and Tribal Research Institute should have the services of expert members to train the personnel likely to be posted to work in tribal areas. Attempts to recruit local tribal persons should be made through relaxations of qualifications and providing them a suitable training opportunities. In this manner considerable representation can be given to tribals especially in institutions like schools, local health centres and tehsil and district offices.

7.51. The need of special remuneration for the personnel posted to tribal areas has also to be appreciated by the State Governments in view of the extremely difficult conditions of life in some of the tribal regions of the country. It may not be desirable to have uniform compensation system for the entire tribal areas because some of the district places may be having requisite facilities. The rates of compensation should be linked with factors like backwardness of the area, availability of social services and remoteness of the place.

7.52. The Union Home Ministry has felt that with the substantial stepping up of financial investment in the tribal areas during the Fifth Plan, administrative unpreparedness has appeared as a major constraint to tribal development. It is also observed that suitable articulation of first proviso to Article 275(1) for raising the level of administration of the Scheduled Areas, still remains to be done. A Working Group has been constituted with the following terms of reference:—

1. Review the administrative structure at the grass root level in the tribal areas particularly of agriculture and allied sectors including co-operation, health and education.
2. Suggest methods to overcome the existing communication barrier between the administration and the people; and
3. Suggest re-organisation of the administrative structure keeping in view the special problems of the tribal areas and the need for organic integration of extension services with the local community.

The Working Group is expected to submit its report by the end of December, 1977.

## CHAPTER 8

### THE IMPACT OF 20-POINT ECONOMIC PROGRAMME ON SCHEDULED CASTES AND SCHEDULED TRIBES

After the announcement of the 20-Point Economic Programme, efforts were supposed to be made to bring speedier social and economic justice to the persons belonging to weaker sections for ensuring them their rightful place in the society. It was believed that the 20-Point Economic Programme announced by the then Prime Minister on July 1, 1975 would benefit the weaker sections of the society, particularly those belonging to Scheduled Castes and Scheduled Tribes who were to benefit specially from the components of the programme like implementation of agricultural land ceilings and speedier distribution of surplus land; compilation of land records; stepping up of provision of house sites for landless persons; liquidation of rural indebtedness; abolition of the system of bonded labour; review of laws on minimum agricultural wages; supply of essential commodities at controlled prices to students in hostels and books and stationery at controlled prices. Available information regarding the programmes from which the Backward Classes are reported to have benefited, is given in the subsequent paras.

#### Implementation of agricultural land ceilings and speedier distribution of surplus land and compilation of land records :

8.2. Various State Governments were reported to have taken steps for revision/enactment of Land Ceiling Laws to promote social and economic justice. The work relating to allotment of surplus land to landless was taken up by the States and subsequent to July, 1975 to the end of 1976 about 10.63 lakh acres of land had been allotted. It was estimated that 1,88,252 acres of land had been allotted to 2,45,097 Scheduled Caste families and 70,909 acres of land to 71,171 Scheduled Tribe families. However, as per State-wise details received from the Union Ministry of Agriculture (which are not complete), reproduced at Appendix XLII in respect of 17 States/ Union Territories, it is observed that 31,04,082 persons belonging to Scheduled Castes and Scheduled Tribes were allotted 15,15,008 acres of surplus land in different periods ranging from 1972 to 1976.

8.3. Over and above surplus lands, many State Governments reported that they had distributed

other types of land as well. Available information regarding distribution of such lands is given below:—

#### ANDHRA PRADESH

About 5 lakh acres of land had been transferred directly from the land holders to about 90,000 protected tenants. About 22 lakh acres of Government land had been assigned to landless poor persons under the crash assignment scheme.

#### HIMACHAL PRADESH

Shamlat land measuring 10,509 acres, Nautor land measuring 4,440 acres and Bhoodan land measuring 162 acres had been distributed to the landless. It was not known as to how much of this land was exactly allotted to the Scheduled Castes and Scheduled Tribes.

#### KARNATAKA

1,52,000 hectares of land (other than surplus) was distributed from 1972-73 to the end of December, 1976, out of which about 53,000 hectares of land had been distributed amongst 2,300 persons belonging to the Scheduled Castes and Scheduled Tribes.

#### ORISSA

Between April, 1974 to November, 1976, Government waste land measuring 4,56,111 acres had been distributed amongst 2,58,339 beneficiaries, including 1,39,314 Scheduled Tribe and 56,209 Scheduled Caste persons.

#### PUNJAB

Evacuee land measuring 40,307 acres and Nazul land measuring 24,901 acres had been allotted to the landless families. It was, however, not known as to how much of this land was exactly allotted to the persons belonging to the Scheduled Castes.

#### PONDICHERRY

74 hectares of land had been distributed to 70 persons of whom 21 belonged to the Scheduled Castes.

#### UTTAR PRADESH

14.81 lakh acres of Gram Samaj land had been distributed to the landless persons. Information regarding land distributed to Scheduled Castes and Scheduled Tribes was not available. The Uttar Pradesh Bhoodan Yagya

Committee informed that in 14 districts, 1,332 persons belonging to Scheduled Castes and Scheduled Tribes were allotted 3,025 acres of Bhoodan land from 1974 to 1976.

### RAJASTHAN

The Rajasthan Bhoodan Yagya Board informed that 1,01,103 acres of Bhoodan land had been distributed to the landless persons. However, information regarding the land allotted to the persons belonging to Scheduled Castes and Scheduled Tribes, was not indicated.

### BIHAR

In Bihar, 550 Scheduled Tribe persons and 1,965 Scheduled Caste persons were allotted 841 and 1,398 acres of Bhoodan land, respectively.

### MAHARASHTRA

Since 1971 onwards, the Government waste lands are distributed to landless persons in accordance with the procedure laid down in the Maharashtra Land Revenue (Disposal of Government Land) Rules, 1971. The area of land available for distribution was 93,182 hectares. It was, however, not known as to how much of this land was distributed to Scheduled Castes and Scheduled Tribes.

### MADHYA PRADESH

28,43,101 acres of Gaon Sabha land was reported to have been allotted to 16,49,819 Scheduled Caste persons from 1966-67 to 1975-76.

### Provision of financial assistance for agricultural inputs to the allottees of surplus land

8.4. Under the Fifth Five Year Plan, a Central Sector scheme was prepared for providing financial assistance to the allottees of surplus land. Under this scheme each allottee was to receive Rs. 250 per hectare per season for the first two agricultural seasons so that he could buy the necessary inputs for cultivation as well as meet his immediate consumption needs. There was also provision for a long-term assistance at the rate of Rs. 500 per hectare to be given by way of loan and grant in equal halves for such land as required under land development in order to be brought under the plough. The scheme was to cover areas which were not covered by the other Central Sector Schemes, namely the Small and Marginal Farmers Development Agencies, the Drought Prone Areas Programme and the Command Area Development Programme.

8.5. A statement showing the assistance given to the States and the Union Territories under this scheme during the financial years 1975-76 and 1976-77, may be seen at Appendix XLIII.

8.6. In addition, many State Governments have reported that they were providing 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 assistance from commercial banks and other public credit institutions for the purpose of enabling the allottees of surplus land to take to the cultivation of the allotted land. Efforts in this direction were reported to have been made in a number of States. Available State-wise details are given below:—

### UTTAR PRADESH

The new allottees of surplus land were exempted from the payment of land revenue for a period of 3 years from the date of allotment. An amount of Rs. 1 crore had been distributed as taqavi loan to the new allottees. The Commercial and Cooperative Banks had given financial assistance to the tune of Rs. 127 lakhs benefiting 57,000 allottees. 4.66 lakh new allottees had been enrolled as members of Cooperative Societies and had been given medium term loans amounting to Rs. 12.43 crores and Rs. 6.23 crores as short-term loans. Schemes for the development of Small Farmers were being run in 183 blocks of 26 districts of the State. By the end of November, 1976, 1,94,000 small farmers had been benefited through agricultural programmes, 3,609 through minor irrigation programmes and 13,370 through animal husbandry programmes. 59,000 beneficiaries belonged to Scheduled Castes.

### WEST BENGAL

By an amendment of the West Bengal Land Reforms Act, the surplus land assigned to the landless cultivators and marginal farmers had been made inalienable except for obtaining institutional credit.

### PONDICHERRY

547 new allottees of surplus land had been extended financial assistance to the extent of Rs. 37,220.

### ORISSA

The State Government had taken action for bringing the new allottees of surplus land within the cooperative fold and a sum of Rs. 2,84,440 had been sanctioned for this purpose from the Chief Minister's Relief Fund.

### HIMACHAL PRADESH

A Scheme had been framed for providing interest free long term loans for the benefit of allottees for breaking of land, purchase



of bullocks, improved seeds and agricultural inputs, terracing and contour bunding and construction of cow-sheds. During 1975-76, an amount of Rs. 2 lakhs had been distributed as interest free loan for these supporting services. An amount of Rs. 4 lakhs had been provided as land improvement loan.

### BIHAR

The Government of Bihar had earmarked a sum of Rs. 1 crore for disbursement among the allottees of surplus land by way of agricultural loan. Efforts were being made to involve the commercial institutions in the matter of financial assistance. Commercial Banks were reported to have disbursed loan of Rs. 30.23 lakhs to allottees of surplus land.

### Findings of the surveys/studies undertaken regarding allotment of land

8.7. The Office of the Commissioner for Scheduled Castes and Scheduled Tribes undertook a study about the allotment of land to Scheduled Caste persons in Alwar District of **Rajasthan** in the month of October, 1975. The observations made in the course of the study under reference have already been given in the last Report. It was pointed out that the work regarding identification of beneficiaries had not been done in a systematic manner and the claims of all landless Scheduled Caste persons were not taken into consideration. There were cases of land allotment to ineligible persons. Besides the provision laid down for the association of a Scheduled Caste member with the land distribution committee had not been strictly adhered to. There were many grievances about the quality of land allotted to the Scheduled Caste persons, and it was observed that at many places, the lands allotted to the Scheduled Caste persons were extremely uneven and rocky and it was beyond the capacity of the beneficiaries to make such lands cultivable with the limited resources at their command. There were several instances in which the beneficiaries were not even aware as to which particular plots had been allotted in their names.

8.8. It may also be worthwhile to give some of the findings of another study conducted by this office in January, 1976 in the Jaunpur District of **Uttar Pradesh**. It was observed that there was resentment amongst Scheduled Caste persons regarding the lands allotted to educational institutions. Quite a good deal of land allotted in this way was being unauthorisedly cultivated by influential persons. In some villages, the Scheduled Caste allottees had not received the possessions of the lands allotted in their names. Many of the Scheduled Caste persons of villages like Basnari, Sawayan Karmahi stated that they had been allotted uneven patches of land which required investments to the extent it may not be possible for them to afford.

8.9. Important findings of the studies regarding the allotment/settlement on agricultural lands of the persons belonging to Scheduled Castes and Scheduled Tribes in **Bihar, Orissa, Himachal Pradesh and Tripura** are mentioned below:—

### BIHAR

In Bisun Bundh village of Palamau District, the beneficiaries had not started cultivating the lands. In some cases the plots had not been properly demarcated and in some other cases the beneficiaries had not been given rent receipts in respect of the plots of land allotted to them. The beneficiaries belonging to Scheduled Castes and Scheduled Tribes also stated that they were unable to cultivate the land because they did not have necessary agricultural inputs. Moreover, the lands allotted to them ranged from 0.58 acres to 1.58 acres only.

(ii) Out of a total number of 1,926 beneficiaries who were allotted 3,393 acres of land, it was observed that 700 Scheduled Caste persons and 1,226 Scheduled Tribe persons had been allotted 1,444 and 2,158 acres of land respectively. Many of these allottees had not been given documents in respect of land allotted to them and it was feared that in their absence, some complications regarding the entitlement of the land may arise subsequently.

(iii) At a place known as Lesliganj under Sadar Sub-Division of the Palamau District, 9 Scheduled Tribe persons and 29 Scheduled Caste persons had been allotted surplus land. However, it was observed that none of the beneficiaries had started cultivating the land. Similarly 42 Scheduled Caste persons and 40 Scheduled Tribe persons had been allotted 25.98 acres and 64.09 acres of **gairmazurwa** land respectively. It was observed that uneconomic holdings ranging from 0.01 acre to 2.00 acres had been allotted.

(iv) 27 persons belonging to Scheduled Castes and Scheduled Tribes had been allotted lands in the respective villages of Sheonathpur and Joreva in Gumla Sub-Division of Ranchi District. In some cases the beneficiaries had not even been shown the plots of land allotted to them. Sizes of the plots ranged from 0.24 acre to 1.66 acres which were inadequate and uneconomical for agricultural purposes. Similarly in Lateya village under Sisai Block, it was observed that 6 Scheduled Caste beneficiaries of **gairmazurwa** land had not started cultivating the land because they found it difficult to level it. In Village Hesway under Lohardaga Sub-Division of Ranchi District,

it was found that Scheduled Caste and Scheduled Tribe persons who were allotted surplus lands, had not put the land to any purposeful use. The villagers considered their holdings to be very uneconomic. In Chamru village in Lohardaga Sub-Division 7 Scheduled Caste and Scheduled Tribe persons who were allotted 30 acres of Bhoodan land could not cultivate the land because it was very uneven. In some of the villages of Tamarh Block/Circle under Khunti Sub-Division of Ranchi District it was found that 22 Scheduled Caste and Scheduled Tribe beneficiaries of **gairmazurwa** lands had not started cultivating the lands allotted to them. In fact some of the beneficiaries had not even been shown the plots of land allotted to them.

### HIMACHAL PRADESH

8.10. The study was conducted in the districts of Simla and Bilaspur. The Government of **Himachal Pradesh** had distributed surplus, shamlat, waste and Bhoodan lands to various categories of people in two phases.

- (i) In all 45,899 persons were allotted land out of 80,066 eligible persons. 20,077 allottees belonged to Scheduled Castes and 17,744 to Scheduled Tribes. **Pattas** of land had not been given to all the beneficiaries.
- (ii) There were 546 families in the 6\* villages of Simla district and 5@ villages of Bilaspur District. Of these 175 (32 per cent) were Scheduled Castes and 371 (68%) from other categories. Out of the total area of 1,771 hectares of land in the 11 villages surveyed 511 hectares of land was being cultivated. Only 119 hectares (23.2%) of the total cultivated area was owned and possessed by Scheduled Castes. The average family holding for Scheduled Castes in the villages surveyed came to 0.68 hectare while that for non-Scheduled Caste families it came to 1.05 hectares. It was observed that with such small holdings the Scheduled Castes were finding it difficult to earn their livelihood and hence most of the families were dependent on secondary occupations. It was further noticed that 29 landless families were allotted land in the villages surveyed and out of that 24 persons i.e. (80%) of the beneficiaries belonged to Scheduled Castes. This indicated that majority of the beneficiaries of land allotment belonged to Scheduled

Castes. It was however found that the beneficiaries had not brought the land under plough. None of the allottees had taken any crop from the allotted land.

### TRIPURA

8.11. A sample study in 7 settlement colonies of the **jhumias** in the two Sub-Divisions (Sadar and Amarapur) in the West and South Tripura was conducted. Members of 51 households were interviewed.

- (i) It was found that correct estimates had not been made as to the extent of the problem of **jhumias** settlement before launching the schemes for their rehabilitation. In the settlement programmes of **jhumias** and landless Scheduled Tribes agriculturists, a number of tribal communities, each at different levels of economy, were involved. The practices of different categories of shifting cultivators and the extent to which they could cause damage to the soil differ. In fact no such assessment was made and all the **jhumias** or Scheduled Tribe landless agriculturists were covered under the same programmes irrespective of their cultural and socio-economic levels.
- (ii) It was reported by the settlers that most of them got **tilla** (hill top) lands. Paddy land was allotted only in Karbook, Model Tribal and Pilot Project colonies and also in Kurma Chhera. One of the main reasons for desertions and unwillingness to till the **tilla** land was that the settlers expected allotment of paddy lands. It appeared that adequate paddy land was available in the beginning but it was all occupied by the migrants from Bangladesh who were mostly non-tribals.
- (iii) It was observed that proper procedure of land allotment was not followed and the beneficiaries were just shown the plots and told to occupy them. No settlement operations were carried out to give them ownership rights. Out of the 7 colonies studied, only in one colony (Jerul Bachai) which was settled in 1971-72, all the settlers had been given ownership rights. The position was particularly unsatisfactory in case of Bishramganj colony where only 11.54% settlers had got ownership rights after a lapse of 20 years from the time of their settlement.

\*Mandar, Soini, Shanai, Chimihua, Shanvala and Tipra.  
@Loa, Niyashariv, Charai, Lakhampur and Balkarta.

- (iv) Since most of the land allotted to the settlers was tilla land (hill top) reclamation was a major problem for the settlers. This resulted in the land not being developed and remaining uncultivated. At places where developed land was handed over to the beneficiaries, utilisation was comparatively better.

## ORISSA

8.12. Land was distributed out of sources like cultivable and homestead government waste land; bhoodan and gram land; and surplus land released through imposition of ceilings on land holdings. Land measuring 12.84 lakh acres vested with the State Bhoodan Samiti. Out of 6.90 lakh acres of bhoodan land allotted so far 0.22 lakh acres and 2.24 lakh acres were distributed to the persons belonging to Scheduled Castes and Scheduled Tribes respectively. The State Government was also reported to be implementing a scheme for development of compact blocks of land given to the landless for agricultural purposes. Altogether 3,916 acres of land was developed during 1975-76. Out of 2,659 beneficiaries under the scheme, 586 and 1,309 belonged to Scheduled Castes and Scheduled Tribes respectively. A study was conducted in April-May, 1976 in the tribal district of Sundergarh, and in June, 1976 in the district of Cuttack, having sizeable Scheduled Caste population. The important findings are mentioned below:—

- (i) 5 villages namely Harpali, Subalaya of Sundergarh District and Khamigaon, Gayalgadia and Rasakadapur of Cuttack District were covered for the study. 179 persons applied for the allotment of land, out of whom 151 persons belonging to Scheduled Castes and Scheduled Tribes had been allotted lands. Out of 151 persons allotted land, 39.73% were landless 43.4% possessed less than 2 acres of land, 16.66% had between 2 to 5 acres of land and 0.66% possessed more than 5 acres of land. In the course of the enquiry, it was ascertained from the allottees that physical possession of the land was given to them by properly demarcating land in their presence. Out of 340 acres of land allotted to Scheduled Castes and Scheduled Tribes in the villages covered under the study only 34 acres had been reclaimed partly by the efforts of the allottees themselves and the rest was lying unreclaimed, though a long time had elapsed since its allotment. It was understood that mostly uplands overgrown with bushes and trees had been allotted. Some of the allotted lands had eroded soils.
- (ii) In Subalaya village the allottees had partly reclaimed 32 acres of land. The

allottees had raised paddy, horsegram and gulji in these reclaimed lands. In Harapali and Goyalgadia the beneficiaries had not been able to reclaim the lands allotted to them.

8.13. The above studies indicate that the beneficiaries belonging to the Scheduled Castes and Scheduled Tribes face problems in cultivating the lands allotted to them. It would be worthwhile if their problems are sympathetically looked into to make them viable agriculturists. In cases where the allotted lands are extremely uneven and beyond the capacity of the beneficiaries, to make these culturable, alternate lands should be allotted to them. Possessions of the allotted lands also require to be given to the allottees belonging to Scheduled Castes and Scheduled Tribes at the places where they face resistance from the vested interests.

### Compilation of Land Records :

8.14. Considerable hardships were faced by the persons belonging to Scheduled Tribes in many backward regions of the country because the work regarding survey and settlement in respect of their agricultural lands had not been systematically completed. Inadequacy of record of rights stood in the way of obtaining institutional credit by the cultivators. In October, 1976, the Union Ministry of Agriculture and Irrigation impressed upon the State Governments the need for early action for up-dating land records. 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. Available information regarding the work done for completion of land records by the State Governments/Union Territory Administrations is given below:—

### MADHYA PRADESH

The State Government supplied "Bhu-adhikar Pustikas" to cultivators containing details regarding their land holdings and loans obtained. Till April, 1976 over 67 lakh cultivators had been supplied with these pustikas. For up-dating land records 13.56 lakh mutation cases had been disposed of.

### HIMACHAL PRADESH

The State Government were engaged in the work of up-dating of land records and as a result more than 2 lakh persons had been made owners of their tenancy lands.

### JAMMU & KASHMIR

The State Government claimed to be one of the few States which had been able to complete its land records.

## WEST BENGAL

There were reported to be a large number of **bargadars** (sharecroppers) belonging to Scheduled Castes and Scheduled Tribes. The State Government initiated special steps for recording their land rights. Instructions were issued by the Director, Land Records and Surveys to the Settlement Officers for proper recording of rights of tribal persons during the revisional settlement operations. In the course of these revisional settlement operations 2,44,370 **bargadars** rights had been recorded.

## ORISSA

The State Government took up the programme of up-dating record of rights in the districts predominantly inhabited by Scheduled Tribes persons. Survey and Settlement operations were reported to have been taken up in the Ganjam Agency and the Bonda Hills of Koiraput District. The work regarding settlement operations and issue of Pattas had been completed in over 4,600 villages. Of 51,909 villages in the State, the work of Survey and Settlement operations had been completed in 24,702 villages.

## MEGHALAYA

The State Government had set up a School to train persons for undergoing training regarding cadastral survey.

## UTTAR PRADESH

The State Government had decided to issue pass books to the tenure holders. For ensuring that there was no undue delay in up-dating land records more powers had been delegated to the revenue staff at field levels.

## GUJARAT

The work regarding up-dating of record of rights had been completed in 17,153 villages. More than 57,000 concealed tenancies were detected by special teams. About 2 lakh omitted tenants had been noted for conferment of occupancy rights.

## HARYANA

The work regarding up-dating of land records was being attended to after every five years.

## MAHARASHTRA

As a result of the drive initiated for up-dating record of rights, the number of mutation entries at the end of November, 1976

had been reduced to 60,912 from 1,84,710 pending at the beginning of July, 1975. The State Government had also decided to supply **Khatapustikas** containing complete information regarding the holdings, crops grown, revenue payable, loans obtained etc. to the cultivators. It was expected that the work regarding up-dating of land records would be completed by March, 1977.

## PUNJAB

By and large the land records in the State were up-to-date. Pass book scheme was proposed to be introduced for the benefit of the farmers and to improve position regarding land records.

## PONDICHERRY

A drive was launched to detect concealed tenancies and to bring them on record. As many as 2,505 persons had been given tenancy rights after making enquiries. Title deeds had also been given to many farmers.

## ASSAM

The District Councils of the Autonomous districts of Mikir and North Cachar Hills had taken up the work of completion of land records. It was, however, noticed that preparation of record of rights in accordance with the provision of the Assam Land and Revenue Regulations in the hilly areas was not a practical proposition.

## BIHAR

The State Government had taken up the work of up-dating of land records in Ranchi, Santhal Parganas and Palamau districts. This work had already been completed in the districts of Singhbhum, Purnea and Saharsa.

## TAMIL NADU

Four lakh tenancies had been registered under the Tamil Nadu Agricultural Land Record of Tenancy Act, 1969. More than 1 lakh **patta** passbooks had been issued to the cultivators.

## TRIPURA

Out of 1,28,678 mutation petitions received 78,169 cases had been disposed of and corrections made in land records.

## LAKSHADWEEP

Revenue and Survey officials were reported to be taking active interest in expediting the work of compilation of land records.

### Restoration of alienated lands to the tribals:

8.15. It has been mentioned in the earlier Reports of the Commissioner that the problem of alienation of tribal land had assumed serious proportions in some of the tribal areas of the country. The problem was stated to have been observed in varying degrees in the tribal areas of the States of **Andhra Pradesh, Assam, Bihar, Gujarat, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Uttar Pradesh and West Bengal.** Alienation of land not only deprived several tribal communities of their only means of livelihood, but sometimes led to law and order problems as well.

8.16. In order to keep in check the alienation of tribal lands and to restore their already alienated lands, legislative measures were undertaken in the States of **Andhra Pradesh, Assam, Bihar, Gujarat, Himachal Pradesh, Madhya Pradesh, Maharashtra, Meghalaya, Orissa, Rajasthan, Tripura, Uttar Pradesh and West Bengal.** The Government of India in the Ministry of Home Affairs pointed out to the State Governments that in the areas where incidence of land alienation was very high the first duty of the Project Officer of the Integrated Tribal Development Project would be to attend to this problem. A draft of the model legislation relating to the review of the legal provisions of tribal land alienation, was also circulated to plug the loopholes in the State Legislations.

8.17. Some of the State Governments like those of **Andhra Pradesh, Maharashtra, Rajasthan, Tripura, West Bengal, Orissa and Madhya Pradesh** were reported to have undertaken special measures to prevent alienation of the tribal land and its restoration.

8.18. It was reported that the Government of **Andhra Pradesh** had accepted the recommendation of the State Tribes Advisory Council that unauthorised occupation of tribal land by non-tribal should be treated as a cognizable offence. The State Government was reported to have decided to amend the Andhra Pradesh Scheduled Areas Land Transfer Regulation to provide for a penal clause to punish the "intruders" with rigorous imprisonment for a term which may extend to one year and a fine upto Rs. 2,000.00 or both. The Government had also decided to restore possession of land to the tribals alongwith standing crops. The Government of **Maharashtra** was reported to have undertaken rigorous steps so that no unauthorised alienation of tribal lands takes place. It was specifically provided that when a Scheduled Tribe person proposed to transfer his land, he had to make an application to the Collector, and in all cases except the cases of lease and mortgage for less than five years period, permission could be granted by the Collector only with the prior approval of the State Government. Where a tribal wanted to transfer

the land no sanction was given unless the Collector was satisfied that no tribal residing in the village or within 5 kms. thereof was prepared to take the occupancy from the owner on lease, mortgage or by sale or otherwise. In case of any invalid transactions, the land was to be forfeited to the State Government which could be granted to the tribal transferer only if he agreed to pay the purchase price and undertook to cultivate the land personally. It was further provided that no civil court would have jurisdiction to settle or delay any question required to be dealt with under Section 36 of the Maharashtra Land Revenue Code, 1966.

8.19. The Government of **Rajasthan** made amendment in the Rajasthan Tenancy Act, 1955 in respect of usufructuary mortgage in September, 1975. The maximum permissible period of usufructuary mortgage had been reduced from 10 to 5 years. In February, 1976 another amendment was made to the Act, by virtue of which the failure of any person to restore the land to the tribal mortgager, was liable to imprisonment for a period of one year or fine to the extent of Rs. 1,000.00 or both. The **Tripura** Government was reported to have set up a seven-member Committee to restore lands to the tribals. The Government of **West Bengal** amended the West Bengal Land Reforms Act, 1966 which banned transfer of land belonging to Scheduled Tribes except in cases covered in Class B, C and (c) of Sub-Section 1 of Section 14(C) of the Act. The Government of **Orissa** amended the Orissa Regulation of 1956 to check the alienation of tribal lands. The period of limitation for establishing titles on the lands transferred by Scheduled Tribe cultivators had been raised from 12 years to 30 years. It was provided that rigorous imprisonment for a minimum period of two years or fine to the extent of Rs. 2,000.00 or both could be imposed on a person found guilty of occupation of any immoveable property belonging to Scheduled Tribe persons.

8.20. Madhya Pradesh Land Revenue Code (Third amendment) which received the assent of the President on the 19th November, 1976 sets aside all malafide transfers of land from tribals to non-tribals retrospectively from October 2, 1959. Under Section 165 of the Amendment Act, the rights of a tribal cultivator could not be transferred to a non-tribal without the permission of a Revenue Officer not below the rank of a Collector. According to the new Section 170-A of the Act, the S.D.O. could at his own enquire into the transfers affected to satisfy himself as to the bonafides of such transfers. Under the new Section 257-A no legal practitioner could appear, plead or act on behalf of any party where one of the parties belonged to a Scheduled Tribe except with the written permission of the Revenue Officer/Court before whom the case was

pending. The table below gives information regarding the number of cases of land alienation

and extent of land restored to the tribals in seven States.

Name of State	Period	Total Number of cases of land alienation registered/detected	Number of cases disposed of	Extent of land restored to tribals	Number of Sch. Tribes benefited	Number of cases pending disposal	Number of cases of contravention
1	2	3	4	5	6	7	8
Andhra Pradesh . . . . .	1973-74	8,719	2,246	N.A.	N.A.	5,772	701
Bihar . . . . .	Upto December, 1976	35,501	19,277	15,845 (acres)	17,952	4,191	..
Gujarat . . . . .	Do.	4,700	2,676	2,572 (hectares)	1,475	2,024	..
Maharashtra . . . . .	Till July, 1976	31,222	15,421	12,779 (hectares)	7,923	14,478	..
Rajasthan . . . . .	Till September, 1976	22,328	1,287	4,775.24 (acres)	1,279	21,049	..
Tripura . . . . .	1974-75	13,491	78	N.A.	N.A.	13,413	..
Orissa . . . . .	1973-74	7,338	3,493	1,981.83 (acres)	1,142	3,845	..

8.21. It appears that some efforts have been made by the State Governments for checking the alienation of tribal lands by the non-tribals and to restore the alienated tribal lands to them. However, it seems that it has not been possible to know the magnitude of the problem in all the tribal areas of the country. It will go a long way if comprehensive surveys by expert agencies are made in the tribal areas where this problem has been known to be acute. Efforts are also required to be made by the State Governments to ensure that the restored tribal lands are really cultivated by the tribal cultivators and timely agricultural assistance is made available to them.

#### Provision of House-sites for landless persons:

8.22. It was intimated that the problem of house-sites did not exist in Manipur, Nagaland, Arunachal Pradesh, Goa, Daman and Diu, Lakshadweep and Mizoram. In the remaining States about 70.81 lakh house-sites were reported to have been allotted to the landless and weaker sections. In a number of States like Gujarat, Haryana, Himachal Pradesh, Maharashtra, Punjab, Rajasthan, Uttar Pradesh, Chandigarh and Delhi, the work of allotment of house-sites had been completed. A large number of these beneficiaries were reported to be belonging to Scheduled Castes and Scheduled Tribes. Available State-wise information regarding allotment of house-sites is

given at Appendix XLIV. To help allottees in the construction of houses some of the States were reported to have taken up schemes for development of house-sites and for promotion of facilities like free supply of timber, subsidised forest materials etc. Some of the States had also been providing loans to allottees through cooperative house building societies for construction of houses.

8.23. However, quite a large number of the new allottees of house-sites consisted of persons who were in such a weak financial position that it was not possible for them to raise structures on the sites allotted to them. As per available information 3.29 lakh houses had been constructed. The position was likely to be a little discouraging in the case of beneficiaries belonging to Scheduled Castes. Out of a total number of 7,35,736 beneficiaries in Madhya Pradesh only 19,748 could construct their houses. 3,030 houses had been completed in Orissa out of a total number of beneficiaries exceeding 43,000. 20,412 huts were constructed in West Bengal out of a total number of 1,22,000 allotted sites. About 2.58 lakh allottees had been able to put up their houses in Uttar Pradesh out of a total number of allottees exceeding 12 lakhs. To help the remaining allottees, the Housing Corporations had been set up to construct 100 houses in each district in the first instance.

### Special Housing Programmes for Scheduled Castes and Scheduled Tribes :

8.24. It may be relevant to mention here that special housing programmes were undertaken in many parts of the country either by establishment of housing corporations or by making special provisions to assist the persons belonging to the Scheduled Castes and Scheduled Tribes to construct their houses. Available information regarding work done in various parts of the country is given in the subsequent paragraphs.

8.25. The **Andhra Pradesh** State Scheduled Castes and Scheduled Tribes Cooperative Housing Societies Federation Limited, Hyderabad, was engaged in the implementation of the low cost housing programmes for Scheduled Castes and Scheduled Tribes by advancing loans to their members for construction of houses through obtaining funds from the State Government and Life Insurance Corporation of India. It was reported that till the end of March, 1976, the Federation had completed 50,564 houses for Scheduled Castes and Scheduled Tribes, out of which 45,079 had been occupied by the beneficiaries.

8.26. **Karnataka** State Scheduled Castes and Scheduled Tribes Cooperative Housing Corporation Ltd., Bangalore had sanctioned loans for 22,792 houses through 175 primary house building societies involving an amount of Rs. 488.44 lakhs. It had disbursed an amount of Rs. 432.05 lakhs as instalments for construction of 22,748 houses.

8.27. Till 30th June, 1976, the **Rajasthan** State Cooperative Finance Society Ltd. got completed 2,839 houses for Scheduled Castes and Scheduled Tribes. 11,896 houses were under construction. The Government of **Kerala** had launched a special scheme known as "one lakh houses scheme" to provide permanent low-cost dwelling houses on developed sites to families of landless labourers in rural areas. The area of each dwelling unit was to be 23 square metres comprising a bedroom and a multi-purpose room besides the kitchen. The State Government had supplied the entire quantity of timber required while cement and tiles were purchased from voluntary contribution made by the public, social service organisations and other institutions and clubs. Besides, a special loan of Rs. 1.5 crores received from the Life Insurance Corporation and panchayats was also required to contribute from their funds towards the expenditure on houses in their areas.

8.28. Till the end of March, 1976 about 1,25,000 huts had been built in **Maharashtra**. The collectors had been empowered to undertake manufacture of bricks and country tiles under the employment guarantee scheme which could be utilised in the construction of such huts. A new day was

reported to have dawned in the life of 40 adivasis near Kadus village near Pune, when the **Maharashtra** Government gave them well-built houses and land to cultivate. The cost of each house was Rs. 1,000.00 for which an amount of Rs. 320.00 had been contributed by the State Government and the excess amount was raised through a charity show. The villagers helped through "shramdan". The Adivasis were given 64 hectares of surplus land made available following implementation of the Land Ceiling Act.

8.29. The **Tamil Nadu** Government had set up a Harijan Housing Development Corporation for building houses for Harijans. During 1975-76, 27,130 houses were completed in the 14 districts of the State and an expenditure of Rs. 775.89 lakhs was incurred.

8.30. The **Uttar Pradesh** Government was reported to have established a Harijan and Weaker Sections Housing Corporation for undertaking the construction of houses for Harijan families in the State who had been allotted house sites under the 20-Point Economic Programme. The cost of each house was estimated at Rs. 3,000.00, out of which an amount of Rs. 1,000.00 was to be given to each allottee as outright grant, while the rest was to be obtained by him as loan from any of the nationalized bank.

8.31. The Government of **West Bengal** was reported to have drawn up a crash programme of construction of houses. About 40,000 houses were proposed to be built in the districts. In **Delhi** since the announcement of the 20-Point Economic Programme, the persons belonging to Scheduled Castes had been made eligible for the housing subsidy at the rate of Rs. 1,500.00 and during 1976-77, 1,000 persons were to benefit from this scheme.

8.32. Salient findings of studies regarding allotment of house-sites and houses to the persons belonging to Scheduled Castes and Scheduled Tribes in some of the areas of **Tamil Nadu**, **Haryana** and **Orissa** are given below:—

#### TAMIL NADU

(i) The study was conducted in the districts of Salem and Dharampuri. It was learnt that upto 30th June, 1975, 961 acres of land had been acquired and 16,118 sites distributed to Scheduled Castes in Salem district with an expenditure of Rs. 13.84 lakhs. **Pattas** had been issued in respect of 14,014 sites and houses constructed on 13,370 sites. In Dharampuri district, 6,057 house-sites, were allotted to Scheduled Castes between 1965-66 to 1974-75 and **Pattas** issued to 5,692 persons. Houses had been constructed on 3,024 sites. In all 433.59 acres of land had been acquired and expenditure of Rs. 9.67 lakhs

incurred by 1974-75. It was learnt that in the State as a whole, houses had been constructed on 69.1 per cent of the allotted sites for which **Pattas** had been issued. Progress of construction in Salem district (94.7%) was comparatively better. In Dharampuri District (53.1%), the progress was lower than the State average.

(ii) It was found that the time taken in acquiring land and issue of **pattas** to the beneficiaries was between 5 to 7 years in Belur village of Salem District and Kavripattnam village in Dharampuri District. Inordinate delay in allotment of house-sites dampens the enthusiasm of the people. All the 193 beneficiaries in 4 colonies named Belur, Thirumalagiri, Krishnapuram and Kavripattnam belonged to Scheduled Castes. 103 beneficiaries belonged to Parayan community and 90 beneficiaries belonged to Adidravida community. No sites had been allotted to any other backward class in any of the four colonies. Considerable number of Scheduled Caste beneficiaries had not been able to construct their houses on the sites allotted to them. In respect of 231 sites allotted, only 36 beneficiaries could construct houses by themselves. Rest of the sites remained uninhabited for a long time till Harijan Welfare Department and the Tamil Nadu Harijan Housing and Development Corporation took up construction work on 120 sites. 75 sites still remained un-utilised. It was found that some of the beneficiaries belonging to Scheduled Castes refrained from constructing houses on their sites in the hope that the Government would do so for them. It was even gathered that in a few cases the beneficiaries had destroyed the huts constructed by them in the hope of obtaining government assistance.

(iii) Adequate care had not been taken to provide safe drinking water in these colonies. Though electricity was available in the main villages, the facility had not been provided in three colonies, named Belur, Thirumalagiri and Kavripattnam. Even at Krishnapuram which was an electrified village, no Scheduled Caste beneficiary had obtained connection for domestic consumption on account of poor economic condition.

(iv) Four housing colonies (2 in Salem District and 2 in Dharampuri District) were visited. Poovanur colony in Salem District was inhabited by Scheduled Castes and Scheduled Tribes, while the other 3 colonies namely Veerapandy, Ambedkar Nagar and Kallikanaballi, were inhabited by Scheduled Castes. Though it was envisaged that 10 per cent of the constructed houses would be

allotted to other backward classes for avoiding segregation, it was found that only 8 out of 206 houses were allotted to other backward classes. It was also observed that there was a certain amount of untouchability even amongst the different sections of Scheduled Castes. Drinking water facilities had been provided in all the colonies, but sanitary facilities were lacking.

(v) A district reservation of 10 per cent in the allotment of houses and house-sites developed by the Tamil Nadu Housing Board, had been made in respect of persons belonging to Scheduled Castes and Scheduled Tribes. No reservation had been made for the persons belonging to these communities in respect of allotment of rented accommodation.

(vi) It was found that during 1975 only one plot had been allotted to a Scheduled Caste person in A.A. Nagar. Out of a total number of 13,636 plots allotted so far, only 257 plots had been allotted to the persons belonging to Scheduled Castes and Scheduled Tribes. The percentage of allotment for Scheduled Castes and Scheduled Tribes came to only 1.9 as against the quota of 10 per cent reserved for the persons belonging to these communities.

(vii) In respect of allotment of plots, it was found that only 8 plots had been allotted to the persons belonging to Scheduled Castes and Scheduled Tribes out of a total number of 598 allotments. This worked out to only 1.3 per cent of the total number of allotments.

## HARYANA

(i) The study was conducted in Ambala District. In Ambala the work regarding allotment of house-sites had been completed by the end of March, 1976. 325 house-sites, measuring 100 sq. yards each had been distributed in 168 villages to the persons belonging to Scheduled Castes and Backward Classes. Three villages were selected for the spot enquires. It was found that in these villages 62 Scheduled Caste persons and 12 Backward Class persons, had been allotted house-sites. However, the work of **Nishan-dehi** had not been completed in one village.

## ORISSA

(i) The Government of Orissa had appointed a Committee under the Chairmanship of Shri Gurucharan Naik, M.L.A. to undertake a study of the Adivasi and Harijan colonisation and Housing Schemes. The Committee submitted its report in July, 1976.



The Committee found that in respect of Adivasi colonies it was initially proposed to settle 3,474 families in 95 colonies, but only 2,935 families were actually settled and out of them 2,025 families continued to remain there. In 66 colonies, land had been distributed but only in 48 colonies **parchas** had been issued. Drinking water wells had been provided in 74 colonies, irrigation facilities in 43 colonies and educational facilities in 60 colonies. Maximum number of Adivasi families were continuing in the colonies established at Dhenkanal, Sambalpur, Koraput, Phulbani and Ganjam Districts, whereas in Kalahandi and Keonjhar districts, most of the colonies were deserted.

(ii) The Committee suggested that provision should be made for repair of houses, wells and tanks etc. from time to time. For proper supervision of colonies it was suggested that some supervisors and guides should be provided to ensure that the colonies were not deserted.

(iii) Regarding the scheme of granting houses and house-sites it was observed that out of a total amount of Rs. 1,72,550 available with the district authorities during the Fourth Plan period for purchase of house-sites only an amount of Rs. 88,500 (51.3%) was utilised for purchase of 218 house-sites, of which 187 sites were recorded in the names of beneficiaries. 28 beneficiaries belonged to Scheduled Tribes and 190 to Scheduled Castes. Out of a total amount of Rs. 4,51,250.00 available for construction of houses, an amount of Rs. 3,35,850.00 had been utilised for the construction of 525 houses. 486 houses had already been completed. The committee observed that the percentage of utilisation of funds provided through the district authorities was only 74.5 per cent and 51.3 per cent, respectively for the schemes of housing and house-sites. In the districts of Ganjam, Kalahandi and Keonjhar, substantial amount of money remained unspent.

(iv) As regards construction of hutments, it was found that 7,288 and 3,888 hutments had been constructed for the persons belonging to Scheduled Tribes and Scheduled Castes respectively. Besides 780 hutments had been constructed for the benefit of denotified tribes. It was observed that maintenance of the hutments was not being done properly and many houses collapsed.

(v) About Jayanti Village Housing Scheme, it was found that the work of constructing 53 houses had not been taken up. Similarly out of a total number of 1,007 houses to be constructed in the districts of Balasore and Cuttack under the Cyclone Housing Scheme

it was found that only 926 houses had been constructed. With regard to the Housing Scheme for scavengers and sweepers in Urban areas, it was stated that during the Fourth Plan, Rs. 3.88 lakhs for constructing houses and Rs. 1.00 lakh for purchasing house sites in urban areas were made available under Centrally Sponsored Schemes to various Municipalities and Notified Area Councils. However, an amount of Rs. 1.58 lakh (40.72%) for houses and Rs. 42,500 (42.50%) for house-sites had been utilised. It was felt by the Committee that the small amount of Rs. 500 for the acquisition of house-sites, acted as an obstacle. The Committee suggested that the subsidy rate for a house-site should be raised from Rs. 500 to Rs. 750, and in case of a house from Rs. 1,250 to Rs. 2,000.

8.33. It is suggested that at the time of allotment of house-sites adequate care should be taken to see that the beneficiaries are in genuine need of these and the possession of the sites is also given to the allottees. Quite a large number of house-sites allotted in the past have not been put to any use by the allottees. In cases where the financial difficulties stand in the way of construction of houses, suitable programmes may be framed to give financial assistance to the allottees. To ensure that the beneficiaries do not desert their sites/houses, employment oriented schemes may be undertaken by the concerned State Governments/Union Territories.

#### Review of laws on minimum Agricultural Wages:

8.34. Minimum agricultural wages were reported to have been enhanced in most of the States. Steps were taken to strengthen the administrative arrangements for implementation of minimum wages. In most States, staff of the development blocks and the revenue department had also been involved, alongwith the Labour Department, in payment of minimum wages. Some States were reported to have set up separate directorates of agricultural labour and inspectors were appointed in areas where the wages were particularly low.

8.35. As per available information in Orissa, Rs. 2.93 lakhs of short paid wages were released and paid to the workers. Penal action was also reported to have been taken in Gujarat, Andhra Pradesh, Kerala, Madhya Pradesh, Maharashtra and Uttar Pradesh. In Gujarat, 2,434 inspections were carried out between January, 1976 and June 1976, as a result of which 50 prosecutions were launched and payment of a total amount of Rs. 29,758.68 to the agricultural labourers as a difference of wages was secured.

8.36. As regards the machinery of the Central Government for the enforcement of minimum wages for agricultural workers falling within the Central sphere, all the officers of the Chief

Labour Commissioner's Organisation had been notified as Inspectors under Section 19 or as claims authorities under Section 20 of the Minimum Wages Act, 1948 for enforcing provisions of the Act, including implementation of Minimum wages for agricultural workers falling in the central sphere. This machinery was also responsible for the enforcement of other labour laws in the central sphere. A Statement showing the latest position in various States/Union Territories in regard to minimum wages of agricultural labourers notified under the Minimum Wages Act is appended at Appendix XLV.

8.37. In the course of a survey undertaken by this Office in the rural areas of Dhulia District of Maharashtra State it was observed that the practice of employing agricultural labourers on yearly basis was in vogue. The agricultural labourers were being employed by rich landowners, patels and deshmuks etc. and a portion of the yearly agreed wages was paid as advance to the agricultural workers. The workers so employed were required to serve their masters for the agreed period. It was observed that the persons who once employed themselves as **saldars** continued to work in this manner year after year though they went on changing their employers. There was also a great deal of exploitation of the **saldars** because many of them were not paid actual minimum wages. They were also required to put in longer hours and were deprived of facilities. It was also observed that in these areas of Dhulia district, small boys were employed as herdsman and were locally known as **dholakias**. Such boys were exposed to exploitation because they were paid low wages and were deprived of getting themselves educated. **It would go a long way if the Government of Maharashtra looks into the actual terms and conditions of the employment of 'saldars' and takes steps for ensuring payments of minimum agricultural wages, to all such workers.**

8.38. It was gathered through a study in Orissa that the agricultural labourers were paid daily wages at the rates ranging from Rs. 2.50 to Rs. 3.00 in Subalaya village in District Sundergarh while their counterparts in three other villages of Harapali (Sundergarh District), Khamigaon and Gayalgadia (Cuttack District) were paid at the rate of Rs. 3.00 per day. The rates of daily wages for agricultural labourers prevalent in the aforesaid villages were at variance with the rates prescribed by the State Government which stood at Rs. 4.00 per day.

#### **Liquidation of Rural Indebtedness:**

8.39. All the States in which the problem of rural indebtedness existed, were reported to have imposed moratorium on recovery of debts from landless labourers, marginal and small farmers and rural artisans. Some States like **Himachal**

**Pradesh, Orissa and Uttar Pradesh** sought to regulate the money lending business by making compulsory the registration of money lenders and by fixing the maximum rates of interest to be charged by them. The legislative action for moratorium/redemption of debt was stated to be followed by establishment of alternate sources of credit.

8.40. To provide alternative sources of credit for the weaker sections, States were reported to have geared up cooperative institutions. In a number of States, a large number of persons belonging to weaker sections were reported to have been enrolled as members and instructions issued to the effect that a certain percentage of loans by Cooperative Institutions should be earmarked for weaker sections. It was also reported that adequate representations on the boards of management had been statutorily ensured for these sections.

8.41. As per available information upto 26th August, 1976, 24 Regional Rural Banks had been established in 12 States viz., **Andhra Pradesh** (2), **Assam** (1), **Bihar** (2), **Haryana** (2), **Jammu and Kashmir** (1), **Karnataka** (2), **Madhya Pradesh** (1), **Maharashtra** (1), **Orissa** (2), **Rajasthan** (1), **Uttar Pradesh** (6) and **West Bengal** (3). Six Regional Rural Banks were reported to be having their areas of operation covering 11 districts having a good concentration of tribal people. Out of the 4 Regional Rural Banks established in **Orissa**, two would have their areas of operation covering districts having a good concentration of tribal population. A target for establishing 50 Regional Rural Banks by the end of March, 1977 was reported to have been fixed.

8.42. The calculation on which the rural bank scheme was framed was that approximately Rs. 3,000 crores worth of credit would be required upto 1978-79 by rural households with landholding upto five acres. An amount of Rs. 1,700 crores would be met by the Commercial Banks leaving a margin of Rs. 1,300 crores to be found from other sources. Rural banks would be able to fill the gap, if they disbursed upto Rs. 350 crores annually and if credit for simple consumption was kept down to a minimum. This calculation was based on the finding of a national survey in 1971-72 that rural households owning upto five acres of land had a debt liability of Rs. 1,910 crores of which over Rs. 1,200 crores was to non-institutional creditors, much of it being for consumption purposes. It was believed that if these banks were to promote economic development, marketing support would have to be provided to their areas. The rural banks interest rates would be lower than those of commercial banks but not that of Cooperative Societies, lest the cooperatives' business should be hurt. These banks were also supposed

to meet consumption credit needs to some extent. The question of alternative sources of credit was considered at the Chief Ministers' Conference held in March, 1976. A study Group was appointed specifically to look into this question and make recommendations.

8.43. However, there are no statistics to know as to what extent the persons belonging to the Scheduled Castes and Scheduled Tribes have benefited in getting rid of their debts. There have also been some reports that the persons belonging to weaker sections were being denied credit even for their dire needs because money lenders hesitated in advancing them loans and satisfactory alternative sources of credit had not been provided by the Government. There should be some inbuilt system to know as to what extent the persons belonging to the Scheduled Castes and Scheduled Tribes have benefited from the assistance rendered by Rural Banks.

**Essential commodities at controlled Prices to students in hostels and books and stationery at controlled prices.**

8.44. Arrangements were made for the supply of essential commodities to student hostels/lodgings. Apart from foodgrains, the scheme covered other essential commodities like pulses, vanaspati, edible oils, hosiery etc. These commodities were being supplied through the cooperatives at preferential/concessional basis to the hostels. Branches of consumer cooperatives had also been opened in a large number of colleges and schools. The scheme covered about 14,660 student hostels benefiting about 11.30 lakh students including a large number belonging to Scheduled Castes and Scheduled Tribes. Monthly mess bills of students had been reduced by Rs. 10 to Rs. 15.

8.45. Text-books and exercise books were stated to be freely available and there was a significant reduction in the prices of text-books. In some States, prices were reported to have stabilised even below 1973 level, despite the rise in printing costs. Revised rate structure of standard exercise books had been introduced from January, 1976. This had led to a further fall in prices by 4% to 7%. Some of the States had fixed the prices even lower than the revised price structure. There were reported to be more than 1 lakh book banks functioning in colleges and schools. Some of the State Governments were also reported to be supplying free text books and exercise books as well as uniforms to poor students. State-wise information regarding steps taken by the State Governments for the distribution of essential commodities may be seen at Appendix XLVI.

8.46. The programme of supply of essential commodities to students in hostels, and that of providing books and stationery at controlled prices can go a long way in the spread of educa-

tion amongst the Scheduled Castes and Scheduled Tribes. The State Welfare Departments should conduct studies to find out whether the students belonging to Scheduled Castes/Scheduled Tribes have derived adequate benefits from the implementation of this programme. However, it has been observed that at many places the number of backward classes hostels is either inadequate or these hostels are inefficiently run. Sufficient attention should be paid to raise the number of hostels as per requirements of the Scheduled Castes and Scheduled Tribes and also improve their working.

**New Apprenticeship scheme to enlarge employment and training, especially of weaker sections.**

8.47. Prior to the announcement of the 20-point programme only 40,000 apprenticeship seats were being utilised out of a total number of 1.1 lakh seats. The total number of apprenticeship seats located till the end of January, 1977 was 1,55,755 of which 1,52,850 seats had been utilised. Out of these seats the persons belonging to Scheduled Castes utilised 16,523 seats and the persons belonging to Scheduled Tribes utilised 3,955 seats. State-wise information regarding the total number of seats and the seats utilised by the apprentices belonging to Scheduled Castes and Scheduled Tribes may be seen at Appendix XLVII.

8.48. For the engagement of the apprentices belonging to Scheduled Castes and Scheduled Tribes a statutory provision was made under the Apprentices Act 1961 and the Apprenticeship Rules. Instructions were also issued by the Union Ministry of Labour to all the State Governments for taking steps to ensure that the persons belonging to these communities got a fair deal in the matter of engagement of apprentices. The State Governments were advised to take the assistance of the Social Welfare Boards etc. The scheme of apprentices training of Graduates and Diploma holders under the Act was being administered by the Ministry of Education. 57 fields of Engineering and Technology had been designated for apprentices and another 14 additional fields were in the process of designation. According to latest available information 14,472 Graduate and Technician apprentices had been engaged out of which 281 belonged to Scheduled Castes and 25 to Scheduled Tribes. Information regarding the engagement of Graduate and Technician Apprentices is given at Appendix XLVIII. It will be seen therefrom that under this programme not even a single person belonging to Scheduled Caste and Scheduled Tribe got benefit in the States of Assam, Tripura, Manipur, Jammu and Kashmir, Himachal Pradesh, Chandigarh and Goa, Daman and Diu.

*H. S. Kumar*

Commissioner

## RECOMMENDATIONS MADE IN THE REPORT

S. No.	Recommendation/Observation	Reference	
		Para No.	Page No.
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### Chapter 1—INTRODUCTORY AND GENERAL REVIEW

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| <p>(1) The procedure of expecting the officers of the Directorate General of Backward Classes Welfare to also assist the Commissioner in the field has not proved satisfactory because these officers are not under his administrative control and this arrangement is not in consonance with the spirit of the Article 338 of the Constitution under which the Commissioner has to investigate into the working of safeguards through his own agency.</p>  | 1.6            | 2   |
| <p>(2) So far no State Government has set up Special Courts for the trial of offences as permissible under the Protection of Civil Rights Act. The plea of State Governments that the number of offences does not warrant the setting up of the Special Courts, is not valid. Financial allocation made in the Fifth Five Year Plan for strengthening of machinery for enforcements of Untouchability Act, remained unutilised, largely on account of lack of initiative on the part of Directorate General, Backward Classes Welfare. No steps have been taken by the State Governments to exactly identify areas where this problem is existing in varying degrees. Protection of Civil Right Act, 1955 is a Central legislation and the Central Government should therefore persuade and assist the State Governments to take urgent steps required under Section 15(A) of Act. It is somewhat surprising that the Government of India is reducing grants sanctioned to non-official agencies for conducting propaganda against untouchability every year by 10% from 1970-71.</p> | 1.7, 1.8 & 1.9 | 2-3 |
| <p>(3) It took years for the Government to be convinced about the existence of bonded labour in the country. It was only after the abolition of bonded labour by Central Legislation in 1976 that this problem has been tackled in a few States to some extent. Even now there is acute exploitation of men and women of a particular community in the Jaunsar Bawar area of Dehra Dun district in Uttar Pradesh. The Government of Uttar Pradesh should formulate programmes for this area keeping the solution of the problem of bonded labourers and trafficking in women as central issues and elicit the co-operation of social workers in educating the local people against the customary practices which drive them into the clutches of unscrupulous persons.</p>  | 1.11           | 3   |
| <p>(4) A net-work of educational institutions consisting of residential ashram schools, lower primary, primary, middle and high schools alongwith hostel facilities and other incentives with necessary linkages amongst them should form a package of services to be provided in each tribal area depending upon the social, educational and economic conditions. In the areas of existing or prospective industrial complexes, a programme of saturation of educational</p>   |                |     |

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programmes should be planned to enable the members of these communities to get benefit from the new economic activities.		1.13	4
(5) It is not a happy commentary on the methodology of our planning that even now some of the communities amongst Scheduled Tribes should be known as primitive tribes and confined to isolated hilly tracts living at the pre-agricultural level of technology. The much publicised scheme of differential rate 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. It is, however, good to note that in May, 1977, the Government of India issued instructions to the nationalised banks to advance 0.5 per cent of their gross deposits under 4 per cent rate of interest to Scheduled Castes and Scheduled Tribes. This percentage needs to be enhanced substantially to meet the credit requirements under specific programmes for the benefit of Scheduled Castes and Scheduled Tribes.		1.14	4
(6) The recent suggestion of the Prime Minister to all the Chief Ministers that the use of force by landlords to grab lands from the Scheduled Castes and Scheduled Tribes should be made a cognizable offence, can go a long way in affording security, to these communities in the rural areas.		1.16	5
(7) Incident-prone areas should be located and preventive steps taken in time to redress the local socio-economic grievances of Scheduled Castes to avoid occurrence of unhappy incidents. It is also necessary that the Panchayats should also be involved in this task and made responsible to ensure that no hardship is inflicted on the Scheduled Caste persons by the vested interests.		1.18	5
(8) It is for consideration whether it is not almost imperative that processual reforms are undertaken to treat cases of social injustice as separate from ordinary violations of law, that the law relating to burden of proof, the Evidence Act and Criminal Procedure Code are suitably amended as in anti-corruption cases and that special courts with mobile units are needed to be set up for cases pertaining to socio-economic justice. These considerations are necessary if the law has to fulfil the current notions and objectives of social engineering.		1.20	6
(9) There is a great desirability to encourage supplementary occupations and agro-industries amongst Scheduled Castes and Scheduled Tribes. A qualitative change in some of the schemes is necessary by restructuring them with reference to specific areas and communities. Inhuman conditions under which the scavengers, flayers and tanners work remain to be tackled. The State Governments should deduct the grants that are given to the local bodies who fail to eliminate the practice of carrying night soil as head loads, which is degrading to human dignity.		1.21 & 1.22	6-7
(10) No perceptible and lasting economic improvement is possible in the tribal areas without putting a complete stop to the activities of the money-lenders, traders, excise contractors, forest contractors, etc. Efforts require to be made to put a complete ban on the sale of liquor brought from outside in the tribal areas.		1.24	7

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| (11) | There is also a need to safe-guard the corporate rights of the tribals over the land and forests during the preparation of record of rights and about the problems of management of the same during introduction of modern technology and market oriented production system. It is also necessary that provision of credit and marketing facilities should be given the highest priority.  | 1.27        | 8       |
| (12) | It is essential that side by side with the programme of providing appropriate employment to the Scheduled Castes and Scheduled Tribes care should be exercised that the development of the resources does not lead to their being dispossessed of the same in future.  | 1.28        | 8       |
| (13) | In order to enable the Commissioner for Scheduled Castes and Scheduled Tribes to fulfil his role of an auditor for the purposes of investigating into the working of the service safeguards provided for the Scheduled Castes and Scheduled Tribes. Commissioner's Organisations should be provided with adequate number of inspecting teams/units on the lines of the Audit Teams/Parties of the Comptroller and Auditor General which should be on constant move to study/inspect functioning of the existing service safeguards provided for the Scheduled Castes/Scheduled Tribes in various Central Government Offices/Departments, Public Undertakings, State Government Offices/Departments etc., which are located in far flung areas throughout the length and breadth of the country.  | 1.42 & 3.88 | 11 & 65 |
| (14) | What is worthy of thought and consideration is, that while it may not be legally permissible to make any provision for reservation for members of the Scheduled Castes and Scheduled Tribes in appointment of District Judges and High Court Judges under Article 16(4) of the Constitution, is it not possible to make such a provision independently of Article 16(4) of the Constitution and under Article 335 of the Constitution itself. The answer to the question will necessarily depend upon the proper determination of the scope and ambit of Article 335 of the Constitution in the particular context. It is suggested that on this matter of great public importance, it may be expedient to obtain the opinion of the Supreme Court on a reference of appropriate questions bearing on the matter by the President under Article 143 of the Constitution. | 1.46        | 12      |
| (15) | The Government of India should join the State Governments in the task of helping the socially and educationally backward classes in all possible ways as envisaged under Articles 15(4) and 16(4) of the Constitution and consider the desirability of drawing up a list of such classes.  | 1.49        | 13      |

**Chapter 2—WORKING OF THE CONSTITUTIONAL SAFEGUARDS PROVIDED FOR SCHEDULED CASTES AND SCHEDULED TRIBES**

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| (16) | Removal of area restrictions in respect of Scheduled Castes and Scheduled Tribes will no doubt enable the members of these communities who were deprived so far of the benefits and concessions, to get their due share of educational, economic and political safeguards. The question of drawing up a more comprehensive list of Scheduled Castes and Scheduled Tribes which has been pending since 1956 must now be taken up by the Central Government at an early date. | 2.10 | 17 |
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| (17) | <p>The Government of India should notify a list of local synonyms, sub-castes and sub-tribes under each caste/tribe so that difficulties of persons belonging to the Scheduled Castes/Scheduled Tribes in obtaining caste certificates are removed. The State Governments and Union Territory Administrations should examine the existing procedures and issue instructions that within a stipulated time the revenue authorities must complete the verification so that caste certificates can be issued in time to the persons concerned. If a particular caste/tribe is Scheduled in a State as well in the State where the Scheduled Caste/Scheduled Tribe person concerned has migrated, there is no reason why he should be denied the issue of caste/tribe certificate especially to his children who may have no links with the State of his forefathers. The judgments of the Supreme Court and the High Court of Punjab and Haryana referred to in the Report highlight the necessity of authorities empowered to issue caste certificates to verify the claims of belonging to the Scheduled Caste/Scheduled Tribe properly before issuing the caste certificates.</p> | 2.14, 2.15 &<br>2.21 | 18-19 |
| (18) | <p>The Government of India should initiate immediate steps to strengthen the headquarters office of the Commissioner and restore the regional offices to enable the Commissioner to discharge constitutional duties effectively. All the State Governments/Union Territory Administrations should set up Commissioner's Cell to collect information required by this Organisation.</p>  | 2.42 & 2.44          | 24    |
| (19) | <p>The Central Government should accept the lists of 'other backward classes' adopted by the State Governments and give them admissible facilities under the various provisions of the Constitution. The 'other backward classes', as indicated under the Constitution can be looked after by the Commissioner for Scheduled Castes and Scheduled Tribes, provided a policy decision is taken by the Government to accept the lists of 'other backward classes' declared by the State Governments.</p>  | 2.45                 | 24    |
| (20) | <p>The Central Government was expected to frame rules under Section 15A(1) to enable the State Governments to ensure that the rights accruing from the abolition of 'untouchability' may be availed of by the concerned persons. This has not been done by the Government of India so far. Some of the new provisions incorporated in the Protection of Civil Rights Act have not received adequate attention of the concerned authorities. Inadequate amounts are allocated by the State Governments for giving legal aid to Scheduled Castes. The work of conducting periodic surveys and identification of disability areas should be entrusted to eminent scholars in the universities/research institutions with necessary technical staff so that their findings are acceptable to all concerned. These surveys should be taken in hand immediately so that the State Governments can take corrective steps for the better implementation of the provisions of the Act and adopt necessary measures for removal of untouchability in the areas where the prevalence of this practice has been identified.</p>   | 2.48 & 2.50          | 25-26 |

(21) All cases in which labourers are engaged for agricultural operations by payment of advance and in which the total payment received including advance is less than the prescribed minimum wages or there is an element of compulsion that the labourers cannot seek employment elsewhere, should come under the purview of the Bonded Labour System (Abolition) Act. The State Governments should confer necessary powers on district magistrates to enable them to act effectively under Section 10 of the Act. Vigilance Committees should be set up in every district as well as in every sub-division to carry out the functions enumerated under Section 14 of the Act. Under sub-section (1) of Section 21 of the Act, powers of the judicial magistrates should be conferred on the executive magistrates so that the detected offences can be tried by them. The members of the Vigilance Committees should be given necessary facilities to go round the rural areas for identification of bonded labourers. In case these steps are undertaken by the State Governments which have denied the existence of bonded labour system in their areas, it may be possible to find out the correct position in the inaccessible and far flung areas of our country. One important aspect is the consideration of the period for which the contractual/attached labour could be allowed and the conditions imposed on the labourers. The Act does not specify this in clear terms. The authorities should examine whether the labourer is free to leave the creditor and the fixing of the period of employment does not lead to unfair practice like compulsion, punishment, wrongful confinement, deduction of wages for days absent and that the conditions imposed on the workers are reasonable. It should be ensured that prescribed minimum wages are paid to the dadan labourers.

2.55, 2.58  
2.59, 2.62  
& 2.68

27-28,  
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(22) It was revealed through a quick survey conducted by the Organisation of the Commissioner for Scheduled Castes and Scheduled Tribes in 10 villages in Nandurbar and Shahada Talukas of Dhulia district of Maharashtra State that all the elements necessary for the identification of bonded labourers existed in the case of Saldars. Such cases should attract the provisions of the Bonded Labour (Abolition) Act. The persons belonging to Koli and Dom communities employed as agricultural labourers in villages of Paonta Tehsil of District Sirmor in Himachal Pradesh were working under the terms of bonded labour system similar to the ones noticed in the Jaunsar Bawar areas of Dehra Dun District of Uttar Pradesh where a large number of bonded labourers had been identified. It is likely that more cases of bonded labour would be revealed by the study proposed to be undertaken by the State Tribal and Harijan Research-cum-Training Institute in Orissa State. The State Government had also requested the Office of the Commissioner for Scheduled Castes and Scheduled Tribes to conduct survey for identification of bonded labourers. However, due to paucity of staff, this Organisation could not do so. It is necessary that more staff should be sanctioned so that sample studies for identification of bonded labourers and other problems concerning Scheduled Castes and Scheduled Tribes can be taken up by the Office of the Commissioner for Scheduled Castes and Scheduled Tribes. It is expected that in Kerala the repeat study recently completed by the



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Bureau of Economics and Statistics would throw a fresh light on the problem of bonded labour and more cases would be revealed. The studies regarding practice of Bonded Labour should be carried out in respect of Districts of Dharampuri, Pudukottai and Madurai of Tamil Nadu, in particular and other districts of the State where this practice has not so far been identified.

2.56, 2.57 & 27-28  
2.60

- (23) The Research Institutes/Universities may be asked to carry out studies in selected areas for the identification of bonded labourers. Besides, in Palamau District of Bihar State, the economic conditions of agricultural labourers in several backward districts of Bihar are more or less the same and there may be bonded labourers in other districts also. It is good to know that the Government of Gujarat had decided to carry out surveys through Research Institutes in three districts and these surveys would bring out more cases of bonded labourers. It is hoped that the Government of Karnataka would accelerate the process of identification of bonded labourers in districts other than that of Mysore also. The Government of Madhya Pradesh should undertake surveys by involving Tribal Research Institute and other voluntary organisations. The Vigilance Committees which have been formed in all the districts of the State can also be helpful in identifying the bonded labour in their respective districts. So far, efforts of the State Governments have been to identify the bonded labourers in agricultural sector alone. In fact, wherever the services of the labourers are required, the practice of bonded labour may exist. This practice may also exist in quarrying, weaving, hotel industry and domestic services etc.

2.58, 2.60 & 28 & 31  
2.62

- (24) The programmes for rehabilitation of freed bonded labourers should be carefully drawn up to suit the local conditions. Immediately after the release from bondage, the State authorities must come forward to help the person concerned financially to meet his immediate family requirements. It is likely that such persons as are allotted land may require agricultural inputs from time to time and therefore, it will be necessary that financial help in the initial stages is made available to them. At places where the released bonded labourers are settled under colonisation schemes etc., technical guidance should be given on a long term basis. Schemes of animal husbandry and providing other subsidiary means of occupation should also be designed to help them. Special schemes of adult literacy and education of their children would also require immediate attention. At some places in Bihar, the lands allotted to released bonded labourers could not be reclaimed under any circumstances. Such allotments of land should never be made as it amounts to making a mockery of the released bonded labourers. If surplus lands are not available for rehabilitation, the released bonded labourers should be assisted to take up other occupations. The Government of Uttar Pradesh should make time bound action oriented programmes for the permanent rehabilitation of identified bonded labourers. The concerned State Governments should make provisions in their Annual Plans and Tribal Sub-Plans to rehabilitate feet.

2.65, 2.67 32

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- (25) There are still a few universities like Aligarh Muslim University which have not so far started acting upon the instructions issued by the Government of India for reserving seats for Scheduled Castes/Scheduled Tribes in the Medical College. Some private Medical Colleges in the States of Andhra Pradesh, Bihar and Maharashtra had not been giving the concessions to Scheduled Caste, Scheduled Tribe candidates and were charging capitation fees from candidates for admission. It is also felt that the provision regarding reservation of seats for Scheduled Caste and Scheduled Tribe candidates in educational institutions is by itself not sufficient. There is a need to grant enhanced scholarships at pre-matric and post-matric levels if educational standards among the backward sections of these communities are to be improved and brought at par with the other sections of the society. 2.71 & 2.72      33
- (26) 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 it appears that the intention behind this provision of the Constitution that, if necessary, grants could also be given outside the plan to meet the emergent situation in the Scheduled and tribal areas, has not been fully made use of. So far the Central and State Governments have 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 has largely remained un-implemented. It is necessary that the State Governments concerned should carefully review the existing level of administration in the Scheduled and Tribal Areas with particular reference to items like restructuring administrative units; applicability of rules and regulations; provision of buildings as well as other infrastructure; posting of right type of staff etc. for progressive equalisation of standards existing in the adjacent areas and 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 of the Constitution. 2.86 & 2.87      37

### Chapter 3—MANPOWER PLANNING—SERVICE SAFEGUARDS

- (27) In order to increase the representation of Scheduled Castes and Scheduled Tribes in senior positions under the banks, Department of Banking should advise the banks to resort to special recruitment for the candidates of these communities, judge them at relaxed standards and also provide them in-service training wherever necessary. Banks should also be made to accept the principle of reservation in posts filled by promotion to achieve this aim. 3.10      40
- (28) The Banking Service Commission set up in 1972 for recruitment to clerical and officer's cadres in the nationalised banks was expected to look after the reservation aspect for Scheduled Castes and Scheduled Tribes also. While speaking on the Banking Service Commission (Repeal) Bill, 1977 the Finance Minister is reported to have announced in the Parliament that the Government intended doing away with the single centralised banking commission for recruitment in

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all the nationalised banks and establishing regional recruitment boards, for this purpose. It is felt that while deciding about the set-up of such boards and their functioning, due consideration should be given to the question of effective application of reservation orders in different services under the nationalised banks.		3.11	40
(29) The Ministry of Education have shown their inability to issue any directive or lay down guidelines for universities for making reservation for Scheduled Castes and Scheduled Tribes in teaching posts on the ground that the University Grants Commission Act does not empower it. This is contrary to the assurance given by the University Grants Commission that all possible efforts would be made to persuade the Universities to fall in line with the Government Departments in this regard. It is, therefore, strongly felt that the Ministry of Education should reconsider their stand and provide uniform guidelines for all the Central and State Universities to implement the Constitutional provision on the pattern of the Central Government or the State Government, as the case may be, by making suitable amendments in the relevant statutes.		3.14	41
(30) According to available information only a few High Courts have accepted the principle of reservation for Scheduled Castes and Scheduled Tribes in Ministerial, State Higher Judicial Services and that too in direct recruitment only. In promotion and in nomination from Bar so far reservation has not been accepted. The Ministry of Law and Justice should, therefore, take suitable steps to persuade all the High Courts, to adopt the reservation orders without further delay at various levels both in direct recruitment as well as in promotion; and in nomination from the Bar.		3.18	42
(31) The Private Sector have not yet been brought under the purview of the reservation orders/rules. Since they take advantage of the country's technical and economic resources, they are under moral obligation to fall in line with the nation's policy with regard to the weaker sections of the society as enunciated by the Government. It is strongly felt that while issuing licences, sanctioning financial assistance, allotment of industrial sites/sheds and allowing other facilities to the industries in private sector, it should be made obligatory for them to give due representation to the members of the Scheduled Castes/Scheduled Tribes in their employment. If the private sector are not interested to share the responsibilities of the Government in achieving the goal of social and economic equality, they should forfeit their right to seek any assistance and incentives from the Government.		3.23	43
(32) In posts filled by promotion by selection within Class II and from Class II to lowest rung of Class I where the principle of exchange of reservation is applicable during the same year, there is no provision of carry-forward even if the candidates of both the categories are not available within the normal zone of consideration. Department of Personnel and Administrative Reforms should consider the necessity of allowing the carry-forward of reserved vacancies to the subsequent years in this case also.		3.30	44

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| <p>(33) Department of Personnel and Administrative Reforms have not yet conceded the demand for making reservation for Scheduled Castes and Scheduled Tribes applicable to posts filled by promotion on ad-hoc basis. The instructions issued by the Ministry of Railways provide that while making ad-hoc promotions pending selection, the duration of which is for 45 days or more, the reserved vacancies are filled by senior-most suitable Scheduled Caste/Scheduled Tribe candidates who are within the field of consideration and are likely to be considered by the Selection Board when regular selection is finally held. It is, therefore, felt that the principle of reservation in ad-hoc promotions, as has been adopted by the Railway Board, can certainly be adopted by other Ministries/Departments etc. also so that the tendency of the administrative authorities to continue ad-hoc promotions for long periods to deprive the Scheduled Castes and Scheduled Tribes their due share of promotions, is curbed.</p>  |   | 3.33        | 45 |
| <p>(34) While the Government have agreed to start a four-day Appreciation Course for Liaison Officers, it is felt that such a course should also be conducted for Assistants and Section Officers, who constitute the backbone of the machinery for implementation of reservation orders. In fact there should be two separate courses—one for Under Secretaries, Deputy Secretaries, Incharge of Administration/Liaison Officers and the other for Assistants and Section Officers.</p>   |   | 3.37        | 45 |
| <p>(35) In order to deal with the problem of biased reports against the Scheduled Caste and Scheduled Tribe Officers, it is suggested that while reviewing their cases a senior member belonging to these communities may be co-opted and the cases of Scheduled Castes/Scheduled Tribes, who have been finally decided to be retired should be put up to the Minister/Minister of State concerned for his final orders. A system can also be devised whereby on the analogy of the system of sending proposals for dereservations of reserved vacancies to the Department of Personnel and Administrative Reforms, all cases of compulsory retirement involving Scheduled Caste and Scheduled Tribe employees may be referred to that Department, with endorsement to the Commissioner for Scheduled Castes and Scheduled Tribes, indicating all the vital details involved. If such a system is adopted, it can check the recurrence of the cases of premature retirement of Scheduled Caste and Scheduled Tribe employees on the basis of biased attitude on the part of the senior officers.</p> |   | 3.41 & 3.42 | 46 |
| <p>(36) In order to safeguard the interests of such Scheduled Caste/Scheduled Tribe candidates against the ipso-facto supersession, it is suggested that the earlier practice of obtaining the prior approval of Minister/Minister of State concerned about cases of supersession in groups A &amp; B (Class I and II) posts, and informing the concerned Minister/Minister of State the cases of supersession of Scheduled Caste/Scheduled Tribe employees in (Groups C and D (Class III and IV) posts with a prescribed time limit, should be reintroduced. This should be made applicable to all promotions including those against unreserved vacancies as well, particularly in promotions made by selections where even if the Scheduled Caste/Scheduled Tribe candidates who were not declared unfit were superseded on the basis of low grading assigned to them by the Departmental Promotion Committee.</p>  |   | 3.47        | 48 |

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| (37) Non-Scheduled Caste/Scheduled Tribe persons should not be allowed to take undue advantage of the benefits meant for the Scheduled Caste and Scheduled Tribe persons, by procuring false certificates. Action under relevant provisions of the Indian Penal Code should be taken. Stringent punishment should be given to such offenders and they should also be debarred from entering into any Government service in future. It is, therefore, suggested that the Government may consider issuing necessary directive to all State Governments/Union Territory Administrations in this behalf.   |   | 3.49 | 48 |
| (38) Instances have come to the notice where Scheduled Caste/Scheduled Tribe candidates possessing requisite technical qualifications are available and even selected for appointment but they are not in a position to avail of the offers of appointment due to their inability to execute surety bonds of huge amounts to the extent of Rs. 25.000 and more and sureties of the like amounts. It is suggested that the Bureau of Public Enterprises may consider the desirability of issuing instructions in the form of presidential directive to all public sector undertakings through their administrative Ministries/Departments to reduce the amount of the bond to enable Scheduled Caste/Scheduled Tribe persons to avail of the offers of appointment. |   | 3.51 | 49 |
| (39) The existing system of zone of consideration for promotion in the Central Secretariat Services in which officers falling within a particular zone only are considered, results in an anomalous situation where eligible Scheduled Caste/Scheduled Tribe candidates although available, are not promoted because their names do not appear in the zone fixed for the purpose. This is a great injustice to Scheduled Caste/Scheduled Tribe employees and may amount to negation of the provision of reservation in posts filled by promotion. It is suggested that the system should be suitably amended to ensure that the Scheduled Caste and Scheduled Tribe candidates are not deprived of their due.  |   | 3.55 | 50 |
| (40) Statistical information in respect of dereservation of reserved vacancies is available only for the year 1974. It is felt that the Department of Personnel and Administrative Reforms must ensure that the required information is supplied to the Commissioner for Scheduled Castes and Scheduled Tribes in due time for inclusion in the report for the relevant year.  |   | 3.56 | 50 |
| (41) An unhappily trend has been noticed regarding dereservation of reserved vacancies in Class III posts. Department of Personnel and Administrative Reforms should, therefore, advise the authorities concerned to ensure that action is taken in accordance with the instructions contained in the Brochure on Reservation for Scheduled Castes and Scheduled Tribes in Services, before agreeing to dereservation of these reserved vacancies.   |   | 3.57 | 50 |
| (42) Orders for seeking prior approval for dereservation of reserved vacancies before appointing general candidates exist since 1963, but cases of violation of these orders under one pretext or the other are still coming to notice. Department of Personnel and Administrative Reforms should reiterate their instructions and emphasise the need for seeking their prior approval before filling reserved vacancies by general candidates.  |   | 3.58 | 51 |

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| (43) The question of providing reservation for Scheduled Castes and Scheduled Tribes in nomination to I.A.S. from State Services has been under consideration for a couple of years. It is hoped that Government will take a decision, without any further delay.  |   | 3.61 | 52 |
| (44) In order to protect and promote the service interests and safeguarding the service rights of the Scheduled Castes and Scheduled Tribes in the Railways, it is suggested that the Railway Ministry should set up a monitoring and evaluation cell both at the central Headquarters and at the Zonal levels, to collect, analyse, and disseminate the information regarding recruitment, transfer, promotion etc., of Scheduled Castes/ Scheduled Tribes in various categories from all branches/ divisions under their control at regular intervals and transmit the same to the Central Headquarters Cell in the main Railway Ministry who should in turn coordinate and evaluate the overall position. |   | 3.62 | 52 |
| (45) If a Pre-examination Training Centre is opened at Raipur, the centre would not only cater to the needs of the Scheduled Tribe candidates of the State of Madhya Pradesh but also of those from the neighbouring States of Andhra Pradesh, Orissa, Maharashtra etc.  |   | 3.65 | 53 |
| (46) Since the existing State level pre-examination training centres are located in the State capitals, the Scheduled Caste/ Scheduled Tribe candidates residing at remote and distant places, particularly those of the Scheduled Tribes communities, are not able to avail themselves of the facility. It would, therefore, be desirable that arrangements for training of Scheduled Caste/Scheduled Tribe candidates residing far away from the State capitals are made with the local centres of some reputation run by the non-official organisation at the District/Tehsil Headquarters.   |   | 3.66 | 53 |
| (47) A review of the scheme of coaching-cum-guidance centres has shown an encouraging result and as such it is suggested that the scope of this scheme should be expanded to cover all the State capitals and other cities having sufficient employment potential in public sector bodies, private industry, banking Services, etc.  |   | 3.68 | 53 |
| (48) Since it is difficult to get suitably trained Scheduled Caste/ Scheduled Tribe Stenographers, due attention has to be focussed on the training aspect in Stenography at various levels. The Government should also sponsor deserving and willing Scheduled Caste/Scheduled Tribe candidates to the established and recognised institutions at district Headquarters and State capitals for training in Stenography and the expenditure involved may be reimbursed.  |   | 3.69 | 53 |
| (49) The National Fertilisers Ltd., have introduced a Steno-Clerk Trainees Scheme to conduct Scheduled Caste/Scheduled Tribe fresh graduates having aptitude and flair for Stenography, as trainees. It is suggested that other similar undertakings/organisations should also start such schemes to fill up the reserved vacancies.   |   | 3.70 | 53 |

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| (50) In the absence of any assurance that Scheduled Caste/Scheduled Tribes apprentices would be absorbed after the completion of their apprenticeship, very few Scheduled Caste/Scheduled Tribes candidates come forward to avail of the benefit of the scheme. Since there is a dearth of trained personnel belonging to these communities, the present scheme should be suitably modified to ensure that all such trained personnel are provided employment.   | 3.71 | 54 |   |
| (51) It has been observed that women candidates belonging to the Scheduled Caste and Scheduled Tribe communities do not come up for employment in adequate number due to various reasons. It is, therefore, recommended that Government should take suitable steps to introduce specific schemes for training of Scheduled Caste/Scheduled Tribe women candidates in nursing and teaching professions.   | 3.72 | 54 |   |
| (52) Various public sector bodies find it difficult to get suitable Scheduled Caste/Scheduled Tribe candidates for recruitment against reserved vacancies. It is felt that if coordinated efforts are made, a sizeable number of Scheduled Caste/Scheduled Tribe candidates can be gainfully employed against reserved vacancies. Employment Exchanges can play an important role by requesting all the Industrial Training Institutes in various States to supply relevant details of the Scheduled Caste Scheduled Tribes trainees in the final year in various trades and can supply such lists to the organisations which approach the Employment Exchanges for trained Scheduled Caste/Scheduled Tribe candidates. If need be, such Scheduled Caste/Scheduled Tribe candidates can be approached to register their names by post under the postal registration scheme. Moreover, the Employment Exchanges can advise the Industrial Training Institutes to admit larger number of Scheduled Caste/Scheduled Tribe candidates in such trades as are in demand and for which sufficient number of Scheduled Caste/Scheduled Tribe qualified candidates are not available, at present. | 3.74 | 55 |   |
| (53) To overcome the difficulty in locating suitable Scheduled Caste/Scheduled Tribe candidates for senior positions in the public sector undertakings. It is suggested that the Bureau of Public Enterprises which is responsible for personnel policy should look into this aspect and consider the desirability of creating central pool to register the names of suitable Scheduled Caste/Scheduled Tribe candidates available for certain specified categories of posts to be sponsored against reserved vacancies in public sector units.  | 3.75 | 55 |   |
| (54) Due to lack of experience, a number of Scheduled Caste/Scheduled Tribe candidates having engineering degree or even postgraduate degree get rejected against the middle and higher level reserved vacancies in public sector undertakings. To overcome this difficulty it is suggested that the Bureau of Public Enterprises may set up a monitoring and evaluation cell to collect data from all the Public Sector Undertakings regarding the backlog, the present requirements and future demands for Scheduled Caste/Scheduled Tribe candidates in various categories of engineering and other technical reserved posts. The Bureau may thereafter   |      |    |   |

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consider selection of Scheduled Caste/Scheduled Tribe candidates according to the requirements of the undertakings and give them necessary training to make them suitable for various categories of middle and higher level posts.	3.77	55	
(55) The Government of Andhra Pradesh have decided to set up Central Exchange in the Directorate of employment and Training to maintain categorywise lists of all Scheduled Caste/Scheduled Tribe candidates who have registered with the Employment Exchanges. Since the decision taken by the Government of Andhra Pradesh is likely to help a large number of Scheduled Caste/Scheduled Tribe persons it is recommended that similar Central Exchanges should also be set up by other State Governments.	3.78	56	
(56) Realistic assessment of the position regarding representation of Scheduled Castes and Scheduled Tribes in services under the State Governments/Union Territory Administrations could not be made in the absence of latest information in this regard. It is, therefore, reiterated that all the State Governments/Union Territory Administrations should take urgent steps to ensure timely supply of this vital information to the Commissioner for Scheduled Castes and Scheduled Tribes.	3.84	58	
(57) It has been our experience that most of the Ministries/Departments/Offices which are examined by the Organisation of the Commissioner with reference to the implementation of service safeguards for Scheduled Castes and Scheduled Tribes do not keep proper watch on the necessity of follow-up action on various observations/recommendations made thereon. It is, therefore, suggested that the Department of Personnel and Administrative Reforms should issue suitable instructions to all the Ministries/Departments that complete follow-up action should be taken within a period of three months on the observations made by the Commissioner's Organisation.	3.87	65	
(58) The Bureau of Public Enterprises and the Department of Personnel and Administrative Reforms should prepare lists of Scheduled Caste/Scheduled Tribe Officers available with them and supply the same to the Commissioner for Scheduled Castes and Scheduled Tribes as early as possible. Clear instructions should be given to the public undertakings and the Government departments that whenever they are in need of Scheduled Caste/Scheduled Tribe officers to be associated with Departmental Promotion Committees/Selection Boards they should contact the Commissioner for Scheduled Castes and Scheduled Tribes for nomination of such officers who may be contacted/approached by the concerned organisation. Commissioner's nominee will act as a representative of the Commissioner's Organisation and therefore create more confidence among the Scheduled Caste/Scheduled Tribe candidates.	3.92	66	

#### Chapter 4—ECONOMIC DEVELOPMENT

- (59) Three years of the Fifth Five Year Plan are already over and the persons belonging to Scheduled Castes have not been able to derive any significant benefit from the schemes of general sector, solely on account of the fact that the



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<p>authorities concerned have not been able to work out satisfactory procedures to go ahead with the task of quantification. While the Minimum Needs Programme, designed to meet the basic requirements of the poor and the neglected could be of great use to the Backward Classes, the reliable and comparative data is available to assess the benefits accruing to Scheduled Castes and Scheduled Tribes from the various components of the Minimum Needs Programme. Suitable proforma should be devised to collect details regarding the benefits derived by Scheduled Castes and Scheduled Tribes in comparison to other sections of the population from the implementation of this programme. Similarly on the basis of inadequate data, it is difficult to say whether the persons belonging to Scheduled Castes and Scheduled Tribes have started deriving adequate benefits from Small Farmers Development Agency/Marginal Farmers Agricultural Labourers Programme.</p>	4.13, 4.26 & 4.36	80, 83 & 87	
<p>(60) Projects for Scheduled Castes if implemented on a larger scale can go a long way in improving the economic condition of Scheduled Caste persons. More such projects for Scheduled Castes may be started in the coastal districts of Orissa. Schemes like dairy farming, poultry farming, coconut plantation etc., require to be undertaken on a larger scale. Soil testing facilities should be provided in respect of land belonging to Scheduled Caste persons so that the suitability of crops to be grown, can be ascertained. The developmental activities of the various general sector departments should be coordinated under a responsible officer so that smooth and speedy development of the Scheduled Caste persons may take place. In the 666 talukas of the country where more than 20 per cent of the total population of the Scheduled Castes resides, the process of their economic development can be accelerated by setting up special projects with well thought out schemes and funds earmarked from General Sector for the development of Scheduled Caste inhabitants of the identified areas.</p>	4.14 & 4.16	80-81	
<p>(61) It is hoped that the latest instructions issued by the Central Department of Revenue and Banking will help in financing developmental programmes for Scheduled Castes and Scheduled Tribes. But <math>\frac{1}{2}</math> of 1 per cent of the aggregate advances of the respective banks to be given under differential rate of interest, will not serve the needs of eligible categories. It may be raised to 10 per cent of the total loans advanced by the Banks to meet the medium and long-term credit requirements of Scheduled Caste/Tribe persons. Cooperatives organised for Scheduled Castes/Tribes should also be made eligible to get loans under the scheme. The State Governments should stand guarantee for the loans advanced to Scheduled Caste/Tribe Development Corporations which may chalk out concrete schemes and disburse the loans for viable economic programmes. Some of the finance development corporations could not expand their activities primarily on account of the fact that they could not get sufficient grants from the State Governments concerned, and the Scheduled Caste beneficiaries could not avail of loans from the nationalised banks at the high rates of interest and the coverage under the differential rate of interest scheme was very meagre.</p>	4.18 & 4.21	82	

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- (62) The elite which is emerging in the tribal areas, at times, exploit their own impoverished brethren. They purchase land from the poor Scheduled Tribe persons at a very low price and employ the landless tribal persons as labourers in cultivating the land. The benefit of terrace cultivation and irrigation facilities are generally derived by the more affluent sections of the tribals. While they are benefited, the poor tribals who practice shifting cultivation remain untouched. Integrated planning would require that the land use planning should not only aim at optimising production but also at ensuring that terricible plots and irrigation facilities are equitably distributed among the various socio-economic groups within the tribal communities. 4.20 82
- (63) Leaving aside a few finance corporations which are either new in the field or where there was some mal-functioning, the rest of the Finance Corporations have started playing meaningful role in the economic development of Scheduled Castes and Scheduled Tribes. There is an urgent need that the remaining State Governments should also set up Development Corporations to promote the interests of Scheduled Castes and Scheduled Tribes. 4.22 83
- (64) It is necessary that besides allotment of distributive agencies to Scheduled Castes and Scheduled Tribes, institutional financial assistance may be made available to them on account of their poor economic conditions so that the ownership of the distributive agencies may not slip out of their hands due to financial constraints. 4.32 86

#### Chapter 5—EDUCATIONAL DEVELOPMENT

- (65) Concerted efforts should be made by State Governments to increase the enrolment of the Scheduled Castes and Scheduled Tribes in educational institutions by giving them incentives like stipends, free uniforms, books, stationery etc. In States having large tribal populations there are some tribal communities having very low literacy level. These communities cannot be covered by the general programmes of education for Scheduled Tribes. It is necessary that the reasons for the poor progress of education among these communities should be identified by the State Governments concerned and special efforts for the progress of education among them should be made. Some of the reasons which are quite obvious may be curricula, vacation and school timings unsuitable to the area, remoteness of the region in which they are living, difficulty of communication because of different dialects, socio-economic conditions of the groups concerned. The problems of each community should be clearly understood and specific solutions found. Each State Government concerned should therefore, identify such communities and identify low literacy pockets and prepare specific educational programmes for them. In this connection, the recommendations of the Central Advisory Board of Education made in their meeting held in July, 1976, to give the highest emphasis on the education of Scheduled Caste/Scheduled Tribe children in the programme to universalise elementary education in the age group 6—14, to develop differentiated programmes, greater efforts being

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- made for the more under-privileged and less advanced Scheduled Castes Scheduled Tribes etc., are commendable. It is desirable that all the State Governments/Union Territory Administrations concerned should take early steps to implement the same. 5.4, 5.5 & 5.6 89
- (66) The Governments of Bihar, Madhya Pradesh, Orissa and Rajasthan should take necessary steps to increase the number of Ashram Schools for Scheduled Castes and Scheduled Tribes in their respective States. All the State Governments/Union Territory Administrations should review the curricula in their schools at an early date and ensure that craft-based education is actually imparted therein. For that purpose the schools should be provided with the required craft equipments and necessary craft oriented teachers. 5.7 & 5.8 90
- (67) The Governments/Administrations of the States/Union Territories in which the number of backward classes hostels is inadequate, should take early action for the construction of more such hostels with financial assistance from the Scheduled Banks, in accordance with the instructions issued by the Reserve Bank of India to all Scheduled Banks in June, 1976, in this regard. Urgent action should also be taken by the Government of India as well as the State Governments concerned to increase the number of girls' hostels for students belonging to Scheduled Castes/Scheduled Tribes. For that purpose, the revision of the rates of grants-in-aid for such hostels would be a step in the right direction. In this connection, the lapses noticed during a study made in Sambalpur, Cuttack, Sundergarh and Puri districts of Orissa in 1976 that two hostel buildings constructed for Pre-matric Scheduled Caste/Tribe girls were being used for unapproved purposes by the Headmistress/Headmaster of the concerned High Schools, are quite serious and should be urgently looked into by the State Governments. The State Governments/Union Territory Administrations which have not yet enhanced the rates of stipends for the inmates of the Backward Classes hostels should take early action to do so now to enable these hostels to provide balanced diet to the inmates. As against the approved ratio of one middle school for every five primary school, in some tribal areas the ratio is even upto 1 : 80. Such structural imbalances should be rectified and in the meantime hostel facilities should be made available in existing middle and high schools. Seats should also be reserved in these hostels for tribal students belonging to such areas where only primary and middle schools are functioning. 5.9, 5.10, 5.11 & 5.14 91-92 & 93
- (68) The Scheduled Caste/Scheduled Tribe communities who are not able to send their children for higher education should be identified in all the States/Union Territories and special programmes like special coaching classes, increased rates of Pre-matric Stipends, special incentives vis. free books, clothing, midday meals etc. and special residential schools on the lines of Ashram Schools, should be launched to encourage more and more students belonging to these communities to go in for post-matric education. The action taken by the Governments of Assam, Arunachal Pradesh, Karnataka, Tamil Nadu

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<p>and Tripura in appointing officers to oversee the work relating to the disbursement of post-matric scholarships, is commendable. The State Governments/Union Territory Administrations which have not so far taken necessary action in this regard should do so early to expedite the disbursement of post-matric scholarship. The Ministry of Home Affairs should reinclude the Private Pilot's Licence course in the scheme for post-matric scholarships, with the condition that only those Scheduled Caste/Scheduled Tribe candidates who have matriculation or its equivalent as their minimum qualification will be eligible for the grant of these scholarships. The Ministry of Tourism and Civil Aviation should grant Travelling Allowance to Scheduled Caste/Scheduled Tribe candidates called for the oral aptitude test to make selections for award of Scholarships for Private Pilot's Licence Course under the scheme introduced by the Ministry and take early action to make provision for the payment of Travelling Allowance to the candidates concerned.</p>	5.19, 5.20 5.21 & 5.22	94-95	
<p>(69) The new scheme introduced by the Government of India for the award of post-matric scholarships to children of non-Scheduled Castes/Tribes engaged in scavenging of dry latrines, tanning and flaying, is commendable. The number of scholarships available under the scheme should be increased so that all eligible children belonging to these categories may be granted scholarships.</p>	5.25	96	
<p>(70) The State Governments/Union Territory Administrations which have not yet made universal coverage of Scheduled Caste and Scheduled Tribe students for the award of pre-matric stipends, should take urgent action to increase the number thereof to give incentives to more students belonging to these communities to attend school, and try to achieve universal coverage of the eligible students for the award of these stipends. The number of awards under the Centrally sponsored Scheme of pre-matric scholarships to children of these engaged in unclean occupations i.e. scavenging of dry latrines, tanning and flaying, irrespective of their religion, should be suitably increased to cover all the eligible children belonging to such categories.</p>	5.26 & 5.29	96-97	
<p>(71) The Ministry of Home Affairs should take early action to finalise the sanction of the 10 remaining overseas scholarships which could not be finalised during 1975-76.</p>	5.31	98	
<p>(72) Action should be taken by State Governments concerned in whose State private medical colleges may be charging capitation fees for admission of Scheduled Caste and Scheduled Tribe students to these colleges against seats reserved for them, on the lines of the steps taken by the Government of Karnataka. The Union Ministry of Health should persuade the State Governments/Union Territory Administrations which have 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. 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. The Ministry</p>			

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| of Defence should reconsider the desirability of relaxing the minimum marks for qualifying in the written test and coming within the zone to be called up for interview at least by five per cent in favour of Scheduled Caste/Scheduled Tribe candidates, to ensure that all the reserved seats in the Armed Forces Medical College, Pune, are actually filled by the candidates belonging to these communities.   |   | 5.32, 5.33 & 5.36 | 98-99 |
| (73) In order to enable the Scheduled Caste/Scheduled Tribe candidates to attain the required standards for admission to the Indian Institutes of Technology and to enable them to pull on well in these Institutes, the Union Ministry of Education as well as Home Affairs should take immediate action to set up special coaching centres for such candidates on the analogy of such centres already existing for Engineering services and Indian Administration Service examinations.   |   | 5.40              | 100   |
| (74) Lack of uniformity in standards prescribed for admission to Kendriya Vidyalayas is not desirable. The Kendriya Vidyalaya Sangathan should therefore prescribe a specific percentage of relaxation in qualifying marks, say 10 per cent, to be allowed to Scheduled Caste/Scheduled Tribe candidates for admission to these Vidyalayas. If some reserved seats still remain vacant after giving a relaxation of 10 per cent, a further relaxation in minimum marks should be allowed till all the reserved seats are actually filled by Scheduled Caste/Scheduled Tribe candidates. |   | 5.44              | 101   |

#### Chapter 6—SOCIAL DEVELOPMENT

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| (75) Under Clause 15(A) (2) (vi) of the Protection of Civil Rights Act, surveys are required to be made to identify areas where untouchability is still prevalent and take adequate measures to combat it. The Government of Madhya Pradesh should make full use of the study made by the Harijan Sevak Sangh and activate the police machinery in the areas surveyed for removal of untouchability. The State Governments which have not so far undertaken surveys for the identification of areas where untouchability prevails must do so urgently and in right earnest.  |  | 6.9         | 104 |
| (76) The scheme chalked out by the Government of Gujarat to ensure that public wells are thrown open to Scheduled Caste persons is commendable and other State Governments should take immediate steps to ensure that all public wells are thrown open to Scheduled Castes. The initiative taken by the Mobile squad, in South Arcot District in Tamil Nadu to give money to the Scheduled Caste persons to go to the tea stalls for taking tea and registration of cases if tea is not served to them without any discrimination indicates that if concrete steps are taken, the discriminatory treatment towards the Scheduled Castes at tea stalls/restaurants can be successfully put under check. |  | 6.11 & 6.12 | 104 |
| (77) The State Governments should ensure that the Scheduled Castes, Scheduled Tribes and other weaker sections are given actual possession of the land allotted to them. Adequate protection by the Police and the community as a whole should also be provided to enable them to harvest  |  |             |     |

their crops. Since the atrocities are connected with socio-economic issues the State Governments should provide adequate preventive machinery under the charge of the district officers. At the same time, the machinery established by the various State Governments for the enforcement of the Minimum Wages Act, should ensure that the prescribed wages are paid to the labourers. And wherever any trouble was anticipated immediate precautionary measures should be taken. To make it more effective, it will be desirable if some selected officers are drafted by the revenue department with the primary duty to tour rural area and identify incident-prone pockets. Their reports should be promptly attended to and suitable steps taken to avoid unpleasant incidents and to minimise the tension. The State Governments concerned should ensure that exemplary punishment is given to police officials, who are custodians of law and order, if found guilty of being involved in committing atrocities on Scheduled Castes and Scheduled Tribes.

6.17 &amp; 6.29

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- (78) It is hoped that the proposed socio-economic studies of atrocities by the National Integration Division of the Union Home Ministry will help in bringing to the surface the causes responsible for increasing the number of atrocities on the weaker sections of the society. Socio-economic studies in depth in various parts of the country are necessary and social scientists should be involved in undertaking such studies. At the same time, it is desirable that the Organisation of the Commissioner for Scheduled Castes and Scheduled Tribes is suitably strengthened to undertake such studies regarding social tensions in the rural areas. In this connection a Study Team from Office of the Commissioner for Scheduled Castes and Scheduled Tribes visited Palamau district of Bihar to study the alleged case of illegal dis-possession of the Scheduled Castes and Scheduled Tribes from their lands, taking forced labour from them, molesta-tion of women, murders, irregularities in sale/purchase of land etc. by some influential persons. The study revealed that the Scheduled Castes and Scheduled Tribes in the villages selected for study were living under fear and intimi-dation. The Government of Bihar should take early action to check the activities of persons responsible for such type of behaviour and to instill confidence amongst the affected villagers. To give status to Scheduled Caste persons in Belchi, as well as to minimise the tension generated by the Belchi incident, the Government of Bihar should distribute about 100 acres of gairmazurwa aam land available around Belchi to Scheduled Caste persons.

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6.22 & 6.27108-109  
& 112

- (79) It is rather disquieting that a large percentage of the charge-sheeted cases of atrocities on Scheduled Castes are still pend-ing trial in various States/Union Territories. It is, therefore, desirable that the trial in these cases should be expedited. The State Governments should take action on the lines of the steps taken by the Government of Orissa to deal with cases of atrocities on Scheduled Castes and Scheduled Tribes. The State Governments/Union Territory Administrations which have not so far taken necessary action to give mone-tary relief to the Scheduled Caste and Scheduled Tribe victims of atrocities on the lines of the steps taken by the Government of Andhra Pradesh, should do so at an early date.

6.33, 6.36 &  
6.37

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- (80) It would help a great deal if the efforts of the Central and State Governments for the social uplift of the Scheduled Castes are made into a movement by the massive participation by the workers of various political parties and dedicated social workers belonging to the non-official agencies. Dedicated Female social workers should be recruited by voluntary organisations to work for the removal of untouchability. The State Governments and the non-official agencies working in the field should chalk out speedy and effective time bound action programmes for economic and social betterment of the Scheduled Castes and Scheduled Tribes.

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### Chapter 7—TRIBAL DEVELOPMENT

- (81) Elimination of exploitation should be taken up on priority basis as an integral part of the plan of social and economic development of the tribal people. Programmes for prevention of land alienation, restoration of alienated land, rehabilitation of bonded labourers should also be taken up on priority basis. Solution of the problems created in the zones of influence in industrial and mining areas and excise policy need special care.

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- (82) The Governments of Assam and West Bengal have submitted only 1 and 6 integrated tribal development projects respectively out of 19 and 12 proposed for these States, inspite of the fact that funds for setting up teams of experts from various disciplines were sanctioned to the State Government before the beginning of the Fifth Five-Year Plan. This exercise was expected to be initiated much earlier in view of the broad financial parameters which had been indicated to the State Governments. The Tribal Sub-Plans also took considerably longer time both for preparation and for their consideration. Consequently, the project preparation also took longer time than was envisaged earlier. It is observed that the State Governments are submitting the projects in the same form in which they are prepared by the different institutions. It is desirable that the State Governments should ensure that the projects are prepared according to the guidelines issued by the Ministry of Home Affairs before they are submitted to the sanctioning committee in the Ministry. That would avoid delay on the part of the sanctioning committee in approving the projects. Keeping in view the specific problems of the tribal areas, the State Government should identify the major thrust areas as suggested by the Ministry of Home Affairs in respect of each of the projects so that special attention could be given to these aspects. Since many Integrated Tribal Development Projects have been grounded it should be ensured that the weakest are the highest in priority and Integrated Tribal Development Projects should provide suitable directions in this regard. The more inaccessible areas of the project should be identified and it should be ensured that benefits reach there. It has been observed that the State Tribal Welfare Department have inadequate staff to undertake new tribal development programmes. It is, therefore, suggested that the State Governments and Union Territory Administrations concerned should have sufficient built in expertise for undertaking this task. Now that the

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|      | new budgetary procedures have been adopted and projects have started functioning, it should be possible for the Ministry of Home Affairs to evolve a suitable monitoring and evaluation system to assess the progress made in Sub-Plan areas.  | 7.7, 7.8, 7.9 & 7.10 | 118     |
| (83) | A study undertaken in Bihar revealed that special central assistance was used as an additive by different departments on ordinary schemes in the Sub-Plan area without restructuring any of the scheme to suit the interests of the tribal people. Various departments took funds from the central sector assistance when they found money short in the State sector and the Central assistance was utilised for ordinary State Sector programmes. In this respect there has been great deviation from the policies laid down in 1974-75. Under the circumstances it was not possible to know the impact of the schemes in the area. A similar study undertaken in the Integrated Tribal Development Project Sundergarh, Orissa revealed that in most cases the land allotted to the tribals was at scattered places which remained unreclaimed and the poor tribals had to run from pillar to post in obtaining loans. Efforts should, therefore, be made to simplify the procedure for giving loans in Integrated Tribal Development Project areas. Another study undertaken on the working of integrated tribal development project Kukshidhar in Madhya Pradesh revealed that 17 units of sheep, on exchange basis, were distributed to persons who were non-tribals. It is, therefore, suggested that benefit of developmental programmes involving subsidy elements should be made available to Scheduled Tribe persons only. The study further revealed that the irrigation schemes suffered because of the delay in the acquisition of land for construction of tanks and canals. A close co-ordination between the officers of the irrigation and revenue departments is, therefore, necessary. Priority had been accorded to schemes of irrigation, credit-cum-marketing, agriculture, power, drinking water, etc., by the project authorities whereas the local persons wanted that priority should be given to irrigation, agriculture, education, forest, power, etc. | 7.16, 7.18 & 7.19    | 119-120 |
| (84) | A society known as Andaman Adim Jayati Vikas Samiti was constituted in Andaman and Nicobar Islands during 1975-76 and allocations were made for developmental programmes in the Islands. It is yet to be known as to how far the Samiti has been able to make any dent in the economic and social development of the tribals living in the Islands.  | 7.24                 | 121     |
| (85) | It is hoped that with the implementation of the new excise policy the exploitation of the tribals by the liquor contractors would be stopped.  | 7.29                 | 122     |
| (86) | In the past the forest management was primarily concerned with the production of timber needed by the Government and industries for railways, ship building, plywood industry and paper mills and so on. Only some of the rights of the forest dwellers in utilising the forest products for domestic consumption were recognised by the Government and they were more in the nature of charity and there was not much concern for the development of the forests to meet the requirements of the people. It is necessary to make multi-dimensional approach to forest planning involving integration of agriculture, animal husbandry, horticulture, water and  |                      |         |



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soil conservation with provision for fuel and exploitation of forests for productive purposes. There is a need for greater involvement of local people in administration, management, exploitation and marketing of forest and forest products.		7.31	122
(87) It is observed that profits earned by the forest department after the nationalisation of the minor forest produce have increased, but the conditions of the tribals engaged in the collection of minor forest produce have not substantially improved. With the emphasis on providing full employment, it is necessary that steps are taken to set up small and medium scale primary processing units in the tribal areas to provide gainfull employment to the tribals. The efforts of the Forest Development Corporation should be to teach skills to the tribal workers, so that non-tribals are not required to be brought to the tribal areas for skilled and semi-skilled jobs. Efforts must be made to link up the forestry programmes with the welfare of the tribal communities. The National Commission on Agriculture also suggested a massive programme for social forestry. A high priority, therefore, should be given to the plantation of quick-growing species of trees which would supply fodder, fuel, wood and material for housing and village industries. Production activities should be undertaken by the village communities through their cooperatives in collaboration with traditional corporate institutions. In the management of forests there should be close collaboration between the technical personnel of the forest departments, various officials and non-official agencies, researchers and informed leaders of the local community. Forests labourers cooperative societies should be promoted and successfully run not only for extraction of raw materials but also for processing. The privileges and concessions of the tribal people in villages should be published in the various regional languages in the form of booklets for free distribution amongst tribals.		7.32 & 733	123
(88) It is understood that the Governments of Orissa and Tamil Nadu are preparing comprehensive programmes for shifting cultivators based on plantation and animal husbandry. It is necessary that the State Governments concerned should create special cells which can attend to preparation of special programme for shifting cultivators.		7.36	124
(89) It is not a distant happening that some of the tribal girls of Baster district working as maids in the houses of staff members of Bailadila Iron-Ore Project, found themselves ostracised from the Society. It is very essential that officers from Tribal Welfare Departments should be posted at the project areas to make assessment of the impact of the changing socio-economic situation on the tribals so that social tensions may not develop.		7.38	124
(90) The organisations concerned with tribal research should equip themselves suitably to study the impact of tribal sub-plan strategy on the socio-economic life of the tribals. These institutions should also assume the role of evaluation and monitoring of information regarding tribal sub-plans and Integrated Tribal Development Projects. The Tribal Institutes should also devote themselves to study the problems			

of Scheduled Castes. It is well known that the fruits of development are not uniformly shared by the various Scheduled Caste communities. There are some communities, members of which, have shown reluctance in educating their children and in taking advantage of the Government policies and programmes framed for their welfare. It is also felt that incidents of atrocities on Harijans have deeper implications than can be revealed by mere police investigations. These involve expert analysis of group relationships on account of changing socio-economic situations. The Tribal Research Institutes should be strengthened to take up studies concerning various problems of Scheduled Castes also.

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#### Chapter 8—THE IMPACT OF 20-POINT ECONOMIC PROGRAMME ON SCHEDULED CASTES AND SCHEDULED TRIBES

- (91) The beneficiaries belonging to backward classes face problems in cultivating the lands allotted to them. In cases where the allotted lands are extremely uneven and beyond the capacity of the beneficiaries to make these culturable, alternative lands may be allotted to them. Possessions of the allotted lands also require to be given to the allottees belonging to Scheduled Castes/Scheduled Tribes at the places where they face resistance from the vested interests.
- (92) Some efforts have been made by the State Governments for checking the alienation of tribal lands to the non-tribals and to restore the alienated lands to them. It has not been possible to know the magnitude of the problem in all the tribal areas of the country. Comprehensive surveys by expert agencies are required to be made in the tribal areas where this problem has been known to be acute. Efforts are also required to be made by the State Governments to ensure that the restored lands are really cultivated by the tribal cultivators and timely agricultural assistance is made available to them.
- (93) At the time of allotment of housesites adequate care has to be taken to see that the beneficiaries are in genuine need of these and the possession of the sites is also given to the allottees. Quite a large number of housesites allotted in the past have not been put to any use by the allottees. In cases where the financial difficulties stand in the way of construction of houses, suitable programmes may be framed to give financial assistance to the allottees. To ensure that the beneficiaries do not desert their sites/houses, employment oriented schemes may be undertaken by the concerned State Governments/Union Territories.
- (94) In Dhulia District of Maharashtra State the practice of Saldar was found in vogue. The workers so employed were required to serve their masters for the agreed period. There was also a great deal of exploitation of the saldars because many of them were not paid actual minimum wages. They were also required to put in longer hours and were deprived of facilities. The Government of Maharashtra may look into the actual terms and conditions of the employment of saldars

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and take steps for ensuring payments of minimum agricultural wages, to all such workers. It was gathered through a study conducted in some villages of districts Sundergarh and Cuttack in Orissa State that the rates of daily wages for agricultural labourers prevalent in the villages were at variance with the rates prescribed by the State Government which stood at Rs. 4/- per day. It may be ensured that all the agricultural labourers are paid minimum rates of wages prescribed by the State Governments/Union Territory Administrations.

8.36 &amp; 8.37 137-138

- (95) There are no statistics to know as to what extent the persons belonging to the Scheduled Castes and Scheduled Tribes have benefited in getting rid of their debts. There have also been some reports that the persons belonging to weaker sections were denied credit even for their dire needs because money-lenders hesitated in advancing them loans and satisfactory alternative sources of credit had not been provided by the Government. There should be some in-built system to know as to what extent the persons belonging to the Scheduled Castes and Scheduled Tribes have benefited from the assistance rendered by rural Banks.

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- (96) The programme of supply of essential commodities to students in hostels, and that of providing books and stationery at controlled prices can go a long way in the spread of education amongst the Scheduled Castes and Scheduled Tribes. The State Welfare Departments may conduct studies to find out whether the students belonging to Scheduled Castes/Scheduled Tribes have derived adequate benefits from the implementation of this programme. At many places the number of backward class hostels are either inadequate or inefficiently run. Sufficient attention is to be paid to raise the number of hostels as per requirement of the Scheduled Castes and Scheduled Tribes and also improve their working.

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