

REPORT

OF

THE COMMISSION

FOR

SCHEDULED CASTES

AND

SCHEDULED TRIBES



(April 1984—March 1985)

SEVENTH REPORT

Publications of the American
Psychological Association
1900-1909
D. 6770
3192



D.O. No. 4/1/SCIC/86-C. Cell

भारत सरकार

अनुसूचित जाति तथा अनुसूचित जनजाति आयोग

GOVERNMENT OF INDIA

COMMISSION FOR SCHEDULED CASTES AND SCHEDULED TRIBES

BHEEKHA BHAI
CHAIRMAN

Tel: 619244 (Off.)
383114 (Res.)

पांचवीं मंजील, लोकनायक भवन,
नई दिल्ली-110003 1

Floor V, Loknayak Bhawan,
NEW DELHI-110003.

December 8, 1986.

Dear Dr. Bajpai,

In terms of para 6 of the Resolution setting up the Commission for Scheduled Castes and Scheduled Tribes, this Commission is required to submit to the President a report of the activities annually. It is my privilege to forward herewith the Seventh Annual Report of the Commission for the year 1984-85.

With regards,

Yours sincerely,

(BHEEKHA BHAI)

Dr. Rajendra Kumari Bajpai,
Minister of State for Welfare,
Government of India,
Shastri Bhawan,
NEW DELHI.

ERRATA

Page No.	Para No.	Line	For	Read
3.	last column	Top	Deputy Director (Services)	Deputy Director (Services)
4.	First and Second columns under heading DIRECTOR Ahmedabad	bottom row	LDCs	LDCs 2
5	2.3	5	reservations	reservation
6	2.8 (Col.2)	15	had	has
7	2.11	3	observe	receive
8	2.20	6	more	also
8	2.20 (Col.2)	7-8	Governments of Maharashtra and Bihar	Governments of Maharashtra, Gujarat and Bihar
8	2.22	13	has	had
10	2.29	1	that	which
10	2.31	17	more	of
13	Col. 5	entry against Karnataka (S.No.3)	till the	till the backlog in their representation is completely wiped out.
31	Annexure IV	1	offences wise	offence wise
34	Annexure VII	Headings of (Col. 5 & 6)	Convicted Acquitted	conviction Acquittal
35	Annexure Viii	-do-	-do-	-do-
40	Title	third	Ages	delete
41	5.1	3	them	their working population
44	5.20	Table	Rs. in Lakhs	In Rs.
45	5.26	13	Seven	Six
47	5.39	Last two lines	The payment of wages may be partly in cash and partly in kind.	delete
48	5.43 (Col.2)	bottom line	on IRDP	of IRDP
50	ANNEXURE I SI. N. 5	2	80	SC
52	ANNEXURE III Column 3	2	2058	2068
52	ANNEXURE III Column 5	16	27,71,600	27,71,000

Page No.	Para No.	Line	For	Read
53	Annexure IV	Col. 11 line 4	12.45	12.46
53	Annexure-IV	Col. 10 line 12	8292.00	8192.00
53	Annexure-IV	Col.13 line 18	30.00	3.00
53	Annexure-IV	Col. 10 line 20	103520,00	103530.00
57	6.2 (Col.2)	30	tribals	tribal
58	6.2 (Column 1)	12th (from bottom)	to	in
65	7.5	10	their, keeping	their keeping
66	7 9	4th from bottom	political will	political will,
73	Recommendation No. 39	Last line	The payment of wages may be partly in cash and partly in kind	delete
74	40 (c)	1	Kendr as	Kendras
77	Recommendation No. 56	Column No.4	63	64
78	Recommendation No. 58	(Column No. 4)	65	66

CONTENTS

CHAPTER NO.	SUBJECT	PAGE NUMBER(S)
I	INTRODUCTION	1
II	INVESTIGATING MATTERS RELATING TO CONSTITUTIONAL SAFEGUARDS FOR SCHEDULED CASTES AND SCHEDULED TRIBES	5
III	REMOVAL OF UNTOUCHABILITY AND IMPLEMENTATION OF THE PROTECTION OF CIVIL RIGHTS ACT	14
IV	ATROCITIES AGAINST SCHEDULED CASTES AND SCHEDULED TRIBES	22
V	SOCIO-ECONOMIC DEVELOPMENT OF SCHEDULED CASTES AND SCHEDULED TRIBES	41
VI	DISPLACEMENT OF TRIBALS DUE TO CENTRAL/STATE PROJECTS	57
VII	LEGISLATIVE SAFEGUARDS FOR SCHEDULED CASTES AND SCHEDULED TRIBES IN RELATION TO LAND AND FOREST	63
VIII	RECOMMENDATIONS	67

CHAPTER I

INTRODUCTION

The Commission for Scheduled Castes and Scheduled Tribes was set up in 1978 by a Resolution of the Ministry of Home Affairs No. BC-13013/9/77-SCT(1) dated 21st July, 1978. The Commission comprises a Chairman and three Members. The Special Officer appointed under Article 338 of the Constitution i.e. the Commissioner for Scheduled Castes and Scheduled Tribes is an *ex-officio* Member of the Commission.

1.2 During the year under Report Smt. M. Chandrasekhar, M.P. was the Chairperson of the Commission with Shri R. C. Chiten Jamir and Ven'ble Lama Lobzang as the two Members.

1.3 The Commission is assisted in the discharge of its functions by a small secretariat at New Delhi headed by a senior officer of the rank of Secretary to the Government of India and 17 field offices located in various parts of the country. Twelve of the field offices are headed by Directors and five by Deputy Directors. The organisational chart of the secretariat and field offices is given in Annexure I. According to the Government of India Resolution dated 21st July, 1978 the functions of the Commission, which broadly correspond with those of the Commissioner for Scheduled Castes and Scheduled Tribes, are as follows :

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

appropriate remedial measures including measures to ensure prompt investigation of the offences.

- (iv) To enquire into individual complaints regarding denial of any safeguards provided to any person claiming to belong to Scheduled Castes or Scheduled Tribes.

1.4 The Commission has been fully concerned with all aspects of the problems facing the Scheduled Castes and the Scheduled Tribes. Being authorised to devise its own procedures in the discharge of the above-mentioned functions it has undertaken tours, conducted field studies and maintained a continuous dialogue with the Central Ministries and the State Governments, and also received a regular flow of information and reports from its field offices. The Commission has also received written complaints, representations and requests from various Scheduled Caste and Scheduled Tribe persons and looked into their grievances and has helped in redressal of a large number of them.

1.5 The present report brings out the various activities taken up by the Commission in the fulfilment of the objectives laid down in the Resolution of the Ministry of Home Affairs dated 21-7-78. To the extent that State Governments and Central Ministries have responded to the Commission's repeated requests for information, these have been incorporated. However, the Commission observes with distress that the response from the State Governments, the Central Ministries and other offices and organisations has generally been disappointing despite continuous personal efforts at various levels.

1.6 In view of the magnitude of the problems concerning the Scheduled Castes and Scheduled Tribes, Government of India felt the need for a high level Commission consisting of persons of status and eminence in public life. However, the Commission is greatly handicapped in performing its functions effectively because it does not enjoy constitutional status. This makes the Commission, at times, a helpless spectator of non-performance and non-compliance. This

situation needs to be remedied without further loss of time. It is, therefore, once again strongly urged that the Government of India urgently consider giving this Commission constitutional status.

1.7 The Commission has invariably endeavoured to exercise alertness and promptness in making enquiries and conducting investigations into the reports of atrocities committed on Scheduled Castes and Scheduled Tribes. But it has generally been experienced that such efforts have not proved to be sufficiently effective because the Commission has also no powers under the Commissions of Inquiry Act, 1952. In order to enable the Commission to make a decisive impact on the atrocities situation and to meaningfully protect the constitutional safeguards provided to the Scheduled Castes and Scheduled Tribes, the Commission should be empowered as a Commission of Inquiry under the Act of 1952. At present the role of the Commission is purely recommendatory and, as such, it has not been able to come to the rescue of the weakest sections of the society in a very effective manner.

1.8 It is well understood that social handicaps faced by the Scheduled Castes and Scheduled Tribes can be removed with a measure of finality only by improving their economic status and as such, economic development of these communities assumes great importance. Surprisingly, the Commission for Scheduled Castes and Scheduled Tribes has not been given a clear mandate in this regard as a result of which matters pertaining to policy issues involving or affecting the economic development of Scheduled Castes and Scheduled Tribes are hardly ever referred to the Commission. It is felt that the logic of the situation requires that the Commission should be involved not peripherally but comprehensively in all matters of policy, planning and implementation of the programmes meant for these communities. In continuation of this logic, serious thought needs also to be given to the question of entrusting the Commission with the task of finalising the Tribal Sub Plan and Special Component Plan of the States and determining the quantum of Central assistance to be given to the States in this connection.

ANNEXURE I

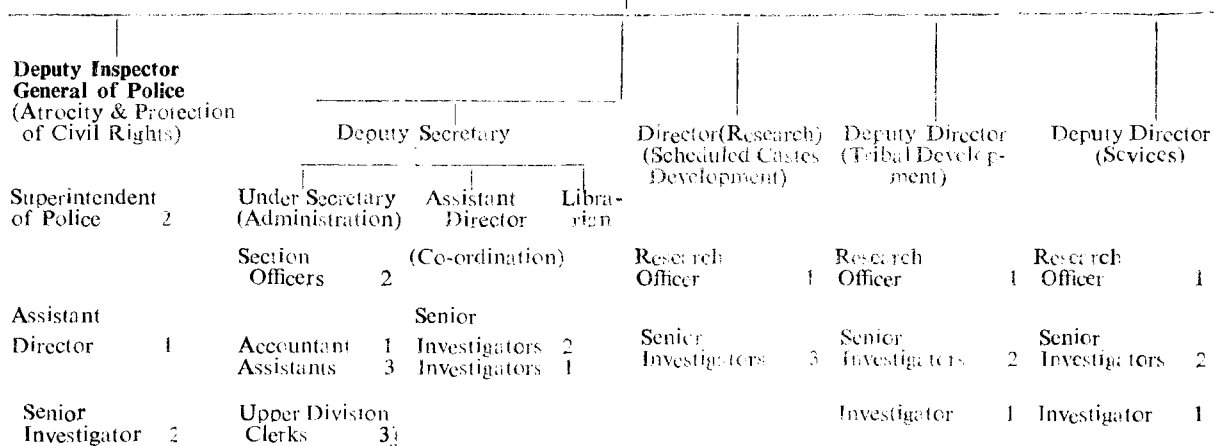
Commission for Scheduled Castes & Scheduled Tribes

ORGANISATIONAL CHART

A. HEADQUARTER

SECRETARY

JOINT SECRETARY



B. FIELD OFFICES

DIRECTOR Ahmedabad, (Gujarat, Dadra and Nagar Haveli)	DIRECTOR Bangalore (Karnataka)	DIRECTOR Bhopal (Madhya Pradesh)	DIRECTOR Bhubaneswar (Orissa)	DIRECTOR Calcutta(West Bengal, Sikkim,Anda- man and Nicobar Islands)	DIRECTOR Hyderabad (Andhra Pradesh)	DIRECTOR Jaipur (Rajasthan)	DIRECTOR Lucknow (Uttar Pradesh)	DIRECTOR Madras (Tamilnadu)	DIRECTOR Pune (Maharashtra, Goa, Daman & Diu)	DIRECTOR Shillong (Meghalaya, Nagaland, Manipur, Mizoram, Aru- nachal Pradesh)	DIRECTOR Patna (Bihar)				
RO	1	RO	1	AD	1	AD	1	RO	1	RO	1	AD	1	AD	1
Sr. Inv.	1	Sr. Inv.	1	Sr. Inv.	1	Sr. Inv.	1	Sr. Inv.	1	Sr. Inv.	1	Sr. Inv.	1	Sr. Inv.	1
Inv.	2	Inv.	2	Inv.	2	Inv.	2	Inv.	2	Inv.	2	Inv.	2	Inv.	2
Supdt.	1	Supdt.	1	Supdt.	1	Supdt.	1	Supdt.	1	Supdt.	1	Supdt.	1	Supdt.	1
UDC	1	UDC	1	UDC	1	UDC	1	UDC	1	UDC	1	UDC	1	UDC	1
PA	1	PA	1	PA	1	PA	1	PA	1	PA	1	PA	1	PA	1
LDCs		LDCs	2	LDCs	2	LDCs	2	LDCs	2	LDCs	2	LDCs	2	LDCs	2

DY. DIRECTOR Chandigarh(Punjab, Haryana and Chandigarh)	DY. DIRECTOR Agartala(Tripura)	DY. DIRECTOR Simla(Himachal Pradesh and J. & K.)	DY. DIRECTOR Trivandrum(Kerala, L. kshadweep)	DY. DIRECTOR Guwahati(Assam)	
AD	1	RO	1	RO	1
Sr. Inv.	1	Sr. Inv.	1	Sr. Inv.	1
UDC	1	UDC	1	UDC	1
LDC	1	LDC	1	LDC	1
Steno	1	Steno	1	Steno	1

Legend : AD : Assistant Director
 RO : Research Officer
 Sr. Inv. : Senior Investigator
 Inv. : Investigator

Supdt. : Superintendent
 UDC. : Upper Division Clerk
 PA : Personal Assistant
 LDC : Lower Division Clerk

CHAPTER II

INVESTIGATING MATTERS RELATING TO CONSTITUTIONAL SAFEGUARDS FOR SCHEDULED CASTES & SCHEDULED TRIBES

The first of the four main functions of the Commission is to investigate into matters relating to constitutional safeguards for Scheduled Castes and Scheduled Tribes. Articles 16(1) and 335 of the Constitution provide for equality of opportunity for employment or appointment to the weaker sections and the backward classes and members of the Scheduled Castes and Scheduled Tribes, etc. Article 16(4) alongwith Article 335 particularly provides for reservation of posts for appointment of Scheduled Castes and Scheduled Tribes as a result of which the Central Government has provided for reservation of 15% posts for Scheduled Castes and 7½% for Scheduled Tribes. The Commission undertakes a regular review of the implementation of the reservation policy by Government offices and public sector undertakings. For this, the Commission is constantly engaged in collecting from the Department of Personnel & Training, the Bureau of Public Enterprises, the Ministry of Finance and the various State Governments and Union Territory Administrations detailed information regarding the position of actual representation of the Scheduled Castes and Scheduled Tribes in all Government offices and subordinate establishments including the public sector enterprises and banks.

A. Ministries and Departments under the Government of India

2.2 Despite best efforts, information about the position of actual representation of Scheduled Castes and Scheduled Tribes in different groups of posts in the Ministries and Departments under the Government of India could be obtained only upto 1-1-84. This is as follows:—

Group of Posts	% of representation					
	1-1-65		1-1-83		1-1-84	
	SC	ST	SC	ST	SC	ST
I	2	3	4	5	6	7
A	1.64	0.27	6.71	1.41	6.92	1.70
B	2.82	0.34	10.16	1.46	10.36	1.77
C	8.88	1.14	14.61	4.34	13.98	3.79
D	17.75	3.39	19.58	5.51	20.20	6.04

2.3 Although, there has been an appreciable increase in the intake of both Scheduled Castes and Scheduled Tribes in all the groups of posts since 1-1-65 yet the prescribed quota of reservations has not been achieved in groups 'A', 'B' and 'C'. In fact in group 'C' there has been a decline in the intake of Scheduled Castes and Scheduled Tribes since 1-1-83. No satisfactory reasons are forthcoming for this deterioration and the Commission would therefore like to stress the need for special steps to be taken up by all Departments at the Central Government level to ensure the prescribed representation of Scheduled Castes and Scheduled Tribes so as to set the trend for the State Governments and public sector enterprises.

B. Public Sector Undertakings

2.4 During 1984-85 the Commission examined the position of reservations as prevailing in public sector undertakings by conducting studies, organising meetings and by collecting detailed information from the Bureau of Public Enterprises. Eight studies were conducted by the field offices of the Commission on the working of service safeguards provided for Scheduled Castes and Scheduled Tribes in the

United India Insurance Co. Ltd., Madras,
Heavy Vehicles Factory, Avadi (Madras),
Neyveli Lignite Corporation (NLC), Neyveli,
Madras Refineries Ltd., Madras,
Reactor Research Centre (RRC), Kalpakam,
Hindustan Teleprinters Ltd., Madras,
Fertilisers & Chemicals Travancore Ltd., Udyogamandal, Cochin (Kerala), and
Hindustan Machine Tools Ltd., Pinjore District (Haryana).

2.5 These studies and the information collected from the Bureau of Public Enterprises have revealed an extremely distressing position of representation of Scheduled Castes and Scheduled Tribes in Groups 'A' and 'B'. The representation of Scheduled

Castes has been very low varying from 1.85% to 4.57% of the total number of employees. In the Hindustan Teleprinters Ltd., Madras, and reactor research Centre, Kalpakkam there was not a single Scheduled Caste officer in Group 'B' cadre as on 1-4-70 and 1-1-64 respectively. The Hindustan Teleprinters authorities did not seem to have made any effort to improve this position by promoting Scheduled Caste/Scheduled Tribe employees in these categories.

2.6 The representation of Scheduled Tribes was also found to be very poor in all the groups of posts. In the Reactor Research Centre, Kalpakkam, Madras Refineries Ltd. and Neyveli Lignite Corporation there was not a single Scheduled Tribe officer in either Group 'A' or 'B'. In the Heavy Vehicles Factory, the representation of Scheduled Tribes varied from 0.49% in the Industrial Establishment to 1.62% in the Non-Industrial Establishment.

2.7 The reason for these shortfalls was stated to be the non-availability of suitable candidates for the reserved vacancies. It was also contended that for the technical posts located in the interior areas requiring specialised qualifications and experience, it was extremely difficult to get suitable candidates from the Scheduled Castes and Scheduled Tribes. The Commission is of the view that there is need for specific measures to be taken up like the launching of special recruitment drives for employment of Scheduled Castes/Scheduled Tribes and the provision of pre-recruitment training and in-service training for them. In this connection it is important to develop active linkages with the various technical institutions in order to evolve appropriate course-designs to match the manpower requirements and put selected Scheduled Caste and Scheduled Tribe candidates through such courses for absorption in jobs. Such a step would particularly be necessary for most of the public sector undertakings who carry a very heavy backlog in the representation of Scheduled Castes and Scheduled Tribes in their respective establishments.

2.8 The Commission also found that some of the undertakings were not maintaining the rosters in the form prescribed in the Brochure on Reservation for Scheduled Castes and Scheduled Tribes in Services. The roster registers were generally incomplete and were rarely checked or signed by the appointing authorities. While making confirmations against posts, the managements were not following the guidelines issued by the Department of Personnel and Administrative Reforms vide their O.M. No. 36011/12/82-Extt. (SCT) dated 25-6-82 by not providing for any reservation for the Scheduled Caste/

Scheduled Tribe employees. In none of the undertakings were there any avenues of promotion for the sweepers, tarashes, chowkidars, etc. to the cadre of peons. While advertising vacant posts, the managements did not clearly indicate the number of posts reserved for Scheduled Castes and Scheduled Tribes and the types of relaxations available to such candidates in regard to qualifications or experience. It was also found that despite the instructions of the Department of Personnel and Training vide their O.M. No. 36013/4/82-Extt (SCT) dated 29-8-84 to provide for the saving clause in their Recruitment Rules this had not yet been done. It was also found that in several Undertakings like the Reactor Research Centre, United India Insurance Company, Heavy Vehicles Factory, Fertilizers & Chemicals Travancore Ltd. and Madras refineries, the caste/community certificate to be submitted by the Scheduled Caste and Scheduled Tribe employees were not in the form prescribed vide O.M. No. 36012/6/76-Extt (SCT) dated 23-10-77. Complaints have been received in the Commission about non Scheduled Castes/Scheduled Tribes claiming reservation benefits by producing false caste certificates. In order to ensure that the benefits in reservation are availed of by *bonafide* Scheduled Caste/Scheduled Tribe members only, proper scrutiny of such certificates needs to be made by the appointing authority and in case of doubt, the claims should be got verified from the concerned District Magistrates. The Commission would recommend introduction of a special and foolproof system of scrutiny of such certificates at the administrative levels in all the public sector undertakings. As complaints regarding false certificates are increasing alarmingly, it would be necessary for the Bureau of Public Enterprises, the Department of Banking and the Department of Personnel as well as the Ministry of Welfare to give urgent thought to the matter and devise effective procedures to put up a stop to the abuse of the policy of reservation.

2.9 The Commission has also noted that undertakings like Hindustan Teleprinters Ltd., Heavy Vehicles Factory, Avadi, Madras Refineries Ltd. and Fertilizers & Chemicals Travancore Ltd. do not provide any reservation in the allotment of residential accommodation for Scheduled Castes and Scheduled Tribes.

2.10 The position in regard to the appointment and functioning of the Liaison Officers and the special cells was also found to be unsatisfactory in most of the undertakings. In the Hindustan Teleprinters Ltd. and the Hindustan Machine Tools Ltd., Ambala, for example, there was no separate Scheduled Caste/Scheduled Tribe Cell, and the Liaison

Officer was not provided with adequate staff for effective and efficient functioning. No inspection reports were being prepared in most of the undertakings. The inspection reports prepared by the Liaison Officer in the United India Insurance Company did not contain relevant details about the working of the reservation rules, maintenance of rosters, number of reserved vacancies de-reserved and carried forward, complaints received from Scheduled Caste/Scheduled Tribe employees and their redressal, etc.

2.11 The Commission had taken up these matters with the concerned undertakings and was pleased to observe some positive response from several of them. While some undertakings have tried to clarify their position and explain their difficulties in fulfilling the prescribed quotas, they have also assured the Commission that concerted efforts would be made in the future to fill up the reserved vacancies and clear the backlog. The authorities have also assured the Commission that the observations made in the study reports of the Commission regarding the composition and working of the special cells and incorporation of details about the working of service safeguards provided for Scheduled Castes and Scheduled Tribes, and the activities of the Special Cell etc. in the Annual Reports of the undertakings would be followed in future. They have also promised that the claims of the sweepers for promotion would be duly considered subject to their suitability. While releasing advertisements, due care would be taken in specifying the number of posts exclusively reserved for Scheduled Castes and Scheduled Tribes, and also the details of special concessions provided to Scheduled Castes and Scheduled Tribes in age, qualification and experience etc.

2.12 While the Commission appreciates such positive response from the undertakings, it nevertheless feels that there is need for the Bureau of Public Enterprises to take a series of determined steps to ensure that all public sector undertakings implement government instructions more seriously in providing adequate reservation in posts for Scheduled Castes and Scheduled Tribes especially in Groups 'A' & 'B'.

C. Nationalised Banks and other Financial Institutions

2.13 During 1984-85, the Commission collected details of actual representation of Scheduled Castes and Scheduled Tribes in the grades of officers, clerks and sub-staff in respect of 34 Nationalised Banks and Financial Institutions. Lists of these are at Annexures I-A and I-B.

2.14 An analysis of the information concerning the actual representation as on 1-1-83 and 1-1-85 shows some improvement in the position of representation of Scheduled Castes and Scheduled Tribes in the three categories of posts but the distressing feature is that the actual representation still remains as low as 5.72% in the officers grade. A statement of the actual representation in percentage to the total in each of the three grades is given below :—

Categories of Posts	Actual representation in percentage					
	Scheduled Caste			Scheduled Tribe		
	1-1-83	1-1-84	1-1-85	1-1-83	1-1-84	1-1-85
	2	3	4	5	6	7
Officers	4.64	4.05	5.72	1.67	1.34	1.97
Clerks	12.96	13.48	13.83	2.75	2.95	3.41
Sub-staff	22.35	22.95	23.79	4.33	3.96	4.32

Source : Annual Report— 1985-86, Ministry of I. & R.

2.15 A study of the working of service safeguards provided for Scheduled Castes and Scheduled Tribes in the Bihar Circle of the State Bank of India was conducted by the Patna field office of the Commission. The study revealed that the actual representation of Scheduled Castes and Scheduled Tribes in the Officers Cadre was far below their prescribed quota of reservations. The Scheduled Caste officers accounted for only 2.7% of the total cadre, while in the case of Scheduled Tribes, it was 1.1%. There was also a heavy backlog in the intake of Scheduled Castes in the Clerical and Subordinate Cadres although the prescribed quota of reservation for Scheduled Tribes was fully achieved in the Clerical Cadre. The rosters were neither maintained properly nor inspected regularly by the Liaison Officer. There was also no Special Cell under the Liaison Officer to look into the grievances of the Scheduled Caste/Scheduled Tribe employees.

2.16 The Secretary, Ministry of Finance (Banking Division), Government of India was requested by the Commission to impress upon the State Bank of India to take appropriate measures for ensuring proper implementation of reservation rules and achieving adequate representation of Scheduled Castes/Scheduled Tribes in all grades of posts. The Commission would recommend that in view of the poor intake position of Scheduled Castes and Scheduled Tribes in officers and clerks grades in the Banks and other Financial Institutions, the Banking Service Recruitment Board should launch special recruitment drives for induction of Scheduled Castes and Scheduled Tribes in filling up the reserved

vacancies. The interview boards should meet in areas predominantly inhabited by the tribal people, so that there is opportunity to recruit more tribal candidates.

D. State Governments/UT Administrations

2.17 The Commission, as already mentioned above, has made continued efforts to obtain from the State Governments/UT Administrations information regarding the actual representation of Scheduled Castes and Scheduled Tribes in different groups of posts but the response has generally been very disappointing and the information could only be obtained through our field offices from nine States and the Chandigarh Administration. The details of the actual representation of Scheduled Castes and Scheduled Tribes in these States/Union Territories have been given in Annexure II. The overall position is very unsatisfactory as the prescribed quota of reservations for Scheduled Castes in Groups 'A' and 'B' posts has not been achieved in any of the States. In Group 'C' posts, there is considerable backlog in representations except in Kerala, where the actual representation of Scheduled Castes in non-gazetted (other than Group 'D') posts is 9.4% against the prescribed quota of 8%

2.18 The shortfall in representation of Scheduled Tribes is more pronounced in all the States. Even in Group 'D' posts, the desired quota of their reservation has not been fully achieved.

2.19 While commending the efforts of certain State Governments like Kerala and Karnataka for taking special steps to improve the intake position of Scheduled Castes and Scheduled Tribes, the Commission would strongly urge other State Governments/UT Administrations also to take similar measures in this direction so as to substantially improve the position of Scheduled Caste/Scheduled Tribe representation in all groups of posts at the earliest.

District-wise reservation for Scheduled Tribes in Services

2.20 The Commission has tried to analyse the causes of the extremely poor position of representation of Scheduled Tribes in services under the Government of India, public sector undertakings and State Governments/UT Administrations. The shortfall is more pronounced in Groups 'C' and 'D' posts. One of the reasons for this is the unwillingness on the part of the Scheduled Tribe candidates to move away from their home districts. An uniform quota of reservation for Scheduled Tribes in all the districts of the State is not practical as the vacancies reserved for them

in the districts having smaller Scheduled Tribe population may continue to remain unfilled on account of nonavailability of Scheduled Tribe candidates in such districts. The Commission, in their Second Annual Report (Recommendation No. 432) acclaimed the steps taken by the Governments of Maharashtra and Bihar in providing reservation for Scheduled Tribes in Groups 'C' and 'D' posts on the basis of their population percentage in each district and recommended for other State Governments to take similar measures. It is learnt that the Government of Madhya Pradesh has also favoured this system. The Commission would again stress that the recommendation be duly considered by the Government of India and the State Governments so as to ensure that reservation for Scheduled Tribes in Group 'C' and 'D' posts is provided on the basis of their population percentage in each district.

Selection by merit

2.21 The Commission has learnt that in States like Tamil Nadu and Kerala the Scheduled Caste and Scheduled Tribe candidates who are selected for appointment on the basis of general merit are not appointed against the reserved vacancies, and the number of reserved vacancies on account of such selection remains unaffected. The Commission considers this to be the correct approach and would recommend that the Government of India and the other State Governments may emulate the example of Kerala and Tamil Nadu in ensuring that the Scheduled Caste/Scheduled Tribe candidates selected on merit in competition with general candidates are not adjusted against the reserved vacancies.

Living and working conditions of sweepers and scavengers

2.22 Studies on the living and working conditions of sweepers and scavengers were conducted in Calicut, Palghat, Cochin, Ramanathapuram and Thanjavur Municipalities/Corporations by Trivandrum and Madras field offices during 1984-85. These studies revealed that a large number of sweepers and scavengers were not allotted any residential quarters. In cases where residential quarters had been provided, the accommodation was generally inadequate. There was no proper maintenance of these quarters and many of them has developed cracks and were in a bad state. The allottees also tended to neglect the quarters because of the fact that they would have to vacate them on retirement. This would also mean that such needy persons would be rendered homeless after retirement because they do not qualify for allotment of low-cost houses under the schemes being implemented for poor Scheduled Caste and Scheduled Tribe families. To safeguard

against this situation, the Commission would recommend that some special low-cost housing schemes covering such persons may be introduced to ensure that scavengers and sweepers allotted such residential quarters while in service may continue to occupy them as owners on retirement. This would ensure proper maintenance of such quarters apart from bringing much needed relief to this poor and neglected section of the working classes.

2.23 In some of the colonies inhabited by sweepers and scavengers adequate civic and sanitary amenities like drinking water, public conveniences, electricity, etc. were lacking and community facilities like 'Aanganwadis', Community Centres and 'Creches' were also not provided. The Commission would suggest that while opening Integrated Child Development Projects, Adult Education Centres, Mahila Samajam, Balwadis etc. the State Harijan Welfare Departments should give preference to colonies inhabited by sweepers and scavengers by locating such institutions there.

2.24 Although the areas of the municipalities have expanded and the population has also increased significantly, there has been no proportionate increase in the employment of sweepers and scavengers. This has led to an increase in the workload of the existing workers. In Kumbakonam Municipality, 58 out of 363 posts of sweepers and scavengers were lying vacant. Likewise, out of the 421 sanctioned posts of sweepers and scavengers in Thanjavur Municipality, 13 were left unfilled. If sanctioned posts remain vacant for extended periods of time, this goes against the interest of the sweepers and scavengers. It is necessary for the respective State Governments, therefore, to take urgent steps to ensure that all these vacancies are filled up promptly. Steps may also be taken to regularise the services of the casual workers, who are engaged in unclean occupations. It has been observed that the sweepers and scavengers engaged as casual workers and on leave vacancies are not provided with scrapers and gum-boots etc. This is highly undesirable as all those engaged on such jobs should invariably be given the tools necessary for performing their assigned tasks properly.

2.25 The above observations/findings of the Commission arising out of the studies were forwarded to the State Governments for taking suitable remedial measures for ameliorating the living and working conditions of sweepers and scavengers. It is understood that the Health and Family Welfare Department, Government of Tamil Nadu and the Local Administration and Social Welfare Department, Government of Kerala are examining the issues raised in the study reports.

The Commission is of the view that State Governments should *suo moto* examine the living and working conditions of the sweepers, scavengers from time to time and take appropriate steps to remove all shortcomings. The supply of gum-boots and scrapers to all sweepers and scavengers should be made compulsory, and all vacancies should also be filled up on priority.

Representations regarding service grievances/harassment

2.26 One of the major items of work relating to the service safeguards provided for Scheduled Castes and Scheduled Tribes is to deal with the individual service grievances received from the Scheduled Caste/Scheduled Tribe candidates. Representations received from the aggrieved employees, their relations, the Scheduled Caste/Scheduled Tribe Welfare Associations and others are examined and taken up with the appropriate administrative authorities for redressal of the grievances. The progress of the individual cases and the final outcome are intimated to the representationists.

2.27 During 1984-85, representations numbering 3165 concerning 1112 cases of alleged service injustices were received at the Commission headquarters and appropriate action was taken thereon. The classification of the 1112 representations on the basis of the nature of the complaints is given below :

Nature of grievance	No. of cases
1. Appointment/Employment on compassionate grounds.	158
2. Delay in selection and issue of appointment orders.	12
3. Regularisation in service/re-employment	30
4. Promotion	202
5. Supercession/wrong fixation of seniority/reversion.	71
6. Non-payment of pending dues in selection grade, salary etc.	53
7. Non-implementation of reservation policy	98
8. Harassment/Discriminatory treatment by employers	97
9. Relaxation in experience, educational qualification, etc.	8
10. Transfer	81
11. Confirmation	10
12. Termination of service	41
13. Disciplinary action/adverse entries in the ACR and suspension	34
14. Compulsory retirement	2
15. Irregular appointments/False caste certificate	22
16. Difficulty in verification of caste certificate	7
17. Allotment of accommodation	27
18. Denial of training facilities	16
19. Other grievances	143

Redressal of grievances

2.28 The representations purely of local nature are forwarded to the field offices for taking up with the concerned State/UT administrations. Other cases are dealt with at the headquarters. During the year under report grievances of 57 Scheduled Caste/Scheduled Tribe applicants got redressed. The break-up of these is given below :

Grievance/Redressal	No. of cases
1. Selection for appointment against reserved point.	6
2. Qualifying in departmental examination on relaxed standard	1
3. Fixation of seniority	1
4. Reinstatement in service	5
5. Pay fixation and payment of arrear of pay, D.A. and other claims	4
6. Confirmation in service	1
7. Expunction of adverse remarks in the ACR	1
8. Reallocation of cadre	1
9. Acceptance of the claims as Scheduled Caste	1
10. Assurance for intimating details of reserved vacancies to the Scheduled Caste/Scheduled Tribe Association	1
11. Transfer to place of choice/cancellation of transfer orders	13
12. Promotions	22

2.29 The complaints/representations that are sent directly to the Directors and the Deputy Directors in the field offices are also taken up with the administrative authorities for the redressal of grievances.

Counselling to the Scheduled Caste/Scheduled Tribe representationists

2.30 Besides submitting representations, the aggrieved Scheduled Caste/Scheduled Tribe persons also visit the Commission and seek guidance for setting right any service injustices that may have been meted out to them. They are apprised of the various service safeguards provided to them and given advice about the manner in which to represent their cases in the light of the directives issued on service safeguards. During 1984-85, 258 Scheduled Caste/Scheduled Tribe persons met the officers of the Commission for such counselling.

2.31 This Chapter has attempted to review the position of reservations in the Ministries and Departments of Government of India, public sector undertakings, public sector banks and other Financial Institutions and State Governments and Union Territory Administrations. The overall position continues to be dismal even after three decades of the Nation's resolve to provide the Scheduled Castes and Scheduled Tribes with constitutional safeguards in services. Quite clearly our efforts have been unequal and our mechanism inadequate. Time has come to review these with utmost seriousness and determination. Stringent measures would have to be adopted to ensure that the weaker sections are not denied any more the safeguards provided for them in the Constitution. Measures like drastic curtailment in general recruitment till the backlog of reserved vacancies is filled up and prosecution of the authorities incharge of personnel management would merit consideration. There should be no soft options for those who violate Constitutional safeguards. The Commission would strongly recommend to the Government of India and the State Governments to vigorously implement the service safeguards and adopt a series of effective punitive measures to restrain those who wilfully flout the Constitution and the Presidential directives.

ANNEXURE I(A)

Comparative statement of representation of Scheduled Castes in the Nationalised Banks, State Bank of India and its subsidiaries and other financial institutions as on 1-1-84 and 1-1-85

Sl. No.	Name of the Bank/Institution	% of total representation					
		Officers as on		Clerks as on		Sub-staff as on	
		1-1-84	1-1-85	1-1-84	1-1-85	1-1-84	1-1-85
1	2	3	4	5	6	7	8
A. Nationalised Banks							
1	Central Bank of India	3.70	5.05	12.00	11.85	17.30	18.47
2	Bank of India	10.21	11.38	11.89	12.36	29.68	28.16
3	Punjab National Bank	8.43	8.68	11.39	16.90	31.31	31.85
4	Bank of Baroda	7.88	8.62	12.51	12.56	24.42	24.90
5	United Commercial Bank	5.00	5.71	16.30	11.51	22.98	23.17
6	Canara Bank	6.44	7.60	13.38	13.49	17.59	18.84
7	United Bank of India	2.50	2.54	15.20	15.44	18.81	23.00
8	Dena Bank	5.39	6.24	13.37	13.85	23.64	23.07
9	Syndicate Bank	7.89	8.91	13.01	13.42	27.16	27.70
10	Union Bank of India	4.65	6.35	15.96	16.68	30.69	31.96
11	Allahabad Bank	5.04	8.30	14.18	14.33	24.25	22.95
12	Indian Bank	9.26	9.63	15.72	17.48	31.20	31.51
13	Bank of Maharashtra	9.38	10.35	12.71	11.92	23.96	24.46
14	Indian Overseas Bank	9.13	9.36	20.91	20.79	35.56	35.34
15	Punjab & Sind Bank	1.04	1.42	2.77	3.63	6.00	7.78
16	Corporation Bank	1.10	1.48	5.06	8.08	19.62	25.12
17	Oriental Bank of Commerce	1.16	0.98	10.88	12.29	4.67	16.96
18	Vijaya Bank	1.04	0.78	2.84	4.10	9.49	11.14
19	New Bank of India	0.27	0.73	7.14	7.76	22.08	23.65
20	Andhra Bank	1.13	1.80	12.35	12.03	15.91	18.62
B. State Bank of India and its subsidiaries							
1	State Bank of India	2.90	2.83	14.80	15.44	22.23	22.50
2	State Bank of Bikaner and Jaipur	5.28	7.40	17.16	17.73	20.86	20.12
3	State Bank of Hyderabad	2.73	4.55	9.31	9.53	10.92	12.05
4	State Bank of Indore	2.86	6.23	15.11	13.93	19.53	20.98
5	State Bank of Mysore	3.62	5.29	10.05	9.63	12.12	16.77
6	State Bank of Patiala	5.93	9.83	17.88	17.72	36.08	37.32
7	State Bank of Saurashtra	6.95	10.11	12.75	12.33	11.87	16.19
8	State Bank of Travancore	5.30	6.62	11.63	11.86	22.01	21.80
C. Other Financial Institutions							
1	Reserve Bank of India	N.A.	5.42	N.A.	12.04	N.A.	22.26
2	Industrial Finance Corporation of India	5.35	5.57	13.46	12.87	26.90	28.64
3	Industrial Reconstruction Bank of India	6.32	6.52	9.72	10.00	26.66	26.67
4	Industrial Development Bank of India	5.60	6.65	15.20	14.16	27.34	27.89
5	National Bank for Agricultural & Rural Development	4.48	7.31	11.69	9.42	26.08	18.62
6	EXIM Bank		6.00	No Clerical posts in the Bank		—	—
TOTAL		5.05	5.72	13.48	13.83	22.95	23.79

ANNEXURE I(B)

Comparative statement of representation of Scheduled Tribes in the Nationalised Banks, State Bank of India and its subsidiaries and other Financial Institutions as on 1-1-84 and 1-1-85

Sl. No.	Name of the Bank /Institution	% of actual representation					
		Officers as on		Clerks as on		Sub-staff as on	
		1-1-84	1-1-85	1-1-84	1-1-85	1-1-84	1-1-85
1	2	3	4	5	6	7	8
A. Nationalised Banks							
1	Central Bank of India	0.70	0.96	3.60	3.93	3.59	3.49
2	Bank of India	3.97	4.54	3.60	3.93	5.04	5.08
3	Punjab National Bank	1.54	1.52	2.65	2.95	4.94	5.11
4	Bank of Baroda	1.00	1.21	2.08	2.41	5.49	4.94
5	United Commercial Bank	1.00	0.25	2.50	2.75	4.56	5.10
6	Canara Bank	2.41	2.71	3.15	3.97	2.45	2.13
7	United Bank of India	1.00	0.99	1.53	1.64	1.84	3.63
8	Dena Bank	1.70	2.13	4.30	5.07	9.37	9.19
9	Syndicate Bank	2.49	2.73	3.28	2.67	9.09	5.37
10	Union Bank of India	1.03	1.78	1.45	1.87	3.36	3.44
11	Allahabad Bank	0.79	1.34	1.54	3.07	1.95	2.48
12	Indian Bank	3.04	2.92	1.82	2.53	3.75	3.63
13	Bank of Maharashtra	2.20	2.97	2.29	4.05	7.32	7.16
14	Indian Overseas Bank	3.59	3.63	2.21	2.42	3.84	4.34
15	Punjab & Sind Bank	0.37	0.38	0.39	0.84	0.03	0.23
16	Corporation Bank	—	0.13	1.29	2.19	2.82	3.80
17	Oriental Bank of Commerce	0.31	0.29	1.47	2.03	2.14	3.51
18	Vijaya Bank	0.31	0.25	1.05	1.46	2.47	3.26
19	New Bank of India	0.08	0.11	1.21	1.33	1.40	3.69
20	Andhra Bank	0.52	0.68	1.73	2.91	6.30	6.83
B. State Bank of India and its subsidiaries							
1	State Bank of India	0.70	0.72	4.00	4.21	3.72	3.90
2	State Bank of Bikaner and Jaipur	0.14	1.51	4.44	4.22	4.09	4.55
3	State Bank of Hyderabad	0.87	0.97	0.89	0.88	2.38	2.53
4	State Bank of Indore	1.78	1.96	4.15	4.13	8.71	9.52
5	State Bank of Mysore	0.98	1.04	3.28	3.59	3.29	3.84
6	State Bank of Patiala	0.60	0.76	0.61	0.61	1.54	1.58
7	State Bank of Saurashtra	1.11	1.07	4.63	5.40	2.68	3.31
8	State Bank of Travancore	1.00	1.02	1.70	1.78	3.75	4.11
C. Other Financial Institutions							
1	Reserve Bank of India	N.A.	1.13	N.A.	5.62	N.A.	5.80
2	Industrial Finance Corporation of India	0.56	0.51	1.03	0.79	1.52	1.51
3	Industrial Reconstruction Bank of India	1.26	2.17	—	—	4.44	2.22
4	Industrial Development Bank of India	1.10	1.33	4.10	3.74	7.30	7.64
5	National Bank for Agricultural and Rural Development	1.79	3.55	11.69	3.46	7.60	3.29
6	EXIM Bank	—	2.00	No employee in the cadre		—	—
	TOTAL	1.34	1.48	2.95	3.41	3.96	4.32

ANNEXURE II

Actual representation of Scheduled Castes and Scheduled Tribes in services and posts under the State Governments and Union Territory Administrations

Sl. No.	Name of the States/UTs	Population percentage—1981		Prescribed quota of reservation	%of actual representation in services								Information as on
		SC	ST		SCs				STs				
					A	B	C	D	A	B	C	D	
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1.	Haryana	19.07	—	20% for SCs in direct recruitment for all groups of posts, 20% for SCs in promotion for groups C and D posts only.	3.0	5.2	8.1	42.5	—	—	—	—	30-6-85
2.	Jammu & Kashmir	8.31	—	8% in direct recruitment for all groups of posts. In promotion, where the D/R quota is 25% or less, the reservation is 8%. In other cases, it is 4%.	5.26 Gazetted	7.17 Non-Gazetted	12.52 Class IV						1-1-85
3.	Karnataka	15.07	4.91	15% for SCs and 3% for STs in D/R. Increased to 20% and 5% till the	12.28	7.09	10.88	17.85	1.81	1.41	1.88	2.32	31-3-84
4.	Kerala	10.02	1.03	8% for SCs and 2% for STs in direct recruitment only.	7.4 Gazetted (Group A & B)	9.4 Non-Gazetted (Group C)	12.5 Last grade (Group D)	0.5 Gazetted (Group A & B)	0.4 Non-Gazetted (Group C)	0.8 Last grade (Group D)			1-1-85
5.	Madhya Pradesh	14.10	22.97	15% for SCs and 18% for STs in Class I and Class II in D/R & promotion. 16% for SCs and 20% for STs in Class III and Class IV in D/R & promotion.	2.33	5.75	8.30	11.69	0.97	2.59	7.50	9.88	Not known
6.	Orissa	14.66	22.43	15% for SCs and 23% for STs in D/R and promotion.	2.82	2.33	9.13	17.39	1.35	1.25	6.06	9.97	30-7-85
7.	Tamil Nadu	18.35	1.07	18% combined reservation for SCs and STs in D/R only.	11.08 State services	12.8 Subordinate services	11.8 Ministerial services	11.6 General Subordinate services	0.02 State services	0.3 Subordinate services	0.08 Ministerial services	0.4 General Subordinate services	1-1-83
8.	Tripura	15.12	28.44	15% for SCs and 29% for STs in D/R & promotion.	2.36 Non-Tech. 4.61 Tech.	4.82	8.92	16.24	6.70	4.77	19.45	19.08	31-12-84
9.	Uttar Pradesh	21.16	0.21	18% for SCs and 2% for STs	6.77	7.50	13.62	17.80	0.42	0.45	0.35	0.36	1-1-85
10.	Chandigarh	14.09	—	12% for SCs and 5% for STs in D/R 15% for SCs and 7.5% for STs in promotion.	5.7	3.4	12.0	26.8	—	—	0.3	0.53	1-1-84

CHAPTER III

REMOVAL OF UNTOUCHABILITY AND IMPLEMENTATION OF THE PROTECTION OF CIVIL RIGHTS ACT

The practice of untouchability in any form stands abolished under Article 17 of the Constitution, but unfortunately even after three decades and a half, this social evil continues to be in practice in varying degrees in many parts of the country, especially in the rural areas.

3.2 Review of untouchability offences : Annexure I brings out a comparative statement of cases registered under the Protection of Civil Rights Act, 1955 from 1982 to 1984. This, however, hardly reflects a true picture of the magnitude of untouchability actually being practised in various States. This is mainly because of the fact that quite a large number of victims do not seek legal redress by way of lodging a report with the police for one reason or the other. Many untouchability cases thus remain unrecorded. Hence the number of cases reported by the States does not correctly reflect the magnitude of untouchability actually prevailing there. In States like Bihar and Rajasthan, the problem of untouchability obtains in an acute form but they have been reporting significantly lower number of cases compared to States like Tamil Nadu, Maharashtra and Karnataka. In fact, in States where the government machinery is a little more alert and sensitive to the indignity suffered by the members of the Scheduled Castes and the police officials go in for initiating *suo moto* cases against the untouchability offenders, the number of cases registered by the police is higher as compared to others. Data received from the States, therefore, do not always reflect the correct picture. The Commission feels that eradication of untouchability is not a matter only for police action but equally of social awareness and decisive social action. Government should take positive measures to develop this awareness which, on the one hand, would go a long way to help eradicate untouchability and, on the other, instill courage among the members of the Scheduled Castes to stand up against the offenders. It is, at the same time, equally important to ensure prompt investigation by the police and speedy trials in the courts.

3.3 The Commission collected information from the States/Union Territories regarding the number of cases registered under the

Protection of Civil Rights Act and disposed of by the police as also those received and disposed of by the courts pertaining to the years 1981 to 1984. A statement showing the number of cases registered and disposed by the police and the courts during the years 1981 to 1984 is appended at Annexure II. Annexure III is a statement showing state-wise registration and disposal of the PCR Act cases by police, while Annexure IV gives a similar statement in respect of receipt and disposal by the courts during the year under review. An analysis of these statements goes to show that, on an average, 25% of the total number of cases are received in the courts and the percentage of those ending in conviction during the same period works out to as low a figure as 14. A further analysis shows that only 10% of the cases registered by the police during 1984 ended in conviction of the accused, while in the remaining 90% cases the accused either got away at the stage of police investigation or got exonerated by the court for want of sufficient evidence or otherwise. The State Governments would do well to review this unhappy position with due seriousness. One of the main reasons for a number of cases having ended in filing of final reports by the police, is the weak socio-economic condition of the victims and their witnesses. The factors attributing to a large number of cases ending in acquittal in courts include defective investigation by the police, ineffective or indifferent handling of cases by the prosecuting staff in the courts, and the victims as also their witnesses yielding to pressure, promises, allurements or intimidation. In many cases, the victims are discouraged from pursuing their cases effectively due to long-drawn trials in the courts.

3.4 The Commission, therefore, recommends that the States should get the causes of failure of untouchability cases in the courts critically examined regularly at the appropriate level. In cases of acquittal arising out of indifferent handling or wilful negligence on the part of the police or prosecuting officials, the Government should ensure that deterrent action is taken against the defaulters. On the other hand, due recognition and suitable incentive should be given to officers showing good performance.

3.5 As untouchability continues to be practised without any appreciable abatement mostly in the areas in which orthodox values and deep-rooted old fashioned customs prevail, it is high time for both the Central and the State Governments to make a more determined bid to launch a multi-pronged attack on this evil practice through an effective combination of efforts by voluntary agencies, educational institutions, cultural organisations etc.

3.6 Implementation of the Protection of Civil Rights Act, 1955 : Section 15A of the Protection of Civil Rights Act, 1955 has fixed responsibility on the Government of India to lay in both the Houses of Parliament a report every year highlighting the measures taken by the Central and State Governments aimed at elimination of untouchability. In pursuance of this provision, the Ministry of Welfare placed the 7th Annual Report for the year 1984 on the Table of the Rajya Sabha on 21-2-1986 and that of the Lok Sabha on 26-2-1986.

3.7 While describing the measures taken by the Central Government for the all-round development for the Scheduled Castes as also eradication of untouchability, the Report presented by the Ministry of Welfare for the year 1984, *inter alia*, highlighted the role played by the Ministry of Information & Broadcasting to mould the public opinion in bringing about a change against the evil of untouchability through the All India Radio, Doordarshan, Press Information Bureau, the Publicity Division, the Directorate of Advertising and Visual Publicity, Director of Field Publicity and the Song and Drama Division.

3.8 The State Governments/Union Territory Administrations are, under Section 15A of the Act, required to take such measures as may be necessary for providing adequate facilities including (i) legal aid, (ii) appointment of officers for initiating or exercising supervision over prosecution; (iii) setting up Special Courts; (iv) appointment of committees at appropriate levels; (v) conducting periodic surveys on the working of the provisions of this Act; and (vi) identification of areas where persons suffer any disability arising out of untouchability. The State Governments are also required to take any other measures which they may deem fit for the removal of untouchability. The measures taken by the State Governments/Union Territory Administrations are, in brief, as under :

(i) **Legal Aid :** Schemes for sanction of legal aid to the members of Scheduled Castes, who are victims of untouchability/atrocities, have been formulated by the States of Bihar, Gujarat, Haryana, Madhya Pradesh

and Tripura. Karnataka has appointed advocates as Legal Advisors in each district to render free legal aid to the members of Scheduled Castes and Scheduled Tribes. The States of Assam, Kerala, Punjab, Rajasthan, Tamil Nadu and Union Territory of Pondicherry do not have any separate legal aid scheme for the victims of untouchability. They, however, provide free legal aid to any citizen, including the members of the Scheduled Castes, for reasons of economic or other disability. Himachal Pradesh and Chandigarh have not framed any scheme for providing legal aid while in Uttar Pradesh the Law Department of the State Government has been looking after the work relating to legal aid since 1962-83. In West Bengal, though there is no separate legal aid scheme in force under the Protection of Civil Rights Act, the same is reportedly being processed.

Most of the States have, however, fixed an upper income limit ranging from Rs. 1,000 to Rs. 7,200 per annum for a person to be eligible to avail of this facility. In Rajasthan, any person whose income is not above Rs. 1,000 per annum is entitled to free legal aid through the Legal Aid Board. Income limit is, however, not applicable to the members of Scheduled Castes and Scheduled Tribes.

The Commission would recommend that the State Governments should waive the income ceiling in respect of the members of the Scheduled Castes and give adequate publicity to this scheme so that maximum number of victims of untouchability or other disabilities are able to derive benefit out of it.

(ii) **Appointment of Officers :** The State Governments of Bihar, Gujarat, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Tamil Nadu and Uttar Pradesh and the Union Territories of Delhi and Pondicherry have established Special Cells at the State and/or other levels for initiating or exercising supervision over prosecution of the PCR Act cases. The Bihar Government, besides establishing a Harijan Cell in Home (Police) Department under an officer of the rank of Deputy Inspector General of Police and a Harijan-cum-Adivasi Cell at the State level in Home Department with similar Cells at divisional, district, sub-division and block levels, has established 11 Harijan Police Stations for registering and investigating cases of atrocities against Scheduled Castes and Scheduled Tribes exclusively. The State Government is contemplating to set up 14 more such Police Stations. In Karnataka, the Special Cell called "Civil Rights Enforcement Cell", which was set up in 1974, was re-organised in 1980 by creating four regional offices. In Kerala, over and above the Special Cell

in the Police Headquarters under a Deputy Inspector General of Police, two Police Squads have been set up. In Madhya Pradesh, in addition to the Special Cell established in Harijan and Tribal Welfare Department, seven Special Harijan Welfare Police Stations have been set up at an equal number of district headquarters. In Tamil Nadu, besides a Special Cell at the District-level, a mobile Police Squad has been functioning to supplement the work done by the Police Stations in all the 20 districts of the State. Punjab, West Bengal and Chandigarh have not set up any fullfledged machinery under this provision. West Bengal has, however, set up a nucleus cell at the State level and Special Officers at the district, sub-division and block levels who attend to the work under the Protection of Civil Rights Act in addition to their normal duties.

The Commission finds that while a number of States have taken steps in the direction of appointment of officers for initiating or exercising supervision over prosecution for the contravention of the provisions of this Act, none of the States seem to be having any in-built mechanism to periodically evaluate their functioning so as to take corrective measures wherever and whenever necessary. As a result, the steps taken under this provision do not seem to be having the desired impact on the eradication of untouchability. The Commission, therefore, recommends that the State Governments should periodically evaluate the arrangements made by them under this provision of the Act.

(iii) **Special Courts** : Rajasthan, Andhra Pradesh, Tamil Nadu, Bihar, Madhya Pradesh and Karnataka have since set up Special Courts for trying both PCR Act and atrocity cases. Most of the Special Courts, however, are located at the district headquarters and do not hold circuit courts to facilitate speedy trials. In Gujarat, the State Government got the feasibility of establishing Special Courts examined in consultation with the High Court of Gujarat, but the high Court was of the view that such Special Courts, if established, would not be having sufficient work.

The Commission is of the view that the Special Courts cannot serve the purpose for which they have been set up unless they are mobile. The Commission, therefore, reiterates its earlier recommendation that the six State Governments that have set up Special Courts should ensure their mobility so as to make them effective and purposeful. The Commission would also recommend that the remaining States, especially Gujarat, Maharashtra and Uttar Pradesh, in which the

number of cases of untouchability and atrocity is quite high, should review the position and set up mobile Special Courts at the earliest.

(iv) **Appointment of Committees** : State-level committees have been set up to assist the State Government in formulating or implementing measures for eradication of untouchability in States of Assam, Bihar, Gujarat, Haryana, Karnataka, Kerala, Madhya Pradesh, Rajasthan, Tamil Nadu, Tripura, Uttar Pradesh and West Bengal and the Union Territory of Pondicherry. No such committee, however, exists in Himachal Pradesh, Punjab and Chandigarh. In Delhi, though there is no specific committee to deal with the problems of untouchability, there is a Scheduled Castes and Scheduled Tribes Welfare Board which is an advisory body to the Directorate for the Welfare of Scheduled Castes and Scheduled Tribes.

Though many States have set up committees in pursuance of the provision of the Protection of Civil Rights Act, they do not hold their meetings regularly. This defeats the very purpose for which the committees have been set up. The Commission recommends that the State Governments should ensure that such committees hold their meetings according to a fixed schedule.

(v) **Periodic Surveys** : Periodic surveys are required to be carried out with a view to suggesting measures for better implementation of the Act. The States of Bihar, Gujarat and Madhya Pradesh have conducted such surveys. In Bihar, the A. N. Sinha Institute of Social Studies, Patna conducted about half a dozen studies, two of them in 1984. In Gujarat, a survey was conducted in 123 villages. Madhya Pradesh carried out survey work in 11 villages of Sagar district. Tamil Nadu conducted such surveys in 564 untouchability-prone villages whereas in Uttar Pradesh certain surveys were carried out in Allahabad district. The Cultural Research Institute of West Bengal surveyed 17 villages during 1984-85. There is no information of surveys being undertaken by the other States/Union Territories and the Commission is of the view that much is required to be done by the States/Union Territories, especially Andhra Pradesh, Bihar, Gujarat, Madhya Pradesh, Maharashtra, Orissa and Rajasthan in regard to periodic surveys on the working of the provision of the Protection of Civil Rights Act and identification of effective measures for the eradication of untouchability.

(vi) **Identification of untouchability-prone areas** : Except for Bihar and Tamil Nadu, no other State/Union Territory has identified any district or area as specially prone to

untouchability. In Bihar, the L. N. Mishra Institute of Economic Development and Social Change, Patna identified seven districts as untouchability-prone, whereas in Tamil Nadu 564 villages/hamlets have been identified as such, and out of these, 64 villages/hamlets were identified in 1984 itself.

The Commission would urge the States/Union Territories, especially those where the problem of untouchability obtains in acute form, to undertake the exercise of identifying untouchability-prone areas without any further delay so that they could concentrate their attention on eradication of untouchability in such areas.

3.9 Other measures taken by State Governments/Union Territory Administrations for eradication of untouchability: Several States/Union Territories such as Assam, Bihar, Kerala, Haryana, Tamil Nadu, Madhya Pradesh and Tripura have introduced a scheme for giving incentive to inter-caste married couples where one of the spouses is a member of a Scheduled Caste. In Bihar the work of propagation of the provisions of the Protection of Civil Rights Act was carried on during the year under review through the Bihar State Scheduled Castes Development Corporation, Patna. In Gujarat, mass media programmes were undertaken by way of organising film shows etc. for bringing about a social awareness about untouchability, and an intensive campaign for its eradication was launched by observing "Gandhi Saptah" from October 2, 1964. In Karnataka, the Civil Rights Enforcement Cell participated in the

publicity programme undertaken by the Information and Publicity Department. In Kerala, the Harijan Welfare Department organised seminars, community feasts, display of films on the evils of untouchability etc. and observed "Social Solidarity Fortnight" from October 2 to 16, 1984. In Madhya Pradesh, "Protection of Civil Rights Week" was observed from November 26 to December 2, 1984 and cash awards were given to the Panchayats for doing commendable work for eradication of untouchability. In Tamil Nadu, "Adi-Dravidar Welfare Week" was observed, as in previous years, from January 24 to 30, 1984 by organising meetings to focus the attention of the people on the evils of untouchability and its removal. A publicity unit was sanctioned for printing posters and producing films for exhibition in cinema houses and a documentary film on the eradication of untouchability titled "Teertha Yatra" was produced. The film was released in November, 1984 for screening in cinema houses. In Uttar Pradesh, a Publicity and propaganda Unit has been set up at the State level for organising publicity through wall posters, distribution of pamphlets etc. In West Bengal, an orientation training of block level Inspectors was started during 1984-85 on matters relating to the Protection of Civil Rights Act. In Chandigarh, slogans such as "Untouchability is a Crime Against God and Man" were got printed on the wall calendars and diaries of the Chandigarh Administration; and the Chandigarh Transport Undertaking gave publicity to slogans on the theme of untouchability by displaying them on their buses.

ANNEXURE I

Comparative Statement of Protection of Civil Rights Act Cases registered during 1982 to 1984 in various States/Union Territories

State/Union Territory	Number of Cases Registered with Police		
	1982	1983	1984
1	2	3	4
Andhra Pradesh	263	385	269
Bihar	28	16	11
Gujarat	347	306	271
Haryana	5	5	Nil
Himachal Pradesh	6	6	4
Jammu & Kashmir	4	5	2
Karnataka	674	567	532
Kerala	29	37	37
Madhya Pradesh	337	390	370
Maharashtra	769	558	510
Orissa	125	90	NA
Rajasthan	186	193	168
Tamil Nadu	1105	1205	1402
Uttar Pradesh	186	173	208
Delhi	3	11	7
Goa, Daman & Diu	3	2	Nil
Pondicherry	12	16	15
TOTAL	4,082	3,965	3,806

There are no Scheduled Castes in Nagaland, Lakshadweep and Andaman & Nicobar Islands. Information in respect of Meghalaya, Sikkim, Tripura, Arunachal Pradesh, Dadra & Nagar Haveli and Mizoram is nil whereas in respect of the remaining States/Union Territories it is not available.

ANNEXURE II

Statement showing number of cases registered and disposed of by Police and Courts during 1981 to 1984

Year	Brought Forward		No. of fresh Cases registered with Police	No. of Cases disposed of by the Police, ending in			No. of Cases disposed of by the Courts and ending in			No. of Cases pending for	
	Police	Court		Final report	Challan	Total	Conviction	Acquittal	Total	Investigation	Trial
1	2	3	4	5	6	7	8	9	10	11	12
1981	698	4995	4085	982	2865	3847	441	2085	2526	936	5334
1982	690	4547	4087	897	2665	3562	199	1633	1832	1215	5380
1983	864	6347	3965	791	2902	3693	243	1707	1950	1136	7299
1984	455	5706	3806	1053	2708	3761	325	1781	2106	500	6308

ANNEXURE III

Statement showing registration and disposal of cases under PCR Act by Police during 1984

State & U.T.	No. of Cases with Police			No. of Cases disposed of by Police and ending in			No. of Cases pending with Police for Disposal
	BF	Fresh	Total	Final Report	Charge Sheet	Total	
1	2	3	4	5	6	7	8
Andhra Pradesh	—	269	269	118	151	269	—
Bihar	11	11	22	1	9	10	12
Gujarat	3	271	274	25	240	265	9
Himachal Pradesh	—	4	4	1	3	4	Nil
Jammu & Kashmir	1	2	3	2	1	3	—
Karnataka	139	532	671	78	371	449	222
Kerala	—	37	37	11	26	37	—
Madhya Pradesh	15	370	385	16	334	350	35
Maharashtra	129	510	639	268	317	585	54
Rajasthan	5	168	173	78	86	164	9
Tamil Nadu	99	1402	1501	368	1020	1388	113
Uttar Pradesh	41	208	249	80	136	216	33
Delhi	7	7	14	1	9	10	4
Pondicherry	5	15	20	6	5	11	9
TOTAL	455	3806	4261	1053	2708	3761	500

ANNEXURE IV

Statement showing registration and disposal of PCR Act cases by Court during 1984

States & U.T.	No. of Cases with Court			Number of Cases disposed of by Court and ending in			Number of Cases pending for Trial
	BF	Fresh	Total	Conviction	Acquittal	Total	
1	2	3	4	5	6	7	8
Andhra Pradesh	NA	151	151	6	1	7	144
Bihar	156	9	165	—	—	—	165
Gujarat	107	240	347	5	148	153	194
Himachal Pradesh	3	3	6	—	—	—	6
Jammu & Kashmir	Nil	1	1	—	—	—	1
Karnataka	789	371	1160	—	23	23	1137
Kerala	43	26	69	—	8	8	61
Madhya Pradesh	1117	334	1451	103	72	175	1276
Maharashtra	1575	317	1892	96	445	541	1351
Rajasthan	337	86	423	31	54	85	338
Tamil Nadu	1083	1020	2103	54	937	991	1112
Uttar Pradesh	476	136	612	27	85	112	500
Delhi	18	9	27	—	5	5	22
Pondicherry	2	5	7	3	3	6	1
TOTAL	5706	2708	8414	325	1781	2106	6308

CHAPTER IV

ATROCITIES AGAINST SCHEDULED CASTES AND SCHEDULED TRIBES

An almost unabated perpetration of atrocities against members of the Scheduled Castes and Scheduled Tribes continues to be a matter of deep concern for the Commission. This situation tends to negate the norms of freedom and equality for all as enshrined in our Constitution. It is also a pointer to the grim reality that despite protective provisions in the Constitution, a majority of the members of the Scheduled Castes and Scheduled Tribes still continues to be suppressed due to their socio-economic conditions.

Review of incidence of atrocities against Scheduled Castes

4.2 A statement showing the number of incidents of atrocities on Scheduled Castes during the years 1982 to 1984 is appended at Annexure I. A review of the available atrocity data for the years 1982 to 1984 presents a somewhat disturbing trend: the overall number of cases of atrocity against the Scheduled Castes that had declined from 15051 in 1982 to 14847 in 1983, recorded an increase to 16586 in 1984. In 1984, the highest number of atrocity cases was reported from Madhya Pradesh (6128), followed by Uttar Pradesh (4200), Bihar (1845) and Rajasthan (1648). These states, together with Tamil Nadu (489), Gujarat (690) and Maharashtra (579) among themselves accounted for about 95% of the total number of cases of atrocities reported during the year under review.

4.3 A state-wise comparative review of the atrocity cases against Scheduled Castes shows a consistently rising trend during the years 1982 to 1984 in the states of Madhya Pradesh (4749, 5292 and 6128 cases), Gujarat (455, 476 and 690) and Tamil Nadu (153, 300 and 689 cases). The rise was rather steep in the case of Tamil Nadu. On the other hand, Karnataka (363, 194 and 169), Jammu & Kashmir (45, 23 and 11), Pondicherry (7, 3 and 1) and Goa, Daman & Diu (2, 1 and 0) registered a declining trend during the same period. The states in which the declining trend in the number of atrocity cases in 1983 as compared to 1982 got reversed in 1984 with the increase being recorded in varying degrees were Andhra Pradesh (213, 181 and 190), Bihar (2073, 1809 and 1845), Himachal Pradesh (73, 47 and 56), Haryana (144, 113 and 120), Punjab (73, 36 and 46), Rajasthan, (1731, 1604 and 1648)

and Uttar Pradesh (3977, 3851 and 4200). In Maharashtra, however, though the number of cases increased from 680 in 1982 to 704 the following year, there was a decline with 579 cases having been reported in 1984. The Commission has been drawing the attention of the concerned States from time to time towards the significant upward fluctuation/trend in the crime figures and urging them to take suitable preventive steps to arrest the same.

4.4 A crime-wise review of incidents of atrocity against Scheduled Castes (Annexure II) shows that there was a consistent rise in the number of cases falling in two major heads of offences, viz, murder and rape: the number of cases of murder rose from 514 in 1982 to 525 in 1983 and further to 551 in 1984 and in case of rape, the number rose from 635 to 641 and then to 696 during the same years respectively. Bihar, Madhya Pradesh and Uttar Pradesh reported a marked increase in cases of murder during 1984. The rise in the number of rape cases has been constant in the states of Madhya Pradesh, Karnataka, Himachal Pradesh and Gujarat during the years 1982 to 1984. The overall figures of arson cases, however, recorded a decline from 1035 in 1982 to 994 in 1983 and further to 988 in 1984. This was mainly because of the declining trend in cases under this head in Andhra Pradesh, Bihar and Gujarat. Uttar Pradesh, however, recorded a reverse trend (327, 344 and 377) in arson cases during the same period. Under the heads of violence and other IPC cases, fewer cases were reported on the whole in 1983 as compared to 1982 but there was again an increase in 1984.

Review of incidence of atrocities against Scheduled Tribes

4.5 A statement showing the number of cases of atrocity committed against the Scheduled Tribes during the years 1982 to 1984 is appended at Annexure III. The overall figures of atrocities against the Scheduled Tribes increased in 1983 as against 1982 but there was a decline during 1984. There has been a constant increase in the number of cases of atrocity against STs in Andhra Pradesh (31, 33 and 55), Bihar (85, 115 and 203), Kerala (10, 17 and 83) and Orissa (NA, 11 and 28)

during this period. In Gujarat, though the number of cases came down in 1983 as compared to 1982, there was again a marked rise in 1984. In Rajasthan the trend during the years 1982 to 1984 was of gradual decline. Madhya Pradesh continued to report about two-third of the total number of cases reported throughout the country. In Maharashtra, there was a rise in the number of cases in 1983 over 1982 but the same declined in 1984. Other states recorded minor fluctuations.

4.6 As may be seen from the table at Annexure IV, (which shows offence-wise distribution of atrocity cases against Scheduled Tribes) the cases of rape against Scheduled Tribe women have shown an upward trend, whereas the incidence of violence and other IPC offences has registered a continuous decline during the year 1982 to 1984. The incidence of crimes of murder and arson showed an upward trend during the year 1983 as compared to 1982, but the same declined in 1984.

In its fifth report, the Commission observed that —

“a definite and foolproof system is required to be evolved to ensure correctness of the statistics”.

The position does not seem to have improved since then and the Commission continues to have a feeling that the figures furnished by some of the states are not complete and hence do not reflect the actual position. The Commission, therefore, recommends once again that the states should give serious thought to proper compilation of data on offences committed against the Scheduled Castes and Scheduled Tribes and evolve a fool-proof system that can ensure that correct periodical returns/reports are sent by them to the Government of India and to this Commission.

Disposal of atrocity cases by the Police

4.7 The disposal by the police of cases of atrocities against the Scheduled Caste victims during the year 1984 has been shown in the statement at Annexure V. The number of cases pending investigation increased in Madhya Pradesh, Andhra Pradesh, Gujarat, Himachal Pradesh, Tamil Nadu and Maharashtra, whereas the same came down in varying degrees in Kerala, Rajasthan, Uttar Pradesh and West Bengal. The requisite information was not furnished by Bihar, Haryana, Jammu & Kashmir, Karnataka, Orissa and Punjab. The number of cases ending in final report particularly in Gujarat, Madhya Pradesh, Maharashtra, Rajasthan, Tamil Nadu and Uttar Pradesh is rather on the high side and warrants the attention of the respective State Governments.

4.8 The position of disposal by police of the cases of atrocities against Scheduled Tribes is shown at Annexure VI. It may be observed that the number of cases pending investigation increased in Andhra Pradesh, Madhya Pradesh, Maharashtra and Tamil Nadu, whereas the disposal was better in Kerala, Rajasthan and West Bengal. No information was furnished by Bihar, Gujarat, Karnataka, Manipur, Orissa, Assam and Andaman & Nicobar Islands.

Disposal of atrocity cases by the Courts

4.9 The disposal of the cases of atrocities against the Scheduled Castes in courts during the year 1984 (Annexure VII) has been rather disappointing as the number of such cases pending trial accumulated further in all the States. Out of the total number of cases disposed of by the courts, the percentage of cases convicted in Andhra Pradesh was 53, Madhya Pradesh 82, Maharashtra 32, Rajasthan 44, Tamil Nadu 10 and in Uttar Pradesh 50. The State of West Bengal recorded 100 per cent acquittal during the year under review.

4.10 The number of cases of atrocities against the Scheduled Tribes pending trial in courts at the end of year 1984 (Annexure VIII) has increased in Andhra Pradesh, Kerala, Maharashtra, Tamil Nadu and West Bengal. In Andhra Pradesh, all cases ended in acquittal, whereas in Kerala the percentage of conviction was 20, in Madhya Pradesh 51, Maharashtra 45 and in Rajasthan 37. Information in this connection was not furnished by Bihar, Gujarat, Karnataka, Manipur and Orissa.

4.11 To ensure speedy disposal of cases in the courts, the Commission recommends that the prosecution witnesses attending courts should be paid bus/train fare in addition to the day's minimum wage as fixed by the State on the dates of hearing irrespective of the fact whether the evidence is recorded on that day or not. This would encourage the witnesses to attend the courts on the dates fixed and would, thus, facilitate speedy trials.

4.12 The Commission also recommends that the State Governments should ensure that suitable directions are sent to the district and lower courts to give priority to disposal of the cases of atrocities against Scheduled Castes and Scheduled Tribes. The courts may also take necessary steps to maintain separate records of such cases. It would help improve the situation further if the District Judges were required to watch the disposal of such cases every month. District level review committees may be formed under the District Magistrates with the

District Superintendent of Police and the District Public Prosecutors as members to review the disposal of such cases. These committees may meet at least once a month and take suitable action for ensuring speedy disposal of atrocity cases.

Atrocity-prone areas

4.13 According to information available, 48 districts in seven States have been identified as atrocity-prone areas from the point of view of crimes against the Scheduled Castes (Annexure IX) and 19 districts in two States as sensitive from the point of view of crimes against the Scheduled Tribes. It is suggested that the remaining States, particularly, Uttar Pradesh and Rajasthan should identify such areas/districts in respect of Scheduled Castes and the States of Madhya Pradesh, Andhra Pradesh, Rajasthan and Gujarat in respect of Scheduled Tribes.

Causative factors behind atrocity

4.14 Unresolved land disputes caused particularly due to allotment of government land or distribution of surplus land to the landless Scheduled Castes and Scheduled Tribes, tension and bitterness created on account of non-payment or under-payment of minimum wages prescribed by the State Governments, a sense of awareness amongst the Scheduled Castes and Scheduled Tribes for the realization of their rights and privileges as enshrined in the Constitution etc. continue to be the principal factors responsible for the commission of atrocities. The incidence of atrocity is found to be low in the States in which the literacy rates and economic development of Scheduled Castes and Scheduled Tribes are comparatively higher. Lack of education and economic backwardness are exploited by unscrupulous money-lenders, contractors and the land-owning upper castes. In the rural power structure there is no let up in the attempt on the part of influential land-owners belonging to the upper castes to continue with the age-old stronghold and hegemony over the Scheduled Castes and Scheduled Tribes. The Commission, therefore, recommends that the State Governments/UT Administrations should take firm steps to remove the causative factors that lead to atrocity. Besides, in most cases the incidence of atrocity can be averted if timely intelligence is available to the authorities enabling them to take preventive steps. The Commission is, therefore, of the view that the intelligence organisations of the Central/State Governments should be charged with the special responsibility of collecting advance intelligence with regard to inter-caste tensions involving the Scheduled Castes/Tribes so as to help the district authorities to preempt their overt manifestation.

Monetary relief to victims of atrocity

4.15 A uniform scale of monetary relief to Scheduled Caste and Scheduled Tribe atrocity victims was recommended by this Commission in September 1981. The scheme has since been accepted by Andhra Pradesh, Bihar, Gujarat, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Uttar Pradesh, Rajasthan, Orissa, Dadra & Nagar Haveli, Andaman & Nicobar Islands, Mizoram, Delhi and Pondicherry. Sikkim and Chandigarh do not have atrocity problem but they have informed that they are taking steps to adopt the scale of relief as recommended by the Commission. The State of Assam has accepted the scheme and is awaiting approval of the same from the Government of India. The Punjab Government recently expressed its inability to accept the Commission's scale on the ground of paucity of funds. Tamil Nadu and Jammu & Kashmir Governments are still considering the matter. Manipur does not have a scheme to provide any assistance to the atrocity victims. West Bengal has conveyed its willingness to accept the scale recommended by the Commission provided the expenditure involved is borne by the Central Government. Arunachal Pradesh, Lakshadweep, Meghalaya, Goa, Daman & Diu, Tripura and Nagaland have no atrocity problem and they, therefore, do not have any such scheme.

4.16 The Commission reiterates its earlier recommendation that the States/UTs, especially Assam, Punjab, Tamil Nadu and West Bengal who have not accepted the Commission's scheme of financial relief so far, may do so early.

BONDED LABOUR

4.17 In its earlier reports, the Commission dealt with the historical background of the bonded labour system and the Constitutional and legal provisions to abolish the same. The steps taken by the States in identification, release and rehabilitation of bonded labourers, and the assistance provided by the Government of India in this regard were also critically examined. In this report, an effort has been made to evaluate the effectiveness of the Bonded Labour System (Abolition) Act, 1976 with particular reference to the extent to which the bonded labourers have been identified, released and rehabilitated as also the impact of the implementation of the mandatory provisions of this Act.

4.18 The existence of the bonded labour system in one form or the other has been reported from 11 States, viz. Andhra Pradesh, Bihar, Gujarat, Rajasthan, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Tamil Nadu and Uttar Pradesh. According to

an estimate of the Programme Evaluation Organisation of the Planning Commission, 83.2% of the total number of bonded labourers belong to Scheduled Castes and Scheduled Tribes. In Uttar Pradesh 91.7% of the total bonded labourers are from the Scheduled Castes, followed by Andhra Pradesh and Karnataka (both 80.5%) and Bihar (70.8%). Similarly 86.7% of the total bonded labourers in Rajasthan belong to the Scheduled Tribes followed by Madhya Pradesh (71%), Orissa (65.8%) and Tamil Nadu (45%).

4.19 The bonded labour system having a long history and the malady having gone deep into the society, vested interests continue to operate and conceal its existence. Under the influence of such vested interests, some of the State Governments have denied the existence of bonded labour in their States. In this background, the Commission would recommend that instead of depending entirely on their machinery, the State Governments should also associate voluntary agencies and social organisations in identification of the bonded labour so that they could take proper steps to get them released and rehabilitated.

4.20 Section 13 of the Bonded Labour System (Abolition) Act, 1976 lays down that Vigilance Committees shall be constituted at the district and sub-divisional levels with a view to ensuring proper implementation of the provisions of the Act, particularly relating to identification and rehabilitation of freed bonded labourers. According to the Act, the main functions of the Vigilance Committees are :

- (a) to advise the District Magistrate or any officer authorised by him to ensure that the provisions of the Act are properly implemented ;
- (b) to provide for the economic and social rehabilitation of the freed bonded labourers ;
- (c) to coordinate the functions of the rural banks and cooperative societies with a view to canalising adequate credit to the freed bonded labourer ;
- (d) to keep an eye on the number of offences of which the cognizance has been taken under the Act ;
- (e) to make a survey as to whether there is any offence of which cognizance ought to be taken under the Act ; and
- (f) to defend any suit instituted against a freed bonded labourer for the recovery of the bonded debt

4.21 The Ministry of Labour informed the Parliament on 21st January 1985 that Gujarat, Haryana, Tamil Nadu, Arunachal Pradesh, Assam, Himachal Pradesh, Nagaland and Delhi had since set up vigilance committees at the district and sub-divisional levels. Orissa, Andhra Pradesh, Madhya Pradesh, Maharashtra, Bihar, Meghalaya, Uttar Pradesh, Kerala, Rajasthan, West Bengal and Pondicherry had also set up such committees, though not in each district and sub-division. Karnataka, Punjab, Jammu & Kashmir, Sikkim, Andaman & Nicobar Islands, Tripura, Goa, Daman & Diu, Dadra & Nagar Haveli and Mizoram were taking action to constitute such committees or to reconstitute the defunct committees.

4.22 The Commission reiterates its recommendation that as provided in the Act, vigilance committees should be constituted by every State in all the districts and sub-divisions. It is also equally necessary to activate the defunct vigilance committees.

Studies conducted by the Commission on Bonded Labour

4.23 The Commission asked its nine field offices to conduct studies to evaluate the implementation of the Bonded Labour System (Abolition) Act, 1976 in the States under their jurisdiction. The position as emerged from the studies is as follows :

- (i) In Bihar, while in West Champaran District Vigilance Committees were formed both at the district and the sub-divisional levels and they have been meeting at regular intervals, no district-level Vigilance Committee was functioning in Munger District. In the two districts of Chittorgarh and Kota under study in Rajasthan, Vigilance Committees had been set up.
- (ii) Under the centrally sponsored scheme of rehabilitation of bonded labourers, an amount of Rs. 500 is required to be paid to a bonded labourer immediately after his release as an immediate relief for his subsistence. Out of 50 released bonded labourers of Chittorgarh district of Rajasthan interviewed during the study, only 37 were paid the immediate relief. In Kota district, all the released beneficiaries, who were interviewed had been provided with immediate relief of Rs. 300 only instead of the stipulated amount of Rs. 500. No subsistence allowance was paid to the beneficiaries in Karnataka and Tamil Nadu. Bihar seems to have evolved a system of its own under which immediately after release a bonded labourer was paid a social security pension of Rs. 30 p.m. under the provisions of the Bihar State Social Security Rules, 1981 till he is fully rehabilitated.

(iii) A ceiling of Rs. 4000 has been fixed for the rehabilitation of a bonded labourer. In Karnataka, this amount was found to be insufficient particularly for rehabilitation through animal husbandry schemes. Due to inadequate funds sub-standard animals were purchased which either died or soon became liabilities. Besides, none of the freed bonded labour beneficiaries received assistance for their economic upliftment from any other source like IRDP etc. in Karnataka. In the two districts of Rajasthan, no specific institutional support by any Government or semi-Government agency was provided to the freed bonded labourers.

(iv) In five cases in district Chittorgarh of Rajasthan, assistance was not provided according to the option given by bonded labourers. In district Kota also, the suitability factor was not taken into view in a majority of cases. In Karnataka, the assistance was given without taking into account the resources position or skill of the beneficiaries. The milch cattle scheme was found to be the most popular in the two districts of Bihar as 80 out of the 88 selected beneficiaries were assisted under this scheme but unfortunately not a single person freed from bondage could improve his status. The incidence of high mortality rate amongst the animals supplied was stated to be one of the main factors responsible for this situation. In Tamil Nadu, mortality of milch cattle and poultry distributed to the bonded labourers in Thalavady was total.

(v) In Bihar and Karnataka, the insurance scheme was not found to be of much help to the beneficiaries.

Bonded Labourers identified, released and rehabilitated in States

4.24 The available data on the number of bonded labourers identified, released and rehabilitated in the States as on 31-12-1984 is given in Annexure X. The progress in rehabilitation of identified and released labourers in Gujarat, Kerala, Rajasthan and Tamil Nadu is satisfactory as more than 90% of the released bonded labourers are reported to have been rehabilitated in these States. Maharashtra (54.07%), Orissa (67.99%), Karnataka (64.96%) and Uttar Pradesh (79.35%) are required to pay more attention to accelerating their rehabilitation programme. In any case, the efforts in rehabilitation, according to the studies conducted by the Commission, have remained routine and unimaginative with poor results. Rehabilitation of bonded labour is a sensitive task which requires skills and dedication of a high order and continuous follow-up.

4.25 It is heartening to note that the upper limit fixed for rehabilitation of a bonded labour has since been raised to Rs. 6250 with effect from February 14, 1986. In view, however, of the inflationary trends in the country even this amount may not be sufficient to fully rehabilitate a bonded labourer and the Commission would, therefore, reiterate its earlier recommendation that the rehabilitation programme of the bonded labourers should be linked with other developmental programmes of poverty alleviation such as NREP, RLEGP and IRDP. The Commission would also urge the State Governments to ensure that the subsistence allowance is invariably paid to a released labourer immediately so as to prevent him from relapsing into bondage once again. Moreover, most of the identified bonded labourers are found to be illiterate and they lack skills or knowledge of any craft. The Commission, therefore, also recommends that special arrangements should be made at the nearest adult education centres for organising skill craft-based programmes for them.

IMPLEMENTATION OF THE MINIMUM WAGES ACT

4.26 The Minimum Wages Act came into effect from 15-3-1948. The Act provides for the minimum rates of wages in certain employments including employment in agriculture, which employs by far the largest number of labourers. Scheduled Castes and Scheduled Tribes predominate the ranks of landless agricultural labourers and thus for them the Minimum Wages Act is of particular relevance.

4.27 Almost all the State Governments/UT Administrations have fixed minimum wages for agricultural labourers except Mizoram, Sikkim and Lakshadweep. So far as Sikkim is concerned, the Minimum Wages Act has not yet been extended to this State. The State Government has, however, through an executive order, fixed minimum wages for an unskilled worker at Rs. 11 with effect from 1-4-1985. Mizoram and Lakshadweep do not have agricultural labour and, as such, the question of fixing minimum wages in these UTs does not arise. In Mizoram, however, prevailing rate for an unskilled worker is Rs. 10 per day.

Rates of Minimum Wages

4.28 A statement showing the rates of minimum wages fixed for unskilled agricultural labour by the Central Government and the State Governments/UT Administrations is at Annexure XI. As will be seen, the Central Government has fixed the minimum wages from Rs. 8.50 to Rs. 12.75 according to

area. The States of Punjab, Haryana, Kerala, Assam and Union Territories of Chandigarh and Delhi have fixed the rates of minimum wages at the rate of Rs. 12 or more; Himachal Pradesh, Jammu & Kashmir, Rajasthan, Tamil Nadu, West Bengal, Arunachal Pradesh, Manipur, Meghalaya, Nagaland, Tripura and Andaman & Nicobar Islands between Rs. 10 and Rs. 12; and Bihar, Madhya Pradesh, Maharashtra, Orissa, Gujarat, Uttar Pradesh, Dadra & Nagar Haveli, Goa, Daman & Diu and Pondicherry at less than Rs. 10. Of the remaining two States, Andhra Pradesh has prescribed a minimum wage ranging from Rs. 7 to Rs. 18 and Karnataka from Rs. 9.50 to Rs. 14 per day according to the area and nature of work.

Enforcement of Minimum Wages

4.29 With a view to effectively enforcing the stipulated minimum wages by the Government, the Minimum Wages Act provides for appointment of Inspectors to exercise their functions within specified areas. Most of the State Governments/UT Administrations have been utilising the services of officers of the Revenue, Agriculture, Co-operation and other departments by appointing them as Inspectors for the purpose of this Act also. Some States have also been reviewing the position and increasing the number of Inspectors. Some States have also constituted implementation committees at various levels while some others have taken steps to make publicity of the Minimum Wages Act through radio, press and posters/pamphlets. The Commission, however, carries the firm impression got through its field visits and on the basis of studies made that minimum wages are not being paid in a large majority of States/UTs of the country. The Inspecting organisation is grossly inadequate and almost totally ineffective. The spectacle of exploitation of agricultural labourer is pervasive and is a sad commentary on the will and determination of administration.

4.30 The monitoring system for the enforcement of minimum wages has got strengthened to some extent following the inclusion of the subject of minimum wages in the 20-Point Programme. The Labour Ministry in the Central Government gets quarterly reports on the progress made in the implementation of the Minimum Wages Act on the basis of which quarterly reviews are made with regard to number of inspections carried out, irregularities detected and rectified,

prosecutions launched and settled etc. A statement showing the number of inspections carried out, irregularities detected and legal action taken etc. for implementation of the Minimum Wages Act by the States/UTs during the year 1984 is at Annexure XII.

4.31 Section 11(1) of the Minimum Wages Act provides that the minimum wages payable under this Act shall be paid in cash. It has, however, made a provision that the Government may authorise the payment of the same either wholly or partly in kind, where it has been the custom to pay wages in such manner. Taking advantage of this situation, Bihar has fixed 5 Kgs of paddy or any other kind of grain of the same value besides one time 'nashta' (refreshment) in lieu of Rs. 3.50 in cash. This provision leads to exploitation as the employer gets tempted to give inferior variety of foodgrains to the labourers. The employer also gets a chance to underweigh the grain while paying the same to the labourer. The Commission would, therefore, recommend that the minimum wages should invariably be paid in cash and not wholly or partly in kind. This would give the labourer the freedom of making purchases from the open market.

4.32 There have been many instances of non-payment or under-payment of wages leading to violent clashes between the employer(s) and the agricultural labourers with the latter mostly falling victim to the former's oppressive action. The Commission would, therefore, recommend that the Government should leave no stone unturned to ensure that the stipulated minimum wages are paid to the agricultural labourers, a vast majority of whom belong to the Scheduled Castes/Tribes. In this direction, the States/UTs would do well to ensure that the inspecting machinery is adequately strengthened, trained and motivated and the inspections are carried out more frequently and effectively.

4.33 The Commission also finds that some States/UTs have not been revising the minimum wages as and when the same become due. In view of the current inflationary trend, the Commission would urge all States/UTs to ensure that the scale of the minimum wages is revised strictly on time. Some of the States which have fixed the minimum wages at a rate lower than that of the Central Government should bring the same at least at par with the Central Government scale.

ANNEXURE I

Atrocities against SCs

State	Scheduled Caste population (1981 Census)	No. of cases reported during		
		1982	1983	1984
1	2	3	4	5
Andhra Pradesh	7,961,730	213	181	190
Bihar	10,142,368	2073	1869	1845
Gujarat	2,438,297	455	476	690
Himachal Pradesh	1,053,958	73	47	56
Haryana	2,464,012	144	113	120
Jammu & Kashmir	497,363	45	23	11
Karnataka	5,595,353	363	194	169
Kerala	2,549,382	145	149	148
Madhya Pradesh	7,358,333	4749	5292	6128
Maharashtra	4,479,763	680	704	579
Orissa	3,865,543	150	46	46
Punjab	4,511,703	73	36	47
Rajasthan	5,838,879	1731	1604	1648
Tamil Nadu	8,881,295	153	360	689
Uttar Pradesh	23,453,339	3977	3851	4200
West Bengal	12,000,768	17	17	18
Delhi	1,121,643	01	01	01
Goa, Daman & Diu	23,432	02	01	Nil
Pondicherry	96,636	07	03	01
TOTAL	---	15051	14847	16586

Statistics about other States are NIL.

ANNEXURE II

Comparative statement showing offence wise distribution of Atrocitiy Cases in which the victims are Scheduled Castes

State	Nature of offences and number of cases reported during 1982 to 1984														
	Murder			Violence			Rape			Arson			Other IPC offences		
	1982	1983	1984	1982	1983	1984	1982	1983	1984	1982	1983	1984	1982	1983	1984
Andhra Pradesh	16	11	17	08	26	08	17	25	21	13	05	04	159	114	140
Bihar	72	71	95	205	152	179	97	87	83	321	267	201	1378	1232	1287
Gujarat	13	20	13	66	47	62	06	08	11	25	22	16	345	381	588
Haryana	01	01	03	21	16	17	59	23	26	07	04	06	56	68	68
Himachal Pradesh	01	02	00	02	04	07	02	03	04	03	02	02	65	34	43
Jammu & Kashmir	02	01	00	02	01	00	05	02	00	00	00	02	36	19	09
Karnataka	19	15	16	05	05	02	06	09	13	46	10	14	287	155	124
Kerala	04	07	08	05	01	05	07	18	11	07	09	06	122	114	118
Madhya Pradesh	88	108	132	366	323	351	148	183	212	173	211	211	3974	4467	5222
Maharashtra	19	17	10	85	73	31	48	35	39	28	36	33	500	543	466
Orissa	10	09	08	16	16	13	11	07	09	13	10	12	100	04	04
Punjab	13	08	06	08	09	03	08	07	10	03	00	00	41	12	28
Rajasthan	37	35	24	174	174	192	58	75	61	63	69	94	1399	1251	1277
Tamil Nadu	05	14	06	05	06	14	02	09	16	05	03	08	136	268	645
Uttar Pradesh	268	202	213	457	507	580	152	148	176	327	344	377	2833	2650	2854
West Bengal	06	04	00	02	02	04	04	01	04	01	02	02	04	08	08
Delhi	00	00	00	00	00	00	01	00	00	00	00	00	00	01	01
Goa Daman & Diu	00	00	00	00	00	00	01	00	00	00	00	00	01	01	00
Pondicherry	00	00	00	00	00	00	02	01	00	00	00	00	05	02	01
TOTAL	514	525	551	1429	1362	1468	635	641	696	1035	994	988	11441	11324	12883

ANNEXURE III

Atrocities against STs

State	Scheduled Tribe population (1981 Census)	No. of cases reported during		
		1982	1983	1984
Andhra Pradesh	3,176,001	31	33	55
Bihar	5,810,867	85	115	203
Gujarat	4,848,586	104	93	114
Karnataka	1,825,203	04	02	Nil
Kerala	261,475	10	17	83
Madhya Pradesh	11,987,031	3110	3119	2717
Maharashtra	5,772,038	213	240	159
Orissa	5,915,067	NA	11	28
Rajasthan	4,183,124	472	439	400
Tamil Nadu	520,226	NA	Nil	04
West Bengal	3,070,672	NA	20	15
Dadra & Nagar Haveli	81,714	01	Nil	Nil
Arunachal Pradesh	441,167	NA	36	30
Andaman & Nicobar Islands	22,361	NA	02	03
TOTAL	--	4030	4127	3811

ANNEXURE IV

Comparative statement showing offences wise distribution of Atrocity cases in which the Victims are Scheduled Tribes

State	Nature of offences and number of cases reported during 1982 to 1984														
	Murder			Violence			Rape			Arson			Other IPC offences		
	1982	1983	1984	1982	1983	1984	1982	1983	1984	1982	1983	1984	1982	1983	1984
Andhra Pradesh	01	01	02	01	08	06	12	09	21	00	01	00	17	14	26
Bihar	05	09	10	06	10	16	21	12	37	01	14	08	52	70	132
Gujarat	07	08	08	18	30	28	02	07	09	04	05	01	73	43	68
Karnataka	01	02	00	00	00	00	01	00	00	00	00	00	02	00	00
Kerala	00	00	00	02	00	01	02	04	08	00	00	02	06	03	72
Madhya Pradesh	94	116	98	196	175	163	164	177	149	85	188	89	2571	2463	2218
Maharashtra	06	13	09	28	29	17	20	20	24	09	07	04	150	171	105
Orissa	00	00	03	00	02	05	00	05	15	00	02	02	00	02	03
Rajasthan	14	09	14	69	53	60	14	19	11	27	19	16	348	339	299
Tamil Nadu	00	00	00	00	00	00	00	00	01	00	00	00	00	00	03
Uttar Pradesh	00	00	00	00	00	00	00	00	00	00	00	00	00	00	00
West Bengal	00	00	00	00	00	00	00	07	08	00	01	00	00	12	07
Andaman & Nicobar Island	00	00	00	00	00	00	00	00	00	00	00	00	00	02	03
Arunachal Pradesh	00	04	00	00	01	00	00	01	00	00	03	01	00	26	29
Dadra & Nagar Haveli	00	00	00	00	00	00	00	00	00	00	00	00	01	00	00
TOTAL	128	162	144	320	308	296	236	261	283	126	241	123	3220	3155	2965

ANNEXURE V

Statement showing registration and Disposal by the Police of Atrocity cases in which the Victims are Scheduled Castes during 1984

State	Number of Cases with Police			Number of Cases disposed of ending in			Number of Cases remained pending for Completion of Investigation
	BF	Fresh	Total	Final Report	Challan	Total	
1	2	3	4	5	6	7	8
Andhra Pradesh	35	197	232	11	122	133	99
Assam	—	—	—	—	—	—	—
Bihar	—	—	—	—	—	—	—
Gujarat	63	690	753	66	591	657	96
Haryana	—	—	—	—	—	—	—
Himachal Pradesh	10	56	66	7	42	49	17
Jammu & Kashmir	—	—	—	—	—	—	—
Karnataka	—	—	—	—	—	—	—
Kerala	24	148	172	—	151	151	21
Madhya Pradesh	3171	6128	9299	663	5411	6074	3225
Maharashtra	53	579	632	75	503	578	54
Manipur	-----Negligible population of scheduled caste-----						
Meghalaya	-----Negligible population of scheduled caste-----						
Nagaland	-----No Scheduled Caste population-----						
Orissa	—	—	—	—	—	—	—
Punjab	—	—	—	—	—	—	—
Rajasthan	109	1648	1757	505	1178	1683	74
Sikkim	—	—	—	—	—	—	—
Tamil Nadu	49	689	738	119	512	631	107
Tripura	—	—	—	—	—	—	—
Uttar Pradesh	750	4200	4950	1106	3153	4259	691
West Bengal	39	18	57	6	20	26	31
Andamana & Nicobar Islands	-----No Scheduled Caste Population-----						
Arunachal Pradesh	-----Negligible Scheduled Caste population-----						
Chandigarh	—	—	—	—	—	—	—
Dadra & Nagar Haveli	—	—	—	—	—	—	—
Delhi	—	1	1	—	—	—	1
Goa, Daman & Diu	—	—	—	—	—	—	—
Lakshadweep	-----No Scheduled Caste population-----						
Mizoram	-----Negligible population of scheduled castes-----						
Pondicherry	—	1	1	—	1	1	—

ANNEXURE VI

Statement showing registration and Disposal by the Police of Atrocity cases in which the Victims are Scheduled tribes during 1984

State & U.T.	Number of Cases with Police			Number of Cases disposed of & ended in			Number of Cases remained pending for Completion of Investigation
	BF	Fresh	Total	Final Report	Challan	Total	
Andhra Pradesh	4	50	54	4	27	31	23
Assam	—	—	—	—	—	—	—
Bihar	—	—	—	—	—	—	—
Gujarat	—	—	—	—	—	—	—
Haryana	-----No Scheduled Tribe population-----						
Himachal Pradesh	—	—	—	—	—	—	—
Jammu & Kashmir	-----No Scheduled Tribe population-----						
Karnataka	—	—	—	—	—	—	—
Kerala	—	83	83	—	76	76	17
Madhya Pradesh	2497	2717	5214	470	2160	2630	2584
Maharashtra	14	159	173	17	139	156	17
Manipur	—	—	—	—	—	—	—
Meghalaya	-----81 % population of Scheduled Tribe-----No atrocity-----						
Nagaland	-----84 % population of Scheduled Tribe-----No atrocity-----						
Orissa	—	—	—	—	—	—	—
Punjab	-----No Scheduled Tribe population-----						
Rajasthan	40	400	440	130	291	421	19
Sikkim	—	—	—	—	—	—	—
Tamil Nadu	—	4	4	—	2	2	2
Tripura	—	—	—	—	—	—	—
Uttar Pradesh	—	—	—	—	—	—	—
West Bengal	36	15	51	4	16	20	31
Andaman & Nicobar Islands	—	—	—	—	—	—	—
Arunachal Pradesh	-----70 % Scheduled Tribe population-----No atrocity-----						
Chandigarh	-----No Scheduled Tribes population-----						
Dadra & Nagar Haveli	-----79 % Scheduled Tribes population :-----No atrocity-----						
Delhi	-----No Scheduled Tribe population-----						
Goa, Daman & Diu	—	—	—	—	—	—	—
Lakshadweep	-----94 % population of Scheduled Tribe-----No atrocity-----						
Mizoram	-----94 % population of Scheduled Tribe-----No atrocity-----						
Pondicherry	-----No Scheduled Tribe population-----						

ANNEXURE VII

Statement showing registration and disposal in Courts of Atrocity cases in which the Victims are Scheduled Castes during 1984

State & U.T.	Number of Cases with Court			Number of Cases disposed of & ended in			Number of Cases pending for Trial
	BF	Fresh	Total	Convicted	Acquitted	Total	
1	2	3	4	5	6	7	8
Andhra Pradesh	106	122	228	10	9	19	269
Assam	—	—	—	—	—	—	—
Bihar	—	—	—	—	—	—	—
Gujarat	208	591	799	52	199	251	548
Haryana	—	—	—	—	—	—	—
Himachal Pradesh	107	42	149	6	29	35	114
Jammu & Kashmir	—	—	—	—	—	—	—
Karnataka	—	—	—	—	—	—	—
Kerala	49	151	200	7	31	38	162
Madhya Pradesh	NA	5411	5411	580	127	707	4704
Maharashtra	852	503	1355	92	193	285	1070
Manipur	----- Negligible Scheduled Caste population -----						
Meghalaya	----- Negligible Scheduled Caste population -----						
Nagaland	----- No Scheduled Caste population -----						
Orissa	—	—	—	—	—	—	—
Punjab	—	—	—	—	—	—	—
Rajasthan	4021	1178	5199	77	243	320	4879
Sikkim	—	—	—	—	—	—	—
Tamil Nadu	184	512	696	27	245	272	424
Tripura	—	—	—	—	—	—	—
Uttar Pradesh	14754	3153	17907	603	605	1208	16699
West Bengal	45	20	65	—	10	10	55
Andaman & Nicobar Islands	----- No Scheduled Caste population -----						
Arunachal Pradesh	----- Negligible Scheduled Caste population -----						
Chandigarh	—	—	—	—	—	—	—
Dadara & Nagar Haveli	—	—	—	—	—	—	—
Delhi	8	—	8	—	1	1	7
Goa Daman & Diu	—	—	—	—	—	—	—
Lakshadweep	----- No Scheduled Caste population -----						
Mizoram	----- Negligible population of Scheduled Caste -----						
Pondicherry	2	1	3	1	—	1	2

ANNEXURE VIII

Statement showing registration and disposal in Courts of Atrocity cases in which the Victims are Scheduled Tribes during 1984

State & U.T.	Number of Cases with Court			Number of Cases disposed of & ended in			Number of Cases pending for Trial
	BF	Fresh	Total	Convicted	Acquitted	Total	
1	2	3	4	5	6	7	8
Andhra Pradesh	16	27	43	—	3	3	40
Haryana	----- No Scheduled Tribe population -----						
Himachal Pradesh	—	—	—	—	—	—	—
Jammu & Kashmir	----- No Scheduled Tribe population -----						
Kerala	5	76	81	1	5	6	75
Madhya Pradesh	NA	2160	2160	279	270	549	1611
Maharashtra	354	139	493	27	33	60	433
Meghalaya	----- 81 % population of Scheduled Tribe ----- No atrocity -----						
Nagaland	----- 84 % population of Scheduled Tribe ----- No atrocity -----						
Punjab	----- No Scheduled Tribe population -----						
Rajasthan	1287	291	1578	19	32	51	1527
Sikkim	—	—	—	—	—	—	—
Tamil Nadu	1	2	3	—	—	—	3
Tripura	—	—	—	—	—	—	—
Uttar Pradesh	—	—	—	—	—	—	—
West Bengal	24	16	40	—	1	1	39
Arunachal Pradesh	----- 70 % of Scheduled Tribe population ----- No atrocity -----						
Chandigarh	----- No atrocity in the Union Territory -----						
Dadra & Nagar Haveli	----- 79 % Scheduled Tribe population ----- No atrocity -----						
Delhi	----- No Scheduled Tribe population -----						
Goa, Daman & Diu	—	—	—	—	—	—	—
Lakshadweep	----- 94 % population of Scheduled Tribe ----- No atrocity -----						
Mizoram	----- 94 % Scheduled tribe population ----- No atrocity -----						
Pondicherry	----- No Scheduled Tribe population -----						

ANNEXURE IX

Atrocity Prone Areas

(i) *Scheduled Castes*

Sl. No.	Name of State	Names of Districts identified as sensitive from the point of view of Crimes against Scheduled Castes
1	Bihar	Patna, Nalanda, Rohtas, Bhojpur, Gaya, Vaishali, Semastipur, Begusarai, Bhagalpur, Monghyr, Ranchi.
2	Gujarat	Ahmedabad (rural), Mehsana, Surendranagar, Junagadh, Kheda, Amreli, Rajkot(rural), Banaskantha, Vadedara (rural), Bharuch, Kutch.
3	Haryana	Ambala, Karnal, Sonapat, Gurgaon, Faridabad.
4	Karnataka	Bangalore, Bijapur, Kolar, Mysore, Tumkur, Gulbarga
5	Madhya Pradesh	Morena, Bilaspur, Panna, Raipur, Jabalpur, Ujjain, and Bhopal.
6	Maharashtra	Aurangabad, Beed, Osmanabad, Nanded, Parbhani, Buldana.
7	Punjab	2 villages in Ferozepur district 3 villages in Sangrur district: and 3 villages in Patiala district.
Total 7 States		48 districts

(ii) *Scheduled Tribes*

Sl. No.	Name of State	Names of Districts identified as sensitive from the point of view of Crimes against Scheduled Tribes
1	Bihar	1. Singhbhum 2. Lohardaga 3. Palamau 4. Ranchi 5. Dumka 6. Sahibganj 7. Dhanbad 8. Hazaribagh 9. Giridih 10. Godda
2	Maharashtra	1. Dhule 2. Nasik 3. Jalgaon 4. Osmanabad 5. Parbhani 6. Chandrapur 7. Gadchiroli 8. Bhandara 9. Amravati
Total 2 States		19 districts

ANNEXURE X

Statement showing the number of bonded labourers identified, released and rehabilitated, as on 31-12-1984, as per the reports received from the State Governments

Sl. No.	Name of the State	Number of bonded labourers	
		Identified and freed	Rehabilitated (%)
1	Andhra Pradesh	13,936	11,755 (84.35)
2	Bihar	8,834	7,781 (88.08)
3	Gujarat	63	63 (100.00)
4	Karnataka	62,699	40,733 (64.96)
5	Kerala	829	820 (98.91)
6	Madhya Pradesh	2,852	2,329 (81.66)
7	Maharashtra	540	292 (54.07)
8	Orissa	33,238	22,559 (67.99)
9	Rajasthan	6,629	6,266 (94.52)
10	Tamil Nadu	32,128	29,934 (93.17)
11	Uttar Pradesh	12,066	9,575 (79.35)
	TOTAL .	1,73,814	1,31,407 (75.60)

Balance = 42,407

ANNEXURE XI

Statement of Minimum Wages in Agriculture (for Unskilled Workers) as fixed by the Central Government and reported by the State Governments/U. T. Administrations

Name of the State	Date from which effective	Rates of Wages	Remarks
1	2	3	4
Central Government	12-2-85	Rs. 8.50 to 12.75 according to areas	
Andhra Pradesh	7-9-83	Rs. 7.00 to 18.00 per day according to areas and nature of work.	The State Government has issued preliminary notification on 10-9-85, for revision.
Assam	22-2-85	Rs. 12.50 per day	
Bihar	12-4-82	5 Kg. paddy or any other kind of grain of the same value besides one time nashta or Rs. 8.50 in cash.	Draft notification proposing revision issued on 13-4-85.
Gujarat	2-10-82	Rs. 9.00 per day or Rs. 3,200 per year	Steps to revise the minimum wages are being taken.
Haryana	1-5-82	The rates as revised on 1-5-82 were Rs. 10 + meals or Rs. 14.00 without meals. As, however the minimum wages are linked with C.P.I., the minimum rates of wages as on 1-7-85 were Rs. 12.71 with meals or Rs. 16.71 without meals.	
Himachal Pradesh	16-8-84	Rs. 10.00 per day	Workers are entitled to 12½% to 25% higher wages in certain areas.
Jammu & Kashmir	7-7-84	Rs. 10.50 per day	
Karnataka	30-1-85	Rs. 9.50 to Rs. 14.00 per day according to class of work and type of land.	
Kerala	24-5-84	Rs. 12.00 per day for light work and Rs. 15.00 per day for hard work.	
Madhya Pradesh	1-1-82	Rs. 7.00 plus Special Allowance per day linked to C.P.I. compiled half-yearly. The wages have been increased w.e.f. 1-7-85 at the rate of Rs. 9.19 per day.	The rate of Special Allowance is 45 paise per month per point for every point rise in the average CPI No. above 447 (1960=100).
Maharashtra	1-2-83	Rs. 6.00 to Rs. 10.00 per day according to areas.	Revision is under consideration.
Manipur	9-3-83	Rs. 10.00 to Rs. 10.50 per day according to areas.	
Meghalaya	1-10-83	Rs. 11.00 per day	
Nagaland	1-2-84	Rs. 10.00 per day	
Orissa	5-11-84	Rs. 7.50 per day	
Punjab	1-1-82	Rs. 11.00 per day with meals or Rs. 14.00 per day without meals as on 1-1-1982. As, however, wages have been linked with C.P.I. Nos. with effect from 1-7-85 the rates are Rs. 13.68 per day with meals or Rs. 16.68 per day without meals.	
Rajasthan	16-1-85	Rs. 11.00 per day.	
Sikkim		Minimum Wages Act, 1948 has not yet been extended to the State. However, the State Government has fixed by executive orders minimum wages for an unskilled worker at Rs. 11.00 per day w.e.f. 1-4-1985.	

ANNEXURE XI—Contd.

1	2	3	4
Tamil Nadu	8-4-83	Rs. 8.00 per day for employes engaged in sowing, plucking of seedlings or weeding and Rs. 10.00 to Rs. 11.00 per day for other operations.	
Tripura	12-3-84	Rs. 10.00 per day	
Uttar Pradesh	13-7-83	Rs. 8.00 to Rs. 9.50 per day according to areas.	
West Bengal	13-8-82	Rs. 10.15 per day (Adult) Rs. 7.29 per day (Child)	
Andaman & Nicobar Islands	19-8-84	Rs. 10.60 per day	
Arunachal Pradesh	1-1-84	Rs. 11.00 to Rs. 12.00 per day according to areas (by executive order).	
Chandigarh	12-4-82	Rs. 14.00 per day without meals or Rs. 11.00 per day with meals.	
Dadra & Nagar Haveli	3-9-83	Rs. 9.00 per day	
Delhi Administration	15-10-85	Rs. 15.00 per day	
Goa, Daman & Diu	2-10-83	Rs. 6.75 per day	
Mizoram		There is no organised agricultural labour. Prevailing rate is Rs. 10.00 per day or so.	
Pondicherry :			
(i) Mahe region	4-8-83	Rs. 7.45 to 9.20 per day according to nature of work.	
(ii) Yanam region	5-4-84	(a) For all kinds of agricultural operations except harvesting.	
		<u>Adult</u> Rs. 10.00 per day	<u>Non-adult</u> Rs. 6.30 per day
		(b) Harvesting.	
		9 kg. of paddy per day	4½ kg. of paddy per day
(iii) Pondicherry	28-11-83	<u>Adult</u> Rs. 7 per day	<u>Non-adult</u> Rs. 4.20 per day
(iv) Karaikal	5-8-82	7 kg. of paddy + Rs. 9.00 per day.	Rs. 2.80 per day or
Lakshadweep		There are no agricultural workers in the Union Territory.	

ANNEXURE XII

Statement showing the Number of Inspections carried out, irregularities detected and legal action etc. taken by the Enforcement Machinery for Implementation of Minimum Wages Act Ages in the employments in Agriculture in 1984

Name of the State/ Union Territory	No. of inspections carried out	No. of irre- gularities		No. of prose- cutions launched	Amount of fines realised (in Rs.)	No. of claim cases		Amount of compensation (in Rs.)	Amounts re- gistered (in Rs.)
		detected	rectified			filed	settled		
1	2	3	4	5	6	7	8	9	10
Andhra Pradesh	14,108	667	76	Nil	Nil	198	39	Nil	14,851
Assam	1,042	855	84	2	344	12	4	Nil	Nil
Bihar	2,43,975	53,801	59,905	189	5,674	8,276	6,257	4,72,538.86 and 680Quin- tal grains	27,31,220 and 1336 quintals 48 kg. 510 gms.
Gujarat	98,924	60,692	47,338	5,369	2,13,434	177	1,086	12,90,083.50	14,59,253
Haryana (upto Sep. 84)	1	1	1	Nil	1,000	7	7	Nil	Nil
Himachal Pradesh	389	—	—	—	—	—	—	—	—
Karnataka	9,189	339	80	Nil	Nil	Nil	Nil	Nil	Nil
Kerala	4,486	1,846	1,250	2	Nil	59	48	2,901	Nil
Madhya Pradesh	86,264	9,926	5,071	Nil	Nil	93	Nil	3,36,718	94,630
Maharashtra	1,92,223	2,40,824	1,76,109	283	12,194	2	2	4,346	1,164
Orissa	12,652	10,237	823	5	Nil	7	4	Nil	441.00
Punjab	22,756(p)	1,461	1,800	Nil	Nil	3	3	714	Nil
Rajasthan	4,801	15	40	Nil	Nil	29	119 (including previous year)	18,313	1,71,290
Tripura	256	86	86	Nil	Nil	Nil	Nil	Nil	Nil
Tamil Nadu	11,651	Nil	Nil	Nil	Nil	1,470	1,466	Nil	Nil
Uttar Pradesh	64,302	3,164	1,146	14	Nil	2,774	1,050	12,090	2,07,247
West Bengal	1,809	661	410	29	1,170	Nil	Nil	Nil	685
Dadra & Nagar Haveli	55	7	Nil	Nil	Nil	2	2	20,011	Nil
Delhi	1,246	699	540	84	200	3	2	Nil	10,363

CHAPTER V

SOCIO-ECONOMIC DEVELOPMENT OF SCHEDULED CASTES AND SCHEDULED TRIBES

A. Scheduled Castes

The Scheduled Castes constitute 15.75 per cent of the nation's total population and of them 48.22 per cent are engaged as agricultural labourers and 28.17 per cent as cultivators. The majority of the Scheduled Caste cultivators are either small or marginal farmers. Hence either as marginal cultivators or as agri-labourers, most of them continue to stagnate below the poverty line.

5.2 During the Sixth Five Year Plan a strategy was evolved for the development of Scheduled Castes combining the three important instruments of Special Component Plan, Special Central Assistance and the Scheduled Castes Development Corporations in the States. During this period, twenty States and four Union Territories with sizable Scheduled Caste population formulated and implemented their Special Component Plans. The flow of funds from the State Plans to the Special Component Plans was as follows:

(Rs. in crores)

Year	SCP	Expenditure	Shortfall in expenditure
1	2	3	4
1980-81	547.84	394.71	153.13
1981-82	664.23	536.42	127.81
1982-83	675.76	559.28	116.48
1983-84	754.86	692.89	61.97
1984-85	974.12	785.05	189.07
1980-85	3616.81	2968.35	648.46

Source : SC & BDC II Section, Ministry of Welfare.

5.3 The Commission has observed that while the outlays and expenditure under SCP have been steadily increasing over the years, the expenditure actually incurred has remained short of the approved outlay in all the five years of the Sixth Plan period. As much as Rs. 648.46 crores remained unspent which is more than the total Special Central Assistance of Rs. 600.00 crores. One of the reasons for such a gap between the outlay and ex-

penditure appears to be that the financial targets under various sectors were neither apportioned nor communicated in time to the concerned districts and blocks. The Commission also observed a lack of coordination amongst the various departments, inadequacy of staff at the field level and lack of proper monitoring of the programmes. The Commission has repeatedly been emphasising that the percentage flow of funds to SCP from State Plans should at least be equal to the percentage of Scheduled Caste population in the State but this unfortunately has not come about. The States maintain that sectors like power, irrigation, communication etc. indirectly bring benefits to the Scheduled Caste population and as such the funds spent on their development are in reality more than the figures shown under SCP. This reasoning is not acceptable. Judging by the present level of the socio-economic development of the Scheduled Castes, it becomes clear that the benefits of infrastructural development are yet to reach them in any perceptible measure. The Commission is of the view that the problems of the Scheduled Castes need to be understood in their correct perspective before a meaningful quantification of funds can be done. While emphasizing the need for development of infrastructure the Commission would again reiterate the importance of quantifying Plan expenditure on the basis of percentage of the Scheduled Caste population in any area or sector.

5.4 The basic objective of the Special Component Plan is to raise the Scheduled Caste families above the poverty line by providing them a composite package of economic schemes capable of creating sufficient income generating assets. Simultaneously, programmes for their education and social development and schemes relating to improvement of 'Harijan bastis' have to be taken up as Area Programmes. The strategy adopted during the Sixth Plan to develop the Scheduled Castes by tackling identified occupational categories appears to be the right approach. The implementation of the programmes on the basis of the cluster-cum-saturation approach has also made positive impact wherever taken up as noticed in Tamil Nadu, Andhra Pradesh and West Bengal.

5.5 Land reform measures undertaken by the States over the years have only marginally touched the Scheduled Castes. The percentage of Scheduled Caste cultivators in relation to total Scheduled Caste workers has increased from 27.87% in 1971 to 28.17% only in 1981. Thus, land as an asset still continues to be scarce for the Scheduled Caste persons. The distribution of mini-kits and other inputs to the Scheduled Castes has not been found to be adequate. There is need for the State Governments to devise special programmes for the Scheduled Caste small and marginal farmers so as to provide (i) irrigation facilities to all of them and (ii) inputs and funds for development of land to the new assignees. A few States such as Kerala and Andhra Pradesh have distributed land to Scheduled Castes which they have acquired through purchase. It is a good scheme and the Commission would recommend it to all the States. The Commission would also recommend that the State Governments should review the entire question of land ceiling of agricultural holdings and bring their land ceiling regulations in conformity with the national guidelines. Immediate measures are also required for updating of land records so that the tenancy and ownership rights as well as the benefits of the developmental programmes which are being implemented specially for Scheduled Castes do actually reach them adequately.

5.6 With this background the Commission prepared an approach paper on the development of the Scheduled Castes during the year under report, with the objective of assisting the Planning Commission and the nodal ministry in formulating the approach and strategy and in laying down appropriate priorities, while formulating the Seventh Five Year Plan. A gist of the recommendations made in this approach paper is contained in Annexure I.

5.7 At the instance of the Commission, its field offices at Ahmedabad, Bangalore, Bhubaneswar, Calcutta, Jaipur, Lucknow, Madras, Patna and Shimla undertook sample studies on the allotment of ceiling surplus land to Scheduled Castes and Scheduled Tribes during 1984-85. The main purpose of these studies was to assess the impact of the scheme on the Scheduled Castes/Scheduled Tribes. The studies revealed that the beneficiaries, by and large, were unhappy about the size and quality of land allotted to them. For the majority of them irrigation of land appeared to be a significant constraint resulting in poor productivity. In Amreli district of Gujarat it was found that none of the selected beneficiaries were given any assistance for land development. In Bihar the assistance was not properly utilised by the beneficiaries. In Sitapur district of Uttar

Pradesh there was no package of supportive schemes tied up with the allotment of ceiling surplus land. Supply of inputs was not satisfactory in Rajasthan whereas in West Bengal inputs were not supplied timely and credit facilities were also not easily available. It is felt that the programme would succeed only if sufficient investment is initially made in the form of deep ploughing, irrigation facility, timely supply of quality seeds and fertilizers etc. The extension officials should be specifically charged with the responsibility of looking after the beneficiaries in providing them assistance and technical guidance. Further, the beneficiaries may not be able to cross the poverty line only from the earnings derived from the cultivation of the small-sized allotted land. Subsidiary occupations should also be provided under the other anti-poverty programmes.

5.8 Land being scarce, all the rural landless Scheduled Caste families cannot be allotted adequate land and, therefore, special attention is required to be given to the other economic development programmes. With this in view, a major programme that has been undertaken for poverty alleviation for the landless poor is the IRDP. The guidelines envisage a coverage of 30% of Scheduled Castes and Scheduled Tribes under this programme, and during the Sixth Plan period the actual coverage of Scheduled Castes under this programme increased. During the year 1984-85 (upto December 1984) the Scheduled Caste beneficiaries constituted 31.5% and Scheduled Tribes 10.9% of a total of 24 lakh families that benefited under the programmes. There is no doubt that the IRD programme, if implemented properly, can be very effective in alleviating the poverty of the Scheduled Castes and Scheduled Tribes. Mere coverage, however, gives no clue to the actual number of Scheduled Caste beneficiaries who have risen or are likely to rise above the poverty line. Indeed, the Commission during their visits to the States found several weak points in this programme. In the first place the selection of beneficiaries was not being done properly. The weakest among the Scheduled Castes ought to be covered first under the programme, but it was found that comparatively the less poor have been able to corner a major share of the benefits. Another drawback is the total absence of any follow-up activity resulting either in assets not being created at all or in sub-optimal utilisation of assistance. It has also been observed that in a large number of cases the per unit investment is less than what is really required to make the schemes viable. This is one of the reasons that has led to the failure notably of the animal husbandry schemes where only one cow or buffalo was given to the beneficiary against a viable unit of at least two and preferably three. The

quality of animals has also been extremely poor with hardly any tie-up with feed and fodder on the one hand and health cover on the other.

5.9 The Commission is of the firm view that the progress in poverty alleviation programmes has not at all been commensurate with the investments. There has been no attempt to strengthen the machinery for follow-up, monitoring and evaluation. Consequently, the economic condition of the Scheduled Castes does not appear to have undergone any perceptible change. The Commission would strongly recommend that IRDP should undergo a thorough overhaul as minor changes, so far contemplated, would simply not do.

5.10 The Commission while touring various States/Union Territories observed the pitiable living conditions of the Scheduled Castes whether they were in the rural areas or in the urban locations. In villages, they invariably live in separate localities often at some distance from the main village. They do not have basic amenities like safe drinking water, electricity, health facilities etc. Their 'bastees' are mostly not connected with the main road. The Commission, therefore, feels that strictly result-oriented efforts would have to be made to improve the living conditions of the Scheduled Caste habitations and 'bastees' both in villages and in the urban areas. The basic approach to the development of Scheduled Caste families concerns primarily their economic development but it should also include educational development and the provision of social services in their habitations. Special efforts are needed to improve the poor level of literacy among the Scheduled Castes and Scheduled Tribes in general and their female population in particular.

5.11 There are a large number of economic and social programmes being implemented by all the States/Union Territories under SCP as a result of which considerable confusion exists at the field levels. It was also felt that the schemes were being implemented in a routine manner without any clear-cut perspective planning by the authorities. The implementing machinery of the Special Component Plan and the Tribal Sub Plan needs to be considerably strengthened and the structure for monitoring and evaluation suitably streamlined at the State level.

5.12 *Special Central Assistance*: With a view to accelerating the development of the Scheduled Castes, the Government of India provides Special Central Assistance (SCA) to the SCPs of the States. The Central Assistance has been conceived of as an additive to the State Plan with reference to the totality of the programmes for the

development of the Scheduled Castes. It helps in making the programmes for the Scheduled Castes development more meaningful, comprehensive and need-based, and it is also supposed to fill the gaps which the flows from Central and State Plans are not in a position to fill. Further, the Special Central Assistance is intended to provide the required thrust to the programmes relevant for the development of the Scheduled Castes. The only condition with regard to its utilisation is that it should be spent for programmes of economic development. This condition has been introduced because economic development has been recognised as the key to the socio-economic emancipation of the Scheduled Castes.

5.13 During the Sixth Plan period a total sum of Rs. 600.00 crores was released to the States for the SCPs as Special Central Assistance of which Rs. 553.13 crores was utilised. In 1984-85 the utilisation of SCA was Rs. 114.72 crores by the States/UTs as against Rs. 140.00 crores released during the period. SCA released and its utilisations by the States/UTs may be seen at Annexure II.

5.14 It has been noticed that there is a tendency on the part of most of the State Governments to utilise the Special Central Assistance without proper planning in regard to identification of the sectors and programmes on which the assistance should be utilised. The result is that its potential has not been fully exploited and many of the programmes on which SCA was utilised failed to bring adequate number of Scheduled Caste families above the poverty line. It has also been observed that in many cases State Governments have utilised SCA on schemes which neither have direct nor even indirect impact on the economic life of the beneficiaries. The control of the Government of India on the utilisation of assistance funds has been rather lax and the Commission would urge considerable tightening of Central monitoring of SCA. It must, however, be put on record that some States like Andhra Pradesh, Orissa and Tamil Nadu have judiciously utilised the Central Assistance on selected programmes and have achieved positive results. Substantial amounts of SCA were also found to be utilised by a majority of the States/UTs to raise the subsidy amount under the IRD programme, which the Commission feels is by no means the right approach. Ideally, the Special Central Assistance should enable the State Governments to fill the critical gaps in a way so as to give a composite and integrated shape to economic development programmes for the Scheduled Castes. The economic development should not only be viewed as income benefit delivered to the individual families but should also include directly relevant training and back-up services which

are essential for the beneficiaries to derive optimum benefit from the assets provided to them under the various programmes.

5.15 The Commission feels that the Government of India may not only emphasise to the State/UT Governments on the proper and meaningful utilisation of SCA funds but also have more effective control and supervision in regard to release and utilisation of these funds. It is essential that the Government of India examines in detail the areas in which SCA funds are proposed to be utilised by the State/UT Governments while discussing and finalising the SCPs of the States. If necessary, on an experimental basis, the Government of India may on the basis of its own judgement and experience locate the critical gaps and direct the States/UTs to utilise the SCA to bridge them.

5.16 *Scheduled Castes Development Corporations*: The Scheduled Castes Development Corporations have been set up in 17 States and 2 Union Territories for implementing Special Component Plans. These Corporations play an active role for the economic development of the Scheduled Castes as they meet part of the investment required for acquiring income generating assets by the Scheduled Caste beneficiaries. The Corporations are expected to provide the critical gaps in financial and non-financial inputs so as to make each programme and scheme viable and successful.

5.17 Under the Centrally Sponsored Scheme of assistance to the Scheduled Castes Development Corporations, grants are given to the State Governments for investment in the Corporations in the ratio of 49:51. The scheme was amplified in July, 1981 to include assistance for promotional activities like survey and training and covering part of the staff/administrative costs particularly for supervision, monitoring and evaluation.

5.18 During the Sixth Plan period the Government of India released a sum of Rs. 68.83 crores to the State Governments as Government of India's share of capital contribution to the Corporations. The year-wise break-up of the States' share and the Government of India's releases are as follows :

(Rs. in lakhs)			
Sl. No.	Year	State Government's contribution	Amount released by Government of India
1	2	3	4
1.	1980-81	1403.00	1300.97
2.	1981-82	1367.56	1332.37
3.	1982-83	1364.40	1350.00
4.	1983-84	1866.02	1400.00
5.	1984-85	1454.21	1500.00
Total	1980-85	7455.19	6883.34

5.19 In the Sixth Plan, the Corporations assisted over 28.68 lakh Scheduled Caste families to improve their economic status. The total finance generated by the Corporations was more than Rs. 577.93 crores. Margin money loans amounting to about Rs. 106.59 crores were able to attract bank loans amounting to Rs. 370.84 crores. In addition, the Corporations distributed subsidy amounting to Rs. 100.50 crores during the period.

5.20 Physical and financial achievement of all the Scheduled Castes Development Corporations during the five years of the Sixth Plan is as follows :

(Rs. in lakhs)						
Sl. No.	Year	No. of families assisted	Amount of Margin money distributed	Amount of Bank loan distributed	Amount of subsidy distributed	
1	2	3	4	5	6	
1.	1980-81	180,143	908,71,000	3355,87,000	489,94,000	
2.	1981-82	476,407	2184,42,000	6322,56,000	2301,99,000	
3.	1982-83	742,476	2055,65,431	5457,59,295	1161,03,859	
4.	1983-84	793,146	2490,78,018	8928,92,041	2849,71,387	
5.	1984-85	676,601	3019,27,889	13019,46,025	3247,16,882	
		1980-85	2868,773	10658,84,338	37084,40,361	10049,98,128

(The assistance programme of the Corporations in the various States during 1984-85 may be seen at Annexure III).

5.21 Even though there has been an increasing trend in respect of the margin money loan scheme and distribution of subsidy amount, fewer number of families were assisted during 1984-85 as compared to 1983-84. The Commission has also observed that there is a communication gap between the Corporations and the banks with the result that mistrust exists between the two institutions trying to achieve basically the same objective. On the one hand, the banks have reservations about the efficiency of the Corporation's staff in the matter of selection of beneficiaries, viability and suitability of the schemes, repayment potential etc. The Corporations, on the other hand, carry the impression that the banks are not eager to extend credit facilities to the Scheduled Castes out of fear of non-recovery. The Commission is of the view that while the banks have to gear up their implementation machinery and orient their personnel at the field level towards rural lending, the Corporations need to streamline their functioning and carry out their activities in a more business-like manner.

5.22 Another tendency that has been noticed in respect of the activities of the Corporations is that they tend to limit their programmes in the rural areas under IRDP, whereas it is desirable that the Corporations give adequate emphasis on the programmes outside IRDP clusters. This would be possible only if the Corporations establish close links with institutions like the National Cooperative Development Corporation, the Khadi and Village Industries Commission, etc. It would not only broaden the sphere of activities of the Corporations but would also enable them to attract more financial resources from different agencies.

5.23 The Commission observed that the Corporations generally function with very limited staff at the field level who are also not sufficiently mobile as a result of which monitoring of the assisted families as well as the recovery of loans remains poor. In order to make their functioning effective, motivated personnel in adequate numbers are required to be provided to the Corporations to increase their efficiency. A senior official with professional competence and proven capacity to effectively coordinate, control, supervise and direct operations should head the Corporations. The Corporations should also organise necessary orientation/training programmes for their personnel on identification, formulation, appraisal and monitoring of the programmes taken up by them.

5.24 The Commission further feels that all the financial as well as other concerned institutions/agencies should coordinate with each other and jointly prepare the district credit plans/action plans for giving an integrated shape to the economic development programmes formulated for the Scheduled Castes. Except for a few isolated districts, this is not happening anywhere in the country.

5.25 The extent of success of the Corporations would remain largely dependent on the effective linkages that they are able to establish with the various credit and marketing institutions as well as technological departments like the Leather Development Corporations, the Handloom and Handicrafts Board, the Khadi and Village Industries Commission and the District Rural Development Agencies besides establishing close links with the sectoral programmes in the Special Component Plan. The Commission is much distressed to witness the continuing culture of operating in isolation. If the development programmes for the weaker sections have to make any significant headway and if the corporate bodies are to become effective instruments of socio-economic change, the government departments and institutions must learn the basic lesson of working in purposive harmony.

B. Scheduled Tribes

5.26 The Scheduled Tribes constitute about 7.5% of the total population of the country and in economic terms they belong to the weakest section of the society. Like the Special Component Plan for the Scheduled Castes, the strategy of the Tribal Sub-Plan is intended to raise the living standard of these people. The Tribal Sub-Plan is being implemented in 181 ITDPs, 245 MADA pockets and 72 Primitive Tribe Projects in 17 States and two Union Territories of Andaman & Nicobar Islands and Goa, Daman & Diu. In the case of the seven tribal majority States/UTs of Arunachal Pradesh, Meghalaya, Mizoram, Nagaland, Lakshadweep and Dadra & Nagar Haveli the entire Plan covers the Scheduled Tribe population only. By the end of the Sixth Plan, the Tribal Sub-Plan approach covered 5.101 lakh sq. kms. catering to a Scheduled Tribe population of 3.72 crores constituting 75% of the total Scheduled Tribe population as against a coverage of 65% during the Fifth Plan period.

5.27 According to the Central Government guidelines on quantification of outlays for the Tribal Sub-Plan, the State Governments are required to earmark outlays for the tribal areas in proportion to the extent of the geographical area under the Tribal Sub-Plan, the relative level of development of tribal areas vis-a-vis other areas and the percentage of tribal population to the total population of the State. The Central Government has also provided for special financial assistance as an additive to the State Plan to strengthen the plan efforts for tribal development. The State Plan outlays during the Sixth Five Year Plan along with flows to the Tribal Sub-Plan and Special Central Assistance in 1980-85 and 1984-85 are given in Annexure IV. The position regarding quantification of funds by the Central Ministries and Departments for the Tribal Sub-Plan areas during Sixth Five Year Plan and in 1984-85 is given in Annexure V.

5.28 The statement at Annexure IV shows that the States of Bihar, Himachal Pradesh, Karnataka, Kerala, Manipur, Orissa and the Union Territory of Andaman & Nicobar Islands have quantified outlays for the Tribal Sub-Plan from the State Plan in excess of the percentage of the population of Scheduled Tribes. But in some of the other States like Andhra Pradesh, Assam, Gujarat, Rajasthan, Tripura and West Bengal the quantification is between 85% to 99% of the percentage of the Scheduled Tribe population. In the remaining States of Madhya Pradesh, Maharashtra, Sikkim, Tamil Nadu, Uttar Pradesh and the Union Territory of Goa, Daman & Diu, the quantification is much lower-ranging from 26% to 78%. The Commission would

recommend that the States in the third category above should make concerted efforts to tap more funds from the divisible components of the various sectors and raise the quantification for the Tribal Sub-Plan to bring it in conformity with the Central Government guidelines.

5.29 The figures in Annexure V indicate that while 15 Ministries/Departments have quantified funds for Tribal Sub-Plan areas during various years of the Sixth Plan, only 11 Ministries/Departments actually earmarked funds for the Tribal Sub-Plan for the year 1984-85. The Ministries of Agriculture and Co-operation, Education and Culture, Communications, Food and Civil Supplies (Department of Food) show lower percentages of quantification during 1984-85 than the percentage of the Scheduled Tribe population of the country. The Commission would, therefore, recommend that these Ministries as well as others who have not yet undertaken to quantify funds in proportion to the percentage of the Scheduled Tribe population in the country should follow the guidelines on the subject.

5.30 During 1984, the Commission prepared an approach paper on the development of Scheduled Tribes for the Seventh Five Year Plan and furnished it to the Planning Commission and the nodal ministry making several recommendations as to the approach and strategy to be followed during the coming Plan period so as to ensure maximum benefits to the tribal population of the country. A gist of the recommendations made in the approach paper is given in Annexure VI.

5.31 During the year 1984-85, the Commission undertook a study of the implementation of Rule 16(C)(c) of the Government of India (Allocation of Business) Rules, as revised in January 1982, which provides that while the Ministry of Home Affairs would be the nodal Ministry for overall policy, planning and coordination of the programmes of development of the Scheduled Castes and Scheduled Tribes, the concerned Ministries/Departments or the State Governments and Union Territories would be responsible for the sectoral programmes and schemes of development. The Commission examined in this connection the Annual Reports for the year 1984-85 of 18 Central Ministries/Departments to see how far these Ministries/Departments were implementing these rules. Most of the Ministries made a passing or casual reference to the question of representation of the Scheduled Castes and Scheduled Tribes except for the Departments of Agriculture and Cooperation and Rural Development and the Ministry of Home Affairs who alone have discussed this matter in separate chapters in their reports. It would thus appear that

several of the Central Ministries/Departments have not made serious efforts for monitoring the sectoral programmes of development of the Scheduled Castes and Scheduled Tribes. The Commission would accordingly recommend that all Ministries may be called upon to indicate clearly the programmes undertaken by them for the welfare and development of the Scheduled Castes and Scheduled Tribes in a separate chapter of their Annual Reports.

Settled Cultivation

5.32 A very important aspect having a bearing on the socio-economic development of the Scheduled Tribes is the pattern of cultivation of land by the tribals. It is well-known that shifting cultivation in some form or the other has traditionally been followed by most of the Scheduled Tribes of the country. As a result the loss of forest has been substantial and has created an awareness of the enormity of the problem and the Ministry of Agriculture has announced a scheme of providing 100% assistance for settlement of shifting cultivators in Arunachal Pradesh and Mizoram. Under this scheme, a Jhumia is provided with horticultural and plantation crops over one hectare of land. During the Sixth Plan period, 700 families were given assistance in these two Union Territories. During 1984-85 as much as Rs. 8.96 lakhs and Rs. 11.24 lakhs were estimated to have been spent on settling 200 families each in Arunachal Pradesh and Mizoram. In Orissa, the Forest Department received grants-in-aid to the tune of Rs. 150 lakhs from the Central Government under Article 275(1) of the Constitution for being utilised towards prevention of shifting cultivation during 1984-85, and a Shifting Cultivation Board under the chairmanship of the Chief Secretary has been set up for overseeing the implementation of the scheme through multi-disciplinary micro-level agencies.

5.33 The problem of shifting cultivation is a complex one and it may not be possible to abolish this practice through any single policy pronouncement. In view of the ecological and environmental implications, the problem requires tactful handling whereby the tribal population can be weaned away gradually from destroying valuable forest assets and, at the same time, settle down to cultivating permanent holdings under suitable guidance and advice of development agencies. The Commission is of the view that the micro-level development agencies would have to engage in a carefully planned extension activity so as to prepare the ground for a smooth transition from shifting to settled cultivation. Much of the current investments in this area are not bearing fruit because there is hardly any extension effort to prepare the environment for change.

Social Forestry

5.34 Another scheme which has a vital bearing on the socio-economic development of the Scheduled Tribes is social forestry which seeks to provide a durable source of income to the landless rural poor and specially the Scheduled Castes and Scheduled Tribes. This scheme also includes the programme of planting 'a tree for every child'. The Central Government assists the States in implementing this programme by giving subsidy up to a maximum of Rs. 1000 per hectare for tree plantation and Rs. 250/- for every 1000 seedlings raised for distribution.

5.35. The Commission has studied the implementation of social security plantation schemes for the landless tribals in some of the States. In Rajasthan, two hectares of land is given to each Scheduled Tribe family along with 800 plants and the tribal has the right to 20% of the usufruct, the remaining 80% going to the State Government. The tribal gets a monthly wage of Rs. 250/- till the fruit plants mature but has no other rights on the land.

5.36 In Karnataka, each tribal beneficiary is given wages at the rate of Rs. 250/- per month for seven years and 50% of usufruct. The tribal has no legal right over the land on which the plantation is grown.

5.37 In Gujarat, a tribal family is given $2\frac{1}{2}$ hectares of land for raising suitable forest species under the direct supervision and guidance of the forest department. The planting material and other related inputs are supplied free by the forest department. The tribal family has to raise the plantation through appropriate measures like digging of pits, soil conservation, planting, weeding, fencing etc. In lieu of labour put in, each family is paid a monthly wage of Rs. 250/- for a period of 15 years. The family is also given timber, bamboo etc. by the Forest Department for construction of temporary huts near the plantation site. At the end of a gestation period of 15 years, the family is given a usufruct of 20% from the sale of fruits/materials.

5.38 The Bastar Development Plan prepared by the Government of Madhya Pradesh, inter-alia, provides for social security plantation scheme under which 5 beneficiaries are covered in each of the 32 blocks of the District. Each tribal beneficiary is allotted $2\frac{1}{2}$ hectares of land and asked to raise plantation in 0.25 hectare annually for 10 years. The estimated cost of Rs. 5 thousand per hectare of plantations is fully borne by the Forest Department in the form of loan or as grant to the tribals. The tribals are also given some

allowance annually for maintenance of plantations. The villagers have to raise the nursery on the assigned land out of the seed polythene bags and know-how provided by the Forest Department. After the seedlings become one year old, these are purchased by the Forest Department at remunerative prices. It is also proposed to give usufructory benefits to tribals for raising such plantations

5.39 The Commission recommends that all States having tribal population should implement this scheme as it will go a long way in raising the economic level of the tribals who have an unique understanding of raising trees and maintaining plantations. The Gujarat pattern by which the beneficiaries are also given timber for construction of huts near the plantation sites should be followed. The share of usufructory rights to the beneficiaries should be more liberal so as to afford them larger incomes and also encourage other landless tribals to avail of the benefit of the scheme. Schemes like the Social Security Plantation are also bound to help in the environmental protection of the tribal habitats. The wages paid to the tribals for the gestation period should atleast be equivalent to the minimum wages for agricultural labourers in force in the States so as to enable the tribal families to make a reasonable living. The payment of wages may be partly in cash and partly in kind.

Dry Land/Rainfed farming

5.40 The country has about 142.8 million hectares of arable land of which 73% is rainfed and contributes about 40% of the total production. These rainfed areas also produce about 75% of the total production of oil seeds and pulses in the country. Most of the land in these areas is held by small and marginal farmers, majority of whom are Scheduled Castes and Scheduled Tribes. In view of the agricultural potential of these rainfed and dry land areas particularly in respect of oil seeds, course grain and cotton etc. it is essential to ensure that the weaker sections engaged in cultivation are able to fulfil their role in energising and developing this vital segment of the country's agricultural sector.

5.41 In addition to adverse natural factors like erratic behaviour of the monsoon, the small and marginal farmers have poor assets and therefore are not able to avail of proper technology and institutional credit. The Commission would, in this connection, make the following recommendations:

1. The small and marginal farmers belonging to Scheduled Castes and Scheduled Tribes should be made conversant with the appropriate technology necessary for increasing productivity in the

rained and dry land areas. The present extension activities have remained inadequate and these need to be considerably enlarged and activated to reach out to all the members of the farming community. The ICAR should undertake extensively Operations Research and lab-to-land programmes in critical areas having maximum demonstrative effect.

2. The concerned State Governments should simplify procedures and ensure that the special input needs of the Scheduled Tribes and Scheduled Castes are adequately met by the local developmental agencies. The beneficiaries should not be required to visit block offices and the banks in pursuit of inputs and financial assistance time and again. The rural banks should be adequately manned with suitable delegation of powers to sanction loans to small and marginal farmers belonging to Scheduled Castes and Scheduled Tribes. If necessary, more branches of these banks may be opened to cater to the requirement of the remote areas.
3. The Krishi Vigyan Kendras have a special role to play in providing suitable extension services and it is essential that these services become both purposive and pervasive.

Anti-poverty Programmes

5.42 The Commission's field offices, as in previous years, continued to engage themselves with the evaluation of various programmes implemented for the welfare of Scheduled Tribes under TSP, IRDP, and the Backward Classes Welfare Sector etc. During the year 1984-85, 15 such evaluation studies were completed.

Tribal Sub-Plan, IRDP

5.43 Six studies were taken up on the following subjects :

1. An evaluation study on the working of micro-project for the development of primitive tribe-Saharia in Rajasthan.
2. Study on the implementation of the schemes under IRDP, SCP and TSP in Phulbani District of Orissa.
3. Study on the impact of the implementation of schemes under IRDP, SCP and TSP, Bihar.
4. Study on the working of the IRDP in Myllem Development Block, Meghalaya.

5. Study on the working of schemes implemented by the Kerala State Development Corporation for Scheduled Castes and Scheduled Tribes.
6. Study of IRDP schemes in 24 Parganas District of West Bengal.

The main observations made from these studies are :

1. Although the schemes have been formulated to benefit the poorest of the poor, the benefits are generally cornered by the more resourceful persons who may or may not be below the poverty line. Most of the poorest sections are neither aware of the schemes nor about the procedures required to be followed. A few among the poorest sections who get selected for benefits are often made to forcibly sign documents they do not fully understand and receive only part of the benefits intended for them as a result of which the viability of the projects taken up by them suffers and the intended long term benefits never materialise.
2. The implementing machinery hand out routine schemes without ensuring their suitability to particular beneficiaries or viability in the local conditions. Consequently, the beneficiaries frequently fall into debt-traps to banks which are no less formidable than their traditional indebtedness to local money-lenders.
3. Diversion of scarce resources to stereotyped income generating schemes and their half-hearted and even callous implementation has led to inadequate attention being paid to critical areas like education, provision of hygienic drinking water, treatment of malnutrition, land reforms, payment of minimum wages and opening up of depressed tribal areas. Resultantly, the economic condition of tribals over the decades has shown practically no improvement.
4. Due to the general pre-occupation to achieve targets, the interest of the beneficiaries has been overlooked and lack of coordination among the concerned agencies has led to failure of the schemes and reduced IRDP to a pathetic 'number game'.
5. Cumbersome and time consuming procedures insisted upon by banks despite the Reserve Bank of India's instructions have contributed to delays and failure of many projects. In fact, halting and disinterested institutional finance has been a major constraint in the implementation on IRDP.

5.44 The Commission would recommend that in implementing the anti-poverty programmes particularly in areas predominantly inhabited by Scheduled Tribes and Scheduled Castes, adequate measures may be adopted to ensure that the beneficiaries receive relevant and precise information about the implications of the schemes intended to raise them from their poverty levels. Existing procedures should be streamlined to ensure proper coordination between the various Government agencies at block and field levels and rules of the financial institutions should be simplified. It has generally been found that guidelines issued by the Reserve Bank of India to the commercial banks regarding loans under differential interest rates schemes are followed more in breach as several bank officers drag their feet before sanctioning such loans insisting upon sureties even for petty amounts ranging from Rs. 500 to less than Rs. 2000. Surprisingly, for schemes aimed at benefitting the landless some banks have been found to insist upon collaterals. The need to ensure that actual benefits reach the poorest of the poor cannot be denied. Hence a system has to be devised by which highest priority is given to the beneficiaries without any immovable assets and with the lowest incomes. The present selection procedures have left much to be desired and need a thorough re-vamping. Likewise, selection of schemes has to be imaginative so as to suit the background and capability of the potential beneficiaries. There also has to be a very businesslike follow-up of the cases till viability of investments is securely established.

Training

5.45 The Commission undertook three studies on Pre-examination Training Centres and one study on the effectiveness of the voluntary agencies. The approach of the Training Centres was generally found to be ineffective as in one institution the training was given through correspondence while in another important subjects like English, Hindi and

General Knowledge were not included in the syllabus. The institutions were also not adequately equipped with reading material or facilities for proper training of candidates. It was also found that the effectiveness of voluntary agencies suffered due to bureaucratic delays and certification of utilization of funds earlier received. The Commission would recommend that institutions that are being run for the pre-examination training should be supported only if they can maintain desirable levels or standards of training. In fact it would be more beneficial if the problem of education and training is tackled right from the basic education level. The Commission would strongly recommend that residential schools should be set up at every Panchayat level, and subjects like Science, Mathematics, etc. should be popularised among the Scheduled Castes and Scheduled Tribes. In the technical institutions, employment oriented opportunities should be introduced. In this connection an inter-ministerial group should review the pattern of technical education and employment opportunities.

5.46 During the year 1984-85, two studies were also conducted on the impact of the Integrated Child Development Services Programme in the tribal areas and three studies were conducted on miscellaneous types of subjects concerning the socio-economic aspects of the tribals. It was found that coverage of the ICDS in the tribal areas was extremely inadequate. In many of the Centres neither the arrangement of staff nor the condition of the building or other equipment was found to be of the desired standard. The Commission would therefore recommend that in the implementation of the ICDS due care should be taken to post trained and motivated staff, and to provide quality package of inputs for health, education and nutrition. Any over enthusiasm about expansion of coverage at the cost of quality of services is bound to be counter-productive.

ANNEXURE I

Major recommendations of the Commission for Scheduled Castes and Scheduled Tribes made in their paper on approach to Development of Scheduled Castes during Seventh Five Year Plan

- (1) The majority of the Central Ministries have failed to quantify funds for Special Component Plan under their sectoral programmes and have also not created a separate budget sub-head for accounting. For the Seventh Plan there should be an inter-Ministry Working Group headed by the Home Secretary (the then nodal Ministry) to ensure that proper quantification is done by all the concerned Ministries.
- (2) The Home Ministry should issue guidelines to the States/Union Territories to utilise 50% of the Special Central Assistance on schemes meant for agricultural labourers, 10% on cultivators, 10% on artisans, 20% on vulnerable groups and 10% on other categories of SCs. A scheme would qualify for Special Central Assistance only if substantial portion of funds for its implementation comes forth from the State Plan.
- (3) In spite of sub-heads for Special Component Plan having been created by a number of States and Union Territories, there are no effective restrictions on diversion. Diversion of funds from Special Component Plan should be allowed only in exceptional circumstances with the approval of the nodal department.
- (4) Notional quantification under Special Component Plan must be avoided by the Government Departments. Each Department should adopt and formulate schemes keeping in view the needs, skills and resources of the Scheduled Castes. Pressing basic needs should naturally be given higher priority.
- (5) The main objective of Special Component Plan was to enable at least 50% of the 80 families to cross the poverty line during the Sixth Plan. The quantum of economic assistance to these families and impact of such assistance on their economic status can be assessed only through sample evaluation studies (on a continuing basis) through organisations of repute including autonomous and voluntary research institutes.
- (6) The bench mark survey should be completed in 1984-85 itself, so that the SC families to be assisted during the Seventh Plan should get identified well in advance and suitable and viable income generating schemes should be formulated for them in a well thought-out and coordinated manner.
- (7) The vulnerable groups covered under SCP include scavengers, sweepers, SC bonded labourers, nomadic, semi-nomadic and de-notified communities among the Scheduled Castes. One more category, namely, the poorest among the Scheduled Castes, may be included in the vulnerable groups and Special Central Assistance for this group increased from 10 to 20 per cent.
- (8) Scavengers and sweepers should be given a better deal. A Comprehensive phased programme based on the number of persons engaged in these occupations and the channels to which they can be diverted and absorbed in a viable manner should be prepared.
- (9) The machinery for identification of bonded labour in various spheres of economic activity should be sufficiently strengthened and multi-dimensional rehabilitation programmes taken up through funds provided by the Ministry of Labour, quantified funds from the State Plans and the Special Central Assistance.
- (10) A large number of denotified communities live a life of day-to-day crisis. These communities may be given special attention during the Seventh Five Year Plan.
- (11) The SC beneficiaries under IRDP should be given subsidy at the rate of 50% like the Scheduled Tribes.
- (12) The problem of providing safe drinking water to all the villages having SC population should be completed in the Seventh Plan itself. Master Plans for provision of such community facilities as drinking water, street lighting, link roads, sanitation, etc. should be prepared for each district and these facilities extended during the Seventh Plan in a systematic and planned manner.
- (13) The Seventh Plan should provide special funds for primary education for the Scheduled Castes. Better incentives by way of stipends, dresses etc. should be provided to SC children, especially girls, to improve enrolment and prevent drop-outs.
- (14) When allotment of house-sites is made to the Scheduled Castes, the needs of their family, their cattle and their economic pursuits should be kept in view.
- (15) It has come to the notice of the Commission that even though there are Coordination Committees at the State level with Chief Minister as the Chairman, the reviews of the Special Component Plan are not made regularly. The reviews should be made at regular intervals and these should aim at assessing whether physical achievements are commensurate with the financial expenditure.
- (16) There is need for a full-fledged Monitoring Cell at district and State levels so that they can provide adequate feed-back to higher levels. The monitoring machinery at the Directorate of Scheduled Caste Welfare should be suitably strengthened by appointing a senior officer in charge of monitoring.
- (17) Increased participation and support of voluntary agencies in implementing the Special Component Plan programmes is essential. There is also immediate need to involve a representative cross section of Scheduled Castes in this task so that the more vocal and influential section of the SC society do not corner the benefits of development.

ANNEXURE II

Special Central Assistance to Special Component Plan for Scheduled Castes

(Rs. in lakhs)

Sl. No.	State/UT	Released during 6th Plan (1980-85)	Utilised during VI Plan (1980-85)
1	Andhra Pradesh	4842.35	4734.60
2	Assam	575.82	575.91
3	Bihar	5659.41	2927.14
4	Gujarat	1251.24	1251.21
5	Haryana	1237.95	1237.24
6	Himachal Pradesh	616.39	616.39
7	Jammu & Kashmir	127.13	89.30
8	Karnataka	3554.60	3537.30
9	Kerala	1395.39	1395.39
10	Madhya Pradesh	3874.85	3462.68
11	Maharashtra	3562.43	3348.58
12	Manipur	13.46	13.46
13	Orissa	2487.93	2487.93
14	Punjab	2425.85	2312.02
15	Rajasthan	3263.41	2410.98
16	Sikkim	6.74	4.26
17	Tamil Nadu	4900.65	4548.00
18	Tripura	147.58	133.57
19	Uttar Pradesh	14055.23	14055.23
20	West Bengal	5629.74	5502.61
21	Delhi	351.76	351.05
22	Chandigarh	10.83	6.23
23	Pondicherry	54.28	9.41
24	Goa, Daman & Diu	5.54	2.76
	TOTAL	60000.00	55313.42

ANNEXURE III

Physical & Financial Achievement of Scheduled Castes Development Corporations during 1984-85

S. No.	Name of the State	No. of families covered	Amount of Margin Money disbursed	Amount of Bank Loan disbursed	Amount of subsidy disbursed
1	2	3	4	5	6
1	Andhra Pradesh . . .	2,21,818	11,87,33,000	37,51,64,000	—
2	Assam . . .	2,058	38,22,964	11,60,490	—
3	Bihar . . .	11,762	83,49,000	2,50,47,000	— \$
4	Chandigarh . . .	585	4,81,650	6,52,350	1,26,840
5	Delhi . . .	2,552	19,22,500	57,67,500	—
6	Gujarat . . .	50,000	2,90,73,000	13,44,99,000	3,73,13,000
7	Haryana . . .	20,118	41,19,000	6,21,85,000	2,71,07,000
8	Himachal Pradesh . .	17,985	1,54,11,000	4,83,06,000	—
9	Karnataka . . .	35,019	2,50,67,000	7,68,63,000	—
10	Kerala . . .	14,166	29,20,000	6,08,58,000	1,67,73,000
11	Maharashtra . . .	73,405	48,99,000	6,07,48,000	6,69,51,000
12	Madhya Pradesh . .	13,525	60,54,029	4,60,19,107	83,85,121
13	Orissa . . .	11,644	72,83,000	1,58,84,000	44,46,000
14	Punjab . . .	24,542	47,41,000*	7,39,98,000@	3,57,16,000
15	Rajasthan . . .	3,799	4,44,000	88,80,000	—
16	Tripura . . .	1,201	8,91,600	27,71,600	10,90,000
17	Tamil Nadu . . .	17,000	85,79,000	NA	—
18	Uttar Pradesh . . .	48,592	1,17,06,000	22,13,84,000	—
19	West Bengal . . .	1,06,820	5,24,31,146	8,19,59,578	12,68,08,921
		6,76,601	30,19,27,889	130,19,46,025	32,47,16,882

\$Including Rs. 32,600 on training of SC Girls in embroidery & tailoring.

*Direct loans.

@Bank tie-up loans.

ANNEXURE IV

State Plan outlay, Flow to Tribal Sub-Plan and Special Central Assistance released to States during Sixth Plan and 1984-85

(Rs. in lakhs)

Sl. No.	State/UT	%of the ST population as per 1971 census	Sixth Plan					1984-85				
			State Plan	Flow to TSP	%of col. 5 to 4	Exp.	SCA	State Plan	Flow to TSP	% of col. 10 to 9	Exp.	SCA
1	2	3	4	5	6	7	8	9	10	11	12	13
1.	Andhra Pradesh	5.12	310000.00	13946.00	4.50	10911.01	2243.55	97831.00	2837.00	2.90	3020.00	583.40
2.	Assam	10.99	111500.00	12015.00	10.78	13189.65	2107.92	19008.00	4380.00	23.04	4255.00	533.58
3.	Bihar	8.75	322500.00	62525.00	19.39	53211.68	6925.90	75100.00	15594.00	20.76	15137.00	1823.47
4.	Gujarat	14.07	368000.00	48440.00	13.16	41496.62	4072.04	93500.00	11649.00	12.45	10446.00	1078.62
5.	Himachal Pradesh	4.10	56000.00	4491.00	8.48	25492.09	700.14	16500.00	1647.00	9.98	1482.00	198.51
6.	Karnataka	0.89	226500.00	2380.00	1.05	1871.55	345.26	65029.00	494.00	0.76	494.00	121.11
7.	Kerala	0.90	155000.00	1935.00	1.25	2362.58	286.02	35500.00	562.00	1.58	471.00	62.51
8.	Madhya Pradesh	23.56	380000.00	62903.67	16.55	83973.69	13743.64	146000.00	22642.00	21.36	22642.00	3624.52
9.	Maharashtra	7.62	617500.00	29885.46	4.84	33364.98	3319.91	165000.00	3568.00	2.16	2013.00	792.33
10.	Manipur	31.13	24000.00	7637.18	31.82	8539.05	865.08	8100.00	7852.00	128.72	8226.00	234.94
11.	Orissa	23.13	150000.00	53318.85	35.55	51970.75	6631.65	25770.00	16862.00	65.43	12456.00	1738.45
12.	Rajasthan	12.17	202500.00	20266.48	10.01	22949.13	3299.47	80897.00	8292.00	10.13	5530.00	833.30
13.	Sikkim	24.53	12200.00	1505.70	12.34	1265.04	122.35	3110.00	491.00	15.78	491.00	36.17
14.	Tamil Nadu	1.09	315000.00	1698.00	0.54	2304.09	535.66	92700.00	545.00	0.58	687.00	132.91
15.	Tripura	28.98	24500.00	6523.00	28.40	7697.55	808.84	4431.00	2939.00	66.33	3074.00	195.34
16.	Uttar Pradesh	0.23	585000.00	349.27	0.06	469.89	101.58	160100.00	213.00	0.13	216.00	25.50
17.	West Bengal	5.87	350000.00	18033.25	5.15	9304.52	2173.26	25966.00	2633.00	10.14	2718.00	511.60
18.	A. & N. Islands	15.65	9660.00	1548.05	16.02	1546.88	230.75	1822.00	392.00	21.51	344.00	30.00
19.	Goa, Daman & Diu	0.82	19200.00	122.65	0.64	112.83	37.00	14240.00	38.00	0.27	38.00	7.00
	TOTAL	7.58	4239060.00	349523.56	8.25	372033.58	48550.00	1088604.00	103520.00	9.51	93740.00	12536.26

ANNEXURE V

The position regarding quantification of funds in the Central Ministries/Departments

(Rs. in lakhs)

1. Name of the Ministry/Department	Sixth Plan 1980-85		1984-85	
	Total Outlay	Quantification for TSP	Total Outlay	Quantification for TSP
1	2	3	4	5
1. Ministry of Agriculture & Cooperation	83695.10	8069.10 (9.07)	27185.21	1765.97 (6.5)
2. Ministry of Health & Family Welfare	36695.21	3745.48 (10.20)	13854.50	1160.93 (8.3)
3. Ministry of Information & Broadcasting	24033.00	2028.69 (8.44)	9640.00	541.59 (5.44)
4. Ministry of Shipping & Transport	78850.00	12303.00 (9.50)	18250.00	2334.00 (12.78)
5. Ministry of Education & Culture	55872.00	3662.26 (6.55)	13983.54	1533.40 (10.97)
6. Ministry of Labour (Women Education)	200.00	9.45 (4.8)	70.00	14.91 (21.3)
7. Ministry of Commerce	—	—	—	—
8. Ministry of Industrial Development	11600.00	930.00 (8.00)	16900.50	2813.70 (16.65)
9. Ministry of Communications	281000.00	16000.00 (5.70)	84550.00	4640.00 (5.49)
10. Ministry of Irrigation	—	—	—	—
11. Ministry of Rural Development	176000.00	33800.00£ (19.20)	—	—
12. Department of Civil Supplies	3500.00	500.00 (5.71)	680.00	150.00 (22.10)
13. Ministry of Food & Civil Supplies (Deptt. of Food)	—	—	5500.00	345.00 (6.3)
14. Department of Rehabilitation	—	—	—	—
15. Ministry of Social Welfare	—	—	—	—
16. ICDS(for predominantly tribal area)	—	9885.00	—	3600.00
(ii) FLAW	—	237.00	—	540.00
	750845.31	91169.98 (12.10)	190613.75	19439.50 (10.20)

(Figures in parenthesis indicate %age of TSP quantification to total outlay).
£ Includes composite figures of SCs & STs.

ANNEXURE VI

Major recommendations of the commission for Scheduled Castes and Scheduled Tribes made in the paper on approach to development of the Scheduled Tribes during the Seventh Five Year Plan

1. For the Seventh Plan there should be an inter-Ministry Working Group headed by the Home Secretary to ensure that proper quantification is made by all the concerned Ministries.
2. The latest directive of the Ministry of Finance that the Central Ministries should open a separate budget head for the TSP should be followed strictly and there should be arrangement in each concerned Ministry for monitoring the achievements under the TSP.
3. Each Ministry should clearly determine outlay for the TSP out of the Central Sector and Centrally Sponsored Schemes.
4. Only the quantifiable infrastructure sectors (land reforms, minor irrigation, soil and water conservation and co-operation), social service sectors (general education, art and culture, technical education, medical and public health, water supply, housing, nutrition and Welfare of Backward Classes) and family benefiting programmes should be included in the TSP during the Seventh Plan.
5. The tribal areas being under-developed and having had very little benefits from the earlier plans, some weightage should be given to these and the TSP outlays should in fact be more than the said proportion.
6. Besides the existing three-factor formula for determining allocations to the States/UTs under the SCA an additional criterion of achievement performance should not be introduced during the Seventh Plan as it would be further disadvantageous to the more backward States where infrastructure and the level of administration of the tribal areas are poorer than those in the other States.
7. The tendency to utilise the entire SCA without ensuring full utilisation of allotments shown in the TSP (State Plan) should be curbed.
8. SCA should not be thinly spread over many routine schemes and should instead be utilised only for some important schemes where the allotments under the TSP are found to be inadequate.
9. SCA should be released to the States/UTs after obtaining the concurrence of the Commission for SCs & STs.
10. During the Seventh Plan the criterion of a minimum population of 10,000 for MADA projects may be reduced to 5,000 and mini projects started for clusters of tribal villages with separate extension officers for them.
11. The micro projects for primitive tribes should be continued during the Seventh Plan with added outlay and the remaining groups which have been left out during the Sixth Plan should also be identified and benefited during the Seventh Plan.
12. The problems of each of the primitive groups which are facing the prospect of extinction must be studied in depth and multi-disciplinary action programmes evolved first to ensure their physical continuance and growth and gradual introduction of certain basic amenities like drinking water, adequate nutrition, dwelling huts, etc.
13. A bench-mark survey of the tribal families living outside the TSP areas should also be carried out latest by the first year of the Seventh Plan and adequate provisions made to assist such of these tribal families which are living below the poverty line.
14. The physical target during the Seventh Plan should be at least 50% of the tribal families below the poverty line living outside the TSP areas. There should be suitable administrative machinery to execute the developmental programme among these tribal families. If necessary, a common but effective machinery may be provided to look after both scheduled tribe and scheduled caste families.
15. A senior officer of the RBI should function as Adviser to the Tribal Welfare/Development Department in each State and effectively co-ordinate the working of the various commercial banks insofar as loaning to the SCs and STs is concerned.
16. For the TSP the Block level planning is essential. A Block Plan should emphasise sectors having a bearing on family oriented schemes followed by human resources and infrastructural development.
17. The project reports of the ITDPs should be ready by or at least during the first year of The Five Year Plan, otherwise it is a misnomer to call it a project report if it is to be submitted by the end of the Five Year Plan. The MHA and the State Govts. may ensure that the project reports of the ITDPs for the Seventh Plan are prepared and submitted by the beginning of 1985-86.
18. For better planning and implementation it is desirable that the quantified funds of all the concerned departments should be pooled and then the ITDP should prepare a meaningful integrated plan on the basis of the total combined outlays and keep in view the local needs and priorities.

19. After excluding the indivisible infrastructure segment each development department should quantify the flow to the TSP from its State Plan and place its entire share of the TSP with the nodal department at the State level, viz., the Tribal Welfare/Development Department, which should be the sole authority for preparation and finalisation of the TSP.
20. During the Seventh Plan at least 50% of the TSP outlay should go to family oriented schemes. It is imperative that bench-mark survey should be completed before 1985-86 so that tribal families to be assisted during the Seventh Plan are identified well in advance and suitable and viable income generating schemes are formulated for different areas and different tribal groups in a well thought out and coordinated manner.
21. During the Seventh Plan it may be worthwhile to reduce the number of schemes for the STs and instead pool the resources in order to effectively solve at least some of their basic and more pressing needs. It may, for example, be desirable to provide safe drinking water to all the problem villages in the tribal areas during the Seventh Plan. An attempt should be made to cover all the tribal farmers under some schemes of minor irrigation or the other.
22. There should be at least one hostel in each Gram Panchayat in the TSP area and such hostels may be constructed at a moderate cost.
23. The low literacy districts/Tehsils in respect of tribal education should be identified and a special package of services formulated to bring these areas at par with at least the State average.
24. During the Seventh Plan greater efforts should be made for strict implementation of the laws prohibiting alienation of tribal land to non-tribals. The State Governments may immediately take up a review of the problem and, if necessary, special financial provisions may be made under Article 275(1) of the Constitution for effective administrative machinery to achieve the said objectives.
25. While allotting land to landless SC/ST persons it should be ensured that their share is not restricted to useless uncultivable land as is often the case. Such land allottees should also be adequately assisted to develop their lands.
26. Since more and more projects are going to be set up in the tribal areas, the Government policy regarding rehabilitation of displaced families must be clearly spelt out and implemented strictly.
27. (i) The Project Officer/Administrator of the ITDP should be a senior officer either drawn from the administrative services or from technical departments having close links with tribal life. The Project Officer of the ITDP should be delegated the powers of the technical officers of the divisional/district level e.g., Conservator of Forests, Supdt. Engineer, Joint Director, etc.
(ii) The BDO and his staff may be placed under the administrative control of Project officer of ITDP and he should also have the authority to write ACRs of the Extension officers of the different development departments in the ITDPs.
28. There should be unified control of administration at the Block level also, the BDO exercising administrative control over the technical officers of the various development departments posted in the Block.
29. The number of VLWs will have to be considerably increased for effective implementation of the TSP programmes.
30. The monitoring system has to be built up from grass root level (VLW, VAM, pharmacist, teacher, stockman, forester, etc.) vertically through Block, ITDP, district and State to national levels. In order to have reliable data the monitoring system has to be streamlined.
31. The benefits derived by the tribal people from the substantial investments under TSP may be evaluated by autonomous research organisations.

CHAPTER VI

DISPLACEMENT OF TRIBALS DUE TO LOCATION OF CENTRAL/STATE PROJECTS

In its evolution from an economically poor and backward country to one of the twelve leading industrial countries of the world, India today has to its credit a large and impressive array of irrigation, power, industrial (including Steel & Mines) and other projects, some of them of gigantic dimensions. In this process it has overcome its chronic food shortages and reached a stage of self sufficiency. The country has a remarkable record of increasing irrigation potential and electricity generation and of having a strong agricultural and industrial base. All this, however, has brought in its wake some very serious problems affecting the tribal population of the country. Almost all the big development projects have come up in areas inhabited by the tribals and hence have strongly affected the socio-cultural and economic lives of the people there. The Kutku Project in Bihar is reported to have been set up with the submersion of 17 villages displacing 6,000 tribals. (These figures as given by Kutku Submergence Area Liberation Committee are 30 villages and 12000 tribals). The Indira Sarovar Hydel Project in Bastar district (MP) is likely to submerge 5704 hectares of reserve forests and dislocate 25,000 families. Similarly, Inchampalli dam in Andhra Pradesh will displace 70,000 people out of whom 40,000 belong to Maria Gond tribal community. While firm figures about displacement of tribals and submergence of their villages and forest cover on account of the various projects completed or under completion in various parts of the country are not available, the Commission has attempted to assemble data in respect of 43 projects which indicate the displacement of 7.72 lac tribals.

6.2 Tribals are by and large simple and introverted people, still adhering to their age-old life-style. Uprooting them from their habitats not only disturbs their way of life but erodes and eventually destroys their social, cultural, religious and economic traditions. The setting up of Hydro-electric projects, bio-mass and agro-based industries, basic manufacturing units, mining projects and wild life projects in the tribal heart land have produced several undesirable results :

— The demographic profile of the tribal belts has undergone a change in which the simple and introverted tribal folk

have been pushed out of their hamlets into an unhealthy existence around the industrial complexes and city slums.

— While a number of power generation projects set up in the tribal areas have brought electricity and comfort to the nearby townships and remote city areas, the tribals displaced in the process continue to struggle in their thatched huts. In fact their economic condition has perceptibly deteriorated.

— Although the new projects have provided large employment opportunities to thousands of people, the displaced tribals do not benefit from these job opportunities because of their lack of training and technical or semi-technical skills. The forests of the proposed Bauxite mining projects of BALCO in Orissa, for example, are at present sustaining 10,000 tribal families but as soon as the project becomes operational, it would provide employment to only 3,000 people, and most of them would be non tribals.

— The demand for 'land for land' by the tribals displaced by the projects or adequate compensation in lieu thereof has not been met in respect of many important projects located in tribals areas. It is contended that since the tribals have been cultivating public land without any ownership rights they cannot claim any land to be allotted to them in lieu of what has been taken over by the project. The tribals displaced by Kutku dam are being offered only 10 decimals of homestead land as against their requirement of agricultural land for their total resettlement. Thus, the rehabilitation effort appears to extend only to cash compensation and a very small patch for a homestead. This could at best meet the needs of the landless labourers and non-land-based workers only. Further, the cash compensation for land is not sufficient as it is not based on the market price prevailing in the nearby non-tribal settlements.

- Due to nationalisation of coalfields, thousands of indigenous people—mostly tribals in Bihar have been thrown out of their jobs and replaced by outsiders. The writ of the contractors and mafia groups runs large in these areas. Unable to withstand the erosion of their culture, the tribals have developed complexes of various kinds and are slowly giving up their traditional arts and crafts, customs, dances etc. They have been found to be changing their surnames to those of the dominant religious groups e.g. Hindus and Christians. The negative attitude bordering on hatred towards the indigenous people has produced a loss of cultural identity among the tribals.
- The problem of land alienation has also become acute due to these projects. The tribal land is being alienated for setting up of industries and housing colonies by the public and private companies and cooperative societies. Due to their organisational advantage and official support, they have been able to acquire land from the tribals for setting up mining projects, industrial complexes, dams, housing colonies, wild life projects and a host of other activities which have forced the tribals to migrate for labour to remote areas of the country in Assam, Andhra Pradesh, West Bengal, Punjab etc. In their new surroundings they have been exploited by the middlemen. Some tribal communities left their original settlements as they could neither resist nor adjust themselves to the new industrial and urban culture. In the new environment they have, at some places, fallen prey to the extremist elements who have supported them in their legitimate entitlements in relation to land, forest and minimum wages. In this connection an example can be cited of the Samanta tribe of Orissa. They migrated to Vishakhapatnam (AP) where they were not listed as Scheduled Tribes and were found felling trees with the support of extremist groups. Similarly, due to the setting up of Upper Kolab Project to Koraput district of Orissa, Paraja tribal families have run away to hill tops as they did not want to be rehabilitated in unfamiliar surroundings.
- The projects have also been observed to cause adverse ecological situations and other problems like deforestation, land-slide siltation, seismic activity, water-borne diseases and environmental pollution and the tribal people living in close vicinity of these projects are the worst sufferers. Pressure on the demographic profile accompanied by massive mining, deforestation and uncongenial economic development has visibly upset the ecological balance of the tribal heartland. The green areas are turning into arid deserts and there is environmental degradation all over the country particularly in the Himalayan region.
- Due to the setting up of irrigation, power and other major industrial projects, many tribal villages have been submerged or lost. In the process not only have valuable forest cover been lost but also the rare and important tree species used as medicinal material by the tribals. The increased requirements of timber and fuelwood by construction and project workers has further compounded the situation leading to extinction of forests and soil erosion on a massive scale. This in turn has led to very adverse change in the water table and the rainfall distribution pattern. In their original surroundings the tribals used to sustain themselves on game and forest food during lean months but the extensive deforestation has produced drought-like conditions in almost all the tribal districts. Kalahandi district in Orissa, for instance, once full of lushgreen forests and the abode of wild animals, has today been reduced to a bamboo and dry scrub forest. Deforestation has been so rampant that even the hilltops have not been spared. Attempts at re-forestation through species alien to the area have brought a new set of problems. A study in Kolar district of Karnataka has revealed that "for each hectare of land shifted from food crops to eucalyptus, there is a loss of 250 mandays per year". It has also been proved beyond doubt that eucalyptus has zero growth for basic needs of fodder and food and has negative growth in terms of soil and water conservation. There have been movements in tribal areas against the plantation of eucalyptus.
- There are 14 Tiger Reserves and 284 National Parks and wild life sanctuaries in India. No human habitation is allowed in the Tiger Reserves and National Parks as per the provisions of the Wild Life Act, 1972. The Act also prohibits entry of outsiders in these areas. The tribals, who have symbiotic relationship with forests, have now been prohibited from entering these areas. In fact as per the aforesaid Act they are required to be removed from the Tiger Reserves to

other places, thereby displacing them from their original habitat and settling them in altogether alien surroundings. The enforcement of this Act would also deprive them of minor forest produce, forest food, game, fuel wood, timber, etc. On the other hand, the tribals who still inhabit the National Parks and Tiger Reserves are exposed to the risk of attacks by the wild animals. For instance, in a year 22 forest dwellers of Sunderban Tiger Project were killed and maimed. The killing spree so much agitated the forest dwellers of the project that they started a movement for better protection from the marauding tigers.

- Another set of projects which has also led to displacement of tribals in some States are those which are set up for national defence and security, etc. like the Rocket Testing Range Site, Space Research Programme, Atomic Power Stations, etc. The local people including the tribals have strongly resented the setting up of the Rocket Testing Range Site at Baliapal district Balasore (Orissa) which is likely to cover 170 Sq. Kms. of area and displace 1 million people in Balasore district and the tribal district of Mayurbhanj. The reports say that the area produces Rs. 7 crores worth of farm goods like betel leaf, coconut, cashew, oil seeds, jute, rice wheat and fish. If the project is undertaken, it will turn that prosperous area into a desert. The Sriharikota Space Research Station has also displaced sizeable tribal population in Andhra Pradesh.

6.3 In view of the problems stated above, one is forced to question the rationale of setting up of large Central and State Projects in tribal areas causing so much socio-economic strain to the tribals and ecological instability of frightening magnitude.

6.4 The problem of displacement and rehabilitation of tribals is indeed a highly complex one and has to be viewed and tackled in all its ramifications. With this in view, the Government from time to time have issued guidelines (Annexure) in this regard. The main thrust of these guidelines is that (i) the tribals should be given land for land preferably in the command area, (ii) Instead of giving employment to one member of each displaced family as per earlier guidelines, it has now been decided by the Government that the project authorities would assist the concerned State Governments in organising and financing useful avocations for the displaced families, (iii) the cost of rehabilitation should be an integral part of the project cost.

6.5 In practice, however, the picture that emerges is quite different. Rehabilitation, which should find a prime place in planning and execution of projects, has always been relegated to the lowest priority by the planners and executors of the projects.

6.6 While noting with satisfaction that Ministries/Departments like the Ministry of Steel & Mines, the Departments of Railways, Surface Transport and Civil Aviation in the Ministry of Transport etc. have started giving the highest priority to the task of preservation of environment and control on the various sources of pollution, the Commission would make the following important recommendations :

1. The setting up of mining projects, steel plants etc. in the tribal heart-land have turned these areas into tribal minority areas. In fact, with the sad experience of the tribals in the States of Bihar, Madhya Pradesh, Rajasthan, Orissa, etc. it would appear necessary that major projects under irrigation, power, mining, wild life protection etc. proposed for location in the tribal areas are referred to the Ministry of Welfare for their concurrence from the point of view of rehabilitation of the affected tribals.
2. The guidelines about the mode of rehabilitation of displaced tribals and the requirement that the task of rehabilitation should invariably precede the task of actual project construction have simply not been followed. These aspects have to be looked into in considerable depth. The present guidelines for rehabilitation of displaced tribals issued by some Central Ministries/Departments remain less than adequate. The need is being increasingly felt for the issue of comprehensive guidelines and setting up of an institutional machinery which could implement the rehabilitation programme with imagination and speed.
3. It has been observed that the Central/State projects have a way of expanding spatially because of location of supporting infrastructure like housing and other related facilities. In this process the dimensions of displacement of tribals become much larger than originally visualised and the problem of rehabilitation of displaced tribals more complex. In such cases, the displacement of tribals becomes a secondary issue leading to tragic consequences. There is obvious need for examining such cases in depth so that a measure of discipline is enforced in land acquisitions and the large scale evictions of tribals is curbed effectively.

4. It would also be desirable to consider only smaller but cost-effective projects in some of the tribal areas so as to restrict the displacement of tribals and yet bring them development and new job opportunities.
5. The principle of providing 'land for land' has generally not been observed. In some States the uprooted tribals have not been given compensation at all and in some other States only inadequate compensation, which again, in the absence of an innovative approach in disbursements, has been squandered away. In this background, there appears to be a strong case for evolving a national policy or enacting a central legislation prescribing uniform and comprehensive mode for rehabilitation of displaced tribals ensuring for them a better economic life and preserving their socio-economic and socio-cultural ethos.
6. In the context of industrial development, certain districts have been listed as 'backward' for which the Central Government provides support through investments and subsidies. The hypothesis that all districts must have industries defies the logic of economics. Perhaps some districts could with advantage be promoted agriculturally and through small agro-based industries. In any case, the present policy of industrialisation and setting up of irrigation, power and mining projects not merely threatens further displacement of tribals in the tribal areas and districts but also endangers the subtle ecological balances between industrial and agricultural development. There is clearly a need to be more circumspect in our pursuit for industrial development.
7. (a) The soil fertility has been adversely affected due to excessive mining, ash discharge by thermal power plants and industrial wastes. As the displaced tribals have low levels of literacy and are less vocal in asserting their rights it is desirable that the environmental pollution laws in relation to the projects located in the tribal areas are strictly enforced.
- (b) The other baneful effect of environmental pollution is the increase in communicable, respiratory and other related diseases among the tribals living in close proximity of the projects. These diseases are peculiar to tribal areas. There is a need for curative measures through opening and strengthening of medical and para medical networks and vigorous enforcement of environmental pollution laws.
- (c) The major mining locations of the country are in the tribal heartlands of Chotanagpur region, Bastar district, Peninsular India, western & eastern ghats etc. There is, therefore, urgent need for incorporation of environmental science in educational syllabi for creating general awarenesses among the younger generations about environment.
- (d) Since many mining areas are also tribal habitats there is need for a review of all current mining activities from the environmental angle in the form of introduction of periodical environmental audit.
8. The tribals living close to the game sanctuaries and national parks earlier had access to the core areas for collection of minor forest produce, hunting, fishing, etc. These have now been restricted by the Wild Life (Protection) Act, 1972 and Forest Conservation Act, 1980. There is need for allowing them entry to the restricted forest areas for legitimate purposes like collection of forest produce, hunting of unendangered species on religious occasions, fishing etc.
9. The tribals should be accepted as partners in the management of forests. A beginning can be made by introducing programmes of tree plantation with full involvement of the tribals and of the

species familiar to them. Such an approach would not merely help in regenerating forests but also lend support to an ecological equation in human, animal and biomass factors. In this context, it should also be possible in some areas to replicate forestry environment for the displaced tribals which would be an ideal mode for rehabilitation. Usufructory rights over trees should be given to the tribals in the manner it is being done in Gujarat and Maharashtra. In short, the best insurance for forests is to entrust their care and management to the tribals for whom the forests represent their life-support system.

10. The rehabilitation of the displaced tribals by the project authorities can be more meaningful if the local dedicated

workers are also associated with the programmes of economic and social rehabilitation of the displaced tribals. This will call for energisation and active involvement of the cadre of local social workers.

11. While the intention is not to oppose the setting up of defence, space research and other strategic projects, the Commission strongly feels that there is a case for comprehensive rehabilitation of the tribals displaced by these projects in their original environment.
12. The Central and State Water Pollution Control Boards should ensure strict application of environmental norms in the industries located in the tribal areas with a view to controlling water and air pollution.

ANNEXURE

Guidelines issued by various Central Ministries

1. Ministry of Home Affairs

The guidelines issued in 1982, *inter-alia*, provide for payment of compensation to the evicted tribals, allotment of land for land preferably in the command area, employment of atleast one member of the evicted tribal family in the project, training and suitable support to the tribals for setting up of small industries, supply of drinking water, free house-sites and other basic educational and medical facilities to the new tribal settlements.

2. Ministry of Water Resources

The Ministry had in 1980 suggested for assignment of Government Waste Land in the command area to the displaced persons and also to compel big landlords in the command areas to part with their land for re-settling the displaced tribals. The State Governments were requested to pass a legislation facilitating resettlement of the tribals in the command areas. Further the State Governments were requested to ensure that the interests of the weaker section of society were suitably protected before sanctioning such projects.

3. Ministry of Environment & Forests

In response to a communication from the Ministry of Environment & Forests, the Planning Commission

has now made it incumbent on the various divisions that projects of the State Governments requiring clearance of the Planning Commission should be cleared only with the prior approval of the Central Government under Forest (Conservation) Act, 1980.

4. Ministry of Industry (Department of Public Enterprises)

Considering the seriousness of the problem the Government of India have issued detailed guidelines for land acquisition, payment of compensation for the land acquired, rehabilitation of the displaced tribals etc. involved in major projects vide Ministry of Industry's (Department of Public Enterprises) O.M. No. 15/13/84-BPE(O) dated 3-2-1986. A perusal of the guidelines indicates that the earlier offer of employment of atleast one member of every displaced family as given in the guidelines of the Ministry of Home Affairs has been withdrawn as it is felt that this offer may adversely affect the commercial viability of the undertakings due to over-manning the project with persons not suitable for the job. The project authorities have been requested to assist concerned State Governments for organising and financing useful avocations like poultry farming, animal husbandry, etc. for displaced tribals.

CHAPTER VII

LEGISLATIVE SAFEGUARDS FOR SCHEDULED CASTES AND SCHEDULED TRIBES IN RELATION TO LAND AND FORESTS

For any developmental planning to be comprehensive it has to take care of the interests of the Scheduled Castes and Scheduled Tribes who constitute 1/4th of the country's population. Since the majority of Scheduled Caste and Scheduled Tribe households derive their livelihood from agriculture, the development of the agricultural sector occupies a prime place among the various economic development programmes. Keeping this in view a large number of legislative safeguards have been provided by the State Governments and Union Territory Administrations to safeguard the interests of Scheduled Castes and Scheduled Tribes over land and forest. Still it is a fact that gradually both Scheduled Castes and Scheduled Tribes are being alienated from their lands and from forests.

7.2 By now as many as 23 States/Union Territories have passed special amendments to existing laws or have brought about fresh enactments to prevent alienation of tribal land. The Andhra Pradesh (Scheduled Areas) Land Transfer Regulation, 1959 and the Andhra Pradesh (Scheduled Areas) Land Transfer (Amendment) Regulation, 1970, 1971 and 1978 prohibit transfer of scheduled land to non-tribals whether the owner is tribal or non-tribal. These also authorise the Government to acquire land in case a tribal purchaser is not available. The Assam Land and Revenue Regulation, 1886, prohibits alienation of land in tribal blocks. Similarly, the Chotanagpur Tenancy Act, 1908, Santhal Pargana Tenancy (Supplementary Provisions) Act, 1959 and the Bihar Scheduled Areas Regulations 1969 also prohibit the alienation of land of the tribals. This regulation also provides for restoration of alienated land to the tribals. As early as 1901, in Gujarat, some measures of protection were provided (when it formed part of the Bombay Presidency) by

amending the Bombay Land Revenue Code, 1879, and introducing Sections 73-A and 79-A, imposing a ban on transfer of land without the permission of the Collector in those Scheduled Villages in which survey and settlement had not been introduced. The Himachal Pradesh Transfer of Land (Regulation) Act, 1968 and the Karnataka Scheduled Castes and Scheduled Tribes (Prohibition of Transfer of Certain Lands) Act, 1978 also prohibit alienation of tribal lands. In Kerala, the Kerala Scheduled Tribes (Restriction of Transfer of Land and Restoration of Alienated Lands) Act, 1978 prohibits transfer of certain lands granted to persons belonging to Scheduled Tribes, but the Act has not yet been enforced by the State Government. Under the Madhya Pradesh Land Revenue Code, 1959 alienation of land is prohibited. No transfer of land by a member of a Scheduled Tribe to non-Scheduled Tribe is valid without the permission of the Deputy Commissioner and District Council in Manipur under the Manipur Land Revenue and Land Reforms Act, 1960. The Maharashtra Land Revenue Code and Tenancy Laws (Amendment) Act, 1974 and the Maharashtra (Restoration of Lands to Scheduled Tribes) Act, 1974 prohibit alienation as well as ensure restoration of alienated lands. In Orissa, Rajasthan, Tripura and West Bengal similar enactments are in force which prohibit alienation of land and also provide for restoration of alienated lands. In Tamil Nadu, under the Revenue Boards Standing Orders, land assigned to specified hill tribes shall not be transferred to persons not belonging to the same class without permission of the Divisional Officer. In the State of Uttar Pradesh restrictions have been imposed on transfer of land by Scheduled Tribes to non-Scheduled Tribes without the permission of the Collector under the Uttar Pradesh Jamindars Alienation and Land Reforms Act,

1950 as amended by the U.P. Land Laws (Amendment and Ordinance) 1981 with regard to Sections 157 and 211 of the Act. The Bengal Eastern Frontier Regulation, 1873 also provided for similar protection in what is now Nagaland and Arunachal Pradesh. In Dadra & Nagar Haveli, Lakshadweep, Meghalaya and the Andaman & Nicobar Islands, legislations are in force to protect the interests of the tribals in the matter of land.

7.3 A study of the impact of the legislative safeguards has, however, revealed that although these regulations have curbed transfer of lands from Scheduled Castes and Scheduled Tribes to some extent and also resulted in restoration of some of the alienated lands, they have so far not been able to provide a complete solution to the problem. Instances of Scheduled Castes and Scheduled Tribes being dispossessed of their lands still come to notice and it is felt that the cumbersome procedures for land restoration could be responsible for delays in the settlement of such cases. In the view of the Commission, absence of surveys and non-maintenance of proper land records, existence of 'benami' transactions, non-review of the implementation of existing and newly enacted laws and regulations, inadequate investigating machinery, lack of adequate infrastructure to implement the laws enacted etc. are the various reasons leading to the perpetuation of an already pathetic situation in this respect. Concerted efforts are being made by several State Governments to allot/distribute land amongst the Scheduled Castes and Scheduled Tribes. There is also need for a simultaneous effort to ensure that the official machinery is able to safeguard the distributed land from being alienated. Keeping this in view, the Commission recommends that the laws against alienation may be reviewed by the States and loopholes plugged; the administrative machinery should be strengthened; the survey and settlement operations should be completed as early as possible and the ownership of the land by tribals according to the customary laws and practices should be recorded accurately. Wherever land has been taken away by the Government, the affected families should be given compensation on the principle of 'land for land' or alternatively, **they should be rehabilitated comprehensively.**

The Commission also feels that instead of the States having a large number of enactments basically aimed at preventing land alienation and restoration, a single comprehensive legislation may be more effective and comparatively easier to implement.

7.4 It has been noted that the main reason for land alienation is the poor economic condition of the Scheduled Castes and Scheduled Tribes. The income that a Scheduled Caste/Scheduled Tribe member derives from his land is hardly sufficient to maintain his family as a result of which he has to work as an agricultural labourer. In times of emergency or to fulfil social or religious obligations he is always tempted to sell away his assets to meet his financial needs. Therefore, the Commission strongly feels that legislation alone cannot solve the problem and concerted efforts have to be made to improve their general economic condition and also provide easy sources of rural credit. Scheduled Castes and Scheduled Tribes have also to be made aware of the legislations which are in force to safeguard their interests. Hence education has an important role to play in bringing about a change in the present situation.

Forests and the Tribals

7.5 Tribal economy is basically dependent on land and forests. The proceeds from the sale of minor forest produce collected by the tribals constitute a significant proportion of their household income. Realising this, some of the State Governments like Andhra Pradesh, Bihar, Gujarat, Kerala, Madhya Pradesh, Maharashtra, Karnataka, Orissa, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal have granted concessions to the tribals in the matter of collection of minor forest produce, fuelwood for domestic consumption, logs for building/repairing houses, land for grazing etc. There are however no specific legislative safeguards available to Scheduled Tribes at present in relation to forests. The provisions of the Forest Act and the Wild Life Protection Act even exclude the tribals from their age-old link with forests. At the time of enactment of the Forest Conservation Act only those rights of the tribals were given recognition which were registered or recorded

without realising that the use and exploitation of forests by the tribals was a traditional activity not documented as in the case of revenue lands. It is, therefore, necessary to have a comprehensive and positive legislation, keeping in view the national goals to safeguard the interest of the tribals in the forests. The Commission feels that planning without the participation of the people and their active involvement is not expected to be realistic. It, therefore, expects that while planning for the preservation/extension/development of forests, the planners would not overlook the basic characteristic of the tribal economy. Within the framework of the National Forest Policy the tribals should be allowed to have full freedom of access to forests to collect the minor forest produce and fuel. They should be given timber, bamboo poles, etc. at concessional rates from stocks near their villages. They should be made partners in forest development and massive programmes of social forestry may be taken up in vacant lands which could bring them their share of economic returns. The new forest policy should ensure that the objective of maintaining 1/3rd of the total land mass under forest cover is achieved rapidly and while doing so the customary usufruct of the tribals to such forests is guaranteed to them.

7.6 All the forest villages should be converted into ryotwari or revenue villages and any land assigned to them should be given to them on *patta* basis with heritable but non-alienable rights. Where approval of the Central Government is necessary this should be obtained expeditiously. While it may be necessary to bring the forest dwellers into the mainstream by opening up the areas through planned economic development, the change should be brought about in a phased manner so as to cause minimum disturbance in the interiors and amongst the tribals.

7.7 In the tribal economy money had a very limited role to play in the past. Due to the tribals' age-old isolation, money-lenders were the only persons available to them to meet their credit and marketing needs. As a result of this monopolistic position the whole tribal economy was manipulated by

the influential few to their best advantage. However, after the tribal areas were brought under the fold of planned development, co-operative ventures were conceived of as an effective alternative to curb the unhealthy activities of the money-lenders. Large-sized Multipurpose Co-operative Societies (LAMPs) have been organised in all the Tribal Sub Plan States for the purchase of minor forest produce and its marketing as their main functions. States like Andhra Pradesh, Maharashtra and West Bengal have given monopoly rights to the LAMPs. Some States have also nationalised the purchase of minor forest produce with the purpose of ensuring reasonable price to the tribals. Yet the efforts taken up by the State Governments have not really yielded the desired results so far. In most places LAMPs have not begun to function effectively as adequate funds and suitable staff have not been positioned. Although several State Forest Corporations have been established, the tribal still collects minor forest produce and gets payment as a casual wage earner whether it be from the Corporation's agents or from the departments direct. There is still a wide gap between the payment received by the tribal and the market price of the minor forest produce. It is, therefore, important that the LAMPs work effectively and in a business-like manner to meet the two basic requirements — credit and marketing — if the tribals are to be given a fair share in the country's overall progress.

7.8 One of the tasks for the future would be to build up an industrial base in the tribal areas. This would be necessary to remove pressure from the land. However, care has to be taken to ensure that the industries have their base in the agricultural as well as in the forest sector so that all these sectors develop simultaneously and that they are not completely alien to the tribal's world. Manpower planning, in order to diversify the tribals' occupational structure, must be taken up before appropriate policies and programmes are launched in the tribal areas to create an environment which will be conducive to industrialisation. Otherwise, there would be a large-scale exploitation by outsiders who would not hesitate to grab the opportunities created by the process of industrialisation.

Scheduled Castes

7.9 Amongst the Scheduled Castes also the problem of land alienation still continues to assume large dimensions especially because majority of them are recent allottees of ceiling surplus lands which the powerful land-owners still try to retain under their hold. Despite legislations brought out by States like Karnataka, Orissa and Uttar Pradesh to prevent land alienation from the Scheduled Castes these laws are yet to prove their effectiveness. The Commission is, therefore, of the view that passing legislation only is not enough to overcome the problem of land alienation; there is need for instituting an effective machinery backed by a strong political will. The existing legislation for preventing land alienation is by and large not inadequate but the implementing machi-

nery requires to be adequately energised and fully strengthened to measure up to the requirements of the task. The Central Government should be able to persuade the States to carefully review the existing laws on the subject and to mount special and concerted drive to restore the alienated land back to the Scheduled Castes and Scheduled Tribes. The phenomenon of land alienation is strictly related to the rural power structure with distinct polarisation of the landed well-to-do numerically smaller groups and the masses of poverty stricken and downtrodden landless comprising largely Scheduled Castes and Scheduled Tribes. There is thus, need for a strong and unshakable political will an effective and motivated bureaucracy, and dedicated and aggressive social action to remove this malaise from the rural fibre of the country.

CHAPTER VIII
RECOMMENDATIONS

Sl. No.	Recommendation	Reference(s)	
		Para No.(s)	Page No.(s)
1	2	3	4
<u>Conferment of Constitutional Status</u>			
1.	The Commission is greatly handicapped in performing its functions effectively because it does not enjoy constitutional status. This makes the Commission, at times, a helpless spectator of non-performance and non-compliance. This situation needs to be remedied without further loss of time. The Commission has in its earlier reports stressed the need for conferment of constitutional status on it. It is, therefore, once again strongly urged that the Government of India urgently consider giving this Commission constitutional status.	1.6	1
<i>(Action : Ministry of Welfare)</i>			
<u>Powers under Commissions of Inquiry Act, 1952</u>			
2.	In order to enable the Commission to make a decisive impact on the atrocities situation and to meaningfully protect the constitutional safeguards provided to the Scheduled Castes and Scheduled Tribes, the Commission should be empowered as a Commission of Inquiry under the Act of 1952.	1.7	2
<i>(Action : Ministry of Welfare)</i>			
<u>Association of Commission in Policy, Planning and Implementation</u>			
3.	The Commission should be involved not peripherally but comprehensively in all matters of policy, planning and implementation of the programmes meant for SCs/STs. Serious thought needs to be given to the question of entrusting the Commission with the task of finalising the Tribal Sub Plan and Special Component Plan of the States and determining the quantum of Central assistance to be given to the States in this connection.	1.8	2
<i>(Action : Ministry of Welfare/Planning Commission)</i>			
<u>Reservations</u>			
4.	The prescribed quota of reservations in the Ministries/Departments under the Government of India has not been achieved in groups A, B & C. In fact in Group C, there has been a decline in the intake of Scheduled Castes and Scheduled Tribes since 1-1-83. No satisfactory reasons are forthcoming for this deterioration and the Commission would therefore like to stress the need for special steps to be taken up by all Departments at the Central Government level to ensure the prescribed representation of SCs and STs so as to set the trend for the State Governments and Public Sector Enterprises.	2.3	5
<i>(Action : All Departments of Central Government)</i>			

1	2	3	4
<u>False Caste-Certificates</u>			
5.	Complaints have been received in the Commission about non-SCs/STs claiming reservation benefits by producing false caste certificates. In order to ensure that the benefits in reservation are availed of by <i>bonafide</i> SC/ST members only, proper scrutiny of such certificates needs to be made by the appointing authority and in case of doubt, the claims should be got verified from the concerned District Magistrates. The Commission would recommend introduction of a special and foolproof system of scrutiny of such certificates at the administrative levels in all the public sector undertakings. As complaints regarding false certificates are increasing alarmingly, it would be necessary for the Bureau of Public Enterprises, the Department of Banking and the Department of Personnel as well as the Ministry of Welfare to give urgent thought to the matter and devise effective procedures to put a stop to the abuse of the policy of reservation.	2.8	6
(Action : Ministry of Welfare, Department of Personnel, Bureau of Public Enterprises and Department of Banking)			
<u>Inadequate Reservation in Public Sector Undertakings</u>			
6.	There is need for the Bureau of Public Enterprises to take a series of determined steps to ensure that all public sector undertakings implement government instructions more seriously in providing adequate reservation in posts for SCs and STs especially in Groups A and B.	2.12	7
(Action : Bureau of Public Enterprises)			
<u>Special Recruitment Drives</u>			
7.	The Commission would recommend that in view of the poor intake of SCs and STs in the officers and clerks grades in Banks and other Financial Institutions, the Banking Service Recruitment Board should launch special recruitment drives for induction of SCs and STs in filling up the reserved vacancies. The interview boards should meet in areas predominantly inhabited by the tribal people, so that it is possible to recruit more tribal candidates.	2.16	7
(Action : Department of Banking)			
<u>Special Recruitment Measures</u>			
8.	While commending the efforts of certain State Governments like Kerala and Karnataka for taking special steps to improve the intake position of SCs and STs, the Commission would strongly urge other State Governments/UT Administrations to take similar measures in this direction so as to substantially improve the position of SC and ST representation in all groups of posts at the earliest.	2.19	8
(Action : All States/Union Territories other than Kerala and Karnataka)			
<u>Reservation according to Population Percentages</u>			
9.	In its second Annual Report (recommendation No. 432), the Commission commended to the State Governments for providing reservation for STs in Groups C and D posts on the basis of their population percentage in each district. The Commission would again stress that the recommendation be duly considered by the Government of India and the State Governments so as to ensure that reservation for STs in Groups C and D posts is provided on the basis of their population percentage in each district.	2.20	8
(Action : Ministry of Welfare/All State Governments)			

1	2	3	4
<u>Selection on the basis of Merit</u>			
10.	In States like Tamil Nadu and Kerala the ST and SC candidates who are selected for appointment on the basis of general merit are not appointed against the reserved vacancies, and the number of reserved vacancies on account of such selection remains unaffected. The Commission considers this to be the correct approach and would recommend that the Government of India and the other State Governments may emulate the example of Kerala and Tamil Nadu in ensuring that the SC/ST candidates selected on merit in competition with general candidates are not adjusted against the reserved vacancies.	2.21	8
<i>(Action : Ministry of Welfare All State Governments except Tamil Nadu and Kerala)</i>			
<u>Low-cost Housing for Sweepers and Scavengers</u>			
11.	From the studies undertaken on the living and working conditions of sweepers and scavengers the Commission observed that a large number of sweepers and scavengers were not allotted any residential quarters. Where residential quarters had been provided the accommodation was generally inadequate. There was no proper maintenance of the quarters because the allottees knew that they would have to vacate the houses after their retirement. To safeguard against this situation, the Commission would recommend that special low-cost housing schemes may be introduced to ensure that scavengers and sweepers who are allotted such residential quarters while in service may continue to occupy them as owners on retirement. This would ensure proper maintenance of such quarters apart from providing a much needed relief to this poor and neglected section of the working classes.	2.22	8
<i>(Action : Ministry of Welfare)</i>			
<u>ICDS and Balwadis in Sweepers/Scavengers Colonies</u>			
12.	The Commission would suggest that while opening Integrated Child Development Projects, Adult Education Centres, Mahila Samajam, Balwadis etc. the State Harijan Welfare Departments should give preference to colonies inhabited by sweepers and scavengers by locating such institutions there.	2.23	9
<i>(Action : Ministry of Women Welfare All States UT Administration)</i>			
<u>Impelementation of Service Safeguards</u>			
13.	The Commission would strongly recommend to the Government of India and the State Governments to vigorously implement the service safeguards and adopt a series of effective punitive measures to restrain those who wilfully flout the Constitution and the Presidential directives.	2.31	10
<i>(Action : Department of Personnel)</i>			
<u>Monitoring of untouchability cases in Courts</u>			
14	The Commission recommends that the States should get the causes of failure of untouchability cases in the courts critically examined regularly at the appropriate level. In cases of acquittal arising out of indifferent handling or wilful negligence on the part of the police or prosecuting officials, the Government should ensure that deterrent action is taken against the defaulters. On the other hand, due recognition and suitable incentive should be given to officers showing good performance.	3.4	14
<i>(Action : All State Governments UT Administrations)</i>			
<u>Combined efforts for curbing untouchability</u>			
15.	As untouchability continues to be practised without any appreciable abatement mostly in areas in which orthodox values and deeprooted old fashioned customs prevail, it is high time for both the Central and the State Governments to make a more determined bid to launch a multi-pronged attack on this evil practice through an effective combination of efforts by voluntary agencies, educational institutions, cultural organisations, etc.	3.5	15
<i>(Action : Government of India All State Governments UT Administrations)</i>			

1	2	3	4
<u>Waiving of income-ceiling for purposes of eligibility for legal aid</u>			
16.	The Commission would recommend that the State Governments should waive the income ceiling in respect of the members of the Scheduled Castes and give adequate publicity to the scheme of legal aid so that maximum number of victims of untouchability or other disabilities are able to derive benefit out of it. (Action : All State Governments/UT Administrations)	3.8(i)	15
<u>Evaluation of PCR Act prosecutions</u>			
17.	The Commission finds that while a number of States have taken steps in the direction of appointment of officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of the Act, none of the States seem to be having any in-built mechanism to periodically evaluate their functioning so as to take corrective measures wherever and whenever necessary. The Commission recommends that the State Governments should periodically evaluate the arrangements made by them under the provision of the PCR Act. (Action : All States/Union Territories concerned)	3.8(ii)	15
<u>Mobile Special Courts</u>			
18.	The Commission reiterates its earlier recommendation that the six State Governments that have set up Special Courts should ensure their mobility so as to make them effective and purposeful. The Commission would also recommend that the remaining States, especially Gujarat, Maharashtra and Uttar Pradesh, in which the number of cases of untouchability and atrocity is quite high, should review the position and set up mobile special Courts at the earliest. (Action : State Governments/UT Administrations concerned)	3.8(iii)	16
<u>Committees for Protection of Civil Rights</u>			
19.	Though many States have set up committees in pursuance of the provisions of the Protection of Civil Rights Act, they do not hold their meetings regularly. This defeats the very purpose for which the committees have been set up. The Commission recommends that the State Governments should ensure that such committees hold their meetings according to a fixed schedule. (Action : All the State Governments/UT Administration concerned)	3.8(iv)	16
<u>Untouchability-prone areas</u>			
20.	The Commission would urge the States/Union Territories, especially those where the problem of untouchability obtains in acute form, to undertake the exercise of identifying untouchability-prone areas without any further delay so that they could concentrate their attention on eradication of untouchability in such areas. (Action : All State Governments/UT Administrations concerned)	3.8(vi)	16
<u>Reporting of Atrocities</u>			
21.	The Commission recommends once again that the States should give serious thought to proper compilation of data on offences committed against the Scheduled Castes and Scheduled Tribes and evolve a fool-proof system that can ensure that correct periodical returns/reports are sent by them to the Government of India and to this Commission. (Action : All State Governments/UT Administration)	4.6	23

1	2	3	4
<u>Speedy disposal of Court Cases</u>			
22.	To ensure speedy disposal of cases in the courts, the Commission recommends that the prosecution witnesses attending courts should be paid bus/train fare in addition to the day's minimum wage as fixed by the State on the dates of hearing irrespective of the fact whether the evidence is recorded on that day or not. This would encourage the witnesses to attend the courts on the dates fixed and would, thus, facilitate speedy trials. The Commission also recommends that the State Government should ensure that suitable directions are sent to the district and lower courts to give priority to disposal of the cases of atrocities against Scheduled Castes and Scheduled Tribes. The courts may also take necessary steps to maintain separate records of such cases (Action : All State Govts./UT Administrations.)	4.11 and 4.12	23
<u>Identification of atrocity-prone areas</u>			
23.	It is suggested that the States like Uttar Pradesh and Rajasthan should identify atrocity-prone areas/districts in respect of Scheduled Castes and the States of Madhya Pradesh, Andhra Pradesh, Rajasthan and Gujarat in respect of Scheduled Tribes. (Action : State Governments of Uttar Pradesh, Rajasthan, Madhya Pradesh, Andhra Pradesh and Gujarat.)	4.13	24
<u>Financial relief to atrocity victims</u>			
24.	The Commission reiterates its earlier recommendation that the States/Union Territories, especially Assam, Punjab, Tamil Nadu and West Bengal who have not accepted the Commission's scheme of financial relief so far, may do so early. (Action : State Governn ents of Assam, Punjab, Tamil Nadu and West Bengal)	4.16	24
<u>Associating voluntary agencies in identification of bonded labour</u>			
25.	The Commission would recommend that instead of depending entirely on their machinery, the State Governments should also associate voluntary agencies and social organisations in identification of the bonded labour so that they could take proper steps to get them released and rehabilitated. (Action : All States Governments/UT Administrations.)	4.19	25
<u>Vigilance Committees</u>			
26.	The Commission reiterates its recommendation that as provided in the Bonded Labour System (Abolition) Act, vigilance committees should be constituted by every State in all the districts and sub-divisions. It is also equally necessary to activate the defunct vigilance committees. (Action : All States Governments/UT Administrations.)	4.22	25
<u>Craft-based programmes for released bonded labour</u>			
27.	The Commission would reiterate its earlier recommendation that the rehabilitation programme of the bonded labourers should be linked with other developmental programmes of poverty alleviation such as NREP, RLEGP and IRDP. The Commission would also urge the State Governments to ensure that the subsistence allowance is invariably paid to a released labourer immediately so as to prevent him from relapsing into bondage once again. Moreover, most of the identified bonded labourers are found to be illiterate and they lack skill or knowledge of any craft. The Commission, therefore, also recommends that special arrangements should be made at the nearest adult education centres for organising skill/craft based programmes for them. (Action : all State Governments/UT Administration.)	4.25	26

1	2	3	4
<u>Payment of Minimum Wages</u>			
28.	The Commission would recommend that the minimum wages should invariably be paid in cash and not wholly or partly in kind. This would give the labourers the freedom of making purchases from the open market. (Action : Government of India (Ministry of Labour) and all State Governments/ UT Administrations.)	4.31	27
<u>Implementation of the Minimum Wages Act</u>			
29.	The Commission would recommend that the Government should ensure that the stipulated minimum wages are paid to the agricultural labourers, a vast majority of whom belong to the Scheduled Castes/Scheduled Tribes. In this direction, the States/Union Territories would do well to ensure that the inspecting machinery is adequately strengthened, trained and motivated and the inspections are carried out more frequently and effectively. (Action : Government of India (Ministry of Labour) and all State Governments/ UT Administrations.)	4.32	27
<u>Revision of Minimum Wages rates</u>			
30.	In view of the current inflationary trend, the Commission would urge all States/ Union Territories to ensure that the scale of the minimum wages is revised strictly on time. Some of the States which have fixed the minimum wages at a rate lower than that of the Central Government should bring the same at least at par with the Central Government scale. (Action : All State Governments/UT Administrations concerned.)	4.33	27
<u>Quantification of Plan outlays for Special Component Plan</u>			
31.	The Commission has been repeatedly emphasising that the percentage flow of funds to SCP from State Plans should at least be equal to the percentage of Scheduled Caste population in the State but this quantification unfortunately has not come about yet. The States maintain that sectors like power, irrigation, communication etc. indirectly bring benefit to the Scheduled Caste population and as such the funds spent on their development are in reality more than the figures shown under SCP. While emphasising the need for development of infrastructure, the Commission would again reiterate the importance of quantifying Plan outlays for SCP on the basis of percentage of the Scheduled Caste population in any area or sector. (Action : All State Governments/UT Administrations concerned.)	5.3	41
<u>Distribution of land to Scheduled Castes</u>			
32.	A few States such as Kerala and Andhra Pradesh have distributed land to Scheduled Castes which they acquired through purchase. It is a good scheme and the Commission would recommend it to all the States. The Commission would also recommend that the State Governments should review the entire question of land ceiling of agricultural holdings and bring their land ceiling regulations in conformity with the national guidelines. (Action : All State Governments/UT Administrations concerned.)	5.5	42
<u>Poverty Alleviation Programmes</u>			
33.	The Commission is of the firm view that the progress made in poverty alleviation programmes has not at all been commensurate with the investments. There has been no attempt to strengthen the machinery for follow-up, monitoring and evaluation. Consequently, the economic condition of the Scheduled Castes does not appear to have undergone any perceptible change. The Commission would strongly recommend that IRDP should undergo a thorough overhaul as minor changes so far contemplated would simply not do. (Action : All State Governments/UT Administrations.)	5.9	43

1	2	3	4
Scheduled Castes Development Corporation & Banks			
34.	The Commission has also observed that there is a communication gap between the Corporations and the banks with the result that mistrust exists between the two institutions trying to achieve basically the same objective. The Commission is of the view that while the banks have to gear up their implementation machinery and orient their personnel at the field level towards rural lending, the Corporations need to streamline their functioning and carry out their activities in a more efficient and business like manner. (Action : Government of India (Department of Banking) and all State Governments/UT Administrations.)	5.21	44
Tribal Sub-Plan			
35.	The States of Madhya Pradesh, Maharashtra, Sikkim, Tamil Nadu, Uttar Pradesh and the Union Territory of Goa, Daman & Diu should make concerted efforts to tap more funds from the divisible components of the various sectors and raise the level of quantification for the Tribal Sub-Plan to bring it in conformity with the Central Government guidelines. (Action : State Governments of Madhya Pradesh, Maharashtra, Sikkim, Tamil Nadu, Uttar Pradesh and UT Administration of Goa, Daman & Diu.)	5.28	45
Quantification of funds for tribal welfare			
36.	The Central Ministries of Agriculture and Co-operation, Education and Culture, Communications, Food and Civil Supplies (Department of Food) have shown lower percentages of quantification during 1984-85 than the percentage of the Scheduled Tribe population of the country. These Ministries as well as other Ministries/Departments who have not yet undertaken to quantify funds in proportion to the percentage of the Scheduled Tribe population in the country should also follow the guidelines on the subject. (Action : Ministries of Agriculture and Co-operation, Education and Culture, Communications, Food & Civil Supplies, etc.)	5.29	46
Annual Reporting on SC/SI Welfare Programmes by Central Ministries/Departments			
37.	All the Central Ministries/Departments should clearly indicate the programmes undertaken by them for the welfare and development of Scheduled Castes and Scheduled Tribes in a separate chapter of their Annual Administrative Reports. (Action : All Ministries/Departments of the Government of India.)	5.31	46
Conversion of Shifting Cultivation to Settled Cultivation			
38.	The practice of shifting cultivation can be abolished by engaging micro-level development agencies and a carefully planned extension activity so as to prepare the ground for a smooth transition from shifting to settled cultivation. (Action : All State Governments/UT Administrations concerned.)	5.33	46
Social Security Plantation			
39.	The Commission recommends that all States having tribal population should implement the scheme of social security plantation on the Gujarat pattern by which the beneficiaries are also given timber for construction of huts near the plantation sites. The wages paid to the tribals for the gestation period should at least be equivalent to the minimum wages for agricultural labourers in force in the State so as to enable the tribal families to make a reasonable living. The payment of wages may be partly in case and partly in kind. (Action : All State Governments/UT Administrations concerned.)	5.39	47

1	2	3	4
<u>Dissemination of modern agricultural technique</u>			
40.	<p>(a) The small and marginal farmers who have poor assets and therefore are not able to avail of proper technology and institutional credit should be made conversant with the appropriate technology necessary for increasing productivity in the rainfed and dry land areas. The ICAR should undertake extensively Operations Research and Lab-to-Land programmes in critical areas having maximum demonstration effect.</p> <p>(b) The concerned State Governments should simplify procedures and ensure that the special input needs of the Scheduled Tribes and Scheduled Castes are adequately met by the local developmental agencies. The beneficiaries should not be required to visit block offices and the banks in pursuit of inputs and financial assistance time and again. The rural banks should be adequately manned with suitable delegation of powers to sanction loans to small and marginal farmers belonging to Scheduled Castes and Scheduled Tribes. If necessary, more branches of these banks may be opened to cater to the requirements of the remote areas.</p> <p>(c) The Krishi Vigyan Kendras have a special role to play in providing suitable extension services and it is essential that these services become both purposive and pervasive.</p>	5.41	47
(Action : ICAR, Local Development Agencies and Krishi Vigyan Kendras.)			
<u>Publicity of anti-poverty programmes among SCs and STs</u>			
41.	<p>In implementing the anti-poverty programmes particularly in areas predominantly inhabited by Scheduled Tribes and Scheduled Castes, adequate measures may be adopted to ensure that the beneficiaries receive relevant and precise information about the implications of the schemes intended to raise them from their poverty levels. Existing procedures should be streamlined to ensure proper coordination between the various Government agencies at block and field levels and rules of the financial institutions should be simplified.</p>	5.44	49
(Action : All State Governments UT Administrations.)			
<u>Pre-examination training</u>			
42.	<p>The Commission recommends that the institutions that are being run for the pre-examination training should be supported only if they can maintain desirable levels or standards of training. In fact, it would be more beneficial if the problem of education and training is tackled right from the basic education level. The Commission further recommends that residential schools should be set up at every Panchayat level, and subjects like Science, Mathematics etc. should be popularised among the Scheduled Castes and Scheduled Tribes. In the technical institutions, employment oriented opportunities should be introduced. For this, an inter-ministerial group should review the pattern on technical education and employment opportunities.</p>	5.45	49
(Action : Ministry of Welfare.)			
<u>Working of ICDS Centres</u>			
43.	<p>Studies conducted by the Commission have revealed that the coverage of tribal areas by the ICDS programmes was extremely inadequate. The required staff was not in position, the condition of the buildings and other equipments was not found to be of the desired standards. Due care should be taken to ensure the posting of trained and motivated staff and the provision of quality package of inputs for health, education and nutrition.</p>	5.46	49
(Action : Ministry of Welfare.)			

1	2	3	4
<u>Location of Projects in Tribal areas</u>			
44.	The setting up of mining projects, steel plants etc. in the tribal heartlands have turned the areas into tribal minority areas. In fact, with the sad experience of the tribals in the States of Bihar, Madhya Pradesh, Rajasthan, Orissa, etc. it would appear necessary that major projects under irrigation, power, mining, wildlife protection etc. proposed for location in the tribal areas are referred to the Ministry of Welfare for their concurrence from the point of view of rehabilitation of the affected tribals.	6.6	59
<i>(Action : All Ministries/Departments concerned.)</i>			
<u>Rehabilitation of displaced tribals</u>			
45.	The guidelines about the mode of rehabilitation of displaced tribals and the requirement that the task of rehabilitation should invariably precede the task of actual project construction have simply not been followed. These aspects have to be looked into in considerable depth. The present guidelines for rehabilitation of displaced tribals issued by some Central Ministries/Departments remain less than adequate. The need is being increasingly felt for the issue of comprehensive guidelines and setting up of an institutional machinery which could implement the rehabilitation programme with imagination and speed.	6.6	59
<i>(Action : Ministry of Welfare.)</i>			
<u>Enforcement of limits to land acquisitions by Project Authorities</u>			
46.	It has been observed that the Central/State projects have a way of expanding spatially because of location of supporting infrastructure like housing and other related facilities. In this process the dimensions of displacement of tribals become much larger than originally visualised and the problem of rehabilitation of displaced tribals more complex. In such cases the displacement of tribals becomes a secondary issue leading to tragic consequences. There is obvious need for examining such cases in depth so that a measure of discipline is enforced in land acquisitions and the large scale eviction of tribals is curbed effectively.	6.6	59
<i>(Action : All Ministries concerned.)</i>			
<u>Smaller cost-effective projects for tribal areas</u>			
47.	It would also be desirable to consider only smaller but cost-effective projects in some of the tribal areas so as to restrict the displacement of tribals and yet bring them development and new job opportunities.	6.6	60
<i>(Action : All Ministries/State Governments/UT Administrations concerned.)</i>			
<u>National Policy for rehabilitation of tribals</u>			
48.	The principle of providing 'land for land' has generally not been observed. In some States the uprooted tribals have not been given compensation at all and in some other States only inadequate compensation, which again, in the absence of an innovative approach in disbursements, has been squandered away. In this background, there appears to be a strong case for evolving a national policy or enacting a central legislation prescribing uniform and comprehensive mode for rehabilitation of displaced tribals ensuring for them a better economic life and preserving their socio-economic and socio-cultural ethos.	6.6	60
<i>(Action : Ministry of Welfare.)</i>			

1	2	3	4
<u>Industrial development of Backward Areas</u>			
49.	In the context of industrial development, certain districts have been listed as 'backward' for which the Central Government provides support through investments and subsidies. The hypothesis that all districts must have industries defies the logic of economics. Perhaps some districts could with advantage be promoted agriculturally and through small agro-based industries. In any case, the present policy of industrialisation and setting up of irrigation, power and mining projects not merely threatens further displacement of tribals in the tribal areas and districts but also endangers the subtle ecological balance between industrial and agricultural development. There is clearly a need to be more circumspect in our pursuit for industrial development.	6.6	60
<i>(Action : Ministry of Industrial Development.)</i>			
<u>(a) Enforcement of laws against environmental pollution</u>			
50.	The soil fertility has been adversely affected due to excessive mining, ash discharge by thermal power plants and industrial wastes. As the displaced tribals have low levels of literacy and are less vocal in asserting their rights it is desirable that the environmental pollution laws in relation to the projects located in the tribal areas are strictly enforced.	6.6	60
<i>(Action : Ministry of Environment and Forests.)</i>			
<u>(b) Environmental pollution-oriented diseases in tribal areas</u>			
The other baneful effect of environmental pollution is the increase in communicable, respiratory and other related diseases among the tribals living in close proximity of the projects. These diseases are peculiar to tribal areas. There is need for curative measures through opening and strengthening of medical and paramedical networks and vigorous enforcement of environmental pollution laws.		6.6	60
<i>(Action : Ministry of Welfare, Ministry of Health & Ministry of Environment & Forests.)</i>			
<u>(c) Inclusion of environmental science in educational syllabi</u>			
The major mining locations of the country are in the tribal-heartlands of Chotanagpur region, Bastar District; Peninsular India, Western & Eastern Ghats etc. There is, therefore, urgent need for incorporation of environmental science in educational syllabi for creating general awareness among the younger generations about environment.		6.6	60
<i>(Action : Ministry of Education, Ministry of Environment & Forests.)</i>			
<u>(d) Environmental Audit</u>			
Since many mining areas are also tribal habitats there is need for a review of all current mining activities from the environmental angle in the form of introduction of periodical environmental audit.		6.6	60
<i>(Action : Ministry of Environment & Forests.)</i>			
<u>Access to restricted forest areas</u>			
51.	The tribals living close to the game sanctuaries and national parks earlier had access to the core areas for collection of minor forest produce, hunting, fishing etc. These have now been restricted by the Wild Life (Protection) Act, 1972 and Forest Conservation Act, 1980. There is need for allowing them entry to the restricted forest areas for legitimate purposes like collection of forest produce, hunting of unendangered species on religious occasions, fishing etc.	6.6	60
<i>(Action : Ministry of Environment & Forests.)</i>			

1	2	3	4
<u>Tribals as partners in the management and regeneration of forests</u>			
52.	The tribals should be accepted as partners in the management of forests. A beginning can be made by introducing programmes of tree plantation with full involvement of the tribals and of the species familiar to them. Such an approach would not merely help in regenerating forests but also lend support to an ecological equation in human, animal and biomass factors. In this context, it should also be possible in some areas to replicate forestry environment for the displaced tribals which would be an ideal mode for rehabilitation. Usufructory rights over trees should be given to the tribals in the manner it is being done in Gujarat and Maharashtra. In short, the best insurance for forests is to entrust their care and management to the tribals for whom the forests represent their life-support system.	6.6	60
<i>(Action : Ministry of Environment & Forests.)</i>			
<u>Association of local social workers in the planning and implementation of rehabilitation measures</u>			
53.	The rehabilitation of the displaced tribals by the project authorities can be more meaningful if the local dedicated workers are also associated with the programmes of economic and social rehabilitation of the displaced tribals. ¶ This will call for energisation and active involvement of the cadre of local social workers.	6.6	61
<i>(Action : All Ministries, State Governments/UT Administrations concerned.)</i>			
<u>Need for comprehensive rehabilitation of tribals</u>			
54.	While the intention is not to oppose the setting up of defence, space research and other strategic projects, the Commission strongly feels that there is a case for comprehensive rehabilitation of the tribals displaced by these projects in their original environment.	6.6	61
<i>(Action : Ministry of Defence, Deptt. of Space.)</i>			
<u>Application of environmental norms in tribal areas</u>			
55.	The Central and State Water Pollution Control Boards should ensure strict application of environmental norms in the industries located in the tribal areas with a view to controlling water and air pollution.	6.6	61
<i>(Action : Ministry of Water Resources.)</i>			
<u>Land distribution among tribals</u>			
56.	Concerted efforts are being made by several State Governments to allot/distribute land amongst the Scheduled Castes and Scheduled Tribes. There is also need for a simultaneous effort to ensure that the official machinery is able to safeguard the distributed land from being alienated. Keeping this in view, the Commission recommends that the laws against alienation may be reviewed by the States and loopholes plugged; the administrative machinery should be strengthened; the survey and settlement operations should be completed as early as possible and the ownership of the land by the tribals according to the customary laws and practices recorded accurately.	7.3	63
<i>(Action : All State Governments/UT Administrations concerned.)</i>			

1	2	3	4
<u>Rural Credit</u>			
57.	The income that a Scheduled Caste/Scheduled Tribe member derives from his land is hardly sufficient to maintain his family as a result of which he has to work as an agricultural labourer. In times of emergency or to fulfil social or religious obligations he is always tempted to sell away his assets to meet his financial needs. Therefore, the Commission strongly feels that legislation alone cannot solve the problem and concerted efforts have to be made to improve their general economic condition and also provide easy sources of rural credit.	7.4	64
(Action : Government of India and all State Governments/UT Administrations.)			
<u>Effective machinery to prevent land alienation</u>			
58.	Despite legislations brought out by the States like Karnataka, Orissa and Uttar Pradesh to prevent land alienation from the Scheduled Castes these laws are yet to prove their effectiveness. The Commission is, therefore, of the view that passing legislation only is not enough to overcome the problem of land alienation; there is need for instituting an effective machinery backed by a strong political will.	7.9	65
(Action : All State Governments/UT Administrations.)			

NIEPA DC



D06770

sub. National Systems Data
 Office of Director of Educational
 Technology, New Delhi
 File No. D. 6770
 Date 31/3/92