

Duplicate



REPORT
OF
THE COMMISSIONER
FOR
SCHEDULED CASTES
AND
SCHEDULED TRIBES

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CHAPTER I

INTRODUCTORY AND GENERAL REVIEW

An obvious spur in exercises seeking to improve the socio-economic bases of the weaker sections and equally distinct spur in the incidents of atrocities on them marked the period under review. The related twin challenges of their development and protection were sought to be tackled with anxiety and the needed concern. The period incidentally witnessed the launching of the new Plan strategy to attack poverty, to eliminate social discrimination and enlarge and consolidate the bases of integration and equality. The Planning Commission and the two Working Groups constituted by the Home Ministry made an in-depth study of the problems of the Scheduled Castes and Scheduled Tribes in their correct perspective, suggested viable prescriptions and attempted to streamline the strategy followed in the Fifth Plan. And yet the atrocities, a continuing feature, instead of showing signs of any let-up did acquire a dimension of organised aggressiveness on the part of the perpetrators of crimes, one verging on a kind of class war rather than mere caste hatred. The robust assurances to protect the weaker sections enshrined in Article 46 of the Constitution started looking pale. Each time an incident occurred, it was raised in public forums and in Parliament and debated as never before. The enormity of problem has long passed the stage of mere statistical exercises. It was debated in terms of human failure and national commitment.

1.2. "The prevalence of poverty and inequality virtually unchanged over the years can be seen most clearly in the conditions of life of the two most disadvantaged groups in our society—the Scheduled Castes and the Scheduled Tribes." bewails the Planning Commission in the draft Sixth Five Year Plan Document. More or less similar sentiments are expressed every time the Planning Commission sits to make quinquennial appraisal of the progress achieved during the preceding Plan period. It was stressed in all the earlier Plan Documents that the persons belonging to these communities should receive adequate benefits from the general sector schemes. But the exercise regarding the quantification of funds remains to be completed by many Central Ministries. Many State Governments have already ensured flow of funds from general sectors for the development of Scheduled Tribes living in the Integrated Tribal Development Projects. It is claimed by many State Governments that similar steps have been taken in respect of Scheduled Castes, but hardly any reliable and comparative data is available to know whether they are really getting due benefits from the general sector programmes.

1.3. The strategy proposed in the Draft Sixth Plan provides that the Scheduled Castes/Scheduled Tribes and the Other Backward Classes who constitute the poorer and more vulnerable sections of the community receive maximum benefits from the Plan programme. The strategy of development of backward classes will be to lay greater emphasis on identification of schemes in the general sectors of development which would be of particular benefit to them. Besides quantification of Funds from divisible programmes under each sector, specified targets as to the number of families which would benefit from these programmes would have to be determined.

1.4. The net result of the past exercises through development is that today not less than 50% of the population lives below the poverty line. The majority of the Scheduled Castes and Scheduled Tribes fall in this category. The problems of poverty, although snared by the Scheduled Castes and Scheduled Tribes, only differ in certain basics, particularly on the question of ownership of productive resources. The Scheduled Tribes have the traditional rights of ownership of the productive resources which are exploited for the benefit of outside markets and they are being gradually dislodged of their rights by legal or illegal means. The Scheduled Castes, on the other hand, do not have ownership of productive resources and their economic disabilities can be traced to social processes. Out of a working force of 29 million among the Scheduled Castes, 15 million (51.8%) were agricultural labourers and 8 million (27.9%) were cultivators in 1971. It is estimated that most of the Scheduled Caste cultivators (51%) were marginal cultivators owning less than 2.5 acres of land. Out of about 2 million acres of land declared surplus, hardly 25% of the area has been distributed. Not more than 1/3rd of the land distributed has accrued to the members of the Scheduled Castes and Scheduled Tribes. This slow progress has been attributed to the unsatisfactory implementation of ceiling laws. Several States are yet to bring their tenancy laws in line with the national policy with regard to the regulation of rent, security of tenures and conferment of ownership rights. In a number of States, tenants and share croppers are likely to be ejected in exercise of the landlords indefinite right of resumption. What is proposed to be done to remedy the situation and how much more time will be taken to complete the land reforms? This question becomes more relevant when it is asserted by our planners not only to provide for the infrastructure and inputs to increase physical productivity but also to push forward the implementation of land distribution programmes and

to regulate the growth of farm mechanisation to ensure maximum labour use consistent with optimum land and water utilisation.

1.5. A spurt of atrocities on the Scheduled Castes can be attributed to their weak economic position in the agricultural sector of our economy and assertion of their rights as citizens of this country. Quite a number of atrocities are committed in the rural areas mainly because the vested interests prevent the Scheduled Caste land allottees to cultivate those lands and also because the agricultural labourers belonging to these categories demand payment of wages at the prescribed rates.

1.6. Alienation of land in tribal areas continues despite various laws/regulations enacted by the State Governments. Steps have been taken by the State Governments to strengthen the machinery to curb exploitation of the tribals in respect of alienation of their lands. It is well known that a good deal of land in the tribal areas has been acquired/alienated since Independence. However, even this protection of restricting the alienation of tribal lands is not available in the case of Scheduled Castes. As mentioned earlier, the Scheduled Caste cultivators are small agriculturists and if they lose ownership rights of their land their economic position becomes precarious. It is, therefore, necessary that in the first instance, the process of deprivation of the community of its resources should be halted.

1.7. In our earlier reports, the problem of bonded labour in the country has been repeatedly highlighted. It has been estimated by an expert body that in 8 out of 10 States where bonded labourers have been identified, the number of bonded labourers may come to about 2 million. If the identification of bonded labourers is undertaken in other parts of the country, this figure would increase substantially. On the other hand, since 1976 when the Central legislation for the abolition of bonded labour system came into force, only 1.05 lakh bonded labourers have been identified and out of them 31,000 only have been rehabilitated. This calls for strenuous steps on the part of the Central and State Governments not only to identify the bonded labourers but to take positive steps for the rehabilitation of the identified bonded labourers. It is feared that the slow pace of rehabilitation might have led many of them to relapse into bondage. The schemes for their rehabilitation have to be properly chalked out so that they can be rehabilitated not only on land but in other gainful occupations.

1.8. In many parts of the country sizeable amount of land is under unauthorised possession of the well to do people. It is necessary that all such lands should be freed from unauthorised occupants and the lands should be properly distributed amongst the deserving sections of the community. The new land allottees should be assisted in a variety of ways so that they become viable agriculturists. Adequate in-

stitutional credit at reasonable rates of interest should be made available to them. Sufficient provision also requires to be made for providing them consumption loans. In majority of cases the means of livelihood may not be adequate for the small agriculturists and they should be assisted by providing supplementary occupations like poultry, dairy and other animal husbandry programmes. Fisheries development has also good potential of development in many of the tribal areas. Government should help financially and by making available technical guidance to the village community in improving their tanks, adopting new piscicultural practices and maintaining the assets according to their traditional customs.

1.9. Quite a large number of people among the Scheduled Castes are engaged in traditional occupation such as leather work, mat making, basket making, tanning, shoe making etc. In some trades like basket making, mat making persons belonging to other communities are also engaged. It is estimated that persons dependent on these traditional occupations are about 3.70 crores. Many of these occupations are considered socially low. It is necessary that better techniques of production are imparted to these artisans and they are helped in marketing their produce.

1.10. Village and household industries sector is most relevant for the economic development of the Scheduled Castes and Scheduled Tribes. But there is no adequate link-up between the national programmes generally supported by Khadi and Village Industries Commission, State level programmes and local programmes. Some of the programmes like bee-keeping, tussar rearing and non-traditional oil seeds etc. have a big potential in tribal areas. Tussar development should be a major programme in the Central Indian tribal regions and a long-term perspective for its development with clear targets for the Medium Term Plan should be prepared urgently under the guidance of the Central Silk Board. All minor forest produce should be processed within the tribal areas and as far as possible through the cooperatives of primary producers. For the industrial development of Scheduled Tribes all the Scheduled Areas excluding industrially advanced parts should be declared as backward areas and all assistance and facilities admissible to industrially backward districts should be extended to them.

1.11. The conditions of Scheduled Caste persons engaged as sweepers and scavengers continue to be dismal. The practice of carrying night soil as head loads should be stopped forthwith by the municipalities and alternative tools provided to the private and municipal scavengers. The scheme of the Ministry of Works & Housing for converting dry latrines into water borne ones needs to be enlarged so that in a phased programme it may cover all the semi-urban and urban areas. The Finance Development

Corporations for the economic development of Scheduled Castes have been organised in about 11 States. Many of these Corporations have not been able to enlarge their coverage of beneficiaries due to paucity of resources. The nationalised banks should be directed to advance loans to the Finance Development Corporations at differential rate of interest so that Scheduled Caste persons can be helped in various trades and occupations.

1.12. Unemployment among the educated Scheduled Castes and Scheduled Tribes is steadily growing. Although steps have been taken to enforce reservation orders in respect of public sector undertaking which have more avenues of employment, the private sector has remained outside the scope of reservation orders. It has been emphasised earlier that the Government should find ways to persuade the private sector to fall in line with the Government policy of reserving posts for Scheduled Caste and Scheduled Tribe candidates. This matter needs urgent attention of the Central and State Govts. and they should not feel contented by leaving this matter to the various Chambers of Commerce. One way to make the Scheduled Castes and Scheduled Tribes self-employed is to reserve for them dealerships, allotment of fair price shops and distributive agencies etc. Some beginning has been made in this direction by Indian Oil Corporation, Fertilizers Corporation of India but this policy has to be accepted and followed by all Government departments at the Centre and the States. This would go a long way in accelerating the economic development of the Scheduled Castes and Scheduled Tribes.

1.13. A distinct progress has been achieved in the progress of education amongst Scheduled Caste and Scheduled Tribe communities. However, an analysis of the enrolment figures communitywise and sex-wise indicates that the progress is not taking place uniformly among various communities and males and females. There are many pockets in the tribal areas where the education facilities are very meagre and among some communities the literacy rate has actually declined. There are States with large Scheduled Castes and Scheduled Tribes population who are not able to derive full benefit of the Govt. of India post matric scholarship scheme. This is primarily due to the fact that financial incentives are not given to the Scheduled Caste and Scheduled Tribe children at the pre-matric stages of education with the result that most of them drop out at middle and secondary stages and never reach post-matric level. This calls for assistance by the Central Government to financially weak States for providing necessary assistance to Scheduled Caste and Scheduled Tribe students at the pre-matric stages of education. The Sixth Plan has proposed a massive outlay for elementary and adult education programmes and it is hoped that this would enable the weaker sections of the society particularly the Scheduled Castes and

Scheduled Tribes not only to acquire literacy but also awareness about their rights under the Constitution and information about the help that is being given by the State for their all round development. Only proper vigilance can ensure that Scheduled Castes and Scheduled Tribes are covered under this programme.

1.14. It has been estimated that about 37 lakhs families belonging to the Scheduled Castes and Scheduled Tribes have been provided house sites. Mere provision of house sites is not enough. Developed house sites should be given free of charge to the landless persons belonging to the Scheduled Castes and Scheduled Tribes and assistance for the construction of houses should be provided in the shape of 75% grant and 25% loan on massive housing programmes for Scheduled Castes and Scheduled Tribes should be undertaken for the rural poor and for those living in urban slums. The agency for building houses should either be cooperative societies of the beneficiaries or by giving financial assistance directly to the beneficiaries.

1.15. Government's resolve, as reiterated on more than one occasion by the Prime Minister, to eradicate the untouchability within five years, shows little evidence of fulfilment if the working of the Protection of Civil Rights Act in certain States during the past two years is any index. To undertake to banish within a span of 5 years a social curse that has been sapping the vitality of the nation for all these centuries is in itself a very ambitious plan. It was expected that this time bound programme would receive top-most priority and the energies of the Central Government as well as the State Governments bent to make it a mass movement. But the way this has been implemented and administered in various States shows that the problem continues to receive secondary place in the scheme of things. During 1977, 3425 fresh cases were registered as against 7047 in 1976. The Protection of Civil Rights Act was enforced in November 1976 after the earlier Act, the Untouchability Offences Act, 1955 was found wanting. It is significant that the old Act was renamed as Protection of Civil Rights Act. The new Act made the penal provisions more stringent and obligatory on the part of the authorities concerned to register cases.

1.16. It may be deducted from the decline in the number of fresh cases registered during the year 1977 that this may be the direct outcome of curbing the practice of untouchability. The other view can be that the district authorities who are charged with the responsibility of enforcement of the Act have not lived upto the obligations enjoined upon them to protect the civil rights of the weaker sections. No one who is familiar with the social climate prevailing in the rural areas would advance the argument that untouchability has declined in real terms. The PCR Act provided for survey and identification of disability areas, setting up of special courts, summary trial in cases under certain sections of the Act and im-

position of collective fines. No State Govt. has so far set up special courts, nor has gone in for summary trial or imposition of collective fines even when large scale acts of physical violence were committed against Scheduled Castes in pursuit of the nefarious practice of untouchability, these potent provisions of the Act were not brought into force. No State Government has so far conducted any survey as required by the Act. In such a state of affairs it may not be possible to agree that the Act has been administered with the needed promptness.

1.17. It is true that whatever progress has been achieved in this direction owes much to the laws and their implementation by the successive Governments but laws are not enough to conscientise the nation when the problem to be attacked concerns a perpetuating national shame. It was for this reason that we had emphasised in our last Report that apart from anything else it is the younger generation that could be made the vehicle of social change by inculcating in them the spirit of cosmopolitanism and by socialising the children in the villages and mobilising the energies of nearly 3 million teachers at various levels to give it a sense of renaissance. The number of teachers will go up considerably by the induction of the new programme of adult education. Only by such involvements the call of a mass movement can really materialise and not by merely appealing to the elite in the rural areas.

1.18. It is true that the economic and educational development of Scheduled Castes is of paramount importance and can play a significant role in the eradication of untouchability. But this is a slow process which will produce results over a long period of time. The practice of untouchability which arises from the mental attitude and behaviour of the so-called higher sections has to be tackled by enforcement of the law as well as by developing social conscience of the people. This is a programme which would require involvement of voluntary workers of all sections of community. Merely depending on the pace of economic development the problem of eradication of untouchability cannot be tackled in a period of five years since the Plan document also admits that not more than 20% of the people would cross the poverty line by 1982-83 and 12% of the population will move up by 1987-88. According to the Planning Commission, it will take more than a decade for 30% of the people to cross the poverty if the redistribution of resources suggested in the Plan bear the necessary fruit.

1.19. Many a thinking person held the view that a lasting solution to the problem of eradication of untouchability can come only from improvement of social environment, added educational facilities and cross fertilization of castes by inter-castes and inter-class marriages sponsored as a massive State programme. Unfortunately, inter-caste marriages are yet to acquire a dimension that the country needs today. A massive commitment of the State in this direction would re-

quire suitable changes in the laws to enable the person contracting a marital alliance with a Scheduled Caste and their children to get benefits of developmental programmes and suitable concessions.

1.20. A study on atrocities on Harijans conducted by the Ministry of Home Affairs reveals that during the period 1974 to 1976 there was an increase of 41% in the atrocities committed against the members of Scheduled Castes. The same study has also revealed that incidents of atrocities on members of Scheduled Castes in which serious offences were involved showed a decreasing trend during 1974 to 1976. The number of such incidents decreased by 12.2% from 8,860 in 1974 to 7,781 in 1975 and further decreased by 23.3% to 5,968 in 1976. The overall decrease during 1974 to 1976 was of the order of 32.6%. It will be seen from the figures given in Chapter 9 on Atrocities and Harassment that there was an increase of 75% in atrocity incidents during 1977 over the cases reported in the year 1976. As the Prime Minister has emphasised more than once even a single case of atrocity against Scheduled Castes is shameful for the nation. We have to take urgent steps to ensure that such cases which remain dormant and smoulder for a long period are attended to with promptness and resolved satisfactorily in consultation with all concerned without sacrificing the interests of the economically and socially exploited sections of Scheduled Castes.

1.21. In the wake of continuing atrocities many guidelines were sent to the States and conferences held with the State Governments. But in many cases the States were not as serious to follow the guidelines as the Central Government appear to be intending. The plea that atrocities being a law and order problem could be tackled only by the State Governments and that the Central Government would only provide the guidelines may not be tenable in the proper appreciation of Article 46 of the Constitution which enjoins upon the State the protection of the weaker sections and in particular of the Scheduled Castes and Scheduled Tribes. This Article which finds a significant place among the Fundamental Principles of governance of the country is a charge on the Nation which has also to be discharged by the Central Government as the custodian of the Constitution. Cases of atrocities due to socio-economic causes should not be treated as ordinary violation of law and order assigned in the State List. In matters of protection of weaker sections the Centre has an over-riding responsibility which it cannot afford to overlook as the word State occurring in Article 46 of the Constitution means the Nation in totality rather than mere component units. Effective intervention of the Central Government in cases of atrocities on the Scheduled Castes and Scheduled Tribes appears to be also obligatory and modalities of such intervention may be worked out in consultation with the State Governments.

1.22. Stressing the indispensability of organising the rural poor, the Planning Commission is right in its candid statement that "the poor and the dispossessed will not come into their own only by plans and programmes, however well-conceived, by declarations of intent or by exhortations to thrift and labour. If the plan is to succeed, they have to be helped to claim as a right the benefits that should flow to them so that in turn they may make continued contribution to society." It is easy to indicate diagnosis and prescription in one strain but it may not be that easy to administer the prescription in a socio-economic climate that tends to generate tensions the moment one tries to prick the skin deep susceptibilities of a feudal make up that characterises our rural landscape. The affluent sections of the peasantry of the so-called forward and the backward communities equally frown at the weaker sections trying to ask for their legitimate. How are the poor to organise themselves into a formidable pressure group capable to counteract "the weaknesses of the administration and the opposition of the vested interests?" They are steeped in ignorance and squalor while those whom they confront are soaked in arrogance and apathy. On the one side are those who have been denied the intended benefits of the development process and on the other are those who have grabbed the lion's share and built up their capabilities. The poor have to be helped to acquire the matching capability in order to save distributive justice from faltering and to keep the development process on the even keel.

1.23. Towards the process of organising the rural poor, it is learnt that the Labour Ministry through the National Labour Institute conducted several rural camps since the beginning of 1975. According to a report published in August 1978, 15 such 5 to 6 days camps were organised, the number of participants varying from 30 to 70. The camps, according to Mr. Gerrit Hnizer, were based on conflict resolution strategy "which consists of a conscious effort to stimulate and support the creation and growth of effective peasant organisations through rural leadership training programmes." It may be mentioned here that the efforts so far made are too inadequate to have any impact on the problem of organising the poor. Considering the magnitude of the problem and the need to organise the poor, these exercises are too inadequate to mobilise the needed motivation. Perhaps such camps could be more fruitful if, after setting up massive organisation units for the rural poor in different areas of the country, selected workers are sent to such camps for training in conflict resolution strategy. The chronic inequality of land distribution is clear from the 26th round of National Sample Survey which indicates that of the total number of rural households, 60% belong to the poor peasants and landless owning upto 2.5 acres of land, i.e. 9% of the total land under cultivation. Of the remaining 40%, 10% own 53% of land and 30% belong to the small and middle peasantry owning about 37% of land. In terms of employment in the rural areas, the

27th round of National Sample Survey shows that of the total rural labour force of about 198 million, 129.35 million were self-employed in one form or the other and 1.3 million were chronically unemployed. Of 67.45 million wage earners or salaried employees 50.24 million were casual labourers—a kind of under-employment or unemployment. The desperate need of organising the poor and the dispossessed becomes obvious. It is time the marginal farmers, the landless and the agricultural labourers are woven in a viable organisation duly protected by suitable legislation securing their collective rights. Today there are a number of organisations trying to compete with each other to seek the loyalty of the landless labour. This need not discourage us. Once an institutional frame enjoying the sanctions of law is created, all the competing organisations may be free to attain ascendancy in the institution which should be treated as an agency through which the aspirations and the interests of the dispossessed are expressed in the development process.

1.24. Asoka Mehta Committee on Panchayati Raj Institutions has made a number of useful recommendations with respect to the Scheduled Castes and Scheduled Tribes. The Committee has suggested that seats should be reserved for these communities in proportion to their population and the provision of reservation should be extended to elective offices in areas where the Scheduled Castes have 20% population and Scheduled Tribes form more than 50% of the population. They have also suggested that a Committee of State Legislatures with majority representation of MLAs and MLCs belonging to Scheduled Castes/Tribes should be set up to review the working of programmes for these communities. This Committee will also be responsible for social audit of funds earmarked for them. During our discussions with the Panchayati Raj Committee, it was stressed that village panchayats could be so reorganised as to make them vehicles of social change and with that view certain suggestions were put forth. The Committee has incorporated the suggestions in their recommendations.

1.25. Reviewing the 28 years of experience of the operation of constitutional provisions regarding various service safeguards for the Scheduled Castes and Scheduled Tribes, it is revealed that the position even today is most unsatisfactory and discouraging. In the services under the Central Government where the rules and regulations issued by the Government from time to time since 1951 are applicable from the dates of their issue the representation of Scheduled Castes as on 1-1-1978 to Class I (Group A), Class II (Group B) and Class III (Group C) was 4.49, 6.93 and 11.46 per cent, and for Scheduled Tribes the corresponding percentages were 0.84, 0.87 and 2.01 respectively against the percentages of reservation fixed at 15% and 7½% respectively. The relevant data

regarding representation of Scheduled Castes and Scheduled Tribes in Public Sector Undertakings were not made available to us by the Bureau of Public Enterprises in spite of our best efforts and repeated reminders. The indifference on the part of the BPE in responding to the queries from a statutory authority charged with the responsibility to investigate into the safeguards provided for the Scheduled Castes and Scheduled Tribes is indeed regrettable.

1.26. The responses of the BPE and the State Governments on the various orders issued by the Government of India have not been uniform and steady. It appears that the BPE and many State Governments have not studied all the relevant rules/orders of the Government of India regarding service safeguards with care and thus in many cases the Scheduled Caste and Scheduled Tribe employees were denied those legitimate facilities. It is essential that orders pertaining to reservation whenever issued by the Government of India should be immediately examined by the BPE and the State Governments and relevant instructions applied with immediate effect. Unless this is done with urgency and the needed promptness, the benefit which is supposed to accrue to the Scheduled Castes/Scheduled Tribes would not be available to them in time and the delay thus caused would tantamount to denying them their legitimate due.

1.27. One area which has remained outside the purview of reservation is the teaching posts in the various Universities. It was recommended in the last year's Report that the University Grants Commission Act should be suitably amended to enable the Commission to issue directives to the Universities for providing reservation in the teaching posts upto the level of lecturers. There is no evidence to show that the Ministry of Education has taken any step in this direction. Although the reservation orders have been applied to the ministerial posts under the control of the Central Universities, it is learnt that there are many Universities which have not extended this provision to the ministerial appointments. In case it is found that the Universities can make reservations in ministerial posts only if the statute under which they have been set up are amended, steps in this direction should be taken immediately.

1.28. Latest information obtained indicates that out of 352 High Court judges in the country, there were only 4 judges belonging to the Scheduled Castes and none from the Scheduled Tribes. In view of the stand taken by the Chief Justices Conference and the Ministry of Law to the effect that no reservation could be made applicable in the case of the appointment of High Court judges, it was recommended in the last Report:—

“What is worthy of thought and consideration is, that while it may not be legally permissible to make any provision for reservation for members of the Scheduled Castes and

Scheduled Tribes in appointment of District Judges and High Court Judges under Article 16(4) of the Constitution, is it not possible to make such a provision independently of Article 16(4) of the Constitution and under Article 335 of the Constitution itself. The answer to the question will necessarily depend upon the proper determination of the scope of ambit of Article 335 of the Constitution in the particular context. It is suggested that on this matter of great public importance, it may be expedient to obtain the opinion of the Supreme Court on a reference of appropriate questions bearing on the matter by the President under Article 143 of the Constitution.”

Action taken on the above recommendation by the Government of India has not been intimated.

1.29. We have been emphasising that in the larger interests of the Scheduled Castes/Scheduled Tribes and to increase their intake in all categories of posts, the best course would be to do away with the system of zone of consideration in posts filled by promotion. Scheduled Caste/Scheduled Tribe candidates fulfilling the minimum eligible condition should be considered for promotion irrespective of their position in the seniority list for filling up the reserved quota. Alternatively a separate zone of consideration for the reserved vacancies should be applied in all categories of posts and appointments.

1.30. The shortfall in the representation of Scheduled Tribes is indeed colossal in all groups of posts and in the case of Scheduled Castes also it continues to be substantial in Group 'A', 'B' and 'C' posts in both Central Government and State Government services. Unless some drastic remedial steps are taken, these weaker sections of the nation are not likely to be adequately represented in the services in foreseeable future. It is, therefore, necessary for the Central Government, State Governments and all other organisations to resort to special recruitment drive confined to Scheduled Caste and Scheduled Tribe candidates in order to clear the backlog in as short a time as possible, even by creating new posts over and above the normal augmentation of staff and by lifting ban on appointments wherever such a ban has been imposed.

1.31. Yet another impediment occurs where vacancies reserved for Scheduled Castes and Scheduled Tribes which cannot be filled by the respective category candidates even in the three recruitment year period of carry forward these are allowed to lapse. It will be more appropriate if unfilled reserved vacancies instead of lapsing after three years are continued to be carried forward till they are filled by SC/ST candidates through normal procedure of recruitment or by special recruitment confined to SC/ST candidates only.

1.32. In Central Government offices reservation for recruitment in favour of Scheduled Castes

and Scheduled Tribes has been prescribed at the rate of 15% for the former and 7½% for the latter. But in the Central Government offices located in various States recruitment in certain posts under Class III and Class IV categories is done on the basis of the local or regional population. Although the percentage of population of Scheduled Castes and Scheduled Tribes varies from State to State, the ratio of 15% and 7½% for Scheduled Castes and Scheduled Tribes respectively is followed for all categories of promotional posts uniformly. This uniformity of promotional reservation tends to harm the interests of Scheduled Caste and Scheduled Tribe employees for the reasons because (i) where the population of Scheduled Castes and or Scheduled Tribes is less and the reserved quota more the vacancies remain unfilled and necessitating filling up by general category candidates, and (ii) where the population of Scheduled Castes and Scheduled Tribes is higher, they will be deprived of their due share in promotion. Thus the existing percentages in promotion where appointments are made on local/regional basis may not be justifiable. It may therefore be necessary to take into account the population ratio while making reservation in promotion.

1.33. From the available data of the Employment Exchanges, it has been observed that although a large number of Scheduled Caste/Scheduled Tribe applicants were available in the five registers of the Employment Exchanges at the end of the year 1977, only about 55% vacancies reserved for Scheduled Castes and 35% for Scheduled Tribes could be filled by the candidates belonging to those categories. What is urgently required is to make a review of the functioning of the Employment Exchanges to go into the reasons of low placement of Scheduled Caste and Scheduled Tribe candidates and suggest remedial measures.

1.34. Most of the State Governments have not issued clear instructions indicating that the voluntary agencies and organisations receiving grant-in-aid from the Government should also follow the instructions regarding reservation in their employment. They should do so without delay so that the huge employment potential available with such agencies are utilised properly by the Scheduled Castes/Scheduled Tribes.

1.35. The findings of our study teams which inspected records of various Central Government offices, State Government offices, Public Sector Undertakings etc. indicated that : (1) rosters were not being maintained in proper order in many cases ; (2) the procedure regarding dereservation of reserved vacancies before appointing general candidates against those vacancies was not being followed properly ; (3) carry-forward of reserved vacancies and exchange principles between Scheduled Caste and Scheduled Tribe vacancies were not properly understood and followed in most

cases ; (4) on the DPC/Selection Board meetings the Scheduled Caste/Scheduled Tribe officers were not associated on the plea that they were not available within the organisation ; (5) in their internal circulars and requisition sent to the press, in many cases, the actual number of vacancies reserved for Scheduled Castes/Scheduled Tribes and the nature and extent of relaxations/concessions including the provision of T. A. were not indicated properly ; (6) the requisitions sent to the press were mostly confined to a few leading English and regional dailies only ; (7) organisations having even several thousand employees did not have special cells exclusively to handle the work relating to the implementation of service safeguards.

1.36. From the large number of representations received in this organisation regarding service matters and from the facts and comments thereon from the concerned authorities, it was apparent that due to wrong interpretation of rules, instructions etc., and the inordinate delay in disposal of the cases the Scheduled Castes/Scheduled Tribes have suffered greatly in the matters of appointment/seniority/confirmation etc. It is absolutely necessary that the erring officials responsible for such lapses are adequately dealt with. We have been emphasising to the Department of Personnel and Administrative Reforms that suitable instructions should be issued to provide retrospective benefits for Scheduled Caste/Scheduled Tribe employees where it was found that they were deprived of the same due to administrative lapses.

1.37. The findings of our Study Teams as also an analysis of the numerous cases represented to us by the employees and their organisations highlights the inescapable fact that unless a strict vigilance in the form of regular inspection and scrutiny by the investigating constitutional authority is ensured, there is perhaps no likelihood of the reservation rules being implemented effectively. The enormity of the problem all the more becomes glaring when in the face of roughly six thousand establishments coming under the purview of the reservation orders, the Commissioner's Organisation has no full time inspection teams. The job of inspection, therefore, has to be entrusted to the two Research Officers available, in addition to their normal duties at the headquarters. The inadequacy of the job done will be obvious from the fact that so far only an insignificant fraction of that number of establishments could be touched. And no where the situation was found wholly satisfactory. It would be appropriate to inspect the establishments at least once in three years for which a quite number of inspecting teams would have to be made available to ensure any degree of satisfaction about the observance of reservation orders.

1.38. Reservation in services and posts in connection with the affairs of the Union or of a State in favour of the Scheduled Castes and

Scheduled Tribes is based on two Articles of the Constitution namely Article 16(4) and Article 335. While Article 16(4) is an enabling provision Article 335 sets out the task which appears to be mandatory for the Union and for a State. In other words the sources in the constitution for the reservation orders are the same for the Union as well as for the State. In spite of this fact the policies and orders regarding reservation in employment for Scheduled Castes and Scheduled Tribes in the case of Government of India are not the same as those of the State Governments. The State Governments in turn, have pursued varied policies. While the Union Government and most of the States have not made any legislation, three States have made their own legislations regarding reservation. While some States are yet to provide reservation in posts filled by promotion, some States have even gone ahead of the Union Government in this respect, for example, the State of West Bengal has provided; through legislation, reservation in posts filled by promotion carrying pay just below Rs. 2,000 while in Government of India we have such reservation upto the lowest rung of Group 'A' only. Again, the State of Kerala is yet to follow the policy of reservation in promotion but they have taken pain to raise the representation of Scheduled Caste and Scheduled Tribe employed in the total strength of the cadres proportionate to the population of these communities through special recruitment drives.

1.39. The source of inspiration for reservation in services being the same in the Constitution it is for consideration whether it is not impera-

tive to have an Act of Parliament regarding reservation and the States persuaded to adopt the same as a model for legislation in their respective spheres so as to make the reservation policy more uniform.

1.40. There has been in existence since 1968 a High Power Committee, initially under the Chairmanship of Home Minister and later under the Chairmanship of the Prime Minister for reviewing the performance in the matter of recruitment of Scheduled Castes and Scheduled Tribes in the services under the Government of India, UTs and the Public Undertakings. The Committee was reconstituted from time to time and the Commissioner for Scheduled Castes and Scheduled Tribes being the constitutional functionary to investigate into all matters pertaining to safeguards, including the service safeguards, provided in the Constitution, was always associated with the Committee as a permanent invitee. His participation has helped the Committee in arriving at many policy decisions in the interest of Scheduled Castes and Scheduled Tribes. When the Committee was last reconstituted in August, 1978, the practice of associating the Commissioner as a permanent invitee was discontinued. The Committee met on 20-10-1978. Since the Commissioner was not present, the trend of discussions and the decisions taken could not be known. However from the Press reports, it appears that many important items for discussions before the Committee have been referred to a panel of Secretaries which has not been constituted so far, with the result that many important issues remain deferred.

CHAPTER 2

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

In the Constitution of India, various Articles such as 15, 16, 17, 19, 23, 25, 29, 35, 38, 39A, 46, 164, 244, 244A, 275, 320(4), 330, 331, 332, 333, 334, 335, 338, 339, 340, 341, 342, 371A, 371B and 371C have been provided with the object of promoting and safeguarding the interests of the persons belonging to the Scheduled Castes, the Scheduled Tribes, Other Backward Classes and Anglo Indians. The details of these Articles have already been given in our previous Report. The working of some of the main constitutional safeguards provided for the Scheduled Castes and the Scheduled Tribes is discussed in the following paragraphs.

Lists of Scheduled Castes and Scheduled Tribes

2.2 As indicated in the last Report, the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 received the assent of the President on 18th September, 1976 and came into force with effect from the 27th July, 1977 providing for the removal of area restrictions in most of the States except in cases where it was considered necessary and for the re-adjustment of representation of Parliamentary and Assembly Constituencies. No new caste or tribe was, however, included or deleted from the existing lists of the Scheduled Castes and Scheduled Tribes.

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

2.3. A Bill to provide for the inclusion in, and the exclusion from, the lists of Scheduled Castes and Scheduled Tribes, of certain castes and Tribes was introduced in Lok Sabha on 12th May, 1978. According to the statement of Objects and Reasons of the Bill, it was necessitated due to the fact that prior to the enforcement of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976, the 'Mochi' community in Gujarat was specified as a Scheduled Caste only in the Dangs district and Umbargaon taluka of the present Bulsar district and for the rest of the State, it was not listed as Scheduled Caste. By the above Act, the area restrictions within a State have generally been removed and as such, the 'Mochi' community was declared as Scheduled Caste for the whole of the State of Gujarat.

2.4. The Government of Gujarat had represented to the Government of India that removal of area restrictions in the case of Mochi community was not justified because this community has never suffered from any social disability arising out of the practice of untouchability in any part of Gujarat State, except the Dangs district and Umbargaon taluka of the

present Bulsar District. The State Government had also pointed out that Mochis elsewhere in Gujarat State being comparatively more advanced, are likely to take away the benefits which ought to go to members of this community residing in Dangs district and Umbargaon taluka. The Bill, therefore, seeks to restore the position in respect of Mochi community in the list of Scheduled Castes of Gujarat State which obtained prior to the enforcement of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976. In addition, certain mistakes of spellings and punctuations noticed in the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 were also proposed to be corrected.

2.5. However, the question of drawing up comprehensive lists of the Scheduled Castes and Scheduled Tribes which has been pending since 1956, has been referred to a Joint Committee of both the Houses of Parliament to examine the lists contained in the Constitution (Scheduled Castes and Scheduled Tribes) Orders 1950 and to suggest amendments thereto in their report which will be submitted by the last day of the 1979 budget session of Parliament.

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

2.6. Reservation of Parliamentary/State Assembly Constituencies for Scheduled Castes and Scheduled Tribes is made under Articles 330, 332 and 334 of the Constitution, read with the relevant provisions of the law made in this behalf under Articles 82 and 170(3) of the Constitution. The period for which these constituencies are reserved is thirty years from the commencement of the Constitution under Article 334 of the Constitution.

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

Lok Sabha :

2.7. According to the provisions of the Delimitation of Parliamentary and Assembly Constituencies Order, 1976, 78 and 38 seats were reserved for Scheduled Castes and Scheduled Tribes respectively out of a total number of 542 seats in the Lok Sabha. The reservation of seats in respect of these constituencies came into effect from the date of dissolution of the last Lok Sabha and would normally continue to be reserved till a fresh delimitation of constituencies is made. In the last General Election of the Lok Sabha held in March, 1977, one member belonging to Scheduled Caste and two members

belonging to Scheduled Tribes were elected to the Lok Sabha from the general constituencies. The Scheduled Caste member was elected from Maharashtra State whereas one member each, belonging to Scheduled Tribes was elected from the States of Assam and Maharashtra thereby raising the number of Scheduled Castes and Scheduled Tribe members of the Lok Sabha to 79 and 40 respectively. Information from the Government of West Bengal is still awaited.

Rajya Sabha :

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

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

Vidhan Sabhas :

2.9. In accordance with the provision under Article 332 of the Constitution and Delimitation Order, 1976, out of 3,977 seats in the Vidhan Sabhas in various States and Union Territories concerned, 540 and 282 seats were reserved for the Scheduled Castes and the Scheduled Tribes respectively. The State-wise allocation of seats in the Lok Sabha and various Vidhan Sabhas may be seen at Appendix I. In addition, 13 Scheduled Caste and 10 Scheduled Tribe members were elected from unreserved seats during the year 1977-78 to the Vidhan Sabhas of Andhra Pradesh (2 Scheduled Caste), Assam (1 Scheduled Caste and 4 Scheduled Tribe), Bihar (1 Scheduled Caste and 1 Scheduled Tribe), Karnataka (1 Scheduled Caste), Madhya Pradesh (2 Scheduled Caste), Maharashtra (2 Scheduled Caste and 1 Scheduled Tribe), Orissa (1 Scheduled Caste and 2 Scheduled Tribe), Punjab (1 Scheduled Caste), Rajasthan (1 Scheduled Caste) and Tripura (1 Scheduled Caste and 2 Scheduled Tribe). Information relating to West Bengal is still awaited.

Vidhan Parishads :

2.10. As in the case of the Rajya Sabha there is no Constitutional Provision for the reservation of seats for the Scheduled Castes and Scheduled Tribes in the State Vidhan Parishads. However, information furnished for the year 1977-78 by 7 States which have Vidhan Parishads is as under :

Sl. No.	State	Number of Scheduled Caste Members		Number of Scheduled Tribe Members	
		Elected	Nominated	Elected	Nominated
1	2	3	4	5	6
1	Andhra Pradesh	6	1	1	2
2	Bihar	5	1	2	1

	1	2	3	4	5	6
3 Jammu & Kashmir			1	1	..	..
4 Karnataka			2	..	..	..
5 Maharashtra			5	1	..	..
6 Tamil Nadu			4	..	..	..
7 Uttar Pradesh			4	..	..	..

2.11. Three more seats in the Lok Sabha (1 seat for Scheduled Castes in Madhya Pradesh and one seat each for Scheduled Tribes in Madhya Pradesh and Maharashtra) and 37 in various State Assemblies (16 for Scheduled Castes 4 in Karnataka, 3 in Uttar Pradesh, 2 each in Bihar and Madhya Pradesh and one each in Gujarat, Himachal Pradesh, Kerala, Maharashtra and Rajasthan and 21 for Scheduled Tribes—11 in Madhya Pradesh, 5 in Maharashtra, 4 in Andhra Pradesh and one seat each in Gujarat and Tamil Nadu and reduction of one seat for Scheduled Tribes in Kerala, are proposed to be reserved for Scheduled Castes and Scheduled Tribes in pursuance of Clause (a) of Sub-section (15) of Section 6 of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976 and on the basis of the revised population figures for Scheduled Castes and Scheduled Tribes notified recently by the Registrar General of India. There will, however, be no change in the total number of seats in the Lok Sabha or the various State Assemblies.

Organisation of the Commissioner for Scheduled Castes and Scheduled Tribes

2.12. Article 338 of the Constitution provides that there shall be a special Officer for the Scheduled Castes and the Scheduled Tribes who shall investigate all matters relating to the safeguards provided for the Scheduled Castes and the Scheduled Tribes in the Constitution and report to the President upon the working of these safeguards at such intervals as the President may direct and the President shall cause all such reports to be laid before each House of Parliament. References to the Scheduled Castes and the Scheduled Tribes in that Article shall be construed to include references to such other backward classes as the President may by order specify and also to the Anglo-Indian community.

2.13. In pursuance of the above provision in the Constitution, the post of the Special Officer, designated as Commissioner for Scheduled Castes and Scheduled Tribes was first filled on the 18th November, 1950 and 25 Reports of the Commissioner for Scheduled Castes and Scheduled Tribes have been submitted, so far. In the beginning, Commissioner was given a very limited staff whose strength grew with the expansion of work. Simultaneously, a field organisation was provided to the Commissioner and the first Regional Officer designated at that time, as Assistant Commissioner for Scheduled Castes and Scheduled

Tribes, was appointed in January, 1952 and was located at Shillong to look after the States of Assam, West Bengal, Manipur and Tripura. By 1965, there were as many as 17 Regional Offices located in various parts of the country. Till 1967 when the Office of the Commissioner for Scheduled Castes and Scheduled Tribes was reorganised, he was required to perform certain non-statutory functions also which included representation of the Government of India on some managing committees and also advising the Union Government regarding schemes received from the State Governments.

Reorganisation of the Office of the Commissioner for Scheduled Castes and Scheduled Tribes

2.14. In February, 1967, the Union Department of Social Welfare suggested that the office of the Commissioner for Scheduled Castes and Scheduled Tribes should be reorganised. The Department felt that it should have a field machinery of its own for evaluating the centrally sponsored schemes. Since they had no budget for the purpose, they proposed to disband the regional offices of the Commissioner and to create their own Zonal Offices with the Officers and staff of those regional offices. The Department were of the view that these Zonal Offices would also be furnishing reports to the Commissioner, little realising that the Commissioner was required to make his own assessment on the basis of the reports received from his own machinery and not from the officers subordinate to a Government Department, thus circumventing the spirit underlying Article 338 of the Constitution. This view was supported by the authoritative ruling of the Ministry of Law given as far back as June, 1951, that the duties assigned to the Commissioner for Scheduled Castes and Scheduled Tribes cannot be passed on to 'any authority or person not subordinate and answerable to the Special Officer'. As a result, the field organisation of the Commissioner was withdrawn and placed under the Director General, Backward Classes Welfare.

2.15. The then Commissioner for Scheduled Castes and Scheduled Tribes suggested that it would neither be correct nor desirable to abolish the field organisation under the Commissioner. He also felt that the Department of Social Welfare should not divest the Commissioner of his field organisation in order to create a field organisation of their own. That the Commissioner for Scheduled Castes and Scheduled Tribes should have a field organisation on the lines prior to the reorganisation was also supported by various Committees. Amongst them were Committee on Untouchability, Economic and Educational Development of the Scheduled Castes (under the Chairmanship of Shri L. Ellayaperumal—January 1969), Study Team on Tribal Development Programme (under the Chairmanship of Shri Shilu Ao) and Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes under the Chair-

manship of Shri C. D. Bassumatari. The Bassumatari Committee had gone into the re-organisation of Commissioner's Office in detail and made a number of recommendations. In short it agreed with the Ellayaperumal Committee Report and expressed its surprise and regret at the rather arbitrary action of the Department of Social Welfare. Some extracts of its Report are given below :—

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

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

Proposals for reorganisation/expansion of Commissioner's Office since 1967 i.e. after reorganisation

2.16. From the very beginning of the reorganisation in 1967, there had been a number of proposals to strengthen the headquarters office of the Commissioner and also to provide some regional offices to him. As far back as February, 1969, it was proposed to have 6 Sections instead of the existing one Section Officer and his supporting staff for the Services Units alone.

2.17. In March, 1970 there was a proposal to set up a number of research teams and services teams, some for headquarters, some for sensitive areas of different parts of the country and also to have subject matters specialists and Analysts as given below :—

- (a) Four Research Teams, consisting of two Analysts, 4 Research Officers, 4 Senior Investigators, 12 Investigators, 6 Stenographers, 8 L.D.Cs. and 6 peons.
- (b) Over and above the 4 Research Teams there were also to be 4 Services Teams which together would have 2 Analysts, 4 Inspecting Officers, 8 Inspectors, 4 Assistants, 6 Stenographers, 8 L.D.Cs. and 6 Peons.

2.18. In 1972 there was a further proposal of opening 18 Regional Offices to cover the whole country over and above the 5 Research Units and 5 Services Units at the Headquarters. Additional Staff for the Commissioner and field

organisation were recommended and supported by the Parliamentary Committee, by the then Minister of Education and Social Welfare (1972) and by the then Union Minister of Home Affairs (1975). On 22nd November, 1972, the Minister of Education and Social Welfare, while replying to the debate in the Lok Sabha on the discussions held on the 1969-70 Annual Report of the Commissioner state :—

“I am, however, conscious of the fact that the Commissioner needs additional staff for conducting investigations. Government propose to take suitable measures shortly in consultation with the Commissioner to ensure that the necessary staff and facilities are made available to him for properly discharging his duties.”

On 22nd November, 1973, the Union Home Minister, while replying to the debate on the 1970-71 Report of the Commissioner, stated in the Rajya Sabha praising the good work done by the Commissioner as follows :—

“And the policy of the Government is that his own powers and the structure of his organisation should be strengthened as much as possible so that he may be able to discharge his Constitutional responsibilities in an effective manner.”

2.19. In spite of all this no tangible action had been taken by the Government to strengthen the organisation of the Commissioner till 12th December, 1975 when it allowed 2 additional Research Officers as interpreted by Ministry of Home Affairs against our proposal already put forward before, as follows :—

“The Commissioner’s Organisation may be strengthened by the addition of 2 Inspecting Teams for reviewing the returns from the State Governments and the Central Ministries and seeing whether the reservation orders are being observed.”

According to our proposals one Inspecting Team should consist of one Analyst, 2 Inspecting Officers/Research Officers, 8 Investigators, 3 Stenographers, 4 L.D.Cs., 1 Daftry and 2 Peons. Actually the Government even till today have not sanctioned any staff except two posts of Research Officers in November, 1976 of which one is yet to be filled.

2.20. Thus, during the last 10 years, there had been constant demand for expansion of Commissioner’s Organisation which was strongly supported by various Committees, particularly the Parliamentary Committee for the Welfare of Scheduled Castes and Scheduled Tribes. However, we have been getting no response from the Government. In spite of the fact that during the last 10 years the volume of work has increased, Commissioner’s office has to function with the 1967 based staff which was not found adequate even at that time.

Appointment of the Commission for Scheduled Castes and Scheduled Tribes

2.21. At one stage the Union Government was contemplating to restore the regional offices to the Commissioner for Scheduled Castes and Scheduled Tribes and with this end in view two rounds of discussions were held between the representatives of the Ministry and the representatives of the Commissioner on 13th August and 5th September, 1977. The proposals submitted on behalf of the Commissioner, considering the magnitude of the problems requiring regular assessment and vigilance, asked for 17 Regional Offices to be manned by 5 Deputy Commissioners and 17 Assistant Commissioners with supporting staff of 25 Research Officers, 5 Superintendents, 16 Senior Investigators, 31 Junior Investigators, 17 U.D.Cs., 39 L.D.Cs., 5 Stenographers, 34 Stenotypists, 39 Daftries and Peons. Farashs and 17 Drivers. As against this, a proposal was put across to the Commissioner to accept two Deputy Commissioners in the field. Considering this as too inadequate for his needs, the proposal did not find favour with the Commissioner. Later, the Government decided to set up the Civil Rights Commission “to ensure that Scheduled Castes and Scheduled Tribes, minorities and other Backward Classes do not suffer from discrimination or inequality”. It was being considered “whether the Commissioner for Scheduled Castes and Scheduled Tribes appointed under Article 338 of the Constitution and the Commissioner for Linguistic Minorities appointed under Article 350B of the Constitution may be members of the Commission without prejudice to the duties and functions assigned to them under the Constitution”. It was presumed that the proposed Civil Rights Commission would have its own network of field offices in different parts of the country.

2.22. When the Government’s intention to set up the Commission was made known to the Press and Parliament, doubts were expressed in various quarters about the efficacy of the proposed Commission and the desirability to put the religious and linguistic minorities along with the Scheduled Castes and Scheduled Tribes under one umbrella. The Government, however, reconsidered the issue and decided to have three separate Commissions, one for the minorities, the other for the Scheduled Castes and Scheduled Tribes and the third for the Other Backward Classes.

2.23. Considering the importance and magnitude of the problem of investigating all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution, the Government of India were of the view that, in addition to the functioning and authority of the Commissioner for Scheduled Castes and Scheduled Tribes, these matters should appropriately be entrusted to a high level Commission consisting of persons of eminence and status in public life without lessening the

authority of the Commissioner. Accordingly, the Government of India set up a Commission for Scheduled Castes and Scheduled Tribes on the 28th July, 1978, under the Chairmanship of Shri Bhola Paswan Shastri, M.P. and the following members:—

- (i) Shri Shishir Kumar, Ex-M.P. and Commissioner for Scheduled Castes and Scheduled Tribes.
- (ii) Shri A. Jayaraman, Ex-M.P.
- (iii) Shri Thakur Sen Negi, M.L.A.
- (iv) Shri S. K. Mallick, I.C.S.(Retd.).

2.24. The headquarters of the Commission will be located at New Delhi. The functions of the Commission will broadly correspond with the functions at present entrusted to the Commissioner for Scheduled Castes and Scheduled Tribes under Article 338 of the Constitution and will be as follows:—

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

The Commission will devise its own procedure in the discharge of its functions. All the Ministries and Departments of the Government of India will furnish such information and documents and provide such assistance as may be required by the Commission from time to time. The State Governments/Union Territory Administrations have also been requested by the Government of India to extend their fullest cooperation and assistance to the Commission. The Commission will submit an annual Report to the President detailing its activities and recommendations. This will not, however, preclude the Commission from submitting Reports to the Government any time they consider necessary on matters within their

scope of work. The Annual Report together with a memorandum outlining the action taken on the recommendations and explaining the reasons for non-acceptance of recommendations if any, in so far as these relates to the Central Government, will be laid before each House of Parliament.

2.25. The above mentioned Commission for Scheduled Castes and Scheduled Tribes was set up by a Government Resolution. In order to give a Constitutional status to the Commission, 'the Constitution (Forty-sixth Amendment) Bill 1978' was introduced in the Lok Sabha in August, 1978, to amend the existing Article 338 of the Constitution. In the proposed amendment to the Constitution, a provision has been made for a Commission for the Scheduled Castes and the Scheduled Tribes and the functions of the Commission are similar to those assigned to the Special Officer under the existing Article 338.

2.26. The Ministry of Home Affairs have transferred the field organisation under the administrative control of the Director General, Backward Classes Welfare to the Commission for Scheduled Castes and Scheduled Tribes with effect from 1st December, 1978. They have, however, not transferred the post of Director General, Backward Classes Welfare and some posts of regional officers to the Commission. The post of Zonal Director, Backward Classes Welfare has been redesignated as Zonal Director, Scheduled Castes and Scheduled Tribes. They will, however, continue as ex-officio Deputy Commissioners for Scheduled Castes and Scheduled Tribes.

Removal of Untouchability

2.27. Untouchability was abolished under Article 17 of the Constitution and its practice in any form was forbidden. Under Article 25(2)(b), all Hindu religious institutions of a public character were to be thrown open to all classes and sections of Hindus. All actions involving 'untouchability' were made cognizable offences punishable under the Untouchability (Offences) Act, 1955 which was enacted by Parliament under Article 35(a)(ii) of the Constitution. This Act was comprehensively amended by the Untouchability (Offences) Amendment and Miscellaneous Provisions Act, 1976 which was enforced from the 19th November, 1976 and was renamed as Protection of Civil Rights Act, 1955. The provisions for the eradication of untouchability were considerably tightened under the amended Act. The details of the important features of the amended Act have already been given in our previous Report.

2.28. According to one of the provisions of the amended Act, the Central Government is required to place every year on the table of each House of Parliament, a report on the measures taken by itself as well as by the State Governments for the implementation of the various measures

suggested under Section 15A of the Act. The Central Government have laid on the tables of the Lok Sabha and the Rajya Sabha the above mentioned report for the period ending 1977, on the 20th December, 1978 and the 21st December, 1978, respectively.

2.29. The Government of India was also required to frame necessary rules as stipulated in the Act to enable the State Governments to ensure that the rights accruing from the abolition of 'Untouchability' are made available to and are availed of, by the persons subjected to any disability arising out of 'Untouchability'. These rules, viz., the protection of Civil Rights Rules, 1977 have since been notified by the Government of India under the provisions of Section 16B of the Protection of Civil Rights Act 1955. The rules have been forwarded to all the State Governments and the Union Territory Administrations. Under rule 3 of these Rules, the State Governments are required to appoint an officer not below the rank of sub-divisional Magistrate, for the purpose of making an enquiry for the imposition of collective fines, referred to in Sub-section (i) of Section 10A of the above mentioned Act.

Bonded Labour

2.30. Under Article 23 of the Constitution, although forced/bonded labour has been forbidden yet the practice of traffic in human beings in the shape of 'begar' or forced labour continued in the country in one form or the other, with different names some State Governments had enacted legislations to abolish this evil practice before and after independence. In the earlier Reports of the Commissioner for Scheduled Castes and Scheduled Tribes instances of the existence of bonded labour system had been indicated and remedial measures had also been suggested to eradicate the same, but it was observed that the lukewarmness on the part of State Governments in implementing these laws had not improved the situation. In order to eradicate this evil practice, the Central Government enacted the 'Bonded Labour System (Abolition) Act' in 1976. The provisions of this Act have already been discussed in our previous Report. Consequent upon the enforcement of the provisions of this Act, the State Governments made fresh efforts to identify the bonded labourers in their respective States. Out of 31 State/Union Territories so far ten States and one Union Territory have acknowledged the existence of the bonded labourers and made efforts for their identification, release and rehabilitation. According to the available information 1,05,180 bonded labourers had been identified in the following States/Union Territory out of whom 1,04,749 were released and 31,844 rehabilitated as on 31st May, 1978 :—

Sl. No.	State/Union Territory	Total number of bonded labourers		
		Identified	Released	Rehabilitated
1	2	3	4	5
1.	Andhra Pradesh .	6,930	6,430	4,154
2.	Bihar . . .	2,857	2,857	613
3.	Gujarat . . .	42	42	42
4.	Karnataka . . .	64,042	64,042	7,804
5.	Orissa . . .	669	319	313
6.	Madhya Pradesh .	1,612	1,531	33
7.	Kerala . . .	900	900	186
8.	Rajasthan . . .	6,000	6,000	3,531
9.	Tamil Nadu . . .	2,882	2,882	2,363
10.	Uttar Pradesh . .	19,242	19,242	12,805
11.	Mizoram . . .	3	3	..
		1,05,180	1,04,749	31,844

2.31. It will be seen from the above table that the rehabilitation process has been quite slow. Out of 1,04,749 freed bonded labourers only 31,844 have been rehabilitated. It is hoped that the Ministry of Labour and the State Governments concerned would review the causes of slow rehabilitation of released bonded labourers.

Surveys for Identification of Bonded Labourers

2.32. Although 20 State Governments/Union Territory Administrations are denying the existence of bonded labour, the practice might be prevailing in some form or other. In this connection, it is worthwhile to mention that this office conducted a survey on the incidence of bonded labour system in Nandurbar and Sahada Talukas of Dhulia District in Maharashtra, details of which were mentioned in our previous Report. It was revealed that elements of bonded labour system definitely existed in these areas. It is noticed that the Government of Maharashtra is feeling shy to admit the prevalence of this practice and informed on the receipt of the Survey Report that the cases reported as bonded labourers did not fit in the definition of bonded labour system under the Act. However, the State Government decided to make some test cases in these talukas and instructed the Police and Revenue Officers to take action under the provisions of Minimum Wages Act, 1948. A peculiar system of 'trapping' the Scheduled Tribes and keeping them bonded labour in Maharashtra has recently been reported in the press. It is stated that marriage ceremony of youths of Warli or Mahadev Koli tribes are generally performed at a scale which they cannot afford. They borrow money for the ceremony and are required to work as bonded labourers to the money lenders to repay the loan which goes on multiplying.

2.33. Another case of a very crude type of exploitation of bonded labourers came to notice in Punjab where 15 Scheduled Caste/Scheduled

Tribe persons brought from Ranchi District of Bihar State were forced to work for a landlord of Chakwamu village under Alampur Police Station in Hoshiarpur District. The matter was investigated and it was observed that labourers were brought to Punjab from Bihar by agents who paid for their expenses of journey and in lieu of which the labourers had to work free for the first two months and afterwards paid at the rate of Rs. 60.00 per month. The agents got a sum of Rs. 285.00 from the landlord who engaged the labourers. The matter was taken up with Governments of Bihar and Punjab to stop this practice. Consequent upon the suggestion of this Organisation, the Government of Bihar issued instructions to all District Magistrates not to allow any agency to take out Scheduled Caste and Scheduled Tribe persons to work as bonded labourers to other States. It is just possible that quite a good number of labourers drawn from Bihar might be facing the same fate in other districts of Punjab. It is suggested that the Government of Bihar should depute officers to visit the areas in other States where large scale labourers from Bihar are employed to ensure that the labourers drawn from their State are paid the prescribed minimum wages and are not exploited in any form.

Survey of Bonded Labour system by the National Labour Institute in collaboration with the Gandhi Peace Foundation

2.34. It is quite evident that the bonded labour system is a serious problem and demands immediate action to eradicate it. Two main aspects of the problem need consideration; first the identification of undetected bonded labourers to know the magnitude of the problem and secondly to initiate suitable programmes for rehabilitation of freed bonded labourers. So far as the identification of bonded labourers is concerned, the National Labour Institute in collaboration with Gandhi Peace Foundation, have undertaken a survey of bonded labour system, covering 1,000 villages spread over 295 districts in 10 States of Uttar Pradesh, Madhya Pradesh, Bihar, Rajasthan, Maharashtra, Gujarat, Orissa, Andhra Pradesh, Tamil Nadu and Karnataka, where the problem of bonded labour system has been accepted by the State Governments. It is observed from a preliminary report of the survey that the total number of bonded labourers in the above mentioned States excluding Orissa and Maharashtra would amount to 21.7 lakhs, constituting 6.1 per cent of the 3.70 crores agricultural labourers in those States. The institutions which carried out the above mentioned survey have assumed that the incidence of bonded labour is highly improbable in the remaining States/Union Territories. This assumption may also not prove correct if a systematic survey in the remaining States/Union Territories is undertaken. According to information supplied by the Ministry of Labour, the 28th round of the National Sample Survey has estimated that 4.2 per cent of the total number of

agricultural labourers in the country are bonded. This figure indicates the dimensions of the problem.

Rehabilitation of freed bonded labourers

2.35. As already discussed in foregoing paras, after identification, the allied problem of rehabilitation of released bonded labour is very important. In the earlier Reports of the Commissioner for Scheduled Castes and Scheduled Tribes the steps taken by some States about the rehabilitation of freed bonded labourers had been mentioned. By and large, State Governments have been taking action to rehabilitate freed bonded labourers by providing them with employment in departmental projects, allotment of agricultural land, house-sites, loans for purchase of milch cattle, sheep, carpentry implements, provision of education and free hostel facilities to their children etc. Although State Governments are trying to help the freed bonded labourers, yet it is felt that the work of rehabilitation is rather slow and there is every likelihood that the released bonded labourers may again relapse into their earlier position. The Central Government have recently reviewed the position and in order to step up the tempo of rehabilitation of the emancipated bonded labourers following steps have been initiated :—

- (i) the State Governments/Union Territory Administrations have been recently asked to keep specific provisions under all their rural development schemes for identification, release and rehabilitation of the bonded labour;
- (ii) the concerned Central Ministries/Departments have been urged to accord, while making selection of blocks, for development, priority to those blocks where bonded labourers have been identified or the practice is known to exist and to make rehabilitation of bonded labourers a component part of schemes of development in those blocks; and
- (iii) the Planning Commission has approved an outlay of Rs. 1 crore in the Annual Plan for 1978-79, of the Ministry of Labour for providing financial assistance to State Governments/Union Territory Administrations in cases where the resources available to them under the existing on-going schemes are inadequate to take care of the rehabilitation of bonded labourers in their respective areas.

The outlay of Rs. 1 crore provided for assisting the States/Union Territories on matching grant basis for implementation of schemes of rehabilitation of bonded labourers would include rehabilitation on land, subsidiary occupations like milch cattle, etc., and craft based occupations. The Ministry of Labour should ensure that the rehabilitation of identified bonded labourers is completed atleast by the end of 1979-80, if not earlier.

2.36. The Government of India has allocated an amount of Rs. 95.91 lakhs for the rehabilitation of 5,792 bonded labourers in the States of **Andhra Pradesh (1,670)**, **Bihar (934)**, **Karnataka (441)**, **Kerala (110)**, **Madhya Pradesh (859)**, **Orissa (315)**, **Rajasthan (700)**, **Tamil Nadu (268)** and **Uttar Pradesh (495)**. The State Governments have already intimated that 31,844 bonded labourers have been rehabilitated and thus a total of 37,636 bonded labourers will be rehabilitated leaving 67,544 bonded labourers still to be rehabilitated either under the on-going schemes or in subsequent years of the Medium Term Plan 1978-83. **It is, therefore, urged that larger allocations should be provided by the Ministry of Labour so that the identified bonded labourers are properly rehabilitated. At the same time, the State Governments should galvanise their machinery for the identification of bonded labourers in areas with very high incidence of bonded labour indicated in the report of the Gandhi Peace Foundation.**

Dadan Labour System

2.37. The characteristics of Dadan Labour system resemble, to some extent, the bonded labour system. It is a form of contract labour, under which labourers are recruited from various parts of a State for work mainly in large Civil Works/Projects located outside the State through the agents known as **Sardars**. In Orissa State, labours are mostly recruited from the Districts of Ganjam and Puri for employment outside the State. Labourers from the State of **Jammu & Kashmir, Madhya Pradesh and Rajasthan** also are employed for work outside their States. The Government of **Orissa** had passed the Orissa Dadan Labour (Control and Regulation) Act, 1975, which aims at regulating the terms and conditions of recruitment of Dadan labour and registration of Dadan Agents. This Act, however, does not afford effective protection against exploitation of these workers for the entire period of their employment. A Committee constituted by the Ministry of Labour has recommended suitable Central legislation in respect of inter-State migrant workers. The Committee has also recommended deterrent punishments particularly in respect of non-payment or short payment of wages or non-maintenance of wage records. It has suggested deterrent punishment for continuing and repeated offences. **It is hoped that Central legislation would bring a lot of relief to the migrant labourers including Dadan labour.**

Reservation of seats for Scheduled Castes and Scheduled Tribes in Educational and Technical Institutions

2.38. The State Governments have been empowered to make reservation of seats for admission of the Scheduled Caste and Scheduled Tribe students to various educational and technical institutions, under Article 15(4) of the Constitution. According to the instructions issued by the Union Ministry of Education to all the

State Governments/Union Territory Administrations and Universities, 20 per cent of seats in all educational and technical institutions should be reserved for the Scheduled Castes and Scheduled Tribes with a distinct reservation of 15 per cent for the Scheduled Castes and 5 per cent for the Scheduled Tribes. This reservation is interchangeable, i.e., if a sufficient number of candidates is not available to fill seats reserved for Scheduled Tribes, these may be filled up by suitable Scheduled Caste candidates and vice-versa. It was also suggested that a minimum qualifying standard should be prescribed for admission and Scheduled Caste/Scheduled Tribe students should be eligible for admission to the reserved seats if they attained that standard without any reference to the gap between their marks and the marks of the last person admitted to the open seats. Where admissions are restricted to candidates who obtain a certain minimum percentage of marks and not merely the passing of a certain examination, there may be a 5 per cent reduction for the Scheduled Castes and Scheduled Tribes provided that the lower percentage prescribed does not fall below the minimum required to pass the qualifying examination. Where a maximum age limit has been prescribed, it may be raised by three years for Scheduled Castes and Scheduled Tribes.

Reservation of seats for Scheduled Caste/Scheduled Tribe candidates in Post-graduate Classes

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

courses. It is, therefore, desirable that the Ministry of Health as well as the Ministry of Education should reconsider their views and take early action to make the prescribed reservation of seats for admission of Scheduled Caste/Scheduled Tribe candidates to Post-graduate courses in medical colleges and I.I.Ts. Some private medical colleges in Andhra Pradesh, Bihar and Maharashtra continue to charge capitation fees for admission of Scheduled Caste/Scheduled Tribe candidates even for graduate courses and no reservation of seats is made for them. Similarly, few Universities like the Aligarh Muslim University have still not made the prescribed reservation of seats for Scheduled Caste/Scheduled Tribe candidates.

2.40. Reservation of seats, though helpful in getting admission of Scheduled Caste/Scheduled Tribe candidates to educational and technical institutions, is not sufficient in itself for the promotion of education among these communities. It should be supplemented by financial support. It has been observed that the number of Scheduled Caste/Scheduled Tribe students and specially Scheduled Tribes, in the tribal areas coming up for higher education is still very small in spite of the incentive of Post-matric scholarships. The reason for this state of affairs appears to be that a large percentage of students belonging to these communities drop-out at the primary level and never reach the post-matric stage. In order to check drop-outs at the primary and middle stages, financial support should be provided to all the eligible Scheduled Caste/Scheduled Tribe students at pre-matric stage in the shape of pre-matric scholarships as an incentive to their parents to send their children to school. The Government of Rajasthan have recently taken a welcome step in this regard as they have claimed that all the eligible Scheduled Caste/Scheduled Tribe students are awarded pre-matric scholarships from Rs. 10.00 to Rs. 20.00 per month, in middle and secondary classes. Similar action should also be taken by other State Governments/ Union Territory Administrations which have not so far achieved universal coverage in the matter of pre-matric scholarships to Scheduled Caste/Scheduled Tribe students. Besides, other incentives like hostel facilities, free books and stationery, dresses etc., should also be provided to these students, so that more and more Scheduled Caste/Scheduled Tribe students are able to complete Pre-matric education and go in for higher education.

Reservation for Scheduled Castes and Scheduled Tribes in Services and Posts

2.41. Safeguards in service matters for Scheduled Castes and Scheduled Tribes are enshrined in Articles 16(4) and 335 of the Constitution which provide that adequate representation in posts and appointments connected with the affairs of the Union or of a State should be made for the weaker section of the society. Even though a few States have enacted legislations regarding reservations for Scheduled Castes/

Scheduled Tribes, the Government of India are not in favour of such a legislation and feel that the executive orders and directives issued by them are adequate to fulfil the provisions of the above said two Articles of the Constitution. Such orders and instructions have been modified and changed from time to time. The State Governments have also been apprised of these orders by the Government of India. These orders of the Government of India, however, do not apply to them automatically. The State Governments, have issued their own orders and instructions in their respective States but these are not uniform and many of them have yet to follow some of the main provisions of the reservation orders of the Government of India including reservation in promotion.

2.42. The reservation orders in favour of Scheduled Castes and Scheduled Tribes were often, in conflict with the interests of the employees belonging to some advanced communities. In fact some of the provisions have been challenged in some High Courts as well as in the Supreme Court. Some of the important judgements were highlighted in our last year's Report and have also been repeated in parts elsewhere in this Report. The working of these reservation orders not only in establishments connected with the affairs of the Union but also in connection with the affairs of the States are given in detail in Chapter 3 of this Report.

Scheduled and Tribal Areas

Scheduled Areas

Governors' Reports on the Administration of Scheduled Areas :

2.43. Under Clause (iii) of the Fifth Schedule to the Constitution, the Governor of each State, having Scheduled Areas therein, is required to make a Report to the President regarding administration of the Scheduled Areas in that State. The presentation of these reports has got routinised and they tend to be annual reports of Tribal Welfare Departments. The Governor has been authorised under Clause 5(ii) to make regulations for the peace and good government of the Scheduled Areas. Under the First proviso to Article 275(i) there is an obligation on the Central Government to raise the level of administration of these areas. It is in this context that the Report of the Governor to the President assumes a special significance.

2.44. Under Article 339(2), the executive power of the Union also extends to giving of directions to the States as to the drawing up and execution of the schemes specified in the directions essential for welfare of the Scheduled Tribes in the State. Thus, the tribal welfare programmes in general even outside the Scheduled Areas attract Constitutional obligation of the Union Government. It is, therefore, necessary that there should be an annual review of general tribal development

programmes in the States by the Governor in his Report, which at present is not specifically provided under Clause (iii) of the Fifth Schedule although, in practice the Reports largely deal with these aspects.

2.45. Reports of the Governors on the administration of Scheduled Areas are required to be

submitted by the 31st October, every year. The table below indicates information about the receipt in the Ministry of Home Affairs of reports of the Governors on the administration of scheduled Areas for the years 1974-75, 1975-76 and 1976-77.

Sl. No.	Name of the State	1974-75		1975-76		1976-77	
		Due date	Date on which received	Due date	Date on which received	Due date	Date on which received
1	2	3	4	5	6	7	8
1.	Andhra Pradesh	31-10-75	Aug., 78	31-10-76	Awaited	31-10-77	Awaited
2.	Bihar	Do.	20-12-75	Do.	11-5-77	Do.	16-7-78
3.	Gujarat	Do.	24-5-76	Do.	16-9-76	Do.	Awaited
4.	Madhya Pradesh	Do.	11-5-76	Do.	Awaited	Do.	Do.
5.	Maharashtra	Do.	9-9-77	Do.	March, 78	Do.	Do.
6.	Orissa	Do.	26-5-76	Do.	29-9-77	Do.	Do.
7.	Rajasthan	Do.	31-5-76	Do.	16-5-77	Do.	Do.

It would be seen from above that no report for the last two years has been submitted in respect of Scheduled Areas in Andhra Pradesh and Madhya Pradesh. For 1976-77, except Bihar, no other State has submitted such reports.

Governor's Report on the Scheduled Areas of Bihar for the year 1976-77 :

2.46. A review of the position regarding allotment of land and alienation of tribal lands was given in the earlier Report of this Organisation based on the information contained in the Governors reports upto 1975-76, received from the various States in this Office. A brief review of the position regarding allotment of land, restoration of alienated lands, to tribals, functioning of LAMPS, based on the Governor's report received from Bihar for the year 1976-77, is given below :—

2.47. As regards the assignment of cultivable land, two acres of land is given for agriculture and 1/4th acre of land for housing per family. In Singhbhum District during 1976-77, 2,836 Scheduled Caste and 24,318 Scheduled Tribe persons were assigned 4,015 acres and 33,267 acres of land respectively. Similarly in Palamau District 986 acres of land was assigned to 62 Scheduled Tribes and 412 acres was allotted to 278 Scheduled Castes in the same period.

2.48. Under the Bihar Scheduled Areas Regulation, 1969, during 1976-77, 3,477 cases were disposed of as against 4,060 cases registered during the year and 1,653 cases were pending at the beginning of the year. 2,709 acres of land was restored to tribals and 2,236 cases remained pending at the end of the year 1976-77. Under

the Chottanagpur and Santhal Parganas Tenancy (Amendment) Act, 1969, 1,527 cases were disposed of and 916 acres of land was restored to tribals. Under the said Act, 2,045 cases remained pending at the end of the year 1976-77. Parchas were distributed to about 35,114 persons under the Bihar Privileged Persons Homestead Lands Tenancy Act, 1947.

2.49. 47 LAMPS had been established in Scheduled areas at the block level excepting Ratoo Block. Out of the total membership of 1,305, 405 members belonged to Scheduled Tribes, 250 Scheduled Castes and the remaining 650 members to other communities. As regards the Bihar State Tribal Cooperative Development Corporation, Ranchi, upto 30th June, 1977, 143 Cooperative Societies were affiliated during the year under report. During 1976-77, the Corporation through its Ranchi and Dumka branches, under took the business of Tendu leaves under its direct supervision. In the said business about 20,000 tribals were provided employment.

Tribes Advisory Councils :

2.50. Under Clause (4) of the Fifth Schedule to the Constitution, there is provision for establishment of Tribes Advisory Councils in those States which have Scheduled Areas. The President can also direct the establishment of Tribes Advisory Council in those States also which have Scheduled Tribes but not Scheduled Areas. In States of Tamil Nadu, Uttar Pradesh and West Bengal, there are no Scheduled Areas but Tribes Advisory Councils have been established. Available State-wise information about the number of meetings of the Tribes Advisory Councils held

during the years 1975-76, 1976-77 and 1977-78, is given below :—

Sl. No.	Name of State	Number of Tribes Advisory Council meetings held during		
		1975-76	1976-77	1977-78
1	2	3	4	5
1.	Andhra Pradesh	..	3 (3-12-76, 5-2-77, and 16-5-77)	1 (31-1-78)
2.	Bihar	1 (24-6-75)	2 (31-7-76 and 14-12-76)	..
3.	Madhya Pradesh	1 (17-7-75)	1 (27-4-76, 19-8-76, 26-11-76, 30-12-76 and 28-1-77)	1 (24-5-78)
4.	Maharashtra	1 (11-7-75 to 27-7-75)	N.A.	N.A.
5.	Orissa	2 (7-7-75 and 25-9-75)	3 (21-5-76, 31-8-76 and 10-12-76)	1 (23-1-78)
6.	Rajasthan	..	1 (3-7-76)	1 (27-2-78)
7.	West Bengal	1 11-6-75	1 (9-6-76)	2 (2-10-77) and 27-4-78)

2.51. During the year 1977-78, no meetings of the Tribes Advisory Councils in the States of Gujarat, Himachal Pradesh, Tamil Nadu and Uttar Pradesh were reportedly held. It is felt necessary that Tribes Advisory Councils may be set up in all States having scheduled tribe population for which the President may consider the desirability of giving suitable directions under Clause (4) of the Fifth Schedule to the Constitution. The important points discussed by the Tribes Advisory Councils in the States of Madhya Pradesh, Orissa, Rajasthan and West Bengal during 1977-78 may be seen at Appendix II.

Tribal Areas

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

members of whom not more than 4 can be nominated and the rest are elected on the basis of adult suffrage. These Councils are vested with certain administrative, legislative and judicial powers.

2.53. Under Articles 371(B) and 371(C) of the Constitution there is a special provision with respect to the States of Assam and Manipur respectively for constituting a committee of the Legislative Assembly of the State consisting of members elected from the tribal areas in the State of Assam and from the Hill Areas in Manipur. The President is empowered to issue order for the constitution and functions of these two committees.

2.54. During the course of his visit to Manipur in May, 1978, the Commissioner for Scheduled Castes and Scheduled Tribes met the Chairman of the Hill Areas Committee, Manipur Legislative Assembly to know how the Committee had been functioning and the manner in which it had tried to safe-guard the interests of Scheduled Tribes. The Manipur Legislative Assembly (Hill Areas Committee) Order, 1972 was issued on 10th July, 1972 by the President of India in which it was stated that the under-mentioned areas would be treated as Hill Areas :—

- “(1) Manipur North, Manipur East, Manipur West and Manipur South revenue districts.
- (2) Chandel, Chakpikarong and Tengnoupal revenue sub-divisions of the Manipur Central revenue district.”

The Act provided that all “scheduled matters” in so far as they related to Hill Areas would be within the purview of the Hill Areas Committee. The Act also provided that every bill other than the money bill affecting wholly or partly, the Hill Areas and containing mainly provisions dealing with any of the scheduled matters shall, after introduction in the Assembly, be referred to the Hill Areas Committee for consideration and report to the Assembly. It further provided that the Hill Areas Committee could consider and pass resolutions recommending to the Government of the State any legislation or executive action affecting the Hill Areas with respect to any scheduled matters and if modifications were suggested by the Hill Areas Committee they should be passed by the Assembly with such variations as may be necessary in its application to the Hill Areas. It was also provided that the Hill Areas Committee shall have the right to discuss the annual financial statement in so far as it related to the Hill Areas and to facilitate such discussions such statement shall, as far as may be practicable, show separately the receipts and expenditure pertaining to the Hill Areas and before the Five Year Plans and Annual Plans of the State are finalised proposals showing separately the Plan schemes proposed to be taken in the Hill Areas and the rest of the State shall be placed before the Hill Areas Committee and its views taken into consideration before the Plans are finalized.

The State Government will also forward to the Hill Areas Committee quarterly reports showing the progress of the implementation of the plans relating to the Hill Areas. Certain modifications in the rules of business of the Government of Manipur and to the Manipur Legislative Assembly had also been incorporated in the Act.

2.55. It has, however, been observed as per information given in the Fifth Report of the Hill Areas Committee on the Amendments to the Manipur Legislative Assembly (Hill Areas Committee) Order, 1972 and Amendments to the Rules of Procedure and Conduct of Business of the Manipur Legislative Assembly, the new amendments proposed by the Hill Areas Committee in March, 1978 had not been adopted by the Manipur Legislative Assembly. In so far as the resolutions adopted by the Committee and action taken thereon by the State Government were concerned, one of the important resolutions adopted by the Committee on related to the demand that the provision of the Sixth Schedule to the Constitution may be extended to the tribal areas in Manipur. This resolution was adopted by the Committee on 15th March, 1978 and was reported to be under the consideration of the State Government. There was also a Manipur (Hill Areas) District Council Act, 1971 which indicated the subjects that could be transferred by the State Government to the District Councils. It is not known how far the extension of the Sixth Schedule to the Constitution to the District Councils would improve matters. It was noticed that through a resolution passed by the Hill Areas Committee on 13th September, 1974 it was pointed out that the Manipur (Village Authorities in Hill Areas) Act, 1956 had become obsolete and that the State Government should bring about a bill for amend-

ment of the Act. This matter was still reported to be under consideration of the Government. A communication was addressed to the Chairman of the Hill Areas Committee to have his views in what manner the Committee would like to amend the Act.

2.56. Besides, the Hill Areas Committee was required to examine and give views regarding the Five Year Plans and Annual Plans and the State was required to take them into account before the Plans were finalised. It was one of the functions of the Committee to safeguard the interests of the persons of the Hill Areas particularly through accelerated development. However, it was noticed that the progress regarding the preparation of the integrated tribal development projects was rather slow.

Representation of Anglo-Indians in the Lok Sabha and Vidhan Sabhas

2.57. Article 331 of the Constitution provides that the President may nominate not more than two members of the Anglo-Indian community to the Lok Sabha. In the Sixth Lok Sabha Shri A.E.T. Barrow and Shri Rudolf Rodrigues were nominated to represent Anglo-Indian community.

2.58. Under Article 333 of the Constitution it is provided that the Governor of a State may, if he is of opinion that the Anglo-Indian community needs representation in the Legislative Assembly of the State and is not adequately represented therein, nominate one member of that community to the Assembly. According to the available information during 1977-78, one Anglo-Indian member each in the Vidhan Sabhas of **Bihar, Karnataka, Madhya Pradesh, Maharashtra, Tamil Nadu, Uttar Pradesh and West Bengal** was nominated by the respective Governors of these States to the State Vidhan Sabhas.

CHAPTER 3

MANPOWER PLANNING — SERVICE SAFEGUARDS

Review of the Position regarding Representation of Scheduled Castes and Scheduled Tribes in Services

(a) **Central Government Services**

Scheduled Tribes in some of the All India Services and Central Services as on 1-1-1978 is given in the following table :

(i) **All India and other Central Services :**
The representation of Scheduled Castes and

Sl. No.	Name of the Service	No. of officers in position				
		Total	Sch. Castes	Percentage	Sch. Tribes	Percentage
1	2	3	4	5	6	7
1.	I.A.S.	3,538	333	9.41	168	4.75
2.	I.P.S.	2,098	188	8.96	69	3.29
3.	Indian Foreign Service	349	36	10.31	18	5.16
4.	Indian Statistical Service (Grade I to Grade IV)	246	8	3.25	1	0.41
5.	Indian Economic Service (Grade I to Grade IV)	453	24	5.30	5	1.10
6.	Indian Defence Accounts Service	184	14	7.61	7	3.80
7.	Central Information Service	737	63	8.55	13	1.76
8.	I. A. & A. S.	493	31	6.29	11	2.23
9.	A.F.H.Q. Civil Service	650	5	0.77	..	0.00
10.	Indian Inspection Service	117	12	10.26	..	0.00
11.	Indian Supply Service	135	6	4.44	..	0.00
12.	Central Engineering Service (Roads) Group A	202	9	4.46	1	0.50
13.	Central Power Engineering Service Group A	200	9	4.50	2	1.00
14.	Central Engineering Service (Civil/Electrical)—					
	Group A	596	29	4.87	1	0.17
	Group B	1,180	55	4.66	5	0.42
15.	Assistant Drilling Engineering Group A	56	3	5.36	1	1.79
16.	Mechanical Engineer (Junior) Group A	15+5*	1	5.00	..	0.00
17.	Indian Naval Armament Service (Deputy Armament Supply Officer, Grade II (Class I), Indian Navy)	16	..	0.00	..	0.00
18.	Military Engineers Service					
	Group A					
	Buildings & Roads	350	8	2.29	..	0.00
	Electrical & Mechanical	160	4	2.50	1	0.62
19.	Defence Lands and Cantonments Service					
	Group A	80	7	8.75	3	3.75
20.	Telegraph Engineering Service	947	57	6.02	4	0.42
21.	Assistant Development Officer (Engineering)	45	3	6.67	..	0.00
22.	P & T Civil Engineering Service					
	Asstt. Executive Engineers (Civil and Elect.) Group A	45	3	6.67	..	0.00
	Asstt. Engineer (Civil and Elect.) Group B	239	19	7.95	2	0.84
23.	Central Secretariat Service—					
	(i) Grade II (Under Secretary and equivalent)	614	70	11.40	7	1.14
	(ii) Selection Grade (Dy. Secretary and equivalent)	192	10**	5.28	..	0.00

*5 persons have been offered appointments out of whom 1 belongs to Scheduled Caste.

**The C.S.S. culminates in Selection Grade. These officers are, however, considered alongwith other central services Class I/A.S. officers for posting as Director/J.S. etc. One of the ten officers held the post of Joint Secretary.

3.2. The figures indicated in the above table, if compared with the position as on 1-1-1976 indicated in our last Report (para 3.68), would reveal that the representation of Scheduled Castes and Scheduled Tribes increased slightly in some of the All India Services/Central Services like

Indian Administrative Service, Indian Police Service and Indian Audit and Accounts Service. The representation of Scheduled Castes was highest in Indian Inspection Service (10.26 per cent). However, in some of the important Central Services like Indian Statistical Service, Indian Supply

Service, Central Engineering Service (Roads), Central Power Engineering Service and Military Engineering Service the representation was less than 5 per cent. In the Indian Naval Armament Service the representation of the Scheduled Castes was nil and in the Armed Forces Headquarters Civil Service, it was 1 per cent.

3.3. Regarding the representation of Scheduled Tribes except in few services like Indian Administrative Service, Indian Police Service, Indian Defence Service, Indian Audit and Accounts Service, Military Lands and Cantonment Service, it was either nil or was less than 2 per cent. **There is no reason to believe that Sche-**

duled Caste and Scheduled Tribe persons are not adequately educated or trained to become eligible for these services. It is felt that sincere efforts should be made to fully utilize the vacancies reserved in various services by the Scheduled Castes and Scheduled Tribes. To achieve this, it is imperative that adequate training facilities are made available to the candidates belonging to these communities.

(ii) **Central Government Services :**

3.4. The representation of Scheduled Castes/ Scheduled Tribes in services under the Government of India as on 1st January, 1977 and 1st January, 1978 is given in the following table :

Category	Total strength including Sch. Castes and Sch. Tribes	Sch. Castes		Sch. Tribes	
		Number	Percentage	Number	Percentage
1-1-1977					
Class I	39,908	1,662	4.16	309	0.77
Class II	56,322	3,421	6.07	434	0.77
Class III	1,677,256	98,662	11.84	46,603	2.78
Class IV (Excluding Sweepers)	1,246,464	237,718	19.07	54,206	4.35
1-1-1978					
Class I	31,635	1,420	4.49	265	0.84
Class II	39,792	2,519	6.33	296	0.74
Class III	1,079,018	123,686	11.46	21,712	2.01
Class IV (Excluding Sweepers)	1,109,450	211,561	19.07	51,293	4.62

It would be seen that information relating to 1977 is in respect of 58 Ministries/Departments of the Government of India and that for the year 1978 is from 48 Ministries/Departments. The Department of Personnel and Administrative Reforms which supplies the consolidated information in this regard informed us in the month of September, 1978 that 10 Ministries including the Ministry of Home Affairs (Main) have not supplied the required information and have been reminded demi-officially. It is rather unfortunate and difficult to understand as to why it has not been possible for those Ministries/Departments to supply the information when others could do so in due time. In fact such basic statistics should be maintained by each and every Ministry/Department as a matter of course. The failure on the part of the Ministry of Home Affairs to collect and supply such information exposes the degree of helplessness and indifference on the part of personnel responsible for implementation of the various service safeguards.

3.5. On a comparison of the figures relating to the years 1977 and 1978, it would be seen that the percentage of representation of Scheduled Castes and Scheduled Tribes in Groups A, B & C has not improved. From the available data as on 1-1-1978 it would be seen that except in Group D, the representation of Scheduled Castes in all

other Groups was not satisfactory. The representation of Scheduled Tribes in Group A and B posts was most unsatisfactory. **During the last 10 years, emphasis has been laid in our various Annual Reports, and the communications sent to the Government, that the deficiency in the representation of these communities in Central Government services, particularly about Scheduled Tribes, in all the Groups could be made up, if their combined percentage is raised upto 50 per cent till the backlog of their representation is reduced considerably. It may be mentioned here that the Public Undertakings are resorting to recruitments exclusively for Scheduled Castes/Scheduled Tribes to fill up the backlog and improve their representation in various Groups and on the same analogy, the Government of India can also resort to recruitments exclusively for Scheduled Caste/Scheduled Tribe candidates at least to fill up the newly created vacancies/posts. This issue has also been dealt with in details in a separate para on Special Recruitment Drive.**

(iii) **Railway Services :**

3.6. The statistics about the representation of Scheduled Castes and Scheduled Tribes in the Railway Services as on 1-1-1978 may be seen in Appendix III. The data clearly reveals that in Group A, B and C categories the representation

of Scheduled Caste persons continues to be less than the prescribed percentage fixed by the Government. The representation of Scheduled Tribes in all the categories was either poor or negligible. Moreover, large number of representations were received during 1977-78 in this organisation from the Scheduled Caste/Scheduled Tribe Railway employees, for redressal of their grievances which indicates that there was great discontentment among the Scheduled Caste/Scheduled Tribe employees over the ineffective implementation of these safeguards. The response from the Railway Board about the large number of references made to them by this organisation was poor and our efforts remained unproductive. The matter was taken up with the Minister of Railways who in his latest communication has assured prompt action. He has also welcomed our suggestion of referring such representations directly to the Chief Personnel Officers of the Zonal Railways and the Deputy Chief Personnel Officers of the Production Units for quick response. It has also been assured that the said officers have been advised to respond to our communications promptly. **It is hoped that the Ministry of Railways will ensure that the machinery for redressal of grievances of Scheduled Caste/Scheduled Tribe employees is working efficiently and effectively to restore justice to the Scheduled Caste/Scheduled Tribe employees.**

(iv) Armed Forces :

3.7. For the last two decades it has been repeatedly highlighted in our annual Reports that reservation in favour of Scheduled Castes and Scheduled Tribes has not been introduced in the Armed Forces, and the representation of Scheduled Castes and Scheduled Tribes continued to be poor. It has also been emphasised that exclusion of the Defence Services from the purview of reservation for Scheduled Castes and Scheduled Tribes was contrary to the letter and spirit of the Constitution. The Ministry of Defence is however of the view that on account of the special features of the Defence Services, the methodology in recruitment adopted was somewhat different and they felt that the objective could be effectively achieved by executive instructions and other suitable measures. Though special efforts reportedly were being made to recruit Scheduled Caste/Scheduled Tribe persons by sending recruiting parties to interior/remote areas populated by Scheduled Castes and Scheduled Tribes, even then the executive instructions which provide for preferential treatment, other things being equal, do not seem to have the desired effects. Moreover, **unless there is an element of compulsion that a specified number of Scheduled Castes and Scheduled Tribes has to be recruited, no improvement is expected in the representation of Scheduled Castes and Scheduled Tribes in the near future.** This observation can be corroborated with the data given in the table below showing the percentages of increase/decrease in the representation of Scheduled Castes and Scheduled

Tribes as on 1-1-1978 as compared to their number as on 1-1-1977.

Arm of service	Category	Percentage of increase/decrease in the number of persons as on 1-1-78 as compared to the number of persons as on 1-1-77	
		Sch. Castes	Sch. Tribes
Indian Army	Service Officers . . .	-00.58	+02.22
	JCOs/OOs . . .	-03.68	-03.62
	NCOs/OR . . .	-02.02	-02.11
	Recruits . . .	-18.57	-05.34
	NCSE . . .	-20.99	100.00
	Boys . . .	-91.84	-50.00
	Civilian Gazetted . . .	+13.33	-00.00
	Civilian Non-Gazetted . . .	-0.62	-00.31
Indian Navy	Service Officers . . .	0.00	00.00
	Sailors . . .	+04.50	+10.00
	Civilian Gazetted . . .	+42.90	+50.00
	Civilian Non-Gazetted . . .	+04.40	+23.00
Indian Air Force	Service Officers . . .	+07.70	00.00
	Cadets . . .	-66.00	00.00
	Airmen . . .	-03.50	+00.50
	Civilian Gazetted . . .	+03.10	-00.79
	Civilian Non-Gazetted . . .	+01.64	+00.32

It may be observed from the above table that there is decrease in the percentage of Scheduled Castes and Scheduled Tribes in all the categories of posts under the Armed Forces except in the case of marginal increase (2.22%) of Scheduled Tribes in the Service Officers grade and 13.33 in the case of Scheduled Castes in the Civilian Gazetted Staff of the Indian Army. In the Indian Navy except in Civilian Gazetted category, there is no improvement in representation of Scheduled Castes in all the categories. As regards Scheduled Tribes, however, there is some improvement in the Civilian Non-Gazetted and Sailors categories. In the Indian Air Force there is practically no improvement in all the categories. The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes has rightly observed in its eighteenth Report (sixth Lok Sabha) that when special efforts are already being made by the Government to recruit Scheduled Castes and Scheduled Tribes in the Armed Forces, there is no point in not making the reservation for Scheduled Castes and Scheduled Tribes in the recruitment in Armed Forces. **It is, therefore, strongly recommended that the Government should reconsider its earlier decision and introduce the element of reservation for Scheduled Castes and Scheduled Tribes in the recruitment of personnel in the Armed Forces particularly in the categories of Civilian Gazetted, Civilian Non-Gazetted, Cadets, Junior Officers, etc.**

(b) Public Sector Undertakings

3.8. Efforts were made during the year under report to collect statistical information about the representation of Scheduled Castes and Scheduled Tribes in services under various public sector undertakings under the control of various central Ministries/Departments but without any success. The Bureau of Public Enterprises, under the Ministry of Finance, is being approached every year for the supply of relevant statistical information but despite all our efforts and repeated reminders necessary data as on 1-1-1975, 1-1-1976, 1-1-1977 and 1-1-1978 has not yet been furnished to us.

3.9. During the course of studies undertaken by this organisation into the working of service safeguards and other concessions for Scheduled Castes and Scheduled Tribes under the public sector undertakings, it was noticed that various orders/instructions of the Government of India relating to service safeguards had not been properly implemented mainly due to the reasons: (i) ignorance of the rules and; and (ii) inadequate interest on the part of the personnel responsible for implementation of these safeguards. It was also observed that when the officials took genuine interest in the matter, the representation of Scheduled Castes and Scheduled Tribes did improve in the concerned organisations.

3.10. In majority of the public sector units, orders regarding reservation in promotion especially in the case of selection posts had not been given effect to properly. A number of public undertakings studied by us were confused about the method of grouping and dereservation of reserved vacancies. The Bureau of Public Enterprises was requested by us about 2 years back to clarify the matter to all the public sector undertakings, but the same has not responded so far. **It is strongly recommended that the Bureau of Public Enterprises should create a Cell which should co-ordinate with the respective Cells**

under various public sector undertakings, call for periodical reports about the steps taken and also take necessary action to provide training to the Liaison Officers and other staff looking after the implementation of service safeguards. All the existing orders/rules issued by the Government and the amendments made from time to time should be simultaneously circulated by the Bureau of Public Enterprises for application of the same in the public sector undertakings.

(c) Public Sector and Nationalised Banks

3.11. In order to watch the implementation of the orders regarding reservation for Scheduled Castes and Scheduled Tribes in services under the public sector banks and other financial institutions under the control of the Department of Economic Affairs, a separate Cell has reportedly been set up in the Banking Division of that Department. The work was being looked after by a Deputy Secretary in the Department who was nominated as Liaison Officer for the purpose, but presently the work is being looked after directly by an officer of the rank of a Director. The Government have advised all the Nationalised Banks to clear the backlog of unfilled reserved vacancies expeditiously by holding, if necessary, a special exclusive examination for Scheduled Caste/Scheduled Tribe candidates only. In spite of the fact that some efforts have been made by the authorities to improve the representation of Scheduled Castes and Scheduled Tribes in services under the banks, the public sector banks have reported that the full quota of reserved vacancies could not be filled for want of suitable candidates from these communities. Statistical information showing the total existing strength as on 1-1-1978 in the categories of Officers, Clerks and Subordinate staff and the number of Scheduled Caste/Scheduled Tribe employees in the Reserve Bank of India, State Bank of India and the nationalised banks may be seen in the following table:

Name of the Bank	Officers		Clerks		Subordinates	
	Total	Sch. Castes and Sch. Tribes	Total	Sch. Castes and Sch. Tribes	Total	Sch. Castes and Sch. Tribes
1	2	3	4	5	6	7
Reserve Bank of India	4,796	90(1.88)	16,119	2,174(13.49)	6,761	1,452(21.48)
State Bank of India and its subsidiaries	31,210	324(1.36)	82,241	8,518,(10.36)	43,762	9,433(21.56)
Nationalised Banks	56,269	1,016(1.80)	132,036	15,566(11.79)	59,006	11,696(19.82)

NOTE:—Separate figures for Scheduled Castes & Scheduled Tribes are not available.

It will be seen from the above table that the data regarding representation of Scheduled Castes and Scheduled Tribes in the three categories of banks is combined for Scheduled Castes and Scheduled Tribes. Last time the authorities supplied separate figures for Scheduled Castes and Scheduled Tribes employees and we have also written to the authorities for separate figures. We fail to under-

stand why separate figures are not furnished when a definite quota has been fixed for each of the two categories. However, even the combined figures indicate that the representation of Scheduled Castes and Scheduled Tribes was far below the percentages fixed for them, especially in the case of Officers' categories. In the grade of clerks and subordinate staff, the position was

slightly better perhaps due to the fact that special recruitment of Scheduled Castes and Scheduled Tribes was made by some of the Nationalised Banks. It is strongly felt that the heavy backlog of reserved vacancies requires urgent consideration of the Government, and unless a time-bound schedule is recommended to all the public sector banks to clear the backlog the position is not likely to improve in the foreseeable future.

3.12. As regards the question of introducing the scheme of reservation for Scheduled Castes and Scheduled Tribes in posts filled by promotion under the Nationalised and Public Sector Banks, it was recommended in the last Report (1975-77) that the Ministry of Finance should take urgent steps to persuade the Nationalised/Public Sector Banks to fall in line with the Public Sector Undertakings, by accepting the principle of reservation in promotion also. The Government accepted this policy and have advised all the public sector banks to implement Government orders regarding reservation in promotion by suitably modifying the existing scheme of reservation. However, the instructions issued by the Banking Division of the Department of Economic Affairs in this regard on 31st December, 1977 were found to be simply extension of the Reserve Bank of India scheme of reservation in promotion, as introduced in July, 1976. The Bank Managements have simply been urged to implement the orders suitably with such procedural modifications, as may be necessary, giving them full liberty to formulate the scheme. We have received a number of representations from the associations of the Scheduled Caste/Scheduled Tribe employees, in the banking sector, stating that the public sector banks have not yet followed the scheme of reservation in the posts filled by promotion mainly due to the reason that promotion from clerical to officers grades in the banks are governed by various agreements/undertakings between employees' unions and the respective bank managements.

3.13. A scrutiny of the Reserve Bank of India scheme of promotion reveals that reservation for Scheduled Castes and Scheduled Tribes has been provided where the element of direct recruitment did not exceed 50%. This scheme therefore does not apply to clerical posts filled by promotion from the subordinate staff (Class IV staff) since the element of direct recruitment to clerical posts is more than 50%. In selection posts filled by promotion in Officers' Grade on the basis of competitive test, the number of Scheduled Caste/Scheduled Tribe candidates who would be allowed to appear in the test are to be calculated on the basis of reservation provided for them. In the event of non-availability of requisite number of Scheduled Caste and Scheduled Tribe candidates to appear in the test or on account of the fact that available Scheduled Caste/Scheduled Tribe candidates did not qualify the test, according to the scheme, the reserved posts would automatically be treated as dereserved. In the case of posts filled by promotion on the basis of

seniority subject to suitability, the scheme provides for a zone of consideration, twice the number of anticipated vacancies and in the event of non-availability of Scheduled Caste/Scheduled Tribe candidates on the basis of seniority, the Scheduled Caste/Scheduled Tribe candidates down below in the list but within the zone of consideration with confirmatory status are to be considered for inclusion in the select list.

3.14. In this connection, it may be mentioned that the zoning scheme normally does not apply to posts filled by promotion on the basis of seniority subject to fitness/suitability. There can be no objection to the condition of eligibility on the basis of specific length of service required. It is, therefore, strongly recommended that the scheme of reservation in promotion as adopted by the Reserve Bank of India and circulated for consideration to other public sector banks, should be suitably modified to allow all the eligible Scheduled Caste/Scheduled Tribe candidates to be considered for promotion based on the criteria of seniority subject to fitness and made applicable to all the banks through a Government directive, on the lines of the Government of India instructions already accepted by the Public Sector Undertakings. This is necessary to negate the validity of the agreements between the management and the employee's unions over the implementation of the constitutional safeguards provided for Scheduled Castes and Scheduled Tribes and to clear any lingering doubts on this matter.

(d) Constitutional/Statutory Bodies

3.15. In the past, the matter regarding the powers of the Commissioner to investigate service safeguards and call for relevant files and documents from the Government Departments has been taken up with the Government as also raised in the previous Annual Reports and in the meetings of the High Power Committee under the chairmanship of the Prime Minister. The Government have already agreed to such a provision and issued necessary instructions to all Ministries/Departments of the Government of India. The point that still continues to exercise the attention of the Commissioner is whether he can investigate into the service safeguards provided for Scheduled Castes and Scheduled Tribes in the services under the Secretariats of Lok Sabha and Rajya Sabha and in the services under the statutory bodies and if he can do so whether he can include his findings in his Annual Report which he is required to submit to the President under Article 338(2) of the Constitution, which is discussed in both the Houses of Parliament.

3.16. As regards the Secretariats of the Lok Sabha and Rajya Sabha, the matter was discussed in detail in paragraphs 3.89 and 3.90 of our Annual Report for the years 1971-73. It was mentioned in that Report that according to the legal opinion obtained by the Commissioner, the expression "in connection with the affairs of the Union or a State" appearing in Article 335 of

the Constitution, includes not only the executive but also legislative and judicial wings of the Government. Despite this legal opinion the Commissioner was still not effective in seeking any information regarding the representation of Scheduled Castes and Scheduled Tribes in the Lok Sabha and Rajya Sabha Secretariats for the purpose of his Annual Report on the plea taken by the Secretariats of both the Houses that under a parliamentary convention, matters coming within the jurisdiction of the Speaker could not be mentioned in any report of Government that might be placed on the table of the House and become the subject of discussion in the House. The legal opinion and conventions of Parliament as referred to above led to an anomalous situation whereby the Commissioner for Scheduled Castes and Scheduled Tribes while possessing the necessary powers, could not exercise them in the discharge of his constitutional obligations which require him "to investigate all matters relating to the safeguards provided for Scheduled Castes and Scheduled Tribes under this Constitution and report to the President upon the working of those safeguards.....". It is strongly felt that the matter needs to be clarified and settled once for all. The Government in the Department of Personnel and Administrative Reforms may examine this matter once again, if necessary in consultation with the Ministry of Law, and indicate whether the Secretariats of the Lok Sabha and the Rajya Sabha are excluded from the purview of the provision made in Article 338(2) of the Constitution.

3.17. Now the Election Commission of India have also raised objections. The Commission was requested to allow a study team representing the Commissioner to study the rosters and other records for giving effect to reservation orders as a part of the constitutional duties assigned to the Commissioner under the above Article. While approaching the Election Commission of India, the above constitutional position was brought to the notice of the Election Commission who reported that instructions providing safeguards to persons belonging to the Scheduled Castes and Scheduled Tribes were being followed in making appointments in the Election Commission of India; but in spite of the fact that it was clearly explained to the Election Commission that this study was being done in discharge of constitutional duties entrusted to Commissioner for Scheduled Castes and Scheduled Tribes, the Commission reported that "it would not be desirable for any outside authority to examine records of a constitutional authority". The Election Commission further stated that the "independence and autonomy of the Commission are essential to inspire confidence of every body" and as such the Commissioner for Scheduled Castes and Scheduled Tribes should "rely on our statements and not go behind them and check our papers, registers etc". It was then explained to the Election Commission that it was not the intention of the Commissioner to ques-

tion its independence and autonomy or to examine any record other than those relating to service safeguards. Moreover, records relating to implementation of service safeguards could not be treated as confidential to the extent that it could not be shown to Commissioner for Scheduled Castes and Scheduled Tribes who has been appointed specifically to investigate *inter-alia* the working of service safeguards. *Prima-facie*, this was an exercise only to ensure that the safeguards provided in the Constitution are being implemented properly. It was also pointed out that studies of rosters and other relevant records by the teams of this organisation were also useful to the offices concerned as these helped them in clearing doubts on various aspects of reservation and to make it possible for effective implementation of reservation orders.

3.18. After detailed discussions with the representatives of the Commissioner's organisation on 8th February, 1978, the Commission felt that "if the purpose of your study of our rosters etc. is for suggesting improvement in the procedure, he (Election Commissioner) would waive the Commission's privilege for not showing these rosters etc....." ".....and the advice given by you for improvement etc. will be for our consideration only and such advice should not find a place in your published reports etc.". This stand of the Election Commission, trying to restrict the Commissioner from including the findings of his team in his Annual Report which is submitted to the President under Article 338(2) of the Constitution and is published and placed before both Houses of Parliament, does not seem to be defensible, as it would amount to disabling the Commissioner to fulfil the constitutional requirement of reporting to the President upon the working of service safeguards.

3.19. Thus, the question has arisen whether the privilege of a constitutional authority under which the Election Commission cannot allow the Commissioner for Scheduled Castes and Scheduled Tribes to publish the findings of the study team in his annual Report to be submitted to the President under a constitutional obligation, applied to the office of the Commissioner for Scheduled Castes and Scheduled Tribes; if so, does it not come in conflict with the provision of Article 338 of the Constitution?

3.20. It would be seen from the above that the Commissioner for Scheduled Castes and Scheduled Tribes is handicapped in the discharge of his constitutional obligation in so far as the Election Commission is concerned. We propose to study other organisations under constitutional authorities such as Union Public Service Commission, the Comptroller and Auditor General of India, the High Courts etc. and if they express similar opinion, we will have to make unproductive correspondence which will delay our studies, besides restricting the jurisdiction of the Commissioner under Article 338(2),

This issue has already been taken up with the Ministry of Home Affairs and it is strongly felt that a decision on this issue should be taken immediately and clear-cut instructions/directive should be issued to enable the Commissioner to investigate the service safeguards for Scheduled Castes and Scheduled Tribes in all the establishments set up under specific constitutional provisions.

(e) University Services

3.21. It is rather unfortunate that when adequately qualified persons belonging to Scheduled Castes and Scheduled Tribes are available in different fields of education even with specialised training, it has not been possible to introduce reservation in the University services. The issue of introduction of reservation both in ministerial and academic staff in the Universities has been emphasised in our annual Reports for the last 10 years. Various instructions issued by the Government of India in respect of reservation/relaxation, etc. are forwarded by the Ministry of Education to the University Grants Commission, which in turn endorses the same to all the Universities. The Ministry of Education have advised all Central Universities to implement reservation in non-academic posts for the candidates belonging to the Scheduled Castes and Scheduled Tribes but no concrete steps have been taken so far. This issue was also brought by the Commissioner for Scheduled Castes and Scheduled Tribes for discussion before the High Power Committee. Finally, it was decided that if the relevant statutes or articles of association regarding the recruitment of the staff in the Universities concerned are amended suitably, then there would be no problem to introduce reservation in favour of Scheduled Caste and Scheduled Tribe candidates. We had suggested to the University Grants Commission to write to the various Universities indicating the brief outlines of reservation orders and other provisions and also issue instructions to the Universities to amend their recruitment rules making provision of reservation in favour of Scheduled Caste/Scheduled Tribe candidates. We also suggested to the University Grants Commission that any failure on the part of any University to implement the guidelines issued by the University Grants Commission should be viewed seriously, if necessary, even to the extent of withholding their grants. The University Grants Commission wrote to the Vice Chancellors as early as 1975 indicating that the principle of reservation be implemented for recruitment to the posts of lecturers. But in the absence of a firm directive to the Universities making it obligatory on their part to implement the decision, no headway has been made. The question whether the Central Government or the University Grants Commission can issue any directive to the Universities in the matter of reservation for Scheduled Castes and Scheduled Tribes or withholding grants in the event of their failure to comply with that had been examined by the Government of India and

they have arrived at the conclusion that the existing University Grants Commission Act does not empower the Commission to issue such a directive to the Universities for providing reservation for Scheduled Castes and Scheduled Tribes in their services. In our last report (1975-77: para 3.14) it was emphasised that the Ministry of Education should issue uniform guidelines to all the Central and State Universities to implement constitutional provisions either on the pattern of Central Government or the State Government, as the case may be. The relevant provisions of the University Grants Commission Act may also be suitably amended to achieve the objective. We made an attempt to collect statistical information regarding representation of Scheduled Castes and Scheduled Tribes in services under the Universities but we could not get the required information from the Ministry of Education. We also made an attempt to have latest information from that Ministry on the issue of specific instructions/directives to the Universities or the University Grants Commission to amend the relevant Articles/Acts to enabling the University Grants Commission to issue instructions about withholding grants to the Universities in case of non-fulfilment of the Government directives and provide reservation for Scheduled Caste and Scheduled Tribe candidates, but we are yet to receive a reply. **Hence, it can be concluded that the authorities concerned in the Ministry of Education and University Grants Commission have not taken the issue seriously and have not shown positive attitude to ensure implementation of an important constitutional provision.**

(f) High Court Judges and Judicial Services

3.22. The question of reservation and appointment of Scheduled Castes and Scheduled Tribes in the services under the High Courts and Judicial Services is being pursued with the Government, at various levels, for the last 10 years. In our various annual Reports, we emphasised the need for necessary modification of reservation orders on constitutional provisions to be made applicable to the appointment of High Court judges and various judicial services. This question was also raised for discussion in the meetings of the High Power Committee constituted to review the progress of the implementation of reservation orders in services under the Government of India. The orders issued by the executive wing of the Government for giving representation in services and posts for Scheduled Castes and Scheduled Tribes appear not to be *ispo-facto* applicable to the judges and other staff of the High Courts. But nothing prevents the High Courts to have their own set of corresponding rules to give effect to the provisions of Article 335 and 16(4) of the Constitution.

3.23. The statement made by the Minister of Law, Justice and Company Affairs on the floor of the Lok Sabha in April, 1978 was, "that the

appointments to the High Courts are made in accordance with the provisions of the Constitution which do not provide for any reservation". It is true that in Article 217 there is no mention that there will be reservation in appointments of judges in favour of the Scheduled Caste and Scheduled Tribe communities. For that matter this has never been mentioned in any other article of the Constitution (except Articles 16(4) and 335) stating that there shall be reservation in favour of Scheduled Caste/Scheduled Tribe persons in any particular service. However, the principle of reservation for Scheduled Caste/Scheduled Tribe persons in making appointments to judicial services and posts seems to have been adequately covered under Article 335 which states that "the claims of the members of the Scheduled Castes and Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration in the making of appointment to services and posts in connection with the affairs of the Union or of a State". Article 16(4) clearly says that, "nothing in this Article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State". The Ministry of Law and Justice have already approached all the State Governments suggesting that in the matter of appointments to the Subordinate Judicial Services of the State, Article 234 can be invoked for making reservation for Scheduled Castes and Scheduled Tribes and in the case of Higher Judicial Services, Article 309 can be invoked.

3.24. According to the information available with us out of 316 permanent and additional judges in position in 18 High Courts in the the Scheduled Caste communities and none to country there are only 4 judges who belong to the Scheduled Tribe community. The position in regard to Higher Judicial Services and subordinate judicial services is also not encouraging.

3.25. Even in the field of appointments in Ministerial posts, the position is rather unsatisfactory. **We do not know what prevents the State Governments and the concerned High Courts to make provision in the existing recruitment rules or amend the same for providing reservation for Scheduled Castes and Scheduled Tribes. Reservation in favour of Scheduled Castes and Scheduled Tribes is a national policy and adequate safeguards have been provided in the Constitution. We have a moral obligation to give due regard to the constitutional directives.**

3.26. According to the information available with us the High Courts of Andhra Pradesh, Calcutta, Delhi, Himachal Pradesh, Karnataka, Kerala, Orissa, Patna, Punjab and Haryana, Rajasthan and Tamil Nadu have accepted the principle of reservation for Scheduled Castes and Scheduled Tribes in State Judicial Services. Regarding Higher Judicial Services,

the High Courts of Andhra Pradesh, Himachal Pradesh, Delhi, Kerala, Karnataka, Rajasthan and Tamil Nadu have accepted the principle of reservation in those services. The High Courts of Allahabad, Calcutta, Delhi, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Orissa, Patna, Punjab & Haryana, Rajasthan and Tamil Nadu have accepted the principle of reservation in direct recruitment in ministerial posts only. Thus, it would be seen that only few High Courts have accepted the principle of reservation, and that too with reservations. **Many High Courts are yet to decide the issue whether they should have reservation in appointments of High Court Judges and in Higher Judicial Services. We fail to understand why no decision has been made to provide reservation even in ministerial posts under the High Courts of Andhra Pradesh, Bombay, Gauhati, Gujarat, and Jammu and Kashmir even after 30 years of independence and in spite of the constitutional provisions.** Information regarding representation of Scheduled Castes/Scheduled Tribes in appointments of District Judges, Additional Judges, Civil Judges etc., in various States/Union Territories (as on 31-7-1978) may be seen in Appendix IV.

3.27. From the above discussion and the data highlighted in the Appendix IV, it would be seen that in the High Courts, State Judicial Services and ministerial posts under the different High Courts, the representation of Scheduled Castes and Scheduled Tribes was poor or negligible. The main factor for the poor representation of these communities was that most of the High Courts are yet to decide the introduction of reservation in various services under the High Courts. **It is strongly felt that the High Courts which have not yet taken a decision in favour of reservation should do so immediately, if necessary by amending or introducing relevant clauses in the recruitment rules to that effect and should immediately implement the same in Judicial Services and ministerial posts.**

(g) Private Sector

3.28. Efforts had been made in the past to impress upon the Government of India to persuade various industrial and commercial units under the private sector to reserve a part of the employment potential under them for the Scheduled Castes and Scheduled Tribes as is being done by the Central Government, State Governments, the Public Sector Bodies, Nationalised Banks etc., to help the weaker sections of the society. In our last Report (1975-77), it was recommended that while issuing licences, sanctioning financial assistance, allotment of industrial sites/sheds and allowing other facilities in the industries under the private sector, it should be made obligatory on their part to follow Government policy to give due representation to the members of the Scheduled Castes/Scheduled Tribes in employment under them. **The Parliamentary Committee on the Welfare of**

Scheduled Castes and Scheduled Tribes in its 41st Report (Fifth Lok Sabha) had also made similar recommendation emphasising that the private sector employers should be compelled to follow the reservations for Scheduled Castes and Scheduled Tribes in all such cases where the Government had given them assistance in any form.

3.29. The Ministry of Industrial Development, who are primarily concerned with the subject of reservations in private sector establishments and to whom the above recommendation of the Committee was referred, reported that they were of the view that it would only be appropriate to issue an appeal to industrial undertakings in private sector rather than issuing any order or instruction. The Ministry of Industrial Development, accordingly issued an appeal on 27-12-1975 to all industrial units in the private sector but they did not take any further appreciable steps to achieve the objectives. According to the information given to the Rajya Sabha by the Minister for Industry in response to a starred question in March, 1978 "a proposal to reserve certain percentage of employment to the members of the Scheduled Caste and Scheduled Tribe communities in the private sector undertakings was considered by Government and it was felt that statutory or other measures for ensuring such reservation would not be appropriate. It was considered that the trade organisations might continue to be persuaded to take steps to ensure that an adequate share of employment was given to Scheduled Castes and Scheduled Tribes". In a recent communication received from the Department of Personnel and Administrative Reforms it has been stated that they propose to send a communication alongwith the letter of intent conveying the terms of sanction to all borrowers in private sector, requesting them to ensure a fair representation to the members of Scheduled Castes and Scheduled Tribes in all recruitments made by them in future in all cadres. The Industrial Development Bank of India propose to write suitably to the financial institutions, both all India and State level, in the matter advising them that similar communications be addressed to all existing borrowers as well. However, it is unfortunate that the Ministry of Industry ignored all the recommendations of the Commissioner for Scheduled Castes and Scheduled Tribes and that made by the Parliamentary Committee in this regard, by simply saying that they favoured persuasive approach. It is, therefore, reiterated that immediate steps should be taken to make statutory provisions to reserve a part of the services under the private sector establishments for the members of the Scheduled Castes and Scheduled Tribes since mere appeals have failed to yield any result.

Important Issues

(a) Special recruitment drive to clear the backlog

3.30. In spite of almost three decades of introducing and implementing the principle of reservation of posts and appointments for Scheduled

Castes and Scheduled Tribes, the representation of these weaker sections even in Class III posts has been very inadequate not to speak of higher posts in Class I and Class II as would be seen from the information given in the para on Central Government Services. Though the figures are not complete (representing 48 Ministries/Departments out of a total of 58 Ministries/Departments), it is clear that the Scheduled Castes and Scheduled Tribes have not been given due representation as envisaged by the reservation orders even after about 30 years of the introduction of these orders. Unless some more drastic remedial steps are taken to give them due representation, these weaker sections of the nation will not be able to get their due shares in posts and appointments in the foreseeable future particularly in higher posts. It is, therefore, suggested that the Government of India and the Governments of states as well as all other organisations under the purview of the reservation orders, should take special steps to fulfil the aspiration of the Scheduled Castes and Scheduled Tribes in attaining adequate representation in posts and appointments as provided in the Constitution.

3.31. In the light of the ruling of the Supreme Court in the case of "State of Kerala versus N. M. Thomas and others", the Government of India under the Department of Personnel and Administrative Reforms issued Office Memorandum No. 16/3/73-Estt(SCI), dated 27-12-1977 according to which more than 50 per cent of the vacancies may be reserved and filled by Scheduled Caste and Scheduled Tribe candidates provided the number of such vacancies which is more than 50 per cent consists of the carry-forward reserved vacancies plus current reserved vacancies and provided further that the overall representation of Scheduled Castes and Scheduled Tribes in the total strength of the concerned grade or cadre be found to be inadequate i.e., the total number of Scheduled Caste and Scheduled Tribe candidates in that grade has not reached the prescribed percentage of reservation for Scheduled Castes/Scheduled Tribes respectively in the grade as a whole.

3.32. It is felt that one way of clearing the backlog of the total strength of the cadre is to draw up a definite programme of special recruitment confined to Scheduled Castes and Scheduled Tribes, taking into account the short-fall of Scheduled Caste and Scheduled Tribe employees in the cadre and also the current vacancies in such cadres even by creating new posts over and above the normal augmentation of staff and by lifting ban on further recruitment wherever such a ban has been imposed.

3.33. It is strongly recommended that all Organisations/Units concerned should take up such special programme/scheme suitable and appropriate to their respective establishments. The Government of India and the State Governments should take appropriate steps and issue instructions in this regard.

**(b) Reservation in posts filled by promotion —
Zone of Consideration**

3.34. The question of fixing a firm zone of consideration instead of leaving it to the discretion of the Departmental Promotion Committee and that of applying the zone of consideration separately to the reserved vacancies, has already been discussed in the previous Reports for the years 1970-71 (paragraphs 3.31—3.32), 1973-74 (paragraphs 3.25 to 3.32) and 1974-75 (paragraph 3-3-item (b)).

3.35. After examining the comments of the Department of Personnel and Administrative Reforms on the issue of the zone of consideration sent to us from time to time, we have come to the conclusion that instead of fixing the zone firmly at 5 or 6 times the number of vacancies anticipated in a year, it would be in the larger interests of the Scheduled Castes and Scheduled Tribes to apply the zone of consideration to the reserved vacancies separately in the case of promotion by selection method from Class III to Class II within Class II and from Class II to the lowest rung of Class I as is being done in the case of Class III and Class IV posts.

3.36. It is rather disheartening to note that the Government did not agree to our views on the plea that it would affect the morale of the services at higher level. It has been opined by the Supreme Court that it is an inevitable consequence of any reservation scheme that junior officers belonging to Scheduled Castes/Scheduled Tribes are allowed to take a march over their seniors. It is also a well-known fact that, leaving aside the question of reservation for Scheduled Castes/Scheduled Tribes, in the normal course of promotions on merit, the general candidates also supervise the work of their erstwhile seniors. We do not think that they find themselves in an embarrassing position. Further, such an argument was not put forth while allowing separate zone in the case of Class IV posts and therefore, it is not understood as to why it should be so in the case of promotions to Class I and Class II posts. What is good enough for a majority of Government servants falling within the category of Class III and Class IV posts, cannot be rejected in the case of Class I and Class II posts. Once the Government have decided to have reservation for Scheduled Castes and Scheduled Tribes in promotional posts on some principle which has been considered necessary and sound, there is a very strong case that the Government should go the whole hog instead of stopping mid way. **Based on experience, the Commissioner for Scheduled Castes and Scheduled Tribes is of the view that the very system of zone of consideration which is discretionary in nature may tend to vitiate the very principle of reservation in promotion which has been agreed to by the Government and upheld by the Supreme Court.**

3.37. **In view of the position stated above, it is felt that the best way to give due benefits of**

reservation to Scheduled Castes and Scheduled Tribes and to increase their intake in all categories of posts is to do away with the system of zone of consideration in the case of Scheduled Castes and Scheduled Tribe candidates. In other words, any Scheduled Caste/Scheduled Tribe candidate fulfilling the minimum eligibility condition should be considered for promotion irrespective of his position in the seniority list, for filling up the reserved quota. If such a view cannot be sustained for some genuine and plausible reasons, it is recommended that a separate zone of consideration for the reserved vacancies should be applied uniformly in all categories of posts and appointments.

(c) Promotion within Class I — Reservation for Scheduled Castes and Scheduled Tribes

3.38. The Government of India have provided for an element of reservation in posts filled by promotion in various stages since 1963. At present there is reservation in all categories of posts filled by promotion on the basis of seniority subject to fitness. So far as promotion on the basis of selection is concerned, there is reservation in all categories of posts from Class IV to the lowest rung of Class I. There is no reservation in promotion in such posts within Class I. The question of reservation of posts or appointments for Scheduled Caste and Scheduled Tribe officers in promotion within Class I had been taken up in the past for consideration with the Government of India. The Cabinet Secretariat (Department of Personnel and Administrative Reforms) had not accepted such recommendation on consideration of maintenance of efficiency of administration and morale of the services at the higher level since these (Class I posts) are superior posts controlling policy and bigger execution of technical excellence and things like that, the Government has the opinion that there should be no reservation for these posts.

3.39. In all posts filled by direct recruitment, the principle of reservation has been applicable. In premier services like I.A.S., I.P.S. and Allied Services, it has been possible to fill almost all the vacancies reserved for Scheduled Castes and Scheduled Tribes in recent years. There seems to be no instance where the efficiency of administration has suffered merely on the ground of appointment of a Scheduled Caste or a Scheduled Tribe person. In this connection, the judgement of the Supreme Court in Civil Appeal No. 341 of 1960 in the matter of General Manager, Southern Railway versus K. Rangachari which was delivered in 1963 justified reservation in all posts and appointments. The extract of the relevant portion is given below:—

“The condition precedent for the exercise of the powers conferred by Article 16(4) is that the State ought to be satisfied that any backward class of citizens is not adequately represented in its services. This condition precedent may refer either to the numerical inadequacy

of representation in the services or even to the qualitative inadequacy of representation. The advancement of the socially and educationally backward classes required not only that they should have adequate representation in the lowest rung of services but that they should aspire to secure adequate representation in selection posts in the services as well. In this context, the expression 'adequately represented' imports consideration of "size" as well as "values", numbers as well as the nature of appointments held and so it involves not merely the numerical test but also the qualitative one. It is thus by the co-operation of the numerical and the qualitative test that the adequacy or otherwise of the representation of backward classes in any service has to be judged; and if that be so, it would not be reasonable to hold that the inadequacy of representation can and must be cured only by reserving a proportionately higher percentage of appointments at the initial stage. In a given case the state may well take the view that a certain percentage of selection posts should also be reserved, for reservation of such posts may make the representation of backward classes in the services adequate, the adequacy of such representation being considered qualitative. If it is conceded that "posts" in the context refer the posts in the services and that selection posts may be reserved but should be filled only in the manner suggested by the respondent then we see no reason for holding that the reservation of selection posts cannot be implemented by promoting suitable members of backward class of citizens to such posts as the circulars intend to do"..... "On the other hand, under the construction by which the word "post" includes selection posts the use of the word "post" is not superfluous but serves a very important purpose. It shows that reservation can be made not only in regard to appointments which are initially appointments but also in regard to selection posts which may fall to be filled by employees after their employment. This construction has the merit of interpreting the words "appointments" and 'posts' in their broad and liberal sense and giving effect to the policy which is obviously the basis of the provisions of article 16(4). Therefore, we are disposed to take the view that the power of reservation which is conferred on the state under Article 16(4) can be exercised by the State in a proper case not only by providing for reservation of appointments but also by providing for reservations of selection posts. This construction, in our opinion, would serve to give effect to the intention of the Constitution makers to make adequate safeguard for the advancement of backward classes and to secure for their adequate representation in the services".

3.40. Another extract of the judgement of the Supreme Court in Civil Appeal No. 1218 of 1968 in the case of State of Punjab versus Hira Lal

and others in connection with an appeal of the Punjab Government against the decision of the Punjab High Court in respect of promotional orders issued by the Punjab Government is also given below:—

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

From the above extracts of Supreme Court judgements it appears that article 16(4) is mandatory in character and that the reservation is applicable in all promotional posts on the basis of selection and non-selection.

3.41. Under the circumstances, the reasoning and the objections of the Government of India for not accepting the principle of application of the reservation in promotion within Class I seems to be untenable. It is, therefore, strongly recommended that there should be reservation in promotional posts or appointments within Class I not only under the Government of India but also under the State Governments and Public Undertakings.

(d) Carry-forward of unfilled reserved vacancies

3.42. At present there is a provision of carry-forward of unfilled reserved vacancies to subsequent three recruitment years in the case of direct recruitment. In the case of promotion also, there is a provision of carry-forward in some categories while there is no provision of carry-forward in some other promotional posts. According to the present procedure, if within the period of carry-forward the reserved vacancies are not filled up, the vacancies lapse and are offered to general candidates. The Office of the Commissioner for Scheduled Castes and Scheduled Tribes receives a large number of dereservation proposals and consequently quite a number of reserved vacancies lapse. If this state of affairs is allowed to continue there is virtually no prospect of adequate representation in the services for the Scheduled Castes and Scheduled Tribes in the foreseeable future.

Under the circumstances, it is recommended that carry-forward of unfilled reserved vacancies should not be limited to three recruitment

years but should be carried forward until the vacancies are filled by Scheduled Caste/Scheduled Tribe candidates.

(e) Supersession of Scheduled Caste and Scheduled Tribe employees

3.43. According to the existing orders of the Government of India, concession in the matter of supersession in promotion of Scheduled Castes and Scheduled Tribes against the vacancies reserved for them, has been allowed to the extent that such cases of supersession would be reported to the Minister/Minister of State/Deputy Minister/Head of Department, as the case may be. However, no such concession has been allowed to Scheduled Caste/Scheduled Tribe candidates in supersession against unreserved vacancies.

3.44. When there was no reservation in promotion to the posts filled on the basis of seniority subject to fitness, the cases of supersession of Scheduled Castes/Scheduled Tribes were to be submitted to the Minister/Minister of State/Deputy Minister concerned for his prior approval which served as protection of the service safeguards and interests of these communities. With the introduction of reservation in promotion on the basis of seniority-cum-fitness in 1972, Government felt that normally there would be no supersession of eligible senior Scheduled Castes/Scheduled Tribes in promotion, unless they are found unfit, and hence the earlier practice of submission of the individual cases of supersession to the concerned Minister/Minister of State/Deputy Minister for his approval was withdrawn.

3.45. An effort was made to collect information regarding the cases of supersession of Scheduled Castes and Scheduled Tribes during 1977 in various Ministries/Departments. According to the information received from the 29 Ministries/Department, out of 27 cases in 4 Ministries/* Department, 5 cases of supersession were against the reserved vacancies and those were to be reported to the Minister/Head of Department, whereas 13 cases were against the unreserved vacancies where no such protection could be given. In the remaining 9 cases, the candidates belonging to the reserved categories were superseded by their own community employees and such cases were not shown to the concerned authority. In promotion made by selection the Scheduled Caste/Scheduled Tribe candidates, in some cases, may not be included in the select list on the basis of low categorisation assigned to them by the D.P.C., although they may not be declared unfit for promotion and get superseded. Hence, it is strongly felt that in posts filled by promotion on the basis of selection against the unreserved vacancies all cases of supersession of Scheduled Caste and Scheduled Tribe employees should be submitted to the Minister/Minister of State/Deputy Minister concerned for their prior approval, as is done in the matter of supersession of Scheduled Caste and Scheduled Tribe employ-

ees against the vacancies reserved for them. This may act as a deterrent against commission of injustice by any authority against the interests of the Scheduled Caste/Scheduled Tribe employees.

(f) Reservation in promotion from posts initially filled on local/regional basis

3.46. The percentages of reservation in posts filled by promotion have been prescribed uniformly at 15% for Scheduled Castes and 7½% for Scheduled Tribes irrespective of whether such promotions are in group 'A' and 'B' (Class I and II) or in group 'C' and 'D' (Class III and IV). There are, however, certain posts in class III and IV, recruitment to which is made on a local or regional basis in the Central Government Offices located in various regions. For such posts percentage of reservations has been separately prescribed on the basis of population of Scheduled Castes and Scheduled Tribes in the respective State/Union Territories. But the reservation in posts filled by promotion has been prescribed at the uniform rate of 15% for Scheduled Castes and 7½% for Scheduled Tribes which is not in conformity with the reservation on local or regional basis. The question of consideration has, therefore, been whether it would be justified to fix reservation in promotion at the rate of 15% for Scheduled Castes and 7½% for Scheduled Tribes, in such of the posts, the feeder cadres of which were initially filled on a local or regional basis at the rate of percentages widely different from the percentages of reservation in promotional posts. The matter was taken up with the Department of Personnel and Administrative Reforms in November, 1976 who informed that the percentages as prescribed in the regional roster could not be made applicable to posts filled by promotion, and that for the purpose of promotion only the uniform percentages of reservation had to be followed. It was pointed out to that Department that uniform application of percentages to posts filled by promotion in the same region where the feeder posts in Class III or Class IV were initially filled on local/regional basis was not proper, particularly in those states where regional percentages based on their respective population differed widely from the percentages applicable in posts filled by promotion. For example, in Manipur only 2% of Class III and Class IV posts filled on local/regional basis were reserved for Scheduled Castes, but at the stage of promotion from these posts to higher posts, there was reservation for Scheduled Castes, at the rate of 15%. Thus there would be very few such employees belonging to Scheduled Castes who can be eligible and available for promotion to the higher grade from Class III and Class IV posts in which there was a reservation of just 2% at the time of initial recruitment. Therefore, most of the posts reserved for Scheduled Castes in that State for promotion quota in the higher grades would have to be dereserved and filled by general candidates, there being no pro-

* The remaining 25 Ministries/Departments supplied nil information.

vision of exchange of vacancies in the same year. This argument would also hold good in the case of a number of other States where the percentages of reservation prescribed for Scheduled Castes and Scheduled Tribes are different from the percentages allowed at the time of promotion. No final decision has so far been communicated by the Department of Personnel and Administrative Reforms. **It is, therefore, recommended that an early decision may be taken in the matter so that same percentages of reservation are made applicable to the posts filled by promotion as were applied to the feeder cadres at the time of initial recruitment made on a local/regional basis.**

(g) **Direct recruitment to be resorted to where the Scheduled Caste/Scheduled Tribe employees are not available to fill the reserved quota in promotion :**

3.46A. The Government decision to introduce reservation in posts filled by promotion has improved to some extent the representation of Scheduled Castes and Scheduled Tribes in higher posts of all categories. However, the reservation in promotion has been virtually ineffective in bringing such improvements in many establishments especially in some Public Sector Undertakings and Nationalised Banks. In these organisations, the higher posts including the Executive posts are mostly filled by promotion from lower categories such as clerical cadre. But there are hardly any Scheduled Caste/Scheduled Tribe employees in the feeder cadres for promotion to the higher categories of posts, since the reservation orders had been made effective only recently in these organisations and very often implemented ineffectively. As a result the reserved posts in promotion cannot be filled by Scheduled Caste and Scheduled Tribe employees but are filled by general candidates. It is understood that in some of these organisations, a percentage of higher posts presently being filled through promotion is now proposed to be filled by direct recruitment. But this step is not likely to be very effective to solve the difficulties as stated above. **It is, therefore, suggested that in such cases the recruitment rules should be amended to allow the unfilled reserved quota in promotion to be filled by Scheduled Caste and Scheduled Tribe candidates through direct recruitment.** Such steps may be taken not only in the Public Sector Undertakings and Nationalised Banks but also in all other organisations where reservation orders are applicable.

(h) **Liaison Officers and Special Cells :**

3.47. The Government of India have issued various executive orders to ensure fair representation of Scheduled Castes and Scheduled Tribes in various posts and services. However, it is felt that the same spirit and enthusiasm under which these orders were issued were very often lacking at the stage of implementation at various levels with the consequence that the orders were very frequently not implemented properly. The studies and investigations conducted by the office of the

Commissioner for Scheduled Castes and Scheduled Tribes have very clearly brought out this unfortunate aspect of the service safeguards provided for the Scheduled Castes and Scheduled Tribes. In order to improve the implementation of these orders, it seems necessary to emphasise the importance and the role of the Liaison Officer and the Special Cell set up to assist him

3.48. During our visits in various Ministries/Departments, Organisations and Undertakings in connection with studies of service safeguards, we have observed that in many cases the Liaison Officers were not well versed with the existing rules/orders, etc. As a result, they had not been as effective as they could have been in spite of their sincerity and interest for the welfare of Scheduled Castes and Scheduled Tribes. Such officers were likely to depend on their subordinate staff, who knowingly or unknowingly were often working against the interests of the Scheduled Caste/Scheduled Tribe employees and the officers gave their approval on all proposals and actions relating to reserved quota by simply putting their signatures. In many cases we found that the Liaison Officers were not even aware of their duties and obligations. Thus, it can be presumed that such officers could not have played effective role in safeguarding the interests of Scheduled Caste/Scheduled Tribe persons. There is, therefore, need for imparting the Liaison Officers necessary training and guidance so that they can watch the implementation of reservation orders more effectively. This aspect is being discussed in detail elsewhere in this chapter itself.

Special Cells :

3.49. There is a Cell in each Ministry/Department which assists the Liaison Officer in the discharge of his duties. The staff in these Special Cells are generally looking after this work on a part-time basis, as they are expected to look after some other matters as well. There is also a feeling that the staff in these Special Cells not necessarily belonging to the Scheduled Castes/Scheduled Tribes have little interest as many of them feel that the interests of Scheduled Castes/Scheduled Tribes run counter to their own interests. **It is, therefore, felt that only such of the officers and staff should be included in the Special Cells who either belong to one of these communities or have special aptitude in the work relating to the representation of Scheduled Caste/Scheduled Tribes in services.** The Liaison Officer whom they are supposed to assist should provide them due protection when these staff pick up courage to point out discrepancies in the implementation of reservation orders, and in the process they happen to offend their seniors.

3.50. **The staff position in these Special Cells should also be augmented so as to include some inspecting staff who should periodically inspect the rosters and other records relating to filling up of reserved vacancies either by direct recruitment or by promotion or at the time of confirmation.**

The inspecting staff should be allowed free access to files regarding appointment and promotion and the minutes of the Selection Board or Departmental Promotion Committee so as to investigate as to whether orders regarding reservation have been interpreted correctly and implemented in a proper manner.

3.51. All Ministries/Departments and Bureau of Public Enterprises should also be advised to ensure that the instructions regarding appointment of Liaison Officer and Special Cells on the above lines are also implemented in the public sector undertakings, statutory bodies and semi-government bodies which are required to give effect to the reservation orders. The Ministry/Department concerned to which such public undertaking/statutory body is attached should ensure that Liaison Officer is appointed and a Cell established to assist him in such public undertaking/statutory Body. The Liaison Officer of the Ministry/Department should monitor the working of such organisation under them regarding the effective implementation of service safeguards for Scheduled Castes and Scheduled Tribes.

3.52. In the same way a Liaison Officer should be appointed and a Special Cell established in Autonomous Bodies/Institutions including Municipal Corporations, Co-operative institutions, Universities, etc.

3.53. Voluntary Agencies receiving grants-in-aid from Government should also be required to appoint Liaison Officer and to set up a Cell for ensuring implementation of these service safeguards.

(i) Allotment of general pool accommodation

3.54. According to the orders issued by the Government of India, at present there is a reservation of 10 per cent of clear vacancies in types I and II and 5 per cent of clear vacancies in types III and IV of the general pool accommodation which is allotted to the Government employees on the basis of their length of service by the Directorate of Estates, Government of India. This is in contrast to the reservation of 15 per cent for Scheduled Castes and 7½ per cent for Scheduled Tribes in the Central Government services.

3.55. It is a matter of common experience that the persons belonging to the weaker sections and more particularly those belonging to Scheduled Castes experience lot of difficulties in finding suitable accommodation for them in the localities dominated by general communities. Often even the property dealers are not able to help them to find the accommodation and when they are able to secure it, some members of Scheduled Castes have to face an awkward situation later when their identity is disclosed to the landlord. Thus even in the metropolitan cities like Delhi, Bombay, Calcutta, Madras etc. where Government accommodation is made available to Central Government employees, the employees belonging to Scheduled Castes and Scheduled Tribes have

to lead a life of nomads because they have to change the accommodation at frequent intervals at the whims of the landlords, who, or for that matter other tenants also, cannot tolerate the persons belonging to these communities living with them once they know about their community.

3.56. Besides, the employees belonging to Scheduled Tribes particularly living in remote rural and hilly areas are reluctant to come to the cities where there are a good number of jobs available for them. One of the main reasons for their immobility is the fact that they have to live with other communities, whose customs and traditions are very much different to those of their own, and therefore, they cannot adjust themselves with them in the rented accommodation that they may be able to secure. If there is any incentive for the persons belonging to Scheduled Tribes that they will be entitled to allotment of accommodation after getting employment in such cities, it would be possible for them to leave the remote areas and come to the cities to avail of the reservation benefits in services. It was in this background that the Government of India decided to reserve a certain quota in the Government accommodation for the employees belonging to Scheduled Castes and Scheduled Tribes. While this decision of the Government is welcome, it is felt that the quota prescribed for the purpose of allotment of general pool accommodation is not adequate. It is, therefore, desirable that in the allotment of general pool accommodation, also there should be reservation for Scheduled Castes and Scheduled Tribes corresponding to the reservation in services i.e. 15 per cent for Scheduled Castes and 7½ per cent for Scheduled Tribes. If enough accommodation is available for these communities it would serve the twin purpose of increasing the representation of Scheduled Castes and Scheduled Tribes in the Government services and helping the assimilation of these communities with the rest of the population. This concession should also be extended to the employees entitled for type V to VIII categories instead of the same being restricted to type I to IV only.

Training of Personnel dealing with reserved Quota

3.57 The importance and significance of imparting training to Liaison Officers looking after the service interests of the Scheduled Caste and Scheduled Tribe persons and the type of refresher course which should be introduced for effective implementation of various service safeguards provided for these communities have been discussed earlier.

3.58. In our last Report (para 3.35 to 3.37), the importance and urgency of introduction of training programmes for the Officers/staff dealing with the implementation of orders regarding reservation and other concessions in favour of Scheduled Castes and Scheduled Tribes have been emphasised. It was mentioned therein that

following our constant persuasion the Government decided to introduce a four-day Appreciation Course for the Liaison Officers nominated from each Ministry/Department. We welcomed the step proposed to be taken but at the same time made it clear that there should be two separate courses: (i) for the Assistants and Section Officers dealing with the implementation of reservation rules; and (ii) for the Under Secretaries and Deputy Secretaries/Liaison Officers who were to ensure the effective implementation of existing rules/orders.

3.59. The Department of Personnel and Administrative Reforms, Ministry of Home Affairs in the month of November, 1977 requested us to send our comments on the design of the course drawn up by the Institute of Secretariat Training and Management. The course was divided into four sessions which broadly covered: (i) background information, constitutional provisions, Commissioner's recommendations, reservation quota, nature of concessions etc.; (ii) maintenance of rosters, carry-forward of vacancies; (iii) grouping of posts, dereservation of reserved vacancies, adjustment of carry-forward vacancies; and (iv) various checks designed to ensure implementation of the reservations.

3.60. While commenting on the syllabus of the course, we emphasised that in the first session, reference should also be made to important rulings of the High Courts/Supreme Court on important service matters relating to special representation of Scheduled Castes and Scheduled Tribes. The provision of forwarding applications and retrenchment instructions should also be included. For the second session, it was suggested that the role of Departmental Promotion Committees/Selection Boards, significance of training for the candidates who are selected with relaxed standards, and training of Class I Officers for higher positions and responsibilities should also be incorporated. Lastly, it was emphasised that the trainees should be explained about the importance of communications received from Commissioner's organisation, and priority to be given in supplying information, comments, etc. to all such communications. The Institute of Secretariat Training and Management accepted all the suggestions and in their communication to us in the month of April, 1978 intimated about the revised syllabus. We further conveyed to them few additional suggestions. **However, from the latest communication it has become evident that initially the training has been arranged recently for the Liaison Officers, Deputy Secretaries, Under Secretaries Incharge of Administration in Ministries/Departments. It is hoped that similar training programme for the Assistants/Officers dealing with the subject would also be introduced soon in order to make the system purposeful and effective.**

Training and Employment

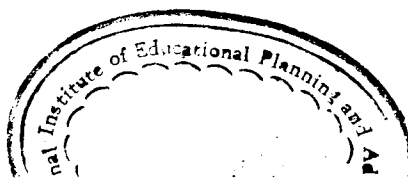
3.61. During the course of studies undertaken by the Research teams from the organisation of

the Commissioner for Scheduled Castes and Scheduled Tribes to various public sector establishments in different parts of the country, it has been noticed that the recruiting authorities have taken a number of measures to appoint trained Scheduled Caste/Scheduled Tribe candidates for various technical posts under them for filling up the quota reserved for these communities. Efforts have been made in the past by the Government and are continuing at various levels to induct sufficient number of Scheduled Castes and Scheduled Tribes in a number of technical training courses/schemes to enable them to get appointed against the vacancies reserved for them. Details of the steps taken in this regard are discussed in the following paragraphs. It has, however, been observed that on account of non-availability of trained Scheduled Caste/Scheduled Tribe candidates such posts were being filled up by general category candidates and the recruiting authorities may have to wait for a few years to get adequate number of trained personnel. **Therefore, to fill up the time-gap, it is suggested that in the case of non-availability of technically trained Scheduled Caste/Scheduled Tribe candidates to fill up the vacancies reserved for them, such candidates may be recruited in the lower ranks for which they are eligible and may later be promoted in the course of time after they have acquired professional competence.**

(a) Pre-examination Training Centres*

3.62. As mentioned in the earlier Reports, six pre-examination training centres, one each at Allahabad, Delhi, Jaipur, Madras, Patiala and Shillong continued functioning to provide facilities for intensive pre-examination training, to the Scheduled Caste/Scheduled Tribe candidates, aspiring to appear for the All India Services and Allied Services examinations. Two such centres, one each at Allahabad and Tiruchirapalli were also providing pre-examination coaching for the Engineering Services examinations. According to the information received from the six centres, 129 candidates belonging to Scheduled Castes and 71 candidates belonging to Scheduled Tribes appeared for the 1977 examination. The details about the number of Scheduled Caste and Scheduled Tribe candidates finally selected in I.A.S./I.P.S. and Allied Services examinations may be seen in Appendix V. As regards the centres for Engineering services, out of 31 Scheduled Caste candidates who underwent pre-examination training at the Tiruchirapalli centre, 22 candidates appeared for the 1977 U.P.S.C. Engineering Service examination, 12 of them qualified at the written examination and 8 were finally selected for appointment by the U.P.S.C. At the Allahabad centre, out of 17 Scheduled Caste candidates who appeared for the same examination, 8 had qualified at the written examination but the number of Scheduled Castes who might have been recommended by the U.P.S.C. for the Engi-

*Allahabad, Jaipur, Madras, Patiala and Shillong.



neering Services has not yet been made available to us, inspite of the fact that we issued telegraphic reminders.

3.63. For providing pre-examination coaching to Scheduled Caste/Scheduled Tribe candidates appearing for the State Civil Services and other State-level services, 16 pre-examination training centres, one each in the States/Union Territories of Andhra Pradesh, Bihar, Gujarat, Haryana, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Meghalaya, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, West Bengal and Delhi continued functioning during the period under report. Some of the centres at the State-level also provided pre-examination coaching to

Scheduled Castes/Scheduled Tribes for Assistants Grade examination conducted by the U.P.S.C., Clerks Grade examination conducted by the Staff Selection Commission and Banking Services under the Nationalised and Public Sector Banks. Statistical information about the number of Scheduled Castes/Scheduled Tribes trained for various courses during the year under report has been received only in respect of six centres located at Allahabad, Bangalore, Bhopal, Cuttack, Delhi and Ernakulam and has been summarised in the table below. It is very much regretted that the State Governments did not send the requisite information inspite of the fact that we issued telegraphic reminders

Location of the centre	Number of candidates who underwent training		Number of candidates who appeared		Number of candidates finally selected	
	Sch. Castes	Sch. Tribes	Sch. Castes	Sch. Tribes	Sch. Castes	Sch. Tribes
Allahabad	48	1	37	..	N.A.	N.A.
Bangalore	111	1	62	1	N.A.	N.A.
Cuttack	14	2	Course is continuing and no examination is held			
Delhi*	231	..	81	..	23	..
Ernakulam	33	..	33	..	14	..
Bhopal	26	18	22	17	N.A.	N.A.

*Information relates to only 6 courses out of 10 courses.

(b) Staff Selection Commission

3.64. The Staff Selection Commission which started functioning with effect from 1-7-1976, conducts a number of Open and Limited Departmental Examinations, for recruitment to Class III non-technical posts in the Central Government offices located throughout the country. A statement of analysis of the results of different examinations, indicating the number of Scheduled Caste/Scheduled Tribe candidates who applied, appeared and were declared successful during 1977 may be seen in Appendix VI.

3.65. The Stenographers (Ordinary Grade) Examination, held in 1977, presents a disappointing picture. While the performance of Scheduled Caste candidates was unsatisfactory, that of Scheduled Tribe candidates was dismal. Only 4, out of 190 Scheduled Caste applicants were successful, whereas in the case of Scheduled Tribes, although 22 candidates originally applied, only 14 took the examinations of whom only 2 could succeed in the written test. Out of these 2 candidates one appeared for the shorthand test but could not get through. In the case of several other examinations the position was also not satisfactory, particularly in the case of Scheduled Tribe candidates which indicates that requisite number of Scheduled Tribe candidates was not available to fill up all the vacancies reserved for them. **It is needless to mention that unless the Scheduled Caste/Scheduled Tribe candidates are properly equipped and trained, they will not be able to compete effectively in the open examinations. It is, therefore, suggested that the scope of the scheme of pre-examination training**

being implemented by various State Governments/Union Territory Administration should be expanded to include training facilities for all such examinations being conducted by the Staff Selection Commission to improve their chances.

(c) Coaching-cum-Guidance Centres

3.66. Four Coaching-cum-Guidance centres, one each at Delhi, Jabalpur, Kanpur and Madras continued its efforts during the year under report to render guidance to Scheduled Caste/Scheduled Tribe candidates who registered their names in the Employment Exchanges and who are sponsored to employers against notified vacancies. The Scheduled Caste/Scheduled Tribe applicants are equipped with information about the job requirements and type of test/interview they are likely to undergo when called by the employers. The centres also undertake follow-up action with the employers about their placement against vacancies reserved for Scheduled Castes and Scheduled Tribes. Information showing the number of Scheduled Caste and Scheduled Tribe candidates given guidance in the four centres upto December, 1977, since their inception, has been tabulated below:—

Particulars	**Jabalpur	Delhi	Madras	Kanpur
1. Registration/Group guidance	10,590	83,087	16,410	19,947
2. Pre-submission guidance	11,959	10,514	12,396	12,596
3. Individual information & guidance	8,245	12,170	16,156	18, '88

Particulars	**Jabalpur	Delhi	Madras	Kanpur
4. Counselling to parents	124	480	238	98
5. Placements . . .	744	2,412	2,725	1,213
6. No. of trainees who attended confidence building training	6,341	6,709	3,502	3,179

3.67. In last year's Report it was highlighted that the scheme had proved useful and it was recommended that the scope of this scheme should be expanded to cover all the State capitals and other centres having sufficient employment potential in public sector bodies, private industries and banking services. According to the information made available by the Ministry of Labour it has been decided to set up six more coaching-cum-guidance centres, one each at Calcutta, Surat, Jaipur, Hyderabad, Trivendrum and Ranchi shortly. It is hoped that the Government will consider the desirability of opening such centres at the remaining important cities.

(d) Pilot Scheme for coaching of Scheduled Caste and Scheduled Tribe applicants :

3.68. The first phase of the pilot scheme for coaching of Scheduled Caste and Scheduled Tribe applicants for various competitive examinations held for appointment to the post of Lower Division Clerks, Typists, Stenographers was introduced in September 1973 at the instance of the Planning Commission with a view to increase their employability. The scheme formed part of "Half-a-million Jobs programme". 1100 applicants drawn from the Employment Exchanges, Darya Ganj (Delhi) and Ghaziabad (Uttar Pradesh) were given training under the scheme for a period of six months in 15 educational institutions (14 in Delhi and one in Ghaziabad). An amount of Rs. 4.95 lakhs was provided by the Planning Commission for the purpose.

3.69. The second phase of the coaching programme was introduced in November, 1974 and 500 applicants in 11 Educational Institutions (10 in Delhi and one in Ghaziabad) were trained. The period of training was extended from six months to nine months and a provision of Rs. 5.9 lakhs was made to meet the expenditure on the scheme. The third phase of the scheme was started from 1st August, 1976 in 11 educational institutions, 10 in Delhi and one in Ghaziabad. 500 applicants were given places in these institutes. On completion of III phase, the Ministry of Home Affairs allocated Rs. 5.73 lakhs to continue the scheme and the scheme was started in January, 1978. The course covers Stenography (180 seats) and Clerical course (320 seats). The duration of the training is 9 months for Clerks Grade and 11 months for Stenography.

**Figures in respect of Jabalpur Centre are provisional.

3.70. The matter for the extension of the scheme in other parts of the country has been taken up with the Ministry of Home Affairs by the Ministry of Labour.

(e) Craftsmen Training Scheme

3.71. Reservation of seats for the Scheduled Castes and Scheduled Tribes for the purpose of admission to the Industrial Training Institutes/Centres under the Craftsmen Training Scheme in various States/Union Territories had been introduced proportionally to their population in the respective State/Union Territories. The Scheduled Caste/Scheduled Tribe trainees in these Institutes/Centres are given stipend at the enhanced rates. Information regarding total number of trainees who underwent training in Engineering and non-Engineering trades and the Scheduled Castes and Scheduled Tribes among them as on 31-12-1977 under this scheme, has been summarised below:—

Trade	Number of Trainees on roll		
	Total including Scheduled Castes/Scheduled Tribes	Scheduled Castes	Scheduled Tribes
Engineering Trades .	1,43,616	17,801 (12.4%)	4,486 (3.1%)
Non-Engineering Trades	12,402	1,625 (13.1%)	287 (2.3%)
TOTAL . . .	1,56,018	19,426 (12.3%)	4,773 (3.1%)

Statewise details of Scheduled Caste/Scheduled Tribe trainees under Craftsmen Training Scheme, as on 31.12.1977 in engineering and non-engineering trades; trade-wise number of seats, number of Industrial Training Institutes in each State/Union Territory with number of Scheduled Caste and Scheduled Tribe trainees, and their percentage to the total number of trainees etc. are given in Appendix VII.

(f) Apprenticeship Training for Scheduled Castes and Scheduled Tribes

3.72. The Scheme of Apprenticeship Training had been regulated under the Apprentices Act under which the Directorate General of Employment and Training have organised a system of paid apprenticeship training practically in all trades under the Railways, Indian Air Force, Ordnance Factories, Civil Aviation and Public Health Institutions as well as in the public sector establishments and the industrial houses. Suitable reservation in favour of Scheduled Castes and Scheduled Tribes has also been provided under that Act. As on 1-1-1978 there were 16,653 Scheduled Caste and 4,059 Scheduled Tribe apprentices out of a total of 154,576 undergoing apprenticeship training throughout the country. As regards Engineering Graduates and Technical

Apprentices, there were 158 Scheduled Castes and 37 Scheduled Tribes out of a total of 13217 apprentices undergoing training in the country as on 1-1-1978. Figures regarding the represen-

tation of Scheduled Castes and Scheduled Tribes in the State/Private Establishments and Central Sector Establishments alongwith their percentage to total may be seen in the table below :—

Category	Total number of apprentices undergoing training	No. of apprentices belonging to			
		Scheduled Castes		Scheduled Tribes	
		No.	%age	No.	%age
1. Trade Apprentices—					
(i) State/Private Sector Estts.	1,04,490	8,831	8.45	1,763	1.68
(ii) Central Sector Establishments	50,086	7,822	15.51	2,296	4.58
TOTAL	1,54,576	16,653	10.77	4,059	2.62
2. Engineering Graduates and Diploma Holders—					
State/Private Establishments	13,217	158	1.19	37	0.28

State-wise details of the engagement of the apprentices belonging to Scheduled Castes and Scheduled Tribes as on 31-12-1977 (1-1-1978) under the Apprentices Act, 1961, both in respect of Trade Apprentices and Graduate/Diploma Holder Apprentices may be seen at Appendices VIII. From the available data, it is apparent that the representation of Scheduled Castes and Scheduled Tribes in both the categories of apprentices under the State/Private Sector Establishments was poor. **It is, therefore, strongly recommended that the State Governments should make special efforts to ensure that all the seats reserved for Scheduled Castes and Scheduled Tribes under the apprentices scheme are filled by the candidates from these categories. It should also be ensured that all the apprentices belonging to Scheduled Caste/Scheduled Tribe communities after completion of their apprenticeship in various establishments are appointed against vacancies reserved for them.**

(g) Employment Exchanges

3.73. Statistical information indicating the number of registrations made and placements effected; number of reserved vacancies notified and filled, and the number of Scheduled Castes and Scheduled Tribes on the live register at the end of the year 1977 in the Employment Exchanges in various States, alongwith their occupational groups and educational levels may be seen at Appendix IX. The work performed by the Employment Exchanges during 1977 were as follows:—

	SCs.	STs.
(i) No. of registrations made	6,37,372	1,61,082
(ii) No. of placements effected	68,973	26,258
(iii) Percentage of placement of registration	10.82	16.30
(iv) No. of reserved vacancies notified	57,967	27,467
(v) No. of reserved vacancies filled	31,961	9,087
(vi) Percentage of reserved vacancies filled	55.15	33.08
(vii) No. on the live register at the end of the year	12,81,881	2,87,504

3.74. It will be seen from the information given in the above table that in spite of the fact that a large number of Scheduled Caste/Scheduled Tribe applicants waiting for their turn on the live register of the Employment Exchanges at the end of the year 1977, only 55.15% vacancies reserved for Scheduled Castes and 33.08% for Scheduled Tribes could be filled by the Scheduled Caste and Scheduled Tribe candidates respectively. Similarly the percentage of placement of the Scheduled Caste/Scheduled Tribe (10.82 for Scheduled Castes and 16.30 for Scheduled Tribes) applicants as compared to the total registration with the employment exchanges during the year was also quite low. The position even deteriorated as compared with the position that existed in 1976 (11.01 for Scheduled Castes and 16.85 for Scheduled Tribes).

3.75. In order to review the working of the Employment Exchanges and to have the various aspects of the problem comprehensively examined, the Government of India decided in March, 1978 to set up a Committee to suggest suitable remedial measures. The terms of reference of the Committee include examination and recommendation of special steps to be taken in the matter of placement of Scheduled Castes and Scheduled Tribes alongwith other disadvantaged and handicapped persons in the society. **It is felt that the Committee should also examine the reasons for low percentage of Scheduled Castes available for nomination and recommend reserved for them, especially when a large number of Scheduled Castes and Scheduled Tribes are available for nomination and recommend remedial measures.** The figures in the Statement No. 3 and 4 in Appendix reveal that there are a large number of Scheduled Caste/Scheduled Tribe job-seekers on the Live Register of the Employment Exchanges, whereas various organisations are writing to us to help them in locating suitable Scheduled Caste/Scheduled Tribe candidates for appointments against the vacancies reserved for them. **There is, therefore, need for systematic and serious effort on the part of the Employment Exchanges to properly**

Co-ordinate the requisitions received from the employers and Scheduled Caste/Scheduled Tribe candidates available on their live registers.

3.76. The Employment Officers in various States/Union Territories visit the areas having sufficient concentration of Scheduled Castes and Scheduled Tribes with the object of registering Scheduled Caste and Scheduled Tribe employment seekers and help them in getting suitable employment against the vacancies available for them. During their visits they also provide vocational guidance to Scheduled Caste/Scheduled Tribe candidates. Details of the visits paid by the Employment Officers for the purpose during 1977, have been received from the States/Union Territories of Bihar, Chandigarh, Gujarat, Himachal Pradesh, Karnataka, Kerala, Lakshadweep, Madhya Pradesh, Manipur, Meghalaya, Orissa, Pondicherry, Tamil Nadu, Tripura and Uttar Pradesh. There are no Employment Exchanges in the State of Sikkim and the Union Territories of Arunachal Pradesh and Dadra and Nagar Haveli. Andaman and Nicobar Islands has reported that visits could not be made due to transportation problem. Assam has reported that the Employment Officers have been asked to undertake visits and furnish details, but the information regarding number of visits etc. is yet to be received. In Haryana and Jammu & Kashmir it has been reported that there are no specific remote areas with concentration of Scheduled Caste/Scheduled Tribe population but adequate arrangements are already existing, for the purpose. In Maharashtra, the Employment Officers are stated to have undertaken visits resulting in increased registration of Scheduled Caste/Scheduled Tribe candidates. In Rajasthan, Mobile Camps have been arranged for registration of Scheduled Caste/Scheduled Tribe candidates. State-wise details of the visits paid by the Employment Officers have been tabulated below :—

Name of State/Union Territory	Number of visits paid	Number of Scheduled Caste/Scheduled Tribe employment seekers registered	
		Scheduled Cast	Scheduled Tribe
1	2	3	4
1. Bihar	17	85	180
2. Chandigarh	24	54	..
3. Gujarat	46	425	717
4. Himachal Pradesh	17	68	232
5. Karnataka	95	40	..
6. Kerala	20	183	156
7. Lakshadweep	N.A.	N.A.	139
8. Madhya Pradesh	136	418	1,740
9. Manipur	3	..	44

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	1	2	3	4
10. Meghalaya		5	..	71
11. Orissa		163	217	977
12. Pondicherry		6	11	..
13. Tamil Nadu		23	24	214
14. Tripura		16	5	11
15. Uttar Pradesh		76	2,002	..

It would be seen from the table above that the visits of the Employment Officers in various States/Union Territories enhanced the number of registration of candidates belonging to these communities. However, in some States the number of Scheduled Tribe candidates enrolled was not much. Since this scheme has proved useful to the Scheduled Caste/Scheduled Tribe employment seekers staying in the remote areas, its scope, by way of arranging camps during the visits of the Employment Officers to guide Scheduled Caste/Scheduled Tribe candidates on the lines of the guidance provided by the coaching-cum-guidance centres, should be enlarged. Before the visits, adequate publicity should be given through the local administration and other institutions, like schools, welfare associations of Scheduled Castes and Scheduled Tribes etc. so that these communities can derive maximum benefit of such schemes.

Dereservation of Reserved Vacancies

3.77. Information relating to the number of vacancies dereserved in 1975 in the various categories of posts is presented in Appendix X (Statements I & II). Information for the year 1976 and 1977 is not being included in the report since the same has not been received from the Department of Personnel and Administrative Reforms in spite of our repeated reminders.

3.78. It may be seen from the statement No. 1 that out of a total of 9965 vacancies proposed for dereservation 6554 (66%) related to those reserved for Scheduled Castes and 3411 (34%) pertained to Scheduled Tribes. It may further be stated that out of total 9965 vacancies proposed to be dereserved a large number i.e. 8425 (5683 for Scheduled Castes and 2742 for Scheduled Tribes) pertained to Class III, 1317 (773 for Scheduled Castes 544 for Scheduled Tribes) to Class II posts, only 172 (93 for Scheduled Castes and 79 for Scheduled Tribes) and a small number of 51 (5 for Scheduled Castes and 46 for Scheduled Tribes) pertained to Class I and IV posts respectively. The percentage of vacancies dereserved in Class I, II, III and IV posts works out to 1.72, 13.22, 84.55 and 0.51 respectively. It may be seen from statement No. II that Department of Personnel and Administrative Reforms did not agree for 1 vacancy out of 172 Class I posts, 73 out of 1317 Class II posts, 85 out of 8425 Class III posts proposed for dereservation.

3.79. There was not a single proposal for dereservation of reserved vacancies on the ground of unsuitability of Scheduled Castes and Scheduled Tribes in any class of post. This would lead us to believe that all possible efforts were made to screen the Scheduled Caste/Scheduled Tribe candidates in the proper manner and by relaxed standards and that there was no case where Scheduled Caste or Scheduled Tribe candidate was available but not found suitable in any class of posts during the year 1975. This would appear to be an ideal thing but in practice and on the basis of our experience it seems to be far from truth. For instance during the year 1974, there were as many as 276 cases in which Scheduled Caste/Scheduled Tribe candidates were reported not suitable for appointment, the bulk of which i.e., 271 (17 for Scheduled Castes and 254 for Scheduled Tribes) related to Class III posts. The only inference that can be drawn for the information pertaining to the year 1975 is that the authorities concerned while sending the proposals find it more convenient to say that the candidates were not available instead of saying that they were not found suitable as that would provoke further queries and possibly exposure of unpleasant situations. Anyway, we cannot do anything further in such cases as it would become practically impossible to question each and every case of non-availability of Scheduled Caste/Scheduled Tribe candidates to find out the true reasons for their non-selection against the posts reserved for them.

3.80. Out of total of 9965 vacancies **ex-post-facto** approval was sought for 6680 vacancies (5046 for Scheduled Castes and 1634 for Scheduled Tribes). Bulk of these vacancies (6660) relates to Border Roads Development Board. According to a note furnished by the Department of Personnel and Administrative Reforms, it is noticed that these related to Border Roads Development Board for the period from 1967 to 1971. It would be recalled that in our Report for the year 1970-71 (para 3.53), the proposal of the Border Roads Development Board for **ex-post-facto** approval to the dereservation was not agreed by us and the Ministry of Home Affairs and Border Roads Development Board were advised to continue efforts for three more years to locate Scheduled Caste/Scheduled Tribe candidates. In spite of what was stated in that report, it is not understood as to how the Border Roads Development Board continue to fill the reserve posts by the general candidates without asking for prior approval of the Department of Personnel and Administrative Reforms. **Ministry of Shipping and Transport are urged to make the position clear to the Border Roads Development Board that proposals for such a bulk number of reserved vacancies show that the prescribed procedure is not being followed and that they may resort to ex-post-facto approval only in exceptional cases, where exigencies of work**

warrant filling up of posts without waiting for the prior approval of the Department of Personnel and Administrative Reforms.

Recognition of Service Associations of Scheduled Caste and Scheduled Tribe Employees

3.81. During the course of visits of the officers from the organisation of the Commissioner for Scheduled Castes and Scheduled Tribes to various Government Officers, Public Sector Units, State Governments Department, etc. a growing feeling has been noticed among the employees other than the Scheduled Castes and Scheduled Tribes that the service safeguards run counter to their interest. Majority of the employees' Associations opposed the introduction of reservation in services for Scheduled Castes and Scheduled Tribes, both in direct recruitment as well as at the time of promotion on the plea that : (i) the reservations adversely affect the agreements between the employees' unions and the employers ; and (ii) morale of the general candidates go down when they are superseded by juniors or supervised by younger persons belonging to the Scheduled Caste/Scheduled Tribe communities. Thus, it is apparent that the general Association of the employees will not espouse the cause of the Scheduled Caste/Scheduled Tribe employees, even if they are approached by the Scheduled Caste/Scheduled Tribe employees to do so. It is perhaps natural that the general Associations which are run and managed by the general category persons cannot be expected to be effective for a section of employees who are in a minority and constitute sometimes less than ten per cent of the total employees. The Commissioner for Scheduled Castes and Scheduled Tribes took up the cause of the recognition of service Associations of Scheduled Castes and Scheduled Tribes so that they could ventilate their grievances, especially regarding the non-implementation of reservation orders and appointments/promotions against the reserved quota, at appropriate level.

3.82. The problem had been discussed at great length in 1973-74 Report of the Commissioner for Scheduled Castes and Scheduled Tribes with the following observation that the decision of the Government not to recognise service associations based on caste, tribe or religion should not be made applicable to the service associations of Scheduled Castes and Scheduled Tribes, as these are not actually based on any particular caste, tribe or religion. It was recommended that the Government should consider the claims for recognition put forth by such associations etc. on merits, as is being done in the case of other associations in spite of the fact that one or more associations in the same organisation have already been recognised for service purposes. The matter had also been referred several times to the Ministry of Home Affairs to reconsider their stand but nothing positive could be achieved.

3.83. It has further been observed that the associations and organisations of the Scheduled Castes and Scheduled Tribes which have been recognised by the Central Government as representative of the Scheduled Castes and Scheduled Tribes, for the purpose of endorsing copies of advertisements/vacancy circulars for reserved posts have failed to yield the desired result and locate suitable Scheduled Caste/Scheduled Tribe candidates for appointment against reserved vacancies. In a number of cases, it has also been brought to the notice of the Commissioner for Scheduled Castes and Scheduled Tribes that the letters addressed to a few such associations have been received back undelivered. This has been brought to the notice of the Ministry of Home Affairs. It is strongly felt that for a better co-ordination between the employers and the Scheduled Caste/Scheduled Tribe employees, it would be desirable that such organisations are placed by equal number of some of the all India organisations of the Scheduled Caste/Scheduled Tribe employees to enable them to play an effective role in this matter. In each organisation there should be one association of Scheduled Caste/Scheduled Tribe employees which should be authorised to approach the management in the matter of appointments against "reserved quota", vacancy circulars, redressal of grievances etc.

Public Service Commissions

(a) Union Public Service Commission

3.84. During the year under report, out of 9 Members in the Union Public Service Commission (including the Chairman) only one Member belonged to Scheduled Caste. The Member belonging to Scheduled Caste was appointed in the month of July, 1974.

(b) State Public Service Commissions

3.85. According to the latest information available with us from 14 States, there were in all 61 Members including Chairman in the State Public Service Commissions of Assam, Gujarat, Himachal Pradesh, Jammu & Kashmir, Karnataka, Kerala, Madhya Pradesh, Manipur, Meghalaya, Orissa, Punjab, Tamil Nadu, Tripura and Uttar Pradesh. In two State Public Service Commissions in the States of Gujarat and Karnataka, the Chairman belonged to Scheduled Caste and Chairman of Assam* State Public Service Commission and Meghalaya Public Service Commission belonged to Scheduled Tribe communities. Out of the remaining 57 Members, 4 Members (one each in the State of Kerala, Punjab, Tamil Nadu and Uttar Pradesh) belonged to Scheduled Caste communities and 5 Members (one each in the States of Gujarat, Madhya Pradesh, Manipur, Meghalaya and Orissa) belonged to Scheduled Tribe communities.

3.86. In the State Public Service Commissions of Himachal Pradesh, Tripura, Jammu &

Kashmir there was no Member/Chairman belonging to Scheduled Caste/Scheduled Tribe communities. The remaining States particularly the States having considerable Scheduled Caste and Scheduled Tribes population like Andhra Pradesh, Bihar, Maharashtra, Rajasthan and West Bengal did not supply the required information for the period under review, in spite of our repeated reminders. The latest information regarding the representation of Scheduled Caste/Scheduled Tribe persons in the various Public Service Commissions is given in Appendix XI.

3.87. It may be emphasised here that in all our previous reports, we have been stressing the importance of the co-operation of the State Governments for making our Report evaluative, analytical and objective and our experience has shown that most of the State Governments fail to give us the required co-operation/assistance. Hence, it is reiterated that whenever the Commissioner's organisation writes to the State Governments for the supply of information, the State Governments should oblige in supplying the necessary information within the specified time-limit.

(c) Railway Service Commissions

3.88. During the year 1977 there were 6 Railway Service Commissions functioning at Allahabad, Bombay, Calcutta, Madras, Muzaffarpur and Secunderabad. Each Commission had 2 members including the Chairman. As on 20-9-1978 in the Railway Service Commission, Bombay there was only 1 Chairman who belonged to Scheduled Caste and 3 Members one each in the Commissions located at Allahabad, Madras and Secunderabad who belonged to Scheduled Castes. One more Railway Service Commission has been just started at Gauhati but no Chairman/members has been appointed so far. No Chairman has been appointed during the year under report from the Scheduled Tribe communities.

Representation of Scheduled Castes and Scheduled Tribes in the Services under the States/Union Territories

3.89. Attempts have been made in the past to give in the report the information regarding the reservations and other concessions/relaxations allowed to the Scheduled Castes and Scheduled Tribes in the services under the Governments in the States and Union Territories and to evaluate how far these compared with those granted to these communities in the services under the Government of India. Such an attempt was first made in the Twentieth Report for the year 1970-71 (paragraphs 3.132 to 3.134 read with Appendix XXIV), which was followed by detailed and comparative studies in the Twenty-first Report for the years 1971-72 and 1972-73 (paragraphs 3.131 to 3.169) and in the Twenty-second Report for the year 1973-74 (paragraphs 3.193 to 3.216). Later developments that came

*Since resigned on 23rd December, 1977.

to our notice thereafter were duly reported in the Twenty-third (paras 3.89 to 3.103) and Twenty-fourth Reports (paras 3.81 to 3.84).

3.90. From the material that has gone in the earlier Reports referred to above, it would appear that a comprehensive picture covering all the States could not be presented in one single Report for any one year. Even the statistical information regarding representation of Scheduled Castes and Scheduled Tribes in the State Government services has not been forthcoming in time from all the State Governments in any particular year. Therefore the statistical information for whatever latest year it has been made available in respect of each State had been presented in the Report. As regards the general information about the percentages of reservation prescribed for Scheduled Castes and Scheduled Tribes in different States and the various concessions and relaxations provided for them, the problem was similar as complete information on various aspects of reservations, concessions etc. was not made available at any particular point of time. And where some information was available, the same was not specific and it was necessary to seek clarifications which resulted in delay. Therefore a comprehensive questionnaire was sent to all the State Governments and it was thought that the rule framing or policy making authorities in each State could simply indicate the position obtaining in their States against each question on the basis of instructions/orders already issued by them. Complete information in this regard could be received only from the State of Bihar, Gujarat, Madhya Pradesh and Uttar Pradesh till the time of writing this report. Special efforts had, therefore, to be made to cull out the relevant information from the copies of the Brochures/Handbooks/Compendia containing orders/instructions issued by some of the State Governments as also the information collected in this regard in the previous years. It has now been possible to present an almost comprehensive picture in respect of all the State Governments, the Government of Nagaland being the lone exception. Information in respect of Himachal Pradesh is not being analysed here alongwith other States as that Government has reported that it is following all the instructions issued by the Government of India from time to time. As regards the State of Sikkim, no information is available as the Constitution Orders notifying the Scheduled Castes and Scheduled Tribes were issued only in June, 1978. This information has been presented in a summarised form in the Statements I to III at Appendix XII. The information in statement No. I indicates the population of Scheduled Castes and Scheduled Tribes in each State and the percentages of reservation prescribed for these communities by various State Governments. The notes below the statement also indicate the enhanced percentages of reservation in some of the States in an effort to clear the backlog in

the representation of Scheduled Castes and Scheduled Tribes in various Classes of posts in the respective States. It would be noticed that in the States of Uttar Pradesh and West Bengal the statutory percentages of reservation prescribed for Scheduled Castes are less than the percentages of their Population in the respective States. This was pointed out in our Twenty-first Report for the years 1971-72 and 1972-73 (paragraphs 3.128-3.129). It is gratifying to note that the Governments of Punjab, Rajasthan and Tripura have since corrected this shortcoming but the States of Uttar Pradesh and West Bengal are yet to do so. **However it is learnt that this question is under the consideration of the Government of Uttar Pradesh. Though the Governments of Uttar Pradesh and West Bengal have temporarily raised the percentages of reservation in certain posts to clear the backlog, it is hoped that this lacuna would be removed as early as possible and the statutory percentages of reservation would be raised and brought upto the level of their population in the States of Uttar Pradesh and West Bengal.**

3.91. As a result of removal of area restrictions, in terms of the section 5(1) of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976, the changes in the population of Scheduled Castes and Scheduled Tribes were computed by the Registrar General of India on the basis of 1971 census and these were mentioned in the table given in para 2.7 of the last report for the year 1975-77. It would be seen that in Kerala there was an increase of 2.30 lakhs in the population of Scheduled Castes of which 0.76 lakh was due to the transfer of the Pulayan community from Scheduled Tribes in Malabar District to Scheduled Castes. This community has been treated as Scheduled Caste throughout the State of Kerala. **Due to this increase in the population of Scheduled Castes in Kerala, the percentage of population of Scheduled Castes has increased from 8.30 to approximately 9.40 thus, necessitating the corresponding increase in the percentage of reservation in services from 8.00 per cent to at least 9.00 per cent. It is hoped that Government of Kerala would issue necessary orders to this effect.**

(i) Roster System

3.92. In pursuance of the provision made in Article 16(4) of the Constitution, the Government of India and various State Governments fixed the reservation for Scheduled Castes and Scheduled Tribes in accordance with the population of these communities. Experience had, however, shown that it was not possible to give effect to these reservations by merely saying that a certain percentage of posts would be reserved for these communities or everything being equal preference would be given to the candidates belonging to the Scheduled Castes and Scheduled Tribes. In order to determine at every point of time as to how many vacancies exactly should go to the share of Scheduled Castes and

Scheduled Tribes, in accordance with the prescribed percentages of reservation, a system of maintenance of rosters was devised by the Central Government. Two types of 40-point rosters have been prescribed for recruitment on all-India basis: (i) by open competition, and (ii) otherwise than by open competition, in which certain points are earmarked for Scheduled Castes and Scheduled Tribes. A large number of Central Government offices are spread over the length and breadth of the country where for recruitment to Class III and Class IV posts, the candidates are drawn from the areas/regions where the offices are located. For such offices, the Central Government have prescribed 100-point rosters for each State/Union Territory. It would be observed that almost all the State Governments have adopted their own system of maintenance of rosters. The rosters adopted by various State Governments may be seen in statement No. II of Appendix XII. It would be observed from this statement that the Government of Meghalaya have not yet introduced the roster system for determining the exact number of vacancies to be reserved for the Scheduled communities. There is a mention regarding prescription of rosters in Clause 5 of the Manipur Reservation of Vacancies in Posts and Services (For Scheduled Castes and Scheduled Tribes) Act 1976, but the information about the model roster prescribed for the purpose is not available.

(ii) Grouping of posts

3.93. In posts filled by direct recruitment, there are often some posts which are isolated in nature or their number is so small that the frequency of occurrence of the vacancies is not quite often. Therefore, it is not always possible to ensure adequate share of the reservation for the members of Scheduled Castes and Scheduled Tribes. To overcome this difficulty, at the Centre, there is a system of grouping of such isolated posts and small cadres with more or less similar other posts in the same class taking into account the status, salary and qualification prescribed for the posts in question, the intention being that after grouping a number of posts of similar nature pay scale etc., it should be possible to ensure a reasonable proportion of the posts in the group so formed for the members of the reserved categories. Some similar system has been adopted by the States of Bihar, Gujarat, Madhya Pradesh, Maharashtra, Kerala and Uttar Pradesh. This system does not exist in the States of Andhra Pradesh, Punjab, Meghalaya, Tamil Nadu and West Bengal. There is no mention of any such system in the Brochures/Compendia or copies of orders/instructions received from the States of Assam, Haryana, Jammu and Kashmir, Karnataka, Manipur (Act of 1976), Orissa (Act of 1976), Rajasthan and Tripura. The information from Nagaland is not available.

(iii) Separate interview

3.94. One of the most common reasons adduced for non-selection of Scheduled Caste/Schedu-

led Tribe candidates even against reserved vacancies had been that they were not found suitable for the posts. One factor which appeared responsible for this decision was that the suitability of Scheduled Caste/Scheduled Tribe candidates was compared with the candidates belonging to the other castes who had better education and better upbringing. Obviously the Scheduled Caste/Scheduled Tribe candidates could not compete with them in the interview and the general impression formed by the interview board was that these candidates were not suitable for the posts in question. In order to overcome this difficulty, the Central Government issued orders that for reserved vacancies, interview of Scheduled Caste and Scheduled Tribe candidates should be held on a day or a sitting of the Selection Committee other than the day on which general candidates are to be interviewed so that the Scheduled Caste/Scheduled Tribe candidates are not judged in comparison with general candidates and the interviewing authorities are prominently made aware of the need for judging the Scheduled Caste/Scheduled Tribe candidates by relaxed standards. Similar instructions are reported to have been issued by the Governments of Bihar, Gujarat, Kerala, Madhya Pradesh, Maharashtra, Karnataka, Punjab and Uttar Pradesh. In Kerala there is a provision of separate interview only in the case of supplementary list which is prepared if adequate number of Scheduled Caste/Scheduled Tribe candidates satisfying the usual requirements are not available. In Punjab, the procedure for separate interview is generally adopted where there is a good response from the candidates of these communities. There is no reference to this type of facility in the orders/instructions available in the case of the States of Assam, Haryana, Jammu and Kashmir, Manipur, Orissa, Rajasthan, Tamil Nadu and Tripura. In Andhra Pradesh, Meghalaya and West Bengal no such provision exists. However, as reported in our Twenty-second report (1973-74 para 3.203), the question was under consideration of the Government of Andhra Pradesh, Orissa and Tamil Nadu. **The recommendation made in that report is reiterated that all the State Governments should introduce this provision so that the selecting authorities are prominently aware that they are going to interview candidates belonging to Scheduled Castes and Scheduled Tribes keeping in view the orders regarding relaxed standards for these communities.**

(iv) Relaxation of standards of suitability

3.95. The position regarding relaxation of standards of suitability has been explained in our reports for the years 1971-73 (para 3.202) and 1973-74 (para 3.136 to 3.137). However, gist of the information about the availability of this concession in some form or the other in certain categories of posts is given under column 5 of the statement No. III of Appendix XII. It would be seen that the States of

Andhra Pradesh, Bihar, Gujarat, Jammu & Kashmir, Kerala, Madhya Pradesh, Maharashtra, Manipur, Rajasthan, Tamil Nadu, Uttar Pradesh and West Bengal have made provision to this effect in their rules. The Government of Rajasthan have allowed this concession to Scheduled Caste/Scheduled Tribe candidates in the competitive examinations. While no such concession is given in Meghalaya, the orders/instructions, wherever available, in respect of the remaining States are silent about this provision. **It is a matter of common experience that a number of candidates belonging to Scheduled Castes and Scheduled Tribes do not come up to the normal standards expected of general candidates and, therefore, the vacancies reserved for them cannot be filled unless they are judged by relaxed standards. All the State Governments are advised to fall in line with the provision made by the Central Government in this regard. Only then it would be possible to utilise the quotas of reservation prescribed for these communities.**

(v) Carry-forward of reserved vacancies

3.96. It has been stated in the previous reports that in the event of non-availability of Scheduled Caste/Scheduled Tribe candidates for posts filled by direct recruitment after having taken all the prescribed steps, as also in the case of posts filled by promotion, the reserved vacancies remaining unfilled have to be carried forward and added to the current vacancies that occur in the subsequent three recruitment years so that these become available to candidates of these communities through open market or to those who become eligible for promotion later on. This provision of carry forward of unfilled reserved vacancies is also available in most of the State Government services and the information is contained in column 7 of the statement No. III of Appendix XII. In the States of Andhra Pradesh, Bihar, Kerala, Manipur, Orissa, Rajasthan, Tripura and Uttar Pradesh the unfilled backlog of reserved vacancies is carried-forward to subsequent three recruitment years. In the States of Assam, Haryana, Punjab and West Bengal (for direct recruitment only) these are carried forward to two years only. In Gujarat and Karnataka the carry-forward is restricted to three occasions and two occasions of recruitment respectively. In Meghalaya this provision is only for one year. In the case of Jammu and Kashmir, this information is not available. No such provision, however, exists in the State of Tamil Nadu. Madhya Pradesh is the only State where unfilled reserved vacancies are carried forward to subsequent occasions without any limit provided the total number of reserved posts does not exceed 45 per cent at one time. In this connection, attention of the Government of Madhya Pradesh is drawn to the orders issued by the Government of India on 27th December, 1977 which were as a sequel to judgement of the Supreme Court in the case of "State of

Kerala and another Versus N. M. Thomas and others". In such of the cases where the number of current reserved vacancies and the brought forward reserved vacancies put together exceeds 50 per cent of the vacancies filled in a year because of the large carry-forward from previous years, the question was whether the ceiling of 50 per cent for reservation could be exceeded. This was considered in the light of observations contained in the judgements given severally by the seven judges of the Supreme Court and the Government have decided that there is no objection to exceed the limit of 50 per cent by way of reservation in such cases because of the carry-forward of vacancies, provided the overall representation of Scheduled Castes and Scheduled Tribes in the total strength of the concerned grade or cadre is found to be inadequate i.e. the total number of Scheduled Caste/Scheduled Tribe persons in that grade has not reached the prescribed percentages of reservation in the grade as a whole. **In view of this decision of the Government of India based on the ruling of the Supreme Court, the Government of Madhya Pradesh as also all the other State Governments should remove the restriction of 50 per cent placed on the total reservation in a year. There is also a need to make the provision of carry-forward of unfilled reserved vacancies to subsequent three years of recruitment uniformly in all the States.**

(vi) Exchange of vacancies

3.97. In some posts/cadres, for the vacancies reserved for a particular community, say Scheduled Tribes, the candidates are not available in a particular year in spite of taking all the prescribed steps. Such vacancies, after following the procedure for dereservation of reserved vacancies are filled up by the general candidates and carried forward to subsequent three recruitment years. In these years efforts are made again to locate the Scheduled Tribe candidates. This process is repeated till the last (third) year of carry-forward and if Scheduled Tribe candidates are still not available in that year too, the vacancies reserved for Scheduled Tribes are thrown open to Scheduled Caste candidates and vice-versa. The intention behind this procedure is that the vacancies reserved for a particular community, though availed by general candidates in the three-year period, are not finally lost to the Scheduled Caste and Scheduled Tribe communities put together and are available to be utilised by the candidates of the other reserved category, if available. A provision on these lines is reported to be available in the States of Bihar, Gujarat, Manipur, Tripura and Uttar Pradesh. In Kerala and Orissa the vacancies are exchangeable between Scheduled Caste and Scheduled Tribe candidates on each occasion of recruitment in the event of candidates of a particular community not being available. In the States of Haryana, Jammu & Kashmir and Punjab, there cannot be any such provision,

there being no Scheduled Tribes in these States. In the States of Andhra Pradesh, Madhya Pradesh and Maharashtra this provision does not exist even though both Scheduled Castes and Scheduled Tribes are available in these States. In Meghalaya the population of Scheduled Castes is insignificant and presumably because of this reason the provision of exchange of vacancies between Scheduled Castes and Scheduled Tribes does not exist in that State. Information in this regard is not available in respect of the States of Assam, Rajasthan, Tamil Nadu and West Bengal. **There should be no difficulty to adopt this procedure by those States which have not yet done so.**

(vii) Dereservation of reserved vacancies

3.98. There is a general complaint that vacancies reserved for Scheduled Castes/Scheduled Tribes are being filled by the candidates from the general community. While there is a general awareness of the implications of the orders regarding reservation for Scheduled Castes and Scheduled Tribes on the part of the various implementing authorities, it is felt that the apathetic among them if left to themselves would find one way or the other to circumvent the orders and deprive Scheduled Caste/Scheduled Tribe persons of their due share in appointments and promotions. For this reason, the Government of India issued orders to the effect that in the event of non-availability of Scheduled Caste/Scheduled Tribe candidates to fill the reserved quota in spite of taking all the prescribed steps, the appointing authorities before issuing the orders of appointment of a general candidate against a reserved vacancy, should send self-contained proposal to the Department of Personnel and Administrative Reforms with a copy thereof to the Commissioner for Scheduled Castes and Scheduled Tribes explaining the circumstances in which the reserved vacancies could not be filled. It is only after prior approval of the Department of Personnel and Administrative Reforms, the Department/Office concerned could appoint the general candidate against the vacancies reserved for Scheduled Castes/Scheduled Tribes. This procedure serves as a deterrent and makes the appointing authorities think twice before attempting to circumvent the orders of reservation and appoint general candidates against reserved vacancies for one or the other reason.

3.99. According to the information available, this procedure is followed by the State Governments of Andhra Pradesh, Bihar, Gujarat, Jammu and Kashmir, Madhya Pradesh, Manipur Orissa, Punjab, Rajasthan, Tripura and Uttar Pradesh. In the State of Kerala and Meghalaya, this system has not been followed. In Maharashtra, this procedure is not followed in the posts filled by direct recruitment, but it has been adopted in the case of posts filled by promotion. Information on this aspect is not available in so far as

the States of Assam, Haryana, Karnataka, Tamil Nadu and West Bengal are concerned. **As stated above, the procedure for obtaining prior approval of the Department of Personnel or the General Administration Department requires the authorities concerned to explain to them the circumstances under which they want to appoint general candidates against the reserved vacancies. It helps to curb the tendency on the part of the appointing authorities to indiscriminately appoint general candidates against reserved vacancies. It is, therefore, suggested that State Governments which have not yet adopted this procedure should do so as early as possible.**

(viii) Reservation in posts filled by promotion

3.100. The matter regarding introduction of reservation in posts filled by promotion has been discussed in earlier reports. According to the latest information available, there is reservation in posts filled by promotion in the States of Bihar (all classes of posts), Gujarat (upto the lowest rung of Class I), Haryana, Jammu and Kashmir, Maharashtra, Madhya Pradesh (upto the lowest rung of Class I), Manipur, Orissa, Punjab, Rajasthan, Tripura, Uttar Pradesh (all classes of posts) and West Bengal. In Andhra Pradesh, while there is no reservation for Scheduled Castes and Scheduled Tribes at the stage of promotion, there is some concession for them at the time of promotion. In Assam also there is no reservation in posts filled by promotion, but the cases of supersession of Scheduled Castes and Scheduled Tribes in Class III and upwards are placed before the Minister for approval. In the States of Kerala, Meghalaya and Tamil Nadu also there is no reservation in posts filled by promotion. In respect of Karnataka, this information is not available. **We have been pleading time and again that in order to give due share of posts in senior positions to the members of Scheduled Castes/Scheduled Tribes, it is necessary that there should be reservation at the time of promotion also. It is reiterated that the State Governments which have not yet introduced the element of reservation in posts filled by promotion should do so without any delay as this is one of the methods for increasing the representation of Scheduled Castes and Scheduled Tribes in higher posts.**

(ix) Reservation at the time of confirmation

3.101. The Central Government has provided for reservation at the stage of confirmation also in such of the posts which are initially filled by direct recruitment. There are general orders of the Government of India according to which a person who is confirmed in a post, is deemed to be senior to all those who are temporary in the grade. For the members of the Scheduled Castes/Scheduled Tribes, confirmation at an earlier date by virtue of reservation makes them senior to some of those general employees who were even appointed earlier to them. This, in turn, quickens the process of their promotion to

higher posts. This concession is not available to Scheduled Castes/Scheduled Tribes in the services of the State Governments except the Governments of Jammu & Kashmir, Manipur and Uttar Pradesh. As the reservation at the time of confirmation results in enhancement of the prospects of earlier promotion for the Scheduled Caste and Scheduled Tribe candidates, it would be desirable that the State Governments should also fall in line and introduce reservation at the stage of confirmation.

(x) Nomination of Scheduled Caste/Scheduled Tribe officers in the Selection Boards/Departmental Promotion Committees.

3.102. The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes had in its 4th Report recommended that all Selection Board or recruiting authorities should include among them at least one Scheduled Caste/Scheduled Tribe member. The Parliamentary Committee had also felt that with a view to making the Departmental Promotion Committees more representative, a Scheduled Caste/Scheduled Tribe officer should also be included in each of these committees in various Ministries/Departments/Offices. These recommendations were accepted by the Government of India and all the Ministries/Departments were requested to keep these recommendations in view as far as possible, while nominating officers on the Departmental Promotion Committees/Selection Boards for promotion/recruitment to posts and services under them. According to the Government instructions while it is not obligatory on the part of the Ministry/Department always to include an officer belonging to Scheduled Caste/Scheduled Tribe in the Selection Committees/Departmental Promotion Committees, wherever an officer belonging to Scheduled Caste/Scheduled Tribe is included in such Committees, it has helped in the selection of Scheduled Caste/Scheduled Tribe candidates who might have otherwise been rejected. Besides, the presence of the Scheduled Caste/Scheduled Tribe officer in such Boards/Committees makes other members aware of the need to select Scheduled Caste/Scheduled Tribe candidates against reserved posts even by applying relaxed standards.

3.103. In the States of Bihar, Maharashtra, Karnataka, Punjab and Uttar Pradesh there is a provision of nomination of Scheduled Caste/Scheduled Tribe officers in the Selection Boards/Departmental Promotion Committees. It is recommended that other State Governments should also introduce some system on these lines as it would avoid chances of rejection of Scheduled Caste/Scheduled Tribe candidates otherwise eligible for appointment.

(xi) Relaxation in upper age limit

3.104. In view of the fact that the persons belonging to Scheduled Caste/Scheduled Tribe have been able to avail the educational facilities in a big way only after independence and have

started entering services at a relatively later age than the general candidates, the Government of India made provision for relaxation of the upper age limit in favour of these communities to the extent of 5 years for entry into Government services. It is a matter of satisfaction that this relaxation in the upper age limit is available to the members of Scheduled Castes and Scheduled Tribes uniformly to the extent of 5 years in all the States except in the State of Assam where it is only for 2 years. Information pertaining to the States of Nagaland and Tripura is not available.

(xii) Concession in Fees

3.105. Keeping in view the poor economic condition of the Scheduled Castes and Scheduled Tribes, the Government of India have given some relief to members of these communities in the matter of fees that are prescribed for appearing in an examination or for selection to posts/services under the Government. The members of these communities are required to pay only one fourth of the fees that are prescribed for others. Corresponding provision, as obtaining in some of the State Governments are even more advantageous in this regard. Governments of Andhra Pradesh, Madhya Pradesh and Tamil Nadu have granted full fee exemption to Scheduled Caste/Scheduled Tribe candidates. The States of Jammu & Kashmir, Maharashtra and Meghalaya have allowed exemption to Scheduled Caste/Scheduled Tribe persons to the extent of 50% of fees prescribed for general candidates. The States of Bihar, Gujarat, Kerala, Karnataka, Manipur, Orissa, Punjab, Rajasthan, Uttar Pradesh and West Bengal have provided concessions in favour of Scheduled Castes/Scheduled Tribes to the extent of 1/4 of the prescribed fees. Information in this regard pertaining to the States of Haryana, Nagaland and Tripura is not available. **It is felt that if Scheduled Caste/Scheduled Tribe candidates are given full exemption in this regard, it would enable more and more Scheduled Caste/Scheduled Tribe candidates to come for reserved posts. A provision to this effect should be made not only by all the State Governments but also by the Central Government.**

(xiii) Grant of Travelling Allowance

3.106. The Government of India have provided that whenever Scheduled Caste and Scheduled Tribe candidates are called for interview by the Union Public Service Commission or by any appointing authority, these candidates are entitled to single second class Railway fare from the normal place of residence to the place of interview and back. This concession is also applicable when Scheduled Caste/Scheduled Tribe candidates are called for a written test on the basis of which appointments to Class III and Class IV advertised posts are made. This, however, is subject to the condition that the written test and interview that may also be

necessary, would be held at one and the same place and on the same or adjacent dates so that the candidates would get travelling allowance for only one journey to and from the place of selection. These orders also apply to Scheduled Caste/Scheduled Tribe candidates called through the Employment Exchange for interview/written test for appointment to Class III and Class IV posts recruitment to which is made departmentally. The concession of Grant of travelling allowance is not admissible in the case of those who are already in the employment of Central Government or State Government.

3.107. According to the available information, this concession has been granted to the Scheduled Caste and Scheduled Tribe candidates in the State of Andhra Pradesh, Gujarat, Haryana, Kerala, Madhya Pradesh, Maharashtra, Manipur, Orissa, Punjab, Rajasthan and Uttar Pradesh. In the State of Bihar, the question of grant of T.A. to candidates of these communities is under consideration. In the States of Meghalaya and West Bengal, this concession is not allowed. For the remaining States, the information is not available. **It has been our experience that if there is no mention of the grant of travelling allowance to Scheduled Castes/Scheduled Tribes for being called for interview/test a number of candidates who are otherwise eligible and qualified for the post do not venture to send their applications, and if they do so they hesitate to attend the interview/test because of the expenditure involved in undertaking the journey, particularly when they cannot be sure about their selection for the post. In such circumstances, the reserved vacancies are not fully filled by the candidates of these communities. In order to attract more and more Scheduled Caste/Scheduled Tribe candidates for posts reserved for them, it is necessary that there should be a clear-cut provision in the rules of all the State Governments for the grant of travelling allowance to Scheduled Castes/Scheduled Tribes candidates and there must be a mention thereof in the advertisements also. It would also be desirable that the restriction of minimum journey of 50 miles (80 Kms.) by rail and 20 miles (32 Kms.) by road for travelling allowance in the case of Scheduled Caste/Scheduled Tribe candidates should be cut down to areas within municipal units by rail or by road. It is for consideration of both Central as well as State Governments.**

(xiv) Reservation in work-charged establishments

3.108. In addition to the permanent appointments and temporary appointments likely to continue indefinitely, there are certain casual appointments on daily wages and also sudden appointments which are made for a specified period. There was no reservation for the latter category of posts. There were instructions in certain Government offices that persons appointed on daily wages and in work-charged establishments would be appointed on regular basis

after they had completed certain specified period of service. At that stage, only such of the candidates will be appointed on regular basis who had worked on daily wages for the specified period and, therefore, no reservation could be applied to such posts. After very careful consideration of the case, the Government of India decided that the principle of reservation for Scheduled Castes/Scheduled Tribes should be suitably applied to the extent possible to work-charged posts also except those required for emergencies like flood relief work, accident restoration, relief etc.

3.109. The principle of reservation in such posts is applied in the States of Assam, Haryana, Madhya Pradesh and Maharashtra. In Tripura, there is no reservation but all Heads of Departments are required to take every care to ensure that Scheduled Caste/Scheduled Tribe candidates are given due share in deference to the principle of reservation according to the percentages of reservation prescribed for Scheduled Castes/Scheduled Tribes. No such provision exists in the States of Andhra Pradesh, Kerala, Manipur, Orissa and Meghalaya. Information in respect of the remaining States is not available. **The State Governments which have not yet introduced the principle of reservation in the work-charged establishments/daily rated posts are urged to make this provision in order to ensure due share of the posts in these establishments to the members of Scheduled Castes and Scheduled Tribes so that at the time of regularisation candidates from these communities are available for regular appointments as well.**

(xv) Selection of Scheduled Caste/Scheduled Tribe candidates on merit

3.110. Some of the State Governments viz. Andhra Pradesh, Jammu & Kashmir, Kerala, Madhya Pradesh, Maharashtra, Karnataka, Punjab, Meghalaya, Tamil Nadu and West Bengal have issued instructions that whenever Scheduled Caste/Scheduled Tribe candidates are selected on their own merit according to the general standards, they should be appointed against unreserved vacancies and their appointments would not effect the vacancies/percentage under the reserved quota. This is a step in the right direction and is aimed at increasing the intake of candidates belonging to these communities for various classes of posts under various State Governments where they are still not adequately represented in their services. In the Central Government as also in the Government of Bihar, Gujarat, Haryana and Uttar Pradesh this procedure is not followed. **The Central Government as well as those of the State Governments which have not yet adopted this procedure are urged to adopt the same, as this would accelerate the pace of representation of Scheduled Castes/Scheduled Tribes in Government services.**

(xvi) Liaison Officers

3.111. In order to ensure proper compliance of the orders regarding reservation and other concessions and relaxations provided for Scheduled Castes/Scheduled Tribes, the Government of India have issued orders that in each Ministry/Department there shall be Liaison Officer to look after the matters relating to the representation of Scheduled Castes/Scheduled Tribes in all establishments and services under the administrative control of his Ministry/Department. The duties of the Liaison Officers are as under :

- (i) To ensure due compliance by the subordinate appointing authorities with the orders and instructions pertaining to the reservation for Scheduled Castes/Scheduled Tribes and other benefits admissible to them.
- (ii) To ensure submission of annual reports to the Department of Personnel and Administrative Reforms and to the office of the Commissioner for Scheduled Castes and Scheduled Tribes.
- (iii) To scrutinise and consolidate the above annual statement in respect of all establishments and services in and under the control of the Ministry/Department and to send the consolidated statement to the concerned authorities.
- (iv) To scrutinise the proposals for dereservation of reserved vacancies before sending the same to the Department of Personnel and Administrative Reforms with endorsement to the Commissioner for Scheduled Castes and Scheduled Tribes.
- (v) To extend necessary assistance to the Commissioner for Scheduled Castes and Scheduled Tribes in the investigation of complaints in regard to service matters and in the collection of information for his annual Report.
- (vi) To conduct annual inspection of rosters maintained in the Ministry/Department/Office in his jurisdiction with a view to ensuring proper implementation of reservation orders.
- (vii) To act as Liaison Officers between his Ministry/Department and the Department of Personnel for supply of other information, answering questions and queries and clearing doubts in regard to matters covered by the reservation orders.

3.112. It would be seen from the above that Liaison Officer nominated in each Ministry/Department/Office is required to discharge important functions to ensure that due share of appointments/promotions is given to Scheduled Caste/Scheduled Tribe employees. According to the available information, system of nomination of Liaison Officer is in existence in some of the States viz. Andhra Pradesh, Bihar, Gujarat, Jammu & Kashmir, Kerala, Madhya Pradesh,

Maharashtra, Manipur, Orissa, Punjab, Rajasthan and Uttar Pradesh. Information in respect of the remaining States is not available but **it is recommended that those States should also consider the appointment of Liaison Officers to watch the interests of the Scheduled Castes/Scheduled Tribes in service matters.**

(xvii) Special Cells

3.113. It is understood that there are Special Cells in most of the State Governments which are required to watch the compliance of reservation orders and to collect and compile information regarding representation of Scheduled Castes and Scheduled Tribes. While no report is available about the functioning of these Cells, the fact that even the statistical information regarding the representation of Scheduled Castes and Scheduled Tribes in Government services is not made available to the Commissioner for Scheduled Castes and Scheduled Tribes, reflects upon the poor performance of these cells. It is also not known whether the staff in these cells is looking after this work on a full time basis or in addition to other work. **It is recommended that the staff in these Special Cells should be appointed on full time basis and should also consist of inspecting staff with powers to inspect the rosters and other relevant records maintained for giving effect to the orders regarding reservation and other concessions and relaxations etc., provided for Scheduled Castes and Scheduled Tribes.**

(xviii) Appointment of State-level Committees

3.114. In most of the States, there are state-level committees to review the performance of various Departments in the matter of implementation of reservation orders for Scheduled Castes/Scheduled Tribes in their services. In some of the States these Committees are headed by the Chief Minister or the Minister for Tribal and Rural Welfare or the Minister in charge of Social Welfare etc. with members of the State Legislatures as members of the Committee. In some other States, these committees are headed by the administrative authority like the Chief Secretary, with Secretaries of other Departments as members. The statement in Appendix XIII would indicate the Constitution of such committees in various States. It has been observed that these committees do not meet frequently to assess the working of various Departments in regard to the implementation of service safeguards and they do not submit any report. **It is, therefore suggested that Chief Ministers of the States should ensure that these committees are reconstituted from time to time and they meet preferably twice a year to review the representation of Scheduled Castes/Scheduled Tribes in their services and submit detailed reports to the Chief Minister with copy to the Commissioner for Scheduled Castes and Scheduled Tribes.**

(xix) **Local Bodies/Public Sector Undertakings etc.**

3.115. In addition to the State Governments, there are at the State-level local bodies, public sector Undertakings, statutory and autonomous bodies receiving grants and voluntary agencies receiving grant-in-aid from the Government. These institutions have a large employment potential at the local level and it is necessary to secure a part of it for the members of the Scheduled Castes/Scheduled Tribes in accordance with the percentages of reservation prescribed for them at the state-level. Information given under Columns 19 to 22 of the statement No. III of Appendix XII indicates that in most of the States, reservation prescribed for Scheduled Castes/Scheduled Tribes is also applicable in the services under the local bodies, public sector Undertakings, autonomous bodies and voluntary agencies receiving grants from the Government. **It is suggested that in the States where the reservation has not been extended in the service under these bodies, the same should be introduced in order to ensure that the Scheduled Caste/Scheduled Tribe persons are able to avail of due share of employment under these institutions.**

(xx) **Statistical Information**

3.116. The present Report is for the year 1977-78. For this report normal statistical information as on 1st January, 1978 is required to be included in this report, but the following table would indicate that the required information as on 1-1-1978 has been received only from a few Union Territories, besides the State of Maharashtra.

Information as on	Information received from States/ Union Territories
1-1-1978	Maharashtra, Arunachal Pradesh, Chandigarh, Dadra and Nagar Haveli, Delhi, Goa, Daman & Diu, Lakshadweep, Mizoram, Pondicherry.
1-1-1977	Haryana, Kerala, Madhya Pradesh, Uttar Pradesh, Punjab.
31-3-1977	Tripura.
31-3-1975	Rajasthan and Tamil Nadu.
1-1-1975	Gujarat, Karnataka.
1-1-1973	Andhra Pradesh, Manipur.
1-1-1971	Orissa.
31-3-1970	West Bengal.
31-3-1967	Nagaland.
1-1-1967	Himachal Pradesh

Information not made available at all :

Assam

Bihar

Jammu & Kashmir

Meghalaya.

3.117. It would be seen from the above table that information for the year under report is

not available from almost all the States. Even information as on 1-1-1977 is available in respect of 5 States of Haryana, Kerala, Madhya Pradesh, Punjab and Uttar Pradesh. **It is the same sad commentary year after year that the statistical information in respect of representation of Scheduled Castes/Scheduled Tribes in the services under the State Government/Union Territory services which is so vital is not forthcoming inspite of critical comments made in the past. It is therefore, suggested that the Ministry of Home Affairs raise this issue in a conference of the State Chief Ministers and Union Territory Administrators.** The available information in regard to the representation of Scheduled Castes/Scheduled Tribes in various State Governments/Union Territories may be seen in Appendix XIV.

(xxi) **Union Territories**

3.118. While the statistical information in respect of Union Territories is also being included in this report (Appendix XIV), the information regarding other instructions in regard to relaxations and concessions granted to Scheduled Castes/Scheduled Tribes in services under the Union Territories is not being commented upon in this report, as the Union Territories are required to follow all the instructions issued by the Government of India from time to time.

Commissioner's Association with the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes

3.119. The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes conducted several studies into the working of service safeguards provided for Scheduled Castes and Scheduled Tribes in various Government of India offices and Undertakings. The office of the Commissioner for Scheduled Castes and Scheduled Tribes extended to the Parliamentary Committee necessary assistance in suggesting improvement in the questionnaires devised by the Committee. During the period under Report, notes containing comments/suggestions made by the Commissioner's Organisation were sent to the Committee relating to studies pertaining to the Central Board of Excise and Customs and Northern Railway. The meetings of the Parliamentary Committee held for taking oral evidence of Officers of the Organisations studied by the Committee in Delhi, were attended by a representative of the Commissioner for Scheduled Castes and Scheduled Tribes. During the year under Report, Commissioner's representatives attended such meetings for taking evidence of the All India Radio, Northern Railway, Allahabad Bank, Central Board of Excise and Customs and the Food Corporation of India. Besides, at the instance of the Parliamentary Committee, this Organisation undertook studies into the working of service safeguards for Scheduled Castes and Scheduled Tribes in the Food Corporation of India, New Delhi and Coal India Ltd., Calcutta.

Special Studies into Service Safeguards

3.120. Safeguards pertaining to service matters have been provided in Article 16(4) and 335 of the Constitution. The Commissioner for Scheduled Castes and Scheduled Tribes under Article 338 of the Constitution is required to investigate all matters (including service safeguards) relating to the safeguards provided for Scheduled Castes and Scheduled Tribes. The provisions regarding the service safeguards made for Scheduled Caste and Scheduled Tribe employees are applicable to all Central Government Ministries/Departments/Offices, their attached and subordinate offices, State Governments and their Undertakings, Public Undertakings, Voluntary Agencies receiving grant-in-aid etc. with some variation particularly in respect of State Government offices. From our various study reports, numerous representations received from Scheduled Caste/Scheduled Tribe employees working in Central Government offices, State Government offices, Public Undertakings, etc., it has been observed that the existing rules/orders to protect the service interests of the Scheduled Caste/Scheduled Tribes employees are not being properly implemented/followed. To evaluate and assess the nature and extent of service safeguards being provided to the Scheduled Castes/Scheduled Tribes, this office undertakes on-the-spot studies in various Ministries and Departments under the Central Government, Public Undertakings, institutes of higher learning, State Government offices etc. During the year under Report, as many as 28 on-the-spot studies were undertaken, in spite of the fact that there was no adequate staff. From the findings of the various studies the following common defects were noticed:—

- (a) The rosters were not being maintained in proper order and the entries were not complete;
- (b) the procedure regarding de-reservation of reserved vacancies before appointing general candidates against those vacancies was not being followed properly;
- (c) carry-forward of reserved vacancies and the principle of exchange of vacancies between the Scheduled Castes/Scheduled Tribes was not properly understood and followed;
- (d) in the D.P.C./Selection Board meetings, the Scheduled Caste/Scheduled Tribe officers were not associated on the plea that they were not available within the Organisation;
- (e) in the internal circulars and the requisitions sent to the Press, in many cases, the actual number of vacancies reserved for Scheduled Caste/Scheduled Tribe candidates and the nature and extent of relaxations/concessions including the provision of payment of Travelling Allowance were not indicated properly;

- (f) the requisitions sent to the Press were confined to few leading English and regional dailies in wide circulation in important cities and towns only;
- (g) organisations having even several thousand employees did not have Special Cell exclusively to handle the work relating to the implementation of service safeguards provided for the Scheduled Caste/Scheduled Tribe employees. Where Special Cells were set up, the personnel attached with such Cells were either ignorant of the existing rules/orders or were unable to ensure proper implementation of such rules/provisions for one reason or the other;
- (h) in large number of undertakings the staff strength reached the saturation point and fresh recruitment was banned for one reason or the other. The reserved vacancies which were filled by promotion were being dereserved on account of non-availability of required number of eligible Scheduled Caste/Scheduled Tribe candidates in the lower categories; and
- (i) in the States, the educational institutions which were being run by the voluntary organisations and were getting grants to the tune of 80 per cent were not following the reservation rules.

3.121. The main observations/recommendation in regard to the organisations studied by the Research Teams of this office during the year under Report are summarised below organisationwise, while the detailed reports of the Study Teams may be seen in Appendices XV to XLII.

1. Coal India Ltd., Calcutta

- (i) In the rosters maintained for executive posts, there was no indication about reservation of unfilled reserved vacancies, before filling the same by general candidates.
- (ii) The entries in the rosters were not attested by the appointing authority, nor summary was prepared at the close of each calendar year, as required under rules.
- (iii) No inspection of rosters appeared to have been conducted in the recent past, and there were no inspection reports of the Liaison Officer. The authorities were not clear about the instructions issued by the Government, regarding reservation for Scheduled Castes and Scheduled Tribes in posts filled by promotion and as such no rosters had been maintained for the purpose.
- (iv) The procedure regarding de-reservation of reserved vacancies before appointing general candidates against those vacancies had not been followed.
- (v) In the Departmental Promotion Committee meetings, on the plea of non-

availability of Scheduled Caste/Scheduled Tribe officers in the headquarters office, no Scheduled Caste/Scheduled Tribe member was associated. The authorities were advised to prepare a panel of Scheduled Caste/Scheduled Tribe officers attached with other Government Offices/Undertakings located in Calcutta for associating with the Departmental Promotion Committee/Selection Board meetings as and when they were held.

- (vi) In the requisitions sent to the Press, actual number of vacancies reserved for Scheduled Caste and Scheduled Tribe candidates and nature of concessions/relaxations to be given to such candidates were not indicated clearly. It was also observed that copies of the requisitions and vacancy circulars were not being forwarded to the recognised Scheduled Caste/Scheduled Tribe Associations and the authorities were advised accordingly.

To improve the intake of Scheduled Tribe candidates in higher positions, it was emphasised that press advertisements for the posts reserved for Scheduled Tribe candidates should be given to such English and regional newspapers which have larger circulation in the areas having maximum tribal concentration. The Scheduled Tribe candidates appointed with relaxed standards should be given adequate training under the management training programme to make them well equipped for manning senior positions.

- (vii) It was felt that a Cell may be set up at the Headquarters under the direct control of the Liaison Officer. He should be made responsible to look after the effective implementation of the reservation orders at the head quarters and co-ordinate with the different subsidiary companies which have been taken over by the authorities after the nationalisation of coal mines. Although the Chief of the Personnel Division was looking after the work relating to the implementation of reservation orders at the headquarters, he was to be nominated as Liaison Officer specifically for this purpose, as provided under the rules.

2. Food Corporation of India, New Delhi

- (i) This study was a repeated study. The earlier study was made in the year 1971 and the observations made by the Team were communicated to the Food Corporation of India for necessary follow-up action and a summary thereof included in the Commissioner's Annual Report for the year 1970-71. It was observed from the repeat study that most of the recommendations made by the earlier Team were not followed by the Organisation. In

spite of the suggestions made by the earlier Team to rectify the defects in the grouping system, it was still being continued on the earlier lines.

- (ii) The procedure for dereservation of reserved vacancies was not being followed at all by the Corporation although similar observation was made by the earlier Team. The authorities were advised to follow the correct procedure for de-reservation in future. The present Liaison Officer was appointed in 1977 and it was learnt that neither the previous Liaison Officer nor the present one submitted any report on the inspection of rosters, as required under the rules.
- (iii) During the years 1976 and 1977 twelve meetings of the Selection Board were convened for senior positions Scheduled Caste and Scheduled Tribe officer but no was associated with such meetings. For the corresponding period 23 meetings of the D.P.Cs. were held and there too, no Scheduled Caste/Scheduled Tribe officer was associated. However, for Category III and IV posts out of 14 meetings of the Selection Board, in 7 meetings Scheduled Caste/Scheduled Tribe officers were associated.
- (iv) Regarding expansion of training facilities to Scheduled Caste/Scheduled Tribe officers in Group 'A' category, it was observed that during the year 1976-77 and 1977-78, 9 candidates (5 Scheduled Castes, 4 Scheduled Tribes) were trained within the Department and 9 Scheduled Caste persons were sent for training outside the Corporation. Since detailed figures about the total number of trainees trained/sponsored were not available, the share of the Scheduled Caste and Scheduled Tribe persons in that programme could not be assessed. Under the Apprentices Training Act, there were no Scheduled Caste candidates and the authorities were advised that in the future press advertisements it should be indicated that Scheduled Caste/Scheduled Tribe persons who were taken as trainees under the Scheme would be finally absorbed in the Corporation. Such a step would attract more trainees from these communities.
- (v) The rosters, in general, were not maintained in proper form and in most cases, the entries were not signed by the competent authority, and the summaries were not prepared at the end of the year showing the carry-over/brought forward vacancies.
- ## 3. Garden Reach Ship-builders and Engineers Ltd., Calcutta
- (i) The representation of Scheduled Castes/Scheduled Tribes, particularly of Scheduled Tribes in Group 'A' and Group

'B' posts was poor for the reason that reservation orders were made applicable in that organisation mainly from the year 1973.

- (ii) For the workmen category, policy of the management in the past was to give employment to the sons of the retiring employees, and hence, although there was increase in the workmen category on account of expansion of the factory, the representation of Scheduled Castes/Scheduled Tribes did not improve.
 - (iii) Since the recruitment position has reached saturation point, whatever limited vacancies are available should only be filled by candidates belonging to these communities. If suitable candidates are not available within the organisation, such posts should be thrown open to candidates from the market.
 - (iv) Although orders regarding reservation for Scheduled Castes/Scheduled Tribes in posts filled by promotion were issued as far back as 1972, the Management have not implemented the above instructions.
 - (v) The authorities were under the impression that dereservation was involved in the 3rd year of carry-forward before letting those reserved points to lapse. According to rules it was not so and the authorities were advised to follow the correct procedure.
 - (vi) The study of rosters revealed that in several cases unfilled reserved vacancies had been shown as lapsed. The Management was advised to follow the existing rules of carry-forward for 3 recruitment years and lapse such vacancies only after completing the exchange principle between the Scheduled Castes and Scheduled Tribes vacancies.
 - (vii) During the last two years no Scheduled Caste/Scheduled Tribe member was associated in the D.P.C./Selection Board meetings. The authorities were advised to take necessary steps to associate the Scheduled Caste/Scheduled Tribe officers in such meetings as that would create confidence among the Scheduled Caste/Scheduled Tribe candidates.
 - (viii) It was felt that a separate Cell should be set up to look after the Scheduled Caste/Scheduled Tribe employees whose number was about 1500 out of a total of 11000 employees. Such a step would ensure proper implementation of Government orders on reservation and provide necessary relief to Scheduled Caste/Scheduled Tribe employees within a reasonable period of time. It will also reduce the work-load of the Welfare Department which has been looking after the interests of all the employees.
 - (ix) The internal circulars issued by the management to fill up reserved as well as general vacancies did not indicate actual number of posts reserved for Scheduled Castes/Scheduled Tribes and the concessions/relaxations admissible to them. The requisitions to the Employment Exchange and the Press, in most cases, did not show the exact number of vacancies reserved and nature of concessions given to reserved category candidates. The authorities were advised to follow strictly the instructions in this regard so that the vacancies are brought to the notice of the Scheduled Caste/Scheduled Tribe candidates and they are in a position to apply for the same.
4. **Durgapur Steel Plant, Durgapur (West Bengal)**
- (i) The rosters and other relevant records were got prepared from the back date i.e. from 1971 and the actual implementation of reservation orders was started in March, 1976. It was unfortunate that the Management took nearly 5 years to sort out the things with the Labour Unions which resulted in denying due share of service interests of the Scheduled Caste/Scheduled Tribe candidates.
 - (ii) The entries in the rosters are not signed by the competent authority, in most cases, and no indication was made in the roster registers about application of exchange rule and dereservation of vacancies.
 - (iii) Due to poor representation of Scheduled Castes and Scheduled Tribes at the feeder level it would not be possible for the Management to fill up all the vacancies reserved for Scheduled Castes and Scheduled Tribes in promotion categories. The only way out, therefore, to reduce the backlog is that the authorities should resume the intake of apprentices from Scheduled Caste/Scheduled Tribe communities only and absorb them finally.
 - (iv) The procedure for dereservation of unfilled reserved vacancies was started only after 1976 and earlier the reserved points were simply shown as carried-over to the next recruitment year. From 1976 onwards direct recruitment has been completely banned and all the recruitments have been restricted to the employees of the Plant. Large number of unfilled reserved vacancies had been shown as lapsed during 1976. It was recommended that for the purpose of lapsing of the unfilled vacancies, 1976 should be treated as the first recruitment year.
- The Special Cell, which was set up in 1975 to look after the interests of the Scheduled Caste/Scheduled Tribe employees, was handling a large number of

assignments including the preparation of general statistics. The Cell was functioning under the guidance of the Liaison Officer. It was felt that at least 2—3 additional hands should be initially provided to the Cell and after completion of the work they can be withdrawn. A review committee may be set up to review the cases of supersession since the Managing Director was to look after various important duties relating to production and Management of such a huge Organisation having a total staff strength of about 31,000 employees.

5. Hindustan Aeronautics Ltd., Bangalore :

- (i) Grouping of posts, both technical and non-technical was not done in accordance with the existing rules. It was also observed that grouping was done in the case of promotional posts also whereas there were specific instructions issued by the Government that promotional posts should not be grouped for the purpose of reservation orders.
- (ii) 75 per cent of the posts in the grades Rs. 265-900 and 50 per cent of the posts in the grade Rs. 1350-1700 were filled by promotion only, thus, reducing the chances of improving the reservation of Scheduled Caste/Scheduled Tribe employees in those grades since adequate number of Scheduled Caste/Scheduled Tribe persons were not available in the lower grades.
- (iii) Under the Management/Trainees Scheme, the representation of Scheduled Castes and particulars of Scheduled Tribes was not satisfactory. The authorities were advised to ensure that sufficient number of candidates belonging to these communities are taken as trainees under different schemes so that they become eligible for handling higher responsibilities.
- (iv) In the internal circulars which are meant for the employees of the organisation, actual number of vacancies reserved for Scheduled Castes/Scheduled Tribes was not indicated clearly which deprived some of the eligible Scheduled Caste/Scheduled Tribe candidates from taking a chance for higher posts.
- (v) Although, there is no reservation in posts filled by deputation, instructions exist that attempt should be made to see that a fair proportion of such posts are filled by employees belonging to these communities. During the years 1975-76, 1976-77, it was observed that none of the posts filled by deputation went to reserved category candidates.
- (vi) A Cell should be set up to look after the service interests of the Scheduled Caste/Scheduled Tribe employees and to ensure

more intake of Scheduled Caste/Scheduled Tribe persons.

6. Hindustan Aeronautics Ltd., Kanpur

- (i) Although the recruitment action for most of the non-reserved points completed during 1970, the process for recruitment against the reserved vacancies took unduly long time and when the recruitment was started in 1971 the ban order on recruitment was received. Out of 3,355 employees in the Organisation, it was surprising that there was only one Scheduled Tribe employee working against a Class III post.
- (ii) The representation of Scheduled Castes in Class I and II posts was extremely poor and in Class III posts, their representation was slightly less than 5 per cent. In the grouping of posts, it was observed that posts belonging to different disciplines were grouped together and the authorities were advised to follow the existing Government orders in this regard.
- (iii) Although the report of the Liaison Officer for the years 1974 and 1975 was critical and very useful suggestions were made therein, proper follow-up action was not taken. Hence, the purpose of submission of such reports was defeated.
- (iv) It was felt that a Special Cell should be set up in the Organisation for attending exclusively to the work relating to reservation for Scheduled Caste and Scheduled Tribe and it can also deal with the grievances of the Scheduled Caste/Scheduled Tribe employees.
- (v) It was surprising to note that reservation orders in promotion to Grade I and below were made applicable since 1975 and those in Grade II and Grade III since 1976 although the orders were issued by the Government of India as early as 27-11-1972 in the case of promotion on the basis of seniority subject to fitness and on 20-7-1974 in the case of promotion on the basis of selection.
- (vi) The rosters were maintained grade-wise and group-wise and not post-wise. A large number of points in the rosters were left blank. Carried-forward of unfilled reserved vacancies were not indicated in the rosters and the rosters for promotion posts were maintained in combined form although these were to be maintained separately for each post. Till 1975, in the most of the requisitions actual number of reserved vacancies, exact nature of relaxations/concessions admissible to Scheduled Caste/Scheduled Tribe candidates were not highlighted properly and the authorities were advised to indicate all such provisions in the future advertisements.

7. Minerals and Metals Trading Corporation of India Ltd., New Delhi

- (i) The representation of Scheduled Castes and Scheduled Tribes in Group 'A', 'B' and 'C' posts was negligible. The backlog of reserved vacancies particularly in Group 'C' posts could not be reduced due to non-availability of vacancies because of ban on creation of new posts. The Management was advised to exempt the backlog in reserved vacancies from the purview of the ban orders.
- (ii) The rosters were not inspected during the years 1970-76 which seems to indicate that adequate steps were not taken to ensure the interests of Scheduled Caste/Scheduled Tribe candidates.
- (iii) Although the rosters were maintained in the proper form, some discrepancies were noticed regarding following proper procedure about the adjustment of reserved vacancies, exchange of vacancies, and preparation of abstracts indicating appointments made and number of vacancies carried-forward.
- (iv) The entries in the rosters were not signed by the appointing authority or any officer authorised for the purpose.
- (v) In the requisitions sent to the press, the actual number of vacancies reserved for Scheduled Caste/Scheduled Tribe candidates, nature of relaxations/concessions made available to these candidates and provision of travelling allowance to Scheduled Caste/Scheduled Tribe candidates were not indicated clearly and the authorities were advised to follow the correct procedure in this regard.
- (vi) The procedure regarding obtaining prior approval from the competent authority for dereservation of reserved vacancies was not followed at all.
- (vii) In the D.P.C./Selection Board meetings, the participation of the Scheduled Caste/Scheduled Tribe members was almost negligible. The authorities were advised to make an attempt to locate suitable Scheduled Caste/Scheduled Tribe officers from the concerned Ministry or other Undertakings as participation of such officers inspires confidence among the Scheduled Caste/Scheduled Tribe candidates. The participation of Scheduled Caste/Scheduled Tribe officers in training programmes/seminars/conferences etc. was almost nil and the Management was requested to give more attention to this aspect to enable the Scheduled Caste/Scheduled Tribe officers to have more experience and confidence to shoulder higher responsibilities.

8. Calcutta Port Trust, Calcutta

- (i) The rosters were being prepared from back date and hence such rosters could not be treated as effective instruments for ensuring representation of Scheduled Caste/Scheduled Tribe employees.
- (ii) Although instructions were issued in the year 1976 allowing recruiting authorities to use special powers in the matter of recruitment/promotion of Scheduled Castes/Scheduled Tribes, reserved vacancies had to be carried-over for want of suitable Scheduled Caste/Scheduled Tribe candidates.
- (iii) The authorities in the Medical and Health Department did take interest in filling the posts of Medical Officers reserved for Scheduled Caste/Scheduled Tribe candidates, although several organisations located in Calcutta complained that they were not finding suitable Scheduled Caste/Scheduled Tribe candidates for filling up the posts of Medical Officers. This clearly indicates that if the authorities concerned show adequate interest to recruit suitable Scheduled Caste/Scheduled Tribe candidates, they can find the proper candidates in the market.
- (iv) Although the authorities issued instructions saying that in the event of non-availability of suitable Scheduled Caste/Scheduled Tribe candidates from within the Organisation, the reserved vacancies may be filled by direct recruitment, but on account of some agreement with the trade unions, the authorities could not implement the provision and they were advised to throw open such reserved vacancies to the open market.
- (v) To have a better coordination of the activities of the various Departments and to give effect to reservation orders in such a big Organisation, it was suggested to set-up a Special Cell in the Secretariat Office to coordinate, collect and examine various statistics, dereservation proposals and ensure due compliance of reservation rules.

9. National Instruments Ltd., Calcutta

- (i) Lapsing of carry-forward vacancies after 3 years, as shown in the rosters, was not in order, since no efforts were made to fill up these vacancies by the Scheduled Castes/Scheduled Tribes persons, as required under the rules. Moreover, the exchange principle was to be applied before lapsing such vacancies.
- (ii) The authorities were advised to apply reservation in promotion in all such posts which had been excluded from the purview of reservation on the plea that direct recruitment in those categories

exceeded 50%, since the limit of 50% has been increased to 66-2/3 per cent since February, 1976.

- (iii) In order to safeguard the interest of Scheduled Castes/Scheduled Tribes, it was felt that reservation should be introduced in the scheme "8 per cent advancement" under which the incumbents get benefit of higher pay according to seniority.
- (iv) Such posts which are already filled by promotion and in those categories in which percentage of Scheduled Caste/Scheduled Tribe officers is either poor or nil, should be thrown open to the market and filled directly. If necessary, the recruitment rules may be amended.
- (v) The grouping of isolated individual posts should be made according to the Government instructions and prior approval of the administrative ministry should be obtained in this regard.
- (vi) Separate groupings of skilled and unskilled posts should be made since there is a possibility that reserved vacancies may be filled by unskilled workers.
- (vii) To divert the Scheduled Caste/Scheduled Tribe persons employed as Sweepers to some other clean occupations, training facilities may be provided and they should be considered for absorption in such posts which are not caste based.

10. Hindustan Machine Tools Ltd., Bangalore

- (i) The representation of Scheduled Castes and Scheduled Tribes particularly of Scheduled Tribes in the Groups A and B was poor and in some categories even less than 1 per cent.
- (ii) Prior to 1976, in the Press advertisements and internal circulars, the actual number of vacancies reserved for Scheduled Caste/Scheduled Tribe candidates, nature of relaxations and other concessions admissible to these communities were not indicated clearly. The management was advised to release advertisements in all India and regional news-papers which have wide circulation in the areas having sufficient concentration of tribal population. It was also suggested that they should contact the Local Industrial Training Institute to introduce such trades which are in demand so that their future requirements can be filled by trained persons.
- (iii) The management was not following the procedure for dereservation and they were carrying forward the unfilled reserved vacancies. Instead of dereserving the posts, the management was requested to have special recruitments to clear the backlog. The management introduced a recruitment scheme exclusively for Sche-

duled Caste/Scheduled Tribe candidates who have passed S.S.L.C. and after the successful completion of the training, they were being confirmed. The management was advised to introduce such scheme for degree and diploma holders in order to increase the intake of Scheduled Caste/Scheduled Tribe candidates in technical posts.

- (iv) In the promotion rosters in Group 'C' it was observed that when bulk promotions were made in 1976, the fresh promotees were shown against reserved points while the earlier carry-forward vacancies were allowed to remain as backlog. The authorities were advised to follow the correct procedure.

11. Bharat Electronics Ltd., Bangalore

- (i) The representation of Scheduled Castes and Scheduled Tribes in the organisation as on 1-1-1978 in Groups 'A' & 'B' posts was not satisfactory. The representation of Scheduled Tribes in the groups 'A', 'B' and 'C' was less than 1 per cent. To attract Scheduled Tribe candidates, it was emphasised that the requisitions for vacancies should be sent to such regional newspapers which have large circulation in areas having tribal concentration.
- (ii) The reason for low representation of Scheduled Castes and Scheduled Tribes in group 'A' & 'B' posts was attributed to the policy of the management which provides that senior positions in these groups have to be filled by internal candidates. Since the representation of Scheduled Castes and Scheduled Tribes was low in the lower categories, it was not possible for the management to get sufficient number of candidates from within the organisation and hence it was recommended that such posts should be thrown open to candidates from the market.
- (iii) In the rosters, the points reserved for Scheduled Castes and Scheduled Tribes were left blank when they could not get reserved category candidates.
- (iv) The procedure for seeking prior approval of the competent authority for dereservation of unfilled vacancies was not followed earlier.
- (v) In the rosters for posts filled by promotion, it was observed that few Categories of posts/trades were grouped for the purpose of reservation orders which should not have been done.
- (vi) On a scrutiny of number of advertisements issued by the organisation, it was revealed that essential qualifications and nature and extent of relaxations made for Scheduled Caste/Scheduled Tribe candidates were not clearly indicated.

- (vii) The management was advised to make attempts to extend maximum training facilities to the Scheduled Caste/Scheduled Tribe candidates in various training programmes to make them eligible for shouldering higher responsibilities.

12. State Trading Corporation, New Delhi

- (i) Grouping of posts for giving effect to reservation orders was not done correctly.
- (ii) The procedure regarding dereservation of reserved vacancies was not followed properly.
- (iii) The inspection report of the Liaison Officer for the year 1977 did not indicate any discrepancies in the maintenance of rosters and the implementation of reservation orders. It was, however noticed, by the Study Team that there were certain discrepancies which were overlooked by the Liaison Officer.
- (iv) Scrutiny of various rosters revealed that these were not seen and scrutinized by the Liaison Officer.
- (v) It was felt that for effective implementation of reservation orders and protection of interests of the Scheduled Caste and Scheduled Tribe employees, the Special Cell which was being managed by a single officer should be provided with additional staff.
- (vi) The recruitment rules of such cadres which are filled entirely by promotion, should be amended to provide an element of direct recruitment so that Scheduled Caste/Scheduled Tribe candidates become available from the open market.
- (vii) It was emphasised in our earlier report in 1975, that in the advertisements/requisitions sent to the Press/Employment Exchanges the actual number of vacancies reserved for Scheduled Caste/Scheduled Tribe candidates and the nature of relaxations/concessions given by the Corporation for these candidates should be clearly indicated. However no significant change in the recent advertisements which appeared in the Press (except those which were exclusively meant for Scheduled Caste and Scheduled Tribe candidates) was noticed.
- (viii) Promotion to the post of Office Manager, according to the rules are to be made on the basis of selection, but in practice all posts were being filled on the basis of seniority. It was suggested that the promotion to the post of Office Manager should be made on the basis of seniority-cum-fitness.

13. Hindustan Fertilizer Corporation Ltd. Durgapur (West Bengal)

- (i) Although the Corporation have no plan to make fresh recruitment but in order to

clear the huge backlog and to improve the intake of Scheduled Castes and Scheduled Tribes persons, fresh recruitment exclusively for Scheduled Caste and Scheduled Tribe candidates will have to be undertaken.

- (ii) The authorities were following the procedure of dereservation since 1975. For the purpose of lapsing, third year of carry-forward should be accounted from the first year when the point was dereserved.
- (iii) The participation of the Scheduled Caste and Scheduled Tribe persons in various training programmes was negligible and it was pointed out that the existing training programmes/courses should be suitably revised so that the Scheduled Caste and Scheduled Tribe employees, within the organisation, get maximum advantage of training in various disciplines to make them eligible for senior posts.
- (iv) In the requisitions sent to the Press/Employment Exchanges and the internal circulars in many cases, the nature of relaxations/concessions were not indicated clearly and the provision of travelling allowance was also not mentioned. The authorities were advised to amend the requisitions in future.

14. Registrar General of India, New Delhi

- (i) New rosters were maintained from 1970, but the entries were not found attested by the Officer concerned.
- (ii) While grouping of posts for the purpose of maintenance of rosters, approval of the Department of Personnel and Administrative Reforms was not obtained.
- (iii) It appeared that no rosters had been prepared for promotion posts. It was only in the form of a list where names of the persons promoted had been shown. The details about the year of promotion and carry-forward of unfilled reserved points, procedure regarding dereservation etc., were not indicated properly in the rosters.
- (iv) The authorities did not produce any case of dereservation, except one in which Department of Personnel and Administrative Reforms had been approached in 1969.
- (v) In a number of cases, the unfilled reserved vacancies had been shown as carried-over from year to year and have been allowed to lapse after being carried-over for 3 recruitment years without formally dereserving those posts.
- (vi) According to the information made available, the inspection reports of the Liaison Officer have never been submitted till the visit of the team.
- (vii) The requisitions sent to the Employment Exchange for sponsoring Scheduled Caste/

Scheduled Tribe candidates were not in order and in most cases actual number of vacancies and the number of vacancies reserved for Scheduled Castes/Scheduled Tribes had not been notified.

- (viii) The reserved vacancies were not referred to the recognised Associations of the Scheduled Castes/Scheduled Tribes for giving wide publicity.

15. South-Eastern Railway, Calcutta

- (i) The General Manager of the South Eastern Railway has been empowered to make recruitment of Scheduled Caste/Scheduled Tribe candidates against reserved vacancies under relaxed standards, in case the Railway Service Commission fails to nominate these candidates against reserved vacancies under the normal standards. The authorities utilized these powers during the period 1976-77 to wine out the short fall. It was observed that prior to August, 1976 there was no set procedure nor any clear-cut instructions about the responsibility of maintaining rosters.
- (ii) Although there was a Special Cell at Headquarters office to look after the interests of Scheduled Caste/Scheduled Tribe employees, the records maintained by the CPO's office at the Headquarters did not show any encouraging performance.
- (iii) In a number of rosters, the backlog was not calculated and number of the cases of carried-over unfilled vacancies were not shown correctly. There was no indication about the procedure regarding de-reservation or exchange of vacancies in the 3rd year of carry-forward, and in many cases entries in the rosters were not signed by any authority.
- (iv) Although special efforts were made during 1976-77 to clear the backlog, during the course of the study, it was observed that the backlog remained more or less the same at the end of 1977-78 on account of the fact that there were very few vacancies in those categories of posts. It was observed that the reserved vacancies were simply carried-over under the impression that de-reservation was involved only in the 3rd year of carry-forward before allowing the vacancies to lapse, and the position continued till 1977 before the Railway Board clarified the position.
- (v) The Special Cell, which was receiving representations from Scheduled Caste/Scheduled Tribe employees, was found forwarding such representations to the concerned officials for their comments. It was felt that such cases, which are found to be based on solid grounds, should be investigated by the Inspectors attached

with the Special Cell instead of forwarding those to the persons concerned who have taken wrong/biased action intentionally or unintentionally.

- (vi) Those divisions under the South Eastern Railway having staff strength of more than 15000 should have separate Cells to deal exclusively with Scheduled Caste/Scheduled Tribe employees and manned by competent persons known for their interest in the welfare of Scheduled Castes and Scheduled Tribes.
- (vii) The training programme for Scheduled Caste/Scheduled Tribe employees should be suitably modified so that larger number of Scheduled Caste/Scheduled Tribe employees can avail the existing facilities. The Pre-selection coaching scheme which was discontinued should be revitalised to extend more facilities to Scheduled Caste/Scheduled Tribe candidates. The requisitions for technical posts reserved for Scheduled Tribe candidates, which have remained unfilled for long, should be sent to such papers (both in English and Regional languages) which have wide circulation in the States/Union Territories having maximum concentration of Scheduled Tribe persons.
- #### 16. All India Radio, Madras
- (i) The rosters for Class III & IV posts in respect of direct recruitment to which 100 point rosters had been applied were maintained from 1976 only without showing any backlog from previous years. The backlog should have been calculated and shown.
- (ii) Some points in the rosters were left blank and the authorities were advised not to leave any gap. General candidates were considered against direct recruitment and promotion without formally deserving the reserved points.
- (iii) Till 1977 there was no Liaison Officer in the organisation to look after the interests of the Scheduled Caste/Scheduled Tribe employees.
- (iv) Several posts with varying pay scales were grouped together and no approval in that respect was obtained from the concerned authorities. It was suggested that the grouping should be made separately for technical and non-technical posts and necessary approval to that effect should be obtained from the Department of Personnel and Administrative Reforms.
- (v) The provision of Travelling Allowance had not been indicated in some of the press releases during the years 1975 and 1976 and actual relaxation regarding age and experience was also not indicated in such advertisements. The authorities

were advised to amend the requisitions to be sent for future recruitments.

17. Integral Coach Factory, Madras

- (i) Since the promotions were restricted within each trade consisting of small number of employees, there was rarely any occasion in which more than one vacancy in a particular trade was created/available. Most of the vacancies were treated as unreserved, being the single vacancy of the year.
- (ii) There was not a single representative of Scheduled Tribe in Class I and II Officers Grade. Since majority of posts in these categories were being filled by promotion from the lower rungs and the representation of Scheduled Castes and Scheduled Tribes in the lower rungs was poor, there was no possibility of improving their representation in higher posts.
- (iii) There was no provision for direct recruitment, except in the lowest rungs of the factory and in ministerial posts in the establishment where 25 per cent of the Class II posts have been kept for direct recruitment. It was felt that in order to reduce the existing gap where sufficient number of Scheduled Castes/Scheduled Tribes are not available for promotion, the reserved vacancies should be thrown open to the Scheduled Castes/Scheduled Tribes who may be available in the market.
- (iv) The representation of Scheduled Tribes in groups A, B, C & D categories was either nil or negligible. Since percentage of tribal population in the State of Tamil Nadu was negligible, such posts should be filled by Scheduled Tribe candidates who may be available in some adjoining States and Union Territories. To achieve this, the authorities were advised to send their requisitions to such regional and local newspapers which have wide circulation in the areas having maximum tribal concentration.
- (v) No inspection reports of the Liaison Officer on the maintenance of rosters appeared to have been submitted till the visit of the Team and the authorities were advised to do the needful in this regard.
- (vi) The procedure regarding dereservation appeared to have been ignored prior to 1975.
- (vii) There were about 13,000 employees in the factory, out of which 3000 belonged to Scheduled Castes and 100 belonged to Scheduled Tribes. It was strongly felt that unless a Separate Cell was set up, it would be difficult for the existing administrative machinery to ensure proper justice to the reserved community candidates.
- (viii) The management decided to allow 10 per cent of the posts of Khalasis to be filled

by factory employees working as Sweepers and only 10 Sweepers could be appointed against 483 Khalasis recruited so far. It was suggested that action should be taken to appoint more Sweepers to the post of Khalasis to wean them away from the caste-based unclean occupation.

- (ix) It was observed that reservation had not been followed strictly in the case of recruitment of casual staff and the authorities were advised to ensure that reservation orders are also applied to the recruitment of casual staff so that when the casual staff are finally absorbed against regular vacancies, the share of the Scheduled Caste/Scheduled Tribe persons is ensured.

18. Overseas Communications Service, New Delhi

- (i) Some posts which had sanctioned strength exceeding 20 were grouped together and the authorities were advised to rectify the defects. In two cases, it was also observed that promotion posts were grouped with the direct recruitment posts and combined rosters were started and subsequently such posts had been bifurcated.
- (ii) In the years 1971, 1972 and 1973 some reserved points in the event of non-availability of Scheduled Castes/Scheduled Tribe candidates were filled by general candidates and shown as carried over without taking prior approval of the Department of Personnel and Administrative Reforms. The authorities were advised to get *ex-post facto* approval of the Government in all such cases.
- (iii) In the Selection Board/Departmental Promotion Committee meetings during the year 1976-77, of 8 meetings of the Selection Boards, no Scheduled Caste/Scheduled Tribe officer was associated. The authorities were, therefore, advised to make efforts to locate suitable Scheduled Caste/Scheduled Tribe Officers from the concerned Ministry or any other Ministry/Department located in Delhi.

19. Overseas Communications Service, Madras

- (i) Various posts in Group 'C' were grouped together long back and the practice continued even after increase in the sanctioned strength in certain categories of posts.
- (ii) The authorities were under the impression that dereservation was required to be done only after carry-over of reserved vacancies for 3 recruitment years. The correct procedure had been explained to the authorities. However, the interests of Scheduled Caste/Scheduled Tribe persons did not suffer since except in one case, there was no occasion necessitating dereservation.

- (iii) Regarding the issue of caste certificates to Christian converts, whose fore-fathers were considered to be untouchables but had got themselves converted to Christianity years back and were now claiming to have been reconverted to Hinduism, the authorities were advised to refer all such cases to the Ministry of Home Affairs, Government of India before accepting them as Scheduled Castes to extend to them the necessary concessions due to a Scheduled Caste.

20. General Post Office, New Delhi and Senior Superintendent of Post Offices, New Delhi

- (i) The rosters for some of the posts in direct recruitment were not maintained on the lines of model rosters and the authorities were advised to recast the rosters. In several cases, the number of Scheduled Caste persons appointed in excess of the number of vacancies reserved for them, and who came obviously on their merit, were shown as carry-forward for adjustment in the subsequent years against future points.
- (ii) The abstracts in the case of Postman (direct recruitment) did not reflect the position as for actual entries made in the rosters. Vacancies were shown as lapsed after the prescribed period without applying the principle of exchange of vacancies between Scheduled Castes and Scheduled Tribes.
- (iii) In the case of test-category and non-test category Class IV staff the recruitment rules provided for 50 per cent direct recruitment and 50 per cent by promotion. But it was found that combined rosters were maintained for all these posts.
- (iv) The procedure for dereservation of reserved vacancies was not followed and the authorities were not well aware of the existing orders. They were accordingly advised to follow the prescribed rules in future.
- (v) In the press advertisements, the provision of payment of travelling allowance for Scheduled Caste and Scheduled Tribe candidates was not highlighted. The authorities were advised to amend the requisitions for future vacancies.

21. Post Master General, Delhi Circle

- (i) For the post of U.D.Cs. it appeared that the procedure regarding dereservation in the category where 50 per cent posts were filled by competitive test from the trade of Time Scale Clerks were not observed.
- (ii) It was found that the vacancies which could not be filled by Scheduled Caste/Scheduled Tribe candidates were not carried-over.
- (iii) In the requisitions sent to the Press, there was no mention of travelling allowance

admissible to Scheduled Caste/Scheduled Tribe candidates for appearing for test/interview. It was suggested that in future, in all such requisitions, the provision of travelling allowance should be mentioned to attract large number of Scheduled Caste/Scheduled Tribe candidates.

- (iv) The inspection report of the Liaison Officer in respect of rosters maintained in the Post-Master General's office was not prepared/submitted earlier. The authorities were advised to follow Government instructions in this respect.

22. Collector of Central Excise and Customs, Bangalore

- (i) Grouping of isolated posts was not made in accordance with the existing rules. The authorities were, therefore, advised to follow the prescribed rules.
- (ii) The entries in the rosters were not attested or signed by the competent authority in many cases.
- (iii) In the advertisements/requisitions sent to the Press, the actual nature of concessions/relaxations in the cases of Scheduled Caste/Scheduled Tribes candidates were not indicated clearly.
- (iv) In a few cases, the provision of travelling allowance given to Scheduled Caste/Scheduled Tribe candidates for appearing at the interview/test was not indicated.

23. Indian Institute of Technology, Kanpur

- (i) The orders regarding reservation for Scheduled Castes and Scheduled Tribes even in the direct recruitment posts were given effect only from September, 1974.
- (ii) Introduction of reservation in services and posts under the Indian Institute of Technology were ignored and avoided in spite of the fact that necessary provision already existed in the statute.
- (iii) The provision of reservation in posts filled by promotion remained almost in-effective in absence of any firm policy in the Institute.
- (iv) The in-take of Scheduled Caste and Scheduled Tribe candidates did not improve on account of the fact that in the Institute most of the recruitments were being made from the candidates were available within the organisation, and only when suitable candidates were not available within the organisation, such posts were filled from out-side.
- (v) The procedure of dereservation was not followed by the Institute. The authorities were advised to follow the existing rules in this regard.
- (vi) Most of the rosters were not maintained in proper manner and the entries were not

correct. Abstract of vacancies were not indicated properly. They were, therefore, advised to adopt correct procedure.

- (vii) In the requisitions sent to the Press/Employment Exchanges the actual number of vacancies reserved for Scheduled Castes and Scheduled Tribes and the nature and extent of relaxations/concessions to be given to the candidates belonging to these communities were not properly indicated.

24. Indian Institute of Technology, Madras

(i) It was observed that reservation in appointments of Lecturers, Professors etc. was not observed by the Indian Institute of Technology. Even in Ministerial and Technical posts the representation of Scheduled Castes and Scheduled Tribes was poor.

(ii) All appointments were restricted to the employees of the Institute. Decision to this effect was taken by the Director long back since the Employees' Union resented any attempt to approach local market for the purpose. It was, therefore, emphasised that constitutional safeguards should have precedence over any other consideration, administrative or otherwise, and the reservation orders should have precedence over agreements with the Labour Unions. The shortfall should be reduced by recruiting Scheduled Caste/Scheduled Tribe candidates from the open market.

(iii) Rosters were not maintained in proper form and the provisions of carry-over and brought forward of unfilled vacancies reserved for Scheduled Castes and Scheduled Tribes were not followed.

(iv) The authorities were advised to follow the existing government orders/rules which were explained to them and they were advised to nominate a Liaison Officer to look after the interests of Scheduled Caste/Scheduled Tribe employees. They were also advised to nominate Scheduled Caste/Scheduled Tribe persons in the Departmental Promotion Committee/Selection Board meetings, as and when such meetings are held.

25. National Sugar Institute, Kanpur

(i) The reasons shown by the Institute for not submitting the inspection report of the Liaison Officer was not convincing.

(ii) Although large number of complaints were being received in the Administration Section from the Scheduled Caste/Scheduled Tribe persons, neither register was maintained nor there was any official who was attending to this job exclusively. Regarding grouping of posts, it was observed that some promotion posts were grouped with the direct recruitment posts in Group 'A' and 'B'. Recruitment to group 'C' &

'D' posts was being made on a local/regional basis, a 40 point model roster was being maintained for group 'C' posts while 100 point model roster should have been followed.

(iii) The appointments of Scheduled Caste candidates were not shown against points earmarked for them and the carry-over position was not shown correctly.

(iv) Procedure for dereservation of reserved vacancies was not followed till the year 1977. The entries of appointments made in the roster were not signed by the competent authority.

(v) In the Experimental Sugar Factory, several appointments were made on *ad hoc* basis in January, 1977 and the interests of Scheduled Caste/Scheduled Tribe persons were not taken into consideration. The authorities were advised to ensure that the interests of Scheduled Caste/Scheduled Tribe persons did not suffer while filling such posts on regular basis. The requisitions to the Employment Exchange and Press did not indicate adequate information regarding total number of vacancies reserved for the Scheduled Caste/Scheduled Tribe candidates, actual nature of concessions/relaxations admissible to these candidates and the provision of travelling allowance to enable them to appear for interview/test.

(vi) A large number of posts in the scale Rs. 1300-1600, Rs. 1100-1400, Rs. 700-1250, Rs. 450-900, Rs. 350-900 including both Gazetted and non Gazetted were exempted from the purview of reservation orders. The authorities were advised to review the exemption according to the existing rules.

26. Education Department, Government of Karnataka

(i) The team was informed that to clear the shortfall in the representation of Scheduled Caste/Scheduled Tribes and other Backward Communities, the Government have sanctioned additional 3000 posts of primary teachers in addition to the normal requirement of about 3800 primary teachers. Out of a total of 6,800 vacancies of teachers as many as 3150 vacancies had been decided to be filled from amongst the Scheduled Castes/Scheduled Tribes/Other Backward Communities in the year 1978. If sufficient number of candidates having prescribed qualifications and experience were not available, such candidates would be considered with relaxed standards.

(ii) The aided institutions were to follow the reservation rules regarding the appointment of teachers and other staff. The progress made in this field could not be assessed

for the reason that adequate information was not available. The authorities were, therefore, advised to collect necessary information and ensure that such organisations are following the existing rules/orders.

- (iii) There was no reservation in posts filled by promotion, and the authorities were advised to explore the possibility of introducing the reservation in promotion also.
- (iv) The Welfare Department of the Government was ensuring implementation of orders regarding reservation in favour of Scheduled Caste/Scheduled Tribe/Other Backward Communities. The Team was informed that the District Social Welfare Officers, while on tour, were inspecting the rosters and other records maintained by various Government Departments and they were submitting inspection reports.
- (v) The District Social Welfare Officers were working as Employment Officers and maintaining some registers for Scheduled Caste/Scheduled Tribe candidates. The Government may consider the desirability of issuing instructions indicating that all Scheduled Caste/Scheduled Tribe candidates should register their names only with the District Welfare Officers and candidates sponsored by the District Welfare Officers should be considered for appointment by employers to avoid any duplication of job done by the Employment Exchanges.
- (vi) The Team was informed that there were 2 types of Caste certificates which were being issued (a) for educational purposes and (b) for service purposes. Certificates issued for educational purposes were being issued liberally. The second one was being issued by the competent authority, but in many cases the procedure was liberal and the certificates were being issued on the basis of affidavits made by the candidates themselves, or on the basis of certificates issued by the Members of Legislative Assemblies or Gazetted Officers.

To avoid misuse of caste certificates by unscrupulous persons, it should be made clear that if the certificates issued for educational purposes are used for services purposes, the candidates should be appointed provisionally with the understanding that they will produce authentic certificates from the competent authority in future. Government should also consider the desirability of introducing such provisions in the rules that anybody found issuing false certificates and the persons who obtained such certificates both should be dealt with under the existing conduct rules.

27. Education Department, Government of Tamil Nadu

- (i) According to the Government instructions, there was combined reservation for Scheduled Caste and Scheduled Tribe communities in recruitment in all posts except Class IV category at the rate of 18 per cent. According to 1971 census, the population of Scheduled Castes alone was 18 per cent of the total population of the State and as such there should have been separate reservation for Scheduled Tribes. At least 5 per cent posts should be reserved for Scheduled Tribes as has been done in other States, although in such States the population of Scheduled Tribes may have been less than 5 per cent.
- (ii) The available statistics regarding total number of teachers and percentage of Scheduled Caste/Scheduled Tribe teachers in the High Schools, Middle Schools and Primary Schools as on 1-8-1976 clearly indicated that the representation of Scheduled Caste persons was less than the prescribed quota fixed for them and the representation of Scheduled Tribes was almost nil.
- (iii) The criteria behind the exclusion of Class IV category of posts from the purview of reservation orders was not clear. It was stressed that urgent steps should be taken by the Government to apply reservation to this category of posts.
- (iv) Reservation was not made applicable to promotion posts which should have been done.
- (v) In the roster registers, there was no column to show the carry forward/brought forward/unfilled vacancies, in the absence of which such points were likely to be ignored during the recruitment in the subsequent years. It was suggested that provisions should be made in the rosters.
- (vi) According to the Government instructions, the unfilled reserved points lapse after carrying over the same for one year. It was suggested that before lapsing, the appointing authority should get approval from the Personnel and Administrative Department through a self contained note explaining the position.
- (vii) It was observed that the reservation orders of the State Government were not applicable to a large number of educational institutions which were receiving grant-in-aid from the Government. From the available data, it was observed that till August, 1976 there were 2137 primary schools which were being run by various missions and 2885 Primary Schools which were being run by other agencies. There were 782 Middle Schools which were being run by the missions and 1188 such schools

which were being run by other agencies. There were 295 High Schools which were being run by other agencies. Thus, the enormous employment opportunities were being denied to the Scheduled Caste and Scheduled Tribes who could have been appointed as teachers and clerical staff in those institutions.

The Tamil Nadu Government should amend, if necessary, the Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974 for making it obligatory on the part of the private institutions to follow the reservation policy of the State Government and the Central Government.

28. Education Department, Government of West Bengal

- (i) Very little progress was achieved during the last 2 years in the Education Department. Rosters were just started and hence proper assessment was very difficult to make.
- (ii) There were more than 7000 High and Junior Schools in the State which were being run by the voluntary agencies, social and religious organisations receiving grant-in-aid from the State Government to the extent of expenditure of pay and allowance of the staff, after deducting the amount collected by the management in the form of fees etc. There were other aided schools also, which were receiving 100 per cent grant-in-aid from the Government. The authorities could not supply data regarding actual representation of Scheduled Castes and Scheduled Tribes in those institutions. Earlier, private aided schools had their own independent rules and the Government had no say in the appointment of staff. However, after the enactment of the Act in 1976, the aided schools were supposed to follow the reservation policy of the Government. The authorities were advised to collect necessary data and ensure proper implementation of reservation orders.
- (iii) It appeared that due to the absence of a machinery at the appropriate level to watch the implementation measures, the instructions issued to the Government did not yield fruitful results. The Scheduled Castes and Scheduled Tribes Welfare Department, was responsible for the implementation of reservation rules. But, it would appear, the Department was not provided with adequate staff and it did not get adequate co-operation from the other Ministries/Departments.
- (iv) In each of the major Ministries, including Education Ministry, a Liaison Officer should be appointed and a Special Cell set up according to the West Bengal Sche-

duled Castes and Scheduled Tribes (Reservation of vacancies in Services and Posts) Rules, 1976 to look after the interests of the Scheduled Castes/Scheduled Tribes. Special Cells should be entrusted with the job of collection of statistical information and effective implementation of service safeguards. They should keep liaison with the Scheduled Castes and Scheduled Tribes Welfare Department.

- (v) For the present, the Director, Scheduled Castes and Scheduled Tribes Welfare Department, should conduct inspection of records and documents maintained by various Departments/Undertakings on a simple basis through the research staff of the Cultural Research Institute, regarding the working of service safeguards and the findings of such studies should be fruitfully utilised by the government to formulate and amend the existing rules.

From the findings of the various studies mentioned above and also from earlier ones we have come to the conclusion that the following steps will have to be considered with all seriousness for the proper implementation of various service safeguards effectively:—

- (i) The personnel responsible for proper implementation of service safeguards should be genuinely interested in their job and they must possess adequate knowledge of the existing rules/orders issued from time to time by the Government.
- (ii) The persons who are found guilty of violating the existing rules and orders intentionally or due to negligence/unsympathetic attitude should be dealt with invariably with due punishment as provided in the relevant conduct/service rules or any other such rule provided in this respect.

3.122. In our earlier reports we have been emphasising the need of issuing by the Government clear-out instructions regarding follow up action on our recommendations/observations made in our special studies. In the absence of clear instructions such studies are being found unproductive and purposeless. We had been reminding the Department of Personnel and Administrative Reforms to issue suitable instructions to all Ministries/Departments/Undertakings etc. to send complete follow up action reports within a specified period, not exceeding 3 months. Finally the Government issued instructions (O.M. No. 36024/1/78-Estt (SCT) dated 27th June, 1978) that follow up action on the studies undertaken by the organisation of the Commissioner for Scheduled Castes and Scheduled Tribes should be made as expeditiously as possible and the action taken on the report may also be intimated to the Commissioner. **We fail to understand the reason why the Government is feeling shy of issuing clear instructions on this issue,**

as explained earlier. Unless specific and clear instructions are issued to this effect, no useful purpose will be served by our visiting various organisations and the efforts and labour in highlighting the defects and discrepancies would be unproductive and purposeless. Moreover, serious punishments have to be awarded to the officials who are found guilty of denying justice to the aggrieved Scheduled Caste/Scheduled Tribe persons.

Complaints regarding denial of justice in service matters

3.123. From the findings of our studies undertaken in various Ministries/Departments/Undertakings etc., it was observed that the personnel, responsible for proper implementation of various service safeguards provided for Scheduled Caste/Scheduled Tribe employees are by and large: (i) not adequately conversant with the existing rules/orders etc; (ii) unable to interpret the existing rules in the right perspective; and (iii) frequently lack sympathetic approach to handle the cases of Scheduled Caste and Scheduled Tribe employees. It has also been observed in some cases, that this work has been entrusted to one or two dealing hands as additional work and in spite of their sincerity, they have not been able to handle such cases efficiently, promptly and effectively. In other cases, where separate cells have been created for the purpose, the inadequate staff provided could not cope with the load of work. The response of the various Departmental Heads towards the cases referred by such cells was in most cases not encouraging and the cases were delayed unnecessarily which resulted in avoidable frustration and denial of justice to the Scheduled Caste/Scheduled Tribe persons.

3.124. To illustrate the nature and extent of response shown by the different Ministries/Departments/Undertakings concerned in handling the cases referred by this organisation for supplying information required by us in connection with the preparation of Commissioner's Annual Report, it may be mentioned here that in majority of cases the necessary information was furnished after a good deal of delay and in many cases the information supplied was incomplete. The Bureau of Public Enterprises (Ministry of Finance) have not yet supplied data for the years 1975, 1976, 1977 and 1978 relating to the representation of Scheduled Caste/Scheduled Tribe employees in the Public Sector Undertakings in spite of repeated reminders. The Department of Personnel and Administrative Reforms is approached every year to supply us statistical information relating to the number of cases of de-reservation of reserved vacancies and the relevant information for the year 1975 has just been received, and that too, after protracted correspondence. The information for the years 1976 and 1977 has not yet been received. Letters addressed to the Ministry of Railways, Railway

Board even remained unacknowledged in spite of our repeated reminders. The statistical data relating to the years 1976, 1977 and 1978 (upto July, 1978) which is given in Appendix XLIII will give some idea about non-cooperation received from the various State Governments, Ministries/Departments particularly the Ministry of Railways, Communications, Agriculture and Irrigation, Defence, Works and Housing in disposing the cases of representations referred to them. Out of a total of 4853 cases sent to various State Governments/Organisations/Ministries/Departments during 1976-78, only 1986 cases could be disposed by the authorities concerned till April, 1978. Thus about 2867 (59.08%) cases remained pending.

3.125. Obviously due to wrong interpretation of rules/instructions etc. and delay in handling the representations, the interests of the Scheduled Caste/Scheduled Tribe employees have suffered in the matters of appointments, seniority, confirmations, promotions etc. **It is strongly felt that where the Scheduled Caste/Scheduled Tribe employees suffered as a result of administrative lapse, they should be given benefits in the matter of confirmations, promotions etc. from the due dates. Department of Personnel and Administrative Reforms should issue suitable instructions without delay to provide retrospective benefits for Scheduled Castes/Scheduled Tribe employees when it is found that the benefits could not be given them due to administrative lapses.**

3.126. We have been emphasising that unless clear instructions are issued by the Ministry of Home Affairs to the Ministries/Departments to give priority and importance to the communications emanating from Commissioner's organisation, particularly in respect of representations received from various Scheduled Caste/Scheduled Tribe employees for the redressal of their grievances, it had been found difficult to help the aggrieved persons in restoring justice to them. According to the instructions issued by the Ministry of Home Affairs (Department of Personnel and Administrative Reforms O.M. No. 16/8/69-East (SCT) dated 27-4-1970), to the Ministries/Departments, the Liaison Officers nominated in Ministries/Departments and in offices under the Heads of Departments for work relating to representation of Scheduled Castes/Scheduled Tribes have been advised to extend necessary assistance to the Commissioner for Scheduled Castes and Scheduled Tribes in the investigation of complaints received by them. In the O.M. No. 36024/1/78-East (SCT), dated 27th June, 1978 issued by the Ministry of Home Affairs, Department and Personnel & Administrative Reforms, it has once again been emphasised that the Liaison Officers should ensure that whenever cases of individual representations relating to service matters are referred by the Commissioner for Scheduled Castes and Scheduled Tribes, calling for facts, comments etc., action should be taken

to send reply/report to him as expeditiously as possible. From the earlier discussion, regarding the manner in which our communications have been responded to by the Ministries/Departments, it would be seen that a mere addition of the word "expeditiously" would not yield any fruitful result. **There is an urgent need of prescribing a definite time-limit for responding to our communications and the officers who are found responsible in delay and denial of justice to the Scheduled Caste/Scheduled Tribe persons should be strongly dealt under the conduct rules.** Unless firm steps of this nature are taken, it is very difficult to get the desired results within a reasonable time.

3.127. Summaries of some important cases in which we could succeed in restoring justice to the affected Scheduled Caste and Scheduled Tribe persons due to our persistent efforts, and where we could not achieve the goal in spite of untiring efforts have been given in the following paragraphs. It is just a glimpse into the misery of few affected persons out of so many, and our inability to restore timely justice to the sufferers:

- (1) It was brought to the notice of the Commissioner in December, 1975 by a Member of Sri Sarvodya College Governing Body, Nellore that in spite of his note of dissent recorded by him in the matter of selection of a Head of Department in English in that College, a non-Scheduled Caste person had been selected who did not even fulfil the requisite qualifications ignoring a Scheduled Caste person possessing required qualifications, experience and seniority. The Principal of the College also supported the case of the Scheduled Caste Lecturer, but the Management ignored all the logical pleas. The matter was taken up with the authorities of the College whose Permanent President intimated in June, 1978, that the appointment so made, had been set aside.
- (2) A Scheduled caste candidate who appeared for an interview in December, 1977 for selection to the post of Computer Assistant in the Delhi Administration reported to this Office that the panel prepared by that Administration had been scrapped in March, 1978 after appointing six or seven candidates, though the vacancies still existed. The matter was taken up with the Delhi Administration who intimated that the candidate concerned had since been nominated for appointment to the Deputy Commissioner's office where he had reported for duty.
- (3) A representation from the Delhi Electricity Supply Undertaking Scheduled Caste/Tribe Workers Association was received in the Office in December, 1976, pointing out discrimination in the matter of promotion of a senior clerk working in the Delhi Electricity Supply Undertaking. The

matter was taken up with the authorities concerned for an enquiry. It was intimated in March, 1977 that the Senior Clerk concerned had since been promoted to the post of Assistant Accountant.

- (4) A complaint was received in June, 1976 from a Professional and Executive Employment Officer, Punjab alleging denial of promotion to him to the post of Regional Employment Officer, and filling the same by non-Scheduled Caste Officer. The matter was taken up with the authorities concerned to intimate the factual position, keeping in view the reservation rules. It was intimated in September, 1977 that the Officer concerned had been promoted to the post of Regional Employment Officer in August, 1977.
- (5) An Accountant belonging to Scheduled Caste working in the Delhi Milk Scheme brought to the notice of this office in June, 1976 that the Management had neither confirmed him on his post nor considered him for promotion to the post of Head Accountant though he fulfilled the required educational qualifications and experience. The matter was taken up with the Delhi Milk Scheme who intimated in December, 1976 that the employees concerned had since been promoted to the post of Head Accountant.
- (6) The Khadi Gramodyog Bhavan Workers' Union brought to the notice of this office in October, 1976 that the Management was not giving due reservation in services to Scheduled Caste/Scheduled Tribes employees. They cited a case of a Scheduled Caste employee for promotion to the post of U.D.C. The matter was referred for the comments of the Management who informed in April, 1978, that the employee concerned had been promoted to the post of U.D.C. in March, 1978.
- (7) It was brought to the notice of the Commissioner for Scheduled Castes and Scheduled Tribes by the Employees State Insurance Corporation Scheduled Castes/Tribes Employees Welfare Association in May, 1975 that the Government of India instructions regarding reservation for Scheduled Castes and Scheduled Tribes in posts filled by direct recruitment and promotions were not being implemented by the Employees State Insurance Corporation, and as a result some Scheduled Caste/Scheduled Tribe employees were not included in the list of U.D.Cs. The matter was taken up by this office with the concerned authorities in July, 1975 and after a protracted correspondence it was intimated by them in March, 1978 that on receipt of clarification from Headquarters office, the order issued earlier was revised and 3 Scheduled Caste and 1

Scheduled Tribe employees were included in the order for U.D.Cs.

- (8) A tracer-cum-Blue Printer belonging to the Scheduled Caste and working in the Engineering Division of the Food Corporation of India, represented in January, 1976 that out of nine Draftsmen Grade II, there was not a single person belonging to Scheduled Castes/Scheduled Tribes and he was being denied his chance of promotion to that grade. The matter was taken up with the Food Corporation of India, who informed in December, 1976, that the employee concerned had already been promoted.
- (9) In March, 1976, it was brought to the notice of this office by a Tool Store In-charge who was working in the Central Training Institute for Instructors, Directorate of Employment and Training, Ministry of Labour, for the last about 5 years, that the Principal of the Institute served him with a notice terminating his services w.e.f. 13-5-1976 without assigning any reason when he had also no adverse comments on his work. The matter was taken up with the Directorate General of Employment and Training, Ministry of Labour and Employment in April, 1976, demi-officially to know the reasons and grounds for the termination of services of the Tool Store Incharge. It was intimated by the Directorate General of Employment and Training in May, 1976, that the employee concerned was working against a post held in substantive capacity by another employee of the Institute, who happened to be on deputation and whose term expired on 14-5-1976. They assured they were trying their best to help the employee concerned and had extended the period of deputation by three more months. In July, 1976 the employee concerned was issued one month's termination notice from services. The matter was again taken up with the Directorate General of Employment Training to consider the case of the employee concerned for absorption against a suitable post, who reported that a post of Assistant Store-keeper was offered by the Director Foreman Training Institute, Bangalore, but the employee concerned did not join the post. The reasons given by the person concerned for not joining the post were the lower start than what he was drawing, illness of his wife and the fact that a post in the same grade as he was holding and with the same qualifications had been created. These facts were brought to the notice of D.G.E. & T. for comments and consideration, who reported that since there was no equivalent post in the Institute at Kanpur his case had been recommended to the Department of Personnel and Administrative Reforms for redeployment to a suitable post in Kanpur on account of domestic difficulties. It was further represented by the employee concerned in December, 1977 that a post of Assistant Store-keeper had been created in the Institute at Kanpur and his case should receive due consideration. The fact was brought to the notice of D.G.E. & T. who requested the Department of Personnel and Administrative Reforms to deploy the employee concerned who happened to be on the rolls of surplus cell, against the reserved post of Assistant Store-keeper in the Central Training Institute. Ministry of Labour informed in July, 1978 that the employee concerned had been appointed as Assistant Store-keeper from March, 1978.
- (10) It was represented in February, 1976 by a Scheduled Caste person that he was appointed as a Peon in July, 1975 purely on temporary basis along with four other persons, in the Office of Administrative Sub-Judge, Delhi. He stated that his services have been terminated with effect from January, 1976 though he happened to be the only Scheduled Caste employee amongst the persons appointed in July, 1975. The matter was taken up with the authorities concerned. It was intimated in April, 1976 that since the employee concerned was appointed in the suspension arrangement, his services had to be terminated on the reinstatement of the suspended employee. It was further stated that the person concerned had since been fixed against another suspension arrangement, which too was liable for termination on re-instatement of the suspended employee. The matter was again referred to the authorities for consideration pointing out the reservation position and also the fact, that others appointed along with him were retained in service, should be kept in view. It was intimated in March, 1978 that the employee had been absorbed against a regular vacancy.
- (11) It was represented by an employee in January, 1977 that he was working as an Assistant Cashier in the Delhi Transport Corporation and was being forced by the authorities concerned to commit irregularities in passing some bills. On his refusal he had been threatened and harassed and efforts were made to create bias against him at the time of interview for the post of Cashier. The matter was referred to the Delhi Transport Corporation authorities to furnish facts of the case. It was intimated in October, 1977 that the official concerned had been promoted to the post of Cashier.

- (12) It was brought to the notice of this office by a Scheduled Caste person that on the death of his father in January, 1977 who was working as a Sweeper in the office of the Comptroller and Auditor General of India, he was not given an appointment on compassionate grounds. He further stated that it had created difficulties, besides paying market rent, in the retention of Government residential accommodation which was in occupation by his father. The case was taken with the authorities concerned who intimated that the person concerned had been appointed as a Peon.
- (13) A Scheduled Caste official brought to the notice of the Commissioner for Scheduled Castes and Scheduled Tribes that he had been working as T.B. Health Visitor under the Municipal Corporation, Delhi since 1968 and was selected for the post of Homoeopathic Physician in April, 1977 as a departmental candidate. He further stated that there was not a single doctor belonging to the Scheduled Castes and Scheduled Tribes among the 10 doctors working in the dispensaries and his letter of appointment had not been issued to him. The matter was taken up with the Municipal Corporation to find out the factual position about the selection of the official concerned. After a good deal of correspondence, it was intimated in September, 1978 that the doctor concerned was appointed as Homoeopathic Physician in June, 1978 as a reserved candidate.
- (14) It was represented in March, 1976 by a U.D.C. working in the office of Regional Provident Fund Commissioner, Allahabad that his case for promotion had been referred to by his office to the Central Provident Fund Commissioner in October, 1975, but no action had been taken with the result that his promotion was held up. The matter was taken up with the authorities concerned to expedite a decision and it was intimated in March, 1978 that the employee concerned had been promoted as U.D.C.-in-charge and the proposal for his officiating promotion to the post of Head Clerk was under consideration. He was also transferred from Surat to Ahmedabad.
- (15) In a representation from a Sub-Inspector of Police under Delhi Administration belonging to Scheduled Caste it was alleged that he had been ignored in the matter of promotion and was superseded by his juniors. It was also stated therein that his service record was clear and had also been awarded a Commendation Certificate. The matter was taken up with the Delhi Administration in January, 1977 and had been under correspondence demi-officially.
- Till August, 1977, we were told that since a policy decision was pending on another case, the case of the officer concerned could not be decided. After protracted correspondence, in March, 1978 this office was intimated that the matter had been pending for want of confidential personal file of the representationist from the Police Headquarters and the same position continues till now with the result that the grievances of the Sub-Inspector still awaited redressal.
- (16) A Craft Instructor (D'Man Mechanical) represented in September, 1975 that he was being continued on *ad-hoc* basis in his present post in spite of the fact that he was going to complete 2 years of service when he was selected against a regular reserved post. Such an arrangement besides other consideration, was bound to affect his seniority and consequently his promotion to the grade of Supervisor Instructor. The matter was taken up with the Delhi Administration in November, 1975 calling for the facts of the case. It was intimated by the Delhi Administration in May, 1977 after an exchange of good deal of correspondence that the Craft Instructor had been promoted to the post of Supervisor Instructor against a reserved vacancy. The official again represented about his confirmation as Craft Instructor, promotion from the due date and fixation of current seniority. The matter was again referred to the Delhi Administration and it was intimated in August, 1978 that the case was being placed before the D.P.C. shortly for consideration.
- (17) During the course of study of rosters etc. maintained by the Directorate General of Employment and Training in July, 1976 it was noticed that while making confirmation of Key Punch Operators in that office, a reserved point for Scheduled Tribe had been given to a Scheduled Caste Key Punch Operator. In the meantime a representation was also received from Scheduled Tribe employee concerned in February, 1977. This wrong action was brought to the notice of Directorate General of Employment and Training in the Study Team Report and separately also to set it right and give representation in this matter of confirmation to the eligible Scheduled Tribe employee. In spite of d.o. reminders during the past over two years, the position has not been rectified by the Directorate General of Employment and Training, with the result that the service interests of Scheduled Tribe employee continue to suffer.
- (18) A complaint through a Member of Parliament was received in June, 1976 pointing

out that a Scheduled Caste employee working as Extra Departmental Mail Carrier in P & T Department, Madhya Pradesh was removed from service. The matter was taken up by this office in August, 1976 with the concerned authorities and it was intimated by them in January, 1977 that the employee had been taken back in service.

- (19) On a representation from a Scheduled Caste official whose services were terminated under provision of Sub-rule (i) of Rule 5 of the C. C. S. (Temporary Service) Rules, 1965, in January, 1977 while he was working as a U.D.C./Rent Supervisor in J.J. Department of D.D. Authority, the matter was taken up with the D.D.A. for facts of the case, pointing out to them that the detention under MISA and thereafter termination from service were mala-fide. The detention of the employee concerned had been revoked by the Delhi Administration, Delhi. It was sufficient proof that his detention and later termination of his services was a mala-fide action. After a prolonged correspondences between this office and D.D.A. it was intimated in September, 1978 that the Vice-President of D.D.A. had decided to revoke the suspension order and re-instate the employee concerned.
- (20) A representation was received in October, 1976 from an Attendant working in the Delhi Public Library alleging that while re-instating him, the authorities have decided against payment of his dues for the period he was under suspension with effect from September, 1972 to May, 1975 and to treat that period as non-duty for all purposes. The matter was taken up with the Chairman, Delhi Public Library Board in October, 1976 calling for the facts of the case. It was intimated by the Chairman that the case had been entrusted by him to be examined by one of the Board members in December, 1976. Thereafter there had been a good deal of exchange of correspondence and in May, 1978 it was intimated that the Chairman had passed on the case to some of the officers in the Department of Culture for thorough examination. It was intimated in August, 1978 that the attendant was suspended for lack of regularity and punctuality and it was further intimated that on humanitarian grounds the subsistence allowance of the Attendant was raised from 50 per cent of the pay to 75 per cent.
- (21) A Scheduled Caste employee of the Directorate of Audit, Posts & Telegraphs, Nagpur represented that though there had never been any disciplinary action against him, he had been prematurely retired on

30-9-1975 when his date of normal retirement was 31-1-1977. He alleged that because of his loyalty to Government during the all India Strike, he had earned the wrath and contempt of his colleagues and officers who took the opportunity of emergency powers to throw him out of service, by writing his C.R. adversely for 1974-75 as late as August, 1975. Adverse entry in his C.R. for that period was conveyed to him on 22-8-1975. Before he could represent against it within the permissible time of 6 weeks he was served with the order of premature retirement after paying him 3 months salary in lieu thereof. The matter was first taken up with the D. G. P. & T. and later with the Additional Deputy Comptroller and Auditor General who informed that the committee constituted for the purpose of review of cases of Government servants attaining the age of 55 years had based its recommendation on the overall assessment of the entire service record and adjudged him as not fit to be retained in service in public interest forthwith. He was one of the eight persons to be so retired and therefore no discrimination or injustice was done to him. The case was then taken up demi-officially with the Comptroller & Auditor General of India pointing out that according to the provision of F.R. 56(J) the applicant should have been given 3 months notice. It was also pointed out that the case of the applicant must have been reviewed twice earlier also at the age of 50 years and again at the age of 55 years as required under rules and the fact that he was allowed to continue shows that he was found suitable for retention in service by the Department. He should, therefore, not have been given the extreme penalty of retirement on the basis of adverse entry in his C.R. for one year alone. The special Committee which reviewed these cases also did not question the administration as to why the applicant was not given adequate opportunity to make representation. A number of probing queries were made to the Comptroller and Auditor General drawing his attention to the lapses on the part of administration which could not stand the test of extant rules and requesting him to furnish the confidential record of the official concerned. All this made the Comptroller and Auditor General to review the case and we were informed in April, 1978 that the applicant was reinstated in service notionally and the period from the date of his compulsory retirement to the date of his superannuation was treated as on duty. Needless to mention that this sort of injustice must have been done to a large

- number of Scheduled Caste/Scheduled Tribe employees in various Departments and which might have remained unmitigated for want of enough courage to represent to the authorities concerned or to approach the Commissioner for Scheduled Castes and Scheduled Tribes.
- (22) An employee of the Family Planning and Health Department, Uttar Pradesh, working as an Assistant at Tundla from December, 1968 represented in March, 1976 that his services had been terminated without any reason with effect from 8-3-1976 in spite of his working sincerely and honestly. The facts of the case were called from the District authorities. It was intimated in May, 1977, after a protracted correspondence, that the official concerned had been reinstated.
- (23) In April, 1976, it was brought to the notice of the Commissioner by an employee of the Delhi Transport Corporation that he had put in about 14 years of service as Conductor, but his services were terminated without proper inquiry on a flimsy ground. The matter was taken up with the authorities concerned that looking to the position stated by the employee concerned the punishment meted out to him was very harsh which needed a review. It was intimated in April, 1978 that the employee concerned had been reinstated in service.
- (24) It was represented in February, 1975 by a Scheduled Caste person that his son who was working as a L. D. C. in the Ministry of Industry died of an accident leaving behind a big family without any source of livelihood. He pleaded for payment of arrears of pay and employment assistance for himself. The matter was taken up with the Ministry of Industry and Civil Supplies in February, itself and it was intimated by them that the widow of the deceased had been sanctioned a recurring grant for 6 years and a lump sum grant also over and above pensionary gratuity benefits. But the father of the deceased employee could not be considered for employment according to the rules, which provide for such assistance to immediate family members of the deceased. It was further stated that the wife of the deceased had been offered appointment but she did not report and the offer lapsed. They were however, prepared to review the case, in case she was desirous of joining Government service. The father of the deceased again pressed for his claim as his daughter-in-law had left him. The matter was again brought to the notice of the Ministry. It was intimated by the Ministry that the widow of the deceased official had expressed her willingness to accept the offer and ultimately joined her duty in July, 1977.
- (25) It was represented in May, 1978 by an employee of the State Bank of Patiala, Chandigarh, that the Bank authorities had refused to issue a 'No Objection Certificate' for appearing in Assistant Grade Examination on the plea that permission to appear in competitive examination was granted only once and such a chance had already been availed of by the employee concerned. The matter was taken up with Bank authorities to take a lenient view in the matter as the interests of a Scheduled Caste employee were involved. It was intimated in July, 1978 that it was the policy of the Bank in respect of all its employees to allow the employees to appear in the competitive examination only once throughout their service and the said employee had already been given two chances. However, as a special case the authorities had issued a 'No Objection Certificate' to the employee concerned.
- (26) A Scheduled Caste person of Haryana brought to the notice of the Commissioner for Scheduled Castes and Scheduled Tribes in May, 1976 that he was given offer of appointment as Clerk in Bank of India in April, 1976 and that although he was medically examined and his character and antecedents were got verified, he was not allowed to join on the pretext that he did not qualify the typing test. It was also alleged that the other candidates of the same batch who were appointed were not asked to qualify the typing test and that no such condition was laid down in advance till the offer of appointment was given to him. The matter was taken up with the authorities concerned in May, 1976 and as a result the candidate concerned was appointed in November, 1976.
- (27) Scheduled Castes Uplift Union, CDA Branch, Meerut, U.P. brought to the notice of the Commissioner for Scheduled Castes and Scheduled Tribes in December, 1977 that no relaxation in age limit is given to Scheduled Caste/Scheduled Tribe candidates in Uttar Pradesh State Civil (Judicial) Services and moreover the earlier age limit has been reduced from 40 years to 35 years. It was also reported by the Association that the examination of Munsifs had not been conducted regularly and during the last two years no examination had been held and as such eligible law graduates could not compete. On taking up the case with the U.P. Public Service Commission it was intimated in June, 1978 that any relaxation in age limit to Scheduled Caste/Scheduled Tribe candidates was not considered feasible. The

posts reserved for Scheduled Castes/Scheduled Tribes have remained vacant in the above services for want of suitable candidates in the absence of relaxation in age limit for Scheduled Caste/Scheduled Tribe candidates. Again the matter was brought to the notice of the Chief Minister of U. P. in September, 1978 and requested to take a decision for increase in age limit to Scheduled Caste/Scheduled Tribe candidates so that the vacancies reserved for them could be filled up. It was intimated by the Chief Minister in September, 1978 that the matter is being looked into.

(28) All India Federation of Scheduled Castes/Scheduled Tribes, Backwards and Minorities Employees Welfare Association, Madras, reported to this office that no relaxation was provided for Scheduled Caste/Scheduled Tribe candidates in the Departmental Qualifying Examination for the post of Junior Engineers held by the D.G.P. & T. in May, 1977. That Association had also brought one case of a Scheduled Caste employee who had got 36 per cent marks (later revised as 38 per cent) in one paper i.e. just 2 marks to cross the normal qualifying standard fixed at 40 per cent marks and he was not declared qualified candidate, although the qualifying standard was relaxable in the case of Scheduled Caste/Scheduled Tribe candidates. The case was taken up with the authorities concerned to reconsider the case of the applicant on relaxed standard in accordance with the existing orders issued by the Government of India and adopted by the P & T Department. The D.G.P. & T. informed that the case was reviewed and the applicant declared as a qualified candidate in the said examination.

(29) In a representation a Scheduled Caste Junior Labour Inspector brought to our notice that he was promoted as Labour Inspector (redesignated as Labour Enforcement Officer) on *ad-hoc* basis and was reverted after putting in 2½ years' service in 1961, since an adverse report was given to him. Again in 1965, he was promoted on *ad-hoc* basis as Labour Enforcement Officer and continued in that capacity for over 11 years when there was in 1976 again reversion on the basis of an adverse report. It was also alleged by the Officer that the Reporting Officer had never commented adversely on his monthly reports submitted by him. The matter has been under correspondence with the Chief Labour Commissioner since July, 1977, and no final decision has been communicated so far. It is very unfortunate that in spite of clear instructions of the Government of India, not to

resort to *ad-hoc* promotions against clear vacancies indefinitely, the officer concerned was not regularised and ultimately reverted putting him to financial loss and causing mental anguish.

(30) An Assistant Engineer, Central Public Works Department brought to our notice in December, 1976 that he had been put under suspension from November, 1974 for no fault of his. It was alleged by him that while he was supervising the construction work, a portion of construction collapsed. The Department levelled charges against him that the allowed sub-standard material to be used which resulted in the collapse of the structure under his supervision. He further stated that the material used was not below standard and the superior officers did not point out any defects in the execution of the structure during their inspection which collapsed ultimately. The Assistant Engineer further mentioned that there was also an enquiry in this regard by Chief Engineer, D.D.A. and Expert in the Construction of folded plates structure. He noted that the design of the collapsed structure was defective. Later on the Department revised the structure drawing for the construction. The matter was taken up with the Public Works Department authorities in December, 1976 and after protracted correspondence we were informed in October, 1977 that a penalty of withholding of two increments of the officer concerned for a period of 2 years had been imposed and his suspension order revoked. The deciding factor in this case had been the opinion of the Expert. In spite of our repeated reminders to the C.P.W.D. authorities, a copy of the deposition has not been made available to this office thus thwarting our efforts to come to a conclusion whether justice had been given to the concerned officer.

(31) An Artist working in the Office of the Registrar General of India, Ministry of Home Affairs represented in August, 1976 that he was being ignored in the matter of confirmation/promotion despite his putting in 13 years' of service in various Government of India Offices. On taking up the case with the Registrar General's Office, this office was informed that no confirmations/promotions would be made till the recommendations of the S.I.U. are finalised. It was pointed out to Registrar General's Office that confirmations/promotions should not be denied to Scheduled Caste/Scheduled Tribe employees on that plea. It was, however, intimated in February, 1977 that since the recommendations of S.I.U. have been finalised, the case of the employee would

be taken up along with others for confirmation. As the matter was being delayed it was brought to the notice of M. H.A. who informed in March, 1978 that D.P.C. which considered the case did not find the employee concerned suitable for confirmation and recommended for assessment for confirmation after his C.R. for the year 1977 was available. While seeking reasons for waiting for 1977 report, it was revealed that there were adverse remarks in the C.R. for the year 1975 which do not appear to have been communicated to him during 1976. It was stated in May, 1978 that the C.R. for the year 1977 had become available and the D.P.C. has been requested to reassess the suitability of the employee. Half the year 1978 is already over but no communication in spite of reminders has been received about the result of the D.P.C. meeting.

- (32) A Scheduled Caste employee of P & T Department had informed that the orthodox Hindu officers of his Department spoiled his C.Rs. for a number of years. He was not allowed to cross the Efficiency Bar. His increment was stopped for 3 years. He alleged that since he was a directly recruited U.D.C. and was confirmed with effect from 1-4-1965, he had become senior to many others in the seniority list and this evidently led to ill-feelings and apprehensions among the general candidates that he would have the chance of superseding them. This office called for the facts of the case demi-officially from P.M.G., New Delhi who informed that the adverse remarks in his C.Rs. for a number of years were duly communicated to him but he had not improved his work and conduct in the matter of punctuality in attendance. The penalty of stoppage of his increment for 3 years was imposed on him in a case of departmental enquiry conducted by a Scheduled Tribe officer who was competent to pass such orders. It was on an appeal that the P.M.G. Delhi reduced this punishment to stoppage of increment for one year instead of 3 years. The matter was again referred to the authorities concerned and they were requested to review his case sympathetically and allow him to cross Efficiency Bar retrospectively instead of 1-2-1978 as he had received nothing adverse in his C.Rs. from 1975-76 also as he came of a poor Scheduled Caste family. The authorities concerned reviewed his case and allowed him to cross Efficiency Bar retrospectively. This office again took up the case with the authorities and urged them that when the applicant had been allowed to cross the Efficiency Bar with retrospective effect, there was no reason why he should be

superseded by a junior officer. The authorities concerned again reconsidered his case and maintained that in view of the adverse comments made in his C.Rs. from time to time by various officers he did not deserve much sympathy. But on humanitarian grounds and in view of his family condition, the administration had allowed him not only to cross the Efficiency Bar retrospectively and but has also approved him for promotion.

- (33) A lady employee working as a Staff Nurse in Western Railway Hospital, Gangapur City, Kota Division represented to this office in October, 1977 for her transfer to Ratlam Division. The matter was taken up by this office with the concerned authorities and it was intimated by them in November, 1977 that there was no vacancy of Staff Nurse at Dohad and Ratlam to consider transfer of the employee. The matter was again taken up in January, 1978 and it was intimated in March, 1978 that the transfer of the employee to DHD Hospital had been approved.
- (34) An employee of the Food Corporation of India belonging to Scheduled Tribe and working as an Assistant Grade I brought to the notice of this office in March, 1976 that on his promotion as Assistant Manager, he had been posted to Uttar Pradesh Region outside Delhi. He stated that he had represented to the Food Corporation of India for his posting in Delhi on the grounds that there was a vacancy in the Head Office, his wife was working as a Staff Nurse in a hospital in Delhi and his children were in Delhi Schools. The matter was taken up with the Food Corporation of India in April, 1976 bringing to their notice the difficulties of the employee concerned for sympathetic consideration. We were informed that as per the policy of the Food Corporation of India, the employees, on their promotion are normally posted outside the station of their present posting and regretted their inability to accede to the request of the employee concerned. Thereafter the matter was brought to the notice of the Minister of Agriculture and Irrigation in August, 1977 bringing the facts of the case to his notice for consideration. It was intimated by the Minister of State for Agriculture and Irrigation in December, 1977 that in accordance with the transfer policy of the Corporation, all officials on promotion are transferred out from their places of posting, with exception made only in the case of ladies, handicapped employees or on extreme medical grounds. It was further stated that the request of the employee was considered but any decision to retain

him in Delhi on promotion would have led to discrimination and heart-burning. It was also mentioned that the promotion order of the employee concerned had since been cancelled and also debarred him from promotion for a period of two years. We again took up the matter with the Food Corporation of India bringing to their notice that the decision taken by them in that case had been rather harsh. It was pleaded that the policy of the Government of India by giving various relaxations/concessions was to bring about all round development of the Scheduled Caste/Scheduled Tribe persons. It was the intention that besides other benefits, the person should also improve financially. In view of this, the action of the Food Corporation of India was contrary to the Government of India policy and their transfer policy at least so far as the Scheduled Caste/Scheduled Tribe employees, whose wife/husband happened to be in service at the place of their posting at the time of promotion, needed revision so as to ensure that no undue hardship was caused to them. Further more it was pointed out that the action of the Food Corporation of India to debar the employee concerned from promotion for two years was not based on logic. Such an action tantamounted to punishment which for no valid reasons had been meted out. It is always open to a Government servant to accept or reject promotion and there are no rules which can work against him for his refusal to have promotion. The matter is still under correspondence with the Food Corporation of India.

- (35) A representation was received in July, 1977 from a Scheduled Tribe lady Teacher working under the Central Schools Organisation at Fort William in Calcutta alleging that she had been applying for a transfer to Ranchi, her native place, for the last 4 years and she had put in 7 years' service at that place. She further stated that she was also being harassed by the Principal of the School. The matter was taken up with the Central Schools Organisation pleading for transfer to Ranchi. In the meantime she was transferred to Assam. On our bringing it to the notice of the Organisation, the transfer order was cancelled. After repeated reminders, she was ultimately transferred to Ranchi in June, 1978.
- (36) From a representation of a Scheduled Caste employee working as U.D.C. in the office of the Zonal Director, Backward Classes Welfare, Government of India, Patna about his request for transfer from Patna to Bhopal, it appeared that the applicant had been representing to that office for his

transfer to Bhopal on domestic circumstances, since 1975, but without any results till May, 1977 when this case was brought to the notice of the Commissioner for Scheduled Castes and Scheduled Tribes. The case was then taken up demi-officially with the office of the Director General, Backward Classes Welfare, Ministry of Home Affairs in June, 1977. After a prolonged correspondence, demi-officially at the level of Director General, an intimation was sent to this office in March, 1978 that the orders about the mutual transfer of the applicant with another employee at Bhopal had since been issued on 7-11-1977. However, the Director General, Backward Classes Welfare in the Ministry of Home Affairs did not care to inform the Office of the Commissioner for Scheduled Castes and Scheduled Tribes about the action taken in November, 1977.

- (37) An Artist belonging to the Scheduled Tribe who had worked for about 10 years in the Rajasthan College of Agriculture, University of Udaipur, represented to this office in September, 1973 that on selection by the U.P.S.C., he joined as Senior Artist in the Department of Family Planning, Government of India in September, 1972. His lien had been kept for one year by the Rajasthan College of Agriculture, Udaipur whereas he was on probation for 2 years in the Department. In the circumstances he was feeling insecure while holding the post in the Government of India, Department of Family Planning. The matter was taken up with the Registrar, University of Udaipur to retain his lien for one more year, that is, for 2 years. After a good-deal of correspondence it was communicated by the University of Udaipur that as a special case, the lien has been kept for a further period of one year. The matter was also taken up simultaneously with the Department of Family Planning in November, 1973 to confirm the employee on the completion of his probationary period. Since the extension given by the Udaipur University upto September, 1974 was also over and the employee could not be confirmed in the Department of Family Planning. The University authorities were requested to give him extension beyond 2 years that is, 1974. The University did not consider the request favourably and asked the employee concerned to report for duty failing which his services were to be terminated. Ultimately, his services were terminated by the University from 1-9-1974. This position was also brought to the notice of the Department of Family Planning requesting them to finalise the case of the concerned employee as early as possible.

Finally the Department of Family Planning informed us in October, 1977 that the employee concerned was being confirmed in the post of Senior Artist with effect from 10-9-1974. While he was confirmed, the Udaipur University took action to deduct 3 months' pay from the G.P.F. arrears. They also while calculating his G.P.F. balance did not pay the interest thereon. On our intervention it was decided by the University of Udaipur to pay the interest on the G.P.F. upto the time the G.P.F. money was released to him.

- (38) It was represented by a Scheduled Tribe lady Doctor working under the Border Security Force in February, 1978 that she had submitted her resignation on 23-12-1977 giving one month's notice to be relieved of her duties by 1-2-1978. In spite of reminders, she was not relieved till February, 1978 when she sent another representation dated 20-2-1978 withdrawing her resignation letter. On 23-2-1978 the B.S.F. authorities conveyed the acceptance of her resignation. In view of her representation dated 20-2-1978 the B.S.F. authorities took up the question of withdrawal of her resignation letter with the Ministry of Home Affairs and asked the Immediate Superior Officer not to relieve her till a decision was received from the Ministry of Home Affairs. In spite of this, the Lady Doctor was relieved of her duties. On our taking up the matter with the B.S.F. she was allowed to rejoin her services. She was also informed that her pre-resignation service was to be counted for the purpose of pension and leave. But the period of interruption was itself to be treated as **dies-non**. It would be seen that though the resignation letter was sent in time, the B.S.F. authorities did not relieve the Doctor after one month's notice period. And when the B.S.F. authorities entertained her request for withdrawal of her resignation letter and instructed the immediate superior officer to relieve her till final decision was taken, she was relieved. As a result of delayed action by the B.S.F. she was made to suffer for no fault of her.
- (39) A letter dated 2nd January, 1978 was received by the Commissioner from the Vice-President, Maharashtra State Federation of Scheduled Caste, Tribes, Vimukta Jati and Nomadic Tribes and Buddhist Employees Welfare Association Nagpur regarding harassment to a Scheduled Caste servant-cum-sweeper at the hands of the Warden of the Government Backward Classes Hostel for Girls, Buldana. The matter was taken up with the State Government for necessary action who reported that after necessary enquiry in the

matter, action had been taken against the Warden and the services of the maid-cum-sweeper had also been continued.

- (40) All India Backward (Scheduled Castes, Scheduled Tribes, Other Backward Classes) and Minorities Communities Employees Federation, Delhi brought to the notice of this office, a case of harassment by using unfair language to a Scheduled Caste packer by a clerk and a Postman of the Ashok Vihar Post Office. The matter was taken up with the Senior Superintendent Post Offices, Delhi Division for facts of the case. As a result of the enquiries made by the B.S.F. the clerk concerned was transferred from that Post Office and proceeded against under CCS (CCA) Rules, 1965 for using unfair language leading to anti-communal activities. In the case of the Postman the Officer Incharge had been asked to take action against the employee concerned.
- (41) A widow of an employee who was working in Town Area Committee, Siyana, District Bulandshahr approached this office in August, 1977 with a complaint that arrears of pay of her late husband amounting to Rs. 4220-90 were not paid to her. When a report was called for from the Town Area Committee, Siyana, it was intimated that because of poor financial position they could not make the payment. The matter was taken up with the District Magistrate, Bulandshahr with the request to ensure that a poor widow should not be made to suffer due to bad financial position of the Town Area Committee. The District Magistrate informed that one instalment of Rs. 1000 had been paid to the widow, and the matter is under correspondence for payment of balance amount.

**The new scheme for civil services examination—
Its discriminatory character against the interests
of some Scheduled Caste/Scheduled Tribe
communities**

3.128. The Government of India have decided to introduce a new scheme for Civil Services Examination for I.A.S. and Allied Services as recommended by Kothari Committee with effect from 1979. The Main Examination in the new scheme shall consist of written examination and the interview. One of the eight papers in the written examination is one Indian Language mentioned in the 8th Schedule of the Constitution which will carry 300 marks. The candidates would be given the choice to write their papers, other than English and the Language Papers, in any language mentioned in the Eight Schedule or in English.

3.129. There are some Scheduled Caste and Scheduled Tribe communities particularly the tribals in the North East Frontier states such

as Meghalaya, Nagaland, Manipur, Sikkim, Assam, Tripura, West Bengal and the Union Territories of Mizoram and Arunachal Pradesh, and perhaps some other parts of India, whose mother tongues do not belong to any of the languages mentioned in the 8th Schedule. The educated members of these people normally do not have the working knowledge of any of these languages not to speak of the mastery necessary for writing a competitive examination. These communities will, therefore, suffer from severe handicaps of having no paper of their own language in which they may hope to secure better marks and also having no alternative to write their papers except in English which is an alien language learnt willy-nilly as part of their general education while other candidates may write their papers in their own mother tongues. In the highly competitive examination, which is virtually the only door to all the higher services under the Government of India, these handicaps may affectively diminish their chances to succeed.

3.130. However, the above handicaps pale into insignificance if one considers the more obnoxious implication of the new scheme. The inclusion of one Indian Language paper as a compulsory paper will result in the total exclusion of the members of these communities as potential candidates for the Civil Services Examination.

There may, perhaps, be an infinitesimally small number of exceptions, but one cannot think of any potential candidates amongst the Nagas, Khasis, Mizos, Garos, etc. for the examination in the near future. The reservation in posts, other concessions and relaxations have been provided in the Constitution for these Scheduled Caste/Scheduled Tribe communities, but the new scheme completely negated nay, put in reverse gear such provisions so far as the Scheduled Caste/Scheduled Tribe communities mentioned above are concerned.

3.131. These difficulties will have to be removed immediately if the Government of India desires to give fair opportunity to all the citizens in the Civil Services Examination. **One immediate and partial solution is to offer a paper in lieu of the Indian Language mentioned in the 8th Schedule of the Constitution. This may be in the form of an Additional paper in English or an Additional Optional paper to be chosen by the candidates from amongst several subjects to be specified by the Government for the purpose. The introduction of such alternate paper will not remove all the handicaps mentioned before but it will at least enable the members of these communities to compete gainfully in this all important Examinations.**

CHAPTER 4

ECONOMIC DEVELOPMENT

There is a large number of unemployed and underemployed persons in our country and more than 40 per cent of the population lives below the poverty line. It has been rightly pointed out in the Draft Five Year Plan 1978-83, "the prevalence of poverty and inequality, virtually unchanged over the years, can be seen mostly in the conditions of life of the two disadvantaged groups in our society, the Scheduled Castes and Scheduled Tribes". A long way has to be covered to ensure a tolerable standard of living for the large number of the poor and the destitute. At another place it is stated in the Draft Five Year Plan 1978-83, "The general lesson of the experience so far is that because of the leakages in delivery systems and ineffective administration, rural programmes failed to improve the distribution of income". The Planning Commission has proposed a massive shift of resources in favour of rural areas with an in-built distributive character in almost every programme. But whether the larger resources will have the desired equalising effect will depend on the extent to which the organized pressure of the beneficiaries counteracts the weaknesses of the administration and the opposition of vested interests.

Expenditure incurred for the development of Scheduled Castes and Scheduled Tribes

4.2. To improve the conditions of the Scheduled Castes and Scheduled Tribes special developmental programmes were undertaken for meeting the needs of these communities. These programmes in the Backward Classes Sector are conceived as a supplement to the total developmental efforts to be made by the general sector of development for promoting the social and economic well-being of these people.

Expenditure on Scheduled Castes Under Backward Classes Sector

4.3. Under the successive Five Year Plans, an amount of Rs. 322.25 crores was spent in the backward classes sector for the welfare of Scheduled Castes. More than 60 per cent of the total expenditure was incurred on educational schemes, 10 per cent on economic development schemes and the remaining 30 per cent on health, housing and others. According to available information, an expenditure of Rs. 148.92 crores was incurred during the Fifth Five Year Plan for

the welfare of Scheduled Castes. Following statement contains break-up of the expenditure incurred on the three major heads of development:—

Major Head	Rupees in crores		
	State Sector	Central Sector	Total
Education . . .	37.77	45.04	82.81
Economic Development	14.40	..	14.40
Health, Housing and others . . .	48.49	3.22	51.71
	100.66	48.26	148.92

Expenditure on Scheduled Tribes under I. T. D. Ps.

4.4. As regards Scheduled Tribes, in the course of the Fifth Five Year Plan, all areas with more than 50 per cent tribal concentration in the 18 States/Union Territories were identified for the preparation of separate tribal sub-plans. The tribal sub-plans were envisaged as representing total developmental effort comprising four elements, viz. (i) outlays from State Plans, (ii) investments by the Central Ministries, (iii) institutional finance and (iv) Special Central assistance in these areas. In the Fifth Plan, investments from Central Ministries' Plans could not be clearly identified. Separate sub-heads for tribal sub-plans were introduced in the State Budgets in 1976-77. Available information* regarding estimated investment in the tribal sub-plan areas from State Plans and Special Central assistance is given below:—

Year	Rs. in lakhs	
	State Sub-Plan	Special Central Assistance
1975-76 . . .	10911.00	2000.00
1976-77 . . .	19178.00	4000.00
1977-78 . . .	25721.74	5500.00
1978-79 . . .	34412.00	6611.00

Expenditure on Scheduled Tribes under Backward Classes Sector

4.5. Upto Fourth Five Year Plan period an amount of Rs. 225.05 crores was spent under the backward classes sector for the welfare of Scheduled Tribes. According to available information, an expenditure of Rs. 10.80** crores was incurred in the Central Sector and Rs. 58.00 crores in the State Sector during the Fifth Five Year Plan for the welfare of Scheduled Tribes. Following statement contains break up of the

*State-wise details may be seen at Appendix in Chapter 8.

**Expenditure incurred on Forestal Scholarship not included.

expenditure incurred year-wise under the State and Central Sector Programmes:—

(Rs. in crores)

Year	State Sector	Central Sector	Total
1974-75	15.00	8.48	23.48
1975-76	15.00	1.18	16.18
1976-77	15.00	0.58	15.58
1977-78	13.00	0.56	13.56
	58.00	10.80	68.80

Centrally Sponsored Schemes

4.6. For the welfare of Scheduled Castes and Scheduled Tribes the Union Ministry of Home Affairs is administering six centrally sponsored schemes of post-matric scholarships; girls hostels; measures under the Protection of Civil Rights Act; pre-matric scholarships for the children of sweepers, scavengers etc., coaching and allied schemes; tribal research and training. Statement showing State-wise allocations made during 1977-78 for the welfare of Scheduled Castes and Scheduled Tribes is given below:—

(Rs. in lakhs)

States/Union Territories	Post-matric Scholarships	Girls Hostels	Protection of Civil Rights Act	Pre-matric scholarships for sweepers etc.	Coaching and allied schemes	Tribal Research and Training
1	2	3	4	5	6	7
1 Andhra Pradesh	121.63	14.50	2.04	0.42	1.50	4.00
2 Assam	25.00	4.75	..	..	..	10.65
3 Bihar	50.80	3.50	..	..	0.50	1.00
4 Gujarat	185.01	9.00	1.60	0.57	0.55	0.50
5 Haryana	11.76	0.50	..	..	0.63	..
6 Himachal Pradesh	6.00	1.40	..	..	..	0.50
7 Jammu & Kashmir	4.00	1.25	..	..	..	..
8 Karnataka	105.75	1.85	8.10	..	0.75	0.40
9 Kerala	28.00	3.00	3.00	..	0.75	2.00
10 Madhya Pradesh	47.40	2.50	..	..	0.50	1.25
11 Maharashtra	242.61	3.80	0.88	..	..	1.00
12 Manipur	13.50	1.25	..	..	..	0.45
13 Meghalaya	10.70	..	..	..	2.30	..
14 Nagaland	9.33	..	..	..	..	..
15 Orissa	23.59	4.50	..	..	0.30	3.00
16 Punjab	50.00	0.80	..	..	0.90	..
17 Rajasthan	39.15	6.36	..	..	0.30	2.00
18 Tamil Nadu	89.86	3.44	3.40	..	2.55	0.50
19 Tripura	4.00	2.00	..	..	..	0.30
20 Uttar Pradesh	331.07	4.35	..	..	1.50	1.20
21 West Bengal	154.00	10.20	..	..	0.75	1.25
22 Dadra & Nagar Haveli	0.15	..	..	..	..	..
23 Delhi	8.00	..	..	..	..	..
24 Goa, Daman & Diu	0.34	..	..	..	..	..
25 Mizoram	12.50	2.00	..	..	..	..

Post-matric Scholarships :

4.7. The Central Sector Scheme of Postmatric scholarships was rationalised in 1974-75 and the rates of scholarships were enhanced. Recently the rates of scholarships for medical and engineering students staying in the hostels have been further raised by Rs. 60.00 per month. The number of awards to Scheduled Caste and Scheduled Tribe students which stood at 3.25 lakhs at the end of the Fourth Five Year Plan was likely to cross the figure of 4 lakhs during 1977-78. Besides 500 scholarships were earmarked for the children of persons not belonging to Scheduled Castes who are engaged in unclean occupations like scavenging, flaying and tanning

etc. The rates of post-matric scholarships are not adequate to cover the expenses on higher education of the students belonging to the Scheduled Castes and Scheduled Tribes majority of whom come from poor families. There is a desirability of reviewing the situation and raising the rates of scholarships suitably.

Construction of Girls' Hostels

4.8. The object of the Central Sector Scheme of construction of girls' hostels was to develop these places as multi-purpose institutions where the girls belonging to these categories could be trained in arts, crafts, house-keeping etc. Upto the end of 1977-78, 817 girls' hostels were expected to be constructed. The progress of this

scheme has been rather slow and according to Ministry of Home Affairs it was somewhat difficult for the authorities concerned to verify whether hostels had been actually constructed within the allotted money and specified time.

Pre-matric scholarships :

4.9. A new scheme of award of pre-matric scholarships for the children of those engaged in professions of scavenging, flaying and tanning has been introduced with effect from 1977-78 in order to wean away the children from unhealthy surroundings under which their parents lived. The scholarship amount of Rs. 145.00 per month covered expenses of tuition fees, boarding and lodging, books and equipment, uniform and other incidentals. The scheme was proposed to be implemented by the State Government through the non-official organisations.

Pre-examination Training Centres :

4.10. Pre-examination training centres had been set up for improving the placement of the Scheduled Caste and Scheduled Tribe candidates in various categories of employment. There are 7 All India Centres at Delhi, Allahabad, Madras, Patiala, Jaipur, Shillong and Hyderabad for I.A.S., I.P.S. and other Central Services Examinations : 2 centres at Allahabad and Tiruchirapalli to prepare these candidates for combined Engineering Services Competitive Examinations and 13 centres in the various States for State Civil Services and other examinations. Though it has been possible for the U.P.S.C. to recommend requisite number of Scheduled Caste and Scheduled Tribe candidates for I.A.S., I.P.S. and other Central Services, but the Staff Selection Commission has not been able to recommend adequate number of Scheduled Caste and Scheduled Tribe candidates for

appointment to subordinate services like inspectors of Income-tax and Excise etc.

Voluntary Organisations :

4.11. As regards assistance provided to voluntary organisations of all India Character engaged in the welfare work amongst Scheduled Castes and Scheduled Tribes, an allocation of Rs. 80 lakhs was made during 1977-78. It is suggested that the Government of India should set apart some funds for encouraging new organisations to take up welfare work amongst the Scheduled Castes and Scheduled Tribes.

Strengthening machinery for enforcement of the Protection of Civil Rights Act, 1955 :

4.12. In August, 1978, Government of India in the Ministry of Home Affairs conveyed its approval for allocations amounting to Rs. 45 lakhs during the year 1978-79 to be provided as central assistance for strengthening the machinery for the enforcement of the Protection of Civil Rights Act to the State Governments of Andhra Pradesh (Rs. 4.00 lakhs), Gujarat (Rs. 3.50 lakhs), Maharashtra (Rs. 3.50 lakhs), Tamil Nadu (Rs. 4.00 lakhs), Karnataka (Rs. 5.00 lakhs), Madhya Pradesh (Rs. 3.00 lakhs), Rajasthan (Rs. 3.00 lakhs), Orissa (Rs. 3.00 lakhs), Bihar (Rs. 8.00 lakhs) and Uttar Pradesh (Rs. 8.00 lakhs).

Expenditure incurred on the welfare of Scheduled Castes and Scheduled Tribes under State Sector :

4.13. Available information regarding over all scheme-wise expenditure incurred under three broad heads viz. education, economic uplift and health, housing and others from 1974-75 to 1977-78 is given in the following table;—

(Rs. in lakhs)

Category	Group	Fifth Plan Outlay	1974-75	1975-76	1976-77	1977-78
Scheduled Castes	Education	5,882.390	679.262	907.193	1,081.769	1,828.480
	Economic Uplift	2,086.030	334.538	469.688	481.299	418.580
	Health, Housing & Others	2,157.050	980.442	1,714.479	1,111.891	851.660
		10,125.470	1,994.242	3,091.360	2,674.959	3,098.720A
		+ 567.00@				
		10,692.470				
Scheduled Tribes	Education	3,643.58	461.216	578.486	710.950	823.550
	Economic Uplift	2,894.31	362.654	467.188	475.379	524.640
	Health Housing & Others	1,510.90	264.647	291.564	374.876	187.990
		8,048.79	1,088.517	1,337.238	1,561.204	1,536.180B
		+ 23.80*				
		8,072.59				

@Combined for Scheduled Castes/Scheduled Tribes (Assam),

*Combined outlay for Education, Economic Uplift, Health, Housing & Others in respect of Andaman & Nicobar Islands,

A Information pertaining to Haryana, Himachal Pradesh and Uttar Pradesh, not available,

B Information pertaining to Himachal Pradesh, Meghalaya and Uttar Pradesh not available,

4.14. Available State-wise details regarding expenditure incurred during the Fifth Plan under three major heads on Scheduled Castes and Scheduled Tribes in State Sector may be seen at Appendix XLIV.

Developmental expenditure incurred by North-Eastern Council

4.15. In the course of his tour in North-East in May, 1978 the Commissioner for Scheduled Castes and Scheduled Tribes had an opportunity of discussing about the welfare schemes to promote the interest of Scheduled Tribes with the North-Eastern Council. It was understood that Small Scale Industries Institute, Hyderabad had made a study of entrepreneurs in the North-East at the request of the North-Eastern Council. It was also understood that for the year 1978-79 the North-Eastern Council had been allocated an amount of Rs. 35.85 crores by the Planning Commission out of which an amount of Rs. 17.50 crores was to be spent on power, Rs. 10 crores on roads and bridges, Rs. 1.18 crores on village and small scale industries etc. During 1977-78, anticipated expenditure of Rs. 28.60 crores had been incurred for the purpose. The North-Eastern Council has collected information on various problems of the North Eastern Region and there are technical experts who can guide the various States/Union Territories in the North-East in the developmental programmes.

Inadequate coverage under educational programmes

4.16. One of the major handicap on account of which the persons belonging to Scheduled Castes suffer at the hands of vested interests is on account of social inhibitions and inadequate work done to bring about the required social change. It has been commonly claimed that of all the schemes taken up for betterment of the persons belonging to Scheduled Castes, the ones relating to advancement of education amongst Scheduled Castes have shown encouraging results. Of course, it is true to some extent but here also the progress has not been as encouraging as one would have wished. For example, in Uttar Pradesh during 1951 to 1971, the Scheduled Caste literacy had gone up from 3.3 per cent to 10.2 per cent compared to the general literacy rate which went up from 10.7 to 21.7 per cent. Far more emphasis was given on increasing the number of colleges, high schools and middle schools as compared to primary schools. At the primary level the main benefit was of free education and the provision of scholarships covered an insignificant 1 per cent students. At the middle and high school levels less than 1/3rd of students got scholarships but all the girls and students belonging to scavenging caste were covered; and at the post-matric level all the students got scholarships under the Government of India post-matric scholarships. It was noticed that there was a great deal of delay and misutilisation of funds in so far as pre-matric

scholarships were concerned. The system of scholarships left a very large number of students at earlier stages of education to take care of themselves and this factor was responsible for a high rate of wastage and stagnation at primary and middle levels. It has been noticed that facilities for Scheduled Castes and Scheduled Tribes at pre-matric stage of education are not adequate in many parts of our country and on account of this shortcoming quite a sizable number of students belonging to these categories do not reach the higher stages of education.

Problems connected with the unclean traditional occupations

4.17. According to 1961 census the total population of those engaged in unclean occupations like those of scavenging, tanning and tlaying was 10,40,193 of which 8,02,336 were working as scavengers and sweepers. Separate data was not collected about the scavengers, tanners and tlayers at the time of 1971 census. It is well known that the members of these communities suffer from the worst form of untouchability. In the course of the Third Plan, the scheme of improvement in the working conditions of scavengers and sweepers was taken up under the Centrally Sponsored Programme with a plan allocation of Rs. 144.19 lakhs. An allocation of Rs. 299.00 lakhs was made for housing and house sites. During Fourth Plan, a provision of Rs. 300 lakhs was made for the composite schemes. During Third and Fourth Five Year Plans about 39,000 wheel barrows, hand carts and 11,000 implements such as gum boots and gloves **kawadh**, scrappers, buckets etc. were supplied to the scavengers through the municipalities. 54,000 house-sites and 30,000 houses were also provided to the scavengers and sweepers and others engaged in unclean occupations. However, this did not result in any marked improvement either in their living or in working conditions. But the pity is that even these measures were given up in the course of the Fifth Plan under the Central Sector and the States were advised that out of general sectors such programmes should be chalked out so that the persons belonging to these communities also benefited. The Union Ministry of Works and Housing initiated a scheme of conversion of dry latrines into sanitary ones, to be taken up in 30 selected towns in country and a provision of Rs. 4.40 crores was made in the Fifth Plan for this purpose.

Quantification of funds for the welfare of Scheduled Castes

4.18. Time and again it had been stressed in the Five Year Plans that the persons belonging to Scheduled Castes should derive adequate benefits from general sector schemes. The Planning Commission had at the time of formulation of the Fifth Five Year Plan decided that each department under the general sector should identify the schemes that can be taken up for the welfare of Scheduled Castes out of the General Sector

Programme and earmark separate funds for this purpose. In the Conference of State Ministers incharge of Backward Classes Welfare held in April, 1975, a resolution was adopted according to which each Department was required to examine the schemes in the general sector and quantify the benefits which should be made available to the Scheduled Castes. In making such quantification, the eligibility conditions were to be relaxed in favour of these communities wherever necessary. It was felt that such quantification should be made worth at the time of planning and budgeting. Each sectoral programme, worth at the Centre and the State, should be reviewed with reference to the eligibility conditions who adopted in favour of Scheduled Castes wherever necessary. A sub-committee of the Cabinet and a Committee of Secretaries under the Chairmanship of the Chief Secretary should oversee and direct the flow of sectoral allocations in favour of these communities. It was also thought necessary that the Planning/Finance Departments should have cells for ensuring flow of resources. The Finance Department should further clear the annual budget proposals of the Department concerned only after quantification has been made and previous year's performance reviewed. For a vast majority of Scheduled Caste landless labourers or subsistence farmers, there should be a massive programme of economic development which should include provision of inputs for agriculture, minor irrigation, animal husbandry, cottage industries, as programmes from the regular development departments to the concerned States. The State Education Department should shoulder the responsibility for providing pre-matric education to the entire Scheduled Caste population. For this purpose, they should provide scholarships, stipends, books, mid-day meals, uniforms, residential schools, specially for the most backward sections among the Scheduled Castes out of the Education budget. The Department incharge of Harijan Welfare should watch the progress of quantification by the various departments and also evaluate at the district level whether the benefits as earmarked have reached the beneficiaries.

4.19. The above recommendations made by the Conference were forwarded to the State Governments by the Government of India in August, 1975. Further guidelines for quantifying the benefits were suggested by the Ministry of Home Affairs in March, 1976. Illustrative lists of schemes in various developmental sectors where benefits could be quantified were also forwarded to the State Governments.

4.20. Information collected about the steps taken by the States/Union Territories for quantification of funds for Scheduled Castes by the respective State Governments of Andhra Pradesh, Assam, Bihar, Haryana, Gujarat, Karnataka,

Madhya Pradesh, Maharashtra, Kerala, Punjab, Tamil Nadu and Uttar Pradesh is given at Appendix XLV. A statement showing the amounts quantified by some of the State Governments for Scheduled Castes from 1974-75 to 1977-78 is given at Appendix XLVI.

4.21. It would be seen from the data pertaining to 21 States/Union Territories that only an amount of Rs. 151.16 crores was made available for the development of Scheduled Castes between 1974-75 to 1977-78 out of General Sector Programme and this in itself is highly inadequate.

4.22. No reliable and comparative data is available and it appears that so far adequate care has not been exercised to quantify funds from identifiable programmes and to orient the programmes, as far as possible to the needs of Scheduled Caste persons. Quantification of flow of funds from general sector towards the welfare of Scheduled Castes should be done at the budgeting and planning stage and the Planning Commission may issue necessary directions to all the Central Ministries and State Governments to give benefit of their development programmes to Scheduled Castes at least in proportion to their population.

Animal husbandry and other allied programmes

4.23. Good deal of improvement can be brought about in the economic condition of the persons belonging to these categories through programmes like animal husbandry, fisheries etc. Under the Fisheries Programme persons belonging to these categories could be helped by assigning rights in respect of water resources and providing assistance for better fishing techniques.

4.24. Special measures should be taken to promote the interests of artisan group amongst Scheduled Castes/Scheduled Tribes like the ones engaged in leather work, weaving, basket making, conch shells etc. For such professions comprehensive plans should be prepared and in fact any profession in which more than 50 per cent of the participants belong to the Scheduled Castes should be taken under the ambit of Scheduled Castes Development Programme. Efforts require to be made to organise the rural poor so that they may be able to get due share of the economic development measures. A large number of Scheduled Caste/Tribe persons should be prepared for employment in the growing spheres of the economy. The Bureau of Public Enterprises should ensure that due share of the enterprises within its jurisdiction accrues to the persons belonging to Scheduled Castes and Scheduled Tribes. Khadi and Village Industries Commission etc., should organize training programmes for artisans belonging to Scheduled Castes and Scheduled Tribes to help them to modernize their methods of production and assist them in the marketing of their produce by exploring the requirements of the areas and the products.

Development of pockets having concentration of Scheduled Caste population

4.25. According to 1971 Census there were 666 taluqas in the country where Scheduled Castes formed more than 20 per cent of the total population. It was suggested in the last Report that the State Governments concerned should consider the desirability of setting up special projects with well thought out schemes and earmark funds from general sector for the development of inhabitants of the identified areas. However, it is unfortunate that leaving aside the States of Bihar and Orissa the remaining States have not taken any positive action in this direction. The Government of Bihar had taken a decision to introduce a pilot project for Scheduled Castes with an outlay of Rs. 10.00 lakhs in the respective districts of Gaya and Nawada during 1978-79. It is understood that the State Government is also thinking of introducing such projects in other districts like Rohtas, Bhojpur, Patna, East Champaran and West Champaran. During the year under Report, a study of the working of Jajpur pilot Project for Scheduled Castes in Cuttak District of Orissa State revealed that almost all the Scheduled Caste households (27,813 approximately) required financial assistance for improving their economic condition. However, only 1,388 Scheduled Caste households had been covered under various schemes implemented by the Pilot Project. As regards the programme of animal husbandry, it was found that some goats supplied to the beneficiaries were dying on account of the lack of medical assistance. The veterinary staff posted in the block area was not rendering medical aid to the goat units supplied by the Pilot Project in the area. The programme of providing agricultural inputs/assistance to the Scheduled Caste agriculturists had produced good results. The scheme of dugwells had also proved useful to the Scheduled Caste cultivators. As regards provision of assistance for bullocks, it has been pointed out that assistance amounting to Rs. 500 for purchase of bullocks was inadequate and should be raised to at least Rs. 1000/-. For coconut plantations, financial assistance amounting to Rs. 50 per beneficiary should be given as an outright grant. The scheme of providing Cycle Rickshaws to Scheduled Castes had also been useful. With regard to introduction of new programmes, it has been suggested that schemes like dairy farming, supply of improved seeds, fertilizers and pesticides on 50 per cent loan and 50 per cent subsidy basis should be taken up to encourage the Scheduled Caste cultivators to grow various types of fruits and vegetables. Schemes relating to development of pisciculture, supply of sewing machines, brick manufacturing, blacksmithy, dairy farming, carpentry and beekeeping etc. have been suggested to be included in the programme.

Integrated Rural Development

4.26. The Department of Rural Development in the Ministry of Agriculture and Irrigation,

Government of India, initiated a programme of area planning for full employment in 1976-77. However, the programme did not make a real start during 1976-77, and in the next year a budget provision of Rs. 8 crores was made under the programme. The Government of India sanctioned budget proposals in respect of 16 districts exceeding the budget provision by an amount of Rs. 32.68 lakhs. About 90 per cent of the amount was sanctioned for productive schemes like agriculture, irrigation, animal husbandry, soil conservation and forestry etc. For 1978-79, a budget provision of Rs. 20 crores was proposed under the head 'Area Planning for full Employment'.

4.27. Considerable number of the persons belonging to Scheduled Castes are landless labourers, share croppers and comparatively better off amongst them are marginal cultivators. Developmental programmes like S.F.D.As., D.P.A.Ps., Whole Village Development Programme, T.D.As. etc. are now being converted into a single programme of Integrated Rural Development in which the Unit of planning will be a block. During 1978-79, the programme is being intensified in about 2,000 blocks out of 3,000 blocks covered under any of the ongoing programmes. The Blocks with more than 20 per cent Scheduled Caste population are to be accorded high priority for inclusion under the intensified integrated rural development programmes. **It is desirable that all the blocks with more than 20 per cent Scheduled Caste population should be covered under the intensified Integrated Rural Development Programme within the next two years. The benefits in the Integrated Rural Development Programmes should be given on the basis of proportion of the population of Scheduled Caste persons in the target group.**

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

4.28. Information regarding revised guidelines issued in May, 1977 by the Central Department of Revenue and Banking to the Public Sector banks, non-nationalised banks and regional rural banks to advance not less than 1/3rd of the bank credit under the differential rate of interest scheme to the persons belonging to Scheduled Castes and Scheduled Tribes, was given in the last report. In order to collect details about the actual benefits derived by the persons belonging to Scheduled Castes and Scheduled Tribes this office addressed communications to the concerned authorities. Complete information regarding amount to be earmarked for Scheduled Castes and Scheduled Tribes in rural and semi-urban areas and urban and metropolitan areas during 1977 and the actual amount disbursed to Scheduled Castes/Scheduled Tribes, received from three

banks has been indicated in the following table:—

Name of Bank	(Rs. in lakhs)			
	Amount to be earmarked for SCs/STs in rural and semi-urban areas	Actual amount disbursed to SCs/STs	Amount to be earmarked for SCs/STs in urban and Metropolitan areas	Actual amount disbursed to SCs/STs
1	2	3	4	5
Bank of India	106.90	968.00*	53.45	Included in Column No. 3
United Bank of India	57.00	42.76*	29.00	Do.
Union Bank of India	60.83	188.62*	30.41	Do.
	224.73	1199.38*	112.86	

*Combined figures for the rural and semi-urban areas and urban and metropolitan areas.

It would be seen from the above that the Bank of India and Union Bank of India exceeded in disbursing loans to Scheduled Castes and Scheduled Tribes than the amount earmarked for them, while the United Bank of India did not reach the stipulated target fixed by the Government.

4.29. The Reserve Bank of India had issued guidelines to all the scheduled commercial banks in June, 1978 for giving loans for hostels and housing schemes including rural housing schemes. It was provided that bank credit should not exceed 40 per cent of the cost of each project and the rate of interest for taking up housing and hostel schemes specially intended for Scheduled Castes and Scheduled Tribes should not exceed the rate of interest prescribed under differential rate of interest scheme viz. 4 per cent. In the matter of sanctioning of direct loans by banks to the beneficiaries it was laid down that the individual loans should not exceed 80 per cent of the total cost of a tenement/house. Available information regarding the loans advanced by various banks in this regard is given below:—

Name of the Bank	Remarks
1. Union Bank of India, Bombay.	Till December, 1977, 1486 beneficiaries belonging to weaker sections were given housing assistance amounting to Rs. 10.75 lakhs.
2. United Bank of India, Calcutta.	Till March, 1978, 81 beneficiaries belonging to Scheduled Castes and Scheduled Tribes were sanctioned loans amounting to Rs. 2.45 lakhs in Gujarat State.
3. Indian Overseas Bank, Madras.	Till 1976-77, 3,629 beneficiaries belonging to weaker sections in 21 States were sanctioned loans amounting to Rs. 85.78 lakhs.

Name of the Bank	Remarks
4. Indian Bank, Madras.	During 1976-77, 10 persons belonging to Scheduled Castes and Scheduled Tribes were assisted at Nasik at the rate of Rs. 400 per beneficiary. The Bank also agreed to finance rural housing schemes at Chandigarh to benefit 300 persons including Scheduled Castes; low cost housing scheme at Gujarat for the benefit of 1000 persons mostly belonging to Scheduled Castes. The bank had also agreed to take up financing programme regarding Harijan housing and hostels in Tamil Nadu involving a total commitment of Rs. 50 lakhs.
5. Canara Bank, Bangalore.	Till December, 1976 an amount of Rs. 19.39 lakhs was disbursed for housing projects including hostels for the persons belonging to Scheduled Castes and Scheduled Tribes.
6. Allahabad Bank, Calcutta.	Till March, 1977, 95 persons belonging to Scheduled Castes and Scheduled Tribes were sanctioned an amount of Rs. 2.44 lakhs under the Rural Housing Scheme and an amount of Rs. 0.13 lakh had actually been disbursed.
7. Punjab National Bank, New Delhi.	During 1976-77, the Bank sanctioned an amount of Rs. 0.94 lakh to 55 persons belonging to Scheduled Castes and Scheduled Tribes for construction of Houses/Hostels in Punjab and Uttar Pradesh. In Haryana, 987 persons belonging to Scheduled Castes were sanctioned an amount of Rs. 29.25 lakhs for construction of houses of which an amount of Rs. 24.64 lakhs had actually been disbursed.

4.30. It would be seen from the foregoing details that the banks have started assisting the persons belonging to Scheduled Castes and Scheduled Tribes. It is hoped that this pace will be accelerated in the coming years so that the persons belonging to these categories may be able to improve their economic and social condition.

4.31. It was suggested in the last Report that atleast 10 per cent of the total loans should be advanced by the banks to meet the medium and long-term credit requirements of Scheduled Caste and Scheduled Tribe persons and it was considered necessary that cooperatives organized for the Scheduled Castes and Scheduled Tribes should also be made eligible to get loans under the differential interest rates schemes. This recommendation is again reiterated because so far no action appears to have been taken on this suggestion.

Rural Banks

4.32. As per available information till June, 1977, 48 Regional Rural Banks had been established in the respective States of Andhra Pradesh (3), Assam (1), Bihar (7), Haryana (2), Himachal Pradesh (1), Jammu & Kashmir (1), Karnataka (3), Kerala (2), Madhya Pradesh (4), Maharashtra

(1), Orissa (4), Rajasthan (3), Tamil Nadu (1), Tripura (1), Uttar Pradesh (10) and West Bengal (4). According to available information in respect of 23 rural banks, 42,332 and 23,206 persons belonging to the Scheduled Castes and Scheduled Tribes were given financial assistance amounting to Rs. 449.31 lakhs and 327.61 lakhs, respectively. Details regarding the assistance rendered by these banks may be seen at Appendix XLVII.

4.33. It is understood that with effect from 1st March, 1978, the primary cooperative agricultural credit societies have reduced the rates of interest on short-term loans by about 1 per cent to $1\frac{1}{2}$ per cent on the average. The Reserve Bank of India is understood to have reduced the refinancing rates from marketing advances and fertilizer distribution by 3 per cent and 2 per cent respectively with effect from 1st June, 1978. The Reserve Bank of India advised the state cooperative banks to introduce concessional rate of interest to the weaker sections in the rural areas to the extent possible. According to available information some of the State Governments like Gujarat, Karnataka, Maharashtra, Madhya Pradesh, Punjab, Rajasthan and Tamil Nadu have introduced concessional rate of interest for small and economically weak farmers including Scheduled Tribes on loans through cooperative credit societies. These rates vary between 9 to 11 per cent as against normal rates of 11 to 13 per cent.

Allotment of Distributive Agencies

4.34. Available information regarding allotment of distributive agencies to the persons belonging to Scheduled Castes and Scheduled Tribes is given below :—

1. Madhya Pradesh Out of 16,128 fair price shops, 954 shops were being run by the persons belonging to Scheduled Castes and Scheduled Tribes.
2. Himachal Pradesh During 1976-77, 25 Scheduled Tribe and 12 Scheduled Caste persons were allotted fair price shops.
3. Maharashtra . Out of 4,299 fair price shops/kerosene agencies, 283 shops/agencies were allotted to Scheduled Castes and 229 shops/agencies to Scheduled Tribe persons.
4. Orissa . The Government of Orissa announced special concessions/facilities to contractors/private limited companies and partnership firms in which at least 51 per cent of the shares are held by the persons belonging to Scheduled Castes and Scheduled Tribes for execution of P.W.D. works. It has been provided that if the tender of Scheduled Caste/Scheduled Tribe contractors is within 10 per cent of rate quoted by the lowest tenderer, the work may be allotted to the Scheduled Caste/Scheduled Tribe contractors. It was also provided that the applicants belonging to Scheduled Castes/Scheduled Tribes desirous of enrolling themselves as contractors

should furnish solvency certificates to the extent of 50 per cent only of the amount of solvency prescribed for various classes of contractors.

5. Harayana . During 1976-77, 4,418 ration depots were functioning in the State, of which 137 ration depots were being run by the persons belonging to Scheduled Castes.
6. Kerala . During 1976-77, 11 ration shops were allotted to the persons belonging to Scheduled Castes and Scheduled Tribes in the State.
7. Meghalaya . Out of a total number of 1,602 distributive agencies as many as 1,206 agencies and 17 fair price/ration shops had been allotted to the persons belonging to Scheduled Tribes and Scheduled Castes respectively.

4.35. It appears that the matter of allotment of fair price shops/distributive agencies to the persons belonging to Scheduled Castes and Scheduled Tribes had not so far received sufficient attention of the State Governments/Union Territory Administrations. All the State Governments/Union Territory Administrations should allot distributive agencies/fair price shops to the persons belonging to Scheduled Castes and Scheduled Tribes at least in proportion to their population in the State/Union Territory.

Assistance for setting up Small Scale Industries

4.36. Persons belonging to Scheduled Castes and Scheduled Tribes deserve preference in Government jobs. But this alone would not serve the purpose for the jobs are few. Hence there is need to give them preference over others in granting financial assistance for setting up small industries. The Small Industries Development Organisation was set up in 1955 and by the end of 1977 there were 2.69 lakh registered units and 29.00 lakh persons had been employed in these units. This Organization has a number of schemes to assist the small scale industrialists. The Organization can be of considerable help in promoting the economic welfare of Scheduled Castes and Scheduled Tribes if their schemes are suitably modified in favour of Scheduled Castes and Scheduled Tribes and conscious attempts are made to assist the entrepreneurs belonging to these categories.

Fertilizer Corporation of India

4.37 It was mentioned in the last Report that the Fertilizer Corporation of India, Madras Fertilizers Ltd. and Fertilizers and Chemicals Travancore Ltd. appointed dealers etc. for the distribution of fertilizers, but no procedure had been evolved to give benefit of such dealership to the persons belonging to Scheduled Castes and Scheduled Tribes, and it was suggested that these public sector undertakings should make specific reservations for the persons belonging to Scheduled Castes and Scheduled Tribes in the allotment of fertilizer agencies. This matter was taken up by the Commissioner for Scheduled Castes and Scheduled Tribes

with the Minister for Petroleum, Chemicals and Fertilizers in July, 1977. It is good to note that a decision was taken in September, 1978 that at least 25 per cent of all future appointments regarding fertilizer dealerships awarded by the Fertilizer Corporation of India would be reserved for the persons belonging to these categories. Certain relaxations have also been made for the persons belonging to the Scheduled Castes and Scheduled Tribes. No security deposit would be required to be made by them and preference would be given in supply of fast moving material for the first three years of their tenures as dealers. A low investment of Rs. 10,000 only would be required. To protect these persons from possible exploitation by other sections, they will not be permitted to enter into partnerships with members belonging to other communities. Fertilizer Corporation of India Field Officers would also liaise with banks to ensure banking facilities to them for obtaining credit wherever necessary. It is, however, not known whether this decision would also be applicable in case of the other two fertilizer units viz., Madras Fertilizers Ltd. and Fertilizers and Chemicals, Travancore Ltd. under the control of the Union Ministry of Petroleum, Chemicals and Fertilizers. **It is hoped that reservations for the persons belonging to Scheduled Castes and Scheduled Tribes in the appointment of dealerships would also be made in respect of the remaining two units.**

Indian Oil Corporation

4.38. During 1977-78, Indian Oil Corporation Limited, Bombay, awarded 44 I. O. C. agencies/dealerships out of which 17 were awarded to the persons belonging to Scheduled Castes and Scheduled Tribes. Information regarding the number of agencies/dealerships awarded to Scheduled Castes/Scheduled Tribes separately was not available.

Ministry of Railways

4.39. According to information furnished by the Ministry of Railways the persons belonging to Scheduled Castes and Scheduled Tribes are given highest preference in the allotment of catering/vending contracts. However, no specific percentage has been fixed for allotment of catering/vending contracts. It is understood that out of a total number of 397 contracts given during the period under report, 110 persons belonging to the Scheduled Castes and Scheduled Tribes applied for the contracts and out of them 41 were allotted contracts constituting 10.32 per cent of the total number of contracts given. Separate figures regarding the contracts allotted to the persons belonging to the Scheduled Castes and Scheduled Tribes were not available.

4.40. **It is suggested that persons belonging to the Scheduled Castes and Scheduled Tribes should be given preference in obtaining catering contracts on running trains like dining-cars etc.**

Allotment of Buses

4.41. Under the scheme of allotment of 200 Mini Buses to the unemployed graduates of Delhi University, 30 buses were reserved for allotment to the Scheduled Caste candidates. It was understood that out of a total number of 91 buses allotted till December, 1977, 20 buses had been allotted to Scheduled Caste candidates.

4.42. The Delhi Transport Corporation decided to allot 60 buses out of a total number of 400 private buses to be allotted under their scheme on kilometre charges to the persons belonging to Scheduled Castes and Scheduled Tribes. However, information regarding actual buses allotted to the persons belonging to Scheduled Castes and Scheduled Tribes was not available.

Setting up of Finance Corporations for economic development of Scheduled Castes and Scheduled Tribes

4.43. Quite a good deal of improvement can be brought about in the economic development of Scheduled Caste and Scheduled Tribe persons by rendering them assistance through well managed development corporations. It was suggested in the last Report that all the State Governments should set up Development Corporations to promote the interests of Scheduled Castes and Scheduled Tribes.

4.44. According to available information development corporations are already functioning in **Andhra Pradesh, Bihar, Assam, Haryana, Punjab, Orissa, Rajasthan, Gujarat, Karnataka, Kerala, Uttar Pradesh, Maharashtra, Madhya Pradesh, Tamil Nadu and West Bengal.** The Corporations advance loans for economic activities like agricultural development, marketing and processing, trade/profession including small scale industries, supply and storage, transport, dairy farming, piggery, poultry etc.

Corporation for Scheduled Castes, Scheduled Tribes and Other Backward Classes in Assam

4.45. In Assam, 3 exclusive corporations were set up for Scheduled Castes, Scheduled Tribes and Other Backward Classes. However, in the course of the visit of the Commissioner to Assam, it was learnt that these corporations had not been able to make the desired impact in improving the conditions of the Scheduled Castes, Scheduled Tribes and Other Backward Classes. The Commissioner was informed that the work of Managing Directors of all the three corporations was being handled by a single Officer and nationalised banks did not come forward to help in a big way the Scheduled Caste, Scheduled Tribe and Other Backward Classes applicants for giving them loans for improving their economic condition. The Commissioner suggested that the State Government should study the working of the development corporations in other States specially the Andhra Pradesh Scheduled Castes Development Corporation to improve the working of their

corporations. Suggestions were made to the State Government to help them in initiating suitable measures for revitalising corporations.

Haryana Harijan Kalyan Nigam

4.46. Upto the end of 1976-77, the Haryana Harijan Kalyan Nigam advanced loans to 3367 Scheduled Caste families at the rate of interest varying from 4 to 7 per cent. Till June, 1977 the Nigam had been able to recover an amount of Rs. 27.63 lakhs as against the amount of Rs. 42.66 lakhs outstanding against the loans. Besides the Nigam had set up three units for creation of employment viz., Shoe Production Centre, Karnal; Harkalyan Binders and Printers, Panchkula and Harkalyan Packages, Murthal. In these units 212 persons were provided employment, 66 per cent of whom belonged to Scheduled Castes. The Nigam had also been providing training facilities to Scheduled Castes in the industrial units by employing them as unskilled workers and then attaching them with skilled workers to acquire the skill and training. **The Nigam should obtain sizeable funds from the nationalised banks to be advanced by them to Scheduled Caste persons on nominal rates of interest. The difference between the rates of interest at which the loan is obtained from the bank and the rate at which it has been advanced to the persons belonging to Scheduled Castes should be borne by the Nigam and to meet the difference the Government of Haryana should give adequate grants to the Nigam.**

Punjab Scheduled Castes Land Development & Finance Corporation

4.47. Upto the end of February, 1978, the Punjab Scheduled Castes Land Development and Finance Corporation disbursed loans amounting to Rs. 5.80 crores benefitting 13,126 Harijan families. An appraisal made regarding the working of the Corporation revealed that till the end of March, 1977, the Corporation had advanced loans worth Rs. 4.53 crores to 10,800 Scheduled Caste families. As against the outstanding loans amounting to Rs. 2.38 crores upto February, 1978, an amount of Rs. 181.00 lakhs had been recovered including the amount of Rs. 36.18 lakhs as interest charges. **But the weakest links among the Scheduled Castes are yet to derive any sizeable benefits from the schemes of the Corporation.**

4.48. It has also been observed that the Corporation is faced with the problem of non-availability of funds to be disbursed to eligible Scheduled Caste applicants. The Corporation has so far obtained funds from the State Government and unless the share capital of the Corporation is enhanced, it may not be possible to disburse loans at nominal rates of interest to the persons belonging to Scheduled Castes. The Corporation has proposed to take up certain schemes in order to supplement its funds. One of the proposals is to get allotted I. O. C. Petrol Pumps to the Corporation instead of giving to individuals.

Similarly it is proposed that 25 per cent of the route permits may be allotted to the Corporation. The Corporation also wants to set up units for the manufacture of soap on a large scale. If these proposals are approved it would augment the resources of the Corporation and enable it to advance loans to more Scheduled Caste families. During 1977-78, the State Bank of Patiala had given Rs. 25.00 lakhs to the Corporation for advancing loans to such Scheduled Caste persons whose income is less than Rs. 2,000 per annum, the maximum limit of loan under this assistance programme was Rs. 6,000. **It is felt that either the State Government should help the Corporation in a big way by giving substantial grants or the Corporation should be assisted to obtain loans from the nationalised banks under the D. I. R. Scheme if the tempo of the loans to the persons belonging to Scheduled Castes is to be maintained unhampered.**

Gujarat Scheduled Castes Economic Development Corporation

4.49. The Gujarat Scheduled Castes Economic Development Corporation advanced an amount of Rs. 25 lakhs for purchasing buffaloes to 1,000 persons during 1977-78. In the past two years the Corporation assisted 746 beneficiaries for a total amount involving Rs. 5.08 lakhs for purposes like purchase of oil engine, motor pump, persian wheels, cottage industries etc. Besides 8 Cooperative Societies consisting of 1500 bamboo workers were organized.

Andhra Pradesh Scheduled Castes Cooperative Finance Corporation Ltd.

4.50. A sum of Rs. 54.38 lakhs was released to the Andhra Pradesh Scheduled Castes Cooperative Finance Corporation Ltd. Hyderabad upto 31st December, 1977 for providing financial assistance to Scheduled Caste individuals who had been assigned surplus lands. A further sum of Rs. 41.08 lakhs was also provided by the State Government to the Corporation in March, 1978 for this purpose. Land measuring 15,52,016 acres was declared surplus in the 21 districts of Andhra Pradesh out of which 1,60,715 acres was allotted to 58,284 Scheduled Caste persons. The Corporation had released an amount of Rs. 53.26 lakhs in favour of 18 district Scheduled Castes societies for providing financial assistance to the Scheduled Caste persons who were assigned surplus lands. The Corporation provided financial assistance to help promote a variety of schemes under agriculture, fisheries and industries. 1.02 lakh beneficiaries belonging to Scheduled Castes had been provided financial assistance amounting to Rs. 9.53 crores in agriculture and animal husbandry sectors. In the industries sector the Corporation had been assisting the entrepreneurs by providing guarantee to the loans sanctioned by commercial banks, finance corporations etc. Assistance amounting to Rs. 9,86,640.00 for purposes like drilling and crushing, engineering workshops, printing press, knitting industry, paper

bags manufacture, rice mill etc. Besides an assistance amounting to Rs. 11,65,350.00 had been provided for fisheries.

4.51. Apart from these activities, the Corporation programmed to construct 200 hostels for Scheduled Caste boys and girls at various places in the districts. It borrowed a sum of Rs. 80 lakhs from the Indian Bank under differential rate of interest scheme with the guarantee of the State Government and the State Government sanctioned Rs. 40 lakhs as interest free loan during the year 1977-78.

Kerala State Development Corporation for Scheduled Castes and Scheduled Tribes Ltd.

4.52. Upto the end of August, 1978, the Kerala State Development Corporation for Scheduled Castes and Scheduled Tribes Ltd., Trichur constructed 2151 houses and work on 49 houses was at various stages of construction. The Government of Kerala is also reported to have accorded sanction for construction of 10,000 low cost subsidised houses for Scheduled Castes and Scheduled Tribes of the State. The estimated cost of a house has been kept at Rs. 3,000.00 out of which an amount of Rs. 1,500.00 would be given as grant by the Government and the remaining amount of Rs. 1,500.00 would be raised as loan from the HUDCO at 5 per cent rate of interest. For purchasing agricultural land, 1169 persons belonging to Scheduled Castes and Scheduled Tribes were given loans amounting to Rs. 41,91,695.00, 998 persons were given loans amounting to Rs. 32,34,700.00 for starting small business, trade or industry. The Corporation assisted 232 persons for purchasing auto-rickshaws with a total amount of Rs. 28.50 lakhs. Besides, an amount of Rs. 1.86 lakhs had been given to 15 Scheduled Caste, Scheduled Tribe entrepreneurs for starting industries in the mini-industrial estates. 250 tribal families benefitted from the programme of marketing of cardamom at Devicolam. 245 persons belonging to Scheduled Castes and Scheduled Tribes received training in auto-rickshaw driving with a total assistance amounting to Rs. 0.77 lakhs. The Corporation is also setting up a match factory in Trichur district for giving employment to Scheduled Castes and an expenditure of Rs. 2.86 lakhs has been incurred for this project. Besides the Corporation has been encouraging traditional industries of Harijans such as basket making etc.

U. P. Scheduled Castes Financial and Development Corporation Ltd.

4.53. The U. P. Scheduled Castes Financial and Development Corporation Ltd. has been able to provide loans amounting to Rs. 54.78 lakhs to 4305 Scheduled Caste families during the last three years. So far the Corporation has not been able to make any recovery from its loanees.

Tamil Nadu Harijan Housing and Development Corporation

4.54. During 1976-77, the Government of Tamil Nadu sanctioned 5023 houses to be con-

structed through the Tamil Nadu Harijan Housing and Development Corporation and released a sum of Rs. 2.2 crores for the purpose. For the year 1977-78, the State Government sanctioned construction of 5,000 houses. As per latest information available 3619 houses have been completed and distributed to the beneficiaries free of cost. Besides, the Corporation had taken up construction work of 41 hostels during 1976-77 and 29 hostels during 1977-78 at a cost of Rs. 125.58 lakhs and Rs. 158.36 lakhs respectively. So far 38 hostels have been constructed. The Corporation is also reported to be engaged in the work of construction of school buildings, laboratories, Balwadis, community halls etc.

West Bengal Scheduled Castes Development Corporation

4.55. In West Bengal, the Corporation was started in 1976 with an authorised capital of Rs. 25.00 lakhs but so far it has not made any achievement.

Karnataka State Scheduled Castes and Scheduled Tribes Cooperative Housing Corporation

4.56. The Karnataka State Scheduled Castes and Scheduled Tribes Cooperative Housing Corporation, Ltd., Bangalore was started during the year 1966 mainly to maintain liaison between the State Government and Scheduled Castes and Scheduled Tribes Cooperative Societies in the State to accelerate the progress of construction of houses belonging to Scheduled Castes and Scheduled Tribes. The Corporation sanctioned an amount of Rs. 4.86 crores for construction of 22,669 houses by individual members through the taluka level Scheduled Castes and Scheduled Tribes Cooperative Housing Societies. It has already released an amount of Rs. 4.32 crores. 17,752 houses were reported to have been completed. The Corporation obtained a loan of Rs. 3.40 crores from State Government and 40 lakhs from Life Insurance Corporation of India for issue of loans to members. Though the loans were advanced at low rates of interest on long term basis, the recovery position was very poor.

Rajasthan State Finance Cooperative Housing Society Ltd.

4.57. The Rajasthan State Finance Cooperative Housing Society Ltd., Jaipur was registered on 31st December, 1970 as an apex organisation to provide loans for construction of houses through primary cooperative societies for Scheduled Castes and Scheduled Tribes. A special scheme for providing housing loans to Scheduled Caste and Scheduled Tribe persons was sanctioned by the State Government in August, 1972. Following facilities are provided by the Government under the scheme :—

1. Grant of share capital subsidy @ Rs. 300 per member.
2. Reimbursement of full interest on a loan upto Rs. 4,000.00.
3. Grant of subsidy at the rate of Rs. 10 per member for legal expenses,

4.58. Since the inception of the scheme, under-mentioned loans were sanctioned to the housing cooperatives of Scheduled Castes/Scheduled Tribes :—

Year	(Rs. in lakhs)	
	Number of Members	Amount
1972-73	4,777	Rs. 191.05
1973-74	1,217	48.68
1974-75	15,482	619.28
TOTAL	21,476	859.01

4.59. It was understood that subsequently the L. I. C. did not sanction funds on account of which a ban was imposed on sanction of loans to new societies and also on advancing instalments to such societies to whom no instalment had been given, though their loans were sanctioned. As a result no loans could be advanced to 244 societies consisting of 6,292 members against the sanction of Rs. 251.65 lakhs. The practice of granting subsidy and reimbursement of interest charges was also discontinued by the State Government.

4.60. Position regarding sanctioning of loans and disbursement upto 31st May, 1978 was as follows :—

	(Rs. in lakhs)	
	Loans sanctioned	Loans advanced
1. Number of societies	748	611
2. Number of members	21,476	17,129
3. Amount	Rs. 859.01	Rs. 390.50

It was claimed by the society that more than 80 per cent of its loans had been advanced to the housing societies of Scheduled Caste/Scheduled Tribe persons.

4.61. The L. I. C. lifted the ban in June, 1977 for advancing loans to societies to whom loans were sanctioned in 1975, but meanwhile 49 societies consisting of 1211 members refused to take loans and their share money had to be refunded. 102 societies consisting of about 2400 members were advanced first part of their loan instalment. It is understood that many beneficiaries are defaulters in the repayment of their loans.

Rajasthan Tribal Development Corporation

4.62. The Rajasthan Tribal Development Corporation was established on 27th March, 1976 under the Rajasthan Cooperative Societies Act, 1965. In the course of three months of 1975-76 and in the subsequent six months of 1976-77, no

worth-while achievement was made by the Corporation. Subsequently 44 LAMPS and 170 PACS were formed. Four regional offices of the Corporation are located at Udaipur, Dungarpur, Banswara and Bara (Kota District). Following assignments have been made to the Corporation :—

1. To provide agricultural inputs like fertilizers, seeds, agricultural implements and insecticides through the medium of cooperative societies.
2. To sell consumer goods at fair prices through the medium of cooperative societies.
3. To purchase agricultural and minor forest produce from the tribal and its disposal.
4. To establish industrial units based on the available agricultural produce and minor forest produce.
5. To provide consumption loans.

4.63. During 1976-77, agricultural inputs worth Rs. 8.06 lakhs were provided to the tribals. As regards distribution of consumer articles during 1976-77, articles worth Rs. 3.22 lakhs were sold. As regards minor forest produce no worthwhile achievement was made during 1976-77. In the matter of purchase and sale of agricultural produce it has been observed that the land holdings of the tribals are comparatively small and there is not much agricultural surplus produce available for sale. However, information regarding the actual work in this regard has not been made available. Similarly the work of providing consumption credit has absolutely made no headway. About establishment of industrial units it was understood that there are proposals to establish units like biri making, oil mills, khansari, cotton gining etc. The Corporation has received financial assistance amounting to Rs. 1,23,750 (Rs. 82,500 as loan and Rs. 41,250 as subsidy) for the construction of godowns. However, there were stated to be some difficulties in acquiring lands in the respective districts of Udaipur and Dungarpur for constructing godowns. The Corporation also expected to under take the work of fisheries in Jaisamand Lake to provide employment to about 400 Scheduled Tribe families.

4.64. In the first year of its formation, the Corporation incurred an expenditure of Rs. 2,47,697.52 on LAMPS against which Government assistance amounting to Rs. 1,32,575.04 had been received. In the very first year the corporation incurred an extra expenditure of Rs. 1,15,122.48. However, in the second year it earned a profit of Rs. 30,363.15.

4.65. Available information regarding item-wise expenditure incurred by the Corporation

during 1977-78 and outlays provided for 1978-79 is given below :—

(Rs. in lakhs)		
Item	Expenditure incurred during 1977-78	Outlay provided 1978-79
1	2	3
Chemical Fertilizers	38.49	35.00
Improved seeds	7.32	7.00
Insecticides	0.45	0.50
	46.26	42.50
Distribution of consumers' articles	99.89	155.00
Agricultural Produce	2.50	25.00
Minor Forest Produce	4.46	10.00
Consumer Loans	N.A.	15.00
Fisheries	8.47	25.00
	15.43	75.00

4.66. It would be seen from the information given above that so far the activities of the Corporation are very limited. The orders to collect the minor forest produce like Gum; Honey and Wax; Anwar Bark; Mahuwa and other oil yielding seeds etc. by the Corporation were issued by the Government of Rajasthan on 22nd October, 1977 only. Similarly orders conveying approval for sanctioning of consumer loans to the tribals by the Corporation were issued on 18th May, 1978 only.

Lahaul Potato Growers Cooperative Marketing-cum-processing Society in Himachal Pradesh

4.67. In Lahaul valley in the district of Lahaul and Spiti in Himachal Pradesh, the Lahaul Potato Growers Co-operative Marketing-cum-processing Society Ltd., established since 1967 has made significant contribution in the economic development of the tribal cultivators. In the past in Lahaul valley **kuth** used to be cultivated as a cash crop and was exported outside India. However, due to various reasons **kuth** could not find ready market in India and outside and with the opening of the vehicular traffic the tribal people took up commercial cultivation of potato. As this is a dry zone, potato which is cultivated in Lahaul valley, is in great demand by the potato cultivators in the States of West Bengal, Gujarat, Madhya Pradesh, Maharashtra, Tamil Nadu, Nagaland, Assam and Manipur, for seed purposes. At present the Society has a membership of 1,200 cultivators and is able to give them fair and reasonable return for their produce and is handling about 70 per cent of the total produce. During the current year 1978-79, the Society is expected to handle 13.6 lakh bags of potato. The foundation seed for cultivation in Lahaul valley is obtained through the State Department of Agriculture and after harvesting potato it is brought by the growers

at Manali where they get advance price at the rate of Rs. 80 to Rs. 95 per bag.

4.68. During his recent visit to Manali, Commissioner was given to understand that there are some private traders who are exploiting the poor tribal cultivators. There is also scope for cultivation and marketing of other cash crops like hops and chickory. It is, therefore, suggested that the Government of Himachal Pradesh should enact a suitable Regulation/Legislation to declare the Lahaul Potato Growers Cooperative Marketing-cum-processing Society Ltd. as the sole agency to purchase potato and other cash crops like hops and chickory to eliminate the private traders. The other problem that needs urgent attention is the establishment of a research centre in Lahaul valley itself for production of foundation seed for potato growers by the Indian Council of Agricultural Research. The existing Potato Development Station at Dalang in Lahaul valley run by the State Department of Agriculture is not in a position to meet full requirement of foundation seed on account of lack of irrigation facilities. In fact most of the seed is obtained from Punjab. It is, therefore, essential that I.C.A.R. should pay special attention for the production of foundation seed in the valley itself as this programme is directly linked up with the economic advancement of the tribal cultivators.

4.69. It is worth mentioning that in May, 1978, a meeting of the Managing Directors of the various finance development corporations was called by the Ministry of Home Affairs. Subsequently guidelines were issued to the State Governments. It was recommended that Scheduled Castes Development Corporations should be established in all the States having sizeable Scheduled Caste population. The Corporation should have a wide range of promotional activity covering all aspects of the economy of the Scheduled Castes. The Corporation should not directly undertake the distribution of loans or subsidy and directly run any industrial or commercial undertaking. The Corporation should operate through appropriate government departments, financial institutions, public sector organisations, a society or a co-operative specially established for the purpose. Through these institutions the Corporation should provide the missing input like nucleus money or stand guarantee for the loans and advances by these institutions where no other alternative is available. The Corporation should actively liaise either directly or in association with other organisations between the individual beneficiary and the institutions advancing the facility and should ensure that the beneficiaries get the services promptly and come to his help under unforeseen circumstances. The Corporation should be a compact organization with senior persons and minimal support of lower functionaries. It should have branches at the district and subsequently at block levels. The local branch of the Corporation should be headed by district

magistrate. The Board of Directors of the Corporations at the headquarters should comprise representatives of concerned development department, financial institutions and non-officials working for the development of Scheduled Castes. The Corporation should aim at covering directly and in association with other organisations at least 50 per cent of the Scheduled Caste families by the end of the medium term plan. The loans should be so arranged with the help of other financial institutions that the margin money that the Corporation may have to give does not exceed Rs. 5000.00 in case of an individual beneficiary. The balance should come from other financial institutions. The Corporation should induce banks and other financial institutions to

advance their portion of the loan at the prevailing bank rates and beneficiaries be charged accordingly. Period of recovery should be from 3 to 5 years.

4.70. It is hoped that the State Governments will take required action on the guidelines issued by the Ministry of Home Affairs and try to achieve the objective of covering atleast 50 per cent of the Scheduled Caste families by the end of the medium term plan.

Minimum Needs Programme

4.71. Overall information regarding expenditure on the various constituents of the programme during 1976-77 and proposed outlay during 1977-78 is given below :—

(Rs. in lakhs)

Year	Rural Electrification	Rural Roads	Elementary Education	Rural Health Service	Rural Water Supply	House-sites for landless labourers	Environmental Improvement of slums	Nutrition	Total
1	2	3	4	5	6	7	8	9	10
1976-77	2,341.00	5,585.00	6,325.00	2,430.00	7,529.00	11,375.00	1,728.00	1,475.00	27,788.00
1977-78	3,449.00	6,792.00	7,181.00	2,929.00	7,623.00	1,172.00	1,208.00	1,684.00	32,038.00

4.72. Minimum Needs approach to the alleviation of poverty was mooted in the Fifth Five Year Plan period. Between 1974 to 1978, an expenditure of Rs. 800 crores was incurred. It is understood that in the course of the Five Year Plan 1978-83, the earlier list of basic needs viz., supply of drinking water, provision of house-sites village access roads, elementary education for the rural poor, provision of rural health services, extension of rural electrification and environmental improvement of slums and nutrition for the undernourished would be extended to include adult education. It is also proposed to change the various norms under the programme to improve the coverage and the total outlay would be stepped up to Rs. 4,180 crores. Information regarding the norms prescribed and outlay proposed during 1978-83 in respect of revised Minimum Needs Programme is given below :—

(Rs. in crores)

Sl. No.	Item	Norms	Outlay 1978-83
1	2	3	4
1	a) Elementary Education	100 per cent coverage of children 6 to 14	900
	(b) Adult Education	Coverage of all adults in age group 15—35	200
2	Rural Health	(a) 100 per cent coverage by community health worker (sanitation, immunisations simple remedies, referral services)	490
		(b) Establishment of the Primary health centre for every 50,000 population and one sub-centre for 5,000 population.	

1	2	3	4
3	Rural Water Supply	Coverage of all Villages	675
4	Rural Roads	Linking up all villages with a population of 1000 or more	800
5	Rural Electrification.	Supply of power to 50 per cent of villages in each State/U.T.	250
6	(a) House-sites for landless and rural housing.	1000 per cent coverage for landless labour house-holds	500
	(b) Environmental improvement of urban slums.	Environmental improvement comprehending (a) expansion of water supply, (b) sewerage, (c) paving of streets, and (d) provisions of community latrines in slum areas. Areas inhabited by Scheduled Castes, particularly scavengers etc. to be given due priority.	
7	Nutrition Programme.	1. Mid-day meals for one-fourth of children in age group 6—11 years 2. Supplementary feeding programme for undernourished children in the age group 0—6, pregnant women and nursing mothers in blocks with high concentration of Scheduled Castes/Scheduled Tribes.	175
TOTAL			4180.00

4.73. It would be seen from above that under the Programme of environmental improvement of urban slums the areas inhabited by Scheduled Castes, particularly scavengers etc. would be given priority. Similarly in respect of nutrition programme the blocks with high concentration of Scheduled Castes/Scheduled Tribes would be taken up. Even otherwise considerable benefit can accrue to the persons belonging to Scheduled Castes and Scheduled Tribes from programmes such as rural electrification; rural water supply and rural health etc. **It is suggested that a suitable proforma should be devised to collect details regarding the benefits derived by the persons belonging to Scheduled Castes and Scheduled Tribes from the implementation of this programme.**

Implementation of Antyodaya Programme

4.74. The Government of Rajasthan launched the Antyodaya programme from 2nd October, 1977 which envisaged identification of poorest families from each village of Rajasthan and devising methods of their upliftment in consultation with Gram Sabhas and providing them means for their welfare by way of self employment and subsidiary occupations through animal husbandry programmes like dairy farming, poultry farming, sheep breeding, piggery, small scale cottage industries and by giving wage employment on various works being executed in the State. Some of the indentified families had been provided agricultural lands and in the case of old and disabled persons a provision of granting pension had been made. The implementation part of the programme was entrusted to the district administration. The District Collector functioned through the District Development Agency/S.F.D.A. Assistance for subsidy flowed through the District Development Agency, S.F.D.A. and institutional finance was being obtained from cooperative/commercial banks.

4.75. In the first round of identification made in October, 1977, 1.60 lakh families were indentified in 32,638 inhabited villages. Out of 1,60,143 identified families, 75,662 constituting about 47 per cent of the total identified families were reported to have been covered under the programme till 15th May, 1978. In all 24,891 families were allotted lands; 22,820 families were covered by old age pension. 10,280 families were covered by providing economic assets and loans had been sanctioned to 10,908 families; 5,032 families were provided employment and 1,731 families were covered under other activities. It was hoped that 84,000 families would be covered during the current financial year. Separate details regarding Scheduled Caste, Scheduled Tribe

beneficiaries were available in respect of 13 districts of Rajasthan, which were as under:—

S. No.	District	Sched-uled Castes	Sched-uled Tribes	Others	Total
1	2	3	4	5	6
1	Banswara	261	4,937	489	5,687
2	Barmer	122	49	1,267	1,438
3	Bhilwara	623	422	609	1,654
4	Bundi	506	198	776	1,480
5	Churu	996	..	683	1,679
6	Dungarpur	162	1,249	392	1,803
7	Jalore	768	455	928	2,151
8	Jhunjunu	764	132	931	1,827
9	Jodhpur	872	205	1,130	2,207
10	Kotah	1,229	858	1,319	3,406
11	Sikar	675	80	1,605	2,360
12	Sirohi	610	520	239	1,369
13	Tonk	1,123	462	1,295	2,880
	TOTAL	8,711	9,567	11,663	29,941

4.76. It would be seen from above the statement that out of a total number of 29,941 beneficiaries as many as 8,711 and 9,567 belonged to Scheduled Castes and Scheduled Tribes respectively i.e. 61.04 per cent of the total beneficiaries. This means that adequate care is being taken to promote the interests of Scheduled Castes and Scheduled Tribes under the schemes taken up with regard to **Antyodaya** Programme in 13 districts of Rajasthan.

4.77. Many State Governments have decided to launch **antyodaya** programme in the near future which will no doubt benefit the Scheduled Castes and Scheduled Tribes. According to newspaper reports, a number of new **antyodaya** schemes were being launched in **Uttar Pradesh** for ameliorating the condition of 67 per cent of the people living below the poverty line. It was reported that the State Government contemplated to set up **Antyodaya** Industrial Centres to run village small industries through the co-operatives of the members of the weaker sections and the Government would provide finances for running these industrial units and also for the share money of the members. The members would be made owners of these units. In spite of repeated reminders the Government of Uttar Pradesh have not furnished details of the schemes taken up under the **antyodaya** programme.

4.78. During his recent visit in Himachal Pradesh, the Commissioner for Scheduled Castes and Scheduled Tribes was informed that **Antyodaya** Programme has been started from the 2nd October, 1978. A rapid survey was undertaken by the State Government in all the districts to ascertain the number of families that require assistance under this programme. This survey however, does not reveal as to how many identified families belong to Scheduled Castes and

Scheduled Tribes, but it was estimated that more than 50 per cent of the identified families would belong to the Scheduled Castes. Instructions have been issued that funds available under the Housing and other schemes administered by the Social Welfare Department for the welfare of Scheduled Castes and Scheduled Tribes should be used to cover the cases of Scheduled Castes and Scheduled Tribes identified Antyodaya families. It was observed that the number of Scheduled Caste families who can be given assistance for construction of houses is very small and therefore the

State Government must allocate separate funds to cover all the Antyodaya families including Scheduled Castes and Scheduled Tribes and existing allocations for the welfare of Scheduled Castes and Scheduled Tribes should not be diverted to cover Antyodaya families belonging to these categories. As most of the Scheduled Caste and Scheduled Tribe persons are economically weak it will not be appropriate to divert the existing schemes for the development of the Scheduled Castes to cover Scheduled Caste antyodaya families for which separate funds should be provided.

CHAPTER 5

LAND, AGRICULTURE AND HOUSING PROGRAMMES

High incidence of landlessness among Scheduled Castes

Quite a large number of agricultural labourers in the rural areas of our country belong to Scheduled Castes. According to 1971 census the proportion of Scheduled Caste agricultural labourers (18.80 per cent) is more than double the general population (8.67 per cent). Among agricultural labourers participation rate of Scheduled Caste women is ten times more than the general women. It is a known fact that in many areas agricultural labourers continue to be denied the payment of minimum agricultural wages. Recently there were reports that leaving aside a few States the agricultural labourers were not being paid wages at the prescribed rates.

High incidence of marginal cultivators among Scheduled Castes

5.2. Another problem that faces the Scheduled Caste agriculturists relates to the high incidence of landlessness amongst them. As per 1971 census the percentage of Scheduled Caste cultivators (10.13 per cent) is less than others (14.27) per cent. Data analysed on the basis of 1961 census in respect of sample households engaged in cultivation classified by interest in land and size of land cultivated in rural areas (based on 20 per cent sample) had revealed that among those who owned less than 2.4 acres of land proportion of Scheduled Castes was 50.96 per cent as compared to others whose percentage was only 34.53 per cent, and taking into account land holding upto 4.9 acres the proportion of Scheduled Castes was 73.64 per cent as against 57.35 per cent in respect of others.

Characteristics of agriculture in tribal areas

5.3. Landlessness is not an acute problem in the case of Scheduled Tribe persons in some tribal areas. Agriculture in these areas is characterised by uneconomic holdings which are cultivated according to tribal tradition with locally made simple implements. The tribals face problems in matters relating to occupancy rights, alienation of land etc. The land in some tribal areas is of inferior quality and major crops are minor millets and other coarse grains.

Atrocities on Scheduled Castes/Tribes on account of economic factor

5.4. If the poor irrigation facilities and input in land owned by Scheduled Castes and Scheduled Tribes are taken into consideration their position would be much worse. For various reasons ownership of land has become a symbol of social status. Though some efforts have been made by the State Governments/ Union Territory Administrations to allot agricultural lands to the persons belonging to Sche-

duled Castes, it cannot be said that such beneficiaries have been made viable farmers. At times, the land allottees belonging to Scheduled Castes face stiff opposition from other sections of the population.

5.5. An analysis regarding the incidents involving violence on Scheduled Caste persons on account of economic factors conducted by the Union Ministry of Home Affairs during 1974 to June 1976 in the respective States of **Uttar Pradesh, Madhya Pradesh, Andhra Pradesh, Karnataka, Maharashtra, Gujarat, Bihar, Orissa, Tamil Nadu, Rajasthan, Haryana** and the Union Territory of **Pondicherry** revealed that there were 491 (18.6 per cent) incidents of land disputes; 185 (7.0 per cent) of forcible harvesting; 191 (7.2 per cent) of wage disputes; 191 (7.2 per cent) of bonded labour; 107 (4.1 per cent) of indebtedness, and 1,464 (55.5 per cent) of others. High proportion of incidents on account of land disputes was noticed in the respective States of **Orissa, Andhra Pradesh, Maharashtra, Rajasthan, Gujarat, Bihar, Madhya Pradesh, Karnataka, Tamil Nadu and Uttar Pradesh**. Forcible harvesting was comparatively more pronounced in **Uttar Pradesh, Madhya Pradesh, Andhra Pradesh, Karnataka and Maharashtra**. Relatively more incidents of wage disputes had been reported in **Uttar Pradesh, Madhya Pradesh, Andhra Pradesh and Gujarat**.

5.6. A number of incidents of atrocities took place in the various parts of the country because other sections of the population did not reconcile themselves to the allotment of land to Scheduled Castes or the agricultural labourers belonging to these categories demanded wages at the prescribed rates. Brief mention of some such incidents is given in subsequent paras.

Dispossession of Scheduled Caste families in Cachar District in Assam from land

5.7. In August, 1978, a report about the alleged atrocity on some Scheduled Caste families of Kanakpur in Silchar (Cachar District), Assam was received. An enquiry into the incident revealed that some non-Scheduled Caste landlords of Kanakpur wanted to forcibly evict five Scheduled Caste tenants from their holdings. The tenants were assaulted in their fields causing grievous injuries to some of them and three houses were set on fire. The tenants rushed to the Police Station but without much success. One of the Scheduled Caste tenants had received grievous spear injury in his right fore-arm and had to be taken to the Silchar Medical College Hospital where he was not properly attended to and it was suspected that the landlord party had made manipulation with the doctors of the Medical College Hospital. Though the victims had lodged,

their complaint well in advance with the district authorities, as well as with the District Superintendent of Police, no proper action had been taken to protect the lives of the Scheduled Caste tenants or their rights on land-holdings. The five Scheduled Caste families were reported to have been working as tenants with the non-Scheduled Caste landlords for the last many years. In 1975, they were made the rightful owners in respect of the lands cultivated by them. It was learnt that earlier two Scheduled Caste tenant families had been evicted by the landlords and though a complaint was lodged with the district authorities, no action had been taken against the landlords. In course of time, the value of land in that particular area increased manifold. Probably, encouraged by their earlier action of evicting the two Scheduled Caste families successfully and also tempted by the huge increase in the value of the land, the landlords tried to evict the Scheduled Caste tenants this year resulting in the present incident of atrocity on the Scheduled Castes and burning of their houses.

5.8. The District authorities were of the opinion that this was not an incident of atrocity on Scheduled Caste persons by non-Scheduled Castes but was basically a landlord-tenant dispute. The district officials did not visit the place of atrocity though it was hardly 3 Kms. from the district headquarters. It was not correct on the part of the district administration to treat this case purely as a landlord-tenant dispute. As it is well known the atrocities on Scheduled Castes are not committed without any cause. Most of the cases of the atrocities on Scheduled Castes originate from some dispute either in relation to land-holdings, tenancy rights or agricultural wages etc.

5.9. Enquiries made into the incident under reference also brought to light some more cases where Scheduled Caste tenants had been harassed and evicted from their lands in Cachar District. **It is felt that cases of alleged harassment and atrocities committed on Scheduled Castes must be properly and adequately checked in Cachar District, which has the highest concentration of Scheduled Caste (12.19 per cent) population in Assam.**

Agrarian disputes involving Scheduled Castes in Bihar

5.10. A large number of agrarian disputes involving Scheduled Castes were reported from the State of Bihar. Some of them even resulted in the killing of innocent Scheduled Caste persons. On 25th March, 1978, two Scheduled Castes one Kurmi and two persons belonging to Kanu community lost their lives in the respective villages of Bishrampur and Kaniari in Rohtas District. Several houses were burnt in the orgy of violence. The State administration denied that these incidents of loot, arson and murder had any caste overtones and characterised them as a clash between two gangs of criminals. But some others termed this incident as "culmination

of a long agrarian dispute as the rich, backward community did not like some Harijans having lands". In view of the conflicting reports the Commissioner for Scheduled Castes and Scheduled Tribes decided to make an on-the-spot assessment of this incident through his own agency and deputed a Team from his Headquarters for the purpose. The Team toured in Rohtas* district in the first week of April, 1978 and visited 4 villages and met responsible officials and others. It was learnt by the Team that the 18 persons belonging to Scheduled Castes in these villages owned 42.93 acres of land whereas the total number of land owning cultivators in these villages was 558 and together owned 688.07 acres of land. Mostly the Scheduled Caste persons worked as labourers and remuneration was being paid to them on daily/monthly or yearly basis. The persons who worked on yearly basis were known as **banihars**. Some labourers were also also employed as **manihars** and were eligible to receive share of the produce at a pre-negotiated rate. Certain others worked according to **bojhas** (loads) carried by them from the fields. It was observed that the incident occurred on account of various factors taken together. There was some land dispute between the villagers of Bishrampur and some Kurmis of Akhori village with regard to settlement on about seven acres of gair majarua malik land on the bank of a **pokhar** (tank). There had been wage disputes as well. Even a Scheduled Caste labourer was reported to have been murdered by the Kurmi landlords at the time of conducting negotiations about wage payments. To refer it as a clash between two gangs of criminals was not wholly correct because the State Government could list out some criminal cases against 4 or 5 persons only out of more than 500 to 600 persons involved in this incident. By and large Kurmis organized themselves on caste lines and some of them did have criminal record and attempts had also been made by the persons belonging to Kurmi community to assert their superiority over Scheduled Caste persons and others. It was acknowledged in the area that many crimes take place in Rohtas District and at times murders go unrecorded. Even officials admitted that unlicensed arms were kept by the villagers, but whether such unlicensed arms were ever recovered from the Scheduled Caste persons of Bishrampur Village was nowhere on record. Many huts of Scheduled Caste persons had been burnt in the Bishrampur village but there was no mention about the recovery of unlicensed arms atleast in this particular village. Before terming the victims of the incident as criminals the authorities should have satisfied themselves by conducting house to house search to know as to how many of them possessed unlicensed arms or were engaged in criminal activities. Majority of the Scheduled Caste sufferers of Bishrampur village were not criminals but the victims of the members of Kurmi community

*For detailed Report see Appendix XLVIII.

whose main interest was to keep them in subordination so that they should not raise their voices for land allotment or more wages.

5.11. In another case two Scheduled Caste persons of village Pipri, P. S. Karghar in District Rohtas were murdered by some persons belonging to Kurmi community on 28th August, 1978. It was reported that the murders had been planned by the culprits on account of their resentment about the allotment of 0.7 hectare of Government land to each of the two Scheduled Caste persons in 1975-76. The rich farmers objected and the Scheduled Castes filed cases against them. This led to several clashes and a boycott of Scheduled Caste labourers by the farmers. It was also reported that trouble had been brewing ever since the Scheduled Caste persons closed a channel dug by the farmers about a year ago. The channel had to be closed as it passed just by the side of Harijan houses, threatening their foundation. Wage disputes made matters worse. Matters came to a head on 28th August, 1978 when the two Scheduled Caste persons were done to death.

5.12. There was a newspaper report that a Scheduled Caste person was killed and several others were seriously injured when a group of people allegedly attacked them on 31st August, 1978 at Garha Village under Nadania police station of Madhubani District over a land dispute.

5.13. A Scheduled Caste person of village Rupetha, District Rohtas had been murdered in February, 1978 on account of land dispute with the other villagers. Enquiries conducted in this matter revealed that there was a land dispute between the Scheduled Caste person and some upper caste persons.

5.14. Non-payment of prescribed minimum agricultural wages also resulted in a number of disputes. It was reported that a Scheduled Caste farm labourer of the Dularpur Pirhauili village under Teghra police station in Begusarai district was beaten up and later thrown into a ditch in an unconscious state in July, 1977 for demanding payment of wages as stipulated under the Minimum Wages Act and also the arrears due to him.

5.15. In Pathadda village of Bhagalpur District, 11 Scheduled Caste persons were beaten and kept in wrongful confinement for 3 days by the landlords who did not want to pay them minimum agricultural wages.

Assault on a Scheduled Caste person in Gujarat

5.16. In Gujarat, one person was arrested in Vekaria Village in Viramgram Taluka of Ahmedabad District for allegedly assaulting a Scheduled Caste person with a country-made gun in September, 1978 on account of dispute over crop protection.

Murder, social boycott and destruction of crops in Haryana

5.17. In Haryana State also many cases of harassment of Scheduled Castes engaged in agriculture were reported. There were reports that standing crop worth Rs. 10,000.00 belonging to a Scheduled Caste farmer of Rawalawas Khurd village, about 10 Kms. from Hissar had been destroyed by the miscreants. According to press reports, 4 Scheduled Caste families in Kurukshetra District of Haryana had shifted to Halalpur village from Dakala village in 1966 at the request of the villagers who were facing shortage of labour. The Scheduled Caste persons settled on panchayat land. In course of time as their families expanded the Scheduled Caste persons occupied more area. An enmity arose between them and other villagers about 2½ years ago leading to the boycott of the Scheduled Caste persons. They were barred from doing any job in the village and the panchayat also initiated ejection proceedings against them. The Scheduled Caste persons fled from the village in March, 1978 when their huts were demolished by the other villagers. However, in July, 1978 an agreement was reached in the presence of the Deputy Commissioner and the Superintendent of Police between two parties and the Scheduled Caste families were reported to have returned to their homes. The murder of a Harijan couple at Morekheri, 20 Kms. from Rohtak on the night between August 21 and 22 was sequel to an alleged land dispute between Scheduled Caste persons and their neighbours belonging to Jat community.

Alleged murder of four Scheduled Caste persons and destruction of crops in Madhya Pradesh

5.18. In Madhya Pradesh, 4 scheduled Caste persons of Kanadia village in Alot Tehsil of Ratlam District were murdered in August, 1977. It was reported that a section of the villagers was not reconciled to the allotment of the land to the Scheduled Caste persons and decided to have confrontation by driving their cattle to graze the standing crops in the fields of Harijans. The Scheduled Caste persons were attacked when they protested against this happening and 4 persons belonging to Scheduled Caste lost their lives. In another incident according to press reports, 6 Scheduled Caste persons of Tara Semaniya village under Doraha police station of Bhopal District, complained regarding continuing atrocities by dominant upper caste villagers who wanted them to vacate possession of land allotted to them by the Government. The Kharif crop raised on allotted pieces of land had also been destroyed by caste Hindus.

Alleged assault on two Scheduled Caste persons for demanding payment of Minimum agricultural wages in Orissa

5.19. There were press reports that in August, 1977, some caste Hindus in Derabar village in Cuttack District, Orissa severely assaulted two

Scheduled Caste persons as they refused to work in the fields for a daily wage of Rs. 3.00 against the prevailing rate of Rs. 4.00.

Social boycott in Punjab

5.20. The Scheduled Caste persons of Gadherra village of Patiala District, Punjab represented against the social boycott by the land owners of their village following dispute over the payment of daily wages to the farm labourers. It was alleged that as against the officially fixed minimum daily wage of Rs. 6.65 with meals, the landowners were not even prepared to pay them at the rate of Rs. 5.00 per day with meals.

Alleged obstruction to Scheduled Caste persons in Cultivation of land in Rajasthan

5.21. According to press reports 30 Scheduled Caste families had been allotted 140 bighas of land in Higawaidi village of Tijara Tehsil, District Alwar, Rajasthan, but the Ahirs took possession of the land and tried to destroy the crops of Scheduled Caste persons. Like-wise, the Gujars of Jalalpur village took illegal possession of land of 22 allottees belonging to weaker sections. In Dalahedi village of Mudavar tehsil also 5 Scheduled Caste families were being obstructed for cultivating their land. Similarly in Saratpur Bawad and Bichala villages also some persons were giving trouble to Scheduled Caste cultivators.

Obstruction in cultivation of allotted land to Scheduled Castes and other landless persons in Delhi

5.22. The incident which received a good deal of publicity related to the allotment of land in 1970 to 120 families of landless persons (67 Scheduled Castes and 53 non-Scheduled Castes) in village Kanjhawala, Nangloi Block, Delhi. Even after allotment of land to landless persons, 1,200 bighas of land is still available for grazing purposes. However, there had been resentment amongst landlords who wanted whole of this land for grazing of cattle. This also became a subject matter of dispute in courts. In November, 1977, police protection was provided to Scheduled Caste and other landless persons to cultivate their lands. In July, 1978 also police arrangements had to be provided to enable the allottees to plough their lands. But on 7th July, 1978 some non-Harijan land owners armed with lathis etc. attacked the Harijans and other landless persons and obstructed them from ploughing their lands, as a result of which 4 Scheduled Castes and 2 others were injured. Two Scheduled Caste women were injured when their houses were attacked. As per available information 2 cases, under FIR No. 578 u/s 147, 148, 149, 427 and 323 IPC and F.I.R. No.

579 u/s 147, 148, 149, 452, 323 IPC were registered at P.S. Nangloi in connection with these incidents. 23 non-Scheduled Caste persons were arrested. The matter did not rest there and the landlords were being helped by the agriculturists of adjacent States in their dispute against Scheduled Caste and other landless persons. **The firm stand taken by the authorities concerned in coming to the rescue of new allottees of land should be emulated by other State Governments.**

Grabbing of land allotted to Scheduled Castes

5.23. It will be noticed from the above paragraphs that there have been numerous occasions when the vested interests in the rural areas tried to prevent the Scheduled Castes from cultivating the lands allotted to them. At times they are involved in long drawn out litigation and resultant social tensions. Lack of adequate social conscience towards Scheduled Caste communities and also inadequate administrative support made it possible for landlords to forcibly grab the land allotted to Scheduled Castes. At many places the persons belonging to Scheduled Castes became victims of crop thefts.

5.24. During the recent visit of the Commissioner in Himachal Pradesh, it was brought to his notice that many Scheduled Caste persons who were allotted government lands were being dragged to the law courts by the influential sections on one pretext or the other. It was understood that at times Revenue Department had allotted small pieces of land to the Scheduled Caste persons in the reserved forests without the concurrence of the forest department and steps were being taken to rectify such allotments by giving alternative lands. The commissioner discussed this matter with the Minister for Forests and Tribal Welfare and suggested that in all such cases where Government land has been allotted, cases in the law courts should be contested by the Government. **It is felt necessary that review of land allotments vis-a-vis possessions actually handed over to the persons belonging to Scheduled Castes and Scheduled Tribes should be made by the State Governments and Union Territory Administrations and timely remedial action may be taken whenever necessary.**

Allotment of Land

5.25. In the matter of allotment of different types of agricultural lands various State Governments/Union Territory Administrations have accorded priorities for the persons belonging to Scheduled Castes and Scheduled Tribes to enable them to become land owners. Latest available information regarding the allotment of land to the persons belonging to Scheduled Castes and

Scheduled Tribes as well as to others is given in the undermentioned statement:—

Sl. No.	State	Period	Total land available for allotment	Scheduled Castes		Scheduled Tribes		Others		Total	
				No. of beneficiaries	Extent of land allotted	No. of beneficiaries	Extent of land allotted	No. of beneficiaries	Extent of land allotted	No. of beneficiaries	Extent of land allotted
1	2	3	4	5	6	7	8	9	10	11	12
1	Andhra Pradesh	As on August 77	Not available	48,679	Not available	18,056	Not available	26,991	Not available	93,726	1,45,611 Acres.
2	Kerala	1975-76	1,81,216.88 Hects.	5,426	1,445.88 Hects.	5,610	1,698.00 Hects.	..	..	37,399	10,730.88 Hects..
3	Kerala	As on 31-3-76	Not available	6,459	1,781.00 Hects.	936	328.00 Hects.	..	..	..	..
4	Kerala	1-5-78	Not available	24,005	14,076.83 Acres	4,461	3,718.68 Acres	..	..	..	..
5	Maharashtra	1975-76	51,819.00 Hects.	9,074	16,924.00 Hects.	4,627	7,032.00 Hects.	..	..	31,963	51,819.00 Hects.
6	Maharashtra	1976-77	71,838.00 Hects.	16,083	23,657.00 Hects.	12,966	20,998 Hects.	N.A.	Not available	48,704	71,833 Hects.
7	Meghalaya	1975-76	1,987.02 Acres	10	3.83 Acres	1,048	1,935.34 Acres	..	..	1,073	1,987.02 Acres
8	Orissa	1976-77	5,99,408.17 Acres	8,295	10,932.62 Acres	21,089	32,356.82 Acres	..	..	39,370	56,612.67 Acres
9	Orissa	1977-78	Do.	2,237	3,033.26 Acres	7,228	11,424.55 Acres	4,370	6,085.77 Acres	13,835	20,543.58 Acres
10	Orissa	Till May, 1978	..	61,767	1,14,043 Acres	1,57,025	2,92,698 Acres	71,950	95,333 Acres	2,90,742	5,02,074 Acres
11	Rajasthan	1977-78	Not available	27,629	90,782 Acres	19,938	48,650 Acres	..	..	..	..
12	Tamil Nadu	1975-76	95,782.00 Acres	6,717	11,538.00 Acres	1	4.00 Acres	..	..	20,215	33,487.00 Acres
13	Tripura	1977-78	Not available	273	261.85 Hects.	1,174	916.59 Hects.]	N.A.	Not available	2,692	2,008.60 Hects
14	West Bengal	Till March, 77	Not available	3,54,033	2,12,400 Acres	1,90,371	90,000 Acres	N.A.	Not available	9,77,468]	6,23,056 Acres
			H.A. Ca.		H.A. Ca.						H.A. Ca.
15	Pondicherry	1976-77	303-85-61 H.A. Ca.	600	201-75-61 H.A. Ca.	..	..	N.A.	Not available	703	243.85-61 H.A. Ca.
16	Pondicherry	1977-78	23-55-81]	34	12-61-36	..	..	N.A.	Not available	59	23.55-21]
17	Goa, Damana & Diu.		Not available	69	6½ Acres	3	2½ Acres	..	..	353	386.75 Acres.

5.26. Out of about 2 million hectares of land declared surplus hardly 25 per cent of the area has been distributed. Only about 1/3rd of the land distributed has been accrued to the persons belonging to Scheduled Castes and Scheduled Tribes. The slow progress is attributed to the unsatisfactory implementation of ceiling laws.

Benami Transfers

5.27. Allotment of surplus lands to Scheduled Castes and Scheduled Tribes is an important index to judge the sincerity of authorities concerned. It has been observed that the incidence of benami transfers was extremely high in some areas. In some cases the lands had been transferred to the nominees of former landlords who either held these nominally or cultivated on the condition of paying a certain amount or a certain share of the produce to the former landlord. As the *modus operandi* of these transactions varied from area to area it is necessary that the State Governments should consider the problem in detail and come up with suitable remedial measures.

Land Records Mutations etc.

5.28. In some cases the new allottees of ceiling surplus lands had not been brought on record and their names mutated; either on account of administrative delays or because, under the law, title to the land did not accrue till the allottee paid the purchase price. The names of the new allottees should be brought on record immediately on the delivery of possession in all cases and it would be desirable to confer full title on them subject to a restriction on the right of transfer. As long as tenants are not made owners of the land they should be given continuity of their tenure and heritable rights therein and should also be protected against rack-renting. The landlord should have no right to evict a tenant and if rents are in arrears he should take recourse to law to recover the arrears. The tenancy should not be terminated except on grounds of non-agricultural or injurious use of the land to be adjudged by a revenue authority whose orders should be appealable. The work of completion of land records should be attended to on priority basis. The programme of covering every part of the country except areas where both tradition and local sentiments do not encourage settlement operations under survey and settlement operations has to be given great priority and it should be the objective to provide basic land records for all areas.

Provision of Agricultural Assistance

5.29. The Working Group on land reforms constituted by the Union Ministry of Agriculture and Irrigation has also pointed out that the investment required for developing the productive capacity of the allotted land would be much larger than what is available under the central scheme. The cost of land allotment would not

be less than Rs. 700.00 per acre whereas assistance available under the Central Scheme was only Rs. 200.00 per acre. The working group recommended that State Governments should supplement the central assistance by at least 50 per cent thereof and the total amount should be pooled for purposes of launching appropriate programmes of rehabilitation of the allottees. Apart from the financial help that may have to be provided, it will be important for state Governments to organize land shaping and land development on scientific lines. It was also observed by the working group that there was considerable difficulty in the flows of credit to the allottees. Credit from Commercial banks had been insignificant and, even in cooperative credit their share was nominal. It was pointed that the Reserve Bank of India had issued guidelines regarding the share of credit for the small and marginal farmers and it was suggested by the working group that these guidelines should be invariably observed by all primary societies. Commercial banks should give priorities to the land allottees and they should be made members of Cooperative Societies and their share capital contribution should be paid by the Government.

Launching of Revenue Campaign for quick disposal of cases

5.30. The Government of Rajasthan launched a revenue campaign from 2nd October, 1977 to 15th November, 1977 to dispose of pending revenue cases. The programme envisaged visits to villages by the S.D.Os. accompanied by the Tehsildar, B.D.O. and other concerned officers. These officers carried with them pending files and records needed for the disposal of different types of cases. The villagers and peoples' representatives collected at pre-arranged places for the purpose. Information regarding the work undertaken in the course of the campaign and disposal of cases in given below:-

1. Confirmation of Khatadari rights . . . 1,36,262
2. Attestation of mutation . . . 5,77,395
3. Allotment of agricultural lands including *Siwaichack* and ceiling surplus lands.

Category	Number of beneficiaries	Land allotted (in acres)
Scheduled Castes	12,949	33,100
Scheduled Tribes	27,012	51,249
Others	34,086	66,471
TOTAL	74,047	1,50,820

4. Cases of encroachment of *Siwaichack*, forest and charagah lands.

Method	Number of cases decided
By regularization	48,157
By ejection	2,18,382

5. Restoration of lands of usufructuary mortgage	3,462
6. Reduction in rent of lands acquired earlier :	
Number of cases decided	32,713
Amount of rent reduced	Rs. 63,194
7. Conversion of agricultural land for non-agricultural purposes :	
Cases decided :	12,778
8. Provision of abadi land for villagers :	
Cases decided	1,838
9. Disposal of loan applications of agriculturists, village artisans etc. :	
Number of cases	27,095

5.31. The programme of launching revenue campaign by the Government of Rajasthan is a step in right direction and it is good to note that in the course of this campaign, agricultural land was also allotted to the persons belonging to Scheduled Castes and Scheduled Tribes. It is hoped that other State Governments will emulate the example set up by the Government of Rajasthan.

Alienation of Tribal Land

5.32. The problem of alienation of tribal land has been observed in varying degrees in the tribal areas of the States of Andhra Pradesh, Assam, Bihar, Gujarat, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Uttar Pradesh and West Bengal. It was mentioned in our last Report that so far it had not been possible to know the exact magnitude of this problem in all the tribal areas of the country and it was suggested that comprehensive surveys by expert agencies should be made in the tribal areas where this problem has been known to be acute. It seems that so far no serious attempt has been made to act upon this recommendation by the concerned State Governments.

5.33. Upto date statistical data about the tribal lands grabbed by the non-tribals in the tribal areas is not available. The respective Governments of Bihar and Orissa furnished following information:—

Name of State	Number of cases registered	Area of land involved	Number of cases decided	Area of land restored
1	2	3	4	5
Bihar (July to September, 1977)	2,139	3,539 acres	1,689	1,619.52 acres
Orissa (May to October, 1977)	2,165	1,458.48 acres	N.A.	593.22 acres

It is worth mentioning that the Working Group on Land Reforms appointed by the Ministry of Agriculture and Irrigation, pointed out certain gaps in the existing legislation which required to be plugged. It was held in some

court decisions that trespass did not amount to transfer. If a non-tribal trespassed into the lands of a tribal holder and continued to hold it, the existing provisions which sought to regulate transfer of land by a non-tribal could not be invoked and the aggrieved party would have to seek redressal in a civil court. Many tribals would not avail of it and thereby contributing, albeit involuntarily, to legitimisation of the trespass. It further observed that in many state laws, the provisions of the Indian Limitation Act had not been modified. In consideration of the low level of education among the Scheduled Tribes and lack of motivation on their part to assert their rights the working group considered it desirable to increase the period of limitation to 30 years. It further observed that in some cases the protection intended by the law had not materialised because some courts had held that this protection could not be invoked by a party which had failed to invoke it at an earlier stage of the proceedings. It is well known that Scheduled Tribe persons do not often receive competent legal advice. The working group rightly observed, "the law clearly intends certain protections for these communities and if these protections are denied by a strict interpretation *res judicate* the beneficial legislations would not succeed in object".

5.34. It is, therefore, necessary that existing laws regulating the transfer of lands belonging to Scheduled Tribes should be urgently reviewed to protect the lands of Scheduled Tribe persons. The Commissioner is in complete agreement with the suggestions made by the Working Group on Land reforms that the State Governments should unambiguously provide in their legislations notwithstanding anything in the code of Civil Procedure or in other law the sale of a holding belonging to a member of a Scheduled Tribe shall be void unless it is in favour of any person belonging to a Scheduled Tribe. The laws must clearly provide that a plea to this effect can be taken at any stage of the proceedings and by a Successor-in-interest. The areas of high alienation of tribal land should be identified and the work of restoration of land should be taken up on a campaign basis. Wherever necessary, special staff may be appointed for the purpose.

Shifting Cultivation

5.35. It has been estimated that about 10 lakh families practise shifting cultivation in the forest areas of Assam, Arunachal Pradesh, Andhra Pradesh, Orissa, Manipur, Tripura, Nagaland, Meghalaya, Madhya Pradesh and Tamil Nadu. Information regarding acreage of land under shifting cultivation in various States has been given in the earlier Reports. In many areas the resources have become completely depleted and it has become difficult to obtain even bare subsistence. Soil erosion has become a big problem in these areas. As per available information in Meghalaya during the Fifth Five

Year Plan, it was proposed to incur an expenditure of Rs. 421.66 lakhs to settle 3,600 families. During 1976-77, an amount of Rs. 76.71 lakhs was spent for the rehabilitation of 509 families. In all between 1974-75 to 1976-77, 1,840 families practising shifting cultivation had been rehabilitated at a total cost of Rs. 228.52 laks.

5.36. In the course of a tour of the Study Team from this office, it was understood that about 12,000 acres of land was under shifting cultivation and approximately 45,000 families were engaged in this type of cultivation in Koraput District of Orissa State. It was also learnt that micro project reports to control shifting cultivation were prepared, but no such thing was done in respect of T.D.A. Gunupur. However, it is well known that in the Puttasing area of Gunupur Sub-Division the forests have suffered considerable damage on account of shifting cultivation. At other places also destruction had been caused on account of this practice in the interior areas of the T.D.A. It was observed that scheme taken up so far had not answered the requirements and at most of the places the beneficiaries of integrated housing colonies stated that the lands allotted to them were not sufficient to ensure them adequate livelihood and they were forced to practice shifting cultivation.

5.37. In Orissa, a Co-ordination Committee has been constituted at the State level to over-see the programmes formulated for prevention of shifting cultivation and rehabilitation of shifting cultivators. An Inter Disciplinary Team is also reported to have been constituted by associating officers from different disciplines like horticulture, forestry and general administration for formulation of micro projects for rehabilitation of shifting cultivators in the district of Koraput. The State Government had a programme to rehabilitate 5,000 families engaged in shifting cultivation during 1977-78 and 8,000 such families were proposed to be rehabilitated during 1978-79 in the districts of Koraput (3400), Sundergarh (900), Kalahandi (400), Phulbani (1600), Keonjhar (1000) and Ganjam (700).

5.38. The Government of Tripura proposed to rehabilitate 274 **Jhumia** families during 1977-78 to wean them away from shifting cultivation. The scheme envisaged raising of 1.25 hectares of orchards for each Jhumia family and reclamation of 0.4 hectares for **lunga** and 0.8 hectare for paddy cultivation for them, besides agriculture in-pu assistance etc. In the course of the Fifth Five Year Plan, an amount of Rs. 15.00 lakhs had been spent for the settlement of 3400 **Jhumias** who had been able to raise paddy and fruit worth more than Rs. 1.00 lakh. It was also understood that despite the legal restriction against jhuming in reserved forests about 20,000 tribal families practised shifting cultivation.

5.39. It was suggested in the last Report that the State Governments concerned should create special cell to attend to the preparation of special programmes for shifting cultivators. However, no information is available about the action taken in the matter by the State Governments.

5.40. Comprehensive programmes for the rehabilitation of shifting cultivators covering items like afforestation on the hill slopes, terraced cultivation in the foot hills, provision of irrigation facilities wherever possible, supplementary programme of animal husbandry if the replanted areas can provide pastures, amenities like drinking water and houses should be provided. **A definite proportion of the total outlay on agriculture and allied sectors in States having sizable shifting cultivators should be allocated for these areas with an additional nucleus money.**

Impact of Soil Conservation Programmes

5.41. Soil conservation is a very acute problem in many of the tribal areas. So far soil conservation programmes have not been taken up on a sufficient scale in these areas. By and large small soil conservation programmes in scattered areas were taken up. Such an approach does not take into account the different requirements of various areas, some of which require attention on priority basis while others can wait for some time.

5.42. The Office of the Zonal Director (Backward Classes Welfare), Central Zone, Bhopal conducted a study on the impact of soil conservation schemes on the tribals in Alirajpur Sub-division of Jhabua district of **Madhya Pradesh**. According to the provisions of the Madhya Pradesh Lands Reforms Act, 1967 a land improvement Committee for Jhabua district was constituted with the collector as chairman and 6 other members and the three sub-divisions located at Jhabua, Pailavad and Alirajpur had undertaken soil conservation works in 14,558 hectares during 1974-75. Thereafter the progress declined in 1975-76 (5467 hectares). During 1976-77 slight progress was noticed (7845 hectares) but it again fell to 3701 hectares in 1977-78. It was observed that adequate finances were provided for the purpose but owing to administrative problems notable achievements could not be made. Still impact of the schemes could be noticed through change in cropping pattern. Survey work for soil conservation programme was introduced in Alirajpur tehsil of the district during 1955-56. Prior to 1972-73 only contour bunding programme was undertaken. After 1972-73, other measures such as integrated works, bench terracing, paddy field bunding, burmuda bunding, gully plugging, water diversion channels, contour furrowing works and contour trenching works were introduced. A large number of works were undertaken out of Pilot Implementation Rural Employment Project (PIREP) of Ministry of Agriculture. This scheme was specifically meant for Alirajpur T.D. Block.

Out of total cultivable areas of 1,60,700 hectares in Alirajpur Sub-Division 25 per cent of the area had been brought under soil conservation measures between 1956-78. Intensive coverage was made in Alirajpur T.D. Block during 1972-76. In Adwada village it was found that the area under wheat and gram had increased and area under Bajra and Jawar had decreased. Area under irrigation and double cropping had increased. In Malwai village of Alirajpur block the tribals stated that sowing of wheat was unknown in this area but now they would do so. Land shaping works had been carried out in Inder Singh Kij Chowki village during 1977-78 at a cost of Rs. 500-600 per acre. The tribals stated that they would now sow wheat in their improved land. It was observed that Tribal and Harijan Welfare Department did not provide subsidy for soil conservation works. It was urged by the tribals as well as the officials of the Agriculture Department that 50 per cent of subsidy with a ceiling of Rs. 100 per acre or Rs. 200 per family should be provided to those having less than 10 acres land and primitive tribals should be subsidised at higher rates. It appeared that some of the officers of forest department held the view that afforestation was the only solution for arresting soil erosion in the Jhabua District and the work carried out by the Agriculture Department till then was a drop in the ocean. 70 per cent of the tribals were understood to have welcomed the soil conservation programme. Among the tribal communities, Bhilalas were more receptive to the programme. However, there was some misutilization in the matter of spending money and an enquiry had been instituted in the matter.

Dearth of irrigational facilities in the tribal areas

5.43. The level of irrigation is extremely low in tribal areas. It is less than 1 per cent in tribal areas as compared to 25 per cent in the country as a whole. In many of the States, major chunk of total investments on major and medium irrigation goes to the on-going projects. Such a policy operates against the tribal areas because most of the on-going projects are located outside these areas. Most of the tribal areas are in the upper reaches of the rivers and streams. Many irrigation works are taken up in the lower reaches taking into account the total availability of water. It is necessary that certain percentage of the total water in each river-basin should be reserved for use only in the upper reaches. Such a policy has already been adopted in Gujarat and Maharashtra where laws have been enacted for the purpose. At times it is observed that though programmes like irrigation etc. are taken up in the tribal areas, their benefit is derived mainly by the non-tribals.

5.44. An interesting study was undertaken by the Tribal Research and Training Institute, Poona with regard to the benefits accruing to the tribal people from Waghed Irrigation Project of

Nasik District and Surya Irrigation Project of Thana District. The study brought out that a major share of new irrigational facilities provided in tribal areas had been cornered by the non-tribals.

5.45. In respect of Waghed Irrigation Project it was observed that the project benefited 18 villages of Dindori Taluka. Of these 13 villages were in the sub-plan area and 5 villages outside tribal sub-plan area. The tribal population in the sub-plan villages was 29 per cent. The percentage of tribal population in all the 18 villages was 30. The total area covered under the Project was 12,661.93 hectares, out of which, 11,935.67 hectares belonged to the non-tribals and 706.26 hectares belonged to the tribals. The percentage of the area held by tribals in the command area was only 5.6. In all 2900 **Khatedars** of these villages were to be benefited out of which 323 **Khatedars** were tribals and 2577 **Khatedars** were non-tribals. Only 11 per cent tribal **Khatedars** were to be benefited by the Waghed Project. The average land holding per tribal **Khatedar** was 2.19 hectares whereas in the case of non-tribal **Khatedars** the average holding was 4.64 hectares in the command area of the Project. 65 per cent of the tribal **Khatedars** who were to be benefited by the Project had an average land below 2 hectares.

5.46. As regards Surya River Project it was stated that the gross command area of the Project was 25334 hectares and the irrigable area was 12667 hectares. The cropped area was 23440 hectares. In all 82 villages and 2 wadis from Jawahar, Dahanu and Palghar talukas would be benefited from the Project. 77 villages formed part of the Tribal Sub-Plan area. In 63 villages, 77 per cent of the villages were having more than 50 per cent tribal concentration and in the remaining villages the tribal concentration was less than 50 per cent. For study purposes 15 villages from Dahanu Taluka and 16 villages from Palghar Taluka were selected. In these 31 villages there were 2972 **Khatedars** with total holdings of 6433.87 hectares. Of these 2972 **Khatedars** 1680 **Khatedars** were tribals and 1292 **Khatedars** were non-tribals. The percentage of tribal **Khatedars** to the total number of **Khatedars** was 57. Land measuring 2870 hectares was held by tribal **khatedars** to total land formed 45%. The average size of holding of tribal **khatedars** was 1.71 hectares whereas in the case of non-tribal **khatedars** it was 2.76 hectares. It was calculated that looking at the number of villages and **khatedars**, the Project would benefit majority of tribal villages and **khatedars** but considering actual area of cropped area under command of the Project the percentage of tribal beneficiaries was 47 and for non-tribal beneficiaries the percentage was 53. It would be desirable to explore the possibility of bringing more tribal **khatedars** and their lands under the Project by deleting non-tribal villages and area from its command for which there was some scope.

Provision of employment facilities in Rural Areas

5.47. The abundance of labour in the rural sector can be gainfully employed for processing agricultural produce. There is a great scope for canning fresh peas, green vegetables etc. This can take care of perishable commodities also. There is need for setting up of centres for giving training to the farmers and their families in work relating to canning and food preservation. The preservation centres can be started on a community basis also and the local trained personnel can be employed to process the local produce. Necessary arrangements relating to suitable containers and chemicals at reasonable costs should be made by the authorities concerned. There is also a good scope of poultry improvement and the condition of the farmers can be improved through helping them to make use of good chicks, balanced poultry food, technical know-how, marketing facilities and disease controlled measures. The farmers belonging to backward classes could be suitably trained by giving them short-term training and making available chicks for distribution purposes to the trainees. Poultry keepers should be persuaded to form cooperative societies and credit facilities should be made available to them. There is also a good scope for piggery development. The quality of boar and local sows can be considerably improved by supplying breeders at subsidised rates. The farmers should also be encouraged to include yellow maize in the crop rotation so that the cheap food can be locally made available. Besides there are vast areas which are permanently water-logged and can be gainfully utilized for the development of fish to provide employment to the unemployed and meat for the rural as well as urban masses. Fish production can also be tried in paddy fields and necessary experts guidance should be provided for the purpose.

Small Farmers, Marginal Farmers and Agricultural Labourers Development Agencies

5.48. In order to create employment and additional income in the rural areas of the country, the schemes of small Farmers and Agricultural Labourers were introduced in the course of the Fourth Five Year Plan. The number of the projects was raised to 160 from 87 in the Fifth Five Year Plan period. According to the latest available information there are 171 such projects functioning in the various parts of our country. The organization of the Commissioner for Scheduled Castes and Scheduled Tribes had drawn the attention of the Union Ministry of Agriculture to ensure that the persons belonging to Scheduled Castes and Scheduled Tribes derive adequate benefits from this general scheme and subsequently the Ministry issued instructions to the State Governments/Union Territory Administrations to advise the agencies in their areas to adopt positive approach to extend benefits of these schemes to the persons belonging to the Scheduled Castes and Scheduled Tribes and they

had also devised a proforma to collect statistical information in respect of the Scheduled Castes and Scheduled Tribes benefiting from these schemes. This office made efforts to collect information regarding the benefits derived by Scheduled Castes and Scheduled Tribes by addressing circular letters to all the SFDAs, functioning in the country. Out of a total number of 171 SFDAs, the required details were furnished by 78 agencies only. Project-wise break-up of the funds utilised and physical progress achieved during 1977-78 may be seen at Appendix XLIX. It is observed therefrom that in terms of beneficiaries the persons belonging to Scheduled Castes and Scheduled Tribes derived 12.48% and 8.46% benefits respectively and in terms of expenditure incurred 11.36% and 5.83% of the expenditure incurred was spent for the persons belonging to Scheduled Castes and Scheduled Tribes respectively. Besides 9.48% of the expenditure was incurred on Scheduled Castes/Scheduled Tribes together. However, this is only partial information regarding the benefits derived by the persons belonging to Scheduled Castes and Scheduled Tribes from the operation of the programme. There are more than 100 such projects and no information is available about the assistance rendered by them to Scheduled Castes and Scheduled Tribes. on the basis of inadequate data, it is difficult to say if the persons belonging to Scheduled Castes and Scheduled Tribes have started getting their due from this programme.

Housing Programmes

5.49. Majority of the persons belonging to Scheduled Tribes live in interior areas and on account of their poverty and dearth of building material many of them continue to live in thatched huts. In some cases, even local material is not available because the forests have got depleted and so their housing condition has further worsened. It is felt that the requirement of local community including housing material should be the first consideration in forestry and associated programmes.

5.50. Persons belonging to Scheduled Castes suffer from poor housing and hygienic conditions as their habitations are located in separate hamlets or on outskirts of the main habitations. The object of the housing schemes should be to bring up the level of housing of an average member of the Scheduled Caste/Tribe to that of an average villager in the area.

5.51. As per reports received by the Ministry of Works and Housing, Supply and Rehabilitation from the States/Union Territories by the end of June, 1977, 72.86 lakh landless families had been allotted house-sites. Information regarding the number of Scheduled Caste/Scheduled Tribe beneficiaries was available upto the end of March, 1977. State-wise position regarding number of house-sites allotted to landless families and to the

families belonging to Scheduled Castes and Scheduled Tribes is given below:--

S. No.	Name of State/ Union Territory	Total No. of house-sites allotted to landless families (As on 30-6-77)	No. of house- sites allotted to Sch. Castes/ Sch. Tribe families (As on 31-3-77)
1	2	3	4
1	Andhra Pradesh .	6,57,000	N.A.
2	Assam . . .	49,056	7,834
3	Bihar . . .	7,15,000	N.A.
4	Gujarat . . .	3,01,701	1,51,921
5	Haryana . . .	2,13,377	1,36,130
6	Himachal Pradesh	4,451	2,556
7	Jammu & Kashmir	5,186	N.A.
8	Karnataka . . .	7,54,163	2,59,727
9	Kerala . . .	90,000	28,760
10	Madhya Pradesh	7,73,000	4,54,862
11	Maharashtra . .	3,57,957	1,63,800
12	Orissa . . .	1,17,845	31,278
13	Punjab . . .	3,00,976	2,25,000
14	Rajasthan . . .	8,54,023	6,11,820
15	Tamil Nadu . . .	5,23,076	N.A.
16	Tripura . . .	38,307	N.A.
17	Uttar Pradesh . .	12,12,014	9,93,816
18	West Bengal . .	2,97,929	1,77,787
19	Andaman Nico- bar Islands . . .	1,312	Nil
20	Chandigarh . . .	50	13
21	Dadra & Nagar Haveli . . .	715	715
22	Delhi . . .	12,228	5,934
23	Goa, Daman & Diu	700	318
24	Pondicherry . .	6,322	1,138
		72,85,388	32,53,409

5.52. So far the programme of housing or house-sites has not made much headway in the case of Scheduled Castes/Scheduled Tribes, though in the course of the Fifth Five Year Plan distribution of house sites to landless labourers was an important programme. In several cases the allotment of house sites to the members of these communities was only notional and the sites allotted were not suitable for house construction. It is necessary that for Scheduled Castes/Scheduled Tribes a phased programme of housing should be evolved, which should be based on local designs, availability of local material and skills. To bring about social cohesion between the members of various communities the programme should be undertaken on cluster basis. They should be assisted by liberal loans with suitable subsidies to construct houses. Some of the State Governments like those of Andhra Pradesh, Karnataka, Rajasthan, Tamil Nadu etc. had set up Corporations, to improve the housing condition of the persons belonging to Scheduled Castes and Scheduled Tribes. Besides Housing Boards set up in different States/Union Territories have also accorded priority in the matter of allotment of plots/built-up houses to the persons belonging to Scheduled Castes and Scheduled Tribes. However, details regarding actual benefits derived by the persons belonging to Scheduled Castes/Scheduled Tribes from the Schemes operated by various State Housing Boards were not available.

5.53. One new feature in respect of tribal areas is the emergence of small towns and it is desirable to initiate efforts for settlement of tribals from the surrounding areas to diversify tribal economy and provide opportunities of self-employment.

CHAPTER 6

EDUCATIONAL DEVELOPMENT

Expenditure under the Backward Classes Sector

Spread of education among the Scheduled Castes and the Scheduled Tribes is one of the most important programmes in the Backward Classes sector of the Central and State Plans. This can be seen from the fact that in the draft Sixth Plan, an outlay of Rs. 312 crores has been made for various educational programmes under the Backward Classes Sector, besides the share of these programmes in the special central assistance to Sub-Plans for tribal areas. This constitutes a major portion of the total outlay

for the schemes under the Backward Classes Sector which is Rs. 545 crores.

Central Sector

6.2. Under the Backward Classes Sector of the centrally sponsored programme, there are two educational schemes, viz., Post-matric scholarships to Scheduled Caste and Scheduled Tribe students and construction of girls' hostels. The Fifth Plan outlay and expenditure incurred under these schemes during the years 1974-75 to 1977-78 are given in the table below :—

(Rs. in crores)

Name of the scheme	Fifth Plan Outlay	Expenditure incurred during			
		1974-75	1975-76	1976-77	1977-78
1	2	3	4	5	6
(i) Post-Matric Scholarships to Scheduled Caste & Scheduled Tribe students.	100.00	10.09	13.61	15.50	15.75
(ii) Girl's Hostels for Scheduled Castes & Scheduled Tribes.	3.77	0.56	0.68	0.79	0.81

It would be seen from the above table that the expenditure under the above mentioned two educational schemes, which does not include committed expenditure, has been steadily mounting. This shows that more Scheduled Caste/Scheduled Tribe students are now reaching the Post-matric stage of education.

State Sector

6.3. Under the Backward Classes Sector of the State Plans, provision is made for educational schemes like pre-matric stipends, reimbursement of tuition fees, hostels, ashram schools, etc., Against the Fifth Plan outlay of Rs. 95.25 crores for the various educational schemes for Scheduled Castes and Scheduled Tribes under the State Sector, expenditure of Rs. 11.40 crores, Rs. 14.85 crores, Rs. 17.92 crores and Rs. 26.52 crores was incurred during the years 1974-75, 1975-76, 1976-77 and 1977-78 respectively. It would be seen that the expenditure incurred by various State Governments to provide incentives to Scheduled Caste and Scheduled Tribe students is gradually increasing, thereby enabling more and more Scheduled Castes/Scheduled Tribes to send their children for pre-matric and post-matric education.

Enrolment

6.4. The provision of universal primary and middle education for all children in the age-group 6-14 is a Constitutional Directive. The national target fixed by the Central Advisory Board of Education at the beginning of the Fifth Plan was

to achieve 100 per cent enrolment in the age-group 6-11 and 50 per cent enrolment in the age group 11-14, by 1978-79. The Union Ministry of Education have so far furnished the all-India enrolment figures for general population, Scheduled Castes and Scheduled Tribes upto the year 1974-75 only, which were given in our previous Report. It was noticed that the percentages of enrolment of Scheduled Castes, Scheduled Tribes and other communities in the age group 6-11 were only 67.1, 59.7 and 87.6, respectively. Thus the enrolment in that age group during 1974-75, specially among the Scheduled Castes and Scheduled Tribes was still far from the target of 100 per cent enrolment. The position in the age group 11-14 was no better. Against the target of 50 per cent enrolment in that age group by 1978-79, the percentages of enrolment among Scheduled Castes and Scheduled Tribes during 1974-75 were only 22.7 and 15.7 respectively as compared to the enrolment of 40.2 per cent among communities other than Scheduled Castes and Scheduled Tribes.

Progress during the Fifth Plan in Rajasthan

6.5. In this connection, a study Team from our organisation visited the Districts of Jaipur, Udaipur and Dungarpur, in Rajasthan, during July 1978, to study, inter-alia, the progress of enrolment among Scheduled Castes and Scheduled Tribes in the State. The State Government furnished the enrolment figures, for the State, for 1977-78 also. The actual enrolment of Scheduled Castes and Scheduled Tribes in the age groups

6-11, 11-14 and 14-17 during the years 1974-75, 1976-77 and 1977-78 as well as percentages of enrolment of general, Scheduled Caste and Sche-

duled Tribe students to their total population in these age groups in the State, for the year 1977-78, may be seen in the table given below :—

Age group	Year	General			Scheduled Castes			Scheduled Tribes		
		Total	Boys	Girls	Total	Boys	Girls	Total	Boys	Girls
1		2	3		4	5	6	7	8	9
6—11	1974-75				2,22,549	N.A.	N.A.	1,29,926	N.A.	N.A.
	1976-77				2,92,020	2,51,138	40,982	1,80,848	1,59,489	21,359
	1977-78				2,94,755	2,52,254	42,501	1,87,752	1,66,706	21,046
		(57.29)*	(82.49)	(29.43)	(44.25)	(72.28)	(13.41)	(36.75)	(62.81)	(8.58)
11—14	1974-75				35,209	N.A.	N.A.	19,473	N.A.	N.A.
	1976-77				50,773	47,992	2,781	28,822	27,923	909
	1977-78				55,828	52,490	3,340	31,862	30,842	1,020
		(27.22)	(41.93)	(10.96)	(15.32)	(27.52)	(1.93)	(11.4)	(21.25)	(0.76)
14—17	1974-75				15,545	N.A.	N.A.	8,232	N.A.	N.A.
	1976-77				21,218	20,390	828	11,232	10,982	251
	1977-78				23,018	22,116	902	13,125	12,873	252
		(14.94)	(26.55)	(5.54)	(6.93)	(12.78)	(0.57)	(15.15)*	(9.78)	(0.20)

*Figures in brackets indicate percentages.

It would be seen from the above table that though some progress has taken place in the enrolment of Scheduled Castes and Scheduled Tribes in Rajasthan during the years 1974-75, to 1977-78, percentages of enrolment in 1977-78 still poorly lag behind the national targets. For example, against the target of 100 per cent enrolment in the age group 6-11 the enrolment of Scheduled Castes and Scheduled Tribes during the year was only 44.25 per cent and 36.75 per cent respectively. Similarly, against the target of 50 per cent enrolment in the age group 11-14, the enrolment of Scheduled Castes and Scheduled Tribes during the year was only 15.32 per cent and 11.40 per cent respectively. The position of enrolment among Scheduled Caste/ Scheduled Tribe girls was still worse. For example, the percentages of enrolment of Scheduled Caste and Scheduled Tribe girls in the age group 6-11 during 1977-78 were only 13.41 and 8.58 respectively. Similar percentages in the age group 11-14 for Scheduled Caste and Scheduled Tribe girls were 1.93 and 0.76 and in the age group 14-17, these were as low as 0.57 and 0.20, respectively. Thus only few Scheduled Caste/Scheduled Tribe girls ever reach even the middle standard of education. This fact is also confirmed from the enrolment figures for Scheduled Caste/Scheduled Tribe girls, in girls' schools in Jaipur district and all schools in Dungarpur district, which may be seen in the table at Appendix I. This calls for immediate suitable action on the part of the State Government in order to increase the enrolment of Scheduled Caste/Scheduled Tribe girls as well as boys in these age-groups.

Programme of Universal Elementary Education during Sixth Five Year Plan

6.6. The Union Ministry of Education propose to start a big drive to enrol 320 lakh children

in the age-group 6-14 in formal and non-formal educational institutions during the Sixth Plan period (1978-83). It is learnt that efforts are proposed to be made to increase the enrolment of children from the present annual rate of 26 lakhs to 64 lakhs during the next five years. While 160 lakh children are proposed to be taken into formal full-time classes I to VIII, an equal number of children including drop-outs, will be given part-time education in formal and informal institutions.

Special central assistance for enrolment

6.7. It is learnt that 75 per cent of the 320 lakh children to be enrolled during the Sixth Plan are in eight States, viz., Andhra Pradesh, Bihar, Jammu & Kashmir, Madhya Pradesh, Orissa, Rajasthan, Uttar Pradesh and West Bengal which have large Scheduled Caste/Scheduled Tribe populations. The Central Government are to give particular attention to these States, to promote enrolment of children in the age group 6-14. For this purpose, a special scheme of assistance to these States is proposed to be started with a budget of Rs. 50 crores. The proposed programme of universal elementary education is commendable. The bulk of the unenrolled children belong to the weaker sections, especially the Scheduled Castes and the Scheduled Tribes. While implementing the programme, the above mentioned eight State Governments as well as the Governments of other States/Union Territories having large Scheduled Caste/Scheduled Tribe populations should, therefore, ensure that the children belonging to these communities are paid special attention in view of their backwardness. Sufficient funds should be earmarked to provide incentives like adequate scholarships and stipends, free uniforms, books, stationery, mid-

meals, and establishment of Ashram Schools in sparsely populated areas in order to encourage their enrolment. It is also desirable that provision should be made for higher non-teacher cost for the tribal areas. In this connection, the Governments of Rajasthan and Madhya Pradesh are understood to be doing commendable work by awarding pre-matric scholarships to all the eligible Scheduled Caste/Scheduled Tribe students. It is recommended that all the other State Governments/Union Territory Administrations should also take similar action to award pre-matric stipends to all the eligible Scheduled Caste/Scheduled Tribe children as an incentive to them to attend schools.

Non-formal Education

6.8. The programme of universalisation of education in the age group 6-14 is not in itself sufficient to remove illiteracy from the country. Besides the large number of children who never attend schools, it is estimated that about 60 per cent of the school going children drop out before completing class V and about 75 per cent drop out before completing class VIII. It is also estimated that there are about 100 million illiterate persons in the country in the age group 15-35. Most of the people who never attended school as well as the majority of the drop-outs from schools, belong to the weaker sections of the population, especially, the Scheduled Castes and the Scheduled Tribes. Any programme to promote literacy among the people cannot therefore, be

considered complete unless suitable steps are taken to promote literacy among the huge mass of left-outs and drop-outs from school. Formal school education is not suitable for this class of people. It was in this context that alongwith formal education, non-formal education was given its due importance during the Fifth Five Year Plan. The main emphasis was laid on the following programmes:—

- (i) Non-formal education for non-school going children in the age group 6-14.
- (ii) Non-formal education for youth in the age group 15-25.
- (iii) Functional literacy programme linked with development schemes.

6.9. The above programme was for the general population but the incidence of illiteracy being predominant among the Scheduled Castes and the Scheduled Tribes, these communities were expected to be benefited to a great extent. A study made by our Study Team in Dungarpur District of Rajasthan in July, 1978 revealed that the programme of non-formal education in the district covered the age groups 8-14 and 15-25. 50 centres were functioning in the district for the age group 8-14 and 100 centres were functioning for the age group 15-25. The number of centres for the two age-groups as well the number of total Scheduled Caste and Scheduled Tribe beneficiaries under the scheme is given in the table below:—

	Number of Centres			Number of beneficiaries									
	Male	Female	Total	Total			S.Ss			S.Ts.			
				Male	Female	Total	Male	Female	Total	Male	Female	Total	
Age group 8-14													
Rural	30	3	33	..	..	..	N.A.	N.A.	..	..	..	..	..
Urban	10	7	17	..	..	..	N.A.	N.A.	..	..	..	..	..
TOTAL	40	10	50	730	609	1,339	140	142	282	341	290	631	
Age group 15-25													
Rural	85	7	92	..	..	..	N.A.	N.A.	..	..	..	..	..
Urban	5	3	8	..	..	..	N.A.	N.A.	..	..	..	..	..
TOTAL	90	10	100	1,573	412	1,985	179	93	262	1,137	248	1,385	

It would be seen from the above table that 68 per cent and 83 percent of the beneficiaries belonged to Scheduled Castes/Scheduled Tribes in the age groups 8-14 and 15-25, respectively.

Adult Education

6.10. Under the National Adult Education Programme launched on the 2nd October, 1978, educational facilities will be provided to illiterate persons in the age group 15-35, estimated at about 100 million. The programme aims at providing to these persons skills for self directed learning leading to self-reliant and active role in their own development and in the development of their environment. It is proposed to

cover the entire illiterate population in the age group 15-35 by the year 1983-84. Since a large section of the illiterate population belongs to the weaker sections, particularly, the Scheduled Castes and the Scheduled Tribes, special programmes will be launched for persons belonging to the Scheduled Castes and the Scheduled Tribes. The programme will be implemented by the State Governments/Union Territory Administrations. Certain voluntary organisations working among Scheduled Castes and Scheduled Tribes are also being associated with the implementation of the programme. A National Board of Adult Education has been established at the Centre to guide the pro-

gramme. It was observed by our Study Team in Dungarpur district of Rajasthan during their visit to the district in July, 1978 that the following Agencies/office were expected to run the proposed Adult Education centres in the under-mentioned areas in the district:—

Name of Agency/Office	Number of proposed Adult Education Centres	Areas in which the Centres will be opened
1. Rajasthan Seva Sangh, Dungarpur	30	Dungarpur
2. Goverdhan Vidya Vihar, Khadgada	150	Sagwara and Seemalwada†
3. Rajendra Vidya Peeth, Dungarpur	51	Beechiwada and Dungarpur.
4. Nehru Yuvak Kendra, Dungarpur.	35	Beechiwada
5. Office of District Education Officer, Dungarpur	182	Aspur and Seemalwada
TOTAL	448	

It would be seen from the above table that most of the places selected for starting the centres were located in areas of tribal concentration. It is hoped that similar action will be taken by all the other State Governments to locate the proposed Adult Education centres in areas of tribal concentration as well as Scheduled Caste localities, to enable more and more Scheduled Caste/Scheduled Tribe illiterate persons in the age group 15-35 to derive benefit from the programme. The content and pattern of curricula should also be so devised as to enable the per-

sons belonging to these communities to understand their socio-economic environment and to easily learn new economic activities and improve the existing skills.

Hostels

6.11. Provision of hostel facilities to the Scheduled Caste and Scheduled Tribe students plays an important role in the promotion of education among these communities. It has been observed that, because of poverty, many Scheduled Caste/Scheduled Tribe students give up education as their parents cannot afford to send their children outside their villages to attend schools located at distant places. This problem is more acute among the Scheduled Tribes who live in sparsely populated inaccessible hilly areas where schooling facilities are not available. Hostel facilities are provided to enable such Scheduled Caste and Scheduled Tribe students to leave their villages and live in hostels near their schools. Under the Backward Classes Sector of the State Plans as well as the tribal Sub-plans prepared by various State Governments, provision is made for the construction and running of Backward Classes hostels for the Scheduled Castes and Scheduled Tribes while under the central sector, funds are provided for the construction of only girls' hostels for Scheduled Castes/Scheduled Tribes.

State Sector

6.12. Backward Classes hostels are run by various State Governments/Union Territory Administrations as well as some voluntary organisations with the help of grants-in-aid given by the State Governments. An attempt was made to collect information regarding the number of such hostels running during the year under Report and is given in the table below:—

State	Number of hostels for			Number of inmates in these hostels			
	S.C.	S.T.	Total	S.C.	S.T.	Others	Total
1	2	3	4	5	6	7	8
1. Andhra Pradesh (1977—78)	1,047	330	1,377	85,790	23,594	..	1,09,384
2. Bihar (1973—74)	90	180	270	3,635	5,176	..	8,811
3. Gujarat (1976—77)	171	294	465	6,952	13,389	..	20,341
4. Himachal Pradesh (1976—77)	13	3	16	400	100	100	600
5. Karnataka (1976—77)	668	17	685	28,300	856	1,764	30,920
6. Kerala (1975—76)	77	6	83	4,634	1,857	189	6,680
7. Madhya Pradesh (1974—75)	259	1,452	1,711	5,549	29,918	..	35,467
8. Maharashtra (1976—77)	NA	NA	1,303	NA	NA	..	60,779
9. Orissa (1977—78)	NA	NA	1,003	12,640	18,080	..	30,720
10. Rajasthan (1976—77)	118	124	252	5,054	4,681	..	9,735
11. Tamil Nadu (1977—78)	644	19	663	NA	NA	..	39,400
12. Uttar Pradesh (1973—74)	NA	NA	110	NA	NA	..	5,500
13. Andaman & Nicobar Islands (1977—78)	..	2	2	..	54	..	54
14. Arunachal Pradesh (1974—75)	..	75	75	..	2,800	..	2,800
15. Dadra & Nagar Haveli (1977—78)	11	..	11	..	..	..	751
16. Lakshadweep (1972—73)	..	5	5	..	256	..	256
17. Mizoram	..	55	55	..	697	..	697
18. Pondicherry	11	..	11	600	..	150	75

It would be seen from the above table that the number of backward classes hostels, continues to be quite inadequate in State like Bihar, Kerala, Rajasthan, Himachal Pradesh and Uttar Pradesh. Even in other States the number of these hostels is not considered adequate considering the population of Scheduled Castes/Scheduled Tribes in those States. For example, it was revealed in a study conducted in Maharashtra to assess the utilisation of hostel facilities that there was still an overall shortage of Backward Classes hostels and the existing hostel facilities were not being fully utilised. The reason for this was stated to be the mushroom growth of aided hostels, resulting in concentration of hostels in some areas and no hostels in difficult areas where they were needed most. This sort of lopsided growth of backward classes hostels should be avoided by adopting a well planned policy at Government level to bring about an area-wise balanced growth of hostels in accordance with the needs of the respective areas, which should be assessed after conducting necessary surveys for the purpose. It is desirable that similar action should be taken by all the other State Governments/Union Territory Administrations to ensure that new hostels are opened according to the needs of different areas and there is no under-utilisation of these hostels. The Governments of the States/Union Territories in which the number of backward classes hostels is inadequate should also take urgent steps to increase the number of these hostels in their respective States/Union Territories. Coaching facilities should also be provided to Scheduled Caste/Scheduled Tribe students in hostels, in the States in which arrangements for the same have not so far been made.

Grants-in-aid to Aided Hostels :

6.13. It was recommended in our earlier Reports that the rates of grants-in-aid per inmate paid to aided hostels which were fixed by various State Governments long back should be suitably increased due to the manifold rise in the price level. In this connection, it was observed by a Study Team of this Organisation during their visit to Rajasthan during July 1978, that the rates of grants-in-aid per inmate paid to non-official organisations running Backward Classes hostels were raised from Rs. 55 per month for classes V to VIII and Rs. 60 per month for classes IX to XI, to Rs. 95 per month for classes V to VIII and Rs. 100 per month for classes IX to XI, from January, 1977. The action taken by the State Government to appreciably increase the rates of the grants-in-aid to aided hostels is commendable. It is hoped that the Governments/Administrations of the other States/Union Territories in which the rates of grants-in-aid are still low will also take immediate action to increase these rates to enable the aided hostels to give balanced diet to the inmates. The State Governments should also ensure that the items for which the grants-in-aid are being given to these hostels are actually supplied to the inmates.

Central Sector

Girls' Hostels :

6.14. The Scheduled Caste and Scheduled Tribe girls have lagged far behind in the field of education, as compared to Scheduled Caste/Scheduled Tribe boys or even girls from the general population. In order to give impetus to education among girls belonging to these communities, the scheme of girls' hostels was introduced as a centrally sponsored programme during the Third Five Year Plan period. Initially, the scheme provided for construction/extension of hostel buildings. The scope of the scheme was expanded during the Fifth Five Year Plan, to include provision for the construction of buildings, award of stipends, maintenance of hostels and facilities for meeting the special requirements of Scheduled Caste/Scheduled Tribe girls. The integrated scheme provided for hostel buildings, furnishing of hostels, initial equipment for crafts like sewing and embroidery, initial grant for necessary equipment for cultural activities and initial grant for rotating capital for attached agricultural plots etc., to enable the hostels to develop multipurpose institutions where the girls could be trained in arts, crafts, skills, games, house-keeping, etc. The rates of grants-in-aid under the scheme were increased during 1975-76. According to the revised rates, the maximum grant-in-aid was Rs. 3200 per student if only accommodation was provided and Rs. 4,450 per student if accommodation as well as ancillary facilities like dining hall, kitchen, sanitary blocks etc., were also provided.

6.15. The expenditure incurred during 1976-77 and the outlay proposed during 1977-78 under the scheme may be seen in the table at Appendix LI. It would be seen from that table that the progress of the scheme continues to be unsatisfactory in Bihar, Karnataka, Maharashtra, Orissa Rajasthan, Tamil Nadu and Uttar Pradesh. Certain drawbacks have also been noticed in the working of some existing hostels. For example, a study made about the working of the Scheduled Castes' Girls' hostel Srikakulam, in Andhra Pradesh in August, 1977 revealed that, though the hostel had been constructed during the Fifth Plan period, no added facilities as envisaged in the revised scheme were provided. The rooms of the hostel were found to be small and congested, because the existing strength of the hostel was 102 against the sanctioned strength of 50. Minimum requirements like cots, racks, shelves, games, newspapers etc., had not been provided to the inmates. The boarders were sleeping on the floor. Although taps were provided, yet there was no provision for storing water, as a result of which latrines were not properly flushed. The State Government should look into the above points and do the needful to improve the working of the hostel. It is also recommended that the Government of India as well as the Governments of the States in which the number of girls' hostels for the Scheduled Castes and Scheduled Tribes is small should take urgent steps to increase the number of these hostels.

Ashram Schools

6.16. Ashram Schools are residential primary schools where students are provided free education, lodging and boarding. Such schools are specially suitable for the sparsely populated tribal areas where normal day schools cannot be established and are designed to meet the specific requirements of the Scheduled Tribes. These institutions also provide craft based education according to the requirements of the areas concerned, besides imparting general education. Such institutions have also been started for the Scheduled Castes and other Backward Classes in some States. These schools are run by the State Governments and some voluntary organisations. Available information regarding the number of Ashram Schools existing in various States, as well as the number of inmates in these schools is given in the table below.—

State	No. of Ashram Schools	No. of inmates
1. Andhra Pradesh (76—77)	291	17,267
2. Bihar (75—76)	76	9,534
3. Gujarat (76—77)	136	14,856
4. Himachal Pradesh (76—77)	5	125
5. Karnataka (77—78)	65	4,125
6. Kerala (72—73)	55	1,650
7. Madhya Pradesh (75—76)	138	5,520
8. Maharashtra (77—78)	329	16,230
9. Manipur (73—74)	6	527
10. Orissa (77—78)	160	N.A.
11. Rajasthan (76—77)	8	195
12. Tamil Nadu (75—76)	79	4,433
13. Uttar Pradesh (76—77)	10	935
14. West Bengal (76—77)	5	480
15. Jammu & Kashmir (77—78)	1	20

It would be seen from the above table that the number of Ashram Schools is quite inadequate in **Bihar, Madhya Pradesh** and **Orissa** as compared to the Scheduled Tribe population in these States. A study was conducted by the Tribal Research and Training Institute Pune, to plan the number of Ashram schools required to be opened in **Maharashtra** to cover all the tribal population in the State. Originally, a scheme of Ashram Shala complexes was started in the State in 1971-72 according to which a compact area selected for the purpose was to have an ashram school, a **balwadi** an agricultural demonstration farm, an animal husbandry unit and a pre-vocational training centre, with a view to creating an infrastructure in the area which would ultimately help all-sided development of the area and its people. But due to some difficulties, so far the activities of the Ashram Shala Complexes are restricted to only ashram schools and balwadis. The Tribal Research Institute suggested that the total requirement of Ashram Schools in the State was 613, out of which 368 Ashram Schools should

be in the Sub-plan Area and 245 Ashram Schools outside the sub-plan area. 329 Ashram Schools are already functioning and it is proposed to open 284 more Ashram Schools in a phased programme of four years beginning from 1978-79. During 1978-79, 80 Ashram Schools will be started. The number and location of these schools have been arrived at according to the norm of one Ashram Shala Complex for 6,000 tribal population. For hilly and inaccessible areas the norm was relaxed to one Ashram Shala complex for 4,000 to 5,000 tribal population. **It is hoped that the State Government will take prompt action to start the proposed Ashram Schools according to schedule. It is recommended that all the Governments in whose States the number of Ashram Schools is inadequate should take urgent steps to make similar studies in order to find out the number of Ashram Schools required to be opened in their respective States and also to select the areas where such schools should be started according to the population and requirements of the areas. This will go a long way in putting a stop to uneven and lopsided growth of Ashram Schools.**

Post-matric Scholarships

6.17. The Centrally Sponsored Scheme of Post-matric Scholarships to the Scheduled Caste and Scheduled Tribe students which was introduced in 1944-45, is one of the most important schemes for the advancement of higher education among these communities. Scheduled Caste converts to Buddhism are also now covered under the scheme. A unique feature of this scheme which is operated by the State Government/Union Territory Administrations is, that all the eligible Scheduled Caste/Scheduled Tribe students are awarded scholarships and their number is not limited by the availability of funds. The candidates get the scholarships through the Government of the State to which they belong, irrespective of the place of their study. The scheme was revised in 1974-75 when, *inter-alia*, the rates of scholarships were increased from 25 per cent to 80 per cent for various courses and the means test was liberalised to award scholarships to Scheduled Caste/Scheduled Tribe students whose parents/guardians' income was upto Rs. 750 per month. Under these rules, the Scheduled Tribe students who were earlier exempted from any means test, were also subjected to the same means test as was applicable to the Scheduled Castes. The rates of scholarships to Scheduled Caste/Scheduled Tribe students pursuing Medical and Engineering Degree courses and staying in hostels were further increased from 1-1-78. During the first year of these courses, the rates were increased from Rs. 125 and Rs. 135 to Rs. 185 and Rs. 195 per month for boys and girls, respectively. During the second and subsequent years the rates were increased from Rs. 125 and Rs. 140 to Rs. 185 and Rs. 200 per month for boys and girls, respectively. No increase was made in the rates of scholarships admissible to day scholars.

6.18. The number of scholarships has been gradually increasing from 114 in 1944-45 to about 4.22 lakhs in 1977-78 (Scheduled Castes 3.59 lakhs, Scheduled Tribes 0.63 lakh), and is expected to rise to 4.60 lakhs in 1978-79. The expenditure on the scheme has been similarly rising. The expenditure incurred by the State Governments during the last year of each Plan period is treated as committed expenditure and is borne by them. During each year of the Fifth Plan period, the State Governments were incurring committed expenditure to the tune of Rs. 14.18 crores, over and above the central assistance. During 1975-76, the expenditure incurred out of central assistance was Rs. 12.71 crores, and it is expected to rise to Rs. 20 crores in 1978-79 (Scheduled Castes Rs. 16.47 crores, Scheduled Tribes Rs. 3.53 crores), in addition to the committed expenditure of Rs. 15.40 crores. The reason for the sudden increase in the expenditure on the scheme is that, apart from the fact that more and more Scheduled Caste/Scheduled Tribe students are going in for post-matric education, from the year 1975-76, students of class XI under the 10+2 pattern of education also became eligible for the award of these scholarships. Before that year, the students of XI class of Higher Secondary course were not eligible for these scholarships.

Scholarships to two children of the same family

6.19. Under one of the clauses of the above mentioned revised regulations, if more than two children of the same parents/guardians were pursuing post-matric education, only two of them would be eligible for the award of scholarships. It was later clarified by the Ministry of Home Affairs that this restriction was not for two children at any particular time but meant two children of the same family, for all time to come. In pursuance of a number of representations received from Scheduled Castes and Scheduled Tribes, that the restriction of two children should be removed, the matter was taken up with the Ministry and it was also recommended in our Report for 1973-74 that the clause appeared to be retrograde and illogical and should be deleted. However, this recommendation was not accepted. A number of representations still continue to be received from various Scheduled Caste/Scheduled Tribe associations and individuals, stating that Scheduled Caste/Scheduled Tribe persons with more than two children studying in post-matric classes have been put to a great hardship as a result of the application of this clause. In our view, a scheme which is meant to promote higher education among the Scheduled Castes and the Scheduled Tribes should not be made a tool to achieve the targets of family planning. This clause is bound to prove as a disincentive to the parents belonging to these communities to send their children for higher education and thus defeats the very purpose for which the scholarship scheme was introduced. **There appears to be absolutely no justification in denying the scholarship to some children, to which their brothers and sisters are eligible, simply because they happen**

to be the third or fourth children of their parents. It is, therefore, reiterated that the restriction of only two children of the same parents/guardians for the award of Post-matric scholarships should be removed from the regulations and all the children of the same parents/guardians pursuing post-matric education should be awarded scholarships, if they are otherwise eligible.

Delay in the payment of Scholarships

6.20. The Union Ministry of Home Affairs have been issuing instructions at the highest level to various State Governments/Union Territory Administrations, from time to time, to streamline the procedure for the sanction and disbursement of these scholarships to the Scheduled Caste/Scheduled Tribe students and to avoid any delay therein. However, a number of complaints are still being received in our organisation from Scheduled Caste/Scheduled Tribe students regarding the delay caused in the sanction of the scholarships to them. Some of the points raised therein are discussed below:—

1. Scheduled Caste/Scheduled Tribe students of class XI under the 10+2 system of education became eligible for the grant of scholarship from the year 1975-76. Since application forms were earlier being supplied by various State Governments to colleges and not to schools, these students are facing a lot of hardship in getting the same. **The State Governments concerned should therefore, also supply the required number of application forms to schools which have introduced the 10+2 system of education to avoid the hardship caused to the students of XI class in obtaining these forms.**
2. It has been repeatedly stressed by the Central Ministry of Home Affairs to all the State Governments/Union Territory Administrations that sufficient blank application forms should be supplied to the educational institutions before the commencement of the academic session so that candidates can submit the applications soon on joining colleges. According to available information, Governments of some States like **Orissa** and **West Bengal** have been taking action to get sufficient number of application forms supplied to the Post-matric institutions concerned, in time. However, it has been observed that this instruction is not being followed by some States/Union Territories. For example, the **Delhi** Administration do not themselves supply the required number of application forms to the educational institutions concerned but only send a sample application form to them, instructing them to get the required number of copies of the forms made out in their offices. It was learnt that some colleges were reluctant to get the copies of forms cyclostyled for want of equipment or funds. As a result, the Scheduled Caste/Scheduled Tribe students

studying in those institutions were put to a lot of hardship in getting these forms. **It is, therefore, desirable that as instructed by the Union Ministry of Home Affairs, the Delhi Administration and other State Governments/Union Territory Administrations concerned should themselves get sufficient copies of application forms printed and supply the same to colleges and also schools which have introduced 10+2 pattern of education, well in time in order to avoid hardship caused to the students in obtaining these forms.**

3. Although Scheduled Caste/Scheduled Tribe students are exempted from the payment of tuition fee in most of the States/Union Territories, yet they have to pay admission fee, games fee, etc., in a lump sum, at the time of admission to a college. These fees are no doubt, later refunded to the students but their initial payment in a lump sum causes a lot of hardship to them. In order to remove this hardship, the Ministry of Home Affairs had suggested to the State Governments a number of times to introduce the system of entitlement cards, according to which Scheduled Caste/Scheduled Tribe students are issued these cards by the State Governments on the production of their caste certificates. On showing these cards, they can be admitted to a college without the payment of the above mentioned fees which are adjusted by the college from the regular scholarship amount later on. According to available information, this system has been introduced only in few States/Union Territories like Gujarat, Meghalaya, Tamil Nadu, Uttar Pradesh, West Bengal, Pondicherry and Dadra & Nagar Haveli and is yet to be adopted in the remaining States/Union Territories. It was observed by one of our Study Teams during their visit to Rajasthan that Scheduled Caste/Scheduled Tribe students were facing considerable difficulty to pay various fees in lump sum at the time of admission. **It is, therefore, recommended that the Government of Rajasthan as well as the Governments/Administrations of other States/Union Territories in which the system of entitlement cards has not yet been introduced, should take immediate action to adopt the system in their respective States/Union Territories.**

Community-wise distribution of Post-matric scholarships :

6.21. As already discussed in our previous Reports, the benefit of the Post-matric Scholarships scheme is not accruing equitably to different communities constituting the Scheduled Castes and the Scheduled Tribes. In that Report, the findings of some studies made in this regard were quoted in support of the above observation. In this connection, another Study was conducted in Punjab with reference to the award of scholar-

ships during 1976-77. The community-wise break-up of the scholars in graduate, post-graduate and professional courses, in Punjab, during that year as revealed by the Study is given in the table at Appendix LI. It would be seen therefrom that students belonging to some communities like Ramdasia, Ad-dharmi etc., were able to derive more benefit from the scheme while students belonging to some economically more backward communities like Mazhabi and Balmiki could derive much less benefit from the scheme. Apparently, due to heavy drop-outs at Pre-matric stage, the students of the more backward communities are not able to reach the Post-matric stage. Efforts are required to be made to check the tendency to drop-out among these communities. **As already recommended in our previous Report, it is, therefore, reiterated that urgent steps should be taken to identify the economically more backward communities among the Scheduled Castes/Scheduled Tribes in all the States/Union Territories and to launch special programmes like special coaching classes, increased rates of pre-matric stipends, free books, uniforms, mid-day meals, and starting special residential schools like ashram schools, in order to encourage more students among these communities to reach the level of post-matric education and derive benefit from the Post-matric scholarships scheme. The rates of Post-matric scholarships should also be increased suitably for students belonging to these communities as an incentive to them to go in for Post-matric education.**

Utilisation of interest money on Post-matric Scholarships

6.22. The amounts of Post-matric scholarships placed at the disposal of college authorities for disbursement among students, sometimes remain undischursed in banks, for many months due to one reason or the other. In some cases these amounts are kept in savings accounts and earn large sums of interest. It is learnt that some colleges are using this money for their own purposes. For example, it was revealed in a study conducted in Bihar during 1977 that, a college in Ranchi was utilising the interest money earned on post-matric scholarship amount, to meet their administrative expenditure. **This appears to be irregular. The Union Ministry of Home Affairs should, therefore, look into the matter and issue necessary instructions to all the State Governments/Union Territory Administrations in order to ensure that the amounts of scholarships are disbursed by colleges expeditiously and not kept by them unduly.**

Post-matric scholarships to children of non-Scheduled Castes/Scheduled Tribes engaged in scavenging of dry latrines and flaying

6.23. Children of persons who are not members of the Scheduled Castes or Scheduled Tribes but are engaged in scavenging of dry latrines, tanning and flaying and suffer from the same social disabilities as Scheduled Castes, are not eligible for the award of scholarships under the existing scheme for the grant of Post-matric scholarships

to Scheduled Castes and Scheduled Tribes. Children belonging to this category need special attention for their educational advancement. It was to fulfil this need that the Government of India introduced a centrally sponsored scheme for the award of Post-matric scholarships exclusively for the children of those persons who are not members of Scheduled Castes and Scheduled Tribes and who are engaged in unclean occupations, viz., (i) scavenging of dry latrines, (ii) tanning and (iii) flaying, from the academic year 1977-78. The scheme does not cover children of those persons who are employed as sweepers as distinct from scavenging of dry latrines. The total number of scholarships to be awarded during a year is to be limited to 500. The expenditure on the scheme is to be met from the funds provided by the Central Government for the centrally sponsored scheme of Post-matric scholarships to Scheduled Castes and Scheduled Tribes. The means test, the rates of scholarships and other conditions of eligibility are the same as those prescribed for the existing scheme of Post-matric scholarships to Scheduled Caste and Scheduled Tribes. If the number of applications during a year are more than the number of scholarships, the selection will be made on the basis of merit. The number of scholarships awarded during the year under report are not known. **The new scheme is welcome. But the number of scholarships appears to be small and may not cover all the children of the categories for whom it is meant. It is, therefore, recommended that there should be no limit to the number of scholarships, as in the case of the Post-matric scholarships scheme for Scheduled Castes and Scheduled Tribes and all the eligible children under the scheme should be awarded scholarships. It is also recommended that the expenditure under the scheme should not be met from the budget allotted made for Post-matric scholarships for Scheduled Castes and Scheduled Tribes, but it should be met from a separate budget head.**

Pre-matric Stipends

6.24. Pre-matric stipends are awarded to Scheduled Caste/Scheduled Tribe students by almost all State Governments/Union Territory Administrations, as an incentive to their parents to send their children to schools. The rates of these stipends and the means tests prescribed for their award, vary from State to State. The number of stipends awarded in most of the States is restricted by the availability of funds. The Governments of some States like **Madhya Pradesh** and **Punjab** however, claim that these stipends are awarded to all the eligible Scheduled Caste/Scheduled Tribe students. The Government of **Rajasthan** have also claimed that for the last two years, all the eligible Scheduled Caste/Scheduled Tribe students are awarded pre-matric stipends. It is learnt that the Government of **Karnataka** have recently introduced a scheme of incentives to parents of tribal students to encourage them to send their children to schools. According to this scheme, the tribal parents are given Rs. 10 per

month for each of their children studying in school. According to a study made in the State, the scheme has received a good response from the Scheduled Tribe parents and there has been a rush in schools/hostels for admission of Scheduled Tribe children. The expenditure incurred by the State Government under the scheme has been mounting from Rs. 1.54 lakhs in 1975 to Rs. 3.00 lakhs (proposed) in 1977-78. **The scheme is commendable. It is desirable that other State Governments/Union Territory Administrations concerned should also introduce similar schemes to encourage Scheduled Caste/Scheduled Tribe parents to send their children to schools. It would be better if a suitable means test is prescribed for the award of this incentive. It is also recommended that the State Governments/Union Territory Administrations who have not yet achieved the target of awarding pre-matric stipends to all the eligible Scheduled Caste/Scheduled Tribe students should take early action to do so now, by making liberal outlays for the purpose.**

Incentives at Primary level

6.25. It has been observed that in most of the States the award of pre-matric stipends to Scheduled Caste/Scheduled Tribe students is made at middle and Secondary stages of education while students at primary stages are neglected in this regard. For example, it was revealed in a study made by a Study Team of our Organisation in **Rajasthan** that neither any stipends nor books grants etc., were being paid to Scheduled Caste/Scheduled Tribe primary students in that State, nor were they eligible for admission to Backward Classes hostels. It is actually at the primary stage that such incentives are needed most to increase the enrolment of Scheduled Caste/Scheduled Tribe students in those classes. During his recent tour in **Himachal Pradesh**, Commissioner was informed that the funds allocated for the award of pre-matric scholarships were not adequate to cover the Scheduled Caste and Scheduled Tribe students at all stages of school education. Generally, the scholarships are distributed in the first instance to the students of classes IX to XI and if after that funds are available, stipends are awarded to children studying in the middle classes. By the time these two categories of students are covered, the funds are exhausted and students in the primary classes very rarely get any scholarships. The above position clearly indicates that unless adequate financial provision is made to cover all eligible Scheduled Caste and Scheduled Tribe students from primary to high/higher Secondary stages of education, universal coverage cannot be achieved. **It is, therefore, recommended that the Governments of Rajasthan as well as all other States/Union Territories who have not yet introduced any scheme of pre-matric stipends and other incentives like book-grants, uniforms, mid-day meals etc., for Scheduled Caste/Scheduled Tribe primary students, should take early action to do so now in their respective States/Union Territories. The Government of Himachal Pradesh and other State Governments who have**

introduced schemes of pre-matric stipends to Scheduled Caste/Scheduled Tribe students in primary classes also, should provide adequate funds so that all the eligible students belonging to these communities in primary classes are awarded stipends.

Pre-matric scholarships to children of those engaged in unclean occupations i.e. scavenging of dry latrines, tanning and flaying

6.26. A centrally sponsored scheme of pre-matric scholarships to children of those engaged in unclean occupations like scavenging of dry latrines, tannery and flaying, irrespective of their religion, was introduced from the academic year 1977 in order to provide good school education to them. Under the scheme 1,000 scholarships are to be awarded every year to these children, studying in classes VI to X in institutions having hostel facilities, whose parents' income does not exceed Rs. 500 per month. Not more than one child in a family is eligible for the award of the scholarship. The scheme is implemented by the State Governments with the help of some reputed voluntary organisations. Where the number of applicants is more than the number of scholarships, preference is given to the poor and meritorious students.

6.27. The rate of scholarship is Rs. 100 per month to meet the expenditure on tuition fee, cost of boarding and lodging, cost of books and other incidental charges. An additional allowance of Rs. 45 per month is given to cover expenditure on uniform, clothing, towels, toilet, etc. The scholars are not allowed to take up any employment or render any help to their parents during the course of their studies. The State-wise number of scholarships approved as well as the outlay proposed for year 1978-79 are given in the table below:-

S.No.	Name of State/U.T.	No. of scholarships proposed approved for 1978-79	Amount
1	2	3	4
1	Andhra Pradesh	60@	£ 50,900 @ 37,000
2	Bihar	50	72,500
3	Gujarat	50@	@ 72,500 £ 58,000
4	Himachal Pradesh	20	29,000
5	Jammu & Kashmir	30	43,500
6	Karnataka	30	43,500
7	Kerala	30	43,500
8	Madhya Pradesh	80	1,16,000
9	Maharashtra	60	87,000
10	Meghalaya	30	43,500
11	Orissa	30	43,500
12	Punjab	50	72,500
13	Haryana	50	72,500
14	Rajasthan	50	72,500

1	2	3	4
15	Tamil Nadu	60	87,000
16	Uttar Pradesh	200	2,90,000
17	West Bengal	10	14,500
18	Delhi	30	43,500
TOTAL		1,000	14,52,900

@New Scholars

£Maintenance of old Scholars

Since the scheme has been introduced only recently it is too early to comment on its working. But apparently the number of scholarships is too small to cover all the children of the categories for whom these are meant. **It is, therefore, recommended that the number of these scholarships should be increased to cover more children of these categories.**

National Overseas Scholarships to Scheduled Castes, Scheduled Tribes, Neo-Buddhists, Denotified, Nomadic and Semi-Nomadic Tribes

6.28. The Government of India started a scheme for the award of National Overseas Scholarships to Scheduled Castes, Scheduled Tribes, Denotified, Nomadic/Semi-Nomadic Tribes and other economically Backward Classes in 1954-55, in order to encourage the students belonging to these communities to pursue postgraduate studies and research abroad, in the subjects for which suitable facilities are not available in India. Neo-Buddhists, formerly belonging to Scheduled Castes, were also made eligible for the grant of these scholarships from the year 1977 and one seat out of the Scheduled Castes quota was reserved for them every year. Preference is given to students in Engineering, Technology, Medicine, Agriculture and Science. From Denotified, Nomadic and Semi-Nomadic Tribes only those candidates are eligible, the income of whose parents/guardians, including their own, does not exceed Rs. 1000 per month. In the case of other Economically Backward Classes, the income limit is Rs. 500 per month. The number of these scholarships which was initially 9, was raised to 21 during 1972-73, as per details given below:—

(i) Scheduled Castes	11 (out of these one seat reserved for Neo-Buddhists from 1977)
(ii) Scheduled Tribes	6
(iii) Denotified, Nomadic and Semi-Nomadic Tribes	1
(iv) Other Economically Backward Classes	3
TOTAL	21

Due to a backlog of un-utilized scholarships carried forward from earlier years, the number of these scholarships available for the two years combined viz., 1976-77 and 1977-78, is 49. The

number of these scholarships earmarked to each category of candidates is given below:—

(i) Scheduled Castes	21
(ii) Scheduled Tribes	16
(iii) Neo-Budhists	2
(iv) Denotified, Nomadic and Semi-Nomadic Tribes.	4
(v) Other Economically Backward Classes .	6
TOTAL	<u>49</u>

Applications for the award of these scholarships were invited by the Ministry of Home Affairs in January, 1978 and the last date for the receipt of applications was 15th March, 1978. However, information regarding the number of applications received as well as the sanction of these scholarships is still awaited from the Ministry. **It is, hoped that all the scholarships for which applications were invited will be sanctioned by the Ministry at an early date in order to avoid the accumulation of a backlog.**

Admission of Scheduled Caste and Scheduled Tribe students to various educational and technical institutions

6.29. The Ministry of Education have issued instructions to all the State Governments/Union Territory Administrations as well as Universities to reserve 20 per cent seats in all educational and technical institutions, with a distinct reservation of 15 per cent for Scheduled Castes and 5 per cent for Scheduled Tribes. This reservation is interchangeable, i.e., if sufficient members of Scheduled Tribe candidates are not available to fill the seats reserved for them, they may be filled up by suitable candidates from the Scheduled Castes and vice-versa. Instructions have also been issued by the Ministry that where admissions are restricted to candidates who obtain a certain minimum percentage of marks and not merely the passing of certain examinations, a 5 per cent reduction of minimum marks may be allowed to Scheduled Castes/Scheduled Tribes, provided that the lower percentage prescribed does not fall below the minimum required to pass the qualifying examination. The above instructions are being followed by most of the universities, except a few, like Aligarh Muslim University. The existing position regarding the implementation of the Ministry's instructions by various medical and technical institutions is given in the subsequent paragraphs.

Medical Colleges

Graduate Courses :

6.30. At graduate level, instructions regarding reservation of seats for Scheduled Caste/Scheduled Tribe candidates as well as relaxation of minimum standard for their admission are being followed by almost all the medical colleges in the country. However, in some private medical colleges, admissions are not being made on the basis of merit of the candidates but on payment of capitation fees by them. Details of the system of capitation fees being followed in some private

medical colleges in **Karnataka** have already been given in our earlier Reports. According to available information, the system of capitation fees was still being followed in the following private medical colleges of **Karnataka**, during the year 1977-78:

1. Kasturba Medical College, Manipal.
2. J. N. Medical College, Belgaum.
3. J. J. M. Medical College, Gulbarga.

From Non-Karnataka students, the amount of capitation fees charged by these colleges is as high as Rs. 50,000. The capitation fee for Scheduled Caste/Scheduled Tribe students domiciled in Karnataka is paid by the State Government.

6.31. The system of capitation fees is highly undemocratic. There is no justification that a meritorious student should be denied admission for the sake of admitting the child of some moneyed parents. **It is, therefore, recommended that the State Government should take early action to put a stop to this system by making over the private medical colleges concerned and admit candidates purely on merit after allowing the prescribed relaxation of minimum standard for admission of Scheduled Caste/Scheduled Tribe students against reserved seats.**

Post-graduate Courses :

6.32. According to the instructions issued by the Union Ministry of Health and Family Welfare to all the State Governments/Union Territory Administrations as well as the A.I.I.M.S., New Delhi and P.G.I. Chandigarh, 15 per cent and 5 per cent seats should be reserved for Scheduled Caste/Scheduled Tribe candidates for admission to post-graduate courses in various Medical Colleges. The minimum standard prescribed for admission of Scheduled Caste and Scheduled Tribe candidates to these courses is also to be relaxed by 5 per cent. The response given by various State Governments to the Ministry's suggestion has not been encouraging. The Ministry have also refused to pursue the matter, on the plea that post-graduate medical education cannot be equated with under-graduate medical courses, because the former is a specialised training in any selected branch of medicine and it will not be proper to lower the standard of post-graduate medical education by making reservation of seats for Scheduled Castes/Scheduled Tribes or relaxing the minimum standard for their admission to such courses.

6.33. In our previous Report it was mentioned that the views of the Ministry did not appear to be logical because reservation of seats or relaxation of standard was to be made only for the sake of admission of Scheduled Caste/Scheduled Tribe candidates to the post-graduate courses and not for their passing the examinations to complete the course. It was suggested that after admission they could be imparted special coaching for about three months to bring them at par with other students. The Ministry were requested to

reconsider their stand and persuade the State Governments/Union Territory Administrations who had not agreed to make reservation of seats or relax the minimum standard for the admission of Scheduled Caste/Scheduled Tribe candidates to postgraduate courses, to do so, at an early date. **However, as far as we are aware the Ministry have not changed their stand in this regard. The above recommendation is therefore, reiterated and the Ministry of Health and Family Welfare are requested to take an early action in the matter.**

Indian Institutes of Technology

6.34. There are six I.I.Ts. in the country located at Bombay, Delhi, Kanpur, Kharagpur, Madras and Varanasi, imparting education in engineering, technology, etc., at graduate and Post-graduate levels. Admission to these Institutes are regulated by a Joint Entrance Examination. 15 per cent and 5 per cent seats are reserved in these Institutes for Scheduled Caste and Scheduled Tribe candidates respectively, in graduate courses. For post-graduate courses, 5 per cent seats are reserved for Scheduled Castes and Scheduled Tribes combined. On this basis, 220 reserved seats are available for Scheduled Caste and Scheduled Tribe candidates at graduate level.

6.35. Upto the year 1973, the number of reserved seats availed by the students belonging to these communities was much less. In 1973 it was decided to admit all the Scheduled Caste/Scheduled Tribe candidates who took the Joint Entrance Examination. In 1974, it was decided to admit all the candidates belonging to these communities who obtained a minimum of 15 per cent aggregate marks in the Joint Entrance Examination. Since the performance of such candidates after admission was not considered satisfactory, it was decided in 1975, to prescribe a cut-off value of marks obtained at the Joint Entrance Examination, at 2/3 of the cut-off value prescribed for the non-Scheduled Caste/Scheduled Tribe candidates and admit them on that basis. Thus Scheduled Caste/Scheduled Tribe candidates had to get only 66.6 per cent of the marks obtained by the last general candidate to be selected in the Joint Entrance Examination. By this method, however, only about 60 per cent Scheduled Caste/Scheduled Tribe candidates could be selected against the reserved seats. It was decided to fill the remaining reserved seats, by direct admission of Scheduled Caste/Scheduled Tribe candidates, holding rank among themselves, without any Joint Entrance Examination, by advertising in the leading newspapers, from the academic session 1975-76. All Scheduled Caste/Scheduled Tribe candidates obtaining more than 50 per cent marks in the Higher Secondary etc., examinations in science/technical stream were eligible to apply for admission. The procedure of direct admission was continued upto the academic year 1977-78.

6.36. Some problems faced by the Scheduled Caste/Scheduled Tribe students admitted to the

I.I.Ts. were highlighted through Press reports and by M.Ps. on the floor of Parliament as well as in the representations received from Scheduled Caste/Scheduled Tribe students. It was alleged that the names of nearly 50 per cent of the Scheduled Caste/Scheduled Tribe students admitted to the I.I.T., New Delhi since 1973, had been struck off the rolls on ground of poor academic performance. It was further alleged that the new rules, according to which academic performance was judged by 'specific standards' grade system, were being used against the Scheduled Caste/Scheduled Tribe students and this fear was stated to have been confirmed during 1978 as 10 of the 12 students facing expulsion belonged to the Scheduled Castes.

6.37. The matter was taken up with the Ministry of Education as well as the I.I.T. Delhi. The reply of the Ministry of Education is still awaited. The I.I.T. Delhi have informed that out of the total number of Scheduled Caste/Scheduled Tribe students admitted from 1973 to 1978, 13 per cent students had not joined, 10 per cent students had withdrawn on their own request or absented a semester and 23 per cent students were asked to terminate their studies on grounds of academic performance. Only 4 per cent students had completed their studies. There were no separate rules for Scheduled Caste/Scheduled Tribe students regarding the assessment of academic performance though the Institute is stated to have prescribed a procedure of reduced academic load, special coaching, continuation of classes in winter and summer courses etc., for students belonging to these communities, in order to enable them to make up for the courses that they were not able to take during the semester due to reduced load.

6.38. The poor performance of the Scheduled Caste and Scheduled Tribe students admitted to I.I.Ts. is a cause of great concern. This matter was considered in 1975 in a meeting called by the then Union Education Minister in which it was, inter-alia, decided that from the year 1976 onwards special centres for Scheduled Caste/Scheduled Tribe students should be started in different parts of the country on the analogy of such centres already started by the Ministry of Home Affairs for Engineering services and I.A.S. Examinations. But unfortunately, no such centre has so far been established by the Ministry.

Meeting of Directors of I.I.Ts. with the Education Minister :

6.39. The various problems faced by the I.I.Ts. as well as the Scheduled Caste/Scheduled Tribe students admitted to these Institutes were again discussed in a meeting of the Directors of various I.I.Ts. called by the Union Education Minister in July, 1977. The Directors of the I.I.Ts. were of the view that, while those admitted directly through Joint Entrance Examination, with the concession of a cut-off value of marks at 2/3rd, were able to improve their performance and did not pose any serious problem, the students secur-

ing direct admission without any admission test constituted a drag on the system and were unable to compete in the I.I.Ts. and found themselves in great difficulty to cope up with the subject and content of the courses and could not, therefore, clear the subjects. They were also of the view that these students could not complete the courses in spite of the special assistance given to them and in a number of cases their length of study had to be extended from eight to ten years with no advantage to the students as by that time they would become debarred from Government employment due to age factor. If such a situation was allowed to develop, it might create a number of psychological problems, according to the Directors.

6.40. It was felt that earlier training of Scheduled Caste and Scheduled Tribe boys was necessary to spot these boys at the school level—say at IX, X, XI Classes and to give them special training so that these boys were generally prepared for all professional courses. The following decisions were, therefore, taken at the meeting:—

1. While arrangements already announced for 1977-78 should go on, from the academic year 1978-79, I.I.Ts. should take Scheduled Caste/Scheduled Tribe students only on the basis of their performance in the Joint Entrance Examination which in their case should be relaxed, compared to the performance of general candidates. The cut off value of marks obtained by Scheduled Caste/Scheduled Tribe candidates at 2/3rd of the cut off value prescribed for general candidates, fixed at present should be examined and a decision taken by I.I.Ts. The system of direct admission of Scheduled Caste/Scheduled Tribe candidates was stopped from that year.
2. A common examination for Scheduled Caste and Scheduled Tribe students who desire entry in all professional courses, like Engineering, medicine etc., should be arranged while they are in schools, to organise special training for them specially in English, Mathematics and Physical Sciences. Such a training should be a part of the preparation of school education and be the responsibility of the State Governments. For this purpose, a scheme should be drawn up by the Ministry of Education in consultation with the Ministry of Home Affairs.

6.41. **The above decision to locate talented Scheduled Caste/Scheduled Tribe students desirous of entry to professional courses like Engineering and Medicine, at school stage and to organise special training for them to prepare them for entry to these professional courses, is welcome. Apparently, the proposed training at school stage is meant to be a substitute for the special centres for Scheduled Caste/Scheduled Tribe students proposed earlier and, which were never started. It is hoped that the proposed training of**

Scheduled Caste/Scheduled Tribe students at school stage will not meet the same fate. The follow-up action taken by the Ministries of Education as well as Home Affairs to start the proposed training scheme is not known. It is, therefore, recommended that immediate steps should be taken by these Ministries to start the scheme to train Scheduled Caste/Scheduled Tribe students at School stage, in order to ensure that these students are well prepared for their studies in the I.I.Ts. which require a very high standard of academic performance.

Kendriya Vidyalayas

6.42. The Kendriya Vidyalaya Sangathan is running a number of Kendriya Vidyalayas in various States/Union Territories. These schools are primarily meant for the children of Defence personnel, as well as employees of Central Government and public undertakings holding transferable posts though other children are also admitted subject to availability of seats according to the following priorities laid down by the Sangathan:— (1) Children of transferable Defence Personnel; (2) Children of transferable Central Government Employees; (3) Children of officials of All-India Services/autonomous bodies/projects fully financed by the Government of India and public Undertakings/Corporations etc., whose services may be transferable; (4) Children of non-transferable Defence Personnel and Central Government Employees; (5) Other floating population which includes civilian population desirous of seeking the pattern of studies conducted in the Kendriya Vidyalayas.

6.43. Till the year 1976-77, the requisite information regarding admission of Scheduled Caste/Scheduled Tribe candidates to these Vidyalayas, for the annual Reports of this Organisation, was furnished by the Kendriya Vidyalaya Sangathan. However, in response to the communication sent for the collection of the said information for 1977-78, the Sangathan refused to furnish the same, stating that the required information should be obtained from the Union Ministry of Education. The Ministry was then requested to furnish the information, which is still awaited, in the absence of which the progress made in the admission of Scheduled Caste/Scheduled Tribe candidates to various Kendriya Vidyalayas, during the year under Report cannot be assessed. **It is hoped that the Ministry as well as the Sangathan will be more responsive in future.**

Reservation of seats for Scheduled Caste/Scheduled Tribe candidates

6.44. The Kendriya Vidyalaya Sangathan agreed to reserve 15 per cent and 7.2 per cent seats in these schools for Scheduled Caste and Scheduled Tribe candidates respectively, from the academic session 1976-77, after the matter was taken up by the Organisation of the Commissioner for Scheduled Castes and Scheduled Tribes with the Ministry of Education at the highest level.

Provision was also made for relaxing the qualifying standard for admission of Scheduled Caste/Scheduled Tribe candidates. However, the percentage of relaxation to be allowed was not defined, as a result of which there was no uniformity in the percentage of relaxation allowed by various Vidyalayas. It was, therefore, recommended in earlier Reports of the Commissioner for Scheduled Castes and Scheduled Tribes that in order to remove lack of uniformity in this regard, the Sangathan should prescribe a specific percentage of relaxation, say, 10 per cent, to be allowed to Scheduled Caste/Scheduled Tribe candidates for admission to these Vidyalayas. It was also suggested that if some reserved seats still remained vacant after giving a relaxation of 10 per cent, a further relaxation should be allowed till all the reserved seats were actually filled by Scheduled Caste/Scheduled Tribe candidates. No action appears to have been taken by the Ministry so far, on the above mentioned recommendation, as a result of which the Principals of the various Vidyalayas continue to prescribe their own standards of relaxation, arbitrarily. **The above recommendation is, therefore, reiterated. The Ministry of Education should look into the matter and take early action to prescribe a specific relaxation of 10 per cent or more in the minimum standard for admission of Scheduled Caste/Scheduled Tribe candidates to these Vidyalayas.**

Inter-changeability of Seats reserved for Scheduled Caste and Scheduled Tribe candidates

6.45. A number of representations were received in this Organisation that, if suitable Scheduled Tribe candidates were not available to fill the 7.2 per cent seats reserved for them in Kendriya Vidyalayas, these seats were allotted to general candidates instead of offering the same to Scheduled Caste candidates. The matter was taken up with Kendriya Vidyalaya Sangathan who informed that there was no provision in their rules for transferring the seats reserved for Scheduled Tribes to Scheduled Castes and *vice-versa*. The attention of the Sangathan as well as the Ministry of Education was then invited to the Ministry's general instructions for all educational institutions in this regard, in which it is clearly stated that 'if a sufficient number of candidates is not available to fill up the seats reserved for Scheduled Tribes, they may be filled up by suitable candidates from Scheduled Castes and *vice-versa*' and they were requested to reconsider the matter and issue necessary instructions to all the Kendriya Vidyalayas to follow the instructions of the Ministry of Education in this regard. However, no reply has so far been received in spite of repeated reminders. **It is, therefore, recommended that the Ministry of Education should look into the matter and instruct the Sangathan to follow their above mentioned instructions regarding the inter-changeability of seats reserved for Scheduled Caste and Scheduled Tribe candidates in Kendriya Vidyalayas at an early date.**

CHAPTER 7

SOCIAL DEVELOPMENT (Excluding Atrocities and Harassment)

The adoption of the Constitution of India in 1950 and the package of Guarantees of Protective Discrimination and development measures for the Scheduled Castes did yield substantial results in the economic development and elimination of untouchability in urban areas. But to bring about the required attitudinal changes in the rural areas of the country more intensive efforts are needed to bridge the gap existing between the levels of living of the Scheduled Castes and those of the better off sections. In the urban areas the element of occupational mobility and the resultant mixing of the people belonging to different sections of the society have to some extent eliminated the practice of untouchability but in the rural areas where there is traditional economic dependence of Harijans on the caste Hindus, the practice is still rampant. The incidence of atrocities on the weaker sections involving violence towards them have figured in the Press and Parliament which clearly indicates that roots of the problem are still deep in our social system.

Untouchability

7.2. In our country the problem of the Scheduled Castes and untouchability is an age old one with manifold socio-economic and political implications. There were many attempts by some leaders to eradicate this evil from the society but as a policy programme for action, it was brought in as a resolution of the Indian National Congress at its Karachi Conference in 1931. The movement launched by Mahatma Gandhi actually began in 1932. In the subsequent period many eminent leaders also contributed to the eradication of this evil from the society but the practice continued in one form or the other. The Constitution for the first time provided an infrastructure of the law practically taking away the powers from the State in the area of untouchability. Untouchability was thus abolished by Article 17 of the Constitution and its practice in any form was forbidden. In accordance with Article 35, the Untouchability (Offences) Act, 1955 was passed by Parliament to make the practice of untouchability a cognizable offence punishable under law. The Act provided penalties for preventing a person on ground of untouchability, from entering a place of public worship and offering prayers or taking water from a sacred tank, well or spring. Penalties were also provided for enforcing any kind of social disability such as denying access to any shop, restaurant, public hospital or any institution, hostel and public place of entertainment, or denying the use of any road, river, well, tank, water tap, **dharamshala** or **mushafir Khana** or utensils kept in such institutions and hotels. The Act also prescribed penalties for enforcing pro-

fessional or trade disabilities in the matter of enjoyment of any benefit under a charitable trust, in the construction or occupation of any residential premises in any locality or observance of any social or religious usage or ceremony.

Enforcement of the Protection of Civil Rights Act, 1955

7.3. Ever since the Untouchability (Offences) Act, 1955 came into force, there has been criticism both inside and outside Parliament that the Act is not serving the purpose for which it was enacted. It was pointed out that the punishments awarded under the Act were too few and inadequate. In view of this criticism, the Government of India tried to enlarge the scope of the Act and the amended Act, now known as the Protection of Civil Rights Act, 1955 aimed at plugging the loopholes of the principal Act. It came into force with effect from 19th November, 1976. Some of the features of the amended Act are given below:—

- (i) Punishment for untouchability offences has been considerably enhanced, and both imprisonment and fine are simultaneously awarded for such offences.
- (ii) Untouchability offences have been made non-compoundable.
- (iii) Every offence, except where it is punishable with imprisonment for a minimum term exceeding three months, may be tried summarily.
- (iv) Direct or indirect preaching of untouchability or its justification on historical, philosophical, religious or traditional grounds has been made an offence punishable under the Act.
- (v) State Governments have been empowered to impose collective fines on the inhabitants of any area where such inhabitants are concerned in or abetting the Commission of untouchability offences.
- (vi) A public servant who wilfully neglects the investigation of any offence punishable under this Act, shall be deemed to have abetted an offence punishable under the Act.
- (vii) State Governments are required to take necessary measures to ensure that the rights accruing from the abolition of 'untouchability' are made available to, and are availed of, by the persons subjected to any disability arising out of 'untouchability'.

7.4. In Sub-Section (2) of Section 15A of the Act, the State Governments have been directed to undertake **inter-alia** the following measures:—

- (i) provision of adequate facilities, including legal aid, to the persons subjected to any

disability arising out of 'untouchability' to enable them to avail themselves of such rights ;

- (ii) appointment of officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of the Act ;
- (iii) setting up of special courts for the trial of offences under the Act ;
- (iv) setting up of Committees at such appropriate levels as the State Government may think fit to assist the State Government in formulating or implementing such measures ;
- (v) provision for a periodic survey of the working of the provisions of the Act with a view to suggesting measures for the better implementation of the provisions of the Act ;
- (vi) identification of the areas where persons are under any disability arising out of 'untouchability' and adoption of such measures as would ensure the removal of such disability from such areas.

7.5. It may be observed that the new Section 15A which has been incorporated in the Act adds a new dimension to the Act and enlarges its scope to make it a comprehensive social legislation. The problem of untouchability has to be particularised so that concerted efforts can be made in selected areas with high incidence of untouchability. The first step should be that the States having problem of untouchability in acute form may be identified. Within each of these States, the most virulent districts and within these districts the most afflicted blocks should be identified. The next step should be to have a quick survey in those identified blocks so that all villages which need special attention could be enumerated. Section 15(a) provides for taking up long term measures and there is a provision for periodic survey of the working of the provisions of the Act with a view to suggesting measures for its better implementation. Many State Governments have not taken, so far, any positive steps for undertaking the proposed surveys. It is suggested that the State Governments/Union Territory Administrations concerned should give urgent attention to this aspect and undertake periodic surveys in the disability areas. The Act also provides for setting up of special courts for the trial of offences committed under the Act. The State Governments of Andhra Pradesh, Bihar, Haryana, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Orissa, Punjab, Tamil Nadu and Uttar Pradesh are of the view that the existing courts would be sufficient to try the cases under the Act. The courts of Gujarat & West Bengal are considering the proposal. In Uttar Pradesh, a magistrate is being nominated in each district for trial of cases under this Act and all pending cases are being transferred to this court for disposal on priority basis. The Maharashtra High

Court has not agreed to the proposal of the State Government to establish two Special Courts ; one at Nasik and the other at Ahmednagar. As suggested in our previous Report, it is reiterated that the State Governments should not be guided by the number of cases registered under the Act but by the urgency for speedy disposal of cases as well as the deterrent effect it would have on the people who continue to observe untouchability. It is hoped that if the new features of the amended Act are implemented in their right earnest, they will go a long way in eradicating this evil from our society. Another important point which deserves attention is the lack of adequate publicity in English and various regional languages to the provisions of the Protection of Civil Rights Act, 1955. It was noticed by Commissioner during his visit to Himachal Pradesh in October, 1978, that a copy of the Act was not available in the District Social Welfare Office. Even high officers at the district level appeared to be unaware of the new provisions of the Act. It is, therefore, recommended that all the State Governments should give wide publicity to provisions of the Act and its copies should be printed in diglot for circulation.

7.6. There is another aspect of the matter concerning water sources in rural areas which does not appear to have attracted the attention so far. Under the Protection of Civil Rights Act, "whoever on the ground of 'untouchability' enforces against any person any disability with regard to the use of, or access to, any river, stream, spring, well, tank, cistern, water tap or other watering Place." can be punished. In many villages, caste hindus have got private wells which are not situated within their houses but have been constructed outside the four boundaries of their buildings and even on Gaon Sabha land and are used by the family members of the owners, their caste brethren and members of other communities who belong to similar social status. It is felt that the Act should be suitably amended to make it clear that the Act applies to any property, by whosoever owned, and all wells not enclosed in a private building and used by a large number of people, should be treated as public wells and thrown open to all sections of the population.

Legal Aid

7.7. Sub-section 2(i) of Section 15-A of the Protection of Civil Rights Act speaks of legal aid facilities to be given to persons subjected to any disability arising out of untouchability to enable them to avail of the rights flowing from abolition of untouchability. The details of the legal aid programme undertaken by some States may be seen at Appendix LIII. It has been observed that this programme has hardly proved worthwhile due to poor financial provision, lack of proper administrative arrangements and publicity. It is, therefore, suggested that rules framed should be such that legal aid is avail-

able within a prescribed period and the remuneration should be such that councils of suitable quality and experience could be engaged and eligibility criteria are so fixed that large number of needy and deserving persons could be covered under the programme.

Compensation to the victims of the practice of untouchability

7.8. Sub-section 2(i) of Section 15-A also directs the State Governments to provide adequate facilities to the persons subjected to any disability arising out of untouchability to enable them to avail themselves of such rights. Several State Governments have already taken action in the matter of the grant of assistance to victims of atrocities. While this step takes care of cases where there has been a death or injury, there are likely to be many cases where the Scheduled Caste victims of untouchability may lose their livelihood or property and may have adverse effect on their profession, trade, etc. **The State Governments, should therefore, make provisions for grant of adequate compensation to all the victims of untouchability by allotment of lands, grant of loans and suitable employment.**

Setting up of committees

7.9. Sub-section 2(iv) of Section 15-A provides for setting up Committees at appropriate levels to be decided by the State Governments. These committees can be effective in overseeing not only the implementation of the Act but also other measures for the welfare of Scheduled Castes which pave the way for eradication of untouchability. The Committees at the highest level in the State will ensure a sense of urgency into the matter. The State level Committees have already been set up under the Chairmanship of Chief Ministers in Bihar, Gujarat and Rajasthan and Committees under the Chairmanship of Ministers in charge of the subject have been set up in Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Tamil Nadu and Uttar Pradesh. District level committees are also functioning in Andhra Pradesh, Bihar, Gujarat, Haryana, Kerala, Maharashtra, Orissa, Rajasthan and Tamil Nadu. The Committees at various levels can be effective only when they meet regularly at frequent intervals and there has to be an effective follow up action on the deliberations of these Committees. **It is suggested that the State level committees in all those states where the problem of untouchability is acute should be headed by Chief Ministers so that the matter may receive attention at the highest level. The State Governments of Andhra Pradesh, Karnataka, Madhya Pradesh, Maharashtra, Tamil Nadu and Uttar Pradesh should specifically consider this suggestion.**

Report on the Working Group on Scheduled Castes and other Backward Classes

7.10. An important event which took place during the period under review was the Consti-

tution of a Working Group by the Ministry of Home Affairs, in December, 1977 for the formulation of strategy and programme priorities for the welfare of Scheduled Castes and other Backward Classes during the medium-term plan—1978-83. The Working Group constituted a subgroup to consider in depth a time-bound action plan for removal of untouchability within the next four years. The recommendations made are as follows :—

- (i) Free access to all public religious places as also available of professional services should be ensured forthwith to all sections of our Society. Virulent pockets in the districts and blocks may be identified for intensive work. Broadbased committees may be set up at these levels whose members should assume direct responsibility for intensive work in assigned villages. All these pockets should be covered within three years according to a clear time-schedule. Economic programme should get highest priorities in the developmental projects covering that areas ;
- (ii) Professionalisation and municipalisation of scavenging of dry latrines should be taken up immediately with a view to effectively delink this occupation from the caste and social life of the workers. A package of programmes should be drawn up for them to be funded by the Municipal Committee, Central Government and the State Governments. This task should be completed within a period of three years.
- (iii) Intensive economic development programmes should be taken up which may broadly include the following :—
 - (a) There should be earmarking of outlays in all economic programme which should be in proportion to the number of Scheduled Castes in the target groups with some weightage in their favour and relaxation of the norms ;
 - (b) At least 50 per cent of the landless labourers and agricultural farmers should be covered under these programmes within the next four years;
 - (c) Comprehensive programmes should be prepared for identified professions in which bulk of the workers belong to Scheduled Castes. These programmes should aim at ensuring accrual of benefit of higher technology, better marketing, credit, etc. to traditional Scheduled Caste workers ;
 - (d) Scheduled Castes Development Corporation should be established with adequate financial support by the State and the Centre ;

- (iv) Each Ministry/Department should draw up suitable schemes for implementing the action plan urgently. Committees may be set up in the Centre as also in the States which may clear these plans to be incorporated in the annual plans of concerned Ministries ;
- (v) The Ministry of Home Affairs in the Centre and the Scheduled Caste Development Departments in the States should have a nucleus fund for supporting priority schemes under Eradication of Untouchability Programmes to be taken up by the concerned Ministries/Departments in the subsequent years ;
- (vi) Arrangement should be made for effective implementation of Civil Rights Act for which Cells should be created in the Centre and the States ;
- (vii) High level broad-based committees may be set up at the Centre and the States with representatives of the political parties, social workers, voluntary organisations which may give the entire programme the form of a National Movement ; and
- (viii) There should also be a special cell to review the progress of steps along the above lines. It will help to impart the requisite urgency and priority if the highest authority of the State, namely the Chief Minister makes it convenient to have the Cell functioning under the direct guidance.

7.11. The effective implementation of the recommendation of the Working Group would de-

initely go a long way in eradicating the evil practice of untouchability within the stipulated period. The most important task which remains to be completed is to determine the financial outlays involved in the proposed recommendations. **It is, therefore, suggested that the concerned Central Ministries should evaluate the sectoral flow from their general sector programmes and should enter into a dialogue with their counterparts in the State Governments. The Ministry of Home Affairs have also to play an important role in providing special central assistance.**

7.12. The objective of our Constitution is to eliminate casteism from the society. Looking at the plight of the Scheduled Castes and Backward Classes the Constitution provided safeguards for these communities and classes so that they could improve their social, educational, economic and political levels and thereby enter the mainstream of national life. One thing to be understood clearly is that law alone cannot eradicate caste system. This is one of the areas where non-official agencies, social workers and intelligentsia should come forward and co-operate with the State in creation of general consciousness amongst all sections of society to treat the practice of untouchability in all forms as an evil and eliminate it.

Cases Registered under the Protection of Civil Rights Act, 1955

7.13. The number of cases registered under the Protection of Civil Rights Act, 1955 from 1971 to 1977 and their disposal at the end of the each year is given below:—

Year	No. of cases registered with the police			Disposal of cases at the end of the year		
	Total	Challaned	Convicted	Acquitted	Compounded	Pending
1	2	3	4	5	6	7
1971	626	439	91	96	138	114
1972	1,515	1,416	631	253	233	299
1973	2,949	2,356	1,207	312	388	449
1974	1,908	1,588	669	247	288	384
1975	3,528	2,528	936	480	611	561
1976	5,108	4,427	925	867	341	2,564@
£ 1977	3,425	2,920	551	1,463	..	3,479

1 @ According to the information collected by the Ministry of Home Affairs 2497 cases were pending at the end of the year.

£The information in respect of the states of Bihar, Kerala and Maharashtra is for the period ending 31st June, 1977
Source : Ministry of Home Affairs.

7.14. A comparison of the cases registered during 1976-1977 reveals that the registration of cases has appreciably declined in 1977 and the number of cases pending with the courts has increased. On the other hand comparison of cases registered during 1975 and 1976 showed an increase in 1976 which could be attributed to growing awareness among the Scheduled Castes of their rights and resistance to attempts of discrimination against them. However, one thing

is clear that the number of cases registered cannot be a clear indicator of the extent of the practice of untouchability in various parts of the country. The sharp increase in registration of cases in States like Gujarat, Karnataka and Tamil Nadu during 1976 was perhaps the result of the establishment of police machinery in the form of special cells and mobile squads entrusted with the task of implementation of the Act. However, in States like Bihar, Uttar Pradesh,

Madhya Pradesh and Orissa it is observed that the cases registered are too few although the problem appears to be more acute in these States. This trend indicates inadequate use of the provisions of the law by the enforcement agencies. It is, therefore, suggested that the question of setting up special police machinery in the States for proper enforcement of the Act should be considered on priority basis. The details of the special machinery set up in several States may be seen at Appendix LIV. It is observed that many of these lack adequate supporting staff both at the State level as well as at field level. It should be ensured that special machinery is adequately staffed. The special machinery, in addition, can look into the work concerning cases of atrocities or violence against the Scheduled Castes.

Observance of Untouchability

7.15. It has to be admitted that the persons belonging to Scheduled Castes continue to be subjected to various types of social disabilities. Practice of untouchability is observed particularly in rural and remote areas where persons of conservative outlook reside and dominate. There are many areas in the country where the Scheduled Castes are denied even common sources of drinking water. There are frequent newspaper reports which indicate that in many parts of the country they are humiliated, insulted, man-handled, assaulted, burnt alive, tortured and their women molested. Their miseries are aggravated when they are boycotted socially and economically.

7.16. A seminar relating to harijan and social welfare was organised in the 1st week of August, 1978 at Lucknow to undertake a detailed examination of schemes concerning education, environmental development, economic development, removal of social disabilities, health and housing of Scheduled Castes. Shri S. K. Kaul, Deputy Commissioner for Scheduled Castes and Scheduled Tribes contributed a paper entitled 'Extent of Social Disabilities and Tension resulting therefrom and the socio-legal framework required to combat it'. A copy of this paper may be seen at Appendix LV. In this paper the problem of discrimination against the Scheduled Caste persons in the use of drinking water sources in rural area was discussed at length.

7.17. During the year under Report, a Study Team of this organisation conducted a survey on the practice of untouchability in two villages viz., Kusnoor and Mahagaon in Gulbarga District of Karnataka State. Some of the main findings of the Study Team are given below:

1. There was only one drinking water well for the use of Scheduled Caste persons in Kusnoor village, and even this well used to become dry during summer time. In some parts of the year the problem of drinking water used to become very acute and they were compelled to go to the well

of the Caste hindus where water was poured into their pots by caste hindus. In Mahagaon village, the Scheduled Caste habitation was located in one corner and there was only one water tap and whenever there was restricted water supply, the Scheduled Castes were not allowed to make use of private wells in the caste hindu localities.

2. The Scheduled Caste persons visited temples only on festive occasions and made their offerings to the priest only. They could worship only from a distance.
3. Untouchability was being observed in the use of burial grounds. The services of barbers were not available to Scheduled Caste persons and for hair cut etc., they were required to go to Gulbarga. There were no tea stalls in village Kusnoor, but in Mahagaon village, separate tumblers had been kept for the use of Scheduled Caste persons at tea stall.
4. The Scheduled Caste students of the primary school located in village Kusnoor used to go to their homes to take water whenever they felt thirsty.
5. In both the villages untouchability was observed against Scheduled Caste persons in all walks of life. Though Kusnoor village was only within a distance of 6 kms from Gulbarga City, yet it did not have any impact of urban life. Most of the villages were not aware of the Protection of Civil Rights Act.

7.18. Another study undertaken by this organisation during 1977-78 in six villages of six districts in Orissa revealed certain pertinent points. The six villages were Machumara (Distt. Ganjam), Ganjaguda (Distt. Phulbani), Balipakhari (Distt. Balasore), Kordapipal (Distt. Cuttack), Bada-Hantuad (Distt. Puri) and Santarapur (Distt. Dhenkanal). The six villages covered under the survey were multi-caste villages and were situated in the interior area of each district. The Scheduled Caste population in the six villages varied from 26.5% to 5%. The Scheduled Castes in these villages were living at the outskirts and most of them were landless and were living by working as agricultural labourers earning Rs. 3.00 to Rs. 3.50 per day, against the notified minimum wage of Rs. 4 per day. The study revealed that the caste Hindus in the villages of Ganjam, Phulbani and Puri districts considered themselves as polluted whenever they touched a Scheduled Caste even by chance. Bathing and washing of clothes were the common forms of purification. The study also revealed that they were required to change the sacred thread. In all the six villages covered under the study, the Scheduled Castes were not allowed to enter the temple to worship and were required to offer their prayers standing at a distance from the temple. The services of priest for functions like, marriage and rituals

connected with death, were not available to them. In the six villages the barbers who served caste Hindus did not serve the Scheduled Castes. Similarly, the services of washermen in two villages i.e., Machumara and Santarapur were not available to Scheduled Castes. The Study further revealed that the stalls in Village Machumara, Ganjaguda and Santarapur were serving tea to Scheduled Castes in separate glass tumblers. So far as the use of drinking water sources was concerned, the Scheduled Castes in Ganjaguda and Bada-hantuad were not allowed to draw water from the common wells. In villages Ganjaguda, Santarapur, Machumara and Badahantuad, the Scheduled Castes were not allowed to sit alongwith the caste Hindus on the common platform where the villagers met to decide village disputes and other village welfare programmes. Their suggestions were also not taken into consideration by the caste Hindus while sorting out the village problems. No inter-caste marriage and inter-caste dining ever took place in the six villages covered by the study.

7.19. The foregoing studies indicate that untouchability is being practised in one form or the other in some parts of Karnataka and Orissa. The problem required to be tackled in the massive way in disability areas of the country. The enforcement of the Protection of Civil Rights Act, 1955 has assumed a sense of importance and urgency that was absent before. Eradication of untouchability has now assumed proportions of a National Programme and the desire to eradicate it within Five Years has made it a time-bound programme.

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

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

Andhra Pradesh :

The State Government has set up a state level committee consisting of officials and non-officials to review the results of the efforts directed towards removal of untouchability and registration, investigation and prosecution of cases under the Act. At district level also, review committees comprising of officials and non-officials have also been set up. All officers in the field including police and revenue officers have been made responsible to enable members of the Scheduled Castes free access to draw water from the public wells, hotels and places of worship.

Bihar :

A Committee under the chairmanship of the Chief Minister has been constituted at the state level to review the implementation of the Act. The Government of Bihar have issued instructions to all the Divisional Com-

missioners/District Magistrates Superintendents of Police/Deputy Directors (Welfare) and all the District Welfare Officers in the month of August, 1977, directing that a Harijan Fortnight may be celebrated from the 1st September, 1977 to 15th September, 1977 in the direction of removal of the evil of the untouchability. The District Officers were also directed to invite the attention of the public towards the provisions of the Civil Rights Act, 1955. The number of meetings etc. organised under this programme in the State from 1st September to 30th September, 1977 may be seen as follows:—

Name of the Division	No. of meetings arranged	No. of meetings arranged under schools Hostels
1. Patna	447	76
2. Chhotanagpur (including North & South).	1,004	192
3. Bhagalpur (including Kosi) .	1,448	246
4. Tirhut (including Darbhanga) .	1,223	43
TOTAL (except West Champaran) .	4,122	557

Himachal Pradesh :

A state level committee under the chairmanship of the Chief Minister has been set up to look into the complaints of Harijans and others relating to untouchability and other offences. District level committee under the charge of a Minister has also been set up for the same purpose. Instructions have been issued to the district police officers that as and when they went on official visits to the areas of their jurisdiction, they should contact the persons belonging to the Scheduled Castes and other weaker sections of the society. They should also listen to the complaints of these persons and should take necessary action on the spot. These police officers have also been instructed that they should encourage the persons belonging to these communities to bring their complaints to the notice of the touring officers for their redressal.

Besides, the State Government have also set up special Cells in each district under the supervision of the respective District Superintendent of Police. These Cells have been set up to deal with the cases of atrocities committed on Scheduled Castes and the weaker sections of the society, in the State. A special Cell has also been set up in the C.I.D. Branch of the State Government, at Headquarters under the supervision of a Superintendent of Police. This Cell deals with the complaints of the atrocities committed on the Scheduled Castes which are received from the District Special Cells. The Cell received fortnightly reports from the District Special Cells.

Jammu & Kashmir :

The District officers both Deputy Commissioners and Superintendent of Police and other Heads of the Departments when on tours were required to visit the villages which have concentration of Harijan population and make themselves sure that they do not have any complaint of untouchability etc. Such visits are made once at least in six months. These officers submit the reports of their visits, to the State Home Department for information of the Chief Minister. Besides, periodical drive is launched to reassure the Scheduled Castes and other weaker sections that their rights are fully protected. Panchayats, Block Samities and other voluntary organisations are mobilised to play an active role in creating the necessary atmosphere. Offences including violation of Civil Rights on account of caste considerations are investigated as special cases. The Social Welfare Department also ensures that the local assistance to the members of Scheduled Castes and other weaker sections of the society is provided particularly in the cases lodged with the police or the court against atrocities, etc.

Karnataka :

The State Government have set up a State Level High Power Committee under the chairmanship of the Minister for Law, Social Welfare and Backward Classes *inter-alia* to review the working of the Civil Rights enforcement cells. Advisory Committees at State, district and Sub-divisional/taluka levels have also been set up to provide protection and necessary safeguards to Scheduled Castes/Scheduled Tribes to redress their grievances.

Kerala :

The Government of Kerala had taken up a number of steps like 'Celebration of Harijan Days', 'Taking Harijans into Temples', 'Propaganda and Publicity through film shows and public meetings' and 'Seminars' etc., for the eradication of untouchability in the State. A special Police Squad for eradication of untouchability is functioning at Kasargode in Kannanore district from 2nd December, 1972 under the Circle Inspector of Police assisted by one Sub-Inspector, two Head Constables and two Police Constables. Also, a Special Committee for eradication of untouchability is functioning at Kasargode area to take effective steps by giving wide publicity and other measures for eradication of untouchability.

The Publicity Wing of the Harijan Welfare Department continued its activities during the year under report and the Social Equality Seminars were arranged at five district places viz., Kannanore, Palghat, Malappuram and Kozhikode. Besides, a literary workshop at Peechi was also arranged and a festival of Folk Arts was staged at Tagore Centenary Theatre at Trivendrum. 15 literary persons were given grant at the rate of Rs. 1,000/- and

Maharashtra :

arranged the removal of Kallumala in Malabar district by supplying clothes worth Rs. 10,000. At Kasargod where untouchability is still rampant a special Committee already constituted, meets periodically and also celebrates Harijan Days on 30th of every month.

The State Government have formed a Committee viz. 'Samta Varsha' under the Chairmanship of the Minister for Revenue, to decide the programme for celebrations of Samta Varsha to be celebrated during Mahatma Gandhi Jayanti, 1977 beginning from 2-10-1977 to 2-10-1978. A Special Committee was also arranged for book publications in connection with the compilation of the work done by great social workers like Mahatma Gandhi, Dr. Ambedkar, Mahatma Fule etc., about social equality and women's liberation. During the year under the report as many as 61 programmes were arranged for propaganda for removal of untouchability and an amount of Rs. 13,000 was spent on this item. In order to appreciate the services rendered in the field of social welfare and to encourage and give impetus to other social workers to come forward to serve the community, a scheme known as 'Dalit Mitra' was introduced during the year under report. Under this scheme, selected social workers were honoured at a State function and a cash award alongwith a certificate was given to each of them. For the implementation of this programme an amount of Rs. 67,617 was spent and 37 persons were given certificates. Harijan Fortnight was also observed from 14th April to 1st May, 1977 and an expenditure of Rs. 13,700 was incurred thereon.

Chandigarh :

The Chandigarh Administration have instructed the District Magistrates and Police Inspectors to initiate *Suo-Motto* action as and when a case of practice of untouchability comes to their notice at public places. Besides, a Committee under the Chairmanship of Home Secretary, Chandigarh Administration had also been constituted to review the cases of harassment and atrocities on Harijans.

Goa, Daman & Diu :

A Committee for the welfare of Scheduled Castes and Scheduled Tribes has been constituted under the Chairmanship of the Chief Minister to review the working of the various measures being taken for the welfare of Scheduled Castes and Scheduled Tribes. Anti-untouchability week was also observed from October 2nd to October 8, 1977 with a view to educating and making the public aware of eradicating the social evil of untouchability.

Inter-caste marriages

7.21. Inter-caste marriages between the Scheduled Castes and Caste-Hindus require to be

encouraged to curb the feelings of casteism and the practice of untouchability. Steps taken by various State Governments are indicated below:

Andhra Pradesh :

In Andhra Pradesh, a grant not exceeding Rs. 1,000/- is given to the couples who contract inter-caste marriage, if either spouse belongs to a Scheduled Caste and Rs. 500/- if either spouse belongs to other backward classes. The grant is given in the shape of essential articles required for setting up a household. Non-statutory concessions like scholarships, hostel facilities and other educational concessions are also given to such inter-caste married couples and their children on par with the Scheduled Castes or other Backward Classes as the case may be.

Bihar :

The Government of Bihar have introduced a scheme of 'Incentive to inter-caste married couples'. Under the scheme a married couple of which one of the spouses belongs to a Scheduled Caste/Scheduled Tribe and is a permanent resident of Bihar State is given a grant of Rs. 2,000/- through the district Harijan Welfare Officer on the day of their marriage. During the year 1977-78, the Government of Bihar incurred an expenditure of Rs. 1,00,000/- under this scheme.

Gujarat :

The Government of Gujarat awards an amount of Rs. 5,000/- to a couple of inter-caste marriage between a Scheduled Caste and non-Scheduled Caste. The break up of the amounts is as follows :

(i) Expenses of solemnising the marriage and reception etc.	Rs. 300
(ii) Small Savings Certificate as gift in the Joint name of Husband and Wife.	4000
(iii) Gift to the couple for purchasing household articles etc.	700

Karnataka :

The Government of Karnataka gives financial assistance as monetary grant not exceeding Rs. 2000/- to persons contracting inter-caste marriages, if either of the parties belongs to a Scheduled Caste and his/her annual income from all sources does not exceed Rs. 3000/-. The assistance under the scheme is given only to lawfully married couples whose marriage has been registered in a Registration Office, though they might have married under any other custom.

The grant sanctioned under the scheme is to be utilised for starting a business or purchase of land or construction of a house or for any capital investment from which the beneficiaries could derive a recurring income for their maintenance. The application for

grant under the scheme can be made only after the couple have lived as husband and wife for not less than a year.

Kerala :

Inter-caste marriage grants are being given to the inter-caste married couples of which one of spouses belongs to a Scheduled Caste/Scheduled Tribe. The grant is meant for those who are placed under hard circumstances due to inter-caste marriages. During the year 1977-78, as many as 275 couples were given inter-caste marriage grants and an expenditure of Rs. 5.52 lakhs was incurred on this account.

Madhya Pradesh :

The Government of Madhya Pradesh gives an amount of Rs. 1000/- to each couple who contract inter-caste marriages between them. The couple is also granted both way fare from their respective home towns to Bhopal and back. In addition, these couples are awarded a certificate and a gold/silver medal in recognition of their social service, by the Governor of Madhya Pradesh on Independence Day.

Maharashtra :

Prizes are given to the villages which have done outstanding work in the field of removal of untouchability. During the year 1977-78, prizes were awarded to as many as 13 villages and an expenditure of Rs. 10,500 was incurred on this account. The scheme was introduced in order to break down the caste barrier and to bring the caste Hindus and the Harijans together. Under this scheme, public reception is accorded to such married couples and a gift up to Rs. 200/- to 300/- is given to the married couples. During the year under report, an expenditure of Rs. 7,300 was incurred and as many as 28 marriages were arranged.

Pondicherry :

As many as five couples had been benefitted under the scheme of inter-caste marriages during the year under report. The scheme was introduced in the Union Territory of Pondicherry with a view to removing the practice of untouchability.

Tamil Nadu :

With a view to abolishing caste and community feelings based on birth and in order to wipe out the evil of untouchability, the Government of Tamil Nadu encourages inter-caste marriages, where one spouse of the couple is a Harijan (or Scheduled Tribe). These inter-caste married couples are awarded the following concessions :—

- (i) Gold medal worth about 1½ sovereign 14 (Carat) besides certificates of appreciation.

- (ii) Cash grant of Rs. 200/- with effect from 4-10-1973.
- (iii) Interest free loans to the Scheduled Caste spouse of the couple ranging from Rs. 250/- to Rs. 15,000/- to start petty trades under the 'Petty Trade Loan Scheme'.
- (iv) Three cents of house-sites to the Scheduled Caste or Scheduled Tribe member of the couple.
- (v) Preference to Harijan spouse of the couple in the matter of concessions intended for Harijans.

Tripura :

The Government of Tripura have introduced the scheme viz. inter-caste marriage award, in December, 1977. The State Government proposed to award a grant of Rs. 2,000/- and Appreciation Certificate to the couple of an inter-caste marriage between a caste Hindu and Scheduled Caste. The cash award of Rs. 2,000/- shall be apportioned as follows :—

- (a) Rs. 500/- to meet the expenses on celebration of marriage and reception etc.

- (b) Rs. 500/- as gift to the couple for purchasing household materials.
- (c) Rs. 1000/- in small savings certificate in the joint name of the husband and wife as g.ft.

7.22. The steps taken by the above mentioned State Governments, specially the governments of Gujarat and Tamil Nadu to encourage inter-caste marriage are commendable. It is recommended that the State Governments/Union Territory Administrations which have not yet taken necessary steps in this regard should take urgent action to give suitable incentives for inter-caste marriages.

Work done by the various media of Ministry of Information and Broadcasting for the removal of untouchability

7.23. The Ministry of Information and Broadcasting have been doing work for creating public opinion against the practice of untouchability. Some of the reputed Voluntary Organisations like Harijan Sevak Sangh and Bharatiya Depressed Classes League are also doing useful work through their *Pracharaks* in the field of removal of untouchability. Information regarding the work done by the different media of the Ministry may be seen at Appendix LVI.

CHAPTER 8

TRIBAL DEVELOPMENT

Review of Tribal Development Programmes

According to 1971 Census, the total tribal population in the country was 380 lakhs or about 7 per cent of the total population. With the removal of area restrictions in 1976, the estimated tribal population would be 411 lakhs or about 7.5 per cent of the total population. As has been stated in earlier reports geographically and culturally speaking the Scheduled Tribes are at widely different stages of social as well as economic developments and their problems differ from area to area and within their own groups. There is no doubt that substantial progress has been made in opening up the hitherto inaccessible forest regions where the tribals mostly dwell and the elaborate infrastructure have also been created to improve their lot. In order to increase the income of average tribal, the first step should be to save him from the multitude of exploitative processes which tend to get strengthened as developmental programmes are initiated in the tribal areas. Though the elimination of exploitation was accorded high priority in the 5th Plan, but the important constraints noticed were lack of an effective delivery system for the new developmental programmes and the limited absorption capacity of the local communities. Another important point to be noted is that the problems of the tribal people in this country have as much to do with the attitude and education of the so-called civilised and sophisticated people as with the development of the tribals themselves. In this way the former have to be taught the virtue of tribal way of life, their sense of honour to be respected and their culture to be understood in a participatory rather than in a patronising or scholarly way.

Sub-plan Formulation

8.2. The new approach to tribal development was evolved in the beginning of the Fifth Plan. The tribal scene was comprehensively reviewed and all the States and Union Territories having tribal population were divided broadly into two categories :

1. States and Union Territories having more than 80 per cent tribal population, i.e. Arunachal Pradesh, Nagaland, Mizoram, Meghalaya, Dadra and Nagar Haveli and Lakshadweep.
2. The remaining States and Union Territories.

The Plan in the States and Union Territories of the former group were expected to be addressed to the problems of the tribal development. Therefore, no special efforts were required. In the remaining 18 States and Union Territories tribal development needed special attention. In their case again the problem was broadly divided into

two parts :— (1) Areas of tribal concentration, (2) Dispersed tribals. The approach in respect of these two has to be different. In the former case programmes could be for area development with focus on the development of tribal communities. While in the latter case community or family-based programmes had to be taken up. Besides these classification some special problems were also identified which are :

- (i) Primitive groups : They are small communities generally pre-literate and had pre-agricultural level of development and;
- (ii) Hinter-land of industrial and mining complexes.

8.3. These areas face special problems of social dis-organisation and economic deprivation to the fast changing situation and require special attention.

8.4. In pursuance of this policy, areas with more than 50 per cent tribal concentration were identified for which separate sub-plans were prepared. The concept of tribal sub-plan itself was kept flexible and adopted to local situation in each State. The sub-plans initially were accepted to include all the Scheduled areas and tehsils/blocks with more than 50 per cent tribal population. In this way under the sub-plan formulation substantial tribal population was covered in the States of Madhya Pradesh, Orissa, Bihar, Rajasthan, Gujarat, Manipur, Himachal Pradesh and Andaman and Nicobar Islands. In other States where the tribal population was more dispersed, these norms had to be relaxed with a view to cover a reasonable proportion of tribal population. Thus a minimum population threshold of about 20,000 were adopted in Maharashtra, Andhra Pradesh and Assam. In the case of Tamil Nadu and Kerala this norm was further relaxed to about 10,000. In Tripura and West Bengal, the tribal population was still more dispersed. Therefore, groups of villages with more than 50 per cent tribal concentration were also included in the sub-plan. In Karnataka and Goa, Daman and Diu, the tribal population was comparatively more, dispersed, and therefore, family based approach was adopted there. It was, therefore, decided to extend the sub-plan programmes in all States of tribal majority which have 10,000 population.

8.5. The tribal sub-plan comprised 4 elements, (1) Outlays from State Plans, (2) Investments by the Central Ministries, (3) Institutional finance. (4) Special Central Assistance. Thus an effort was made to have a total picture of the developmental efforts in the tribal areas and give a suitable direction. It is observed that institutional finance being a derived figure depending on the type of scheme taken up in any area and

their dependence on credit, their firm figure could not be worked out. Delineation of the Tribal sub-plan areas and quantification outlays from State Plan also took a much longer time than was initially envisaged. The sub-plans could be finalised in 1975-76. At this late stage in the Fifth Plan investment from Central Ministries, programme could also not be clearly identified. The investment from the State Plan and the special central assistance could be fully formalised by the year 1976-77. The investment in the tribal sub-plan areas from State plan and special central assistance may be seen at Appendix LVII. The sub-plan strategy laid high stress on administrative structure and personnel policies which was considered pre-requisite for effective and purposeful implementation. It is observed that the concept that tribal development is the responsibility of all the developmental departments took sufficient time to realise. The Tribal Development Departments are still not headed by senior officers in all the States. Similarly, at I.T.D.P. level in most of the cases project administrators have not been appointed. There has also been observed a considerable lag in the delegation of administrative and financial powers to the project authorities. The above situation, therefore, indicates that although the approach and strategy were clearly worked out in the 5th Plan itself, but the achievements have not been in tune with those priorities. Elimination of exploitation had only limited success. Though there had been spectacular success in relation to the level of investment in these areas, but in these investments, the major share has been taken by the bigger programmes and infrastructural developments, while small programmes of immediate benefits to the tribals could not pick up.

Integrated Tribal Development Projects

8.6. The unit for planning and implementation in the tribal sub-plan has been taken as an Integrated Tribal Development Project. One of the distinguished features of the sub-plan is that the programmes have to be prepared with reference to the specific needs of each area. A flexible frame was, therefore, adopted keeping in view their specific requirements. The exercise was to be completed by the respective State Governments. The entire sub-plan area was, therefore, divided into 180 I.T.D.P.s. and 129 of them could be prepared by the end of the year 1977-78. A statement showing the progress of preparation of integrated tribal development Projects is given at Appendix LVIII.

8.7 In view of the fact that the finalisation of sub-plans themselves took more time than what was originally envisaged, the preparation of I.T.D.P. also lagged considerably behind. Besides Uttar Pradesh and Goa where the sub-plans comprise one I.T.D.P. each, the bulk of the projects have been approved in Madhya Pradesh, Orissa, Rajasthan, Tamil Nadu, Himachal Pradesh, Gujarat, Maharashtra and Bihar; yet the progress of project formulation has been consi-

derably slow in respect of Assam, Manipur and West Bengal. The Commissioner for Scheduled Castes and Scheduled Tribes specifically brought to the notice of the Chief Minister of Manipur while on tour in that State, that the preparation of I.T.D.P. should be taken up on priority basis as no project had so far been prepared by the State. It is, therefore, suggested that the Governments of Assam, Manipur and West Bengal should gear up their machinery and prepare the projects without losing any further time.

8.8. Some studies undertaken by the organisation of the Commissioner for Scheduled Castes and Scheduled Tribes in I.T.D.P., Simdega in Ranchi district in Bihar and in T.D.A., Gunupur in Koraput District in Orissa regarding impact of developmental schemes on the Scheduled Tribes of these areas, reveal certain pertinent points which need special attention of the concerned Governments as well as the Central Government. A field survey undertaken in the I.T.D.P., Simdega in Ranchi District in December, 1977, revealed that though quite a good deal of expenditure was incurred by the various technical officers on the developmental works in the project area, there was no information available with the project office about their implementation. Information relating to sanction, land restoration, co-operatives and marketing minor irrigation, animal husbandry, small scale and household industry, etc., were required to be completed in the prescribed quarterly and half yearly periodical reports, but no such progress report has been furnished in respect of this project. Two seed multiplication farms functioning at Simdega and Bhurutoli were visited. It was observed that these farms were in need of water and agricultural implements, but no assistance had been received through I.T.D.P. Simdega. Though there was scope for the development of horticulture in the area, only vegetable packets had been distributed. In fact, it was observed that no attempt had been made to take up horticulture development in the project area. Regarding soil conservation scheme an allocation of Rs. 8.83 lakhs was made during 1977-78 against which an expenditure of Rs. 4.13 lakhs had been incurred. 22 schemes of irrigation were reported to have been completed by the Minor Irrigation Department under the Private Irrigation Act and handed over to the Gram Panchayat, for maintenance. But it was observed that Panchayat had failed to maintain these schemes properly. Though the project area is considered to be more suitable for the tassar rearing, but the programme had not been taken up. One tassar Bija Poorti Kendra established by the Industry Department at Simdega was found to be almost defunct. As regards other industrial units, it was observed that the participation of the tribals was also negligible in these units. Training-cum-production centre run by the Welfare Department in Simdega project was functioning in most unsatisfactory manner.

8.9. The survey also revealed that about 23 out-still liquor shops continued to function on the border areas and caused considerable harm to the tribal economy. There was only one urban water supply scheme known as Simdega Water Supply Scheme and this scheme was sanctioned at the end of the 4th Plan, but was yet to be completed. In order to make agriculture more remunerative, it is necessary to put in efforts to improve the fertility of the soil and make a substantial addition to existing inadequate irrigation facilities. For minor irrigation works, no survey and investigation agency has been provided. It was learnt that the benefit of the schemes of big diameter wells had gone mostly to the non-tribals. The number of existing seed multiplication farms requires to be raised. Most of the lands of the project area are acidic in nature and require treatment, but the problem has not received adequate attention of the authorities. Though there is a good scope for the development of horticulture in the area, even preliminary steps have not been taken to provide fruit plants to the tribals on subsidised rates. Similarly pulses and oil seeds can be more profitably grown in the project area, but the tribal farmers have not been convinced and assisted to do so. It was also learnt that fertilizers are not reaching the interiors of the project area because no arrangement has been provided for transportation. The area continues to be poorly served by electricity. Pisciculture has not received attention of the Government. It was understood that 441 educated tribals were on the live register of the Simdega Employment Exchange. 250 were matriculates; 126 higher secondary and under graduates; 64 graduates and 1 post graduate. Surely some of them can be helped to become tribal entrepreneurs in case technical guidance and financial assistance, is made available for them. It was understood that regarding the development of khadi and village industries there were programmes for providing subsidy to tribals at the rate of 50% of the cost for purchase of tools and implements, and a sum of Rs. 43,000 had been proposed for 1978-79, but no information was available as to when this scheme was started and achievements made thereunder. There are many pockets in the project area which are not connected by even unsurfaced roads. Though there were supposed to be 400 primitive tribals in the project area, the only effort made for their welfare appeared to be a communication issued by the Project Officer to the Block Development Officers to furnish details as to how the members of these communities could be permanently settled on land.

8.10. It may, therefore, be stated that it is not enough to prepare a project report. If the schemes are to be seriously implemented a constant watch is required to be maintained and it is essential to have statistical data regarding the functioning of various schemes at one place to know their overall impact. It is, therefore, suggested that the project should have an investiga-

tion survey wing to supervise the progress of different schemes being implemented in the areas.

8.11. In another study undertaken in T.D.A., Gunupur, Koraput District in Orissa, regarding the impact of developmental programmes in the agency area, it was revealed that a good deal of expenditure had been incurred on schemes to improve the lot of Scheduled Tribe agriculturists. Many of them were observed to be fully dependent on subsidies and were reluctant to continue improved practices as soon as the subsidies were withdrawn. The protective measures undertaken so far have been of a limited success. In fact regulations dealing with transfer of immovable property, controlling money lenders have not been properly tested in the field. The merchants and money lenders were charging exorbitant rate of interest from their tribal victims. The project authorities admitted that the problem of land alienation was so acute that it would not be possible to prevent it only by legislation. Clandestine alienation of land or benami transactions were reported to be prevalent in the project area. About 20 tribal persons interviewed at Sardarpur, Padampur Block, informed that they were denied minimum wages by their employers. Similarly, the particulars collected from the residents of Limapodar indicated that there was exploitation of contract labourers. It is, therefore, suggested that payment of minimum wages should be strictly enforced to protect the interests of such labourers and maintenance of records should be insisted upon. From time to time, surprise checks should be conducted by the revenue authorities, to detect irregularities committed by the employers. As regards the practice of shifting cultivation, though it has been estimated that in Koraput District about 12,000 acres of land was under shifting cultivation and about 45,000 families were engaged in this type of cultivation, but no such information was available in respect of area covered by the T.D.A. In Puttasing area of Gunupur sub-division the forest has suffered on extensive scale from shifting cultivation and impact of the practice of shifting cultivation could also be seen in the interior areas of the T.D.A. It was observed that schemes taken up so far to control practice of shifting cultivation had not answered the requirements. It was also observed that most of the beneficiaries of integrated housing colony were practising shifting cultivation in near-by hills. The tribals admitted that the land allotted to them were not sufficient to ensure adequate livelihood and they were forced to practise shifting cultivation.

8.12. It was observed that co-operatives were not in a sound financial position. In all 9 LAMPS were registered in the entire Gunupur sub-division but three LAMPS had not taken proper shape and as such were not in a position to meet the credit and marketing requirements of the tribals. The study also revealed that the only means of livelihood of the tribals in the T.D.A. was agriculture which was being practised in a primitive

form. No industry or craft centre worth the name was operating in the area as a result of which no alternative channels of employment were available to the tribals. The working of the only unit known as Naivguda co-operative sugar industry limited was deplorable. The level of education was particularly low in case of Scheduled Tribes living in the interior area. The study revealed that the necessity of educating children was not properly impressed upon the parents. Facilities provided for pre-matric education in the area were also found to be inadequate. There was dearth of schools and existing hostels functioning in the area were ill-equipped.

Primitive Tribes and their Problems

8.13. In formulation of the Fifth Five Year Plan the problems of the more backward tribal communities were also considered in considerable detail. Numerically they are too small and generally at pre-agricultural level of technology, with marginal growth rate and steeped in illiteracy. Some of them were suffering from peculiar health problems and also being pressed between more advanced communities both tribal and non-tribal and the dwindling and better managed forests.

8.14. The exercise for identification of these groups was initiated in 1975 with the help of the State Tribal Research Institutes. The process of identification also brought into light a number of other weaker groups in I.T.D.P. who needed special attention. By now 49 groups have been identified as primitive while identification of 19 other groups are yet to be completed. A statement showing the names of communities identified and proposed to be identified as primitive tribes may be seen at Appendix LIX. It is observed that the programmes of identification of primitive groups were not carried out expeditiously, although financial outlays had been provided for the purpose.

Special problems of the Primitive Groups

8.15. The 49 primitive groups identified so far are mostly small communities living in isolated hilly tracts. Many of these communities are at the pre-agricultural level of technology and finding it difficult to eke out an existence from the dwindling forest resources within which they reside. It has also been observed that the general sector programmes by and large left them untouched. The large tracts of land available with them earlier have either been encroached upon by more advanced communities or the forests within which they reside now come under the control of forest department. Many of these communities are afflicted with peculiar diseases and other genetic problems causing a negative growth and at times a rapid decline in their population. In some cases the entire community is diseased and needs urgent attention. It is encouraging to note that All India Institute of Medical Sciences, the Ministry of Health and JIPMER at Pondicherry are actively involved in

surveys in Andaman & Nicobar Islands and Tamil Nadu and providing the right type of medication. There are difficulties in finding suitable persons for working out schemes for these communities. One way that has been suggested is to constitute a society for each group which will have the responsibility of planning and for implementation of programmes. This is an area where non-official agencies can prove useful in implementing various programmes chalked out for these communities.

Release of funds

8.16. The Ministry of Home Affairs had released Rs. 1.34 crores against advance action programmes for the primitive tribes in various States/ Union Territories upto 1977-78, the details of which may be seen at Appendix LX. An amount of Rs. 10 crores was set apart for Primitive Tribes during the Fifth Plan period but due to late preparation of projects and the lack of preparedness on the part of the States, the total amount could not be utilised.

8.17. All the concerned State Governments/ Union Territory Administrations where the primitive groups are concentrated were addressed to furnish copies of the project reports prepared and the details of the programmes undertaken but no State Government/ Union Territory Administration furnished the required information for the year under Report. However, three studies undertaken by the Tribal Research and Training Institute, Pune regarding the health and nutrition problems of Madia Gonds, Katkaris and Kolams revealed certain very pertinent points which deserve consideration by the State Government as well as Central Government. Since the State Government of Maharashtra have yet to prepare the projects for these communities, it would be worthwhile if suitable programmes are chalked out based on the findings of these studies mentioned below :—

Name of the Tribe	• Madia Gonds
Area of study	• Forest areas around Bhamragad, Laheri and Kuwakedi in Chandrapur District.

Findings :—

- (i) The incidence of Tuberculosis is very much pronounced and the Tuberculosis patients do not avoid close contact with their family members and as such others are also affected by it.
- (ii) Leprosy is also reported as one of the horrid disease of this area. The village across the river near the forest rest house at Bhamragad has a population of only lepers and due to remoteness the village is left completely without any medical care.
- (iii) Many sick persons die at the hands of the village priests and magic men, who always diagnose anger of some deity or spirit as causing the illness

- and eventually forbid people from taking other help.
- (iv) In Bhamragad area (Sironcha Tehsil) the mortality rate among the children is very high.
 - (v) The study of 238 households undertaken with the assistance of the Public Health Institute, Nagpur in four villages of Bamni and Tekada in Sironcha Taluka and Mandetola and Ghatgaon in Gadchiroli Taluka revealed that the average per capita consumption of cereals ranged from 196 grams to 875 grams a day and 41% of the families showed cereal consumption below the recommended level.
 - (vi) The consumption of green vegetables, other vegetables, milk and milk products, fruits, roots and tubers and nutrient intake in the form of calcium proteins, calories and iron were reported much below the recommended level.
 - (vii) On clinical assessment, about 37.6% of individuals showed one or more signs of nutritional deficiency and the most common deficiencies observed were Vitamin 'A' deficiency, anaemia, knock-knees, angular stomatitis, frontal bossing and dental caries.

Name of the Tribe • Kathkaris
 Area of study • Villages of Madangad, Dapo and Mhapral in Ratnagir District and Kolaba District.

Findings :—

- (i) Most of the Kathkaris are engaged in making charcoal and only 25% of them possess lands.
- (ii) As the lands are mostly rocky and less fertile 75% of them work as agricultural labourers with non-tribal landlords.
- (iii) The diet is very poor. If there is no food some people catch the rats and eat them.
- (iv) Scarcity of water is a major problem.
- (v) The growth rate of children in early stages is retarded.
- (vi) Deficiency of fat and proteins and absence of vitamins were reported in the diet.
- (vii) No health survey was undertaken in the past and there was no specific regular health services watch for these people.
- (viii) A study about the genetic conditions in seven villages of Khopoli, Chowk, Khalapur, Kune, Homdi, Aпти and Khadkiwadi in Kolaba District revealed that 10% of sample suffered

from high incidence of red cell enzyme and deficiency of glucose 6 phosphate dehydrogenase and carried abnormal haemoglobin known as sickle cell haemoglobin in them. The abnormality of these two genes give rise to haemolytic anaemia with all its known complications.

Name of the Tribe • Kolams
 Area of study • Yeotmal District

Findings :—

- (i) The incidence of leprosy very high and the affected persons live with their family members.
- (ii) The tribals eat wild roots like 'Thor Kakadi' and 'Ghorkakadi' growing in the jungle.

Excise policy for Tribal Areas

8.18. In order to protect tribals from exploitation it was decided in 1975 that vending of liquor in the predominantly tribal areas should be stopped, tribals should be allowed to brew liquor for personal use, and where tribals are in majority liquor should be sold by Government shops only and efforts made to wean away the tribals from drinking. In the States of Gujarat and Tamil Nadu, there is complete prohibition which has undoubtedly improved the condition of the people of these States in general and tribals in particular. In Arunachal Pradesh, Lakshadweep and Mizoram there are no liquor shops. Rajasthan has introduced total prohibition in a few districts.

8.19. Keeping in view the above guidelines some State Governments initiated action in implementing the new excise policy gradually as indicated below :—

Andhra Pradesh

The Government of Andhra Pradesh issued orders in September, 1977 according to which 'Arrack' shops in Scheduled Areas would be allotted to tribal co-operatives consisting of tribals only and where it is not possible to allot the shops to tribal co-operatives the shops would be put to auction in which tribals only would participate. Where the tribal population is less than 50%, first opportunity would be given to tribal co-operatives to have the 'Arrack' shops, in case they fail to take the shops it would be put for open auction.

Assam

Liquor is not sold through contractors. The vendor is given lease normally for a period of three years on fixed vend fee system and liquor is issued to him from Government warehouses. In plains where the population is mixed liquor is sold by Government shops only. However, Government desires to extend prohibition gradually in the entire State and to start with it has been enforced in four districts,

Manipur

State Government have enacted excise laws with respect to brewing of liquor only by tribals under licence system. Country liquor is totally prohibited and as such vending of liquor through contractors has not been allowed. As soon as the scheme for distillation of country liquor is implemented vending of liquor will be done through individuals under licence.

Himachal Pradesh

All liquor shops in the tribal areas have been closed with effect from 1-4-1978. However, tribals are permitted to brew mild liquor for their home consumption on a nominal fee of Rs. 5 per year. In addition, they are also permitted to distill hard liquor from fruits and grains on the payment of Rs. 25 per licence per year.

Orissa

Contract system of liquor vending in the Scheduled Districts of Koraput, Mayurbhanj and Sundergarh has been abolished with effect from 1-4-1978 and 180 shops in these areas closed excepting those situated at the district, sub-divisional and tehsil headquarters and industrially notified areas, municipal, mining areas and places having urban characteristics where the contract system of liquor vending would continue as usual. The tribals are allowed to brew liquor for their domestic use only.

Madhya Pradesh

Madhya Pradesh Government had earlier implemented the new excise policy and covered five districts namely Bastar, Surguja, Jhabua, Mandla & Jashpur Tehsil of Raigarh district. From 1-4-1977 the policy has been extended to other districts viz. Raipur, Bilaspur, Sidhi and entire district of Raigarh.

Bihar

The State Government have abolished 407 shops of country liquor, outstill liquor, toddy and Pachwai shops located in the blocks where the tribal population exceeded 50 per cent of the total population up to 1-4-1978 outside sub-plan areas. In the tribal sub-plan areas in Ranchi, Singhbhum, Palamau and Santhal Parganas liquor vending through contractors has been abolished in all Gram Panchayats where the majority of tribal population belongs to the tribal communities. However, exception has been made of Panchayats in Blocks in which tribal population is less than 50 per cent and converted 41 outstill shops into distillery shops in these Panchayats. In addition to this by way of implementation of first phase of general policy on prohibition the State Government have closed 172 liquor and drug shops in tribal sub-plan area.

8.20. It will be seen from the above information that the new excise policy in tribal areas has been implemented in certain tribal areas of Madhya Pradesh and Orissa. It in certain towns in the heart of the tribal areas in Orissa contract

system of liquor vending is allowed to continue, it will not be possible to save the tribals from exploitation of liquor contractors. It is also observed that in Bihar the ousted liquor contractors have entrenched themselves in tribal areas by resorting to large scale illicit distillation as well as in neighbouring distillery liquor areas. Besides this, tribals themselves have also been distilling liquor not only for their own consumption but also for sale in local markets. This situation is further exploited by contractors and they are doing business in the name of tribals. State Government have also felt that drinking among tribals has not at all declined with the abolition of liquor shops but on the contrary the cases of illicit distillation have increased to 13029 during 1977-78 as compared to 9821 in 1976-77.

8.21. This calls for abolishing vending of liquor in tribal areas immediately without allowing any scope for the out-still system to continue in places situated in the tribal areas where the tribal population may be less than 50 per cent. **Theoretically out-still system has been abolished in many areas but it has been changed into supply system. The decision to have complete prohibition in four years should be utilised in eradicating commercial vending of liquor completely from tribal areas. Government measures will succeed only if help of non-official organisations is utilised to wean away the tribals from the habit of liquor.**

Forests

8.22. It is a well known fact that in many areas the tribal economy is based on forests. Many tribal communities depend on agriculture, cattle rearing, cutting of wood and collection of forest produce and selling them in the nearby market. Due to industrial requirement of railways, ship building, paper and other industries forests have got depleted. In fact the productive activities in the forests have been almost wholly linked up with the needs of large scale industries and very little plantation has been taken up for growing those types of forest products which are essential to meet the needs of the local population. At the same time considerable restrictions have also been imposed by the administrative authorities on the rights and privileges of Scheduled Tribes in forests, on the plea of protection of forest wealth and nationalisation of minor forest produce by the Forest Departments, resulting in a state of antagonism between the tribal population and the forest departments all over the country. The tribal people are required to work as labourers either under the Forest Department or contractors or in the forest labourers co-operative societies. It is observed that though the profits earned by the Forest Departments of the State Governments concerned increased manifold, the conditions of tribals residing in forests did not improve. **It is, therefore, important that in the plantation of trees, the traditional species which provide minor forest produce and other sources of income to the tribals should be included in all plantation programmes.**

8.23. The rights of the tribals in the collection of minor forest produce should be recognised without reservations and no royalty should be charged from the tribals. It should be ensured that the tribals are paid remunerative prices for the minor forest produce collected by them which is related to the price of the commodity prevailing in the adjacent market. It is interesting to note that the purchase of Sal seeds an important upcoming minor forest produce was taken up by organising co-operative societies on a large scale in Bihar (15,000 tons), Madhya Pradesh (96,000 tons) and Orissa (30,000 tons) during the year under report. The price of Rs. 40 per quintal was paid to the tribals. It is suggested that the purchase of minor forest produce should be conducted through the co-operative societies in other States as well. It is observed that non-edible oil seeds collected from tribal areas are sent out and processed in solvent extraction plants and converted into soap. It is, therefore, suggested that as a first step, the State Governments must encourage the setting up of processing plants within the tribal areas by providing necessary facilities to the private, public and co-operative sectors.

8.24. It is also worthwhile to mention the experiments carried out by Government of Kerala in forming Co-operatives of fuel collectors and co-operatives of cardamom growers. To provide full employment and to improve the economic condition of about 600 tribal families engaged in collection of fire wood in the reserve forest in the north of the Malampuzha near Palghat, a Malampuzha Girijan service Co-operative Society was formed with the initiative of Indian Overseas Bank in 1976 with the membership of 120 persons. The Department of Tribal welfare sanctioned the aid permissible under rules i.e. share capital grant of Rs. 3,000, share capital contribution Rs. 3,000, working capital grant of Rs. 17,200 and managerial subsidy of Rs. 1,800. The Bank gave loans to the tribals to become member of the society and to settle debts owned by them to various traders. Non-tribals were excluded from the area of forests so that the tribal members could enjoy the exclusive right of collection. The co-operative is also helping them in getting higher prices for the fuel goods by advancing them consumption loan and eliminating the middle men from the fuel trade. In November, 1976 the society collected and marketed minor forest produce like *Terminalia bellerica* and honey etc. and made profit. The society also made good profit during March 1977 by selling honey. Although the society was reported to be facing some difficulties in the absence of reserves and funds and was also facing hardship in getting financial assistance, yet it tried to expand the business and the members generally admitted that they were better off than before.

8.25. To help about 250 families of reserve forest at Edamalakkudi in the Munnar Division of Palghat district of Kerala with the credit faci-

lities for processing and marketing of Cardamom and to eliminate the exploitation of the outside traders, a society called Devicolam Girijan Service Co-operative Society was formed. Previously the traders used to come to these forests and harvest and pick up Cardamom from the area about whose value the tribals were completely unaware. This has been continuing for decades and the traders have been reaping the entire benefit. Kerala State Development Corporation agreed to finance the society on contract for delivery of Cardamom. Against the advance of Rs. 13 lakhs it is reported that the society has collected and delivered about Rs. 9 lakhs worth of Cardamom to the Corporation and has in stock 4150 kg, valued at Rs. 6,64,000. The establishment of this co-operative society has made a substantial difference to the tribal community in a single year. The total turnover during the year under report was Rs. 15 lakhs which gave an average income of Rs. 5200 per family. It is proposed to start central processing of Cardamom within this area and a purchase advisory board has been constituted to decide the policies of the co-operative society. This is an interesting experiment which has given the tribals substantial return by organising the trading in a minor forest produce. Both these experiments carried out by Government of Kerala show the directions in which the weakest tribals can improve their economic conditions by organising trading in minor forest produce. It is, therefore, suggested that similar approach should be adopted by the other State Governments/Union Territory Administrations in organising the collection and sale of minor forest produce through co-operatives.

8.26. The State Governments/Union Territory Administrations have set up Forest Development Corporation to utilise hitherto inaccessible forests in the respective States by proper investment on roads and machinery. It is observed that these Corporations are leaning towards commercial consideration and there has developed the tendency to by-pass the Forest Labourers Co-operative Society.

8.27. It is also suggested that a high priority should be given to the plantation of the quick growing species of trees which would supply fodder, fuel wood and materials for housing and village industries. Production activities should be undertaken by the village communities through their co-operatives in collaboration with the technical personnel of the forest departments, various officials and non-official agencies, researchers and informed leaders of the local community. Forest labourers co-operative societies should be promoted and successfully run not only for extraction of raw materials but also for processing. The privileges and concessions of the tribal people in collection and use of forest products should be published in the various regional languages in the form of book-lets for free distribution amongst tribals.

8.28. The Union Ministry of Agriculture and Irrigation convened a conference of the Ministers

incharge of Forests and Tribal Affairs from the States of Andhra Pradesh, Bihar, Gujarat, Madhya Pradesh, Maharashtra, Orissa, Rajasthan and West Bengal, to discuss the role of forest in tribal economy in July, 1978. The Prime Minister, Shri Morarji Desai who inaugurated the Conference underlined the need for associating the tribals in bringing large areas under forest for restoring ecological balance by giving the individual tribal a right in the trees and their use which he may grow in an assigned area. The observations/recommendations made at the Conference are given below :—

1. The management of the forests have not shown the special concern for the tribals which they deserve.
2. The forestry operations have only drawn the labour force from the tribal communities and due to the presence of the middleman the tribals were not given adequate wages. It was suggested that the tribals should not be treated only as a wage labour. The forestry programmes should aim at enriching the economic conditions of the tribals living in the forests.
3. Plantation of fruit, fodder and fuel should be enhanced with the provision that identified families could continue to enjoy the use of the products.
4. Conditions should be created which enable the tribals to draw upon the forests rather than change over to entirely new occupations.
5. Plots should be given to those who are interested and were in search of employment so that they could grow trees and get benefit out of it.
6. Tribals should be trained to take over the management of forest and it should be ensured that they are not exploited by contractors and others.
7. Dedicated persons with true sympathy should be taken in the forest services.
8. It was observed that the merger of States was completed in 1949, but the forest settlement papers were not completed and were kept in bad shape. The wrong records of land were responsible for the continued exploitation of the tribal people.
9. Marketing of minor forest produce should be done through co-operative structure or departmentally in areas not covered by co-operatives within one year and arrangement for creation of co-operative structure should be completed within two years. It was also suggested that the strengthening of labour co-operatives should have time bound programme.
10. For strengthening and reorganisation of forestry and Tribal Welfare Departments, it was resolved that large number of

people should be taken from the local areas and States should make suitable concessions in the recruitment rules.

8.29. These are no doubt good recommendations and if implemented with all seriousness may go a longway in improving the lot of the tribals living in the forest areas.

Horticulture

8.30. The scheme for the development of horticulture has not so far received the attention it deserves in the implementation of the various tribal development programmes. It has been observed that the programme of horticulture has been taken up either as backyard fruit tree plantation scheme or afforestation and plantation by the forest departments. Most of the tribal areas have agro-climatic conditions suitable for horticultural development. A closer examination of ITDPs has indicated that the tribal areas are ideally suited for developing an economy based on growing of trees. Looking at the plenty of land available in the tribal areas, horticulture can be taken up as one of their main activities by the tribals by identification of fruit trees suitable for the agro-climatic conditions of each identified tribal areas. Horticulture can also help in the settlement of shifting cultivators.

8.31. A new thrust given to horticulture programme in Orissa under the tribal sub-plan needs special mention. Compact areas measuring between 30 acres to 300 acres have been selected under this programme. In the first instance the land for new plantation is clearly identified as private lands. The individual beneficiary is made responsible for digging of pits, preparation of fencing of plants and tending of plants etc. This direct participation of each individual ensures that only those persons who have got fully convinced would participate in the programme. Those who were not serious would either drop out or further efforts would be made to convince them about the scheme. Another important feature of the programme is that simple techniques are adopted. The scheme also envisages that necessary skills for raising the horticulture plantation would be provided to the local community as a part of the extension effort. One tribal youth is selected for over 50 acres of plantation and these young men are trained in basic horticulture skills. They learn the basic facts about the plants, the likely diseases, techniques of grafting etc. In addition they are given the responsibility of protecting the new plantation on the assigned area of 50 acres or so on behalf of the community. The young men are selected by the beneficiaries preferably among themselves. Thus they create personal interest in the protection and development of the plantation. They are paid a nominal sum of Rs. 90 per month for performing these duties on behalf of the community. They are expected to do this job for about 3 years by which time the plants would have grown to sufficient height and the grafts would have got well established.

8.32. In the new horticulture programme the tribal participant is paid full wages for doing essential operations like digging the pits, replacing the soil, bringing the fencing material from the nearby forest subject to a maximum of Rs. 140 per acre. Thus his labour gets capitalised in the form of lasting assets. The cost of inputs like fertilisers, pesticides etc., is also met in full. The total cost of this plantation comes to about Rs. 250 per acre spread over a three year period. An extension programme of similar type is also being proposed on community lands where the local community as a whole will be involved and ownership will rest with the individual or the community. It is, therefore, suggested that other State Governments/Union Territory Administrations should follow the example of Orissa and the concerned departments should prepare perspectives of horticulture programmes for the tribal areas urgently. Afforestation and horticulture programmes, if planned imaginatively on hill ranges would not only help the tribals but the community at large by checking the floods which cause innumerable human miseries. The recent floods in North India were the result of our depleted forests and ravaged hill slopes.

8.33. A study team from the office of the Commissioner for Scheduled Castes and Scheduled Tribes visited Mizoram in January, 1978 and studied potentialities of horticulture development in the Union Territory. The Study team observed that the total area of Mizoram is 21087 Sq. Kms., out of which there is suitable area of 52700 (3%) hectares and 2,63,700 (13%) hectares for paddy and horticulture crops cultivation respectively. The elevation ranges from three hundred metres to two thousand metres above sea level. The Team observed that if all the available land is put under double cropping cultivation, factors like deterioration of fertility of soil by jhuming, increase of population and the shortage of food supply in Mizoram would continue to multiply year by year. Since suitable land for paddy cultivation was only 3% some method was required to be evolved to switch over to adoption of latest agro-techniques. The programme of horticulture development involving total area of 2,63,700 hectares occupies the most important place among various programmes to raise the socio-economic conditions of the tribals in Mizoram. It was observed that from 1974-75, 12,000 hectares of land have been reclaimed as a major item of development in Mizoram but there was no substantial increase in food production and the shortage of food has been continuing. The flat land suitable for paddy cultivation is scattered in small patches say 5 — 10 acres in the interior places and the subsidy which the cultivator gets from the Government is meagre, with the result that the reclaimed land remains fallow for years together. The following expenditure under the Fifth Plan would indicate the

volume of work executed under land reclamation and horticulture programmes :—

Sl. No	Name of the scheme	Expenditure				T O T A L
		74-75	75-76	76-77	77-78	
		(Rupees in lakhs)				
1	Land Reclamation	23.25	34.32	63.34	44.70	165.61
2	Horticulture	2.60	0.80	2.79	12.00	18.19

Since the climate is moderate throughout the year, it is quite suitable for cultivation of different varieties of fruit crops. The approximate area under jhum cultivation is from 50,000 hectares to 60,000 hectares which can be taken up for fruit and other cash crops cultivation. Unless this area is taken up for permanent cultivation under horticultural crops there is bound to be wastage of this land every year. This would also help in weaning away the cultivators from the age old shifting cultivation. Due to lack of infrastructure, execution of work under horticulture schemes has been taken up by the staff of the Department of Agriculture as part of the extension work. It is, therefore, suggested that a separate Directorate for Horticulture under overall supervision of Director of Agriculture should be started and areawise selection of land for plantation under different horticulture crops should be taken up.

Impact of Industrialisation

Inclusion of all tribal areas in the list of industrially backward areas and grant of higher capital subsidy and other concessions

8.34. The tribal areas are full of natural resources. It is noticed that generally the raw materials are taken out for being used by industries set up elsewhere. To encourage the location of industries in the industrially backward areas, a number of fiscal concessions like capital subsidy and other incentives and concessions are provided. However, it is surprising that backward districts like Bastar in Madhya Pradesh and Phulbani in Orissa are not included in the list of industrially backward districts. It is, therefore, suggested that all the sub-plan areas and tribal regions should be included in the list of backward areas eligible for purposes of capital subsidy so that entrepreneurs may be attracted to establish industries in the tribal areas. In fact, higher subsidy should be provided for tribal areas.

8.35. After independence a number of big sector undertakings like Hindustan Steel Project, Bhilai, Durgapur Steel Plant, Rourkela Steel Plant, Bokaro Steel Plant and Mining complexes at Kiruburu in Orissa and Bailadilla in Madhya Pradesh were established. It was observed that the establishment of these big industrial/mining complexes did not promote the interest of the tribal people living around the areas and public and private sector projects became islands of

prosperity amidst large scale poverty. The industrial entrepreneurs and the public sector undertakings had the command over the financial resources and other technicalities to extract the maximum through their expertise. The tribal communities comparatively being in primitive stage so far as industrialisation is concerned, were not used to the faster rate of changes. They, however, found themselves powerless in the new situation. In this unequal contest they appear to be over run by the stronger system. Rapid urbanisation has been taking place in the tribal belt of middle India as a result of the industrial development taking place in the area and in the process it is observed that the community which enjoyed command over local resources by tradition have lost their rights. Though they might have been compensated for the land acquired for these projects, yet in the absence of proper programmes for their rehabilitation they generally squandered the money received as compensation. Moreover, in relation to the forest resources the compensation given was insignificant in the eyes of the tribals.

Induction of tribals in secondary and tertiary sectors and arrangement for entrepreneurial training and upgrading of their skills

8.36. The establishment of an industrial complex throws up considerable opportunities of employment in the secondary and tertiary sectors. A conscious policy of encouraging the tribals to take benefit of new opportunities by opening shops, supply of various articles in demand should be followed. Arrangement should be made to provide entrepreneurial training to the tribals and such training should proceed before setting up of industries.

8.37. Another problem which cropped up with the establishment of these projects was that all the secondary migrants who came after the establishment of these projects started supplementary economic activities like vegetable cultivation, dairying, etc., and further pushed the tribals into deep forests. **After some time it is necessary that steps are taken to upgrade the skills of the tribals by admitting them in the training institutions located in the area. Suitable persons may be selected on-the-job training in order to provide permanent employment as skilled and semi-skilled workers and an intensive programme of general and technical education should be taken up in the hinterland of the industrial complexes.**

Jamshedpur incident

8.38. The recent happenings in Jamshedpur have brought into limelight that the tribals are not only displaced with the establishment of industrial complexes, but even after several years of establishment of a project the tribals continue to suffer to a great extent for want of satisfactory employment. The incident which took place at Tata Iron and Steel Company, Ltd., at Jamshedpur on 16th August, 1978 was widely published in the Press and also discussed in

Parliament. It was reported that poor tribals of neighbouring area used to collect iron pieces from hot slags which used to come out from furnaces. Earlier in one incident, two persons were badly burnt and subsequently died while picking up hot iron pieces. The TISCO management then decided to give leases of the slag some 7 or 8 years ago. The contractor used to carry the slag in big dumpers from the factory gates to far off places in the suburbs of Jamshedpur in areas like Babudeeh etc. The men of the contractors used to pick up these pieces from the slag and sell it to big iron dealers of Jamshedpur and other places. Even after this collection, there used to be very small iron pieces left out which were generally picked up by the poor Scheduled Caste and Scheduled Tribe people living in the adjoining areas and they used to earn Rs. 4 or 5 per day by selling these iron pieces to the local dealers. As the tribals and others had no legal right to pick up iron pieces from the dump, the contractors' men used to harass them. According to the reports received on 16-8-78 about 100 to 150 women, boys and girls were collecting iron pieces from the dump in the morning at **Rajdhari Bhatta**. At about 12 O'Clock the contractor's men came with a Bhujali and started shouting and beating them. Some of them could escape but 25 people went towards the river and they were chased by these men. When tribals reached near the junction of a Nullah with Subarnarekha river, they had no route to escape. It is alleged that the contractor's men started beating and throwing them in the river, which was flowing to the brim. Some of them could cross it but others could not and were drowned. Five dead bodies, two of Scheduled Castes, two of Scheduled Tribes and one of other backward class were recovered from the river. The State Government took prompt action and 22 persons were arrested. **Dhotis**, ration for 15 days and Rs. 5,000 out of the Chief Minister's Relief Fund were provided to each affected family. Even after this incident, the lack of concern shown by TISCO was quite astonishing. It is also learnt that the residents of Babudeeh village claim that they were the original inhabitant of the area, now occupied by dairy farm belonging to the TISCO. Although compensation might have been given to their parents in the past, they had nothing to fall back upon. Therefore, the people of these villages had to depend upon collection of small iron pieces and that was their only source of subsistence. A detailed enquiry was conducted and a copy of the report sent to the State Government. Some of the important points which need urgent attention are as follows :—

1. A co-operative society may be organised by the people who are dependent on picking of the iron pieces and TISCO should not charge any fee from the society.
2. Intensive efforts should be made to extend educational facilities to the children in

these habitations and adult education programme started.

3. Drinking water and other health facilities should be provided.
4. Dairying and poultry should be taken-up by these inhabitants for which necessary financial aid and training should be provided.
5. The TISCO, Tribal Welfare Department and district authority should plan various welfare programmes necessary for the development of the tribals and local population.
6. It is feared that many of the eye witnesses might be won over by the Contractor's men during investigation of the case and subsequent trial in the Sessions Court. It is, therefore, suggested that police protection to the eye witnesses and tribals living around the areas is very much required.

8.39. The Jamshedpur incident may not be an isolated case, and many tribals around the project areas in different States might be facing several problems. The industrialisation in Bihar, Orissa, Madhya Pradesh and old centres of industrialisation like West Bengal, Maharashtra

and Gujarat have already affected the tribal population which till recently had been living a secluded and homogeneous life. The new industrial urbanisation has disrupted the life of the tribals and are facing competition from the migrants in the labour market. They are not trained to avail of the new opportunities created by these complexes.

Rehabilitation of persons displaced due to construction of industrial and other projects

8.40. It has been recommended in earlier Reports of the Commissioner for Scheduled Castes and Scheduled Tribes that it should be the duty of the project authorities to ensure permanent rehabilitation of the displaced tribal population preferably by setting them on alternative agricultural land and take up programmes for giving training to the tribals so that they may secure employment in the new projects. In this connection all the State Governments were addressed to furnish the information regarding the rehabilitation of Scheduled Tribe persons displaced due to construction of projects. During the year under report very little information was received from the States. Available information in respect of Gujarat, Maharashtra and Kerala is given in the table below :—

State	Year	No. of Scheduled Tribes families displaced	Acreage from which displaced	No. of Scheduled Tribes families rehabilitated	Acreage of allotted land
Gujarat	1975-76	2,923	14,599.68	1,995	5224.07
Maharashtra	1976-77	1,127	2,364.75	797	312.23
Kerala	1973-74	41	98.42	27	61.80

Development of hinterland as part of the project

8.41. It is encouraging to note that in the copper project in Malaikhand, Balaghat in Madhya Pradesh, about 20,000 tribal families have been identified in the area around the proposed site of Malaikhand and the project authorities have decided to reserve bulk of the new opportunities for tribals in the local areas. The skill requirements of the new project have also been quantified so that the tribals in the area could be trained for the new jobs. This policy should be followed in respect of all large scale industries to be established in the tribal areas. It is observed that the representation of tribals in the skilled work force in the new industries is insignificant. It is, therefore, necessary that suitable methods should be devised to train the local tribals for higher skilled jobs so that they may be able to participate at various levels in adequate numbers. In this regard the State Governments can take a lead and should see that the tribals of these areas are given maximum enrolment in the Industrial Training Institutes.

Land grab by Private Enterprises

8.42. In the process of expansion programmes private sector undertakings adopt all sorts of

tactics to grab the land at cheaper rates. A case of alleged grabbing of land by a private mill owner in the Rayagada sub-division of Koraput district in Orissa has been brought to the notice of this Organisation. It is alleged that the mill was started in 1972 and now wanted more land to expand its activities. When the Scheduled Tribes refused to part with their remaining land at cheaper rates, the mill officials with their strongmen distributed some money and liquor to the tribals and forced them to sell their land at cheaper rates. The matter has been taken up with the State Government and the reply is still awaited. It has also been brought to the notice that at Rourkela in Orissa land belonging to Scheduled Tribes had been alienated. In this case several charges have been levelled against some political leaders. This matter has also been taken up with the State Government and a reply is still awaited.

8.43. The foregoing cases clearly indicate the precarious conditions under which the original inhabitants of the area live and in spite of various laws the land of the tribals is alienated. It is, therefore, suggested that district administration should act on behalf of the residents who claim

that they were original displaced persons of the area and protect their interests in land. The Central and State Governments who have special responsibility for the good administration of Scheduled areas should ensure that effective check is kept on the exploitative element in these areas. The State Governments should also encourage the tribals of these areas to take up supplementary economic activities for which there is ample scope with the coming up of various projects. Final clearance to these projects should be given only after ensuring that the developmental aspects of the hinterland have been properly woven in the project programmes itself.

Research into the problems of Scheduled Castes and Scheduled Tribes

8.44. To study the tribal way of life and survey the impact of socio-economic schemes and measure the nature and magnitude of different problems being faced by the Scheduled Castes and Scheduled Tribes, sixteen Tribal Research Institutes are functioning in the country to conduct action-oriented research in tribal culture and training of personnel working particularly in tribal areas. Out of these Tribal Research Institutes only six Institutes at Lucknow, Kozhikode, Hyderabad, Poona, Calcutta and Shillong have furnished the information which is given at Appendix LXI. In the absence of required information it is very difficult to assess the performance of these Institutes. It is, therefore, hoped that the Tribal Research Institutes would be more responsive in future. However, on the basis of the available information and that gathered during the tours it appears that as many as six States, i.e. Uttar Pradesh, Assam, Meghalaya, Manipur, Tripura, Nagaland and two Union Territories, i.e. Arunachal Pradesh and Mizoram have not taken effective measures to improve the status of Tribal Research Institutes falling in their respective jurisdictions. They are mostly understaffed and thus unable to undertake research studies. Moreover, in the light of the new concept of sub-plan for tribal areas the work of Tribal Research Institutes has increased to a large extent and their involvement in planning and evaluation of the programmes relating to welfare of Scheduled Castes/Scheduled Tribes has considerably enhanced. Apart from the research work, these Institutes are also expected to conduct training/orientation programmes for officials as well as non-officials associated with the welfare programmes meant for tribals but many Tribal Research Institutes have not yet opened Training Wings. In view of the important role of the Tribal Research Institutes, the States Governments/Union Territory Administrations should give special attention to the problems of the Institutes and bring them upto a minimum standard of technical

competence in keeping with the role which they are expected to play.

8.45. The Central Research Advisory Council was set up in November, 1972 to review the work of Tribal Research Institutes and suggest research programmes to be taken up by them. So far the Council met for three times. The third meeting was held on 26th June, 1976. In our earlier report the suggestions made by the Council have already been given. Two years have now passed and the Council has not yet met. It is, therefore, essential that the Council should meet every six months so that the work done by Tribal Research Institutes could be reviewed and directions can be given for further research work. It may also be worthwhile to mention here that each Tribal Research Institute is also supposed to have Research Advisory Committee for formulating research plan keeping in view the local problems of their respective State/Union Territory but it is observed that the Institutes at Kozhikode, Calcutta, Poona, Shillong, Kohima and Aizawal have not constituted such committees. It is hoped that steps would be taken in this direction also.

8.46. Besides Tribal Research Institutes, Anthropologists and Sociologists of various Universities are also taking interest to study the problems of Scheduled Castes/Scheduled Tribes, although their studies are mostly of academic values but still it is useful to a great extent. In this connection it is relevant to mention that Ministry of Home Affairs have started giving fellowships with a view to encourage a deeper study of the process of socio-economic changes in the tribal areas and of tribal communities in the wake of the new developmental efforts. It is hoped that scholars from Social Science subjects would definitely derive benefit of this facility to improve their academic level on one hand and help the Government with their research work for understanding the problems connected with Scheduled Castes/Scheduled Tribes on the other hand. It may be mentioned here that the Tribal Research and Training Institute, Kozhikode is the only Institute out of sixteen Tribal Research Institutes in the country recognised as centre for advanced Research in Anthropology and six students are working on various tribal problems and the problems of the weaker sections of the population for their Ph.D degree in Anthropology. It is hoped that many more students would be attracted to study the tribal problems. It is suggested that Tribal Research Institutes should establish rapport with the Social Science Departments of Universities of their respective States so that an atmosphere may be generated for the students to study the problems of Scheduled Castes/Scheduled Tribes.

8.47. Several other agencies dealing with Social Science subjects have also engaged in the research on the Scheduled Castes/Scheduled Tribes and helping the administration in their own way in making the policies for welfare of Scheduled Castes/Scheduled Tribes. The list of institutes is given at appendix LXII. Based on the information, received during the year under report, information regarding the research work undertaken by these institutes may be seen at Appendix LXIII.

8.48. It is observed that problems are arising out of the participation of Scheduled Castes/Scheduled Tribes in the economic processes of

the country. It is, therefore, suggested that the research organisations concerned with tribal research and Tribal Research Institutes should study the impact of various welfare programmes on the socio-economic life of Scheduled Castes/Scheduled Tribes. The research priorities for the Tribal Research Institutes may closely be related to the problems of implementation of the sub-plan and I.T.D.Ps. It is observed that lately there has been an increase in the cases of atrocities on Harijans. It is, therefore, suggested that Tribal Research Institutes should undertake diagnostic studies about the causes of these cases which may help the Government to take suitable action to stop such incidents.

CHAPTER 9

ATROCITIES AND HARASSMENT

Reports regarding incidents of atrocities on persons belonging to the Scheduled Caste were received practically from all over the country—from north in village Morekheri in **Haryana** where a Scheduled Caste couple was murdered to south in town Villupuram in **Tamil Nadu** where 12 persons were brutally killed, 8 of whom have been identified as Scheduled Castes and 90 houses damaged; from the West engulfing all the five districts of Marathwada region in **Maharashtra** where 2 Scheduled Castes/Neo-Budhas were killed by villagers, many injured, 1200 houses burnt; and 1800 persons left their villages to seek shelter at safer places to east in the Cachar District having the highest concentration of Scheduled Caste populaion in **Assam**.

Suggestions to Control atrocities on Scheduled Castes and Scheduled Tribes

9.2. In the Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the years 1975-77, the following important suggestions were made to put a stop to the atrocities on the Scheduled Castes and Scheduled Tribes :—

- (i) Incident-prone areas should be located and preventive steps taken in time to redress the local socio-economic grievances of Scheduled Castes to avoid occurrence of unhappy incidents.
- (ii) Selected officers from the Revenue Department should tour in the rural areas and identify incident-prone pockets and their reports should be promptly attended and suitable steps taken to avoid unpleasant incidents and minimise social tensions.
- (iii) Exemplary punishment should be given to police officials, who are custodians of law and order, if found guilty of being involved in committing atrocities on Scheduled Castes and Scheduled Tribes.
- (iv) Trial in large number of pending charge-sheeted cases of atrocities on Scheduled Castes should be expedited.

- (v) Special courts with mobile units should be set up for cases pertaining to socio-economic justice.
- (vi) Processual reforms should be undertaken to treat cases of social injustice as separate from ordinary violations of law, that the law relating to burden of proof, the Evidence Act and Criminal Procedure Code suitably amended as in anti-corruption cases.
- (vii) The Panchayats should be made responsible to ensure that no hardship is inflicted on the Scheduled Caste persons by the vested interests.
- (viii) The Scheduled Castes, Scheduled Tribes and other weaker sections should be given actual possession of the land allotted to them.
- (ix) Adequate protection by the Police and the community as a whole should be provided to enable Scheduled Caste and Scheduled Tribe persons to harvest their crops.
- (x) The machinery established for the enforcement of the Minimum Wages Act in the States should ensure that the prescribed wages are paid to the labourers.
- (xi) Monetary relief to the Scheduled Caste and Scheduled Tribe victims of atrocities on the lines of the steps taken by the Government of Andhra Pradesh, should be provided.

Number of cases of crimes against members of Scheduled Castes and Scheduled Tribes

9.3. The following table based on the information collected by the Ministry of Home Affairs from the State Governments/Union Territory Administrations indicates the number of cases of crimes against the members of Scheduled Castes and Scheduled Tribes registered during the years 1976, 1977 and upto June 1978 along with percentages of increase or decrease in the number of crimes during 1977 as compared to 1976 :—

Name of the State	No. of cases registered					Percentage or decrease over 1976	Increase (+) or decrease (—) in 1977
	Scheduled Castes			Scheduled Tribes			
	1976	1977	upto* 6/78	1976	1977	Scheduled Castes	Scheduled Tribes
1	2	3	4	5	6	7	8
Andhra Pradesh	34	102	40	6	19	(+) 200	(+) 216.6
Assam . . . . .	..	..	..	..	..	..	..
Bihar	621	681	192	14	NA	(+) 9.6	..
Gujarat	203	331	398	170	407	(+) 63.5	(+) 139.6
Haryana	11	26	25	2	NIL	(+) 137	..

1	2	3	4	5	6	7	8	
Himachal Pradesh	15	42	37	..	1	(+)	180	..
Jammu & Kashmir	23	..	..	..	..	..	..	..
Karnataka	79	59	64	..	4	(—)	25.3	..
Kerala	254	233	153	30	..	(—)	8.5	..
Madhya Pradesh	1,829	3,366	2,301	521	147	(+)	84	(—) 71.7
Maharashtra	211	570	362	292	406	(+)	17.6	(+) 28.7
Manipur . . . . .	..	..	..	..	..	..	..	..
Meghalaya . . . . .	..	..	..	..	..	..	..	..
Nagaland . . . . .	..	..	..	..	..	..	..	..
Orissa	14	69	81	7	24	(+)	392.8	(+) 242.8
Punjab	147	84	30	2	Nil	(—)	42.8	..
Rajasthan	71	261	443	15	103	(+)	267.7	(+) 586.6
Tamilnadu	18	54	..	..	..	(+)	200	..
Tripura . . . . .	..	..	..	..	..	..	..	..
Uttar Pradesh	2,656	4,974	2,661	6	6	(+)	87.3	Nil
West Bengal	6	7	1	..	..	(+)	15.6	..
Pondicherry . . . . .	..	9	8	..	..	..	..	..
Dadra and Nagar Haveli . . . . .	..	8	12	NA	21	..	..	..
Delhi	5	3	4	..	..	(—)	40	..
Goa, Daman & Diu . . . . .	..	..	1	..	..	..	..	..
Arunachal Pradesh . . . . .	..	..	6	..	..	..	..	..
TOTAL	6,197	10,879	6,820	1,067	1,138	(+)	75.5	(+) 6.6

*Figures in the column indicate both Scheduled Castes and Scheduled Tribes.

9.4. It will be seen from the above table that there was an upward trend in the number of cases of atrocities on the Scheduled Castes during the year 1977 as compared to 1976. As many as 10,879 cases of atrocities inflicted on Scheduled Castes were registered during the year 1977 which amounted to an increase of 75.5% over the number of atrocities reported during the year 1976. The highest number of cases in descending order took place in the year 1977 in the State of Uttar Pradesh (4,974), Madhya Pradesh (3,366), Bihar (681), Maharashtra (570), Gujarat (331), Rajasthan (261), Kerala (233), and Andhra Pradesh (102). The number of 6,820 cases during the first half of the year 1978 reveals a rising trend and if strenuous steps are not taken by the State Governments to put a stop to the spurt in the cases of atrocities on the Scheduled Castes and the Scheduled Tribes, it is feared that the total number of cases of atrocities during 1978 may even cross the number reached during the year 1977.

9.5. State-wise and crime-wise details about atrocities committed on Scheduled Castes and Scheduled Tribes during the year 1976 are not available. An attempt has, however, been made to compile this information in this office by collecting data pertaining to 1977 through various sources. It would be observed therefrom that out of a total number of 10,879 cases of atrocities on Scheduled Castes and 1,138 atrocity incidents on Scheduled Tribes during the year 1977, crime-wise and state-wise details are available in respect of 7,851 and 544 incidents of atrocities on Scheduled Castes and Scheduled Tribes respectively. It may be relevant to mention here that since the details have been collected from different sources there are minor variations in respect of statistical information pertaining to some states like **Kerala, Rajasthan and West Bengal**. The two tables given below contain available crime-wise and State-wise details regarding incidents of atrocities on Scheduled Castes and Scheduled Tribes respectively :—

TABLE I

Number of cases or crime-wise and State-wise committed against members of Scheduled Caste during 1977.

Sl. No.	Name of the State	Murder	Violence	Rape	Arson	Other sources	Total
1	2	3	4	5	6	7	8
1.	*Andhra Pradesh	6	2	4	8	46	66
2.	@Bihar	20	40	22	32	79	193
3.	Gujarat	18	26	9	16	253	322

1	2	3	4	5	6	7	8
4.	@Haryana	2	3	1	..	1	7
5.	@Himachal Pradesh . . . . .	..	..	1	1	..	2
6.	@Karnataka	5	1	..	1	4	11
7.	Kerala	4	5	2	4	245	260
8.	@Madhya Pradesh	28	137	36	55	918	1,174
9.	Maharashtra	12	113	15	19	350	509
10.	@Orissa . . . . .	..	3	..	1	2	6
11.	@Punjab	11	19	3	2	12	47
12.	£ Rajasthan	32	99	19	42	163	355
13.	+ Tamil Nadu	1	5	1	..	46	53
14.	Uttar Pradesh	148	506	112	281	3,774	4,821
15.	West Bengal	3	1	3	2	2	11
16.	£ Delhi . . . . .	..	1	..	1	1	3
17.	£ Goa, Daman & Diu . . . . .	..	..	..	..	2	2
18.	£ Pondicherry	2	..	..	..	7	9
	TOTAL	292	961	228	465	5,905	7,851

TABLE II

Number of cases crime-wise and State wise committed against members of Scheduled Tribes during 1977.

Sl. No.	Name of the State	Murder	Violence	Rape	Arson	Other offences	Total
1.	\$ Andhra Pradesh	1	..	..	..	3	4
2.	% Gujarat	9	27	..	2	103	141
3.	£ Maharashtra	3	23	8	2	98	134
4.	Rajasthan	31	71	10	35	79	226
5.	+ Tamil Nadu . . . . .	..	..	1	..	..	1
6.	£ Uttar Pradesh	1	..	..	..	3	4
7.	Dadra & Nagar Haveli . . . . .	..	..	..	..	34	34
	TOTAL	45	121	19	39	320	544

* Information from January to July

+ Information from August to December

@ Information relates to June & July

@ Information from January to June

£ Information from July to December

9.6. It would be seen from the above that out of a total number of 8,395 atrocity cases as many as 7,851 related to Scheduled Caste persons and in 544 cases the persons belonging to Scheduled Tribes became the victims of atrocities. This shows that the atrocity victims belonging to Scheduled Castes were more than 14 times as against the sufferers belonging to Scheduled Tribes. There were 292 murder cases, 961 violence cases, 228 cases of molestation of women, 465 arson cases and the remaining 7,851 cases related to other miscellaneous offences. With regard to Scheduled Tribes, there were 45 murder cases, 121 violence cases, 19 rape cases, 39 arson cases and 320 cases related to other miscellaneous offences. As regards State-wise position, out of a total number of 7,851 atrocity cases pertaining to Scheduled Castes as many as 4,821 related to Uttar Pradesh alone. The States of Madhya Pradesh (1,174),

Maharashtra (509), Rajasthan (355) and Gujarat (253) reported comparatively more atrocity cases. In so far as atrocities on Scheduled Tribes are concerned, relatively more cases were reported from Rajasthan (226), Gujarat (141), Maharashtra (134) and Dadra and Nagar Haveli (34).

9.7. It may be relevant to mention here that the poor persons belonging to Scheduled Castes and Scheduled Tribes, particularly in the rural areas become the victims of wrath of the comparatively well-to-do persons on account of agrarian issues and denial of payment of wages at the prescribed rates. In this regard relevant portions pertaining to the chapter on Land, Agriculture and Housing may also be referred.

9.8. It is worthwhile to refer here to a study conducted by the Union Ministry of Home Affairs about atrocities on Scheduled Castes between the period 1974 and June 1976. The

Study brought out that the main causes of atrocities on Harijans were economic ; socio-religious and political tensions. The economic causes included land disputes, forcible harvestings, wage disputes, bonded labour and indebtedness, whereas the second category i.e. socio-religious and political tensions related to rape, molestation, discriminatory practices involving untouchability offences like denial of use of public utility services such as hotels, restaurants etc. Broadly, the Study revealed that the bulk of incidents of atrocities on account of socio-religious reasons covered 70% of such crimes and about 27% of crimes resulted due to economic causes. Incidents arising out of land disputes formed 18.6% of the total number of incidents of this kind (Economic Tension), forcible harvesting 7.0%, wage disputes 7.2%, bonded labour 7.6% and indebtedness 4.1%, 55.5% of these cases could not be classified due to lack of detailed information. High proportion of incidents on account of land disputes was noticed in respect of **Orissa, Andhra Pradesh, Maharashtra, Rajasthan, Gujarat, Bihar, Madhya Pradesh, Karnataka, Tamil Nadu and Uttar Pradesh**. Forcible harvesting was more pronounced in **Uttar Pradesh, Madhya Pradesh, Andhra Pradesh, Karnataka and Maharashtra**. The cases of wage disputes were relatively more in **Uttar Pradesh, Madhya Pradesh, Andhra Pradesh and Gujarat**. Incidents arising out of Bonded Labour figured significantly in **Madhya Pradesh, Uttar Pradesh, Karnataka and Andhra Pradesh**. Consistent reporting of incidents arising out of indebtedness was observed in **Madhya Pradesh, Uttar Pradesh and Karnataka**.

9.9. Consistent reporting of incidents arising out of kidnapping was observed in **Uttar Pradesh and Madhya Pradesh**. Proportionately, sizeable number of cases of rape, attempts to rape etc. were being reported from **Madhya Pradesh, Bihar, Andhra Pradesh and Uttar Pradesh**. The analysis revealed consistent reporting of incidents arising out of discriminatory practices on religious grounds from **Maharashtra, Andhra Pradesh, Karnataka and Orissa**. Proportionately, high reporting of cases of incidents of atrocities on harijans arising out of discriminatory practices was observed in **Orissa, Maharashtra, Gujarat, Karnataka, Tamil Nadu and Pondicherry**. Consistent reporting of these cases every year was observed in **Maharashtra, Gujarat, Karnataka, Madhya Pradesh and Uttar Pradesh**. The study showed 124 districts in the respective States of **Andhra Pradesh, Bihar, Gujarat, Karnataka, Madhya Pradesh, Maharashtra, Tamil Nadu and Uttar Pradesh** as severely affected areas. Of these 37 districts in the respective States of **Uttar Pradesh (6), Madhya Pradesh (9), Gujarat (5), Tamil Nadu (2), Karnataka (4), Maharashtra (6), Andhra Pradesh (3), and Bihar (2)** were classified as the most acutely affected endemic districts. It was concluded that while the general crime situation in the country had shown a decreasing trend between 1974 and 1976 with an overall decrease of 10% atrocities on Harijans in the country as

a whole showed an alarming increase of 41.9% during this period. It has, however, been maintained in the Report that incidents of atrocities on members of Scheduled Castes in which serious offences were involved showed a decreasing trend during 1974 to 1976. The number of incidents decreased by 12.2% from 8,860 in 1974 to 7,781 in 1975 and further decreased by 23.3% to 5,968 in 1976. The overall decrease during 1974 to 1976 was of the order of 32.6%.

9.10. The cases of atrocities on Scheduled Caste persons in Marathwada region of **Maharashtra** State and at a place known as Villupuram in South Arcot District of **Tamil Nadu** were investigated by the Commissioner himself alongwith Shri S. K. Kaul, Deputy Commissioner for Scheduled Castes and Scheduled Tribes and the description regarding the same is given in the subsequent paragraphs.

Disturbances in Marathwada Region of Maharashtra State on the issue of renaming of Marathwada University

9.11. In the first week of August, 1978, there were some disquieting newspaper reports like "Harijan youth axed to death in Marathwada", "Fire ball raid on Harijan huts" and "Harijans main target in Marathwada" etc. All the five districts in Marathwada region were reported to be engulfed by a major strife between Neo-Buddhas and caste Hindus over the re-naming of Marathwada University after the late Dr. B. R. Ambedkar. The Police had to resort to firing and curfew was imposed at many places to bring the situation under control. The Commissioner for Scheduled Castes and Scheduled Tribes accompanied by Shri S. K. Kaul, Deputy Commissioner undertook a tour in the districts of Aurangabad, Parbhani and Nanded from 11th August to 14th August, 1978. In the course of his tour, Commissioner met officers, non-officials and also visited a number of villages connected with the incidents in the three districts. On the 14th August, Commissioner had a meeting with Shri Sharad Pawar, Chief Minister, Government of Maharashtra at Bombay and appraised him of his impressions and made a number of suggestions for bringing about normalcy in the troubled region. A copy of the *report was sent to the Prime Minister, Minister in the Ministry of Home Affairs and the Chief Minister of Maharashtra.

The observations/suggestions made in the Report are reproduced below :—

9.12. It is difficult to describe the tragic incidents of serious nature that have engulfed more than one hundred villages in Marathwada region. The ghastly happenings have to be seen to be believed. Most of the affected families belonging to Neo-Buddhas/Scheduled Castes have lost their houses, foodgrains, clothes, utensils, fodder

and agricultural implements. They have been rendered destitute and some of them have lost their flour mills, bullock-carts, cycles and about 1,200 houses have been burnt and some of them almost razed to the ground. A large number of persons received grievous injuries and were admitted to the hospital. Six persons lost their lives during the disturbances. Three of them died as a result of police firings and three other lost their lives in clashes. Out of the three persons who died in clashes, two belonged to Neo-Budhas/Scheduled Castes and were killed by their co-villagers. The third person who died in clash was a Police Sub-Inspector in Osmanabad district. The worst affected districts were Nanded and Parbhani. The fact that more or less similar pattern of attack and arson followed in all the villages in spite of long distances is indicative of centralised planning. Prior to attacking of habitations of the weaker sections, lines of communication between Aurangabad and other areas were disrupted. Rail, road and tele-communications were the first targets.

9.13. There was hardly any civilised rule in the villages. The Administration was caught napping and could not anticipate the situation while the tensions were building up in the area. And when it did erupt in a magnitude beyond their comprehension, they had not enough men to deploy. Perhaps our Administration at the lower levels is not attuned to square up with the precise nature of socio-economic tensions resulting in serious conflagration. Such a conflagration may apparently take the form of a caste riot but it is not the same thing as a communal riot where some stray cases touching the sensitivity of a section of the community can ignite a carnage. Riots pertaining to socio-economic tensions have more positive motivation, seeking positive damage for a positive result. These require greater vigilance and commensurate action. In the context of Marathwada, although no large-scale physical violence was reported, yet the aim to cripple them economically and to completely paralyse their life as well as to strike terror in their minds was achieved with great success. Law and order machinery, moving only when the tensions have exploded, may not achieve the desired result.

9.14. To say that renaming of the Marathwada University after Baba Saheb Ambedkar was the cause of this holocaust is to touch only the fringe of the problem. It appears that the occasion was chosen to trigger off a planned attack on the Neo-Budhas and Scheduled Castes in the villages. After visiting some of the villages and holding discussions with the Government officers and public men about the situation in other villages, it can be safely concluded that in almost all these villages there did appear to be a past history of conflicts on socio-economic grounds. A detailed survey, however, would reveal the

specific nature of these conflicts. It was regrettable to note that in almost all the villages the Government functionaries like Police Patils, Teachers, Gram Sevaks as well as Sarpanches and members of Panchayats did not try to prevent perpetration of atrocities on the Scheduled Castes/Neo-Budhas. In fact, in many cases, it was reported that these persons actively participated in acts of arson and vandalism. These incidents highlight the failure of the Panchayats to protect the weaker sections. It is high time that some methods are evolved to make the Panchayats accountable for their failure to prevent the atrocities on the weaker sections in their areas.

9.15. There was conspicuous absence of social workers and voluntary organisations to supplement the efforts of administration for bringing about normalcy and restoring confidence amongst the victims.

9.16. Giving merely sustenance allowance of Rs. 50 per head for 15 days will not heal physical and mental wounds afflicted on Scheduled Castes/Neo-Budhas. It was observed that there was a demand from a large number of Scheduled Castes/Neo-Budhas that they be shifted to separate settlements at new places. Among the ardent supporters of this move are some well-educated urban-based intellectuals among the Neo-Budhas. As the situation stands today, the idea is well received among the Neo-Budhas and Scheduled Castes due to their psychosis of fear. They appeared to be unmindful of the extent to which the implementation of such a proposal will harm their own interests and strike at the root of integration. It is, however, a fact that segregation is a bane of our village community which needs to be done away with rather than accentuated by crystallising exclusive settlements. However, to wean them away from such a course, it may be necessary for the State Government to take such deterrent measures as would create abiding sense of security in these communities. Keeping this end in view, it was suggested to the Chief Minister of Maharashtra that collective fines should be imposed in the riot-torn villages followed up with a policy announcement that atrocities on weaker sections would be treated on these lines. This should definitely encourage the Scheduled Castes and Neo-Budhas to return to their villages.

9.17. It was reported that at Milind College in Aurangabad established by Dr. B. R. Ambedkar, there are about 6,000 Scheduled Castes/Neo-Budha students studying in various faculties like Arts, Science, Commerce and Law. In Aurangabad town, almost all the colleges have acquired caste character and are virtually single-caste institutions. To cite a few examples, Saraswati Mahavidyalaya is mainly dominated by upper-caste and non-Marathas. The Devagiri College is reported to be predominantly a Maratha Institution. Maulana Azad College

caters mainly to the Muslim sections and Vasantrao Naik College is managed by Banjaras. The segregation in the educational institutions is virtually the rule in many areas of Maharashtra. The caste tensions, however, are more pronounced in Aurangabad where the elections to student and teacher bodies are conducted invariably on caste lines. Perhaps in no other city the Scheduled Caste and Neo-Budha students are as well organised as in Aurangabad town. The education has no doubt imparted them a certain amount of consciousness of their rights as also militancy. It is quite possible that the caste tensions permeating the Aurangabad college have a tendency to spill over to other areas from where the students come. It is significant to know that nearly 80 per cent of the students in Milind College are drawn from Vidharba, while the large majority of the students of other colleges belong to Marathwada.

9.18. The demand for renaming of Marathwada University has a long history. The Neo-Budhas had been demanding that Marathwada University should be named after Dr. B. R. Ambedkar. In June, 1977 the Executive Council of Marathwada University had adopted a resolution recommending a change in the name of the University and there was no protest. A Committee of Citizens belonging to all faiths had met some time later at Aurangabad and had supported the move to rename the University. It was only after two Houses of Maharashtra Legislature adopted a resolution about renaming the University that an agitation was launched simultaneously with the announcement. Therefore, it may not be proper to hold that Neo-Budhas and Scheduled Castes were subjected to indignities because of the renaming of the University because they were the only supporters of the move. Moreover, poorer sections in selected villages of all the five districts of Marathwada, who were made the targets of caste frenzy, had hardly anything to do with the affairs of the University.

9.19. Some quarters and particularly the leaders of Vidharthi Kirti Samiti, which spear headed the agitation alleged that the implementation of the Protection of Civil Rights Act and the harassment caused to the persons accused under the Act was a contributing factor in creating social tensions in the town and villages. It was further alleged that the percentage of reservations provided for the Scheduled Castes and Neo-Budhas for entry into Government services, their selection on the basis of relaxed standards and reservations in promotions were also major factors in creating bitterness in the minds of other sections of the population. The educated unemployed amongst the non-Scheduled Castes/Neo-Budhas felt that they were being denied opportunities for gainful employment in services under the control of the Government and Public Sector Undertakings. During the course

of the visit, an effort was made to find out if there was any co-relation between the incidents that occurred in a particular village and the cases registered under the Protection of Civil Rights Act. But as necessary information was not readily available, this plea for estrangement between the Neo-Budhas/Scheduled Castes and other sections of the community could not be verified.

9.20. It is possible that an atmosphere is being sought to be created to initiate an agitation against reservation in services and legislatures. In fact an inkling of its possibility was hinted by a journalist at Nanded. According to him, the next demand of the agitators would be for the withdrawal of political and services reservations. This needs cautious watching since any such move anywhere may have a tendency to spread to other parts of the country posing serious law and order problem. It may be advisable to identify forces at work and to deal with them in time.

9.21. The disturbances have brought to the fore the inadequacy of our preventive machinery. Despite the guidelines from the Centre, not much seriousness seems to have been exhibited on this aspect.

9.22. The magnitude of the atrocities and the losses sustained by the weaker sections makes it necessary that not only relief but full rehabilitation and compensation are given to the victims. So far the Government had announced a grant of Rs. 1,500 for the construction of houses, which is not at all adequate. What was needed is not only the construction of houses costing about Rs. 5,000 to Rs. 6,000 but also substantial lumpsum grant for their proper economic rehabilitation.

9.23. If the State Government proposes to appoint a Judicial Commission to go into these incidents, it is felt that a Judicial Commission as understood in the normal sense may not be enough in such cases involving socio-economic causes. In that case it would be more desirable to have at least a three-man commission with two social scientists on it to make an indepth study and suggest remedial measures.

Incidents of violence on Scheduled Caste persons in Villupuram, South Arcot District of Tamil Nadu State

9.24. The Commissioner for Scheduled Castes and Scheduled Tribes accompanied by Shri S. K. Kaul, Deputy Commissioner visited Villupuram in South Arcot District where cases of evidence, on Scheduled Caste persons were reported in the month of July, 1978. In the course of this tour, besides visiting the affected areas, the Commissioner met the State Chief Minister, Harijan Welfare Minister, important officials and non-officials as well as the family members of the victims. Commissioner went round the houses

of Scheduled Castes in the Periya Colony where the houses of Scheduled Caste persons had been set on fire, and Naickan Thope Colony where the persons belonging to other categories suffered damages. The ladies belonging to Scheduled Caste alongwith their small children were found sitting near their gutted houses without any shelter and appeared to be in the grip of peril. Several Scheduled Caste women narrated tearful woes to the Commissioner as to how persons of the adjacent colonies had set fire to their houses and killed their menfolk. Some of them complained that they were not allowed to go for the identification of their dead. The Commissioner could not meet the male members of the affected families as all of them had left their places on account of fear. The ladies were worried about the safety of their menfolk. The Commissioner was informed that the district authorities had been giving food packets as well as rice, kerosene oil and clothes etc. to the affected families. Commissioner saw burnt shops and houses on the roadside. He also visited the hospital to enquire about the condition and number of persons injured during the occurrences and was informed that between 24th to 28th July, 1978, 37 non-Scheduled Caste and 9 Scheduled Caste persons were injured. It was also stated that only male persons received injuries and 1 person each belonging to Scheduled Caste and non-Scheduled Caste received serious injuries and the remaining persons sustained minor injuries. Most of the injured persons were between twenties and thirties. Subsequently the Commissioner visited Marudhur Tank which lies adjacent to the Railway line running from Egmore (Madras) towards Villupuram and further to Irichi. From this tank six bodies of the dead had been recovered. The Commissioner saw the railway culvert from where three bodies with their hands and feet tied had been recovered by the police. The Commissioner also visited Enunanthangalari, a small tank and grazing ground lying east of the town, from where three bodies were recovered by the police. Of the 12 persons who lost their lives, 8 have been identified and all of them belonged to Scheduled Castes. It was learnt that 94 families of Scheduled Castes and 126 families belonging to non-Scheduled Castes were affected in the incidents. Houses of 63 Scheduled Castes and 115 houses and 15 shops of non-Scheduled Castes were damaged during the riots. It was observed from the information received after the visit of the Commissioner that a total number of 112 Scheduled Castes and 174 non-Scheduled Caste families were affected and 90 houses of Scheduled Castes and 107 houses of non-Scheduled Castes were damaged. A rough estimate at the time of the visit of the Commissioner revealed that the Scheduled Caste persons had suffered losses to the tune of Rs. 3.44 lakhs.

9.25. On 3rd August, 1978. Commissioner had detailed discussions with Shri M. G. Rama-

chandran, Chief Minister of Tamil Nadu and at that time Ministers for Revenue, Agriculture and Labour and Secretary to Chief Minister; Secretary Social Welfare and Director, Harijan and Tribal Welfare were also present. Commissioner brought to the notice of the Chief Minister that he had been given to understand by some officers that there had been a long history of conflict between caste Hindus and Scheduled Castes but the matter had not been made very clear by them. Commissioner referred to the happenings at Villupuram as 'terrible' and 'undecipherable'. He further informed that the situation in the town had not become normal even till that time. Commissioner referred to the closure of educational institutions, shops and buses etc. and stated that all these activities were controlled by non-Scheduled Castes and how could the Scheduled Caste persons be blamed for the non-functioning of school, shops, markets and buses. The Commissioner suggested to the Chief Minister that the first task of the administration was to instill confidence among the affected people and initiate long term rehabilitation measures which were more important besides the immediate help that was being given to the affected families. He further stated that unless basic causes relating to socio-economic backwardness of Scheduled Caste persons were removed, there would be recurrence of such incidents which should not be treated as mere violation of law. The Chief Minister stated that at times Scheduled Caste persons were exploited by their own brethren and the welfare measures that were being undertaken by the Government for the Scheduled Castes led to resentment amongst other sections who were more or less in the same economic position. The Chief Minister stated that unlike some others in the North, his party was not content with giving only concessions to the Scheduled Castes but rather they were wedded to the ideal of a casteless society. He further stated that in 1972, the State Government had given assistance to the Scheduled Castes for construction of fire proof houses after their houses were burnt in a fire but if a programme for construction of houses for affected Scheduled Castes families alone was taken up it would generate genuine resentment among others who have also suffered in these incidents. As regards rehabilitation programme of the Scheduled Caste families was concerned the Chief Minister stated that his two Ministers had already visited Villupuram but no one came to represent his/her grievances. He further stated that though the shops were looted in the course of the happenings, the miscreants could not be identified and this work could be done by the Judicial Commission that have been appointed by the State Government. Commissioner observed that the setting up of the Judicial Commission should be viewed differently from other Judicial Commissions and it was suggested that the Commissioner should go into

the root causes of this incident and suggest remedial measures instead of merely finding out guilty persons for their acts of commissions and omissions. He further pointed out that the most important task was to instill confidence amongst Scheduled Caste males so that they could return to their houses and construct temporary sheds till their houses were rebuilt and arrangements made for their economic rehabilitation.

Cases related to Police firings on Scheduled Castes at various places in Agra City in May, 1978

9.26. On receipt of information about the incidents of atrocities on Scheduled Castes in Agra City where a number of persons belonging to Scheduled Castes were reported, curfew clamped, and Army called in to help the civil administration to maintain law and order, the Commissioner deputed an Investigating Team under Shri R. Zakhuma, Deputy Commissioner for Scheduled Castes and Scheduled Tribes to Agra. *A report about the findings is given in the subsequent paragraphs. It may be incidentally mentioned that it was suggested in the report that judicial enquiry should be made into these incidents and it is good to note that such an enquiry has been ordered by the State Government.

9.27. The genesis of the incident can be traced to the untoward happenings on 14th April, 1978 when persons belonging to Scheduled Castes took out a procession to celebrate the birth day of Dr. Baba Saheb Ambedkar. It may be mentioned that since 1957 every year a procession is taken out in Agra through a number of areas of the City. Over the years, it has become an important event when people from rural areas also visit Agra city to participate in the celebrations. It was understood that necessary permission of the district authorities had been obtained for taking out the procession and the authorities concerned had also made arrangements to maintain law and order situation. The procession started from a place known as Tila Shekh Mannu and covered more than 20 places before returning to the place of start. The procession of 14th April, started at about 8.00 p.m. and terminated at 10.00 A.M. next morning. When the tail end of the procession was passing through a place known as Rawatpara, 3 stones and a wooden log were allegedly thrown on the processionists from the roof of a three-storeyed building, but no one was hurt. However, the log of wood fell on the police vehicle and a beggar who also had joined the procession got some minor injuries. The processionists wanted the police authorities to round up the miscreants from the roof of the house from where the mischief had been done. This incident took place at about 11 p.m. and at that time except for some small tea and pan shops the rest of the shops had closed down. It was reported that some of the processionists

became angry and caused some damage to some tea and pan shops. But the main procession passed off without further trouble.

9.28. According to the information provided to the Study Team, some caste Hindu Shopkeepers of Rawatpara lodged an F.I.R. with the local police on 15th April, 1978 alleging that their shops had been looted on the earlier day. But no F.I.R. was reported to have been lodged by the processionists complaining about the stone throwing on the procession.

9.29. In protest to the incident of 14th April, members of the Scheduled Castes wanted to take out a silent procession on 23rd April, 1978 through a route including Rawatpara. On the 22nd April, 1978 there was discussion between the District Authorities and the leaders of the Scheduled Castes which lasted upto 2 a.m. The District authorities tried to persuade them not to take out the procession; if they insisted the procession must not pass through Rawatpara. The District Authorities informed the team that the leaders of the Scheduled Castes had promised not to take the procession through Rawatpara but through Jahauri Bazar. The Scheduled Caste leaders, however, when asked, stated that they had never promised that the procession in no case should be taken to Rawatpara but only agreed to persuade the processionists to avoid Rawatpara. In view of these conflicting versions the Study Team wanted to have a copy of the written permission indicating the route of procession. The District authorities, however, did not provide the team with any such papers. However, when the procession reached the diversion of Rawatpara in Jauhari Bazar at about 11 A.M., some of the processionists wanted the procession to pass through Rawatpara bazar the district authorities tried to persuade the processionists not to go through Rawatpara Bazar and they were reportedly joined by some of the leaders of the Scheduled Castes in their efforts. But some of the processionists were adamant and as soon as the procession proceeded towards Rawatpara Bazar, the district authorities ordered a lathi charge. It was alleged that the lathi-charge was not confined to that section of the procession trying to enter Rawatpara bazar, but the entire procession front, middle and rear were simultaneously lathi-charged. The district Magistrate denied this allegation and said that only that part of the procession which tried to enter Rawatpara was lathi-charged. But the version of the lathi-charge as given out by the ADM (City) to the Study Team appears to provide some support to the allegation. He stated that when lathi-charge was ordered it was carried out simultaneously at every point. This would be evident from the fact that the lathi-charge was carried out by the P.A.C. and local police personnel who were stationed at Rawatpara crossing and by those who accompanied the procession. The Scheduled Caste leaders complained that the

* Complete Report may be seen at Appendix Ixv.

lathi-charge was ruthlessly carried out. A police truck accompanying the procession was burnt. Some of the processionists including their leaders were arrested. The District Magistrate informed that the procession was supposed to be a silent one but some slogans were also raised stating 'come what may the procession would pass through Rawatpara'. It is not known at what stage the slogans were raised whether during the tension at the crossing of Rawatpara and Jauhari Bazar or earlier as alleged by the District Magistrate.

9.30. From 24th April, 1978 onwards the Scheduled Castes decided to court arrest at the Collectorate by peacefully violating section 144 Cr.P.C. This process continued upto the 29th April, 1978. However, it could not be known from the district authorities as to how many persons courted arrested during this period. 30th April, 1978 happened to be Sunday and there was no arrest.

9.31. The team was informed that on 1st May, 1978 about 200 Scheduled Caste persons reached District Collectorate at about 10-30 A.M. and about two truck loads of them were arrested and sent away and the remaining were not transported but kept waiting. It seems that some persons belonging to Scheduled Castes entered the Court premises and there were unpleasant exchanges between the Scheduled Caste persons and the district authorities. The Scheduled Caste persons complained that one Police Inspector had insulted their advocate by using derogatory words against their caste and grabbed their advocate by the collar of his shirt. This seemed to have enraged the mob which broke the window panes and upturned furniture. The police lathi-charged these people and chased them away from the Collectorate. People assembled in large numbers on hearing about the lathi-charge and some buses were burnt at various places and attempts were also made to remove fish-plates from the railway lines near the Collectorate. Probably they also threw a highly inflammable matter used in the manufacture of shoes at some places and the trouble spread in the City.

9.32. Orders to open fire on the mob were given at places like Chakipat Bazar and Kazipara on 1st May, 1978. At about 12.30 p.m. Ashok Babu, s/o Shri Ram Singh, who happened to be returning after appearing in his Matriculation examination died on account of police firing at Chakipat Bazar. The father of the boy stated that his son was fired at and killed on the spot by the Caste Hindu Sub-Inspector of Police, named Shri B. K. Tyagi of Hari Prabat Police Station, Agra. However, one Police Inspector named Hari Ram Labh of Rakabganj Police Station informed the Study Team that Ashok had died from gun shot injuries when he had to open fire in self-defence. He added that the boy was armed. It has been acknowledged

that the deceased Ashok Babu was involved in a police case and had been arrested earlier. ADM (City) who came on the spot ordered firing to disperse the mob. As a result Ashok's elder brother Bharat Singh also received bullet injuries and was lying wounded at his home. Another person named Daya Singh got bullet injuries and had been admitted to the All India Institute of Medical Sciences, New Delhi.

9.33. Kazipura is an adjacent Harijan habitation. In this Mohalla a Scheduled Caste lady named Smt. Rameshri was killed on account of police firing inside a room of the first storey of a building. Some of the Scheduled Caste persons stated that the firing by the police jawans including P.A.C. constables was done from a place owned by one businessman named Bansal who was in league with the Police. It was even suspected that the deceased Smt. Rameshri was killed by the associates of this businessman. Three persons belonging to Scheduled Castes were stated to have received bullet injuries and about 30 Scheduled Caste persons got injuries on account of lathi-charge etc. When Shri Ram Kumar Kanwar, A.D.M. was questioned about Police firing and the death of Smt. Rameshri inside a room on the 1st floor of a building, he informed that though he was present it was not possible to see everything what happened.

9.34. From Chakipat Bazar the PAC force proceeded towards a Harijan habitation known as Chakipat Mohalla in Machhli Bazar which is located behind the City Transport Building. At this place, 7 houses of Scheduled Castes and 2 of Muslims were burnt and their belongings like carpets, leather goods were also allegedly burnt by the police and some employees of the Transport Corporation and by some Caste Hindus. One Shri Nathi Lal, about 30 years of age, was fired at while standing on the roof of his house. After he was fired at he fell from the roof and was left unattended to die after some time. His dead body was taken away by the police to the hospital. The aged mother of the deceased Nathi Lal and some other Scheduled Caste persons of the Mohalla were also reported to have been beaten up by the police. It was reported to the Team that the articles collected for the marriage ceremony of the deceased's younger brother Shri Dwarka were also taken away by the police. Generally, when an unruly mob commits acts of arson, the targets normally are government properties and those belonging to well-to-do sections. But it is somewhat curious to note that in this case, the houses burnt were small hutments, belonging to poor labour class and shoe makers and it was alleged by the authorities the houses were put on fire by the owners themselves and one of whom died as a result of police firing.

9.35. It was alleged that the brutalities on Scheduled Caste persons were committed by the police in the various Harijan habitations of th

city simultaneously. Some such localities were visited by the Study Team. At a place known as Sheo Dasani Nagar about 50 persons belonging to Scheduled Castes got injuries on account of lathi-charge and police firing. Two Scheduled Caste youngmen named Ganesh son of Samrati Lal and Ravinder son of Babu Lal lost their lives. It was also alleged that the police entered the houses of the Scheduled Caste persons and damaged and looted their property. A Scheduled Caste employee of P & T Department was also caught and severely beaten by the police. The ornaments and the wrist watch belonging to his wife were snatched away by one P.A.C. Jawan. She and her mother-in-law were beaten up. The motor-cycle belonging to a Scheduled Caste person named Ratten Singh of this Mohalla was also burnt by the police. Some finished pair of shoes and cash belonging to Ratten Singh had been taken away by the P.A.C. Jawans. The Study Team saw at least 10 houses belonging to Scheduled Caste persons in which the police personnel had, as alleged, forcibly entered and caused damage to their property. The Study Team was also shown the injuries caused to the inmates of the locality.

9.36. At Prakash Nagar, one married Scheduled Caste young girl named Meena wife of Shri Moti Lal informed the Study Team that some members of the P.A.C. Force had forcibly entered their houses and taken her to the Hari Prabat Police Station alongwith 14 other Scheduled Caste persons. She complained that her ornaments and other articles worth Rs. 25,000.00 were taken away by the police. Her clothes had been torn and she was helped by a Scheduled Caste person who gave her a set of bushirt and pyajama to wrap round her body. Her mother and aunt were also beaten up by the police. She stated that she had been kept at the police station alongwith 14 other Scheduled Caste persons for about 24 hours and in the course of this period they were not even provided with drinking water. It was further alleged that a Sub-Inspector named Shri Tyagi tried to misbehave with this girl. She, however, informed that no assault was committed on her. After this 24 hours of remand they were sent to jail where the girl was kept for three days and subsequently released from the jail. The Team was shown the broken doors and damage done to the big steel trunk said to have been done by the police.

9.37. The inhabitants of Bara Khamba, a predominantly Scheduled Caste locality complained that their area was attacked jointly by the local police of police post Sarai Khawaza and P.A.C. on 1st May, 1978. 15 persons were said to have received bullet injuries and more than 100 persons received lathi blows. The property of the Scheduled Caste persons of this area was also reported to have been looted by the police personnel. Scheduled Caste persons bitterly complained about the behaviour of one

Sub-Inspector named Chauhan of Sarai Khawaza Post.

9.38. In another predominantly Scheduled Caste area of Jagdishpura about 100 persons were reported to have received injuries and 10 out of them got bullet injuries, as a result of police firing and lathi charge on 2nd May, 1978. 2 Scheduled Caste persons named Ram Swaroop aged about 40 years and Roop Singh aged about 25 years were killed in police firing. The police also did not allow the bodies to be removed from the spot. The people stated that the police firing was unprovoked. Curfew was reimposed after the firing for the whole night, and during this period, the P.A.C. Jawans were alleged to have attacked the Scheduled Castes by forcibly entering their houses, beating them and looting their properties. The injuries caused by bullets and lathis were seen by the Team.

9.39. The Study Team visited District Jail, Agra on 5th May, 1978 and held discussions with Shri P. S. Sisodia, Superintendent of District Jail, Agra, who informed that 249 persons belonging to Scheduled Castes had been put in the Jail. 242 persons had been arrested under substantive sections i.e. 147, 148, 149, 332, 436 and other sections of the I.P.C. The remaining 7 persons were arrested U/S 188 of I.P.C. The Study Team was given to understand by the Medical Officer of the District Jail that he had prepared a list of injured persons. Many of them appeared to be quite seriously injured. When asked if Jail authority had a list of seriously injured persons, the Medical Officer replied that they had no separate list of seriously injured. Of 57 injured persons, one was reported to be suffering from tuberculosis and two others from paralytic stroke. One student was also inside the Jail who was to appear in the Board examination. A boy of about 20 years of age had been beaten so seriously that he could not stand and walk.

9.40. The Study Team visited two hospitals namely District Hospital and Sarojini Naidu Hospital. At the District Hospital, 8 Scheduled Caste persons were found to be suffering from serious gun shot injuries and on P.A.C. Jawan had been injuries stated to have been caused by brick throwing. On the day of the visit, 32 injured Scheduled Caste persons were reported to have been discharged after giving first aid on 1st May, 1978. The Medical Superintendent informed the Study Team that 18 injured persons were admitted to the Hospital out of which 1 died, 2 transferred to Sarojini Naidu Hospital and the rest got discharged, including one against medical advice. 73 police personnel were brought to the hospital between 1st to 5th May, 1978. However, it is significant to note that most of these police personnel were brought to the hospital after 3rd May, 1978. Upto 3rd May, only injured police personnel came to the hospital. All were discharged after first aid except one P.A.C. Jawan who had head injury.

9.41. At the Sarojini Naidu Hospital as many as 21 injured Scheduled Caste persons from various localities were admitted out of which 13 were having gun shot injuries and 8 others had sustained injuries by blunt weapons. All of them were admitted on 1st May, 1978. On the other hand on 2nd May, 1978, 7 constables belonging to P.A.C. Police Force were admitted. 5 had sustained simple and 2 serious injuries.

9.42. The exact details about the injuries suffered by the persons belonging to Scheduled Caste could not be known by the Study Team. The District authorities merely stated that 34 Scheduled Caste persons had received injuries and the news was duly published in the newspapers. However, at the jail it was learnt that at least 57 injured Scheduled Caste persons were brought to the jail and there were many more who were treated by private doctors in various localities. It was estimated by the Study Team that the figure of injured persons belonging to Scheduled Caste ran into hundreds and the figure of 8 Scheduled Caste persons who lost their lives as a result of police firing seems to be correct.

9.43. On 4th May, 1978, the Team met Shri Ramji Lal Suman, M.P. He felt that the District Administration as well as the leaders of the Scheduled Castes should have acted in a responsible manner during the celebration of birth anniversary of Dr. Baba Saheb Ambedkar on 14-4-1978. He held the view that Dr. Ambedkar being a celebrated national leader, the Scheduled Caste persons should have associated some non-Scheduled Caste people with the celebrations as had to be done earlier. Similarly the District Administration lacked the necessary vigilance of earlier years. He was of the view that had the district officials taken necessary precautions on the very first day of the occurrence of the incident, i.e. 14th April, 1978 and rounded up anti-social elements the situation could have been brought under control. He was also not satisfied with the action taken by the State Government.

9.44. Shri S. N. Chaturvedi, M.P. informed the Study Team that he had left Agra on 30th April, 1978 and was not present in the city on 1st May, 1978. However, he was of the view that the Scheduled Caste persons could have invited other reputed persons belonging to various sections of the non-Scheduled Caste communities in the birthday celebrations of Dr. Baba Saheb Ambedkar, as used to be done in the earlier years. He also stated that as per his information some loss had been suffered by the non-Scheduled Caste shopkeepers of Rawatpara Bazar on 14th April, 1978 and they had also lodged their complaint with the police to this effect. According to him the confrontation was only between the Scheduled Caste persons on the one hand and local police and P.A.C. Force on the other. He felt that the district administration had not handled the situation adequately, but he justified their action.

9.45. Shri Gulab Chand Sehare, M.L.A. was of the opinion that the Caste Hindus have become jealous on account of the prosperity of the Scheduled Caste persons. He thought it possible that the stones thrown at the procession on 14th April, 1978, might have been hurled by persons belonging to R.S.S. According to him the police should have rounded up the miscreants and those who created resentment amongst Scheduled Caste persons. He was of the view that excesses were committed by the P.A.C. Jawans on account of caste prejudices because the P.A.C. Force consisted mostly of persons belonging to Jat and Yadav communities. He also did not believe that the objection to the taking out of procession by some elements at Rawatpara was due to the location of a temple there, as alleged by some members of the Scheduled Caste, but because of the influence of R.S.S. elements.

9.46. Shri S. D. Paliwal, M.L.A. appeared to have analysed the situation systematically and logically. He was of the view that the district administration had not handled the situation properly. He pointed out that the places where public properties like buses etc. were damaged, there was no firing. For example, in the areas known as Sunderpara and adjacent to the railway track where buses were burnt or fish plates allegedly removed, no firings were resorted to, but in the local habitations of the Scheduled Caste persons where there was no such indulgence in violent activities or arson, firing was resorted to.

9.47. The District Magistrate informed that on the request of Jatavs, P.A.C. had been withdrawn and C.R.P. had been posted in Harijan Mohallas. The Study Team observed that the Scheduled Caste persons were quite satisfied with the posting of C.R.P. It is also learnt that Government of Uttar Pradesh have transferred the District Magistrate and S.S.P. from Agra. As far as the victims are concerned, it has been reported in the newspapers that the State Government has decided to pay cash relief at the rate of Rs. 5,000.00 each to the relatives of the persons who were killed. An amount of Rs. 2,000.00 will be given in case of seriously injured and Rs. 500.00 each to those who sustained simple injuries. It was also learnt from the District Magistrate that a meeting was held under the Chairmanship of the Divisional Commissioner in which local leaders, I.G. of Police, district level officers, local M.Ps. and M.L.A.s. and prominent persons of different communities had participated to discuss measures for restoring normalcy in the city.

9.48. In the course of the discussions held by the Study Team with the members of the public, leaders of the Scheduled Castes, people's representatives and officials of the Agra District, the Study Team heard many versions of the

incidents. The Study Team also visited the spots where police firings had been resorted to and the houses of the Harijans which were allegedly either burnt, ransacked or looted by the police personnel. The Team also went to the two hospitals where the injured persons were given treatment and also the District Jail.

9.49. It is felt that the district administration could have taken more comprehensive measures to prevent the occurrence of this incident at the sensitive area called Rawatpara when the procession was to be taken on 14th April, 1978. The Team was informed that there had been some trouble at this place even on earlier occasions at the time of celebrations of birth anniversary of Dr. Baba Saheb Ambedkar during 1974. The Team was informed that precautionary measures were taken in the subsequent years to avoid recurrence of trouble on the occasion of taking out of procession to celebrate the birth anniversary of Dr. Ambedkar, although in 1977, according to some Scheduled Caste leaders, an attempt was made to put out of action the generator for supplying electricity at the same place. The District authorities ought to have taken these facts into consideration and at least after the incident of stone throwing on 14th April, 1978, the police could have taken more sincere and visible action to apprehend the culprits so as to assuage the feelings of the Scheduled Castes. Some Scheduled Caste leaders stated that there was an objection on the part of the people living at Rawatpara because of the location of Shiv Mandir near the route of the procession. The Study Team also visited the temple and they talked to a few people. The Team could find no solid support to this notion. However, it may be difficult to rule out the possibility of the temple being one of the reasons of tension without sufficient probe.

9.50. So far as the incident of 23rd April, 1978 is concerned, it would appear that the district authorities had correctly decided not to allow the procession to pass through Rawatpara in view of the potential trouble. However, the lathi charge seemed to be indiscriminated and excessive if the versions of the Scheduled Caste people were to be given any weight. It was also gathered that some caste Hindus had assembled at Rawatpara obviously to create trouble if the procession were to pass through Rawatpara. It was not known what action had been taken by the Police against these people and if they had taken no action the reasons for such in-action.

9.51. So far as the incidents of 1st May, 1978 are concerned, it is difficult to reconstruct the sequence of all events in detail. There were many incidents at various localities of the city almost simultaneously. However, one could easily arrive at the conclusion from information collected by the Study Team that the police

actions were far in excess. Some of these incidents have already been given in detail. Some of the pertinent observations of the Team are as follows:—

- (a) It is a fact that on 1st May, 1978 some buses were burnt at various places and other acts of hooliganism committed by some people. It is observed that no firing had taken place at any of the spots where buses were burnt or where the fish plates of the railway lines were said to have been removed. On the other hand the firings were resorted to in about 5 mohallas of the Harijans. Except in two or three places, the firings were resorted to in the bye-lanes or inside mohallas killing people inside or on the roofs of the houses. Normally, it would be expected that firings were resorted to against mobs when confronted with the police in an open place like streets. But here the police seem to have hunted down some of the Harijans inside their mohallas and fired indiscriminately into the houses and by-lanes.
- (b) As already observed the case of Chakipat mohalla is peculiar. Here seven houses belonging to poor Harijans against whom the police resorted to firing were burnt. The allegations of the Harijans that police fired from the roof of the transport building into the Harijan habitation killing at least one person and that after the firing was done, some people who were in league with police came and burnt down their hutments, seems to be quite possible, even probable, especially when the district authorities could have no other version or explanation.
- (c) It was observed that the police did enter the Harijan mohallas during and outside the curfew hours and assaulted people and forcibly entered their houses. The allegation that the police personnel also resorted to looting of materials and cash seems to be correct at least in some cases.
- (d) A view has been expressed in some quarters that all these incidents were pre-planned. But the Study team is of the view that these incidents were spontaneous and did not come across any evidence of planned preparation.
- (e) It was observed that the police had also not only entered the houses of the Harijans but mercilessly beaten innocent women in their houses. The case of Smt. Meena has been mentioned in the report. The Study Team met many Scheduled Caste persons who had suffered serious physical injuries at various places.
- (f) The Team found the injuries suffered by the police were very light as compared to the injuries suffered by the Scheduled

castes. Though the figure of injured persons was stated to be only 34 by the district authorities, the actual figure of the injured persons ran into hundreds. On the other hand the injured persons among the police were very few. Only about half a dozen were admitted to the hospital.

- (g) While many incidents occurred on 1st May, 1978 and only one incident on 2nd May, 1978, it was not understood why the bulk of the police personnel, who were supposed to get injuries, reported themselves to the hospital on 4th May, 1978 and afterwards.

9.52. It may be observed here that a number of cases of atrocities on Scheduled Castes occurred in Bihar State and one such incident at Bishrampur in Rohtas District was got investigated by the Commissioner through deputing a Research Officer and the main findings of which have been given in the Chapter on Land, Agriculture and Housing programmes.

9.53. A number of cases of atrocities on the persons belonging to Scheduled Castes and Scheduled Tribes were referred by the Commissioner to the Zonal Directors (Backward Classes Welfare)/ex-officio Deputy Commissioners for Scheduled Castes and Scheduled Tribes who got these matters enquired into by deputing their officers or through correspondence with the authorities concerned. Some of these cases given below are discussed in the subsequent paragraphs:

1. Murder of Scheduled Caste persons in Dharampur Village of Bhojpur in Bihar State.
2. Murder of a Scheduled Caste person in Seotha Village of Bhojpur in Bihar State.
3. Murder of a Scheduled Caste person of village Santrapur, Thana and Sub-Division Angul, District Dhenkanal, Orissa State.
4. Molestation of a woman of village Bhallukhandupalem, Guntur District, Andhra Pradesh.
5. Assault on a Scheduled Caste lady of village Khewra, District Sonapat in Haryana State.
6. Molestation of a Scheduled Caste girl of village Langra Thana. Pataudi, District Gurgaon, Haryana.
7. Molestation of Adivasi girls of village Karketa near Barkela, Chaibasa Sadar of Singhbhum District, Orissa.
8. Molestation of a Scheduled Caste girl of village Dandkhora, Katihar District, Bihar.
9. Incident relating to chopping the ears of a Scheduled Caste boy of village Hasora, Alwar District of Rajasthan State.

(1) Murder of Scheduled Caste persons in Dharampura village of Bhojpur in Bihar State

9.54. As per newspaper reports 4 Scheduled Caste persons were killed and 4 others including

3 women injured, when a group of armed men belonging to upper castes attacked them on 20th October, 1977 in Dharampura village of Bhojpur in Bihar State. The Commissioner got this matter investigated through Zonal Director, ex-officio Deputy Commissioner for Scheduled Castes and Scheduled Tribes, Patna. It was revealed that the incident took place during day time on 20th October, 1977 when most of the villagers had gone to a nearby village for celebrating **durgapuja**. Meanwhile 2 villagers came to the house of Scheduled Caste persons and informed them to go to the Mahantji for amicable settlement regarding share cropping dispute. The Scheduled Caste persons were reported to have replied that they would do so after some time. However, after about 20 minutes a mob of about 60 persons led by the Mahantji of the village temple came and attacked the Scheduled Caste persons. In the raid two Scheduled Caste persons died on account of gun shot injuries. The mob caught hold of two Scheduled Caste persons and dragged them to a nearby house and put them to death. In all 4 Scheduled Caste persons were murdered and 4 others (one male and 3 females) were injured. It was further revealed that persons belonging to various communities such as Scheduled Castes, Ahirs etc. had been cultivating about 180 acres of land belonging to Mahantji for the last 12 years. The Mahantji is reported to have purchased a tractor in 1974 and made efforts to remove the share croppers from his lands. The share croppers filed a petition in the Court in June/July, 1975 for protection of their interests and continued cultivating this land. At harvesting time the Mahantji also filed a suit against 55 persons and the matter was reported to be pending with the police. The Police Inspector at Buxar is reported to have submitted an investigation report against share croppers stating that they had forcibly harvested the crops. The share croppers were reported to have complained to the S.D.O. about this Report of the Police Inspector and the S.D.O. conducted further inquiry into the matter and also constituted a tripartite agrarian dispute settlement board as provided under the Bihar Bataidar Act. As regards the action taken in the matter, the Chief Minister of Bihar is reported to have visited this village and sanctioned an amount of Rs. 5,000 in respect of each person killed in the course of this unfortunate happening. Out of 44 persons accused in this case, 43 had been arrested and only the Mahantji was absconding. However, on 28th October, 1977 the Mahantji was reported to have got himself admitted to Patna Medical College Hospital with effect from some back date prior to the incident. The case was sub-judice.

(2) Murder of a Scheduled Caste person in Seotha Village, Shar Police Station of Bhojpur in Bihar State

9.55. There were press reports in October, 1977 that a Scheduled Caste person had been killed in Seotha Village, Shar Police Station of

Bhojpur in Bihar State. The Zonal Director, Backward Classes Welfare, Patna made necessary enquiries in the matter. This enquiry report revealed that the village was located in an area which had been in the grip of Naxalite activities and there was a general fear in the minds of the people of the area. On account of Naxalite activity a caste Hindu was killed in 1974 and mostly Scheduled Caste persons were charge sheeted in that case. In 1976 a caste Hindu lady was attacked and some Scheduled Caste persons were involved in this case. On account of these 2 incidents animosity developed between the Rajputs and Scheduled Caste persons of the village. The Scheduled Caste persons stated that the person belonging to the Scheduled Caste had been killed in a most brutal manner by the Rajputs of the village. Their houses had been searched by the police on several occasions under the pretext of their being Naxalites. It appeared that in this case no particular issue was involved behind the murder of a Scheduled Caste person except for the old enmity between the Rajputs and the Scheduled Caste person of the village. The case was sub-judice.

(3) Murder of a Scheduled Caste person of village Santrapur, Thana and Sub-Division Angul, District Dhenkanal, Orissa

9.56. A Central Government official complained in July, 1978 about the murder of his uncle in a village of Dhenkanal District. It was also stated that on 9th June, 1978 the eldest son of the deceased was also stabbed and their other family members beaten by the caste Hindus of the Village. An enquiry in this matter was conducted by the Deputy Director, (Backward Classes Welfare), Bhubaneswar. The report revealed that all the Scheduled Caste families of Village Santrapur Thana and Sub-Division Angul, District Dhenkanal were landless labourers and were also engaged in basket making. The practice of untouchability was observed in the village. At that time a well in the Scheduled Caste habitation of the village was under construction for which financial assistance had been provided by the State Government. For the purpose of drawing out water from the well, the contractor made use of some wooden planks kept for construction of the chariot for Car festival. The planks used to be placed on the surface of the well and the Scheduled Caste workers used to draw water by standing on these planks. On 17th June, 1978, a meeting of the villagers took place to discuss about the arrangements to be made for the ensuing Car festival. In the course of this meeting some caste Hindus raised objection that the wooden planks kept for the construction of the chariot for the car festival had been polluted by Scheduled Caste persons. The deceased Scheduled Caste person objected to such utterances and stated that the bamboo mats made by them were being used for the festival and were not considered polluted, then why objections were

being raised to their touching of wooden planks. The Scheduled Caste persons were also reported to have informed the caste Hindus that they would not supply the bamboo mats this year for the car festival. In the course of the arguments some caste Hindus used some insulting language against the Scheduled Caste persons. On the evening of 19th June, 1977, there was a clash between the members of the two communities in which persons from both sides suffered injuries. One person got head injuries and was removed to Jarpada dispensary on a bullock cart but next day while he was being shifted to Angul hospital he expired on the way. Immediately thereafter cases were registered under the relevant sections of the IPC and the Protection of Civil Rights Act against the accused persons. 7 persons belonging to Caste Hindus were arrested and sent to jail. The State Government proposed to give a financial assistance of Rs. 2000 to the family of the victim. It was felt that the quantum of assistance was inadequate and at least an amount of Rs. 5,000 should be provided on compassionate grounds. The matter was taken up by the Commissioner with the Chief Minister and the decision taken in this regard had not yet been intimated.

(4) Molestation of a Scheduled Caste woman of village Bhallukhandupalem, Guntur District in Andhra Pradesh

9.57. On 26th February, 1977, a representation was received from a social welfare association in respect of the torture and rape of a Scheduled Caste lady of Village Bhallukhandupale, Guntur District by some caste Hindus. The matter was enquired into by the Revenue Divisional Officer, Tenali. The enquiry report revealed that the Scheduled Caste lady had been beaten and raped in the cattle shed by some caste Hindus. She was also stated to have been unlawfully detained for 5 days and later removed to a private hospital at Ponnur. The doctor who treated the lady for about 10 days informed that she had been suffering from excess menstrual bleeding, but later on when he came to know of police enquiries he learnt about the alleged rape. It was also stated that no person was coming forward to give evidence and the villagers were trying to shield the accused. In the absence of any definite medical evidence it was not possible to frame charge of rape. Cases were reported to have been registered against accused persons under Sections 325, 334, and 342 of the I.P.C. and it was charge sheeted in the court of Judicial (Second Class) Magistrate, Ponnur. The Scheduled Caste lady had also been sanctioned a financial assistance of Rs. 2,000 as a relief measure. A further communication received from the District Collector, Guntur revealed that the case had been decided by the Court and according to the decision given by the Judicial Magistrate, the main accused was convicted and sentenced to eight months imprisonment. The 4 other accused persons were convicted under Section 323 of the I.P.C. and sentenced to pay a fine of Rs. 200 each and in default to undergo one month's rigorous imprisonment.

(5) Assault on a Scheduled Caste lady of village Khewra, District Sonapat in Haryana State

9.58. According to a press report, a Scheduled Caste lady of Village Khewra, Sonapat District of Haryana State had been criminally assaulted by a Caste Hindu. The matter was taken up with the district authorities and the report furnished by them revealed that a lady belonging to Scheduled Caste had been raped by a person belonging to caste Hindu and the case had been registered under section 376 of the I.P.C. in the Police Station at Rai in the Sonapat District. The accused was also reported to have been arrested. A case against the accused person had been started in the court of the Additional Sessions Judge.

(6) Molestation of a Scheduled Caste lady of village Langra, Thana Pataudi, District Gurgaon, Haryana State

9.59. In September, 1977 a representation was received from a Scheduled Caste person of Village Langra, Thana Pataudi, Gurgaon District that a Caste Hindu had committed a rape on his minor sister on 20th July, 1977. The girl had been found lying in unconscious state in the field and was brought back to the village. This case was also reported to have been brought to the notice of the village Panchayat but no one came forward to help in this matter. On 21st July, 1977 the matter was reported to the Police Station Pataudi and the girl was got medically examined on the basis of which the rape case could be established. It was also mentioned that the accused persons had started giving threats to pressurise Scheduled Caste persons so that they may not pursue the case. The matter was taken up with the district authorities and a communication received from them revealed that his case had already been investigated by the Superintendent of Police, Gurgaon and based on his investigation it had been challaned in September, 1977. As regards threats given to the petitioners by the caste Hindu landlords, action had already been initiated under section 107, 151 of the Cr. P. C.

(7) Molestation of adivasi girls of village Karketa Chaibasa Sadar, Singhbhum District of Bihar State.

9.60. According to a press report, dated 15th October, 1977, two young Adivasi girls had been killed and third one was lying in a precarious condition in Chaibasa Sadar hospital. It was further mentioned that three young men of village Sikka came to the neighbouring village Karketa on the night of 10th October, 1977 and entered the room of these girls. They tried to outrage their modesty but the girls offered resistance. The accused persons were stated to have inflicted injuries on the girls, and one girl died on the spot and the other one at Chaibasa hospital where she had been brought with the third girl who was reported to be lying in a serious condition. The matter had been taken up with the Superintendent of Police,

Singhbhum and a report received from him revealed that on the night of 10th October, 1977 three persons had killed an old man belonging to Scheduled Tribe of village Karketa. They also assaulted two girls one of whom died on the spot and the second one expired at Chaibasa Hospital. The Police report further revealed that the alleged criminals entered the house of the Scheduled Tribe family to commit rape on the two young girls. Two of accused were reported to have been arrested and the third one absconding. The matter was reported to be sub-judice.

(8) Molestation of a Scheduled Caste girl of village Dandkhora, Katihar District in Bihar State

9.61. In the month of August, 1978 a representation was received from an organization known as Akhil Bhartiya Adivasi Vikas Parishad, Katihar about rape of a Scheduled Caste girl who happened to be working alongwith her mother in a field of a caste Hindu of village Dandkhora. Allegations were also made against the lady doctor, the Sarpanch of the village and some other caste Hindus. The matter had been referred to the Special Secretary (Home Department) Government of Bihar (Harijan Cell), Patna and the District Officers of Katihar whose reply is still awaited.

(9) Incident relating to chopping the ears of a Scheduled Caste boy of village Hasora, Alwar District of Rajasthan State.

9.62. There was a news item that the ears of a harijan boy of village Hasora, Alwar District had been chopped off by some caste Hindus. It was also mentioned that a person associated with an organisation known as Zilla Dalit Varg took the boy to the concerned Police Station for lodging an F.I.R., but necessary action was not taken by the Police authorities. It was also referred that on account of the negligence on the part of police personnel on duty, an enquiry had been ordered against them by the district authorities. The matter was taken up with the Superintendent of Police and a reply received from him revealed that a person belonging to Scheduled Caste was planting a tree on 27th August, 1978 which was objected to by some of the Caste Hindus. There was some exchange of hot words between two groups and the victims also happened to be favouring the Scheduled Caste men who was planting the tree. Again a clash took place between two groups on the morning of 28th August, 1978 in the course of which the victim's ears were chopped off. It was further mentioned in the report sent by the Superintendent of Police that an amount of Rs. 300 had been paid to the victim by the alleged criminals and the matter had been compromised. This office has referred this matter again to the Superintendent of Police to inform us whether a compromise can be reached in a criminal case like this at this stage.

Special arrangement made at the Centre and in the States to deal with incidents of atrocities on Scheduled Castes and Scheduled Tribes

Organisational set up in the Union Ministry of Home Affairs

9.63. As regards organisational set up in the Union Ministry of Home Affairs for dealing with the subject of atrocities on Scheduled Castes and Scheduled Tribes, the National Integration Division looks after this work. The division is under the charge of an officer of the level of Deputy Secretary who submits cases to the concerned Joint Secretary, Additional Secretary, Home Secretary, Minister of State in the Ministry and the Home Minister depending upon the nature of the case. The Ministry maintains close liaison with the State Governments in the matter of atrocities on Scheduled Castes and Scheduled Tribes and data is collected from States/Union Territories through periodic returns to know the number of incidents of atrocities on Scheduled Castes and Scheduled Tribes, their nature and also the progress of investigation and trial in such cases. Specific instances of atrocities brought to the notice of the Ministry are also taken up with the concerned State Governments. Suggestions for prompt and effective investigation and prosecution of offenders to the State Governments are made from time to time. Measures proposed to eliminate this evil are also discussed at various forums like the Zonal Councils, Chief Ministers' Conference, Conference of Chief Secretaries, etc.

9.64. Atrocities on Scheduled Castes and Scheduled Tribes constitute criminal offences and are within the purview of "Public Order", which is a state subject as per Entry I of the State list of the Seventh Schedule to the Constitution. The matter falls exclusively within the jurisdiction of the State Governments. In the purely legal and constitutional sense, the Centre has no jurisdiction in the matter. Still the Centre keeps in close touch with the State Governments to curb the evil.

Details of the special arrangements made in the States to deal with the cases of atrocities on Scheduled Castes etc.

Andhra Pradesh :

9.65. A special Scheduled Castes and Scheduled Tribes Cell had been sanctioned in the Crime Branch (C.I.D.) to ensure prompt investigation, prosecution and disposal of offences under the Protection of Civil Rights Act and cases of atrocities on Scheduled Castes and Scheduled Tribes. The Cell is headed by one Additional Superintendent of Police with supporting staff of two Deputy Superintendents of Police, three Inspectors two Police Constables and the necessary ministerial staff. The Collectors and Superintendents of Police had also been instructed to create cells in each district to look into the grievances of the persons belonging to Scheduled Castes and Scheduled Tribes. Information regarding disposal of cases of atrocities during the year 1976 and 1977 are given below:—

Year	Scheduled Castes					Scheduled Tribes				
	Reported	Challenged	Convicted	Acquitted	Compounded	Reported	Challenged	Convicted	Acquitted	Compounded
1976	232	210	41	130	27	10	7	2	4	—
1977	187	152	7	47	8	17	12	—	3	—

Bihar :

9.66. A Harijan Grievances Cell has been set up in the Home Department under the charge of the D.I.G. of Police. The Cell includes a Deputy Superintendent of Police, seven Inspectors of Police and five Constables, etc. The Branches of this Cell have not so far started functioning at the divisional/district/sub-divisional levels in the State. 1613 complaints from the persons belonging to Scheduled Castes and Scheduled Tribes were received during 1976 whereas during 1977, 1284 complaints were received. During 1976, 148 cases and during 1977, 301 cases were enquired into by the officials of the Harijan Cell.

Visit of Shri Shishir Kumar, Commissioner for Scheduled Castes & Scheduled Tribes to Bihar State to know about the implementation of measures to check atrocities

9.67. The Commissioner for Scheduled Castes and Scheduled Tribes undertook a tour in Bihar

State in June, 1978 to know about implementation of measures announced by the Government of Bihar to check atrocities on Scheduled Castes and Scheduled Tribes. In the course of his tour the Commissioner met the State Chief Minister and brought to his notice that more work was still required to be done by the State Government to protect the interests of Scheduled Castes and Scheduled Tribes. He referred to the need of establishing special machinery to fix responsibility regarding laxity on the part of district magistrates/superintendents of police in the matter of conducting investigations etc. in atrocity cases. The question regarding administrative pattern for checking atrocities was also raised by the Commissioner and he expressed his views that matters concerning Scheduled Castes and Scheduled Tribes should be brought within the purview of a single department (preferably the Harijan Cell) to make it more effective. The Commissioner referred to the desirability of bringing about better coordination between Harijan Cell and the D.I.G. Cell. It

was also suggested to the State Chief Minister that special police stations at divisional levels and incident prone areas of 15 districts should be set up. As regards the posting of selected police officers etc. to the problem districts, the Chief Minister informed Commissioner that such lists were under preparation. The Commissioner wanted to know about the implementation of the instructions under which in the Annual Character Roles of the Civil and Police Officials, the performance of the officials concerned with regard to their attitude towards weaker sections was required to be recorded by the reporting officers and amending of syllabus relating to the training of Civil and Police Officers to inculcate sympathy for weaker sections. The Chief Minister informed the Commissioner that till that time no additions had been made in the syllabuses, but the instructions regarding C.Rs. were being strictly acted upon. The Chief Minister agreed to the suggestion made by the Commissioner about the better selection of right type of public prosecutors. The Chief Minister further informed the Commissioner that they had been very prompt in submitting charge sheets against persons accused of atrocity cases, but the attitude of the judiciary had not been very helpful. The Chief Minister informed the Commissioner that they had been taking steps to bring back Scheduled Caste families who had been evicted from their lands in villages and he particularly cited cases of 32 Scheduled Caste persons of Bhojpur area who had been brought back to their villages and given lands. The Chief Minister stated that the State Government had proposals to form Peace Committees at all the police stations and instructions to this effect had been given to the I.G. In the course of his visit Commissioner impressed upon the Chief Minister to take steps for improving the economic condition of Scheduled Castes etc. and to set up a Development Corporation to render them economic assistance.

Gujarat :

9.68. The Harijan Cell constituted by the Government of Gujarat is headed by an Additional Inspector General of Police with headquarters at Ahmedabad. Two Regional Headquarters of the Cell are located at Gandhinagar and Rajkot. The Cell makes enquiries into the complaints received from Scheduled Caste/Scheduled Tribe persons either directly or through higher authorities. The Cell also makes trap cases against hotel keepers, barber shops and others who indulge in the practice of untouchability. Information regarding the cases looked into by the Cell during 1976, 1977 and 1978, is given below:—

Year	Reported	Convicted	Acquitted	Compounded
1976	19	2	6	7
1977	51	—	14	4
1978	33	—	—	2

Haryana :

9.69. A State level Cell is reported to have been constituted under the Chairmanship of the Chief Minister to review the progress of welfare schemes, land allotment, representations in services and for improving the performance of administrative agencies with regard to registration, investigation and prosecution of offences under the Protection of Civil Rights Act etc. Information regarding the work done by this cell is not available.

Himachal Pradesh :

9.70. A Cell was set up in April, 1973 under the Chairmanship of the Chief Minister to look after the interests of Scheduled Castes and Scheduled Tribes. A Special Services Cell was set up at the State Police Headquarters under the supervision of the D.I.G. (C.I.D.) to monitor information regarding the crimes committed against Scheduled Caste persons. Besides collecting statistical information the cell ensures prompt and effective action about crimes committed against Harijans. Similar Cells are reported to have been set up at the district headquarters. At the State Government level, a Special Cell has been set up under the Chief Secretary to supervise action taken to deal with the crimes against Harijans.

Kerala :

9.71. A Special Employment Cell has been set up in the Public Department of the Secretariat under the Chief Minister. A special mobile squad is functioning to eradicate untouchability. The squad is working under the control of Crime Branch (C.I.D.) and the cases conducted by the Special Cell are charge sheeted before the court of competent jurisdiction.

Madhya Pradesh :

9.72. A Special Harijan Welfare Cell consisting of one D.I.G., 8 D. S. Ps., 7 Sub-Inspectors of Police 14 Head Constables and 128 Constables is reported to have been set up with headquarters at Bhopal. For effective field enquiry/investigation, the Cell has under its control 7 Special Police Stations, each having jurisdiction over the whole of the Division. Each such Police Station has one D.S.P., one S.I. and 2 Head Constables and 4 Constables.

Maharashtra :

9.73. In December, 1977, a Special Cell headed by a Deputy Inspector General of Police was set up for the effective implementation of the provisions of Civil Rights Act. Six Protection of Civil Rights Centres are reported to have been formed with their respective headquarters at Nasik, Aurangabad, Kolhapur, Nagpur and Thane. All cases of serious nature of atrocities are entrusted to the Deputy Inspector General of Police of this Cell for special enquiries. According to latest available information, 149 complaints were received by this Cell out of which 60 complaints

had been enquired into. It is also understood that the Government of Maharashtra submitted a proposal to the Union Ministry of Home Affairs in March, 1978 to sanction grant amounting to Rs. 3.00 lakhs for purchase of 6 jeeps for the use of the Protection of Civil Rights Act Centres to improve their mobility and efficiency. However, it is not known whether any decision has been taken by the Government of India in the matter so far.

Karnataka :

9.74. Karnataka was the first State to set up a separate cell for the enforcement of the Civil Rights Act. The Cell is headed by a Deputy Inspector General of Police. It is also understood that encouraged by the good work done by this Cell, the State Government is proposing to set up similar cells at the range level and at the districts as well.

Orissa :

9.75. A Cell was created in the Office of the Inspector General of Police to deal with cases of untouchability, harassment and atrocities against Scheduled Castes.

Punjab :

9.76. A Special Flying Squad Cell was set up at the Police Headquarters at Chandigarh to

look into the complaints/allegations of Scheduled Castes. Whenever any complaint of atrocities is reported, D.S.P. is deputed to redress the grievances of Scheduled Castes and to take appropriate action against the defaulters.

Rajasthan :

9.77. A Special Cell was set up in the Chief Minister's Secretariat to look into the cases of atrocities. A police officer of the rank of Deputy Superintendent of Police has been posted as Officer on Special Duty in the Cell. Special cells are also reported to have been created in the Home Department and the Office of the I.G. P. for dealing with such cases.

9.78. As regards work done by the separate Cell established in the Secretariat, it was understood that from September, 1977 to 31st May, 1978 in all 4850 representations were received. Special reports were requested in 436 cases. 4,414 cases were referred to various departments. 219 final replies had been received. 32 cases were found false. Information regarding year-wise disposal of cases received by the Cell from 1974 onwards is given below:—

Period	Cases reported	Enquiry completed	Spot enquiry	Through District Admn.	Found false	Pending with Distts.	Pending for enquiry
September, 1974 to December, 1974	32	32	8	24	7	—	—
1st January, 1975 to 31st December, 1975	62	62	19	43	14	—	—
1st January, 1976 to 31st December, 1976	33	33	9	24	3	—	—
1st January, 1977 to 31st August, 1977	21	16	2	14	2	5	—

9.79. It is observed that the separate cell is mostly relying on district administrations for enquiries and the method of conducting on-the-spot enquiries by the cell itself is not generally resorted to.

Uttar Pradesh :

9.80. A task force has been set up at the State Headquarters under the charge of D.I.G. of Police to undertake prompt enquiries into all complaints involving offences against members of Scheduled Castes. The Cell directly undertakes enquiries in important cases of atrocities referred to it by the State Government.

West Bengal :

9.81. A Special Cell was set up at the Police Headquarters to ensure that the complaints of offences affecting the Scheduled Castes and Scheduled Tribes are investigated promptly and prosecutions launched against accused expeditiously.

Special steps taken by the State Governments to protect Scheduled Castes and Scheduled Tribes

9.82. Besides the setting up of special cells to check atrocities on Scheduled Castes and Scheduled Tribes description of which has already been given in the foregoing paragraphs, following special steps are reported to have been taken by the State Governments to protect Scheduled Castes and Scheduled Tribes.

Andhra Pradesh :

9.83. Under the special arrangements in existence the Chief Secretary functions as ex-officio Commissioner for Scheduled Castes and Scheduled Tribes. One of the functions of the Commissioner relates to protecting the members belonging to these communities against exploitation and harassment. The Collectors and District Magistrates are ex-officio Deputy Commissioners for Scheduled Castes and Scheduled Tribes and are charged with the same responsibilities within

their respective jurisdictions. A review of cases of harassment and atrocities was included as one of the functions of the State level Committee on Welfare of Scheduled Castes and Scheduled Tribes under the Chairmanship of the Chief Minister which meets once in three months. There are standing instructions to the Collectors and Superintendents of Police to immediately visit the places of occurrences of atrocities to create a sense of security in the minds of the affected Scheduled Castes and Scheduled Tribes and to ensure speedy investigation of such offences. The Collectors and the Superintendents of Police undertake a quarterly review of all cases of atrocities to keep a watch on such cases and for fixing responsibility about delays and lapses, if any, at the various stages of investigation and for failure of prosecution. A review of cases of atrocities is done periodically by the Secretary of the Social Welfare Department.

Bihar :

9.84. The State Government has announced that any person giving timely and correct information regarding atrocities on Scheduled Castes to the District or Sub-Divisional Officers or competent police authorities would be given a cash award of Rs. 100. The Government of Bihar is also reported to have set up a cell at the A. N. Sinha Institute of Social Studies for conducting research regarding incidents of atrocities on the Scheduled Castes.

Gujarat :

9.85. The Government reiterated their earlier instructions issued to the District Magistrates and the Deputy Superintendents of Police holding them personally responsible about incidents of atrocities in their respective areas. A committee of M.L.As. reported to have been constituted, is actively associated in reviewing instances of atrocities. A harijan Cell for looking into the cases of atrocities has been working in the Labour, Social Welfare and Tribal Development Department. Two Special Cells, each consisting of a Deputy Superintendent of Police, a Police Inspector, two head constables and three constables have been working under the Deputy Inspector Generals of Rajkot and Gandhinagar ranges. The Additional Inspector General of Police has been entrusted with special responsibility to look into all cases of atrocities.

Himachal Pradesh :

9.86. The State Government has set up at the State Police Headquarters under the personal supervision of the Deputy Inspector General (CID) to monitor information regarding the crimes against harijans and to ensure prompt and effective preventive/corrective action. Similar cells at the district headquarters have been set up. In every police station special registers are kept to keep a record of the complaints received from Scheduled Caste persons and action taken thereon. Investigation into all the cases involving crimes

against Scheduled Castes has to be carried out by the officers-in-charge of the police station themselves. The Superintendents of Police/Deputy Superintendents of Police/District Inspectors are required to personally supervise the investigations which have to be carried out with utmost promptitude. The District Revenue Agency headed by the Deputy Commissioner has been enjoined upon to pay special attention to the cases involving dispossession of Scheduled Castes from the lands allotted to them for cultivation or for construction of houses. At the State government level, a special cell has been set up under the Chief Secretary to supervise the action taken to deal with the crimes against harijans.

Maharashtra :

9.87. Each district has a task force to deal with offences under the Protection of Civil Rights Act. The task force prepares a list of sensitive areas and visits such places periodically. The task force is also required to collect intelligence in respect of such offences and take action *suo-moto*. Each District has a District Vigilance Committee consisting of official and non-official members and the Committee members are permitted to camp at selected villages for eradication of untouchability. A cell is reported to have been established to deal with complaints of harassment/atrocities against harijans. At the headquarters of the Inspector General of Police, a unit headed by the Deputy Inspector General of Police has been created to supervise the work at the range and the District levels. At the district level, the District Magistrate and Superintendent of Police have been made personally responsible for this work and guidelines laid down for registration and investigation of complaints.

Punjab :

9.88. All Sub-Divisional Police officers and Station House Officers in the State have been instructed to promptly deal with complaints of Scheduled Caste persons. One extra Assistant Commissioner is earmarked in each district to look after the job of providing quick relief to harijans whenever any case of harassment is reported.

Rajasthan :

9.89. District Magistrates have been asked to issue press releases about every incident of atrocity which gets enquired into by the Police.

Tamil Nadu :

9.90. Mobile Police squads have been set up in 6 districts. The squads visit interior villages to make enquiries about ill-treatment of harijans and take *suo-moto* action by registering cases under the Protection of Civil Rights Act.

Grant of financial assistance to the victims of atrocities

9.91. The Government of Andhra Pradesh had introduced a scheme* in 1975 for giving financial assistance to the extent of Rs. 2,000 to the persons belonging to Scheduled Castes and Scheduled

Tribes who become victims of atrocities perpetrated upon them by the Caste Hindus. In December, 1976, the State Government reviewed the scheme and revised measures of relief in respect of Scheduled Caste and Scheduled Tribe persons who were permanently incapacitated or deceased. Under the revised measures, land could be assigned to the family member permanently incapacitated or deceased. Supply of milch cattle etc. could also be arranged in respect of such families. The children of the victims were to be admitted in Social Welfare/Tribal Welfare/Backward Classes Hostels. Besides the foregoing facilities which could be immediately granted under the scheme, the State Government approved further measures of relief in respect of victims of atrocities. Provision was made for providing a job or payment of maintenance allowance etc.

9.92. The scheme under reference was commended by the Government of India to the State Governments/Union Territory Administrations and as per available information schemes on somewhat similar lines have already been introduced in Himachal Pradesh, Maharashtra and Tamil Nadu. A scheme of grant of monetary relief to the victims of atrocities due to caste considerations was introduced in Gujarat. During 1977-78, a provision of Rs. 0.95 lakhs was made. The pattern of assistance was under consideration of the State Government. It is understood that detailed schemes on **Andhra Pradesh** pattern are under consideration of the State Governments of **Bihar, Karnataka, Kerala, Madhya Pradesh, Orissa, Punjab and Uttar Pradesh**. The remaining State Governments/Union Territory Administrations are understood to have not formulated schemes on the **Andhra Pradesh** pattern on account of low incidence of such cases in their respective areas.

9.93. It would be seen from the foregoing paras that incidents of atrocities and harassment continue to take place in the various parts of the country. It is also observed that the authorities concerned have not taken adequate follow up action with reference to various important measures suggested in the earlier Reports of the Commissioner with the result that the magnitude of the problem has not lessened, the perpetrators of crimes are not adequately punished and timely relief is not invariably provided to the victims of atrocities. In order to protect Scheduled Castes and Scheduled Tribes from exploitation urgent action should be taken in respect of the following suggestions:—

1. **All the State Governments/Union Territory Administrations should make com-**

prehensive periodical reviews on the basis of the complaints/representations and atrocity cases in the areas of their jurisdiction and lists of areas recording maximum incidents should be prepared for special attention. Socio-economic studies in depth in various parts of the country are necessary and social scientists should be involved in undertaking such studies.

2. It must be ensured that the persons working in government departments are not found lax in their duties while attending to the genuine grievances of Scheduled Castes and Scheduled Tribes. For instance, the medical officers conducting medical examinations in respect of the victims of atrocities may not be won over by the opposite parties. Similarly police and revenue officers must be sincere in their efforts to protect the interests of Scheduled Castes and Scheduled Tribes. Exemplary punishments should be given to the officers found guilty of being involved directly or indirectly in committing atrocities on Scheduled Castes and Scheduled Tribes. The Panchayats must actively help in giving adequate protection to Scheduled Castes and Scheduled Tribes and ensure that no hardships are inflicted by the vested interests in the areas under their charge.
3. Special courts with mobile units should be set up to look into cases pertaining to socio-economic justice. Processual reforms should be undertaken to treat cases of social injustice as separate from ordinary violations of law. The law relating to burden of proof, the Evidence Act and Criminal Procedure Code should be suitably amended as in anti-corruption cases.
4. There should not be any ambiguity about the type of cases to be brought under the purview of atrocity. The term should be clearly defined and if need be relevant sections of the Penal Code may be pointed out for the guidance of the officers entrusted with enquiries regarding atrocity cases. Rules should be framed by all the States/Union Territories to suitably compensate the victims of atrocities belonging to Scheduled Castes and Scheduled Tribes. Besides monetary relief, adequate means of livelihood should be provided to them.

Sd/-

(SHISHIR KUMAR)

COMMISSIONER

*For the purpose sanction of relief the offences categorised as atrocities were defined as murder, violence resulting in any grievous hurt, rape and serious mischief or arson. In the event of death or permanent incapacitation of an earning member, an amount of Rs. 2000/- could be given as relief, whereas in the case of similar damage in respect of a non-earning member, the amount of relief, was limited to Rs. 1000/-. In case of temporary incapacitation of an earning member, the limit relief was Rs. 500/- and of a non-earning member up to Rs. 250/-. For loss of a house and/or other belongings there in and loss of moveable properties, relief ranging from Rs. 250/- to Rs. 500/- could be given.

RECOMMENDATIONS MADE IN THE REPORT

S. No.	Recommendation/Observation	Reference	
		Para No.	Page No.
1	2	3	4
Chapter 1—INTRODUCTORY AND GENERAL REVIEW			
(1)	<p>The Protection of Civil Rights Act, has not been administered by the State Governments with the needed promptness. Whatever progress has been achieved in the direction of removal of untouchability owes much to the laws and their implementation by the successive Governments but laws are not enough to conscientise the Nation when the problem to be attached concerns a perpetuating national shame. The younger generation could be made the vehicle of social change by inculcating in them the spirit of cosmopolitanism and by socialising the children in the villages and mobilising the energies of nearly 3 million teachers at various levels to give it a sense of renaissance. Only by such involvements the call of a mass movement can really materialise. The programme relating to eradication of untouchability has to be tackled by enforcement of the law as well as by developing social conscience of the people. This is a programme which would require involvement of the voluntary workers of all sections of community. Merely depending on the pace of economic development this problem cannot be tackled in a period of five years. Suitable changes in the laws are required to enable the person contracting a marital alliance with a Scheduled Caste and their children to get benefits of developmental programmes and suitable concessions.</p>	<p>1.16,1.17 1.18 & 1.19</p>	<p>3-4</p>
(2)	<p>The plea that atrocities being a law and order problem could be tackled only by the State Governments and that the Central Government would only provide the guide-lines may not be tenable in the proper appreciation of Article 46 of the Constitution which enjoins upon the State the protection of the weaker sections and in particular of the Scheduled Castes and Scheduled Tribes. This Article which finds a significant place among the Fundamental Principles of governance of the country is a charge on the Nation which is also to be discharged by the Central Government as the custodian of the Constitution. Cases of atrocities due to socio-economic causes should not be treated as ordinary violation of law and order assigned in the State List. In matters of protection of weaker sections the Centre has an over-riding responsibility which it cannot afford to overlook as the word 'State' occurring in the Article 46 of the Constitution means the Nation in totality rather than mere component units. Effective intervention of the Central Government in cases of atrocities on the Scheduled Castes and Scheduled Tribes appears to be also obligatory and modalities of such intervention may be worked out in consultation with the State Governments.</p>	<p>1 21</p>	<p>4</p>
(3)	<p>The rural camps organised for the creation of effective peasant organisations through rural leadership training programmes, could be more fruitful if, after setting up massive organisation units for the rural poor in different areas of the country, selected workers are sent to such camps for training in conflict resolution strategy. The desperate need of organising the poor and the dispossessed is obvious. It is time the marginal farmers, the landless and the agricultural labourers</p>		

are woven in a viable organisation duly protected by suitable legislation securing their collective rights. Today there are a number of organisations trying to compete with each other to seek the loyalty of landless labour. This need not discourage us. Once an institutional frame enjoying the sanctions of law is created, all the competing organisations may be free to attain ascendancy in the institution which should be treated as an agency through which the aspirations and the interests of the dispossessed are expressed in the development process.

- (4) The response of the Bureau of Public Enterprises and the State Governments on the various orders issued by the Government of India has not been uniform and steady. It appears that the BPE and many State Governments have not studied all the relevant rules/orders of the Government of India regarding service safeguards with care and thus in many cases the Scheduled Caste and Scheduled Tribe employees were denied those legitimate facilities. It is essential that all the orders pertaining to reservation whenever issued by the Government of India should be immediately examined by the BPE and the State Governments and relevant instructions applied with immediate effect.

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- (5) The findings of our Study Teams as also an analysis of the numerous cases represented to us by the employees and their organisations highlight the inescapable fact that unless a strict vigilance in the form of regular inspection and scrutiny by the investigating constitutional authority is ensured, there is perhaps no likelihood of the reservation rules being implemented effectively. There would be roughly six thousand establishments which come under the purview of the reservation orders and since Commissioner's organisation has no full time inspection teams, we could inspect only an insignificant fraction of that number of establishments and nowhere the situation was found wholly satisfactory. It would be appropriate to inspect the establishments at least once in three years for which quite a large number of inspecting teams would have to be made available to ensure any degree of satisfaction about the observance of reservation orders.

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- (6) Although the sources in the Constitution for reservation in services are the same for the Union as well as for the States, the rules and orders in this regard and their application vary considerably. It appears imperative to have an Act of Parliament regarding reservation and the States persuaded to adopt the same as a model for legislation in their respective spheres so as to make the reservation policy more uniform.

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1.38 & 1.39

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Chapter 2—WORKING OF THE CONSTITUTIONAL SAFEGUARDS PROVIDED FOR SCHEDULED CASTES AND SCHEDULED TRIBES

- (7) The rehabilitation process of the released bonded labourers has been quite slow. The Ministry of Labour and concerned State Governments should review the causes of slow rehabilitation of released bonded labourers.
- (8) The Government of Bihar should depute officers to visit the areas in other States where large scale labourers from Bihar are employed to ensure that the labourers drawn from their State are paid the prescribed minimum wages and are not exploited in any form.

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(9) The National Labour Institute and Gandhi Peace Foundation which carried out a survey on the Bonded Labour system have assumed that the incidence of bonded labour is highly improbable in States/Union Territories other than Uttar Pradesh, Madhya Pradesh, Bihar, Rajasthan, Maharashtra, Gujarat, Orissa, Andhra Pradesh, Tamil Nadu and Karnataka. This assumption may also not prove to be correct if a systematic survey in the remaining States/Union Territories is undertaken.		2.34	15
(10) The Ministry of Labour should ensure that the rehabilitation of identified bonded labourers is completed at least by the end of 1979-80, if not earlier. Labour allocations should be provided by the Ministry so that the identified bonded labourers are properly rehabilitated. At the same time, the State Governments should galvanise their machinery for the identification of bonded labourers in areas with very high incidence of bonded labour indicated in the report of the Gandhi Peace Foundation.		2.35, 2.36	15-16
(11) The Committee constituted by the Ministry of Labour has recommended suitable central legislation in respect of inter-state migrant workers. It is hoped that central legislation would bring a lot of relief to the migrant labourers including Dadan labour.		2.37	16
(12) The Union Ministry of Health as well as the Ministry of Education should reconsider their views and take early action to make the prescribed reservation of seats for admission of Scheduled Caste/Scheduled Tribe candidates to post-graduate courses in medical colleges and I.I.Ts.		2.39	16-17
(13) In order to check drop-outs at the primary and middle stages, financial support should be provided to all the eligible Scheduled Caste/Scheduled Tribe students at pre-matric stage in the shape of pre-matric scholarships, as an incentive to their parents to send their children to school.		2.40	17
(14) Action similar to that taken by the Government of Rajasthan in awarding pre-matric scholarships to all the eligible Scheduled Caste/Scheduled Tribe students should also be taken by other State Governments/Union Territory Administrations which have not so far achieved universal coverage in the matter of Pre-matric scholarships to Scheduled Caste/Scheduled Tribes students. Besides, other incentives like hostel facilities, free books and stationery, dresses etc., should also be provided to these students, so that more and more Scheduled Caste/Scheduled Tribe students are able to complete pre-matric education and go in for higher education.		2.40	17
(15) There should be an annual review of the general tribal development programmes in various States by the Governors in their Reports, which at present is not specifically provided under clause (iii) of the Fifth Schedule, although, in practice the Reports largely deal with these aspects.		2.44	17-18
(16) Tribes Advisory Councils should set up in all States having Scheduled Tribe population for which the President may consider the desirability of giving suitable directions under clause (4) of the Fifth Schedule to the Constitution.		2.51	19
Chapter 3—MANPOWER PLANNING—SERVICE SAFEGUARDS			
(17) There is no reason to believe that there is insufficient number amongst the members of the Scheduled Castes and Scheduled Tribes who are adequately educated or trained to become			

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eligible for appointments in All India Services and other Central Services. It is felt that sincere efforts are required to be made so that the reserved vacancies in various services are fully utilized by the Scheduled Castes and Scheduled Tribes. To achieve this, it is imperative that adequate training facilities are provided to the candidates belonging to these communities.		3.3	22
(18) During the last 10 years emphasis has been made in our Annual Reports that the deficiency in the representation of Scheduled Castes and Scheduled Tribes, particularly Scheduled Tribes, in all categories of Central Services should be made up. This may be done if the percentage of reservation is substantially raised, say even upto 50% till the representation of the Scheduled Castes/Scheduled Tribes in the overall strength of the services is adequate. Such steps should also be considered by all State Governments and Public Undertakings in order to give adequate representation to Scheduled Castes/Scheduled Tribes in their services.		3.5	22
(19) Unless there is an element of compulsion that a specified number of Scheduled Castes and Scheduled Tribes has to be recruited in the Armed Forces, no improvement can be expected in their representation in the near future. It is, therefore, strongly recommended that the Government should reconsider its earlier decision and introduce the element of reservation for Scheduled Castes and Scheduled Tribes in the recruitment of personnel in the Armed Forces particularly in the categories of Civilian Gazetted, Civilian Non-Gazetted, Cadets, Junior Officers etc.		3.7	23
(20) It is strongly recommended that the Bureau of Public Enterprises should create an effective Cell to deal with the Scheduled Caste and Scheduled Tribe employees. This Cell should ensure the effective functioning of the corresponding Cells in the Public Sector Undertakings, and should co-ordinate with them by calling for periodical reports, and taking necessary action to provide training to the Liaison Officers and other staff looking after the implementation of service safeguards. All the existing orders/rules issued by the Government of India and the amendments made from time to time should be simultaneously circulated by the Bureau for strict compliance by the Public Sector Undertakings.		3.10	24
(21) It is strongly felt that heavy backlog of reserved vacancies existing in the public sector and nationalised banks needs urgent attention of the Government. Unless a time-bound programme is implemented by all the public sector banks to clear the backlog, the position is not likely to improve in the foreseeable future.		3.11	24
(22) It is strongly recommended that the scheme of reservation in promotions as adopted by the Reserve Bank of India and circulated for consideration to other public sector banks, should be suitably modified to allow all the eligible Scheduled Caste/Scheduled Tribe candidates to be considered for promotion based on the criteria of seniority-subject-to fitness. It should be made applicable to all the banks through a Presidential directive, on the lines of the Government of India instructions already accepted by the Public Sector Undertakings.		3.14	25
(23) The issue regarding powers of the Commissioner for Scheduled Castes and Scheduled Tribes to investigate service safeguards in the Lok Sabha and Rajya Sabha Secretariats			

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<p>and to include his findings in his annual report, has already been taken up with the Ministry of Home Affairs. It is strongly felt that a decision on this issue should immediately be taken and clear-cut instructions/directives issued to enable the Commissioner to investigate the service safeguards of Scheduled Castes and Scheduled Tribes in these Secretariats and also in all the establishments set up under specific constitutional provisions.</p>		3.15 to 3.20	25-27
<p>(24) It is felt that the authorities concerned in the Ministry of Education and University Grants Commission have not taken the issue of reservation for Scheduled Castes and Scheduled Tribes in the University services seriously. Earnest and urgent efforts should be made to ensure the implementation of an important constitutional provision.</p>		3.21	27
<p>(25) It is not understood why some State Governments and their High Courts are not making provision in the existing recruitment rules of the judicial departments or amending them giving reservation to Scheduled Castes and Scheduled Tribes in the ministerial and judicial services. It is, therefore, recommended that immediate steps should be taken to provide adequate reservation in accordance with the constitutional directives.</p>		3.25, 3.27	28
<p>(26) Many High Courts are yet to decide the issue whether they should have reservation in appointments of High Court Judges and in Higher Judicial Services. We fail to understand why no decision has been taken to provide reservation even in ministerial posts under the High Courts of Andhra Pradesh, Calcutta, Delhi, Jammu & Kashmir, Karnataka, Patna, Punjab & Haryana and Rajasthan even after 30 years of independence and in spite of the constitutional provisions. It is strongly felt that the High Courts which have not yet taken a decision in favour of reservation in Judicial Services and ministerial posts should do so immediately.</p>		3.26 3.27	28
<p>(27) It is unfortunate that the Ministry of Industry have not agreed to the recommendation of the Commissioner for Scheduled Castes and Scheduled Tribes for introducing reservation for Scheduled Castes and Scheduled Tribes in the private sector establishments on the plea that it favoured a persuasive approach. It is, reiterated that immediate steps should be taken to make statutory provisions to reserve a part of the employment potential under the private sector establishments for the members of the Scheduled Castes and Scheduled Tribes, as the persuasive appeals have failed to yield desired result.</p>		3.29	29
<p>(28) It is felt that one way of clearing the backlog on the total strength of the cadre is to draw up a definite programme of special recruitment confined to Scheduled Castes and Scheduled Tribes, taking into account the short-fall of Scheduled Caste and Scheduled Tribe employees in the cadre and also the current vacancies in such cadres, even by creating new posts over and above the normal augmentation of staff or by lifting ban on further recruitment wherever such a ban has been imposed. It is strongly recommended that all Organisations/Units concerned should take up such special programmes/schemes suitable and appropriate to their respective establishments. The Government of India and the State Governments should take appropriate steps and issue necessary instructions in this regard.</p>		3.32 3.33	29

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|---|---|--------------|-------|
| <p>(29) Based on experience, the Commissioner for Scheduled Castes and Scheduled Tribes is of the view that the very system of zone of consideration in posts filled by promotion on the basis of selection, which is discretionary in nature tends to vitiate the very principle of reservation in promotion which has been agreed to by the Government and upheld by the Supreme Court. It is, therefore, felt that the best way to give due benefits of reservation to Scheduled Castes and Scheduled Tribes and to increase their intake in all categories of posts is to do away with the system of zone of consideration and all candidates belonging to Scheduled Castes and Scheduled Tribes fulfilling the eligibility conditions should be considered. It such a view cannot be sustained for some genuine and plausible reasons, it is recommended that a separate zone of consideration for the reserved vacancies should be applied in all categories of posts and appointments.</p> | | 3.36
3.37 | 30 |
| <p>(30) The reasoning and the objections of the Government of India for not accepting the principle of application of the reservation in promotion within Class I on the basis of selection, seems to be untenable. It is, therefore, strongly recommended that there should be reservation in promotional posts or appointments within Class I not only under the Government of India but under the State Governments and Public Undertakings also.</p> | | 3.41 | 31 |
| <p>(31) It is recommended that carry-forward of unfilled reserved vacancies should not be limited to three recruitment years but the reservation should be carried forward until the vacancies are filled by Scheduled Caste/Scheduled Tribe candidates.</p> | | 3.42 | 31-32 |
| <p>(32) In promotion on the basis of selection, the Scheduled Caste/Scheduled Tribe candidates in some cases against the unreserved vacancies may not be included in the select list on the basis of low categorisation assigned to them by the Departmental Promotion Committee. It is strongly felt that in posts filled by promotion on the basis of selection even against the unreserved vacancies all cases of supersession of Scheduled Caste and Scheduled Tribe employees should be submitted to the Minister/Minister of State/Deputy Minister concerned for their prior approval.</p> | | 3.45 | 32 |
| <p>(33) In some of the group 'C' (Class III) and group 'D' (Class IV) posts which are initially filled by direct recruitment on a local or regional basis in the Central Government offices located in different regions, and later constitute the feeder cadres for promotion, the percentages of reservation applied at the time of initial recruitment on local/regional basis are different from those applied at the time of promotion. It is, therefore, recommended that the same percentages of reservation should be made applicable to the posts filled by promotion as were applied to the feeder cadres at the time of initial recruitment made on a local/regional basis.</p> | | 3.46 | 32-33 |
| <p>(34) There are certain posts filled by promotion in which benefit of reservation cannot be availed by Scheduled Caste/Scheduled Tribe candidates because of their non-availability in the feeder cadres. It is, therefore, suggested that in such cases the recruitment rules may be amended to allow the unfilled reserved quota to be filled through direct recruitment. Such steps may be taken not only in the Public Sector Undertakings and Nationalised Banks but also in all other organisations where reservation orders are applicable.</p> | | 3.46 A | 33 |

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(35) There is a feeling that some staff working in the special cells set up in Ministries/Departments of the Government of India for work relating to the representation of Scheduled Castes and Scheduled Tribes do not necessarily belong to the Schedule Castes/Scheduled Tribes and have little interest in this work as many of them feel that the interests of Scheduled Caste/Scheduled Tribe employees run counter to their own interests. It is, therefore, felt that only such of the officers and staff should be in the special cells who either belong to one of these communities or have special aptitude for the work relating to the representation of Scheduled Castes/Scheduled Tribes in services.		3.49	33
(36) The staff position in the Special Cells should also be augmented so as to include some inspecting staff who should periodically inspect the rosters and other records relating to filling up of reserved vacancies either by direct recruitment or by promotion or at the time of confirmation. The inspecting staff should be allowed free access to files regarding appointments, promotions, and the minutes of the Selection Board or Departmental Promotion Committee.		3.50	33-34
(37) All Ministries/Departments and Bureau of Public Enterprises should be advised to ensure that the instructions regarding appointment of Liaison Officers and setting up of Special Cells for work relating to representation of Scheduled Castes and Scheduled Tribes are implemented in the public sector undertakings, statutory bodies, semi-government bodies, etc., which are required to give effect to the reservation orders. The Liaison Officers of the Ministry/Department should monitor the working of the organisations under them to ensure effective implementation of service safeguards for Scheduled Castes and Scheduled Tribes.		3.51	34
(38) In the same way Liaison Officers should be appointed and Special Cells established in Autonomous Bodies/Institutions including Municipal Corporations, Co-operative Institutions, Universities, etc.		3.52	34
(39) Voluntary agencies receiving grants-in-aid from Government should also appoint Liaison Officers and set up Cells for ensuring implementation of the service safeguards for Scheduled Castes and Scheduled Tribes.		3.53	34
(40) It is desirable that in the allotment of general pool accommodation, there should be reservation in types including Types V to VIII for Scheduled Castes and Scheduled Tribes corresponding to the reservation in services i.e. 15% for Scheduled Castes and 7½% for Scheduled Tribes. If enough accommodation is available for these communities, it would serve the twin purpose of increasing the representation of Scheduled Castes and Scheduled Tribes in the Government services and helping the assimilation of these communities with the rest of the population.		3.56	34
(41) The Training Division of the Department of Personnel and Administrative Reforms accepted our suggestion and have concluded a Four-day Appreciation Course for the Liaison Officers/Deputy Secretaries and Under Secretaries Incharge of Administration in Ministries/Departments. It is hoped that similar training programme for the Assistants/Section Officers dealing with the subject would also be introduced soon in order to make the system purposeful and effective.		3.60	35

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(42) It is suggested that in the case of non-availability of technically trained Scheduled Caste/Scheduled Tribe candidates to fill up the vacancies reserved for them, the candidates may be recruited in the lower ranks for which they are eligible and later on promoted in course of time after they have acquired professional competence.		3.61	35
(43) It is a known fact that unless the Scheduled Caste/Scheduled Tribe candidates are properly equipped and trained, they will not be able to compete effectively in the open examinations. It is, therefore, suggested that in order to improve the chances of their selection against posts filled through the Staff Selection Commission, the scope of the scheme of pre-examination training being implemented by various State Governments/Union Territory Administrations should be expanded to include training facilities for all such examinations conducted by the Staff Selection Commission.		3.65	36
(44) It is strongly recommended that the State Governments should make special efforts to ensure that all the seats reserved for Scheduled Castes and Scheduled Tribes under the Apprentices Scheme are filled by the candidates from these categories. It should also be ensured that all the apprentices belonging to Scheduled Caste/Scheduled Tribe communities after completion of their apprenticeship in various establishments are appointed against vacancies reserved for them.		3.72	37-38
(45) It is felt that the Committee set up by the Government of India to consider and examine the question of placement of Scheduled Caste and Scheduled Tribe candidates through the Employment Exchanges should also examine the reasons for low percentage of their placement against the vacancies reserved for them, especially when a large number of them are available for nomination. There is also a need for systematic and serious effort on the part of the Employment Exchanges to properly co-ordinate the requisitions received from the employers with reference to the Scheduled Caste/Scheduled Tribe candidates available on their live registers.		3.75	38-39
(46) There is a scheme under which Employment Officers visit the areas having concentration of Scheduled Castes and Scheduled Tribes with the object of registering their names and helping them in getting suitable employment. Since this scheme has proved useful to the Scheduled Caste/Scheduled Tribe employment seekers staying in the remote areas, its scope should be enlarged by way of arranging camps during the visits of the Employment Officers to guide Scheduled Caste/Scheduled Tribe candidates on the lines of the guidance provided by the coaching-cum-guidance centres.		3.76	39
(47) Information regarding cases of dereservation of reserved vacancies for the year 1976 and 1977 is not being included in the report as the same has not been received from the Department of Personnel and Administrative Reforms in time inspite of our repeated reminders.		3.77	39
(48) It is noticed that proposals for dereservation of reserved vacancies in very big bulks from Border Roads Development Board show that the prescribed procedure is not being followed. Resort to ex-post-facto approval is to be taken only in exceptional cases, where exigencies of work warrant filling up of posts without waiting for the prior approval of the Department of Personnel and Administrative Reforms.		3.80	40

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(49) It is strongly felt that for a better co-ordination between the employers and the Scheduled Caste/Schednled Tribe candidates, it would be desirable that the list of existing organisations of Scheduled Castes and Scheduled Tribes recognised by the Government of India for the purpose of notification of reserved vacancies to them, is reviewed and some of the prominent All India Organisations of the Scheduled Caste/Scheduled Tribe employees are also enlisted to enable them to perform effective role in this matter. It is also recommended that in an establishment/organisation, at least one association of Scheduled Caste/Scheduled Tribe employees should be recognised and authorised to approach the management in the matter of appointments against "reserved quota", vacancy circulars, redressal of grievances, etc.		3.83	41
(50) In all our previous reports, we have been stressing the importance of co-operation of the State Governments for Making our Report evaluative, analytical and objective. Our experience has, however, shown that most of the State Governments have not given the required co-operation/assistance. It is reiterated that the State Governments should supply necessary information within the specified time-limit.		3.87	41
(51) It is noticed that in the States of Uttar Pradesh and West Bengal, the statutory percentages of reservation prescribed for Scheduled Castes are less than the percentages of their population in the respective states. Though the Governments of Uttar Pradesh and West Bengal have temporarily revised the percentages of reservation in certain posts to clear the backlog, but the statutory percentages of reservation should be raised and brought upto the level of their population in the States of Uttar Pradesh and West Bengal.		3.90	42
(52) Due to removal of area restrictions, in terms of Section 5(1) of the Scheduled Castes and Scheduled Tribes Orders (Amendment) Act, 1976, the percentage of population of Scheduled Castes in Kerala has increased from 8.30 to approximately 9.40 thus, necessitating the corresponding increase in the percentage of reservation in services from the existing 8 percent to at least 9 percent. It is hoped that Government of Kerala would issue necessary orders to this effect.		3.91	42
(53) The recommendation made in our report for the year 1973-74 is reiterated here that all the State Governments should introduce the provision of separate interview for Scheduled Caste/Scheduled Tribe candidates so that the selecting authorities are aware that they are going to interview candidates belonging to Scheduled Castes and Scheduled Tribes keeping in view the orders regarding relaxed standards for these communities.		3.94	43
(54) It is a matter of common experience that a number of candidates belonging to Scheduled Castes and Scheduled Tribes do not come up to the normal standards expected of general candidates, and, therefore, the vacancies reserved for them cannot be filled unless they are judged by relaxed standards. It is desirable that all the State Governments fall in line with the provision made by the Central Government in this regard to make it possible to utilise the quotas of reservation prescribed for these communities.		3.95	43-44
(55) In view of the decision of the Government of India based on the judgement of the Supreme Court, the Government of			

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	Madhya Pradesh as also all other State Governments should remove the restriction of 50 percent placed on the total reservation in a year. There is also a need to make the provision of carry-forward of unfilled reserved vacancies to at least subsequent three recruitment years uniformly in all the States.	3.96	44
(56)	There should be no difficulty to adopt the procedure of exchange of reserved vacancies between Scheduled Castes and Scheduled Tribes in the last year of carry-forward by those States which have not yet done so.	3.97	44-45
(57)	The procedure of obtaining prior approval of the Department of Personnel or the General Administration Department requires the authorities concerned to explain the circumstances under which they want to appoint general candidates against the reserved vacancies. It curbs the tendency on the Part of appointing authorities to indiscriminately appoint general candidates against the reserved vacancies. It is, therefore, suggested that State Governments which have not yet adopted this procedure should do so urgently.	3.99	45
(58)	We have been pleading time and again that in order to give due share of posts in senior position to the members of Scheduled Castes/Scheduled Tribes, it is necessary that there should be reservation at the time of promotion also. It is reiterated that the State Governments which have not yet introduced the element of reservation in posts filled by promotion should do so without any further delay.	3.100	45
(59)	As the reservation at the time of confirmation results in enhancement of the prospects of earlier promotion for the Scheduled Caste and Scheduled Tribe candidates, it would be desirable that the State Governments should also fall in line with the provision made by the Government of India and introduce reservation at the stage of confirmation.	3.101	45-46
(60)	The State Governments of Bihar, Maharashtra, Karnataka, Punjab and Uttar Pradesh have issued instruction for nomination of Scheduled Caste/Scheduled Tribe Officers to the Selection Boards/Departmental Promotion Committees. It is recommended that other State Governments should also introduce a system on these lines so as to avoid chances of rejection of Scheduled Caste/Scheduled Tribe candidates otherwise eligible for appointment.	3.103	46
(61)	It is felt that full exemption to Scheduled Caste/Scheduled Tribe candidates in the matter of examination fees charged for appearing in an examination or for selection to posts/services under the Government would enable more and more candidates of these communities to come for reserved posts. A provision to this effect should be made not only by all the State Governments but also by the Central Government.	3.105	46
(62)	It has been our experience that if there is no mention of the grant of travelling allowance to Scheduled Caste/Scheduled Tribes for being called for interview/test, a number of candidates who are otherwise eligible and qualified for the advertised posts, may not venture to send their applications, because of the expenditure involved in undertaking the journey, particularly when they cannot be sure of their selection for the post. In order to attract more and more Scheduled Caste/Scheduled Tribe candidates for posts reserved them, there should be a clear-mention about grant of Travelling Allowance to Scheduled Caste/Scheduled Tribe candi-		

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<p>dates in the advertisements also. It would also be desirable that the restriction of minimum journey of 50 miles (80 Kms) by rail and 20 miles (32 Kms) by road for travelling allowance in the case of Scheduled Caste/Scheduled Tribes candidates should be cut down to areas within municipal limits by rail or by road. It is for consideration of both Central as well as State Governments.</p>		3.107	47
<p>(63) The State Governments which have not yet introduced the principle of reservation in the workcharged establishments/daily rated posts are urged to make this provision in order to ensure due share of the posts in these establishments to the members of Scheduled Castes and Scheduled Tribes so that at the time of regularisation, candidates from these communities are available for regular appointments as well.</p>		3.109	47
<p>(64) The Central Government as well as those of the State Governments which have not yet adopted the procedure of counting the Scheduled Caste/Scheduled Tribe candidates selected on merit against the unreserved vacancies instead of against the reserved quota, are urged to adopt the same, as this would accelerate the pace adequate representation of Scheduled Caste/Scheduled Tribes in Government services.</p>		3.110	47
<p>(65) It is recommended that the States which have not yet adopted the principle of appointment of Liaison Officers for watching the implementation of reservation orders should consider the appointment of such Officers.</p>		3.112	48
<p>(66) It is recommended that the staff in the special cells in the State Governments should be exclusively provided for attending to the work relating to the implementation of service safeguards for Scheduled Caste/Scheduled Tribe employees. They should also consist of inspecting staff with powers to inspect the rosters and other relevant records maintained for giving effect to the orders regarding reservation and other concessions and relaxations etc. provided for Scheduled Castes and Scheduled Tribes.</p>		3.113	48
<p>(67) It is suggested that Chief Ministers of the States should ensure that the State-level committees appointed to review the representation of Scheduled Castes and Scheduled Tribes in Government services, are reconstituted from time to time and they meet at least twice a year to review the representation of Scheduled Caste/Scheduled Tribe in their services and submit detailed reports to the Chief Minister with a copy to the Commissioner for Scheduled Castes and Scheduled Tribes.</p>		3.114	48
<p>(68) It is suggested that in the States where the reservation has not been extended to services under local bodies/public sector undertakings, urgent steps should be taken to do so in order to ensure that the Scheduled Caste/Scheduled Tribe persons are not deprived of their due share of employment under these institutions.</p>		3.115	49
<p>(69) It is the same sad commentary year after year that the statistical information in respect of representation of Scheduled Castes/Scheduled Tribes in the services under the State Government/Union Territory Administrations is not made available inspite of critical comments made in the past. It is, therefore, suggested that the Ministry of Home Affairs, raise this issue in a conference of the State Chief Ministers and Union Territory Administrators.</p>		3.117	49
<p>(70) We had been pleading with the Government for prescribing a time limit of three months for the concerned Ministries/Departments/Organisations to complete the follow-up action on</p>			

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<p>the findings of the study teams of this Organisation. It is found that some Organisations have not taken sufficient remedial action in time on the defects, discrepancies and irregularities pointed out by our study teams. Instructions from Government to rectify such findings within a limited time will help to remove this difficulty. Moreover, punishment has also to be awarded to the officials found guilty of denying justice to the Scheduled Caste/Scheduled Tribe persons intentionally or through negligence or otherwise.</p>		3.122	62-63
<p>(71) It is strongly felt that where the Scheduled Caste/Scheduled Tribe employees suffered as a result of administrative lapse, they should be given benefits in the matter of confirmations, promotions etc. from the dates they were due to them. Department of Personnel and Administrative Reforms should issue suitable instructions without delay to provide retrospective benefits for Scheduled Caste/Tribe employees in this regard.</p>		3.125	63
<p>(72) There is an urgent need to prescribe a definite time-limit for responding to the communications emanating from the Commissioner's organisation in connection with various grievances of the Scheduled Caste and Scheduled Tribe employees and the officers who are found responsible for wilful delay and denial of justice to the Scheduled Caste/Scheduled Tribe persons should be dealt with under the conduct rules.</p>		3.126	63-64
<p>(73) The new scheme for Civil Services Examination for I.A.S. and Allied Services has not only seriously diminished the chance to succeed for some Scheduled Castes and Scheduled Tribes, particularly those living in North East Frontier areas, whose mother tongue has not found a place in the 8th Schedule of the Constitution but has effectively excluded them as potential candidates for the competitive examinations due to the inclusion of one Indian Language mentioned in the 8th Schedule as one of the compulsory papers carrying 300 marks. These difficulties will have to be removed immediately if the Government of India desires to give fair opportunity to all the citizens in the Civil Services Examination. One immediate and partial solution is to offer a paper in lieu of the Indian Language mentioned in the 8th Schedule of the Constitution. This may be in the form of an additional paper in English or an additional optional paper to be chosen by the candidates amongst several subjects to be specified by the Government for the purpose. The introduction of such alternate paper will not remove all the handicaps mentioned before but it will at least enable the members of these communities to compete gainfully in this all important Examination.</p>		3.128, 3.131	72-73
<p>Chapter 4—ECONOMIC DEVELOPMENT</p>			
<p>(74) The rates of post-matric scholarships are not adequate to cover the expenses on higher education of the students belonging to the Scheduled Castes and Scheduled Tribes majority of whom come from poor families. There is a desirability of reviewing the situation and raising the rates of scholarships suitably.</p>		4.7	75
<p>(75) The Government of India should set apart some funds for encouraging new voluntary organisations to take up welfare work amongst the Scheduled Castes and Scheduled Tribes.</p>		4.11	76
<p>(76) The facilities for Scheduled Castes and Scheduled Tribes at pre-matric stage of education are not adequate in many parts of our country and on account of this shortcoming quite a sizeable number of students belonging to these categories do not reach the higher stages of education.</p>		4.16	77

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(77) Adequate care has not been exercised so far to quantify funds from identifiable programmes and to orient the programmes, as far as possible, to suit the needs of Scheduled Caste persons. Quantification of flow of funds from general sector towards the welfare of Scheduled Castes should be done at the budgeting and planning stage and the Planning Commission may issue necessary directions to all the Central Ministries and State Governments to give benefit of their developmental programmes to Scheduled Castes at least in proportion to their population.		4.22	78
(78) Special measures should be taken to promote the interests of artisan group amongst Scheduled Castes/Scheduled Tribes like the ones engaged in leather work, weaving, basket making, conch shells etc. For such professions comprehensive plans should be prepared and in fact any profession in which more than 50% of the participants belong to Scheduled Castes should be taken under the ambit of Scheduled Castes Development Programme. Efforts require to be made to organise the rural poor so that they may be able to get due share of the economic development measures. A large number of Scheduled Caste/Tribe persons should be prepared for employment in the growing spheres of the economy. The Bureau of Public Enterprises should ensure that due share of the enterprises within its jurisdiction accrues to the persons belonging to Scheduled Castes and Scheduled Tribes. Khadi and Village Industries Commission etc. should organize training programmes for artisans belonging to Scheduled Castes and Scheduled Tribes to help them to modernize their methods of production and assist them in the marketing of their produce by exploring the requirements of the areas and the products.		4.24	78
(79) All the blocks with more than 20% Scheduled Caste population should be covered under the intensified Integrated Rural Development Programme within the next two years. The benefits in the Integrated Rural Development Programmes should be given on the basis of proportion of the population of Scheduled Caste persons in the target group.		4.27	79
(80) The banks have started assisting the persons belonging to Scheduled Castes and Scheduled Tribes. The pace of assistance should be accelerated in the coming years so that the persons belonging to these categories may be able to improve their economic and social condition. The suggestions made in the last Report about advancing 10% of the total loans of the Banks to Scheduled Castes and Scheduled Tribes for meeting their medium term and long term credit requirements and making their cooperations eligible to get loans under differential rate of interest scheme, are reiterated.		4.30 and 4.31	80
(81) In the matter of allotment of fair price shops/distributive agencies the persons belonging to Scheduled Castes and Scheduled Tribes have not so far received sufficient attention of the State Governments/Union Territory Administrations. All the State Governments/Union Territory Administration should allot distributive agencies/fair price shops to the persons belonging to Scheduled Castes and Scheduled Tribes at least in proportion to their population in the State/Union Territory.		4.35	81
(82) Persons belonging to Scheduled Castes and Scheduled Tribes deserve preference in government jobs. But there is also a need to give them preference over others in granting financial			

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assistance for setting up small industries. The Small Industries Development Organization can be of considerable help in promoting the economic Welfare of Scheduled Castes and Scheduled Tribes if the schemes are suitably modified in favour of the persons belonging to these categories and conscious attempts are made to assist such entrepreneurs.		4.36	81
(83) Madras Fertilizers Ltd., and Fertilizers and Chemicals, Travancore Ltd. should make reservations for the persons belonging to Scheduled Castes and Scheduled Tribes in the appointment of dealerships.		4.37	81-82
(84) Persons belonging to Scheduled Castes and Scheduled Tribes should be given preference in obtaining catering contracts on running training like dining cars etc.		4.40	82
(85) The Haryana Harijan Kalyan Nigam should obtain sizeable funds from the nationalised banks to be advanced by it to the persons belonging to Scheduled Castes on nominal rates of interest. The difference between the rate of interest at which the loan has been obtained from the bank and the rate at which it has been advanced to the persons belonging to Scheduled Castes should be borne by the Nigam and to meet the difference the State Governments should give adequate grants to the Haryana Harijan Kalyan Nigam.		4.46	83
(86) The weakest links among the Scheduled Castes are yet to derive any sizeable benefits from the schemes of the Punjab Scheduled Castes Land Development and Finance Corporation. It is also felt that either the State Government should help the Corporation in a big way by giving substantial grants or the Corporation should be assisted to obtain loans from the nationalised banks under the Differential Interest Rate scheme if the tempo of the loans to the Scheduled Castes is to be maintained unhampered.		4.48	83
(87) The Government of Himachal Pradesh should enact a suitable Regulation/Legislation to declare the Lahaul Potato Growers Cooperative Society as the sole agency to purchase potato and other cash crops like hons and chickory to eliminate the private traders. The other problem that needs urgent attention is the establishment of a research centre in Lahaul Valley itself for production of foundation seed for potato growers by the Indian Council of Agricultural Research. The existing Potato Development Station at Dalang in Lahaul Valley run by the State Department of Agriculture is not in a position to meet full requirement of foundation seed on account of lack of irrigation facilities. It is, therefore, essential that Indian Council of Agricultural Research should pay special attention for the production of foundation seed in the valley itself as this programme is directly linked up with the economic advancement of the tribal cultivators.		4.68	86
(88) State Governments should take action on the guidelines issued by the Ministry of Home Affairs with regard to the setting up of Development Corporations for promoting the economic welfare of the persons belonging to Scheduled Castes and Scheduled Tribes. They should try to achieve the objective of covering at least 50% of the Scheduled Caste families by the end of the Medium Term Plan.		4.70	87
(89) A suitable proforma should be devised to collect details regarding the benefits derived by the persons belonging to Scheduled Castes and Scheduled Tribes from the implementation of the Minimum Needs Programme.		4.73	88

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<p>(90) The number of Scheduled Caste families that can be assisted for construction of houses in Himachal Pradesh is very small, and therefore the State Government must allocate separate funds to cover all the Antyodaya families including those belonging to Scheduled Castes and Scheduled Tribes and the existing allocations for the welfare of Scheduled Castes and Scheduled Tribes should not be diverted to cover Antyodaya families belonging to these categories. As most of the persons belonging to Scheduled Castes and Scheduled Tribes are economically weak, it will not be appropriate to divert the existing programmes for the development of Scheduled Castes to cover Scheduled Caste Antyodaya families for which separate funds should be provided.</p>		4.78	88.89
<p>Chapter 5—LAND, AGRICULTURE AND HOUSING PROGRAMMES</p>			
<p>(91) Cases of alleged harassment and atrocities committed on Scheduled Castes must be properly and adequately checked in Cachar District, which has the highest concentration of Scheduled Caste population in Assam.</p>		5.9	91
<p>(92) The firm stand taken by the authorities concerned in coming to the rescue of new allottees of land of Kanjhawala village, Nangloi, Delhi should be emulated by other State Governments.</p>		5.22	93
<p>(93) A review of land allotments vis-a-vis possessions actually handed over to the persons belonging to Scheduled Castes and Scheduled Tribes should be made by the State Governments and Union Territory Administrations and timely remedial action taken wherever necessary.</p>		5.24	93
<p>(94) The programme of launching revenue campaign by the Government of Rajasthan is a step in the right direction and it is good to note that in the course of this campaign, agricultural land was also allotted to the persons belonging to Scheduled Castes and Scheduled Tribes. Other State Governments should also emulate the example set by the Government of Rajasthan.</p>		5.31	96
<p>(95) Existing laws regulating the transfer of lands belonging to Scheduled Tribes should be urgently reviewed to protect the lands of Scheduled Tribe persons. The Commissioner is in complete agreement with the suggestions made by the Working Group on Land Reforms that the State Governments should unambiguously provide in their legislations notwithstanding anything in the code of Civil Procedure or in other law the sale of a holding belonging to a member of a Scheduled Tribe to be void unless it is in favour of any person belonging to a Scheduled Tribe. The laws must clearly provide that a plea to this effect can be taken at any stage of the proceedings and by a successor-in-interest. The areas of high incidence of alienation of tribal land should be identified and the work of restoration of land should be taken up on a campaign basis. Wherever necessary, special staff may be appointed for the purpose.</p>		5.34	96
<p>(96) A definite proportion of the total outlay on agriculture and allied sectors in States having sizeable shifting cultivators should be allocated for such areas with an additional nucleus money.</p>		5.40	97
<p>(97) A phased programme of housing for Scheduled Castes/Scheduled Tribes should be evolved. It should be based on local</p>			

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<p>designs, availability of local material and skills. To bring about social cohesion between the members of various communities, the programme should be undertaken on cluster basis. The beneficiaries should be assisted by liberal loans with suitable subsidies to construct houses.</p>		5.52	100
Chapter 6—EDUCATIONAL DEVELOPMENT			
<p>(98) The enrolment of Scheduled Castes and Scheduled Tribes in Rajasthan, in the age-groups 6-11, 11-14 and 14-17 still lags far behind the national targets. The position of enrolment among Scheduled Caste and Scheduled Tribe girls in the State is worse. This calls for immediate suitable action on the part of the State Government in order to increase the enrolment of Scheduled Caste/Scheduled Tribe girls as well as boys in these age-groups.</p>		6.5	101-102
<p>(99) While implementing the programme of Universal Elementary Education the Governments of Andhra Pradesh, Bihar, Jammu & Kashmir, Madhya Pradesh, Orissa, Rajasthan, Uttar Pradesh and West Bengal as well as the Governments of other States/Union Territories having large Scheduled Caste/Scheduled Tribe populations should ensure that the children belonging to these communities are paid special attention in view of their backwardness. Sufficient funds should be earmarked to provide incentives like adequate scholarships and stipends, free uniforms, books, stationery, mid-day meals, establishment of Ashram Schools in sparsely populated Tribal areas, etc., in order to encourage their enrolment. Provision should also be made for higher non-teacher cost for the tribal areas. The Government of Rajasthan and Madhya Pradesh are understood to be doing commendable work by awarding pre-matric scholarships to all the eligible Scheduled Caste/Scheduled Tribe students. All the other State Governments/Union Territory Administrations should also take similar action to avoid pre-matric stipends to all the eligible Scheduled Caste/Scheduled Tribe children as an incentive to them to attend schools.</p>		6.7	102-103
<p>(100) It was observed that most of the areas selected by the Government of Rajasthan for starting the proposed Adult Education Centres in the district of Dungarpur in the State were located in the areas of tribal concentration. Similar action should be taken by all the other State Governments to locate the proposed centres in areas of tribal concentration as well as Scheduled Caste localities, to enable more and more Scheduled Caste/Scheduled Tribe illiterate persons in the age group 15-35 to derive benefit from the programme. The content and pattern of curricula should also be so devised as to enable their persons belonging to these communities to understand their socio-economic environment and to easily learn new economic activities and improve the existing skills.</p>		6.10	104
<p>(101) The lop-sided growth of backward classes hostels noticed in a study conducted in Maharashtra should be avoided by the State Government by adopting a well planned policy to bring about an area-wise balanced growth of hostels in accordance with the needs of the respective areas, which should be assessed after conducting necessary surveys for the purpose. Similar action should be taken by all the other State Governments/Union Territory Administrations, to ensure that new hostels are opened according to the needs of different areas and there is no underutilisation of these hostels. The Governments of the States/Union Territories in which the number</p>			

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<p>of backward classes hostels is inadequate should also take urgent steps to increase the number of these hostels in their respective States/Union Territories. Coaching facilities should also be provided to the Scheduled Caste/Scheduled Tribe students in hostels, in the States in which arrangements for the same have not so far been made.</p>	6.12	104-105	
<p>(102) The action taken by the Government of Rajasthan to appreciably increase the rates of grants-in-aid to aided backward classes hostels, is commendable. The Governments/Administrations of the other States/Union Territories in which the rates of grants-in-aid are still low should also take immediate action to increase these rates to enable the aided hostels to give balanced diet to the inmates. The State Governments should also ensure that the items for which the grants-in-aid are being given to these hostels are actually supplied to the inmates.</p>	6.13	105	
<p>(103) A study about the working of the Scheduled Castes Girls' Hostel Srikakulam, Andhra Pradesh, revealed that due to congestion in the hostel, even certain minimum requirements like cots, racks, shelves, games, etc., had not been provided to the inmates. The State Government should look into the above points and do the needful to improve the working of the hostel. The Government of India as well as the Governments of the States in which the number of girls' hostels for Scheduled Castes & Scheduled Tribes is small should take urgent steps to increase the number of these hostels.</p>	6.15	105	
<p>(104) The Government of Maharashtra should take prompt action to start the proposed Ashram Schools according to the schedule recommended by the Tribal Research Institute, Pune, on the basis of a study conducted by them in this regard. All the Governments in whose States, the number of Ashram Schools is inadequate should also take urgent steps to make similar studies in order to find out the number of Ashram Schools required to be opened in their respective States and also to select the areas where such schools should be started according to the population and requirements of the areas. This will go a long way in putting a stop to uneven and lop-sided growth of Ashram Schools.</p>	6.16	106	
<p>(105) There appears to be absolutely no justification in denying the Post-matric scholarships to some Scheduled Caste/Scheduled Tribe children, to which their brothers and sisters are eligible, simply because they happen to be the third or fourth children of their parents. The restriction of only two children of the same parents/guardians for the award of post-matric scholarships, should, therefore, be removed from the regulations and all the children of the same parents/guardians pursuing post-matric education should be awarded scholarships, if they are otherwise eligible.</p>	6.19	107	
<p>(106) The Governments in whose States the 10+2 system of education has been introduced should also supply the required number of Post-matric scholarships application forms to the schools concerned to avoid the hardship caused to the students of XI class in obtaining these forms.</p>	6.20	107-108	
<p>(107) As instructed by the Union Ministry of Home Affairs, the Delhi Administration and other State Governments/Union Territory Administrations concerned should themselves get sufficient copies of post-matric scholarship application forms printed and supply the same to college and also schools</p>			

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	which have introduced 10+2 pattern of education, well in time, in order to avoid hardship caused to the students in obtaining the forms.	6.20	108
(108)	The Government of Rajasthan as well as the Governments/Administrations of other States/Union Territories in which the system of entitlement cards has not yet been introduced should take immediate action to adopt the system in their respective States/Union Territories.	6.20	108
(109)	Urgent steps should be taken to identify the economically more backward communities among the Scheduled Castes/Scheduled Tribes in all the States/Union Territories and to launch special programmes like special coaching classes, increased rates of pre-matric stipends, free books, uniforms, mid-day meals, and starting special residential schools like ashram schools, in order to encourage more students among these communities to reach the level of post-matric education and derive benefit from the post-matric scholarship scheme. The rates of post-matric scholarships should also be increased suitably for students belonging to these communities as an incentive to them to go in for Post-matric education.	6.21	108
(110)	The Union Ministry of Home Affairs should issue necessary instructions to all the State Governments/Union Territory Administrations in order to ensure that the amounts of Scholarships are disbursed by the colleges expeditiously and not kept by them unduly.	6.22	108
(111)	The new scheme for the award of post-matric scholarships to children of non-scheduled Castes/Scheduled Tribes engaged in scavenging of dry latrines and flyting is welcome. But the number of scholarships appears to be small and may not cover all the children of the categories for whom it is meant. There should, therefore, be no limit to the number of scholarships, as in the case of the post-matric scholarships scheme for Scheduled Castes and Scheduled Tribes and all the eligible children under the scheme should be awarded scholarships. The expenditure under the scheme should not be met from the budget allotment made for post-matric scholarships for Scheduled Castes and Scheduled Tribes, but it should be met from a separate budget head.	6.23	108-109
(112)	The scheme introduced by the Government of Karnataka to give financial incentives to parents of tribal students to encourage them to send their children to schools is commendable. Other State Governments/Union Territory Administrations concerned should also introduce similar schemes to encourage Scheduled Caste/Scheduled Tribe parents to send their children to schools. It would be better if a suitable means test is prescribed for the award of this incentive. The State Governments/Union Territory Administrations who have not yet achieved the target of awarding pre-matric stipends to all the eligible Scheduled Caste/Scheduled Tribe students should take early action to do so now, by making liberal outlays for the purpose.	6.24	109
(113)	The Governments of Rajasthan as well as all other States/Union Territories who have not yet introduced any scheme of pre-matric stipends and other incentives like book-grants, uniforms, mid-day meals etc., for Scheduled Caste/Scheduled Tribe primary students, should take early action to do so now in their respective States/Union Territories. The Government of Himachal Pradesh and all other State Governments who		

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<p>have introduced schemes of Pre-matric stipends to Scheduled Caste/Scheduled Tribe students in primary classes also, should provide adequate funds so that all the eligible students belonging to these communities in primary classes are awarded stipends.</p>		6.25	109-110
(114) The number of scholarships under the centrally sponsored scheme of Pre-matric scholarships to children of those engaged in unclean occupations, i.e. scavenging of dry latrines, tanning and flaying, should be increased to cover more children of these categories.		6.27	110
(115) All the national overseas scholarships for which applications were invited in January, 1978 should be sanctioned by the Union Ministry of Home Affairs at an early date in order to avoid the accumulation of a backlog.		6.28	110-111
(116) The Government of Karnataka should take early action to put a stop to the system of charging capitation fees for admission to private medical colleges by taking over the private medical colleges concerned and admit candidates purely on merit, after allowing the prescribed relaxation of minimum standard for admission of Scheduled Caste/Scheduled Tribe students against reserved seats.		6.31	111
(117) As far as we are aware the Ministry of Health and Family Welfare have not changed their stand not to press the State Governments for making reservation of seats and relaxation of minimum standard for admission of Scheduled Caste/Scheduled Tribe candidates to post-graduate courses in medical colleges, on the plea that post-graduate medical education cannot be equated with under-graduate medical courses because the former is a specialised training in any selected branch of medicine and it will not be proper to lower the standard of post-graduate medical education. Since the standard is to be relaxed only for admission to Post-graduate courses and not for passing the examination to complete the course, the Ministry should reconsider their stand and persuade the State Governments/Union Territory Administrations who had not agreed to make reservation of seats or relax the minimum standard for admission of Scheduled Caste/Scheduled Tribe candidates to these courses to do so at an early date. After admission, the Scheduled Caste/Scheduled Tribe students may be imparted special coaching for about three months to bring them at par with other students.		6.32&6.33	111-112
(118) The decision taken at the meeting of the Directors of the various I.I.Ts. with the Union Education Minister in July, 77, to locate talented Scheduled Caste/Scheduled Tribe students desirous of entry to professional courses like engineering and Medicine, at school stage and to organise special training for them to prepare them for entry to these professional courses, is welcome. Apparently, the proposed training at school stage is meant to be a substitute for the special centres for Scheduled Caste/Scheduled Tribe students proposed earlier and, which were never started. It is hoped that the proposed training of Scheduled Caste/Scheduled Tribe students at school stage will not meet the same fate. The follow-up action taken by the Central Ministries of Education as well as Home Affairs to start the proposed training scheme is not known. Immediate steps should be taken by these Ministries to start the scheme to train Scheduled Caste/Scheduled Tribe students at school stage, in order to ensure that these students are well prepared for their studies in the I.I.Ts. which require a very high standard of academic performance.		6.41	113

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(119)	Information regarding the admission of the Scheduled Caste/Scheduled Tribe students to Kendriya Vidyalayas during 1977-78 is still awaited from the Union Ministry of Education, in the absence of which it is not possible to assess the progress made in the admission of students belonging to these communities to various Kendriya Vidyalayas. It is hoped that the Ministry as well as the Kendriya Vidyalaya Sangathan will be more responsive in future.	6.43	113
(120)	The Union Ministry of Education should take early action to prescribe a specific relaxation of 10 percent or more in the minimum standard for admission of Scheduled Caste/Scheduled Tribe candidates to Kendriya Vidyalayas.	6.44	113-114
(121)	The Ministry of Education should instruct the Kendriya Vidyalaya Sangathan to follow the Ministry's instructions regarding the interchangeability of seats reserved for Scheduled Caste and Scheduled Tribe candidates in Kendriya Vidyalayas, viz., 'if a sufficient number of candidates is not available to fill up the seats reserved for Scheduled Tribes, they may be filled up by suitable candidates from Scheduled Castes and vice-versa'.	6.45	114
Chapter 7—SOCIAL DEVELOPMENT			
(122)	Under Section 15(A) of the Protection of Civil Rights Act 1955, there is a provision for periodic surveys of the working of the provisions of the Act. Many State Governments have not taken any positive steps for undertaking the proposed surveys. The State Governments/Union Territory Administrations concerned should give urgent attention to this aspect and undertake periodic surveys in the disability areas. As suggested in our previous Report it is illustrated that the State Governments should not be guided by the number of cases registered under the Act while setting up the special courts but by the urgency for speedy disposal of cases as well as the deterrent effect it would have on the people who continue to observed untouchability. It is also hoped that if the new features of the amended Act are implemented in right earnest, there will go a long way in eradicating this evil from our society. All the State Governments should also give wide publicity to the provision of the Act and its copies should be printed in digit for circulation.	7.5	116
(123)	The Protection of Civil Rights Act should be suitably amended to make it clear that the Act applied to any property, by whosoever owned and all wells not enclosed in a private building and used by a large number of people, should be treated as public wells and thrown open to all section of the population.	7.6	116
(124)	The rules framed under legal aid programmes should be such that legal aid is available within a prescribed period and the remuneration should be such that councils of suitable quality and experience could be engaged and eligibility criteria are so fixed that large number of needs and deserving persons could be covered under the programme.	7.7	116-117
(125)	The State Governments should make provision for the grant of adequate compensation to all the victims of untouchability by allotment of lands, grant of loans and suitable employment.	7.8	117
(126)	The State level committees in all those States where the problem of untouchability is acute should be headed by the Chief Minister so that the matter may receive attention at		

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the highest level and the State Governments of Andhra Pradesh, Karnataka, Madhya Pradesh, Maharashtra, Tamilnadu and Uttar Pradesh should specifically consider this suggestion.		7.9	117
(127) The effective implementation of the recommendations of the Working Group on Scheduled Castes and Other Backward Classes would go a long way in eradicating the practice of untouchability within the stipulated period. The concerned Central Ministries should evaluate the sectoral flow from their general sector programmes and should enter into a dialogue with their counterparts in the State Governments. The Union Ministry of Home Affairs have also to play an important role in providing special central assistance.		7.11	118
(128) The question of setting up special police machinery in the States for proper enforcement of the Protection of Civil Rights Act 1955 should be considered on priority basis. It is observed that special machinery obtaining in the several States looks adequate supporting staff both at the State level as well as at field level. It should be ensured that the special machinery is adequately staffed. The special machinery in addition can look in to the work concerning cases of atrocities or violence against the Scheduled Castes.		7.14	118-119
(129) The practice of untouchability requires to be tackled in a massive way in disability areas of the country. The enforcement of the Protection of Civil Rights Act, 1955 has assumed a sense of importance and urgency that was absent before. Eradication of untouchability has now assumed proportions of a National Programme and the desire to eradicate it within Five Years has made it a time-bound programme.		7.19	120
(130) The steps taken by some of the State Governments, especially the Governments of Gujarat and Tamil Nadu to encourage inter-caste marriages are commendable. The State Governments/Union Territory Administrations which have not yet taken necessary steps in this regard shall take urgent action to give suitable incentives for inter-caste marriages.		7.22	123
Chapter 8—TRIBAL DEVELOPMENT			
(131) The first step to increase the income of average tribal, should be to save him from the multitude of exploitative processes which tend to get strengthened as developmental programmes are initiated in the tribal areas. Though the elimination of exploitation was accorded high priority in the 5th Plan, yet the important constraints noticed were lack of an effective delivery system for the new developmental programmes and the limited absorption capacity of the local communities.		8.1	124
(132) The problems of the tribal people in this country have as much to do with the attitude and education of the civilised and sophisticated people as with the development of the tribals themselves. The former have to be taught about the virtues of the tribal way of life, their sense of honour and their culture which should be understood participatory rather than in a patronising or scholarly way.		8.1	124
(133) The concept that tribal development is the responsibility of all the developmental departments took sufficient time to be realised. The Tribal Development Departments are still not headed by senior officers in all the States. Similarly, at I.T.D.P. level in most of the cases project administrators have not been appointed. There has also been observed a considerable lag in the delegation of administrative and financial			

powers to the project authorities. This situation, therefore, indicates that although the approach and strategy were clearly worked out in the 5th Plan itself, yet the achievement have not been in tune with those priorities. Elimination of exploitation has only limited success. Though there had been spectacular success in relation to the level of investment in these areas, yet in these investments, the major share has been taken by the bigger programmes and infrastructural developments, while small programmes of immediate benefits to the tribals could not pick up.

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- (134) The progress of project formulation under the Tribal sub-Plans has been considerably slow in respect of Assam, Manipur and West Bengal. The Commissioner for Scheduled Castes and Scheduled Tribes specifically brought to the notice of the Chief Minister of Manipur while on tour in that State, that the preparation of I.T.D.P. should be taken up on priority basis as no project had so far been prepared by the State. The Governments of Assam, Manipur and West Bengal should, therefore, gear up their machinery and prepare the projects without loosing any further time.

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- (135) A study undertaken in I.T.D.P., Simdega, Bihar revealed that no attempt had been made to take up horticulture development in the project area. Though the project area is considered to be more suitable for the tassar rearing yet the programme had not been taken up. One tassar Bija Poorti Kendra established by the Industry Department at Simdega was found to be almost defunct. As regards other industrial units, it was observed that the participation of the tribals was also negligible in these units. Training-cum-production centre run by the Welfare Department in Simdega project was functioning in most unsatisfactory manner. The study also revealed that to make agriculture more remunerative, it is necessary to put in efforts to improve the fertility of the soil and to make a substantial addition to existing inadequate irrigational facilities. For minor irrigation works, no survey and investigation agency has been provided. It was learnt that the benefit of the schemes of big diameter wells had gone mostly to the non-tribals. The number of existing seed multiplication farms requires to be raised. Most of the lands of the project area are acidic in nature and require treatment, but the problem has not received adequate attention of the authorities. Though there is a good scope for development of horticulture in the area, even preliminary steps have not been taken to provide fruit plants to the tribals on subsidised rates. Similarly pulses and oil seeds can be more profitably grown in the project area yet the tribal farmers have not been convinced and assisted to do so. It was also learnt that fertilizers are not reaching the interiors of the project area because no arrangement has been provided for transportation. The area continues to be poorly served by electricity. Many educated tribals were on the live register of the Simdega Employment Exchange. Some of these can be helped to become tribal entrepreneurs in case technical guidance and financial assistance, is made available for them. Regarding the development of khadi and village industries there were programmes for providing subsidy to tribals at the rate of 50% of the cost for purchase of tools and implements, and a sum of Rs. 43,000 had been proposed for 1978-79 but no information was available as to when this scheme was started and achievements made thereunder. There are many pockets

- in the project area which are not connected by even surfaced roads. Though there were supposed to be 400 primitive tribals in the project area, the only effort made for their welfare appeared to be a communication issued by the Project Officer to the Block Development Officers to furnish details as to how the members of these communities could be permanently settled on land. It is, therefore, emphasised that it is not enough to prepare a project report. If the schemes are to be seriously implemented a constant watch is required to be maintained and it is essential to have statistical data regarding the functioning of various schemes at one place to know their overall impact. The project should have an investigation survey wing to supervise the progress of different schemes being implemented in the areas. Another study conducted in T.D.A. Gunnpur, Koraput Distt., Orissa revealed that many of the Scheduled Tribe agriculturists were fully dependent on subsidies and were reluctant to continue improved practices as soon as the subsidies were withdrawn. Scheduled Tribe persons interviewed at Sardarpur, Padampur Blocks informed that minimum wages were denied by their employers. Payment of minimum wages should, therefore, be strictly enforced to protect the interests of such labourers and maintenance of records should be insisted upon. From time to time, surprise checks should be conducted by the revenue authorities, to detect irregularities committed by the employers.
- 8.8, 8.9,
8.10, 8.11 125-126
- (136) The programmes of identification of primitive groups in various States/Union Territories concerned were not carried out expeditiously, although financial outlays had been provided for the purpose. The Tribal Research Training Institute, Pune has conducted three studies regarding the health and nutrition problems of Madia Gonds, Kathkaris and Kolams primitive tribes. Since the State Government of Maharashtra have yet to prepare the project for these communities, it would be worthwhile if suitable programmes are chalked out based on the findings of these studies.
- 8.14, 8.17 127
- (137) Theoretically speaking out-still system has been abolished in many areas but it has been changed into supply system. The decision to have complete prohibition in four years should be utilised in eradicating commercial vending of liquor completely from tribal areas. Government measures will succeed only if help of non-official organisations is utilised to wean away the tribals from the habit of liquor.
- 8.21 129
- (138) The profit earned by the Forest Departments of the State Governments concerned increased manifolds, but the condition of tribals residing in forests did not improve. It is, therefore, essential that in the plantation of trees, the traditional species which provide minor forest produce and other sources of income to the tribals should be included in all plantation programmes. The rights of the tribals in the collection of minor forest produce should be recognised without reservations and no royalty should be charged from the tribals. It should be ensured that the tribals are paid remunerative prices for the minor forest produce collected by them which is related to the price of the commodity prevailing in the adjacent market. The purchase of Sal Seeds—a minor forest produce has been taken up by organising Cooperative Societies on a large scale in Bihar, Madhya Pradesh and Orissa. The purchase of minor forest produce should be conducted through the co-operative societies in other States as well, Non-edible oil seeds collected from tribal areas are sent out and processed

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in solvent extension plants and converted into soap. As a first step, the State Governments must therefore, encourage the setting up of processing plants within the tribal areas by providing necessary facilities to the private, public and co-operative sectors.		8.22, 8.23	129-130
(139) The experiments carried out by Government of Kerala in forming cooperatives of fuel collectors and Cardamom growers show the directions in which the weakest tribals can improve their economic conditions by organising trading in minor forest produce. Similar approach should be adopted by the other State Governments/Union Territory Administrations in organising the collection and sale of minor forest produce through cooperatives.		8.25	130
(140) Forests Development Corporations are leaning towards commercial consideration and there has developed the tendency to bypass the Forest Labourers Co-operative Society. This tendency should be checked.		8.26	130
(141) It is essential to give high priority to the plantation of the quick growing species of trees which would supply fodder, fuel wood and materials for housing and village industries. Production activities should be undertaken by the village communities through their cooperatives in collaboration with the technical personnel of the forest departments, various officials and non-official agencies, researchers and informed leaders of the local community. Forest labourers cooperative societies should be promoted and successfully run not only for extraction of raw materials but also for processing. The privileges and concessions of the tribal people in collection and use of forest products should be published in the various regional languages in the form of booklets for free distribution amongst tribals.		8.27	130
(142) The Union Ministry of Agriculture and Irrigation convened a conference of the Ministers incharge of Forests and Tribal Affairs to discuss the role of forests in tribal economy. Many good recommendations were made in the conference. If they are implemented with all seriousness they may go a long way in improving the lot of the tribals living in the forest areas.		8.29	131
(143) The Government of Orissa have given new threat to horticulture programme under the tribal sub-plan. Other State Governments/Union Territory Administrations should follow the example of Orissa and the concerned departments should prepare perspectives of horticulture programmes for the tribal areas urgently. Afforestation and horticulture programmes, if planned imaginatively on hill ranges would not only help the tribals but the community at large by checking the floods which cause innumerable human miseries. The recent floods in North India were the result of our depleted forests and ravaged hill slopes.		8.32	132
(144) A study undertaken in Mizoram revealed that due to lack of infrastructure, execution of work under horticulture scheme was being undertaken by the staff of the Department of Agriculture as part of the extensive work. This hampers the progress of horticultural development. A separate Directorate for Horticulture under overall supervision of Director of Agriculture should, therefore, be started and areawise selection of land for plantation under different horticulture crops should be taken up.		8.33	132
(145) To encourage the location of industries in the industrially backward area a number of fiscal concessions are given. It is surprising that backward districts like Bastar in Madhya			

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<p>Pradesh and Phulbani in rissa are not included in the list of industrially backward districts. All the sub-plan areas and tribal regions should, therefore, be included in the list of backward areas eligible for purposes of capital subsidy so that entrepreneurs may be attracted to establish industries in the tribal areas. In fact higher subsidy should be provided for tribal areas.</p>		8.34	132
<p>(146) Steps are taken to upgrade the skills of the tribals by admitting them in the training institutions located in the area. Suitable persons may be selected for on the job training in order to provide permanent employment as skilled and semi-skilled workers and an intensive programme of general and technical education should be taken up in the hinterland of the industrial complexes.</p>		8.37	133
<p>(147) The incident at Jamshedpur (Bihar) in which many tribals lost their lives, may not be an isolated case, and many tribals around the project areas in different States might be facing several problems. The industrialisation in Bihar, Orissa, Madhya Pradesh and old centres of industrialisation like West Benaal, Maharashtra and Gujarat have already affected the tribal population which till recently had been living a secluded and homogeneous life. The new industrial urbanisation has disrupted the life of the tribals who are facing competition from the migrants in the labour market. They are not trained to avail of the new opportunities created by these complexes.</p>		8.39	134
<p>(148) The tribal families around the proposal Copper Project in Malajkhand Balaghat in Madhya Pradesh have been identified and it has been directed to rescue bulk of new opportunities for them. This should be followed in respect of all large scale industries to be established in the tribal areas. Suitable methods should be devised to train the local tribals for higher skilled jobs so that they may be able to participate at various levels in adequate numbers. In this regard the State Governments can take a lead and should see that the tribals of these areas are given maximum enrolment in the I.T.I.s.</p>		8.41	134
<p>(149) At the time of establishment of large scale industries it is essential, that the District administrations concerned should act on behalf of the residents who claim that they were original displaced persons of the areas and protect their interests in land. The Central and State Governments who have special responsibility for the good administration of Scheduled Areas should ensure that effective check is kept on the exploitative element in these areas. The State Governments concerned should also encourage the tribals of these areas to take up supplementary economic activities for which there is ample scope with the coming up of various projects. Final clearance to these projects should be given only after ensuring that the developmental aspects of the hinterland have been properly woven in the project programmes itself.</p>		8.43	134-135
<p>(150) The Tribal Research Institutes have not been furnishing the required information in time in the absence of which it becomes difficult to assess the performance of these Institutes. It is, hoped that the Tribal Research Institutes would be more responsive in future. The Central Research Advisory Council have not met during the last two years. The Council should meet every six months so that the work done by Tribal Research Institutes could be reviewed and directions may be given for further research work. The institutes at Kozhikode, Calcutta, Poona, Shillong, Kohima and Aizawl have not constituted Research Advisory Committees. Steps should be taken to constitute such Committees.</p>		8.44, 8.45	135

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<p>(151) The Tribal Research and Training Institute Kozhikode, Kerala is the only institute recognized as centre for advanced research in Anthropology and students are working on tribal problems. It is really a good step and it is hoped that many more students would be attracted to study the tribal problems. Tribal Research Institutes should establish rapport with the Social Science Departments of Universities of their respective States so that an atmosphere may be generated for the students to study the problems of Scheduled Castes/Scheduled Tribes. Certain problems are arising out the participation of Scheduled Castes/Scheduled Tribes in the economic processes of the country. It, therefore becomes essential that the research organisations concerned with tribal research and Tribal Research Institutes should study the impact of various welfare programmes on the socio-economic life of Scheduled Castes/Scheduled Tribes. The research priorities for the Tribal Research Institutes may closely be related to the problems of implementation of the sub-plan and I.T.D.Ps. Lately, there has been an increase in the cases of atrocities on Harijans. Tribal Research Institutes should, therefore, undertake diagnostic studies about the causes of these cases which may help the Government to take suitable action to stop such incidents.</p>	8.46.8.48	135-136	
<p>Chaper 9—ATROCITIES AND HARASSMENT</p>			
<p>(152) All the State Governments/Union Territory Administrations should make comprehensive periodical reviews on the basis of the complaints/representations and atrocity cases in the areas of their jurisdiction and lists of areas recording maximum incidents should be prepared for special attention. Socio-economic studies in depth in various parts of the country are necessary and social scientists should be involved in undertaking such studies.</p>	9.93	156	
<p>(153) It must be ensured that the persons working in Government departments are not found lax in their duties while attending to the genuine grievances of Scheduled Castes and Scheduled Tribes. For instance, the medical officers conducting medical examinations in respect of the victims of atrocities may not be won over by the opposite parties. Similarly police and revenue officers must be sincere in their efforts to protect the interests of Scheduled Castes and Scheduled Tribes. Exemplary punishments should be given to the officers found guilty of being involved directly or indirectly in committing atrocities on Scheduled Castes and Scheduled Tribes. The Panchayats must actively help in giving adequate protection to Scheduled Castes and Scheduled Tribes and ensure that no hardships are inflicted by the vested interests in the areas under their charge.</p>	9.93	156	
<p>(154) Special courts with mobile units should be set up to look into cases pertaining to socio-economic justice. Processual reforms should be undertaken to treat cases of social injustice as separate from ordinary violations of law. The law relating to burden of proof, the Evidence Act and Criminal Procedure Code should be suitably amended as in anti-corruption cases.</p>	9.93	156	
<p>(155) There should not be any ambiguity about the type of cases to be brought under the purview of atrocity. The term should be clearly defined and if need be relevant sections of the Penal Code may be pointed out for the guidance of the officers entrusted with enquiries regarding atrocity cases. Rules should be framed by all the States/Union Territories to suitably compensate the victims of atrocities belonging to Scheduled Castes and Scheduled Tribes. Besides monetary relief, adequate means of livelihood should be provided to them.</p>	9.93	156	

