

COMMITTEE ON PETITIONS

EIGHTH REPORT (SECOND LOK SABHA)

(Presented on the 18th December, 1959)

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**LOK SABHA SECRETARIAT
NEW DELHI**

December, 1959
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PERSONNEL OF THE COMMITTEE ON PETITIONS

1. Shri Upendranath Barman—*Chairman*
2. Pandit Jwala Prasad Jyotishi
3. Shrimati Uma Nehru
4. Pandit Dwarka Nath Tiwary
5. Shri M. K. M. Abdul Salam
6. Shri Jiyalal Mandal
7. Shri Pendekanti Venkatasubbaiah
8. Chaudhary Pratap Singh Daulta
9. Shri Ram Chandra Majhi
10. Shri Arjun Singh Bhadauria
11. Shri Pramathanath Banerjee
12. Shri A. V. Ghare
13. Shri Chhaganlal M. Kedaria
14. Shrimati Krishna Mehta
15. Shri M. K. Shivananjappa.

SECRETARIAT

1. Shri S. L. Shaktiher—*Joint Secretary.*
2. Shri A. L. Rai—*Deputy Secretary.*

REPORT

I, the Chairman of the Committee on Petitions, having been authorised by the Committee to present the Report on their behalf, present this their Eighth Report.

2. The Committee held two sittings during the Ninth Session, i.e. on the 20th November and the 10th December, 1959. The Committee considered the following two petitions:—

- (i) Petition from Shri B. Sham Sunder, Mysore, relating to Welfare of Scheduled Castes and Scheduled Tribes in India (Petition No. 30—Appendix I),
- (ii) Petition from Shri C. Kesaviah Naidu, Chittoor District, Andhra Pradesh, regarding implementation of the recommendations of the Committee on Petitions, First Lok Sabha, on Petition No. 45 by amendment of the Indian Arms Rules, 1951 (Petition No. 34—Appendix II).

3. The Committee considered and adopted this Report at their sitting held on the 10th December, 1959.

4. The Committee, at their sittings held on the 12th August and the 20th November, 1959, considered Petition No. 30 (Appendix I), which had been presented to Lok Sabha by Shri S. A. Matin, M.P., on the 11th August, 1959.

The petitioner had alleged that the State Governments were not taking adequate steps to ameliorate the conditions of the Scheduled Castes and Scheduled Tribes in India and had suggested that the Central Government might either by directives or otherwise ensure betterment of the conditions of the Scheduled Castes in India. In support of his plea he had put forth the following suggestions:—

- (i) There being extremely meagre budget allotments by the States for Scheduled Castes Welfare, the States might be induced to allot at least 25% of their budget for the purpose.
- (ii) Due to inadequate representation of Scheduled Castes in Municipalities, local boards, panchayats etc., an all-India measure might be enacted or directives issued by the Centre to ensure full representation on such bodies.
- (iii) Filling up of full quota of 18% posts reserved for the Scheduled Castes and Scheduled Tribes in Government Services from amongst them.
- (iv) Adequate representation for them on Public Service Commissions and other recruiting Boards to safeguard their interests.
- (v) Provision of increased facilities for their education.

- (vi) Implementation of Housing Schemes, such as Slum Clearance Scheme for their benefit and to prevent lapsing of funds set apart for the purpose.
- (vii) Over-hauling of village administration to proscribe the present caste system which prevented the Scheduled Castes from exercising their legitimate and normal civil rights.
- (viii) Amendment of the Constitution (Scheduled Castes) Order, 1950, and the Constitution (Scheduled Tribes) Order, 1950, by deleting the provision that a person professing a religion other than Hinduism shall not be deemed to be a member of the Scheduled Castes.
- (ix) Investigation by Government of the reasons for increase in communalism (particularly in the South) in India.

The Committee perused the comments of the Ministries of Home Affairs and of Works, Housing and Supply on the above points (reproduced at Appendix III). The Committee noted that the Ministries' replies covered all the suggestions of the petitioner.

The Committee also perused the debates held in Lok Sabha on the 24th and 27th April, 1959, during the Seventh Session, on the Report of the Commissioner for Scheduled Castes and Scheduled Tribes, 1957-58, and noted that a number of Members including the Chairman had participated in that debate and the Government's reply met the Members' points, which were similar to those raised in the petition.

The Committee feel that adequate steps are already being taken by the Government for ensuring economic, administrative and social advancement of the Scheduled Castes and Scheduled Tribes in India and hope that the position would improve in due course of time. The Committee accordingly feel that no further action is necessary on the Petition.

5. The Committee at their sittings held on the 31st August and 20th November, 1959, had considered Petition No. 34 from Shri C. Kesaviah Naidu (Appendix II) which had been presented to Lok Sabha by Shri T. N. Viswanatha Reddy, M.P., on the 25th August, 1959.

The petitioner, while referring to the five recommendations of the Committee on Petitions, First Lok Sabha, contained in their Sixth Report on his Petition No. 45 and reply of the Ministry of Home Affairs thereto (*vide* Appendix V to the Third Report of the Committee, Second Lok Sabha), had suggested:—

- (a) amendment of Rules 43 and 46 and insertion of new clause to Rule 40 of the Indian Arms Rules, 1951, for implementing the first three recommendations;
- (b) that suitable provisions might be made for implementation of the recommendations Nos. (iv) and (v); and
- (c) that an index might be provided in the future editions of these rules.

The Committee have noted from the reply of the Ministry of Home Affairs on the suggestion (re-produced at Appendix IV) that:—

- (i) the Ministry were agreeable to amend Rule 46 of the Indian Arms Rules as suggested by the petitioner after the Indian Arms Bill which was at present before Parliament, became law;
- (ii) they had issued necessary instructions for giving option to the licensee to have his weapon examined at the nearest police station or by a magistrate. They did not consider it necessary to amend Rule 43 for this purpose;
- (iii) they were agreeable to consider amendment of Rule 40 of the Indian Arms Rules in the manner suggested by the petitioner after the Indian Arms Bill was passed;
- (iv) instructions to issue all gun licences in book form had already been issued to the State Governments and the point did not require a statutory rule; and
- (v) they did not agree to provide an index to the rules which are notified in the Gazette as this is not usually done.

The Committee have also perused the minutes of the Ninth sitting of the Joint Committee on the Arms Bill, 1958, and noted that while discussing Clause 44 of the Bill empowering Government to make rules and conditions for grant of arms licences, the Joint Committee had desired that the Government might issue instructions to the State Governments to take a decision on applications for renewal of arms licences within a specified period.

The Committee recommend amendment of:—

- (i) Rule 40 of the Indian Arms Rules, 1951, so that where an arms licensee applies for renewal of his licence well in advance of the expiry thereof, his weapon might not be taken away from him unless the old licence is cancelled; and
- (ii) Rule 46 of the Indian Arms Rules, 1951, so that all fees in respect of arms licences might be payable in cash or by money order or by postal order as suggested in the petition.

As regards the other points raised in the petition, the committee are satisfied with the reply of the Ministry and feel that no further action is called for thereon.

6. At their sitting held on the 20th November, 1959, the Committee perused the replies of the Ministry of Railways regarding implementation of the recommendation of the Committee made in their Seventh Report on Petition No. 33.

The Committee have perused the factual note furnished by the Ministry and have noted that:—

- (i) it was not their policy to interlock all level-crossing gates with signals;

- (ii) protection of the level-crossings by signals or notice of warning of approaching trains by warning bells etc. was done according to the nature of the road and the density of both road and rail traffic. The level-crossings had been classified on this basis as Special, A, B, C and D classes;
- (iii) Special and A class level-crossings were inter-locked with station signals within station limits and Special class crossings were generally provided with special signals when outside station limits. In 'A' class crossings, outside station limits, the gates were coupled and warning bells provided where necessary;
- (iv) 'B' and 'C' class level crossings, which were several thousands on the Indian Railways, were neither inter-locked with signals nor was it practicable to protect all of them with signals. The Ministry felt that the working of such level-crossings and observance of proper caution by road users when approaching the crossings, under the extant rules, would ensure full safety for both road and rail traffic. In isolated cases of accidents the remedy lay in taking suitable action against the party at fault. 'D' Class crossings were cattle crossings; and
- (v) even inter-locking could not eliminate accidents if rules were not observed.

The Committee also noted that the Ministry of Railways with their factual reply, dated the 13th November, 1959, had in implementation of the recommendation of the Committee forwarded to the General Managers of all Indian Railways an extract of the recommendation with the direction to ensure that gatemen at level crossings were fully conversant with the rules for working them and all the requirements in accordance with the classification of the level crossings were fully met to ensure their proper working (Copy of the circular letter is re-produced at Appendix V).

7. At their sitting held on the 20th November, 1959, the Committee perused the reply of the Ministry of Home Affairs regarding implementation of the recommendation of the Committee, Second Lok Sabha, in their Seventh Report, on the suggestion contained in Petition No. 36 for fixation of an arms licencee's photograph on a licence for easy identification.

The Committee have perused the comments of the Ministry on all the five points of the petitioner (re-produced at Appendices VI and VII).

The Committee also noted that the Ministry of Home Affairs had represented that it would be desirable to give weight to the opinions of the State Governments about the difficulties in the way of implementing the suggestion since the State Governments were directly charged with the responsibility of administering the Indian Arms Act and Rules framed thereunder.

The Committee feel that, in view of the objections raised by the State Governments and supported by the Ministry of Home Affairs,

their recommendation for fixation of the licensee's photograph on the licence, contained in their Seventh Report, might not be pressed for the present.

8. The Committee also considered at their sittings held during the Ninth Session of Second Lok Sabha, 72 representations, letters and telegrams, addressed by various individuals, associations etc. to the House, the Speaker or the Chairman of the Committee, which were inadmissible as petitions.

NEW DELHI;

UPENDRANATH BARMAN,

The 10th December, 1959.

Chairman,

The 19th Agrahayana, 1881 (Saka).

Committee on Petitions.

APPENDIX I

(See Para 4 of the Report)

PETITION No. 30

To

Lok Sabha,
New Delhi.

The humble Petition of Shri B. Sham Sunder, Member, Mysore Legislative Assembly, and President, All India Depressed Classes Association.

SHEWETH

A situation of grave urgency exists in the Republic of India, which imperatively demands an urgent solution in as much as it seriously threatens and jeopardises the life and destiny of crores of members of the Depressed Classes and Scheduled Castes all over the country.

2. The concentration of all political and social power in the hands of Castes other than Scheduled Castes has bred Communalism of such a type that not only are the interests of the Depressed Classes being completely disregarded and ignored with impunity in every walk of life, but the Constitution of India is also being violated in almost all the States.

3. Apparently the aim is to perpetuate the age-old slavery of the Scheduled Castes and to deny them all opportunities of raising their position and status in life.

4. A summary of the indifferent manner in which the Scheduled Castes are being treated is given below, which it is hoped, will fully convince the Lok Sabha of the immediate necessity of taking strong measures to put a stop to the prevailing conditions and to ensure the welfare and betterment of the Scheduled Castes.

I. Inadequate Allotment of Funds

(a) The budget allotments in the States are extremely meagre for the welfare and betterment of the Scheduled Castes and Scheduled Tribes, so that the Scheduled Castes and Tribes cannot benefit to the extent they should under the policy laid down by the Central Government.

(b) The following statistics show the state of affairs:—

State	Population of Scheduled Castes	Funds allocated for uplift of Scheduled Castes
1. Kerala	13 lakhs	Rs. 93 lakhs and 41 thousands.
2. Madras	51 lakhs	Rs. crores and 33 lakhs.
3. Andhra	56 lakhs	(information not supplied)
4. Bombay	50 lakhs	Rs. 78 lakhs and 77 thousands.
5. Mysore	40 lakhs	Rs. 94 lakhs (including budget for Women Welfare and Backward Classes).

(c) Only Kerala can be said to have been somewhat considerate, but Mysore does illustrate the other extreme.

(d) For this reason, it is necessary that the Lok Sabha may provide that at least 25% of the budget of any State should be devoted to the Welfare and uplift of the Depressed Classes. More often than not, the States overlook any directive that the Government of India and the Central Advisory Board for Harijan Welfare might have issued in regard to the Depressed Classes.

(e) The lapse of funds allotted for the welfare of the Scheduled Castes by the Central Government every year in every State shows the disinterestedness of the States in the welfare of the Scheduled Castes.

(f) In most of the States, the budget allotment for the uplift of the Scheduled Castes is mixed up with the social service budget. In this regard, it is very necessary that proper directives should be given to the Commissioner of Scheduled Castes and Scheduled Tribes to see that proper line of action is delineated which may put a stop to the prevailing state of affairs.

II. Denial of Democratic Representation

(a) Scheduled Castes are not properly or adequately represented on the Statutory and other Bodies, as Mayors, Chairmen, Sarpanchs, Presidents in Municipalities, Local Boards, Panchayats and other similar Institutions.

(b) The reservation given to Scheduled Castes is being used by the Caste Hindus who are in majority to elect men of their own choice. Thus the reservation given by one hand has been taken away by the other.

(c) If the Scheduled Castes are to take their place in the same rank and file as others, it is necessary that they should have a strong voice in all Statutory and Local Bodies which are really training grounds for higher responsibilities in a Democracy.

(d) For this purpose also proper directives are necessary although it would be far better to enact an All India measure which might ensure adequate representation to the Depressed Classes on every Statutory Body.

(e) The Commissioner for Scheduled Castes and Scheduled Tribes may be directed to see that proper and adequate representation is given to the members of the Scheduled Castes on all the Statutory Bodies in all the States. Apparently, unless there is adequate constitutional pressure, none would like to nominate a Scheduled Caste member to any office.

III. Discrimination in Government Service

(a) Though 18% of posts in services are supposed to be reserved for the Scheduled Castes and Scheduled Tribes, the very purpose of this safeguard has been nullified as follows:—

- (i) The full quota is never fulfilled under one pretext or other;
- (ii) Persons who do not belong to Scheduled Castes but pose themselves as Scheduled Castes frequently get posts;
- (iii) Recruitment of Scheduled Castes is made mainly to lower and lowest grades and posts in very large numbers so that most of the percentage gets filled leaving but little scope for recruiting Scheduled Castes to officers and higher grades and posts;
- (iv) If at all, the percentage is adhered to at the time of recruitment and not at the time of promotion so that no member of the Scheduled Castes can occupy high and responsible office in the Republic.

The sooner such practices are eliminated the better.

IV. Public Service Commission and Scheduled Castes

(a) It is a sad fact that a few members from the Scheduled Castes are found on the Public Service Commissions the notable exception being the Union Public Service Commission where there is one solitary member from the Scheduled Castes.

(b) As Scheduled Castes are not represented on all the Public Service Commissions and other Recruiting Organisations, it is imperative that it should be done statutorily, because unless Scheduled Castes member is in the Recruiting body nobody would, as at present care to ensure that the Scheduled Castes get their rights.

V. Education of the Scheduled Castes

(a) The fact that no increase has taken place in the number of boys and girls of school-going age is being completely ignored and the requisite number of seats is not being added for Scheduled Castes and Scheduled Tribes in educational institutions and hostels.

(b) Secondly, the number of students in hostels is still what it was ten years ago, because no attempt is being made to increase hostel facilities for the Scheduled Castes.

Three examples are given below:

Place where hostel is situated	No. of Students	
	in the year 1950	in the year 1959
1. Gulbarga	220	175
2. Bidar	145	143
3. Bellary	Boys 235	73
	Girls 75	11

In other States also, the number of Scheduled Castes students in the hostels has not increased for the last 10 years.

(c) Thirdly, as facilities for free education have not been increased and are not enough also, it is necessary that students belonging to the Scheduled Castes are given stipends in addition, as was done in England some hundreds of years ago, and also in the former Hyderabad State.

VI. Housing Schemes and Scheduled Castes

(a) In the name of slum clearance, people belonging to Scheduled Castes living in the heart of the city, are being driven out of the main city and compelled to reside in isolated and unhealthy patches of land infected with diseases and maladies; while the land made available after clearance, goes into the hands of higher castes and communities.

(b) Other difficulties of the Scheduled Castes in regard to the housing are as below:—

- (i) The grants which are allotted by the Central Government to different States for building low cost houses are not being properly utilised and sometimes they lapse;
- (ii) The grants made to Depressed Classes from these funds for building homes are extremely meagre, never more than Rs. 400/- per head;
- (iii) Very often even this grant is given in instalments, so that it gets wasted;
- (iv) Co-operative Housing Schemes, which are encouraged and financed mostly by the Central Government and which are really meant to benefit the poor and needy, are being exploited to the advantage of the land-lords and well-to-do people who already have houses of their own.

VII. Village Administration and Scheduled Castes

(a) The Village administration is based upon caste system. Scheduled Castes are forced to live out of the main village as out-castes;

- (i) They are not allowed to draw water from the common wells;
- (ii) they bury their deads in separate burial grounds;
- (iii) they worship non-Hindu Gods who are held as untouchable Gods by the Hindus;
- (iv) they are not allowed to take part in the festivities of the village;
- (v) even in the Government Schools, if they get any admission, they are made to sit separately from the other students;
- (vi) the Scheduled Castes Teachers and Government servants belonging to Scheduled Castes who are posted in the villages, do not get any place of residence in the main locality of the village;

- (vii) even now the Scheduled Castes are not allowed in the hotels and restaurants;
- (viii) the barbers and the washermen do not serve the Scheduled Castes; and
- (ix) even in the Panchayat Committees, if a Scheduled Castes member is elected, he is not even granted the status which he deserves constitutionally, but he is made to serve the other members.

Many complaints have been made to the Commissioner for Scheduled Castes and Scheduled Tribes and other authorities and even to the Central Government about the treatment meted to the Scheduled Castes as mentioned above but all are of no avail.

(b) The village administration is controlled by Patels, Patwaris, and Shanbhogs who are all castes Hindus. There are more than 9 lakhs of villages in India and in every village the Government has one Patel, one Patwari or a Shanbhog, thus there are more than 18 lakhs of Patels and Patwaris in India who act as Government village officers.

(c) The religious bent of mind of these caste-ridden Patels and Patwaris always keeps the Scheduled Castes people of the village enslaved, suppressed and destroys the economic and social progress of the Scheduled Castes. These village officers i.e., Patels and Patwaris, to maintain their air of religious and economic superiority, perpetuate untouchability in every sphere of the village life.

(d) Among the 18 lakhs of these village officers, known as Patels and Patwaris, there is not even one Patel or Patwari or Shanbhog belonging to the Scheduled Castes.

VIII. The Constitution (Scheduled Castes and Scheduled Tribes) Order 1950 and Relation

(a) Under the Provisions of the Constitution (Scheduled Castes and Scheduled Tribes) Order, 1950, in order to be classed as a Scheduled Caste member, one should belong to Hindu Religion. But since time immemorial, no Hindu has ever treated any Scheduled Castes member as a Hindu. This religious faith still persists in almost all the Hindus in India and even Courts hold that one who is born as a Hindu cannot change his caste of birth. This tendency has defeated all the conceivable prospects of eradicating the caste system, and on the other hand it is actually perpetuating the caste system.

(b) Your petitioner feels that, when the Hindu Religion does not allow a person to change his caste of birth by remaining in Hinduism, the following provision in the Constitution (Scheduled Castes) Order, 1950 and the Constitution (Scheduled Tribes) Order, 1950, namely:—

“Notwithstanding anything contained in Para 2, no person who professes a religion different from Hinduism shall be deemed to be a member of Scheduled Castes”.

will perpetuate caste system. Hence this provision should be deleted from the Constitution (Scheduled Castes) Order, 1950 and the Constitution (and Scheduled Tribes) Order, 1950. To ensure our

object of establishing a casteless society, a list of Scheduled Castes common to the whole of India should be prepared. The list should not vary from State to State as the existing list varies. The Constitution (Scheduled Castes) Order, 1950 and the Constitution (and Scheduled Tribes) Order, 1950, should be modified to declare that a member of the Scheduled Castes in any State or part of it, will be deemed to be a member of the Scheduled Castes in every State of India.

(c) The provisions of the Constitution (Scheduled Castes) Order, 1950 and the Constitution (and Scheduled Tribes) Order, 1950, which are in force are being used by higher castes people for creating differences among Scheduled Castes members.

IX. Effect of communalism on Scheduled Castes

(a) Communalism is being perpetuated throughout India, especially in the South. There exists a constant tussle and conflict between two different communities in Mysore, Andhra and Maharashtra in every walk of life of the Caste Hindu Society. The Scheduled Castes have, therefore, been thrown into political, social and official oblivion, and all their interests are being disregarded and ignored at every level of political and official life and work.

(b) Further, the division of India on linguistic basis has increased communalism to the maximum extent as is evident from the situation in Karnataka, Andhra Pradesh and Maharashtra.

(c) The Central Government should investigate into this state of affairs directly. It should not be left to the discretion of the rival groups who are at the helm of power in the States. Law and order is the first concern of the Central Government so far as the issue involved affects the healthy growth of tranquillity and peace of the country at large, not of the States.

(d) The recent communal riots in Ramanathapuram District in Madras State is an example of this type of communalism.

X. Enforcement

(a) Last, but not the least is the great draw-back that there is no machinery whereby States might be compelled to implement the directives of the Government of India to carry out the provisions of the Constitution and to abide by the guarantees given and promises made to Scheduled Castes.

(b) Your petitioner is confident that, from the above, the Lok Sabha would appreciate the enormity of the situation as it exists today in the country and the urgent and imperative necessity of tackling the problem on all fronts and by every possible means; legislation, directives, rules conventions etc.

and accordingly, your petitioner prays that steps might be immediately taken to give effect to the following measures:—

(a) Finances:

(i) The States might be asked to earmark 25% of their Budgets for Scheduled Castes welfare.

(ii) Charitable and Religious Institutions and Endowed properties should pay a Scheduled Caste cess of at least 1½%.

(iii) These funds should not be diverted towards general welfare.

(iv) Financial administration should be put on a sound footing.

(b) *Assistant Commissioners*

An Assistant Commissioner for Scheduled Castes who should be responsible to the Government of India should be appointed in every State for ensuring that the State Administration implement the Directives issued by the Centre and that measures for Scheduled Castes and Scheduled Tribes welfare are faithfully undertaken and scrupulously carried out.

(c) *Services*

(i) Every Recruiting Body should have at least one Scheduled Caste member; preferably the President, wherever possible, who should be charged with the task of seeing that the Scheduled Castes are recruited according to the reservations made for them in the various categories.

(ii) As the quota has fallen far below on account of not maintaining the percentage during the last ten years, the recruitment and promotion of the Scheduled Castes employees should take precedence over all other until the percentage is made up.

(iii) Till the quota is fully filled, reservations should be made even in regard to vacancies arising from promotions in non-gazetted and gazetted cadres.

(d) *Education*

(i) Every effort should be made to increase the number of seats for scheduled castes boys and girls in educational Institutions and hostels.

(ii) Apart from free education, Scheduled Castes students should be paid stipends according to the following scale per mensam.

(a) Primary Classes	Rs. 5/- per head.
(b) Middle Schools	Rs. 10/ per head.
(c) High Schools	Rs. 15/- per head.
(d) University	Rs. 55/- per head.

(iii) It will not be out of place to mention that the former Hyderabad Government used to provide stipends at this scale.

(iv) The Central Government should issue instruction to the Commissioner for Scheduled Castes and Scheduled Tribes to approach the State Governments for enlisting their support in getting appointed 25% of all the Head Masters of Primary Schools in the States from the Scheduled Castes, if the Central Government really desired that the Scheduled Castes Students should get their due share of education.

(e) *Representation*

(i) If legislation cannot be undertaken to ensure that Scheduled Castes get proper representation on Statutory Bodies, Municipalities,

Local Bodies and similar organisations, healthy but inviolable conventions should be set up to elect Scheduled Caste Members as Mayors, Chairmen, Sarpanchs and Presidents in various set-ups, Committees, Statutory bodies etc.

(ii) Further, the Union Government should declare that Scheduled Castes who have become members of other sects and religious organisations, have forfeited their rights as Scheduled Castes as they have already ceased to be the members of the Scheduled Castes community.

(f) *Land*

(i) Every landless Scheduled Caste family should be granted land to the extent of prescribed economic holding, and land for this purpose should be acquired by the Government and given to the Scheduled Castes if no Government land is available. Those having land in excess should be particularly made to part with them in favour of the Scheduled Castes.

(ii) Co-operative farming should be introduced and care be taken to ensure that Scheduled Castes are benefited in every respect.

(iii) The Central Government should amply provide funds and allot to the State Governments for this purpose.

(g) *Industries*

(i) Special care should be taken to ensure that Scheduled Castes and Scheduled Tribes artisans get the benefit of all the schemes envisaged for developing small and cottage industries.

(ii) At least 30% of the budget under the head Industries should be reserved to be given to the Scheduled Castes for starting industries.

(iii) The Central Government in allotting funds to the State Governments as a help for developing Co-operative Societies and industrial States, should consider and allot at least 30% of the funds to the Scheduled Castes and Scheduled Tribes.

(h) *District and Taluka Officers*

(i) Removal of untouchability and raising the status of the Scheduled Caste members in the society is a Central Subject, (no doubt the States are also interested in it), but the Commissioner for Scheduled Castes and Scheduled Tribes should be directed by the Central Government to approach the State Governments to get appointed in every district and Taluka Headquarter at least one Scheduled Caste officer in a key post.

(ii) The Commissioner for Scheduled Castes and Scheduled Tribes should be instructed to approach the State Governments to get appointed at least one Scheduled Caste member as Patel, Patwari, Shanbhog in every village.

(iii) The appointment of Scheduled Caste members to the above mentioned posts will help in eradicating untouchability from the country and will infuse a spirit of equality among all the sections of Hindu society.

(i) Electoral Rolls and Scheduled Castes

(i) As religion plays an important and vital part in the social and political life of the village, lakhs of Scheduled Castes in the last general elections were prevented from enjoying their fundamental rights of voting.

(ii) Scheduled Castes population and their enumeration at the time of census is not recorded properly and are shown less to reduce their proportional representation in the legislature and other bodies. To ensure proper enumeration of the Scheduled Castes, the Government of India should issue special directives and appoint special officers for this purpose.

(j) Communalism and Linguism

(i) To put an end to communalism, the Government of India should enact measures prohibiting the use of all caste prefixes and suffixes and prohibiting the use of all caste marks and signs publicly.

(ii) The Government should re-divide unwieldy mono-linguistic States in India into small composite States speaking two or more languages.

(iii) These measures will, it is hoped, save the Scheduled Castes to the maximum extent from the effects of linguistic communalism, and your petitioner as in duty bound will ever pray.

Name of the Petitioner	Full address	Signature
B. SHAM SUNDER, B.A., LL.B., M.L.A., President, All India Depressed Classes Association.	472-Special Building, Agapura, Hyderabad (DN).	Sd. B. Sham Sundre. Given this day 17th April, 1959.

Countersigned } Kazi S. A. MATIN, M.P.
by }

APPENDIX II

(See Para 54 of the Report)

PETITION No. 34

To

Lok Sabha,
New Delhi.

The humble petition of Shri C. Kesaviah Naidu

SHEWETH

Rule 46 of the Indian Arms Rules, 1951 reads as follows:—

'46:—COLLECTION OF FEES—All fees payable under rule 44 or rule 45 shall be paid in cash.'

2. The following words might be added at the end of the above rule, viz. "by M.O. or by postal order to the licensing officer" (as recommended on page 14 of the Third Report of the Committee on Petitions, Second Lok Sabha).

3. Rule 43 of the said Rules might be amended by adding the following sentence at the end. "The licensee is given the option of having his weapon examined at the nearest police station or by a Magistrate instead of by a licensing authority." (as recommended on pages 14 and 15 of the Third report of the Committee on Petitions, Second Lok Sabha).

4. A new clause (d) to Rule 40 might be added as follows:—
"An Arms licensee who applies for renewal of his licence, well in advance of its expiry, his weapon ought not to be taken away from him unless his old licence is cancelled" (as recommended on page 15 of the Third report of the Committee on Petitions, Second Lok Sabha).

5. The popular public opinion voiced by the Committee on Petitions (First Lok Sabha) in their recommendation on Petition No. 45 in their Sixth Report is that—

"The fixation of licensee's photograph on the licence would help in readily identifying the licence holder."

Therefore provision might be made suitably for pasting the photograph of the licensee on the licence.

6. Provision might also be made to issue all gun licences except temporary licences in Book Form.

7. The Indian Arms Rules, 1951 (4th edition) has not got an index, which might be provided in the new editions.

and accordingly your petitioner prays that the Indian Arms Rules, 1951 might be amended as suggested above

and your petitioner as in duty bound will ever pray

Name of petitioner	Address	Signature with date
C. KESAVIAH NAIDU	Member, District Planning and Development Committee, Bheemavaram village, Narasingapuram Post, Chittoor District, Andhra Pradesh.	Sd. C. Kesaviah Naidu 5-7-59
Countersigned by	}	T. N. VISWANATHA REDDY, 22.8.59

APPENDIX III

(See Para 4 of the Report and Petition No. 30 at Appendix I)

Comparative statement showing the points of the petitioner in his Petition No. 30 and the replies thereto of the Ministries of Home Affairs and of Works, Housing and Supply

S.No.	Points of petitioner	Reply of the Ministry of Home Affairs
1	Extremely meagre budget allotment by the States for Scheduled Castes Welfare. The States might be induced to allot at least 25% of their budget for the purpose.	<p>(a) It is not correct to say that the budget allotment is extremely meagre. Allotments for different welfare schemes are made on the basis of the Five Year Plan. The size of the plan is determined by the resources of the State. The argument in the petition appears to be based on a misconception that only the funds specially ear-marked in the schemes for welfare of backward classes are spent for their benefit. The backward classes are entitled to benefit from welfare schemes in the general sector. The special sector is meant to supplement the schemes in the general sector.</p> <p>(b) The petition does not provide any logical basis for the demand that at least 25 % of the State budget should be allotted for Scheduled Castes' welfare. The population of the scheduled castes differs from State to State and so does their standard of living and of economic development. Moreover, as stated above, the scheduled castes are entitled to benefit from the provision made in the Budget in the general sectors.</p> <p>(c) The lapse of the funds for the welfare of scheduled castes is neither unusual nor larger than in other</p>

S.No.	Points of petitioner	Reply of the Ministry of Home Affairs
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sectors. In the first four years of the 2nd Plan it is estimated that about 72% of the provision for Scheduled Castes will be utilised. This is higher than utilisation in many other sectors.

- (d) Wherever provisions for the uplift of Scheduled Castes are mixed up with the other schemes for social welfare, the arrangement is intended to secure increased efficiency and does not operate to the disadvantage of the Scheduled Castes. The Scheduled Castes are not to be kept as isolated or segregated sections of society and they must partake of the general social welfare schemes to the fullest extent.
- 2 Inadequate representation of Scheduled Castes in Municipalities, local boards, panchayats etc.
- (a) "Local Government" is a subject included in the Seventh Schedule, List II, item 5. The State Legislatures have exclusive power to make laws in this matter [*vide* Art. 246(3)]. It would, therefore, not be possible to enact an all-India measure, as suggested.
- (b) The Central Government have no authority to issue "directives" in this matter.
- (c) The Commissioner's duties are laid down in Art. 338. He has no executive authority over the States and, therefore, cannot ensure that Scheduled Castes get representation in local bodies. He, however, reports the position in different administrative units and a perusal of his Annual Report for 1956-57 will show that State Governments are taking steps to give representation to Scheduled Castes (*See Appendix VI, Vol. II of Report for 1956-57*).
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S.No.	Points of petitioner	Reply of the Ministry of Home Affairs
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- 3 Filling up of full quota of 18% posts reserved for the Scheduled Castes and Scheduled Tribes in the Government Services from amongst them.
- (a) The policy in regard to this matter is laid down in Art. 16(4) and Art. 335. Every effort including concessions in age, fees, standards, etc. is made to secure that the candidates of the backward class communities have a larger percentage of Government posts than hithertofore.
- (b) The actual percentage of reservation for Scheduled Castes is 12 1/2% in posts filled by open all-India competition and 16-2/3% for posts filled otherwise. For Scheduled Tribes it is 5% of vacancies in both cases.
- (c) The actual position ending 1956, according to Commissioner's report for 1957-58, Part I, p. 147, is that in Class IV services Scheduled Caste employees are over 21% and in Class I, II and III also there has been a steady rise.
- (d) There is sometimes a misunderstanding that the percentage of employees in Government service should at once reach the percentage specified for S.Cs' or S.Ts' recruitment to new vacancies. The reservation is in respect of posts which fall vacant after the reservation orders were issued. It will naturally take some time before the desired percentage is achieved in any Class of services and particularly in the higher Classes to which persons are promoted.
- 4 Adequate representation for them on Public Service Commissions and other recruiting Boards.
- (a) Government of India do not accept the view that unless a Scheduled Caste member is appointed in a recruiting body or commission the legitimate interest of the Scheduled Caste candidates will not be safeguarded. They also do not accept the view that a Scheduled Caste member of a body or a commission like this is only for the purpose of safeguarding the interests of members of his community or group. The commission

S.No. Points of petitioner

Reply of the Ministry of Home
Affairs

and all recruiting bodies have to take due care of the policies and principles laid down for recruitment to various posts.

(b) Besides the Union Public Service Commission, there are Scheduled Caste Members also on the State Commissions in Bombay and Andhra Pradesh.

5 Provision of increased facilities for their education.

(a) Education has been given special priority in schemes for the welfare of backward classes and the number of Scheduled Caste students is steadily increasing as is borne out by statements in Appendix XV to the Commissioner's Report for 1957-58 Vol. II.

(b) For post-Matric education there are all-India scales of scholarships sanctioned by the Ministry of Education and up to 1958-59 every eligible Scheduled Caste student has been awarded a scholarship. The number of such scholars, which was only 879 in 1949-50 has risen to 26,447 in 1957-58.

(c) Stipends in classes up to the Matriculation standard are given by the State Governments with 50% assistance from the Centre in respect of schemes included in the State plans for backward classes.

(d) Government's policy of recruiting Scheduled Caste candidates to posts reserved for them is bringing in more teachers for employment in educational institutions; but it would not be possible at the present stage to get enough head masters to be posted to 25% of the schools, even if the State Governments were to accept this suggestion.

S. No.	Points of petitioner	Reply of the Ministry of Home Affairs
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6 Implementation of Housing Schemes for their benefit.

The schemes referred to in the petition are all administered by the Ministry of Works, Housing and Supply. (See below sub paras (a) and (b).

In addition to the schemes mentioned in the petition there are supplementary schemes under the backward classes sector also for providing subsidies to the needy Scheduled Caste members for construction of houses.

Reply of the Minister of Works, Housing and Supply

(a) Although the Slum Clearance Scheme has been formulated by the Central Government it is operated in the States through the respective State Governments, who are fully competent to formulate and sanction slum clearance projects for the clearance/improvement of slums. The slum clearance projects are, however, required to be formulated in accordance with the following provision of the Slum Clearance Schemes :

“There should be the minimum dislocation of slum dwellers and efforts should be made to rehouse them as far as possible at the existing sites of the slum and/or sites nearby, in order to ensure that they are not uprooted from their fields of employment.”

In fact, in cases where for special reasons such as the need to utilise the entire cleared areas for public purposes or in the interest of ensuring effective town planning, State Governments feel that they cannot utilise the existing sites for rehousing of slum dwellers, the cost of acquisition and development for the cleared slum sites is not allowed to be added to the cost of the project for the purpose of Central assistance under the Scheme. It is felt that these provisions in the Slum Clearance Scheme would effectively dissuade the State Governments from shifting slum dwellers belonging to Scheduled Castes

S. No.	Points of petitioner	Reply of the Ministry of Works, Housing and Supply
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to distant places and using the cleared sites for rehousing higher "castes and communities" as contended by Shri B. Sham Sunder.

(b) The other points raised by Shri B. Sham Sunder are dealt with below:—

- (i) No specific portion of the funds allocated to State Governments under the various Housing Schemes formulated by this Ministry are earmarked for the housing of persons belonging to Scheduled Castes; the question of any such funds lapsing, therefore, does not arise. Further difficulties might arise in utilising fully the funds allocated to the State Governments for the implementation of various Housing Schemes, if any funds were specifically earmarked for the Scheduled Castes, as the members belonging to these castes generally might not have sufficient resources to own and maintain houses even with the financial assistance available under the Schemes.

The State Governments have, however, been advised that in selecting areas for slum clearance or slum improvement they should give preference to the slum areas where sweepers predominate.

- (ii) Financial assistance is given to cooperative housing societies for construction of houses only under two schemes formulated by this Ministry, *viz.*, Subsidised Industrial Housing Schemes and Low Income Group Housing Scheme. The persons eligible to receive financial assistance under the former scheme should be qualified industrial workers whose income does not exceed Rs. 350/- per month. The person eligible under the latter scheme should be such

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No.

Points of petitioner

Reply of the Ministry of Works, Housing and Supply

whose monthly income does not exceed Rs. 500/-; besides they should not normally be owning a house already. It is felt that these safeguards are adequate to ensure that the financial assistance given in the Scheme is not exploited to the advantage of the landlords and well-to-do people. In any case, both the schemes are operated in the States by the respective State Governments. In case Shri B. Sham Sunder has any specific case of "exploitation" in view, the same can be examined in consultation with the State Governments concerned.

Reply of the Ministry of Home Affairs

- 7 Over-hauling of village administration to prescribe the present caste system which prevented the Scheduled Castes from exercising their legitimate and normal civic rights.
- (a) It is neither desirable nor practicable to appoint at least one Scheduled Caste member as a village officer in each village.
- (b) Most of the acts alleged against the non-Scheduled Caste villagers in the petition amount to offences under the Untouchability Offences Act, which are cognisable and are prosecuted by the State Governments through the Police Department.
- (c) Through constant efforts since independence, the backbone of untouchability has been broken as observed by the Commissioner in his latest Report. A real change of heart would require persevering effort by officials as well as non-officials.
- 8 Amendment of the Constitution (Scheduled Castes and Scheduled Tribes) Order, 1950, by deleting the provision that a person professing a religion other than Hinduism, shall not be deemed to be a member of the Scheduled Castes.
- The entire argument in the petition is based on a wrong approach to the problem. Belonging to one of the Scheduled Castes is not a matter of privilege but is an indication of social disabilities suffered from untouchability which entitle the person to special measures taken up for his benefit, so that he may overcome those disabilities and their consequences. If the individual converts.

S. No.	Points of petitioner	Reply of the Ministry of Home Affairs
9.	Investigation by Government of the reasons for increase in communalism (particularly in the South) in India.	<p>himself to another religion and gets rid of the stigma of untouchability there is no justification or need for his seeking to benefit from the same special measures.</p> <p>This item apparently refers to item IX of the summary mentioned in para 4 of petition No. 30, by Shri B. Sham Sunder, Member, Mysore Legislative Assembly and President of All India Depressed Classes Association. That item occurs under the heading "Effect of communalism on Scheduled Castes." It proceeds on the assumption that there is an increase of communalism in India particularly in the South. This assumption is incorrect inasmuch as any tendency to communalism cannot be countenanced by any Government in India as Articles 15 and 16 of the Constitution have prohibited discrimination on grounds of religion, race, caste, sex or place of birth in matters of access to public utility services and employment or appointment to any office under the State. Article 17 of the Constitution has abolished untouchability altogether and the practice thereof has been made punishable under the provisions of Untouchability (Offences) Act, 1955.</p> <p>In the circumstances stated above, there arises no question of investigation of the matter by the Central Government and the suggestion contained in part (c) of item IX of the petition is again based on a wrong assumption in that it says "Law and order is the first concern of the Central Government", whereas it is the concern of the State Governments, <i>vide</i> Entry 1 in List II—State List—of the Seventh Schedule to the Constitution.</p> <p>Again an allusion to the riots in Ramnathapuram in part (d) of this item is out of place as these disturbances took place as long ago as September, 1957.</p>

APPENDIX IV

(See Para 5 of the Report)

Petition No. 34 from Shri C. Kesaviah Naidu, Member, District Planning and Development Committee, Bheemavaram village, Chittoor District, Andhra Pradesh (See Appendix II)—regarding amendment of the Indian Arms Rules, 1951

Points raised by the petitioner in his petition No. 34 to the Committee on Petitions	Comments of the Ministry of Home Affairs
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(1)

(2)

1. The following words might be added at the end of Rule 46 which reads 'Collection of fees—All fees payable under rule 44 or rule 45 shall be paid in cash':

"by M.O. or by postal order to the licensing officer".

The word "Cash" in Rule 46 was used in contradistinction to the word "Judicial stamps" which, under the older rules, was the practice of payment of fees for arms licences. The rule does not specify the agency through which this payment of "cash" is to be made *i.e.* whether the "cash" is to be paid in person, through a bank or post office etc. The existing rules, therefore, allow payment by money order/postal order etc., and no amendment thereof is necessary. Executive instructions have already been issued to State Governments etc., for the purpose. However, in order to make the position more clear, it has been decided to introduce a suitable amendment to the rules when they are next revised after the Arms Bill which is at present under consideration of Parliament is enacted.

2. Rule 43 of the Indian Arms Rules, 1951 might be amended by adding the following sentence at the end:—

"The licensee is given the option of having his weapon examined

As stated earlier, for purposes of renewal of licence, weapons are not required to be produced for inspection before the licensing authority as a matter of course. Instructions have already been issued

(1)

(2)

at the nearest police station or by a Magistrate instead of by a licensing authority”.

3. A new Clause (d) to Rule 40 might be added as follows:—

“An Arms licencee who applies for renewal of his licence, well in advance of its expiry, his weapon ought not to be taken away from him unless his old licence is cancelled”.

4. The popular public opinion voiced by the Committee on Petitions (First Lok Sabha) in their recommendation on Petition No. 45 in their Sixth Report is that—

“The fixation of licencee’s photograph on the licence would help in readily identifying the licence holders.”

Therefore provision might be made suitably for pasting the photograph of the licencee on the licence.

5. Provision might also be made to issue all gun licences except tempo-

to State Govts., etc., and it should now be possible for a licencee to have his weapon examined at the nearest Police Station or by a Magistrate instead of the licensing authority according to his option. This can be done under the rules as they stand at present *vide* last clause of Rule 43, and it is not necessary to amend the rules for the purpose.

Orders have already been issued to State Govts., that if a licencee applies for renewal of his licence not less than 30 days before its expiry, his weapons should not be taken away from him until and unless he is informed of the refusal to renew his licence. Even when an application is delayed to the extent of 30 days after the date of expiry of the licence, renewal is envisaged with no increased fee *vide* para III of Form XVI of the Arms Rules. The question of making a specific provision in the Rules will be considered at the time of revision of the Indian Arms Rules after the Arms Bill which is at present before Parliament is enacted.

Our comments are given in connection with another petition (No. 36) submitted by the same petitioner on this point *vide* statement H. ~~See Memorandum No. 87, Annexure IV.~~ *at* VII

Instructions to this effect have already been issued to State Governments.

(1)

(2)

rary licences in Book Form.

This point is not of such a nature as to require a statutory rule.

6. The Indian Arms Rules, 1951(4th edition) has not got an index, which might be provided in the new edition.

It is not usual to provide an index to the rules which are notified in the Gazette of India. Apparently, the petitioner is confusing the matter with indices attached to Manuals compiled either by Government or by private individuals.

APPENDIX V

(See Para 6 of the Report)

GOVERNMENT OF INDIA

MINISTRY OF RAILWAYS

(Railway Board)

No. 59-W2/LX/14.

New Delhi, dated the 10-11-1959.

The General Managers,
Indian Government Railways.

Re: Interlocking of level crossings—Recommendations of the Committee on Petitions, Second Lok Sabha, in their Seventh Report

The Lok Sabha Secretariat have addressed the Board with recommendations of the Committee on Petitions, Second Lok Sabha, in their Seventh Report, extract of which is enclosed. This is in regard to accidents which have been occurring at railway level crossings. Certain suggestions were made by the Petitioner to the Committee on the method of operating the gates at level crossings. These have been answered by stating that the purpose of these recommendations will be fully served by strict observance of the rules regarding the working of level crossings. It has been said on behalf of the railways that if the rules laid down for the working of level crossings are strictly observed, such action is quite sufficient to ensure the full safety of both railway and road traffic.

It is, therefore, very necessary that the attention of all supervisory staff concerned with level crossings should be drawn to the extreme importance of ensuring that Gatemen at level crossings are fully conversant with the rules of working them and that all the requirements in accordance with the classification of the level crossings are fully met to ensure their proper working.

Sd/- A.V. D'COSTA,
Director, Civil Engineering.
Railway Board.

APPENDIX VI

(See Para 7 of the Report)

EXTRACT OF O.M. NO.F.35/33/59-IV FROM THE MINISTRY OF HOME AFFAIRS,
DATED THE 7TH NOVEMBER, 1959 16th KARTIKA 1881

OFFICE MEMORANDUM

SUBJECT:—*Implementation of the recommendations of the Committee on Petitions—First Lok Sabha on Petition No. 45, by amendment of the Indian Arms Rules, 1951.*

The undersigned is directed to refer to the Lok Sabha Secretariat U.O.No. 207-CII/59, dated the 15th October, 1959, on the subject noted above, and to say that the items mentioned in petition No. 45 and the recommendations of the Committee on Petitions (First Lok Sabha) in their sixth Report were examined by this Ministry in consultation with the State Governments who are responsible for the administration of the Indian Arms Act, 1878, and the Rules framed thereunder. The recommendations except the one in regard to affixation of photographs on licences were substantially accepted and instructions were issued to the State Governments for their implementation. The various difficulties in the acceptance of the recommendation in regard to photographs were communicated to the Lok Sabha Secretariat with the request that they may be placed before the Committee on petitions. The Committee appreciated the position *vide* paragraph 6 of their Third Report (Second Lok Sabha). The comments of this Ministry on the points raised in the petition are furnished below:—

Petition No. 36: It would be observed that this petition repeats the point raised in paragraph 13 of the petitioner's earlier petition No. 45. The petitioner has given certain arguments in reply to the difficulties explained by this Ministry in the acceptance of his suggestion. The Committee on Petitions have recommended his suggestion for implementation. This Ministry are of the view that it would be desirable to give weight to the opinions expressed by the State Governments who are charged with the responsibility of administering the Indian Arms Act and the Rules framed thereunder. The detailed comments on the petitioner's arguments are given in Statement attached herewith. (*See Appendix VII below*)

Sd/- C.P.S. MENON,

Deputy Secretary to the Government of India.

To

The Lok Sabha Secretariat,
New Delhi.

APPENDIX VII

(See Para 7 of the Report and Appendix VI)

STATEMENT \neq

*Petition No. 36 from Kesaviah Naidu, Chitoor District, Andhra Pradesh, regarding affixing photograph of the licensee on the licence issued to him—
Report of the Committee on Petitions—Seventh Report,
Second Lok Sabha.*

Points raised by the petitioner in his Petition No. 36 to the Committee on Petitions (Seventh Report) of Se- cond Lok Sabha	Reply of the Ministry of Home Affairs in the present recommenda- tions of the Committee on Petitions
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A licensee of one district might acquire property in some other district and hold a licence for the two districts and he might be known in both the places or the towns, but he might not be known or recognised in between the two classes.

(ii) At least once or twice, every vil-
lager goes to a town and can easily
get himself photographed.

(iii) To prevent purdah women from
misusing their licences and to appre-
hend them, if necessary, it is essen-
tial to have photographs attached
to their licences.

It is correct that a licensee may not be known in the entire area for which his licence is valid and that the affixation of a photograph on his licence might be of some help in fixing his identity. It would, however, be possible for criminals and others to get hold of a licence and replace the photograph. The affixation of a photograph on a licence would not be a remedy against such impersonation.

In many cases, a licensee does go to a town and could have himself photographed, but residents of remote areas may not conveniently be able to go to a photographer. Even where a special trip is made by the licensee for having himself photographed, it would involve avoidable expense and delay in obtaining a developed photograph.

There is likely to be strong opposition from persons observing purdah as it would be necessary for them to remove their veils in order to be photographed. The photograph would also have to be displayed in the licence which would again be against their sentiments.

(iv) Further the people and the people's representatives through the Committee on Petitions, First Lok Sabha, had suggested the idea of fixation of photographs.

(v) It would be a step forward like the practice in U.K. and U.S.A. where everyone has an identification card with his photograph bearing his signature. The suggestion would enable ready identification at post offices, banks, railway stations etc.

A photograph in an Arms licence cannot perhaps serve the purpose of an identification card for identification at post offices, banks etc. Banks and similar other institutions would insist on a more rigid form of identification.
