

COMMITTEE ON PETITIONS

(THIRTEENTH LOK SABHA)

SIXTH REPORT



(Presented to Lok Sabha on 1 March, 2001)

**LOK SABHA SECRETARIAT
NEW DELHI**

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COMPOSITION OF COMMITTEE ON PETITIONS

Shri Basudeb Acharia—*Chairman*

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4. Smt. Neera Singh —*Assistant Director*

**SIXTH REPORT OF THE COMMITTEE ON PETITIONS
(THIRTEENTH LOK SABHA)**

INTRODUCTION

I, the Chairman of the Committee on Petitions, having been authorised by the Committee to present the Report on their behalf, present this Sixth Report of the Committee to the House on the following matters:

- (i) Representation regarding non-implementation of Government of India directive of 1989 for allowing Air-hostesses to serve upto the age of 58 years like male crew members;
- (ii) Representation regarding reinstatement in service in C.R.P.F.
- (iii) Representation regarding inclusion of Limboo (Subba) community in the list of Scheduled Tribes of West Bengal; and
- (iv) Representation requesting for issue of the Scheduled Caste certificates to 'Sunri' Caste in West Bengal by amendment of the list of Scheduled Castes of West Bengal.

2. The Committee considered and adopted the draft Sixth Report at their sitting held on 27 February, 2001.

3. The observations/recommendations of the Committee on the above matters have been included in the Report.

NEW DELHI;
28 February, 2001
8 Phalgun, 1922 (Saka)

BASUDEB ACHARIA,
Chairman,
Committee on Petitions.

CHAPTER I
REPRESENTATION REGARDING NON-IMPLEMENTATION OF
GOVERNMENT OF INDIA DIRECTIVE OF 1989 FOR ALLOWING
AIR HOSTESSES TO SERVE UP TO THE AGE OF 58 YEARS LIKE
MALE CREW MEMBERS.

Shri Sunil Khan, M.P. forwarded a representation on 2 March, 2000 signed by Ms. A. Mulgaokar and 574 others regarding non-implementation of Government of India directive of 1989 for allowing Air Hostesses of Air India to serve upto the age of 58 years like the male cabin crew members. (Appendix-I).

1.2 In their representation, the petitioners *inter-alia* stated as follows:—

- (i) Air India was not implementing the Government of India directive of 1989 for allowing Air Hostesses to serve till the age of 58 years, like the male crew members though in Indian Airlines Air Hostesses were being allowed to perform inflight duties upto the age of 58 years like their male crew members.
- (ii) Consequently, all the women were being forced to accept ground jobs at 50 years of age; the women officers were redeployed to departments other than their own viz., the Inflight Service Department and were not given positions commensurate with their designations;
- (iii) Air Hostesses had to undergo biennial medical examinations from the age of 37 to 45 years, and annual medical examinations from the age of 45 to 50 years, while the male crew members were not required to undergo any medical check;
- (iv) Air Hostesses had no in-flight career progression;
- (v) Women were not permitted to carry out in-flight supervision;
- (vi) All Air Hostesses, regardless of their seniority in years of service, were listed and considered junior to the junior-most male crew member;
- (vii) Female executives were discriminated against in matters of promotion and placement and assignment of duties;
- (viii) The female executives, despite belonging to the officer cadre,

were treated on the same terms and conditions as the workman-category Air Hostesses;

- (ix) The junior female crew members in the Interchangeable Category, unlike their male counterparts, were not promoted to the next senior male category viz., Flight Purser;
- (x) The female crew were denied certain function-related allowances paid to their male counterparts, despite the fact that the latter did not perform those particular functions;
- (xi) Women officers were discriminated even in the allocation of hotel rooms/suites; and
- (xii) In all agreements and negotiations, the Air India management was partial to the male crew to the detriment of the female crew.

1.3 The petitioners therefore, requested for the implementation of the provisions of the Government of India directive 1989 and for allowing Air India Air Hostesses (female cabin crew) to serve the company on in-flight duties till the age of 58 years like male crew members. They also requested to eliminate all forms of discrimination between male and female crew members in the matter of medical check up, weight restriction regime, assignment of ground duties, promotions, payment of allowances and allocation of hotel rooms etc.

1.4 The representation was referred to the Ministry of Civil Aviation on 13th March, 2000 for furnishing their comments. In response the Ministry furnished on 24 May, 2000 their comments as follows:—

“The air hostess (female cabin crew) and the male cabin crew belong to distinct separate cadres having different set of service rules/standing orders and distinct duties. The duties and responsibilities as well as job descriptions are laid down in the Air India Cabin Crew Manual. The legality and validity of the Cabin Crew Manual was questioned in a Writ Petition filed by the Air India Air Hostesses Association. This is not a recognised Association. Both male and female cabin crew are represented by the Air India Cabin Crew Association. The petition was rejected by the Mumbai High Court in its judgment dated March 23, 1984. The personnel and the duties and responsibilities are not interchangeable. The National Industrial Tribunal in its Award dated February 25, 1972 had also held that there could not be any interchangeability in the job functions between male and female members of the cabin crew.

There is no discrimination based on sex between the male and female cabin crew. The Central Government in exercise of the powers conferred by Section 16 of the Equal Remuneration Act, 1976 had issued Notification No. S. 42013/4/96-WC dated June 15, 1979 in this regard.

This Notification was questioned before the Supreme Court of India in a writ petition filed by Nargesh Meerza an air hostess. The Hon'ble Supreme Court observed in the judgement reported in A.I.R. 1981 S.C. 1829, *inter-alia*:—

“Thus the declaration is presumptive proof of the fact that in the matter of allowances, conditions of service and other types of remuneration, no discrimination has been made on the ground of sex only. The declaration by the Central Government, therefore, completely concludes the matter.”

The Supreme Court held that in considering the right of equality a technical, pedantic or doctrinaire approach should not be made. The Supreme Court said that the doctrine should not be invoked where there were two separate cadres having different scales of pay and conditions of service. It held that the class of Air Hostesses was an entirely separate class governed by a different set of rules, regulations and conditions of service. It said that though the separate class was sex-based, it did not amount to discrimination on the ground of sex or denial of equality under Article 14. In another case of Leena Khan vs. Union of India, 1987, the 1981 judgment was upheld.

There is no discrimination between male and female cabin crew with regard to emoluments or age of retirement. The only difference is that air hostesses are assigned flight duties till the age of 50 subject to periodic medical examination to ascertain their fitness for flight duties. Air India flights are generally long haul as compared to Indian Airlines which are short haul. The Ministry of Civil Aviation had issued a directive on October 16, 1989 to provide for similar retirement age. Initially, air hostesses used to retire at the age of 30 while cabin crew always retired at the age of 58. Later on, an annual extension till 35 subject to medical fitness was provided. Further, Air Hostesses were allowed to fly till 45 subject to biennial medical examination and currently, they can be assigned flight duties till the age of 50. Thereafter, they are given ground jobs. They continue to get similar pay scales and allowances. The only thing that happens is that they do not get any flying allowances since they are not flying. In any airline, the crew gets allowance related to hours of flying. Even before reaching the age of 50, if an Air Hostess is unable to fly for any other reason, she will not get the flying 'allowance'.

The Air Hostesses have represented that the said Government directive also related to flight duties and have questioned it in about half a dozen writ petitions as well as before the National Industrial Tribunal and authority under the Equal Remuneration Act, 1976. They have not been granted any interim relief. Under the Memorandum of Settlement arrived at under the provisions of the Industrial Disputes Act, 1947, an agreement was reached relating to pay, allowances and other matters *vide* Record Note dated 11 April, 1983 between the management of Air India and the

Air India Cabin Crew Association. Under the general terms of the Settlement, it was recorded that:—

“The Association agrees that all the demands raised in the Charter of Demands dated January, 1, 1980 and June 26, 1980 are fully and finally settled by this Understanding except promotional avenues for cabin crew which would be further discussed. There was another Settlement on December 25, 1988 which pertained to weight checks for male and female cabin crew as well as medical examination specific to female cabin crew.”

The issue of discrimination based on sex has been agitated time and again before Courts including the Supreme Court of India, National Industrial Tribunals, authority under the Equal Remuneration Act etc. In all these petitions, time and again Court's have held that there is no discrimination based on sex. However, the Government has been very sympathetic and the retirement age has been raised from 30 to 58 at par with others and several other benefits regarding marriage, having children etc. have been provided.

An effort has been also made to merge the two cadres. By virtue of Understanding dated June 5, 1997 reached with Air India Cabin Crew Association an agreement could be reached regarding inter-changeability in the job functions between male and female cabin crew but only for the future entrants and not for the existing cabin crew. Since inter-changeability of the job functions between male and female cabin crew of Air India is subject matter of an Award and Understanding under the Industrial Disputes Act, 1947, any change in the existing terms and conditions of service can only be brought about by a new Settlement of Award or Understanding. Management cannot unilaterally introduce any change. The Settlement dated June 5, 1997 categorically stated that all the existing practices/obligations covered by various Awards/Settlements between the parties shall continue to be binding.”

1.5 The Committee considered the views expressed by the Ministry of Civil Aviation in the case and decided to undertake an on-the-spot study visit to Mumbai for having informal discussions with petitioners and the representatives of Air India on the subject. Accordingly, the Committee visited Mumbai on 27 June, 2000 and held informal discussions with the petitioners and the representative of Air India.

1.6 During the course of informal discussions with the petitioners at Mumbai on 27 June, 2000, the petitioners (Air Hostesses Association) placed before the Committee that the women regardless of their years of service seniority were listed and considered junior to the junior most male crew members. All Air-Hostesses were required to undergo biennial medical examination from the age of 37 to 45 years and an annual medical examination from 45 to 50 years. The petitioners also pointed out that the latest inclusion was an internal examination of married women by an in-

house gynaecologist which was most humiliating and degrading to the women. The petitioners further added that the medical examination was discriminatory towards women who have been taken off from the flight duties merely for wearing spectacles. On the other hand, the male crew members did not have to undergo compulsory medical examination and their health problems remained undetected.

The Committee were also informed that a letter dated 16 October, 1989 issued by the Ministry of Civil Aviation stipulated that:—

- (i) like the male cabin crew, Air Hostesses in Air India and Indian Airlines should also be allowed to serve till the age of 58 years;
- (ii) the air hostesses should be subject to medical examination once a year after the age of 35 years, but such medical examination shall not be called superannuating medical examination. In addition, Air Hostesses shall be subjected to weight restriction regime which shall be very strictly observed and for which suitable executable instructions and guidelines might be drawn; and
- (iii) ban on marriage by air hostesses within three years of joining services shall be removed.

Air India has sought some clarification from the Ministry of Civil Aviation on the aforesaid decisions of the Government. In response, the Ministry *vide* their letter dated 29 December, 1989 had clarified the position as follows:—

“The matter has been reviewed and it is clarified that the increase in age of retirement to 58 years does not specify the job functions after the age of 35. Air Hostesses may be given suitable alternate job till they attain 58 years of age. Further, on being given alternate jobs, there is no question of annual medical check up. The Government feels that the male cabin crew as well as Air hostesses should turn out attractively and the management may explore the possibility of prescribing suitable medical examination and weight regime for both types of cabin crew. As regards problems of salary, grades, job functions, promotion, etc. the management must sort them out and negotiate suitable agreement with the concerned unions.”

1.7 The Committee were further informed by the petitioners that the duties and functions of the male and female Cabin Crew were identical in nature. The job functions of Flight Purser (male cabin crew) and Air Hostesses were similar in nature and thus there was no ground for treating Air Hostesses as a separate category. Female executives were discriminated against in matter of promotions and placement or assignment of duties and the Air India Management was partial to the male crew in matters of signing agreements with the Union.

1.8 The petitioners also contended that the junior female crew who were recruited in the interchangeable category, specifically for the purpose of performing interchangeable job functions were not promoted to the next senior male category viz. Flight Purser. The women executives were not assigned position as Section-in-Charge and they were assigned under a senior male executive so as to be junior to him. Male Sr. Managers even though not found eligible for the next higher post were assigned positions as Senior Section Incharge of as many as three sections in the Department. Women officers who were senior by designation to such Sr. Managers were assigned positions as Section-in-Charge to a single unimportant section. The male crew members were sometimes given preferential treatment as regards their probationary period, which was cut down from the stipulated one-year at the discretion of the management. The process of promotion for male crew was carried out continually. Women executives who had been promoted as Asstt. General Manager were denied the emoluments attached to the position, until they commenced their duties as such. Women executives were not assigned positions as Route Managers, while male Sr. Managers were assigned as Route Managers on routes on which they had not flown for a period upto five years.

1.9 During the course of informal discussion with the representative of Air India, the Committee were informed that Air hostesses worked mainly in the passenger cabin and they were not responsible for the galley and bar items and supervisory functions. Assistant Flight Purser worked mainly in the galley and was concerned with the heating of meals and the preparation of the meal and liquor services. He also assisted Flight Pursers and Air Hostesses in service in the passenger Cabin if necessary. Flight Purser was overall in-charge of all cabin crew in each cabin and of the entire flight service. He conducted meal and liquor service and kept account of all stock of bar and other items uplifted and sold inflight and rendered proper account of sales effected. He was responsible for safe carriage of diplomatic mail, precious cargo and such other manifested Company' Cargo entrusted to his care. He was responsible for journey log book, Trim sheets, General Declaration, Flight Reports and also for special handling for passengers like VIPs, CIPs, deportees, invalids and mentally retarded persons.

The Committee were also informed by the management of Air India that Air hostesses were initially recruited with lower qualifications compared to their male counter-parts. They also got accelerated promotions in the past since they were to retire at the age of 35 years. Therefore, if they were allowed to fly upto the age of 58 years, this would put the male cabin crew in a disadvantageous position.

1.10 On the scope of interchangeability between the Air Hostesses and the Male Cabin Crew, the Committee were informed by the representative of Air India that there was considerable scope of interchangeability in their job functions. However the desire of the management to introduce interchangeability between male and female cabin crew members was

rejected. The Hon'ble Tribunal in its Award dated 25th February, 1972 (Mahesh Chandra Award) held that there could not be any interchangeability in job functions between the male and female cabin crew members. By virtue of understanding dated 5th June, 1997 between Air India Management and the Air India Air Cabin Crew Association, which was as recognized union it has been agreed for interchangeability in job functions of male and female cabin crew only for future entrants and not for the existing cabin crew.

In a reply furnished by Air India after the on-the-spot visit, the Committee were informed as follows:

"Some of the Executive Air Hostesses/Air Hostesses numbering 298 *vide* their representation dated 20th June, 1998 to the Management stated that consequent upon the increase in the retirement age, if interchangeability of job functions or a merger of seniority of male and female categories for the purpose of flight duties is to be considered then they wish to place on record that they are not amenable to any stagnation at any level or any loss of years of service *vis-a-vis* the male category. This is because the seniority of the male Cabin Crew is different and distinct from seniority of the Female Cabin Crew and Female Cabin Crew has been beneficiaries in this regard in terms of the emoluments and career progression. In Air India, Asst. Flight Pursers which is the lowest rung in the male Cabin Crew are placed in lower scales of pay as compared to the Air Hostesses who are placed in the higher scale of pay at the time of induction and their career progression has all along been distinct and separate based on their seniority. Hence, these Executive Air Hostesses were of the view that in case of merger of seniority of male and female Cabin Crew, they may lose on the seniority. Introduction of interchangeability was thus unacceptable to a large number of Air Hostesses.

The Record Note dated 17th November, 1983 provides for assignment of flight duties to Dy. Chief Air Hostess and others only in the capacity of line Air Hostess for the reason that crew complement for operation in any type of aircraft is determined in consultation with AICCA and if Dy. Chief Air Hostesses were to be allowed to fly in supervisory category, this involves reduction of one cabin crew. In addition, the supervisory functions which were carried on board the aircraft by the Dy. Chief Air Hostess before the Record Note of 17th November, 1983 were completely eliminated resulting in the reduction of flying duties of Dy. Chief Air Hostesses and some of the Executive Air Hostesses had then represented to the management that they were prepared to undertake flying duties in the capacity of ordinary line Air Hostess even though they belonged to Executive Category. The matter was discussed with the Air India Cabin Crew Association resulting in

the Record note of 17 November, 1983. It is thus evident that Air Hostesses had agreed to fly as junior most Air Hostesses after due deliberations.”

1.11 When the Committee desired to know about the facts of medical examination of Air Hostesses from the age of 37 to 45 and 45 to 50 years; the representative of Air India informed that as per Air India Employees Service Regulation initially the age of retirement of Air-hostesses was 30 years extendable upto five years by one year at a time. Thereafter, Air India Employees Service Regulations were amended and period of extension of service subject to medical fitness was raised by 10 years and Air Hostesses were required to undergo medical examination every year on completion of 35 years of age and till they attained 45 years of age. Clause 30 of the certified standing orders had also specified the flying duties of an Air Hostess upto 45 years of age subject to medical fitness. The Management by Office Order bearing No. HQ/65-6/6932 dated 12th January, 1993, raised the age of Air Hostesses from 45 to 50 years for assignment of flight duties subject to their undergoing medical examination every year.

1.12 Regarding, the matter of In-flight Supervision to be carried out by female crew members, the Committee were informed that as per the Cabin Crew Manual, there were no supervisory functions to be carried out by female cabin crew on board the aircraft. Their duties and responsibilities were confined only to attending to the passenger service. Even as per the Operations Manual, which was approved by DGCA, hierarchy on board the aircraft was confined only to Inflight Supervisor.

1.13 The Committee, thereafter, took the oral evidence of the representatives of the Ministry of Civil Aviation in the matter on 17 July, 2000. Where the representatives of Air India were also present.

1.14 During the evidence the Committee desired to know as to whether the Government of India directive of 1989 for Air Hostesses to serve upto the age of 58 years like other male crew members was binding on Air India. To this the representative of Ministry of Civil Aviation stated as follows:—

“In October, 1989, a letter was issued. It was not a directive that way but it was a letter. The word used was discrimination against air hostesses in Air India and the Indian Airlines. There were three conditions which the Ministry had pointed out. The first condition was to allow them to serve till 58 years. The second condition was about the annual medical examination after 35 years including weight restrictions which are to be strictly observed and instructions were to be issued. The third condition was that there should be no ban on marriage. Within a couple of months of this (these instructions), on 29th December another letter was issued in continuation saying that the age requirement of 35 years to 55

years does not specify job options; air hostesses are to be given alternate suitable jobs after 35 years in case it is felt that they are not to be on air; and no annual medical examination if alternate jobs are given. It also said that medical check up and weight checkup for both male and female should be done.

For females, once in two years between the age of 37—45 years, medical check up was done and once in a year after 45 to 50 years. In the case of Air India, the policy is to put them on ground job after/beyond 50 years of age. If you look at this letter, between the two letters of October and December, the air hostesses who originally belong to a separate cadre, used to retire at the age of 30 years. Over the time, it was increased. They will continue up to 58 years. But the condition attached was that we do not specify job functions. They quit flying after 35 years. They could be given alternate suitable jobs. That was the basic thing which we wanted to point out. After ten years, in June 1999, we had sent another letter in which the basic issue was to review these things keeping in mind the best commercial interests and legal implications involving court cases, and the practices followed by reputed international airlines. A number of periodical tests for both males and females should be done without discrimination. So, these were the directives we issued. They were basically letters issued to Air India Management. On 16 October, 1989, we had issued a letter to both MD, Air India and MD, Indian Airlines. It is stated that the matter has been reviewed and it is clarified that the increase in the age of retirement to 58 years does not specify its job functions after the age of 35."

1.15 When the Committee desired to know the basic compulsion for issuing of the said directive to increase the flying age of the Air hostesses of Air India and Indian Airlines by the Ministry of Civil Aviation the representative of the Ministry of Civil Aviation explained:—

"In the cabin of an aircraft, there are two types of crew—the male and the female. The female crew were recruited right from the beginning with a proviso that they would serve upto the age of 30 years and then they retire. But the male crew did not have any condition. There were separate service conditions in existence... There were protests which were coming from air hostesses. They wanted to continue beyond the age of 30 years... It was after an agreement with the recognized union in the early, 1980."

1.16 On being asked to explain whether the age-limit for air hostesses was extendable upto 50 years, the representative of the Ministry of Civil Aviation stated:—

“Initially, the air hostesses used to retire at the age of 30 years. Subsequently, it was enhanced to 35 years. It is subject to medical fitness. Further, all the air hostesses could fly upto 45 years subject to qualifying themselves in the medical examination. Currently, they are flying up to 50 years.”

1.17 In a subsequent written note dated 23 August, 2000. Air India submitted the relevant extracts of Circular Nos. IR/23/632 of 23.03.1990; HQ/656/5319 of 02.11.1990; HQ/65-6/3080 of 05.08.1991 and HQ/65-6/6932 of 12.01.1993 pertaining to the retirement age of all Air Hostesses:—

“The Air Hostesses will retire from the services of Company on attaining the age of 58 years.

The Air Hostesses who would like to retire on attaining the age of 35 years but before 45 years will be extended retirement benefits.

The Air Hostesses will be assigned flight duties beyond the age of 45 years till they attain the age of 50 years subject to fitness in annual medical examination on attaining the age of 45 years.

The Air Hostesses who have not opted for voluntary retirement may be given employment on ground in suitable position.”

1.18 The Committee desired to know whether there was any impact on the pay and allowances after the female crew members are grounded at the age of 50 years. To this, the representative of the Ministry of Civil Aviation stated:—

“The impact would be substantial because basically when you fly, you get flying allowances. Even if you are grounded for medical reason, disciplinary reason etc. these allowances are not paid. There is no denying of that. If you are grounded, there will be losses. But we treat this as allowance which is specific to a specific job. The basic salary structure is not changed.”

1.19 In response to a question regarding the amount of flying allowances etc. paid to the cabin crew, the representative of the Ministry of Civil Aviation stated:—

“At an average air hostess who put in about 55 hours in a month, she would get what is called pay and allowances of Rs. 20000 but the flying allowances would be another Rs. 25000 to Rs. 30000. This money is given basically to meet their expenses abroad because Air India gives them hotel accommodation and breakfast. They have to take care of lunch and dinner.

This is called layover allowance. It varies from station to station depending on the cost of living and fluctuation in currencies. In 1997, a new system was introduced and under this new system it became hourly rate of allowance. If she gets Rs. 20000 for flying, she would be getting nine dollars for an hour of flight within which she has to meet all her expenses. When you add up the total number of hours, it comes out to a substantial allowance."

1.20 In response to a query whether the layover allowance was presently in existence, the representative of Air India informed that the layover allowance had been abolished. It has been given a new nomenclature *i.e.* hourly rate of allowances.

1.21 When the Committee pointed out to the verdict given by the Supreme Court in 1981 regarding the discrimination between male and female cabin crew members, the representative of the Air India explained:—

"In this regard, I would like to say that there is a separate clause. Even though they belong to the cabin crew category, there is a difference in conditions of service between male and female. It is basically very clear that it is not based on sex but based on the conditions of services. It is based on what kind of service they do. This was the basic issue which came out of the judgement of the Supreme Court. The Supreme Court in a way upheld the management."

1.22 On a query regarding job inter-changeability *vis-a-vis* the promotional avenues for the female crew, the witness stated as follows:—

"Post 1996, after the inter-changeability has been introduced, we have been foreseeing no problem whatsoever in having a common hierarchy, common seniority list and therefore, allowing females to rise to the level of Flight Purser. Post, 1996, there will be one seniority list of the female as well as male members.....Considering that these girls develop good amount of experience of interaction with the customers, we have had 21 girls who have been grounded since 1997 and each one of them has been given a suitable job keeping in view the experience. It has been beneficial for the company also."

1.23 In a subsequent written note, Air India submitted the relevant extracts of the agreement dated 5.6.1997 between the Air India Management and Air India Cabin Crew Association relating to inter-changeability of job functions for the Assistant Flight Purser and Air Hostesses. The said agreement stated that the categories of Assistant Flight Purser and Air Hostesses who joined between the period commencing from January, 1989 upto February 1995, whose number was 428, when doing standby duties could be pulled out for operating flights in either

position *i.e.* as Assistant Flight Pursers / Air Hostesses when the respective category list for standby duty of that particular shift was exhausted. The above number will remain frozen for a period of 3 years effective for the date of this settlement for the purpose of inter-changeability as mentioned above. Those crew who joined during the year 1989 to 1991, would be released from such an arrangement on January 1, 2000 and thereafter it would be on an annual basis.

1.24 In a clarificatory note dated 1 January, 2001, Air India informed the Committee that the management had not arrived at any fresh settlement on this issue. Also, no fresh recruitment had taken place from 1995 onwards till date.

Air India further clarified that the inter-changeability of job functions of male and female cabin crew in Air India was a subject matter of an Award and understanding between Air India Management and Air India Cabin Crew Association under the Industrial Dispute Act, 1947, any change in the existing terms and conditions covered by either an award or settlement or understanding could not be unilaterally enforced by the management.

1.25 In the written note, Air India also informed that as per the promotion policy dated 7 June, 1997 applicable to cabin crew, only the new recruits who had joined as cabin crew fell in the interchangeable category and their seniority was not only merged but they were treated at par.

1.26 When the Committee desired to know the scope of enhancing the age limit for female crew to carry on flying duties, the representative of the Ministry of Civil Aviation stated:—

“We have written to Air India that they should take a commercial decision on this issue. It is not for the Ministry to force a view on this issue because they are a commercial airline. We have said that they have to see what is the normal practice in other airlines and they have to see what is best in their commercial interests.”

1.27 When the Committee desired to know whether age limit of 50 years fixed at that point of time was at par with other international airlines, the representative of the Ministry of Civil Aviation stated as under:—

“We checked up the position recently. In the case of the Malaysian Airlines, the position is that while the male cabin crew go upto 55 years, the female crew go upto 35 years. In the case of the Singapore Airlines, the male crew go upto 45 years, which is extendable upto 55 years, and the female crew go upto 40 years.

In respect of the Thai Airlines, the males go up to 60 years and the females go upto 40 years. In respect of Cathay Pacific, the males go upto 55 years and the females go up to 40 years. In the case of the Pakistan International Airlines, it is 60 years for the males and 35 years, extendable upto 4 years, for the females. In the case of

Air Lanka, it is 40 years for both. This is the status of the foreign operators.”

1.28 When the Committee pointed out that after the criterion of job interchangeability between the male and female cabin crew has been introduced there should be no difference between the job functions of male and female crew and there should not be any problem in enhancing the age upto which air hostesses could continue flying duties to 58 years, the representative of Air India explained:—

“To offer a competitive product, we should reduce the flying age. The retirement age will remain 58 years for employment in Air India, but the flying age will be brought down to 50 years.... Since 1994 we have not had recruitment in Air India. In 1996 we had taken 12 people, both male and female out of the Sports quota.... We looked into the discriminatory element and kept it at ‘50’. It could also be looked into for future recruitment.

In PSUs one cannot have any form of discrimination. This may be because it may have been overlooked. If it had been pointed out to us, we would have removed it immediately. In case of new entrants, if one category is permitted to fly upto the age of 58, it should be reduced. As far as the pre 1996 recruitment is concerned, there are two areas. One relates to weight checks. It can apply to both male and female staff. If they were following certain standards prior to going on maternity leave, we believe that same standard should be retained when they report back to duty. The second point is regarding medical checks. We believe that it is an area of discrimination and we would have no objection if medical checks and same tests in terms of parameters are introduced for males also. It will remove the area of discrimination. We cannot find any argument to refute not having medical checks for males.”

Observations / Recommendations

1.29 The air hostesses of Air India have represented before the Committee against the non-implementation of the Government of India directive of 1989 for allowing air hostesses of Air India and Indian Airlines to serve till the age of 58 years. The petitioners also informed that while in Indian Airlines the air hostesses were being allowed to perform inflight duties upto the age of 58 years like their male crew members, the position was different in Air India. In Air India the air hostesses were assigned flight duties till the age of 50 years and that too subject to periodic medical examination to ascertain their fitness for flight duties. Thereafter they were being assigned ground duties. The male crew were not required to undergo any medical check-up and they continued to perform inflight duties upto the age of 58 years. The petitioners requested that they should also be allowed to perform inflight duties upto the age of 58 years. Among the other grievances of the petitioners were that they had no inflight career

progression; all air hostesses, regardless of their seniority in years of service, were listed and considered junior to the junior-most male crew member; and women were not permitted to carry out inflight supervision.

1.30 The Committee note that the provision of the Government directive of 1989 *inter-alia* stipulated that like the male cabin crew, air hostesses in Air India and Indian Airlines should also be allowed to serve till the age of 58 years. However, the Ministry *vide* their letter dated 29th December, 1989 clarified that increase in age of retirement to 58 years in respect of air hostesses did not specify job functions after the age of 35 years. Air Hostesses might be given suitable alternate jobs till they attained the age of 58 years. Based on these clarifications, the Air India was stated to have adopted a policy whereby (i) Air hostesses would retire from the services of Company on attaining the age of 58 years, (ii) Air hostesses who would like to retire on attaining the age of 35 years but before 45 years would be extended retirement benefits, (iii) Air hostesses would be assigned flight duties beyond the age of 45 years till they attained the age of 50 years subject to fitness in periodic medical examinations after attaining the age of 45 years. Air Hostesses who did not opt for voluntary retirement might be given employment on ground in suitable position.

1.31 The Committee have been informed that the female cabin crew and the male cabin crew in Air India belonged to distinct/separate cadres having different set of service rules/standing orders and distinct duties. The initial recruitment conditions of air hostesses and male cabin crew were different and the former got accelerated promotions since they were to retire at the age of 35 years. Their duties and responsibilities/job descriptions were laid down in Air India Cabin Crew Manual. However, the Committee do not appreciate the practice being followed in Air India whereby the female cabin crew were assigned flight duties only upto the age of 50 years and that too subject to fitness in periodical medical examinations after attaining the age of 35 years, while the male cabin crew remained on flight duties till the age of 58 years.

1.32 An effort was stated to have been made to merge the two cadres of cabin crew. By virtue of an understanding dated 5 June, 1997 between Air India Management and Air India Cabin Crew Association, a recognized union representing the cabin crew, it was agreed to enforce interchangeability of job functions of male and female cabin crew only for the future entrants and not for the existing cabin crew. As per the aforesaid Memorandum of understanding the Assistant Flight Pursers and air hostesses who had joined between the period commencing from January, 1989 to February, 1995, which numbered 428 when doing standby duties could be pulled out for operating flights in either position *i.e.* Assistant Flight Pursers of Air Hostesses. However, this position was valid only for a period of three years from the date of settlement *i.e.* 5 June, 1997 to 5 June, 2000. The said Understanding also stated that those cabin crew who had joined during the year 1989 to 1991 will be released from

such an arrangement on 1 January, 2000 and thereafter it will be on an annual basis. The Committee are also informed that as per the revised promotion policy dated 7 June, 1997 applicable to cabin crew, only the new recruits who had joined as cabin crew fell in the interchangeable category and their seniority was not only merged but they were treated at par. However, since no fresh recruitment is stated to have taken place from 1995 onwards till date in Air India the Committee are at a loss to understand whether the agreement reached in June 1997 has really served any purpose.

1.33 The Committee agree that Air India being a service industry should strive to give the best possible services to its customers and it should ensure the commercial interests of the company. In order to achieve these objectives, Air India has to fulfil the requirement of fitness of its Air Hostesses in terms of agility, alertness and good health to enable them to render quick and efficient service. The Committee, however, desire that any kind of discrimination between the male and female cabin crew should be completely eliminated. To achieve this end, the concept of job interchangeability introduced earlier should be extended. In case there are any Air hostesses presently working in Air India who would not be covered by the concept of job interchangeability for any reason, their case should be looked into sympathetically by the management and some agreement acceptable to all should be reached.

1.34 The Committee would also like to reiterate their earlier recommendations made in their 10th Report (8th Lok Sabha) that the Air hostesses working in Air India should also be permitted to function as supervisors on board. A thorough review of the service regulations of employees in Air India should be made with a view to removing the in-built bias against female employees and to provide them all necessary facilities and avenues of advancement as are generally made available by the International Airlines to their female employees.

CHAPTER II

REPRESENTATION REGARDING REINSTATEMENT IN SERVICE IN C.R.P.F.

Shri Hanuman Singh, Shri Shiv Taj Singh & others, ex-employees of C.R.P.F. on 6 June, 1994 submitted a representation to the Committee on Petitions (Tenth Lok Sabha) regarding reinstatement in service in C.R.P.F. Shri Hanuman Singh and Shri Shiv Taj Singh had been employed as LDC and Sepoy respectively in CRPF.

2.2 The main points put forth in the representation (Appendix-II) were as under:

- (i) The petitioners comprised of uniformed armed forces as well as the ministerial staff and were serving the CRPF at Jharoda Kalan Group Centre, New Delhi in 1979;
- (ii) In June 1979, there were some disturbances among CRPF personnel which lasted for a few days and ultimately army was called to take over on 25.6.1979. Army took over the Group Centre and in the process few members of CRPF were killed and injured;
- (iii) Consequent to the aforesaid action, a total of 1773 personnel of CRPF were dismissed from service all over India. In addition to this dismissal, complaints were also filed and court cases were initiated before the competent courts;
- (iv) The petitioners were prosecuted for cases initiated under FIR No. 244/79. The cases were filed before the Additional Chief Metropolitan Magistrate, Delhi. The charges against them were quashed and they were discharged on 11.1.84 as the case was time barred and there were no allegations to show that the petitioners had hurt any person being a public servant in the discharge of his duties;
- (v) The CRPF filed a Criminal Revision Petition No. 47/84 before the Additional District & Sessions Judge, Delhi which was dismissed on 22.3.1984 as there was no illegality or infirmity in the order of learned Magistrate. It was found that there were only general allegations and there were more people demonstrating, yet prosecution was initiated only against 54 persons including the petitioners; and

- (vi) Out of 1773 CRPF personnel dismissed during the agitation in June 1979, 1524 personnel had been reinstated on consideration of appeals. However, the remaining personnel were not reinstated because of the cases filed against them before the competent courts of Law.

2.3 In their representation, the petitioners also referred to the third Report of the Committee on Petitions (8th Lok Sabha) which dealt with a representation regarding reinstatement in service in CRPF of one Shri Kumar Pal Singh who had been dismissed during this very agitation in CRPF Units in June, 1979. The Committee had recommended a review of the case and reinstatement of Shri Kumar Pal Singh, ex-sepoy of CRPF. According to the petitioners, Shri Kumar Pal Singh had been reinstated in service.

2.4 The petitioners, therefore, prayed for their reinstatement in C.R.P.F. with all benefits of continuity of service, pension, gratuity etc. stating that they were innocent victims of the disturbances in C.R.P.F. Group Centre, Jharoda Kalan, New Delhi in June, 1979.

2.5 The Ministry of Home Affairs who were asked to furnish their comments on the points raised in the representation submitted *vide* their letter dated 12 October, 1994 as under:—

“50 personnel of CRPF including the petitioner Shri Shiv Taj Singh who had participated in CRPF strike during 1979 were charged with criminal offence U/s 147, 148, 186 and 353 of IPC read with section 3 of Police (Incitement and Disaffection) Act and Section 7 of Criminal Law Amendment Act, 1932. These personnel were dismissed from service not on the ground of involvement in criminal case but for their indiscipline, disobedience of lawful command and desertion of their posts and duty under the provision of Sub rule cc(ii) of Rule 27 of the CRPF Rules, 1955 read with clause (b) of second proviso to clause (2) of Article 311 of the Constitution. The departmental action had not been challenged before the court of law. As such, reinstatement was not possible.”

2.6 Ministry of Home Affairs were further requested to furnish their para-wise comments on the representation on 1.12.1994. The Ministry furnished their para-wise comments on 1 January, 1996 *i.e.* after more than one year on various points raised by the petitioners and refuted most of the allegations made by the petitioners. The Ministry stated that all the personnel mentioned in the application of Shri Shiv Taj Singh had been approaching the department through various political leaders/VIPs for getting themselves re-instated in service on the basis of their discharge from the Criminal charges in the criminal case (Chief Metropolitan

Magistrate, Delhi *vide* order dated 11.1.1984). Their discharge from the criminal charges in the criminal case is entirely different from the charges on which the penalty of dismissal was imposed, and the same has no bearing on the departmental action. The legal position in the case is that the discharge of these personnel from the Criminal case by the Court has no bearing on their dismissal from service as the dismissal order has not been set aside.

The Ministry further stated that the individuals acted in the manner which was highly prejudicial to good order and discipline of the Force and they were dismissed from the service under the proviso contained in Rule 27(cc) (ii) of CRPF Rules, 1955 read with clause (b) of second proviso to clause (2) of Article 311 of the Constitution.

2.7 In the meanwhile, on 27 September 1994 one of the petitioners, Shri Hanuman Singh of village Bhauji-Ki-Dhani (P.O. Batra Nau) District Sikar (Rajasthan) submitted another representation which was forwarded by Shri Balram Jakhar, the then Minister of Agriculture (See Appendix III). The aforesaid comments of the Ministry of Home Affairs were forwarded for information to Shri Balram Jakhar, the then Minister of Agriculture and the case was treated as closed.

2.8 During Eleventh Lok Sabha, Shri Hanuman Singh again submitted a representation on 1.1.1997 and requested the Committee to hear his views. The Committee on Petitions (Eleventh Lok Sabha) took oral evidence of the petitioner at their sitting held on 26 September, 1997. During the course of the oral evidence, the petitioner submitted that he belonged to the Ministerial cadre and there was no strike of Ministerial cadre in June, 1979 in CRPF.

2.9. The Committee also took evidence of the representatives of the Ministry of Home Affairs on 14 October, 1997. During the course of oral evidence the representative of the Ministry of Home Affairs explained as under:—

“During June, 1979, a part of the CRPF personnel indulged in a grave case of indiscipline and insubordination, virtually amounting to an armed rebellion which threatened to engulf the entire force. Some personnel of the Group Centre CRPF at Jharoda Kalan, including Shri Hanuman Singh also, actively participated in the agitation from 20th June, 1979 to 25th June, 1979 by holding illegal meetings, taking out unauthorised processions, condemning the Government, shouting anti-Government slogans, abstaining from normal duty, forcing other loyal staff to close the offices by manhandling and causing them injuries, and indulging in acts of violence insubordination and indiscipline. The Government had to send the Army on the 25th June, 1979 to the Group Centre campus to control the situation where the agitating personnel refused to surrender. In the

process of disarming them, three personnel were killed and eight injured."

2.10 On the involvement of Shri Hanuman Singh, LDC in the above agitation, the representative of the Ministry stated as under:—

"On the 23rd June, he entered the office of Shri Khan, Deputy SP along with a group of agitators and told him to get out of the office. He then went to the main office and forced other staff also to stop their work. He went around the area and instigated the loyal workers. He also led the agitating men in their procession by shouting anti-Government slogans on the 24th June, 1979. He was the main ring leader of the agitating men. He was persuaded not to indulge in the act of violence again on 24th June, 1979.

Subsequently, he was dismissed from service from 6th July, 1979 by the DP, CRPF, New Delhi under 19 (ii) CCS Rules read with Sub-clause 2 of Article 311 of the Constitution. In addition to it he was also charged for offences under Section 147, 448, 387, 353 *vide* FIR No. 244, dated 25th June, 1979.

The above charges were accepted and the case was decided on the technicalities and not on merit. He filed a Writ Petition in the Hon'ble Supreme Court and the same was dismissed on 13th March, 1984."

2.11 When the Committee pointed out to the representative that the petitioner belonged to the Ministerial staff of CRPF and he was neither a member of the uniformed armed forces nor had any association with the said force and the demands of the said force had no bearing on him; the representatives explained as under:—

"It is true that he was not appointed under the CRPF Act. He was a civilian employee but he was heading this agitation. He participated in various processions. He was leading them. He presided over these meetings. He was an active member and he instigated and encouraged the CRPF personnel. He was there in that premises. He encouraged them to commit the act in violation of the CRPF Act. Along with other personnel he entered the Deputy SP's office, asked him to get out and went to other rooms also. Because of this misconduct, he was dismissed. It does not matter whether he is a member of CRPF or not. As a Government servant, he violated the Conduct Rules. He was dismissed and his dismissal has been upheld by the Supreme Court on 13th March, 1984... The Supreme Court has also accepted that the environment was such that a departmental inquiry was not possible."

2.12 When enquired whether the petitioner was alone in the agitation or he was joined by others, the representative informed as under:—

“There were quite a few other people who were participating. We have the record to the effect that 543 were charged for the misconduct on 25th and on other dates. This was an illegal and unlawful gathering. We do not know the exact number.”

2.13 When asked whether all the 54 persons against whom proceedings were initiated were dismissed from service, the representative stated as under:

“Those who participated in this agitation were about 1700 people. The case was registered against 54 for the offence committed on 25th June, 1979. Out of them, leaders were dismissed. Other people had just joined and some of them were reinstated.”

2.14 The Committee desired to know whether all the people dismissed were dismissed on the same ground or whether Shri Hanuman Singh had got a separate order against him. The representative of the Ministry stated that all the 249 people who were dismissed had been issued separate dismissal orders as per the provisions.

2.15 The Committee could not report the matter to the House due to dissolution of 11th Lok Sabha on 4 December, 1997 and the matter was treated as closed.

2.16 Upon the constitution of the Twelfth Lok Sabha on 10.3.1998, the Committee on Petitions (12th Lok Sabha) resumed examination of the subject on a request made by the petitioner Shri Hanuman Singh. In order to obtain the views of the petitioner and the Ministry of Home Affairs, the Committee thereafter took evidence of the petitioner and the representatives of the Ministry of Home Affairs on 5 January, 1999.

2.17. At the evidence held on 5.1.1999, Shri Hanuman Singh, submitted before the Committee as under:—

“Agitation was launched by the CRPF constabulary persons and not by the civilian employees. The CRPF have two distinct, separate and independent wings of services like the uniformed Central Reserve Police Force which is governed by CRPF Act, 1949 and CRPF Rules, 1955. The Ministerial and hospital staff are civilian and are governed by CCS (CC&A) Rules, 1965. I belong to the Ministerial staff and a recognised association called ‘All India CRPF Ministerial and Hospital Staff Association’ to represent our cause. This Association was, therefore, not at all connected with the agitation of the uniformed constabulary of CRPF. None from amongst us indulged in acts of indiscipline, misconduct or as an active supporter of the cause of the agitating constabulary.”

He further added:

"I remained under suspension from 25.1.1977. I was removed from service by an order dated 26.10.1977 which on appeal was quashed by the learned IGP. I joined duty on 16.12.1977 and again I was placed under suspension on 25.1.1978. From 8.1.1977 till the date of dismissal nine charge-sheets have been issued to me."

2.18 On the status of other dismissed persons, the petitioner informed that 1773 people were dismissed/suspended. Out of them 1524 people were reinstated. Against 54 people criminal cases were going on. They have not been reinstated. At this point, the Committee directed the petitioner to submit the circumstances which led to his dismissal in chronological order in writing.

2.19 During the course of the oral evidence of the representatives of the Ministry of Home Affairs and CRPF, the Committee enquired about the grievance redressal machinery in CRPF. To this the Special Secretary, Ministry of Home Affairs explained that in CRPF the machinery was the same for non-civilian and civilian employees. He stated that every individual working in the CRPF whether he was civilian or non-civilian had a right to agitate his grievance before his superior authority who was the commandant of a battalion. He explained the procedure as follows:—

"He writes an application that he wants to appear before the commandant and a date is given to him. Then he appears before the commandant. This is called the Orderly Room System. This system is regularly structured. This Orderly Room System is also held at the level of DIG and IG. If a person is dissatisfied at the commandant level, he is free to go to the DIG and if he is not satisfied even at the level of DIG, he can go to IG. He has the right to represent his case to the DG, CRPF also who is the highest authority."

2.20 The Committee further enquired about the scope for self-defence of Shri Hanuman Singh as he was dismissed under rule 19(2) of CCA rules read with article 311 (2) (b) of Constitution of India. Also, Shri Hanuman Singh had filed a writ petition in the Hon'ble Supreme Court and the same was dismissed on 13 March, 1984. At this point, Special Secretary, Ministry of Home Affairs referred to the affidavit filed by the CRPF which read as follows:—

"The counter affidavit of Shri K. Dadabhoj, ISP, Deputy Director (Operations), CRPF says that in June, 1979, a part of the CRPF personnel indulged in grave acts of indiscipline and insubordination, virtually amounting to armed rebellion, which threatened to engulf the entire force. The petitioner was believed to be the kingpin of this rebellion but apart from the extent of the petitioner's participation in that rebellion, it is clear that the atmosphere generated by the gross breach of discipline on the part of the petitioner and his collaborators had created a situation in

which it would have been impossible to hold the formal inquiry into their conduct. We are satisfied that, in the circumstances, it was not reasonably practicable to hold any inquiry against the petitioner before dismissing him from the force."

2.21 The Committee then enquired whether any verification was made while dismissing Shri Hanuman Singh from CRPF keeping in view the principles of natural justice and previous suspension orders/departmental enquiry against him. The representative of the Ministry of Home Affairs replied:—

"An order had been passed by the then DIG who had nothing to do with his day to day functioning and he had applied his mind to take independent decision. It is only natural justice that when you are considering an act of indiscipline you should consider the circumstances only around that act of indiscipline."

2.22. On the question of reinstatement of Shri Kumar Pal Singh whose case had been referred to by the petitioner, the Ministry of Home Affairs stated in their reply dated 16 March, 1999 that:—

"As per records, No 690421039 ct. Kumar Pal Singh, who was dismissed from service w.e.f. 2.8.1979, A.N. has not yet been reinstated into service."

2.23 Upon dissolution of 12th Lok Sabha on 26 April, 1999, the matter lapsed. After constitution of 13th Lok Sabha, the petitioner again requested on 9 February, 2000 to re-open the case.

2.24. Shri Hunuman Singh again submitted a representation on 11 January, 1999 by way of clarifications as sought for by the Committee during his oral evidence held on 5th January, 1999. According to the petitioner there was a separate association at that time of the ministerial and hospital employees of the C.R.P.F. which was not at all connected with the agitation of the uniformed constabulary of C.R.P.F. Therefore, there was no question of any ministerial or hospital staff like the petitioner associating with the agitation of the constables on 23.6.1979 or on any other date. The agitation launched by the constabulary had been used by the authorities as a pretext to dismiss him from service.

2.25. On the representation being referred to the Ministry of Home Affairs for comments, the Ministry stated in their reply dated 16 March, 1999 that although there was a separate association of ministerial and hospital staff of CRPF at the time of the strike, it had been well established by the then authorities of CRPF that the petitioner had taken active part in CRPF agitation in contravention of CCS (Conduct) Rules in that he had been found to be bringing the agitating personnel into contact with the leaders of various unions/associations and otherwise clandestinely helping, advising, instigating, aiding and abetting the said personnel in other manner to commit various acts in violation of the duty enjoined on

the said CRPF personnel under the CRPF Act, 1949 and CRPF Rules, 1955. The Ministry denied that the CRPF authorities used the agitation launched by armed constabulary, against the petitioner to dismiss him. The petitioner actually took part in the said agitation and also led and gleefully joined the agitating men in their procession, gatherings and in shouting anti-Government slogans. On 24.6.1979 he was the main ring leader of the agitating men which the IGP S/III visited Jharoda Kalan Campus and persuaded the agitators not to indulge in acts of violence, insubordination and indiscipline. Accordingly, action was taken against him alongwith other agitators and he was dismissed from service.

Recommendations/Observations

2.26. The Committee observe that an agitation started in the Central Reserve Police Force in the last week of June, 1979 for acceptance of certain demands. Some personnel of the Group Centre CRPF at Jharoda Kalan, Delhi, also participated in the agitation. 1,773 persons were dismissed from service for participating in agitation in different CRPF units and Group Centres. Out of these 1524 were reinstated on consideration of their appeal. The petitioner Shri Hanuman Singh, LDC, working at the Group Centre CRPF at Jharoda Kalan, Delhi was also dismissed from service on 6th July, 1979.

2.27. The Petitioner contended before the Committee that he belonged to the All India CRPF Ministerial and Hospital Staff Association which was not at all concerned with the agitation of the uniformed constabulary of CRPF and that the agitation launched by the constabulary had been used by the authorities as a pretext to dismiss him from service. The petitioner, therefore, prayed that the dismissal order be treated as cancelled and he should be given all the service benefits. The Committee have, however, been informed by the Ministry of Home Affairs that although there was a separate association of ministerial and hospital staff of CRPF at the time of strike, it had been well established by the then authorities of CRPF that the petitioner had taken active part in CRPF agitation in contravention of CCS (Conduct) Rules in that he had been found to be bringing the agitating personnel into contact with the leaders of various unions/associations and otherwise clandestinely helping, advising, instigating, aiding and abetting the said personnel in other manner to commit various acts in violation of the duty enjoined on the CRPF personnel. The petitioner actually took part in the said agitation and also led the agitating men. Accordingly, action was taken against him alongwith other agitators and he was dismissed from service. According to the Ministry his dismissal has also been upheld by the Supreme Court. The Court had also accepted that the environment was such that a departmental enquiry was not possible.

2.28. The Committee feel that it is a matter of concern that an organised and disciplined force like the CRPF had to go in for mass agitation to get

their demands accepted. As pointed out in their third Report (Eighth Lok Sabha) on a similar case, indulgence in acts of insubordination, misconduct and physical violence by the security staff itself was a serious matter to be taken care of by the Government. The Committee do not want at this stage to sit in judgement over the acts of the executive or act as a revising Chamber. However, taking into account the totality of the circumstances prevailing at that time, they would urge the Government to take a sympathetic view, as far as possible under the relevant rules, and deal with cases like that of Shri Hanuman Singh accordingly.

CHAPTER III

REPRESENTATION REGARDING INCLUSION OF LIMBOO (SUBBA) COMMUNITY IN THE LIST OF SCHEDULED TRIBES OF WEST BENGAL

On 5 November, 1999 Shri B.P. Limboo, General Secretary, Central Committee, All India Limboo Association, 4-Belomber Road, Darjeeling, submitted a representation for inclusion of Limboo (Subba) Community in the List of Scheduled Tribes of West Bengal (Appendix—IV)

3.2 The Ministry of Social Justice & Empowerment were requested on 25 November, 1999 to furnish their comments on the points raised therein. In response, the Ministry of Social Justice and Empowerment informed in their O.M. No. 12016/2/99—SCD (R.L. Cell) dated 4.1.2000 that the issue of inclusion of Limboo (Subba) Community of West Bengal was being examined in consultation with the National Commission for Scheduled Castes & Scheduled Tribes in the light of the modalities approved by the Government on 15.6.1999.

3.3. On being asked to furnish the modalities approved by Government in this regard on 15.6.1999, the Ministry in their O.M. of even number dated 7.4.2000, forwarded a copy of the "Modalities for inclusion, exclusion and other modifications in the Scheduled Castes and Scheduled Tribes Lists". (Appendix—V). According to these modalities, cases favoured by both the State Government and the Registrar General of India (RGI) (in their most recent reports) would be referred to the National Commission for Scheduled Castes and Scheduled Tribes for their opinion. Amending legislation would be proposed to the cabinet in all cases in which the National Commission, RGI as well as the State Governments have favoured modification.

3.4. The Committee considered the reply of the Ministry of Social Justice & Empowerment on the representation at their sitting held on 20th June, 2000. The Committee also discussed the "Modalities for inclusion, exclusion and other modifications in the Scheduled Castes and Scheduled Tribes Lists" approved by the Government on 15.06.1999.

OBSERVATIONS AND RECOMMENDATIONS

3.5. The Committee note that the Government has approved on 15.06.1999 the "Modalities for inclusion, exclusion and other modifications in the Scheduled Castes and Scheduled Tribes Lists". According to these modalities, cases favoured both by the State Governments and Registrar General of India would be referred to the National Commission for

Scheduled Castes and Scheduled Tribes for their opinion. The Committee also noted that the issue of inclusion of Limboo (Subba) Community of West Bengal is under examination of the Ministry of Social Justice & Empowerment in consultation with the National Commission for Scheduled Castes & Scheduled Tribes.

3.6. In this context, the Committee would like to point out that the Committee on Petitions in their Sixteenth Report (Tenth Lok Sabha) presented to Lok Sabha on 24 August, 1994 had expected the Government to expeditiously bring the necessary legislation before Parliament for making amendments to the List of Scheduled Castes/Tribes in various States. The Committee are deeply constrained to note that the issue of inclusion of various Scheduled Castes/Tribes including the Limboo (Subba) Community in the Lists of Scheduled Castes and Scheduled Tribes is being inordinately delayed for want of a final decision of the Government in the matter. The Committee, therefore, recommend that the Ministry of Social Justice & Empowerment should thoroughly review the issue of inclusion of Scheduled Castes and Scheduled Tribes Community in the Lists of Scheduled Castes & Scheduled Tribes including the Limboo (Subba) Community of West Bengal in a specific time frame and place their final proposal before the Cabinet without any further delay.

CHAPTER IV

REPRESENTATION REQUESTING FOR ISSUE OF SCHEDULED CASTE CERTIFICATES TO 'SUNRI' CASTE IN WEST BENGAL BY AMENDMENT OF THE LIST OF SCHEDULED CASTES OF WEST BENGAL

Shri Samar Choudhuary, M.P. forwarded a representation signed by Shri Swapan Kumar Maji and others of village & P.O. Bortoria, District Purulia (West Bengal) regarding issue of certificates to 'Sunri' Caste in West Bengal by amending of the List of Scheduled Castes of West Bengal. (See Appendix).

4.2 The petitioners, in their representation submitted that they represented about five thousand people belonging to 'Sunri' Caste (excluding Saha) who were the inhabitants of Bortoria, Puapur, Tiltore, Saltore, Bhamuria, Sarkardhi, Hira kund, Sunri, Bakulia of Ncturia and Santuri Police Station areas in Purulia District of West Bengal. Since 1980 they had been requesting the Government authorities to issue them Scheduled Caste Certificates but they had not been issued the said certificates so far.

The petitioners stated that there were four divisions of Sunri Caste viz. (a) Chasa-Sunri (Traditional occupation being farming); (b) Moda-Sunri (Traditional occupation being preparation of wine and selling wine; (c) Bokhoria (who were engaged in 'Bakhar' dealings); and (d) Akalia (who actually maintained very poor livelihood). The petitioners contended that people belonging to 'Sunri' Caste and residing in Burdwan, Bankura and Birbhum Districts of West Bengal had got the Scheduled Caste Certificates from the competent authority.

4.3 The petitioners, therefore, requested to examine their case and have the Scheduled Caste Certificates issued to them.

4.4 The Ministry of Social Justice & Empowerment were requested on 21 January, 2000 to furnish their comments on the points raised in the representation. The Ministry of Social Justice & Empowerment *vide* their communication dated 1.3.2000 furnished the following comments:—

"SUNRI (excluding Saha) has already been specified in the List of Scheduled castes of West Bengal at Sl. No. 57. The representationist has urged that the entry may be modified as 'SUNRI Chasa' as a synonym of SUNRI (excluding Saha). As this matter requires examination in accordance with Article 341 of the Constitution, the issue has been referred to the Government of West Bengal for their comments."

Thereafter it would be processed in accordance with modalities approved by Government on 15.6.1999.”

4.5 After perusing the comments furnished by the Ministry, the Committee undertook an on the spot study visit to Kolkata on 26 June, 2000 to discuss the matter with the petitioners and the officials of the State Government of West Bengal.

4.6 During the on-the-spot study visit the petitioners informed the Committee that the people residing within the districts of Burdwan, Bankura, Birbhum having the identical surname of ‘maji’ and ‘majhi’ of Sunri Community were getting Scheduled Caste Certificates from the competent authority, whereas the people residing in Purulia district in spite of similar characteristics did not get the scheduled caste certificates. The petitioners added that the local administration had violated the norms and issued some certificates of scheduled castes on their whims and with caprice.

4.7 During the on-the-spot study visit, the Committee were informed by the representative of the Backward Classes Welfare Department, Government of West Bengal that as per 1971 census, the total number of people belonging to ‘Sunri (excluding Saha)’ Caste was 1,66,418 in West Bengal. They are spread all over the State of West Bengal. Community-wise data was not published in the census 1981 and 1991 by the Registrar General of Census, Government of India. Some certificates were issued without proper knowledge and through error of judgement and corrective action was being taken to educate the concerned certificate issuing authorities properly. He explained that the ‘Chasa-Sunri’ of Purulia and other belonging to their community in other border districts of West Bengal were not a part of ‘Sunri (Excepting Saha)’ caste of West Bengal which has been enlisted as scheduled caste. They were from ‘Sunri’ caste of Bihar, which was not declared as a scheduled caste in Bihar. Though two communities have similar names, they were two distinct and different communities having different social status.

4.8 the representatives of the State Government of West Bengal, Backward Classes Welfare Department also stated that as far as West Bengal was concerned, the Government did not recognise any divisions amongst persons who belonged to the ‘Sunri (excluding Saha)’ Caste. In this regard, a Report submitted by the Director (Cultural Research Institute), Backward Classes Welfare was forwarded by the State Government of West Bengal to Ministry of Social Justice & Empowerment on 21.6.2000 which stated that ‘Sunris’ of Bihar were not enlisted as Scheduled Castes in the State. At one time before the state reorganisation, Purulia was in Bihar, and these ‘Chasa Sunris’ who were claiming scheduled caste certificate as ‘Sunri’ (excluding Saha), were residents of Purulia in the then State of Bihar. Before 1976 ‘Sunri’ (excluding Saha) was enlisted as scheduled castes all over the State except in Purulia. After

State reorganisation the area restrictions were removed and Sunris (excluding Saha) were declared as scheduled caste in all over the State of West Bengal. The Chasa Sunris were cultivators like the Sunris of Bihar. They enjoyed higher status than the liquor makers. The liquor makers suffered from stigma of untouchability unlike the Chasa Sunris. The title 'Majhi' was used by the Sunris of Bihar and not by the Sunris (excluding Saha) of West Bengal.

4.9 The Director (C.R.I.), Backward Classes Welfare Department of State Government of West Bengal in his Report to the Ministry of Social Justice & Empowerment also stated that there had been instances where splitting up of castes took place in course of natural organic transformations. In course of time the cleavage drifted away the group by splitting up from its core feature and thus it emerged a new group. Cases may be cited for the Chasa-Dhoba, Tanti-Dhoba etc. where the claimants took advantage of the suffixes of caste-name and demanded to be considered among the Scheduled Communities on the pretext of being called by similar nomenclature. In these later cases such dubious claims were turned down by the authority.

In the aforesaid Report, Director (CRI) clarified that 'Sunri' and 'Chasa Sunri' were entirely different groups and 'Chasa Sunri' was a regional term restricted predominantly to Purulia and also used in Bankura and Bardhaman districts. This group of Chasa Sunri were one time 'Sunris' of Bihar and not enlisted in the Scheduled Caste list of Bihar. After State reorganisation they became the residents of West Bengal. The 'Chasa Sunris' of Purulia did not belong to the same community of Sunri (excluding Saha) of West Bengal who were actually a part of the Sunri caste of Bihar for the following reasons:

- (i) The clan structure, occupation, rites and rituals, religious festivals of the Chasa Sunris were quite different from the Sunris (excluding Saha).
- (ii) Chasa Sunri and Sunri (excluding Saha) of West Bengal had no matrimonial relations with each other.
- (iii) The Chasa Sunris were found mainly in Purulia and other areas adjoining Bihar.
- (iv) The title 'Majhi' was used by most of the Chasa Sunris and also used by the Sunris of Bihar and not by the Sunri (excluding Saha) of West Bengal.

4.10 In the aforesaid communication of the State Government of West Bengal to the Ministry of Social Justice & Empowerment dated 21.6.2000 the State Government stated that the status of a caste or community could not be determined on the basis of a few caste certificates and land deeds. The status of the community had to be examined after consideration of the sum total of material available in field studies, census report and other

written records. The Deputy Magistrate and SDO, Asansol were not competent authorities for determining the status of a caste, neither they were trained for that purpose. The conclusion reached by them were totally negated by the report of Director, CRI. The State Government of West Bengal, therefore, wholly endorsed his views.

4.11 In a subsequent written reply dated 7 August, 2000 the Ministry of Social Justice & Empowerment informed the Committee as follows:—

“In pursuance of provisions contained in Articles 341 and 342 of the Constitution of India, the President has made fourteen Orders specifying Scheduled Castes and Scheduled Tribes. The first specification of Scheduled Castes and Scheduled Tribes in relation to a State was notified in consultation with the State Government concerned. Any subsequent modification can be effected through an act of Parliament.

The State Government of West Bengal *vide* their letter dated 21.06.2000 did not recommend the proposal.

Cases of inclusion of communities in the lists of Scheduled Castes and Scheduled Tribes are examined when such cases are recommended by the State Government concerned and agreed to by the Registrar General of India and the National Commission for Scheduled Castes and Scheduled Tribes in the light of modalities approved by the Government on 15.06.1999, otherwise these cases would be rejected summarily.

In view of the position explained above the claim of “CHASA SUNRI” as a synonym of “SUNRI” (excluding SAHA) community has been rejected.”

4.12 The Committee, thereafter, took oral evidence of the representatives of the Ministry of Social Justice & Empowerment on 4.10.2000. During evidence the Committee desired to know the reasons for not recognizing Chasa Sunri Caste, a sub-section of Sunri Community of West-Bengal, as Scheduled Caste. The Additional Secretary in the Ministry of Social Justice & Empowerment stated as follows:—

“We received the petition in January this year. We sent it to the State Government for verification and comments. The State Government in June this year sent a report and categorically objected to the inclusion of Chasa Sunri in the List of Scheduled Caste for West Bengal. The reason cited by them is that Purulia used to be part of Bihar and in Bihar, this group of people is not recognized as Scheduled Caste. They have expounded further details and gone into matters like marriage, selection of priest etc. through Director of Cultural Research Institute, West Bengal. After thinking, they have commented that this group is not the same group as Sunri (excluding Saha) of West Bengal. The community

Sunri (excluding Saha) is included in the list of Scheduled Castes for West Bengal as item number 57 in the total list of 59 Scheduled Castes of West Bengal as per the Presidential Notification issued in 1976. That is how we could not proceed further in the matter."

The witness further added:—

"The modality approved by the Government as of now is that the State Government recommends a case which is referred to Registrar General of India for records and verification. If both agree, then we send it to the National SC/ST Commission for final view. If their view is also in favour of it, we take the case to the Cabinet and to the Parliament. Once the Parliament debates and approves it, then the Presidential Notification is issued. Since the State Government did not recommend this case, we could not proceed further. In the context of this petition, we have again referred it to the State Government of holding further inquiries and to come back to us. They have not come back so far. The letter was sent recently. If they change their opinion and come back to us with a clear recommendation favouring them, then we can proceed further."

4.13 In a subsequent written reply dated 13th October, 2000 the Ministry of Social Justice and Empowerment informed that the Ministry *vide* their letter dated 6.10.2000 has requested the Government of West Bengal to send their views on the following matter:—

- (a) About 5000 families belonging to 'Chasa Sunri'; 'Moda Sunri'; 'Bokhoria Sunri' and 'Alkalia Sunri' claiming to be division of the main Sunri Caste residing in Purulia district are not getting benefits admissible to Scheduled Castes, not-with-standing the fact that 'Sunri' (excluding Saha) is notified as Scheduled Castes for the whole State of West Bengal.
- (b) The petitioners have claimed that these sub groups of Sunri Caste observe social and cultural practice like worshipping, marriage, similar to those of Sunri Caste and that people belonging to such-sub-groups are getting benefits of belonging to Scheduled Castes in other parts of the State.

4.14 On the question as to whether the Ministry of Social Justice & Empowerment had carried out any comprehensive survey and census to assess the number of people in the 'SUNRI' caste; the Ministry stated that they have carried out comprehensive survey and census to assess the total number of people of 'Sunri' caste. The census data were collected and published by the Registrar General of India and Census Commissioner, Ministry of Home Affairs. This matter had been referred to them for taking necessary action in the matter.

4.15 Regarding, the total number of people belonging to 'SUNRI' caste in West Bengal at present and the names of the places where the people of

this caste reside; the Ministry of Social Justice & Empowerment informed that this matter had been referred to the Registrar General of India for necessary action.

4.16 When the Committee desired to know as to whether the State Government of West Bengal had explained the reasons for not including 'Chasa Sunri' in the list of Scheduled Castes; the witness stated as follows:—

"Although the 'Chasa Sunri' people of Purulia District are a part of 'Sunri' Community, they were not recognized as SCs because of their advancement in terms of economic opulence from the 'Sunris' of West Bengal. The 'Sunris' in West Bengal prepare liquor, and the 'Chasa Sunris' are basically 'cultivators'; they might be having land. That is the inference that we take. But we have requested the State Government to expound the details."

4.17 The Committee asked about the role of the Central Government to find out from the State Government as to why people belonging to Chasa Sunri in Purulia could be discriminated when the same people living in Burdwan were being given the status of Scheduled Castes. To this, the representative of the Ministry of Social Justice & Empowerment stated as follows:—

"I would not say that the State Government is unreasonable. They apparently have some logic. The Sunris of West Bengal (excluding Saha), that is the occupation which we have in 1957 Presidential Notification, are distinctly different from the Chasa Sunris of Purulia. The State Government is finding it that way. The Chasa Sunris used to cultivate. And the other Sunris used to prepare liquor and other things. Sunri is the common name to both Bihar and Bengal. But in pursuit of their livelihood, Sunris used to follow different trades. That is why the Director of Cultural Research Institute of Bengal has expounded the theory that Sunris of West Bengal and Sunris of Bihar are different. That is how the State Government wrote a letter to us that they do not recommend. But we have written back to them to hold a detailed enquiry and come back to us. We will see what will come from that."

OBSERVATIONS/RECOMMENDATIONS

4.18 The Committee note that about 5000 families belonging to 'Chasa Sunri'; 'Moda Sunri'; 'Bokharia Sunri' and 'Akalia Sunri' claiming to be divisions of the main 'Sunri Caste' and residing in Purulia district of West Bengal are not getting the benefits admissible to the Scheduled Castes. According to the petitioners these sub-groups of 'Sunri Caste' observe social and cultural practice like worshipping, marriage, similar to those of 'Sunri Caste' enlisted as scheduled caste in the List of Scheduled Castes of West Bengal. They have contended that while the people residing within the districts of Burdwan, Bankura and Birbhum with identical surnames of

'majl' and 'majhi' of Sunri community have got the Scheduled Castes Certificates from the competent authority, the people residing in Purulia district, inspite of the similar characteristics with the 'Sunri' caste do not get the scheduled castes certificates.

4.19 In this context, the Committee have been informed by the State Government that as per 1971 census, the total number of people belonging to 'Sunri' (excluding Saha) Caste is 1,66,418 in the State of West Bengal. The Scheduled Castes Certificates for this caste have been issued all over the State of West Bengal. The Community-wise data has been published in the census 1981 and 1991 by the Registrar General of Census, Government of India. The Committee have been further informed that the 'Chasa-Sunri' of Purulia district and others belonging to this community in other border districts of State of West Bengal are not a part of 'Sunri' (excluding Saha) Caste as specified at Sl. No. 57 in the List of Scheduled Caste of West Bengal. However, some certificates of the 'Sunri' Caste have been issued without proper knowledge and through error of judgement. The Committee take a serious note of the fact that authorities competent to issue such certificates are not fully conversant with the identification of the persons belonging to 'Sunri' Caste. The Committee desire that specific norms may be laid down by the Central Government so as to ensure that any kind of error in judgement while issuing the Scheduled Caste Certificates by the State Administration does not recur.

4.20 According to the report of CRI, the 'Chasa Sunri' of Purulia did not belong to the same community of Sunri (excluding Saha) of West Bengal. This group of 'Chasa Sunri' were one time 'Sunris' of Bihar and not enlisted in the Scheduled Caste list of Bihar. After State reorganisation people belonging to 'Chasa Sunri' in Purulia became the residents of West Bengal. The Committee regret to note that the State Government of West Bengal have endorsed the comments of the Director, Cultural Research Institute (CRI) by stating that the claim of the petitioners for 'Chasa Sunri' to be included as Sunri (excluding Saha) in West Bengal is not correct.

4.21 The Committee find that the matter has again been referred by the Ministry of Social Justice & Empowerment to the State Government of West Bengal for their comments. The Committee recommend that a detailed enquiry may be made in consultation with the State Government of West Bengal and Registrar General of India so as to ascertain the community-wise data of the people belonging to 'Sunri' Caste in West Bengal. A thorough review may then be made to assess the caste characteristics and innate character of the 'Sunris' in Purulia district of West Bengal so that they are not deprived of the benefits provided to the Scheduled Castes. The Committee desire the Government to complete the enquiries and finalise the matter expeditiously and include the Sunris belonging to the Purulia district in West Bengal in the 'Sunri Caste' as enlisted in the list of Scheduled Caste in West Bengal.

APPENDIX I

(See para 1 of Chapter I)

SUBJECT: Representation regarding non-implementation of Govt. of India Directive of 1989 for allowing Air Hostesses to serve upto the age of 58 years like male crew members as forwarded by Shri Sunil Khan, M.P on 2 March, 2000.

The Secretary General,
Lok Sabha.

Dear Sir,

I am hereby forwarding a petition from the Air India Hostesses working in Air India, signed by A. Mulgaokar & (Five Hundred Seventy Four) air hostesses, praying for implementation of Government of India directive of 1989 for allowing Air Hostesses to serve till the age of 58 years, like male crew members.

I would like to present the above petition in this Session itself and request you to issue instructions accordingly.

With kind regards,

Yours sincerely,
Sd/-
(SUNIL KHAN)

Enclo. As Above.

To
Lok Sabha

The humble petition of the Air India Hostesses working in Air India.

Sheweth

that Air India is not implementing the Government of India directive of 1989, allowing Air Hostesses to serve till the age of 58 years, like the male crew;

that all the women are forced to accept ground jobs at 50 years; the women officers are redeployed to departments other than their own viz., the Inflight Service Department, and are not given positions commensurate with their designations;

that Air Hostesses have to undergo biennial medical examinations from the age of 37 to 45 years, and annual medical examinations from the age of 45 to 50 years, while the male crew are not;

that Air Hostesses have no in-flight career progression;

that women are not permitted to carry out in-flight supervision;

that all Air Hostesses, regardless of their seniority in years of service, are listed and considered junior to the junior-most male crew member;

that female executives are discriminated against in matters of promotion and in placement and assignment of duties;

that female executives, despite belonging to the officer cadre, are treated on the same terms and conditions as the workman-category Air Hostesses;

the junior female crew members in the Interchangeable Category, unlike their male counterparts, are not promoted to the next senior male category viz., Flight Purser;

that the female crew are denied certain function-related allowances paid to their male counterparts, despite the fact that the latter do not perform those particular functions;

that women officers are discriminated against even in the allocation of hotel rooms/suites;

that in all agreements and negotiations, the Air India management is partial to the male crew to the detriment of the female crew;

and, accordingly, your petitioners pray that
Air India be directed to

- implement the Government of India directive to allow Air Hostesses to serve till the age of 58 years like the male cabin crew, and to end the discrimination in this regard;
- stop the compulsory biennial and annual medical examinations for the female crew;
- to provide for career progression in their flight duties, and to permit in-flight supervision by women;
- list all crew, regardless of their gender, by their years-of-service seniority;
- stop discrimination against the female category in the matter of promotions, placement and assignments;
- treat the female executives in the officer cadre on the same terms and conditions as the male officer cadre;
- promote female crew members in the Interchangeable Category as Flight Pursers;
- pay the same function-related allowances to the female category as are being paid to the junior male category;
- be unbiased and impartial in matters of all agreements and not give undue leverage to the male category over the female category; and
- end all forms of discrimination which are being practiced against women crew, including allocation of hotel rooms/suites to female executives which are not on par with those being allocated to male executives.

And your petitioners as duty bound will ever pray.

Sl.No.	Name of Petitioner	Staff No.	Signature
	A. MULGAOKAR		Sd/-
	D. BHILADUALA		Sd/-
	M. MENDES		Sd/-
			Sunil Khan M.P. (L.S.)

APPENDIX II

(See para 2 of Chapter II)

Representation from Shri Hanuman Singh, Shri Shiv Taj Singh and others, ex-employees of CRPF dated 6 June, 1994

Sub: Petition for personal intervention to seek reinstatement of the petitioners in their service.

Dear Sir,

The petitioners humbly submit as under:—

1. That the petitioners mentioned hereunder are the erstwhile members of C.R.P.F. who were serving at Jharoda Kalan Group Centre, New Delhi in 1979. The petitioners comprises members of Uniform Armed Forces as well as of the ministerial staff.
2. That in June 1979 there were some disturbances among C.R.P.F. personnel. During these disturbances a number of meetings took place amongst the C.R.P.F. personnel at Jharoda Kalan. The disturbances lasted for the few days and ultimately the army was called in to take over the guard and ammunition, on 25.6.1979.
3. That all the incidents which occurred during this period were totally peaceful and there was no violence of any sort on the part of the C.R.P.F. personnel.
4. That in the early hours of 26.6.1979 the army units accompanied by Sh. Khullar, M.M. reached the Group Centre and took over the centre. In the process of taking over the Group Centre 3 members of the C.R.P.F. were killed and 8 were injured. Stray bullets fired by the army were also to hit one Smt. Bisni Kaur mother-in law of Sh. H.B. Singh, UDC residing in the family quarters who was also killed.
5. That pursuant to the aforesaid action of the army a total of 1773 personnel of the C.R.P.F. were dismissed from services all over India.
6. That in addition to the aforesaid dismissal complaints were also filed and cases were initiated before the competent courts. The petitioners were prosecuted for cases initiated under FIR No. 244/79 registered with Police Station, Najafgarh, New Delhi. The cases were filed before the Addl. Chief Metropolitan Magistrate, Delhi, the charges against the petitioners were quashed and all the petitioners were

discharged *vide* order dt. 11.1.94 as the case was time barred and further the F.I.R. didn't indicate that the petitioners had formed an unlawful assembly for using criminal force or assaulted any public servant or prevented or deterred any public servant. There was no allegations to show that the applicants had caused hurt to any person being a public servant in the discharge of his duties.

7. That the C.R.P.F. filed a criminal revision petition No. 47/84 before the Addl. District & Sessions Judge, Delhi, the said revision petition was dismissed on 22.3.1984 as there was no illegality of infirmity in the order of Learned Magistrate. It was found that there was only general allegations and there had been more people demonstrating yet prosecution was initiated only against 54 persons including the present petitioner.
8. That on 9.7.80 an unstarred question No. 3485 was asked from the Minister of State in the Ministry of Home Affairs, before the Lok Sabha regarding the reinstatement of police personnel. In part D & E of the reply the Hon'ble Minister had stated that out of 1773 CRPF personnel dismissed during the agitation in 1979, 1524 have been reinstated on consideration of appeals, preferred by them. The appeal of 221 of the remaining of the 249 were rejected and 28 did not prefer any appeal. The aforesaid reply clearly establish that 86% of the persons who were dismissed from services were reinstated as on that date. Apparently the remaining personnel were not reinstated and their appeals were not accepted because of the cases filed against them before the competent courts of law.
9. That subsequently one Kumar Pal Singh, a sepoy of CRPF who was also dismissed from the services as a consequence of the aforesaid disturbances was reinstated in services on the recommendations of the Committee on Petitions of Parliament in 1987.
10. That the aforesaid petitioners had moved fresh petitions for appeals/ review and revision against the dismissal orders which were not accepted by the competent authorities.
11. That during the pendency of criminal revision petition before the Addl. Distt. & Sessions Judge, fresh appeals were moved for reinstatement in services as the petitioners had been discharged by the Addl. Chief Metropolitan Magistrate in terms of his judgement dt. 11.1.1984.
12. That in reply to applications filed by on behalf of the petitioners the Commandant of 55th Battalian C.R.P.F. Chura—Chand Pur *vide* his letter No. P.VII-1/85/EC-II-119/Oct./85 stated that "inview of criminal revision filed in the court of session judge, Delhi, on 25.4.84 and outcome still awaited no action can be taken on the above referred applications till finalisation of the cases". Similar replies have been received by other petitioners as well.

13. That on the dismissal of the aforesaid revision petition the petitioners have moved fresh applications for reinstatement in services to the Director General, C.R.P.F. which are pending before him.
14. That your petitioners crave leave to draw your kind attention to the fact that two persons against whom criminal cases were instituted, were reinstated in a services on the decision of the Ld. Addl. Chief Metropolitan Magistrate, discharging them *vide* his order dt. 11.1.1984, i.e. Sh. S.K. Luthra S/o Sh. Kanshi Ram, DGS&D, Parliament Street, New Delhi and Sh. S.K. Chakrawati (fitter) No. 731191086, R/o B-1/20, Pandav Nagar, Police Station Gandhi Nagar, Delhi. The said persons also availed all their retirement benefits including pension. The case of the petitioners shall also be given similar treatment.
15. That your petitioners also bring to your kind notice that in Oct. 1984 as an aftermath of the tragic conditions leading to the demise of our revered Prime Minister Smt. Indira Priyadarshni Gandhi, solicitor of the Indian army had mutinied. They had deserted their posts and had decamped with a large number of arms, ammunitions and equipment. A very lenient view of the situation was taken and all the mutineers were either reinducted into the army or were employed in para military forces or other governmental departments. Your petitioners have not indulged in any such action and deserve to be reinstated in view of the rulings of the court.
16. Your petitioners seek your benevolent kind indulgence in the matter and request your honour to intervene in the matter and secure the reinstatement of innocent victims of the disturbances in June 1979 in their former services in the CRPF with all benefits of continuity of service, back wages, earned leave, pension, gratuity and protection of other statutory rights. We are your petitioners as under:

Sl. No.	Name	Enrolement No.
1	2	3
1.	Shiv Taj Singh	710510641
2.	Tara Chand	701030319
3.	Mange Ram	710553527
4.	Bachitar Singh	570064974
5.	Suraj Bhan	684441406
6.	Hanuman Singh (LDC)	671510415
7.	Mahavir Singh	691020787
8.	Om Parkash	700470843

1	2	3
9.	Hawa Singh	710552655
10.	Ram Avtar Singh	691031958
11.	Radhey Shyam	701010444
12.	Ramesh Chand	710548463
13.	Lal Singh Yadav (LDC)	711510865
14.	Biri Singh	710553901
15.	Sachidanand	700221362
16.	P.S. Bisht	65100177
17.	Om Prakash Jain	690494617

Address for Correspondance

H 35, Jeevan Niketan,
(R.C. Colony),
Paschim Vihar,
Delhi-110 041.

APPENDIX III

(See para 7 of Chapter II)

Representation from Shri Hanuman Singh of village Bhauji-ki-Dhani (P.O. Batra Nau) district Sikar (Rajasthan) as forwarded by Shri Balram Jakhar, ex.MP on 27 September, 1997.

D.O. No. HAM/9/94-Res./206

कृषि मंत्री
भारत

नई दिल्ली-110 001

MINISTER OF AGRICULTURE
INDIA

NEW DELHI-110 001.

September 27, 1994

Dear Shri Patil Ji,

Enclosed is a Petition of Shri Hanuman Singh & Others, ex-employees of CRPF, regarding their reinstatement in service, which is self-explanatory. The applicants have been representing for justice for a long time.

I shall be thankful if you could kindly have their Petition looked into through the Committee of Petitions, Lok Sabha Sectt., to redress their long pending grievances.

With best wishes,

Yours sincerely,

-sd/-

(BAL RAM JAKHAR)

Shri Shivraj V. Patil,
Speaker,
Lok Sabha,
NEW DELHI.

To,

The Chairman,
Committee on Petitions,
Lok Sabha, Parliament House,
New Delhi-110 001

Sub: Petition for personal intervention to seek reinstatement of the petitioner in his service.

Dear Sir,

1. That the petitioner, Hanuman Singh, No. 67151415 was appointed as a L.D.C. in Nov. 1970 in the Central Reserve Police Force at Jammu and was transferred in 1972 to Group Centre, Jharoda Kalan, New Delhi. Since then he had been working on the said post at Jharoda Kalan Group Centre, New Delhi. Being a L.D.C. he came in the category of ministerial staff of the C.R.P.F.
2. That in June 1979 there were some disturbances among C.R.P.F. personnel. During these disturbances a number of meetings took place amongst the C.R.P.F. personnel at Jharoda Kalan. The disturbances lasted for the few days and ultimately the army was called in to take over the guard and ammunition, on 25.6.1979.
3. That all the incidents which occurred during this period were totally peaceful and there was no violence of any sort on the part of the C.R.P.F. personnel.
4. That in the early hours of 26.6.1979 the army units accompanied by Shri Khullar, M.K. reached the Group Centre and took over the centre. In the process of taking over the Group Centre 3 members of the C.R.P.F. were killed and 8 were injured. Stray bullets fired by the army, were also alleged to have hit one Smt. Bisni Kaur, mother-in-law of Sh. H.B. Singh, UDC residing in the family quarters who was also killed.
5. That it is pertinent to mention here that while all these disturbances were taken place at the Group Centre, Jharoda Kalan, New Delhi the petitioner had been suspended from the services and didn't have any rule of any nature in the aforesaid disturbances. Infact, at the time of the disturbances several inquiries were pending against the petitioner which were likely to result in his acquittal and evidence led in the said disciplinary proceedings till date was in his favour.
6. That finding and easy opportunity in the disturbances which have taken place C.R.P.F. authorities took the advantage of the said disturbances and dismissed the petitioner from services without

conducting any inquiry and without offering any opportunity to the petitioner to defend himself in the said matter. It was alleged by the C.R.P.F. authorities that petitioner was found to be bringing the agitating personnel into contact with leaders of various unions and associations and otherwise dandestindy helping, advising, instigating, aiding and abetting the said personnel in every manner in violation of the duty enjoying on the said personnel under the C.R.P.F. Act, 1949 r/w C.R.P.F. rules, 1955. It was also alleged that petitioner was the active supporter of the cause of the agitating constabulary and had posed a collective threat in the event of departmental inquiry being conducted. On the said allegations the petitioner was dismissed from the services of the C.R.P.F. alongwith another 1770 odd personnel of the C.R.P.F.

7. That in addition to the aforesaid dismissal complaints were also filed and cases were initiated before the competent courts. The petitioner was prosecuted for cases initiated under FIR No. 244/79 registered with Police Station, Najafgarh, New Delhi alongwith other C.R.P.F. personnel. The cases were filed before the Addl. Chief Metropolitan Magistrate, Delhi, the charges against the petitioner, were cuashed and all the accused were discharged *vide* order dt. 11.1.1984 as the case was time barred and further the FIR didn't indicate that the accused had formed an unlawful assembly for using criminal force or dettred any public servant, or prevented or dettred any public servant. There were no allegations to show that the applicants had caused hurt to any person being a public servant in the discharge of his duties.
8. That the C.R.P.F. filed a criminal revision petition No. 47/84 before the Addl. District & Sessions Judge, Delhi, then said revision petition was dismissed on 22.3.1994 as there was no illegality of infirmity in the order of Ld. Magistrate. It was found that there was only general allegations and there had been more people demonstrating. Yet prosecution was initiated only against 54 persons including the present petitioner.
9. That on 9.7.1980 an Unstarred Question No. 3485 was asked from the Minister of State in the Ministry of Home Affairs, before the Lok Sabha regarding the reinstatement of police personnel. In part D & E of the reply the Hon'ble Minister had stated that out of 1773 personnel (CRPF) dismissed during the agitation in 1979, 1524 have been reinstated on consideration of appeals, preferred by them. The appeal of 221 of the remaining of the 249 were rejected and 28 didn't prefer any appeal. The aforesaid reply clearly establish that 86% of

the persons who were dismissed from services were re-instated as on that date. Apparently the remaining personnel were not reinstated and their appeals were not accepted because of the cases filed against them before the Competent Courts.

10. That subsequently one Kumar Pal Singh, a sepoy of C.R.P.F. who was also dismissed from the services as a consequence of the aforesaid disturbances was reinstated in services on the recommendations of the Committee on petitions of Parliament in 1987.
11. That the aforesaid petitioner had moved fresh petition for appeal/review and revision against the dismissal order which was not accepted by the Competent Authorities.
12. That during the pendency of criminal revision petition before the Addl. Distt. & Sessions Judge, fresh appeal was moved for reinstatement in services as the petitioner had been discharged by the Addl. Chief Metropolitan Magistrate in terms of his judgement dt. 11.1.1984.
13. That on the dismissal of the aforesaid revision petition the petitioners have moved fresh applications for reinstatement in services to the Director General, C.R.P.F. which are pending before him.
14. That your petitioner crave leave to draw your kind attention to the fact that two persons against whom criminal cases were instituted, were reinstated in services on the decision of the Id. Addl. Chief Metropolitan Magistrate, discharging them *vide* his order dt. 11.1.1984 *i.e.* Sh. S.K. Luthra S/o Sh. Kanshi Ram, DGS&D, Parliament Street, New Delhi and Sh. S.K. Chakrawati (fitter) No. 731191086, r/o B-1/20, Pandav Nagar, Police Station, Gandhi Nagar, Delhi. The said persons also availed all their retirement benefits including pension. The case of the petitioner shall also be given similar treatment.
15. That your petitioner also bring to your kind notice that in October, 1984 as an aftermath of the tragic conditions leading to the demise our revered Prime Minister Smt. Indira Priyadarshni Gandhi Soldiers of the Indian army had mutinied. They had deserted their posts and had decamped with a large number of arms, ammunitions and equipment. A very lenient view of the situation was taken and all the mutinees were either reinducted into the army or were employed in para military forces or other governmental departments. Your petitioner has not indulged in any such action and deserve to be reinstated in view of the rulings of the Court.
16. That Hon'ble Supreme Court of India has dismissed the Special Leave Petition No. 114-118/91 titled as Union of India & Another

V/s Y. Munda & Ors. by its order dated 14.7.1994. Aforesaid Special Leave Petition's were filed by the Union of India against the decision of Ranchi Bench of Patna High Court regarding the reinstatement of belonging to the Central Industrial Security Force who were dismissed from the services following acts of insubordination, indiscipline, dereliction of duty, ascertaining of duty and participating in gherav of supervisory officer in complete disregard of the duty as a member of force. Based on the same facts F.I.R. Dated 25.6.91 was lodged with Police Station Bokara Steel City, Bokaro *vide* F.I.R. No. 37(6)-79 under Section(s) 147, 148, 149, 326, 307, 302, 120B, 121, 353, 333 of the I.P.C. and under section(s) 197 of C.I.S.F. Act and under section 27 of the Arms Act and section 5 of the Explosive Substance Act. Hon'ble Patna High Court had ordered that C.I.S.F. personnel be reinstated in service as the allegations made against them didn't stand the scrutiny of the Ranchi Bench of the Patna High Court.

17. The case of the petitioner should be decided on similar basis as that of C.I.S.F. personnel and on the equal footing with that of Shri S.K. Luthra, who had already availed all benefits of service even though he was also involved in the aforesaid case.
18. Your petitioner seek your benevolent kind indulgence in the matter and request your honour to intervne in the matter and secure the reinstatement of innocent victim of the disturbances in June 1979 in his former services of the CRPF with all benefits of continuity of service, back wages, earned leave, pension, gratuity and protection of other statutory rights.

Sd/-

(HANUMAN SINGH)

Applicant

Delhi.

Dated: .09.94

No. 671510415 (Ex.L.D.C.)
R/O H-235, Jeevan Niketan,
(LIC Colony), Paschim Vihar,
New Delhi-41.

APPENDIX IV

(See Para 3.1 of Chapter III)

Representation regarding inclusion of Limboo (Subba) Community in 65-66 the list of Scheduled Tribes, West Bengal.

Ref. No. AILA/ST/99/19

Dated: 5th November 1999

To

The Under Secretary,
Lok Sabha Secretariat,
Parliament House Annexe,
New Delhi-110001.

Sub.: Representation regarding inclusion of Limboo (Subba) Community in the list of Scheduled Tribes, West Bengal.

Ref.: Your letter No. 51/CI/96/R-I dated 16th September, 1996

Sir,

This Association is highly indebted to you for furnishing most valuable information to the Secretary, Yakthoong Shong Choompho, Kalimpoogs, West Bengal regarding active consideration by the Ministry of Social Justice and Empowerment for inclusion of Limbu Community in Scheduled Tribes of West Bengal *vide* your letter No. cited above is enclosed herewith for your ready reference.

In this connection I am to clarify that the nomenclature of this community is written as 'Limboo' (Subba) or 'Limbu' (Subba) in West Bengal and any other States in India are the same.

I would highly appreciate you if you could kindly let us know any further development in the subject matter taken by the Ministry of Social Justice and Empowerment from your kind end.

With regards.

Yours faithfully,

(B.P. Limbu)
General Secretary,
Central Committee,
Darjeeling, W. Bengal.

Encl:— As stated above

1. Copy forwarded to the Secretary to Government of India, Ministry of Social Justice and Empowerment, Shastri Bhavan, New Delhi-110001 for favour of his kind information and necessary action.
2. Copy forwarded to the Secretary Yakthoong Shong Choompho, Dungra Busty, Kalimpong, West Bengal (Branch Committee) for information with reference to his forwarding letter No. YSC/7/96 dated 24th September 1996.

LOK SABHA SECRETARIAT

Telegrams: LOKSABHA, NEW DELHI

PARLIAMENT HOUSE ANNEXE
NEW DELHI-110001

Telex: 24 06156 LSS IN

No. 53/CL/96/R-I

Dated 16 September, 1996

From

Shri J.P. Jain,
Under Secretary.

To

The Secretary,
Yokthoong Shong Choompho,
Dungra Busty,
Kalimpong-734 301,
(West Bengal).

Subject: *Representation regarding inclusion of limboo (SUBBA)
Community in the list of Scheduled Tribes, West Bengal.*

Sir,

With reference to your representation dated 10 July, 1996 on the above subject, I am directed to send for your information the following comments as furnished by the Ministry of Welfare *vide* their O.M. No. 12016/22/96-SCD (R.Cell) dated 27 August, 1996:—

“The matter of inclusion of limbu community in the Scheduled Tribes list of West Bengal was referred to the State Government of West Bengal as well as the Registrar General of India. The Govt. of West Bengal under their letter 12th Feb. 1996 has opined that “limbu (Subba) community should be included in the list of Scheduled Tribes in West Bengal”. The Registrar General of India in his report of 17th January, 1995 has stated that “this office has no objection if Ministry of Welfare consider favourably the inclusion of limbus in the list of Scheduled Tribes of West Bengal.” This proposal is being considered alongwith similar other proposals in the context of proposed comprehensive revision of SC/ST list”.

Yours faithfully,
Sd/-

UNDER SECRETARY

APPENDIX V
(See Para 3.3 of Chapter IV)

Ministry of Social Justice & Empowerment: Modalities for inclusion, exclusion and other modification in the Scheduled Castes and Scheduled Tribes Lists Approved by Government of India on 15.6.99

अनुसूचित जातियों एवं अनुसूचित जनजातियों की सूचियों में शामिल करने, शामिल न करने तथा अन्य संशोधनों के लिए प्रक्रियाएं

भारत सरकार द्वारा 15.6.1999 को अनुमोदित

* * *

MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT

MODALITIES FOR INCLUSION, EXCLUSION AND OTHER MODIFICATIONS IN THE SCHEDULED CASTES AND SCHEDULED TRIBES LISTS

APPROVED BY GOVERNMENT OF INDIA ON 15.6.1999

Modalities

- (a) Cases favoured by both the State Governments and the Registrar General of India (RGI) (in their most recent reports) would be referred to the National Commission for Scheduled Castes and Scheduled Tribes for their opinion. They would be forwarded to the Commission individually or in batches, as may be practicable, alongwith the comments of the State Governments and the RGI as well as say relevant material/information furnished by them or by representationists. There are 314 such cases at present.
- (b) Some issues concern not one but several States e.g. the status of SC/ST migrants. These would also be referred to the National Commission if the RGI and majority of concerned States have supported modification.
- (c) It may be suggested to the Commission that, while examining the above cases, they should associate, through panels or other means, expert individuals, organisations and institutions in the fields of anthropology, ethnography and other social sciences, in addition to the State Governments, RGI and the Anthropological Survey of

India, on a regional basis. They may also consider holding public hearings in areas relevant to the claims under examination. These guidelines cannot be binding on the Commission, but may be suggested in the interest of fuller examination of the cases. The Commission would also be requested to give priority to cases in which the Courts have given directives regarding decision within a stipulated time period (In such cases, extension of time would be sought from the Courts where necessary, citing these modalities for the determination of claims). Such cases would be separately processed and sent for earlier decision.

- (d) Amending legislation would be proposed to the Cabinet in all cases in which the National Commission, RGI as well as the State Governments have favoured modification. Those cases with which the State Governments and the RGI are in agreement, but which the Commission have not supported, would be rejected at the level of Minister for Social Justice and Empowerment.
- (e) Claims for inclusion, exclusion or other modifications which neither the RGI nor the concerned State Governments have supported would not be referred to the National Commission. These would be rejected at the level of the Minister for Social Justice and Empowerment. There are presently around 154 such cases.
- (f) In the case of claims recommended by the concerned State Governments, but not agreed to by the RGI, the State Governments would be asked to review or further justify their recommendations in the light of RGI's comments. Thereafter, they would be taken up again with RGI. These cases would remain under consideration until agreement is reached between views of the RGI and the concerned States, at which time they would be disposed of in accordance with the modalities at (a) to (e) above. Cases which the RGI have recommended, but which the State Governments have not favoured, would be similarly processed. Such cases number around 532 at present.
- (g) Claims in respect of which the comments of either the RGI or the State Governments or of both are awaited—around 295 at present—would remain under consideration until their views are received. Thereafter, they would be dealt with in accordance with the modalities at (a) to (f) above.
- (h) Claims recommended *suo-moto* by the National Commission would be referred to RGI and the State Governments. Depending on their responses, they would be disposed of in accordance with the modalities at (d) to (f) as may be applicable.

APPENDIX VI

(See para 1 of the Chapter II)

Representation from Shri Swapan Kumar Maji and others of village and P.O. Bortoria, district Purulia (West Bengal) and forwarded by Shri Samar Choudhury, M.P.

Dear Shri Acharia,

I enclose herewith a petition, received from Shri Swapan Kumar Maji and five others, Vill. & P.O. Bortoria, Distt. Purulia, West Bengal, regarding issue of Scheduled Caste Certificate to the people belonging to SUNRI Caste.

I shall be grateful if you could kindly issue instructions to examine the matter in depth and the action taken in the matter may be intimated to me.

With regards,

Yours sincerely,

Sd/-

(SAMAR CHOWDHURY)

Shri Basudeb Acharia,
Chairman,
Committee on Petitions,
Lok Sabha.

To

The Speaker of Lok Sabha,
Parliament of India (Govt. of India),
New Delhi.

Sub:— Application for Amendment Annexure 12 Sl. No. 57 (Sunri) which is recognised as SC/ST, under the Constitution (SC/ST) order 1950 as per amended by the SC/ST order (amended) Act, 1976.

Sir,

With due respect, we the approx. five thousand people belonging to 'SUNRI' Caste (excluding Saha) inhabitant of Bortoria, Puapur, Tiltors, Saltors, Bhamuria, Sarkardihi, Hirakund, Sunuri, Bakulia of Neturia and Santuri Police Station area in Purulia District, West Bengal—India are requesting you in following matter. Since 1980 we have been reporting to the proper Authority but we have failed to get Scheduled Caste Certificate. Why should we get S.C. Certificate? We are reporting following reasons by which we shall be selected to get S.C. Certificate Reasons:

1. There are Four Divisions of Sunri Caste (a) Chasa-Sunri (Traditional occupation farming) (b) Moda Sunri (Traditional occupation preparation of wine and selling it) (c) Bokhama Bokhoria (who are engaged in 'Bakhar' dealings) (d) Akalia (who maintains very poor livelihood).

2. It is surprising that people who are residing in Burdwan, Bankura, Birbhum District (W.B) have got S.C. Certificate from their Authority.

3. As a proof we attach here true copies of official statement given by the S.D.O. & Dy. Magistrate of Asansol Sub-Division of Burdwan District to our relative and people of that Area.

4. We attach here a land deed in the year of 1943 and a racial list.

5. We attach here also a Certificate given by the S.D.O. Raghunathpur-Purulia.

6. Priests of this 'Chasa-Sunri's' are those who worship for others 'SUNRI' and have marital relationship.

7. We attach here other (official correspondence) papers related to this matter.

All the above papers will help you to select us as Scheduled Caste Candidates.

Again we are requesting you carefully examining these papers you will take a step to give us Scheduled Caste Certificate by amendment in the Parliament as early as possible and oblige.

Thanking you,

Dated: Bortoria
The 5th day of Dec., 1999.
Vill. + P.O. BORTORIA
Distt.—PURULIA
Pin.723 121
(West Bengal)

Yours faithfully,
1. Swapan Kumar Maji and Others
2. Subhas Chandra M.
3. Narain Maji
4. Joyder Maji
5. Ashish Maji
6. Monoranjan Mandal.

Amendment will be such as:—
“SUNRI-CHASA under SUNRI Community”

Report of Sri M. Bhattacharjee W.B.C.S. D. Magistrate, Asansol

Report in respect of allegations raised by Sri Dilip Kumar Mondal Swapan Das and others against issue of Scheduled Caste Certificate in favour of certain persons belonging to 'CHASA SUNRI' having title Maji at Barabani Block. The matter had been enquired into S.D.O. Barabani has initiated both the parties in the certificate claimants Maji of Sunri Community and the objectors for furnishing evidence. In the evidence furnished by the claimants the following facts has been focused:—

(A) A number of persons who are near relatives of the claimants belonging to Schedule Caste Community. Many of them got Scheduled Caste Certificates. Among the Maji's. Sri Bhola Nath Maji contested in election as a Scheduled Caste Candidate renowned constituency (Jamuria) W.B.

(B) Priests of these Maji's (Chasa Maji) are those who worship for others of “SUNRI COMMUNITY” e.g. Mondal.

(C) Many persons having surname Maji belong to scheduled caste Community “SUNRI”.

The undersigned had made contact with the Scheduled Caste and Tribal Welfare Officer also with some persons like Sri Bhola Nath Maji, Sri Haradhan Mondal owner of Domohani Pachi Shop for having detailed idea in this regard. Sri Mondal still in the traditional business of liquor is a member of “SUNRI COMMUNITY” confirmed that their priest worship for Mahi families also who are “CHASA SUNRI” Sri Mondal confirmed that Sri Aurobinda Chakraborty of Vill. Taltore P.S. Jamuria is his family

priest and worship in favour of the Maji's Sri Bholanath Maji also cited name of another such priest who is Sri Laxmikanta Chakraborty of Panuria. From the above — noted findings and discussions the following conclusion had been drawn. There is no denial that the claimants referred here having surname Maji is are Chasa but they are at the same time 'Sunri' because actually community is comprised of the following Sub-Community. "1. CHAASSA." 2. MODA. 3. BHAKARIA. 4. AKAILA. These nomenclature were framed on the basis of specialities of subsequent professions. Moda means one dealing in Mod (Liquor). Bhakaria means one dealing in Bakhar (roots act) Any way all these Sub-Communities descended from 'SUNRI' the 'Chassa Sunri' have the same priests as others surnames so the Chassa Sunri are belong to Scheduled Caste Community.

Hence the allegations raised by Sri Swapan Das, Sri Dilip Kumar Mondal and others are not tenable. The Maji is belonging to 'Chassa Sunri' are entitled to get S/C Certificate.

Submitted to S.D.O. for favour of kind perusal and necessary action.

Sd/-

M.K. Bhattacharjee,
Dy. Magistrate,
No. 1

OFFICE OF THE S.D.L. Asansol
(Post Box No. 112)

No. 523/C Dated Asansol the 19th March, 1982.

The District Magistrate,
Burdwan.

Ref. Your Memo No. 1422/TW BWN) 82/Dt. 4.3.82.

Sub: —Alleged issue of False Certificate of certain persons of Baraboni Block.

Sir,

There are many complaints addressed to various superior officers from Sri Nema Das, Swapan Das, Sri Dilip Kumar Mondal and Sri Monoher Bouri etc. of Baraboni Block. The allegation was respect to the issue of Scheduled Caste Certificates to Sri Rabindranath Maji, Bholanath Maji and others who according to them belong to the general Caste 'Chasa'. The matter was duly enquired initially by the B.D.O., Baraboni vide his memo no. 1133/Dt. 23.10.81. and subsequently by one executive Sri M. Bhattacharji, W.B.C.S. the findings of whom are enclosed herewith.

It may be noted that Sunri Community comprises of many sub communities including 'Chasa' also even a person who belongs to 'Chasa', he may be in the Sunri Community and there is no bar in issuing Certificates to persons belonging to Sunri Community. (No. 1798 Dt. 26.11.67 of the Dy. Director T.W. Department, Calcutta) enclosed for ready reference.

Enclosed:— As stated.

Sd/- Shyamal Kumar Sarkar, I.A.S.
S.D.O. Asansol.

Memo No. 1738, Dt. 10.6.82.

Copy to B.D.O. Baraboni for information and necessary action.

Sd/- B.C. Sil.
For S.D.O. Asansol
10.6.82