

**COMMITTEE ON THE WELFARE  
OF SCHEDULED CASTES AND  
SCHEDULED TRIBES  
(1986-87)**

**(EIGHTH LOK SABHA)**

**TWENTY-SEVENTH REPORT**

**MINISTRY OF WELFARE**

**Action taken by Government on the Recommendations contained in the Eleventh Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes (Eighth Lok Sabha) on the Ministry of Welfare—Atrocities on Scheduled Castes and Scheduled Tribes**



*Presented to Lok Sabha on 23.4.1987*

*Laid in Rajya Sabha on 23.4.1987*

**LOK SABHA SECRETARIAT  
NEW DELHI**

*April, 1987/Vatsakha, 1909 (Saka)*

*Price : Rs. 2.00*

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**COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND  
SCHEDULED TRIBES  
(1986-87)**

**Shri K.D. Sultanpuri—*Chairman***

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3. Shri Kuldip Sahai—*Senior Legislative Committee Officer*

## INTRODUCTION

I, the Chairman, Committee on the Welfare of Scheduled Castes and Scheduled Tribes, having been authorised by the Committee to submit the Report on their behalf, present this Twenty-Seventh Report (Eighth Lok Sabha) on Action Taken by Government on the recommendations contained in the Eleventh Report (Eighth Lok Sabha) on the Ministry of Welfare—Atrocities on Scheduled Castes and Scheduled Tribes.

2. The Draft Report was considered and adopted by the Committee on the Welfare of Scheduled Castes and Scheduled Tribes at their sitting held on 2nd April, 1987.

3. The Report has been divided into the following Chapters :—

- I. Report.
- II. Recommendations/Observations which have been accepted by the Government.
- III. Recommendations/Observations which the Committee do not desire to pursue in view of Government's replies.
- IV. Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee and which require reiteration.
- V. Recommendations/Observations in respect of which final replies of Government have not been received.

4. An analysis of the action taken by Government on the recommendations contained in the Eleventh Report (Eighth Lok Sabha) of the Committee is given in Appendix. It would be observed therefrom that out of 42 recommendations made in the Report, 29 recommendations i.e. 69 per cent have been accepted by Government; 5 recommendations i.e. 12 per cent are such which the Committee do not desire to pursue in view of the Governments replies; six recommendations i.e. 14 per cent in respect of which replies of Government have not been accepted by the Committee, require

(vi)

reiteration and final replies in respect of two recommendations i.e. 5 per cent have not been received.

**NEW DELHI;**

*April 21, 1987*

Vaisakha 1, 1909 (S).

**K.D. SULTANPURI,**

*Chairman,*

*Committee on the Welfare of Scheduled  
Castes and Scheduled Tribes.*

## CHAPTER I

### REPORT

This Report of the Committee deals with the action taken by Government on the recommendations contained in the 11th Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the Ministry of Welfare—Atrocities on Scheduled Castes and Scheduled Tribes.

1.2 In para 2.13 of the Report, the Committee had noted that from November, 1985, the subject of the Welfare of Scheduled Castes and Scheduled Tribes and other backward classes had been taken out of the erstwhile Ministry of Home Affairs and placed under the charge of the Ministry of Welfare precisely to ensure that the subject of Welfare of Scheduled Castes and Scheduled Tribes received more intensive and continuous attention at the highest level. The Committee, however, did not appreciate the decision of the Government to transfer the subject of atrocities on Scheduled Castes and Scheduled Tribes from the Ministry of Home Affairs to the Ministry of Welfare and they did not subscribe to the Government views that the Ministry of Welfare would be able to deal with the problem of atrocities more effectively. The Committee pointed out that the cases of atrocities were closely connected with law and order problem and if the Ministry of Welfare had to seek the assistance of Ministry of Home Affairs either in the matter of getting information or issuing necessary directives to the State Governments/Union Territory Administrations, it would only result in avoidable delays. The Committee had, therefore, recommended that implementation of all welfare programmes for the socio-economic development of Scheduled Castes and Scheduled Tribes should be dealt with in the Ministry of Welfare, but as far as the subject of atrocities against Scheduled Castes and Scheduled Tribes was concerned, this should legitimately be re-entrusted to the Ministry of Home Affairs who had all the machinery for maintenance of law and order and channel of communication of orders and instructions at their command.

1.3 In their reply dated the 30th March, 1987, the Ministry of Welfare have stated that the recommendation of the Committee has been considered and they do not agree to the same.

1.4 The Committee are surprised at the casual reply of Government to the recommendation made by the Committee. Apparently, the Government do not appear to have given thought to the well-considered suggestion of the Committee with an open mind. The Government have not even cared to give any reasons for not accepting the suggestion of the Committee. The Committee would like to reiterate their earlier recommendation that the



**Government may re-consider their decision and transfer back the subject of "atrocities on Scheduled Castes and Scheduled Tribes" to the Ministry of Home Affairs as soon as possible.**

1.5 In para 3.36 of their Report, the Committee had opined that non-payment of minimum wages was one of the main causes of atrocities on poor Scheduled Caste/Scheduled Tribe agricultural labourers. Whenever they tried to assert their right to get minimum wages fixed by the law they were threatened and atrocities were perpetrated upon them. The Committee had recommended that the enforcement machinery for implementation of Minimum Wages Act in different States should be adequately strengthened and the Ministry of Labour should provide sufficient money for the purpose, so that the Minimum Wages Acts are smoothly implemented in all the States. Besides, the State Governments should also supplement these measures with other schemes/programmes for the employment of agricultural labourers in their respective States throughout the year to strengthen their bargaining power/and to save them from exploitation and harassment.

1.6 In their reply dated the 11th December, 1986, the Ministry of Welfare have stated that the recommendation was referred to the Ministry of Labour. That Ministry have informed that they have evolved a Centrally Sponsored Scheme on pilot basis for assisting the State Governments to strengthen their enforcement machinery. In the current financial year, a sum of Rs. 40 lakhs has been earmarked for this purpose. The scheme has extended to four States viz., Madhya Pradesh, Rajasthan, Orissa and Manipur. In the current financial year there is no proposal to extend the scheme to other States. The Ministry of Labour has also opined that the question of extending the scheme to other States will be considered after gaining the experience of these four States regarding effectiveness of the scheme.

1.7 The Committee are not satisfied with the reply of Government. As has been stated earlier, the non-payment of minimum wages is one of the main causes of atrocities on poor SC/ST agricultural labourers. Whenever they try to assert their right to get minimum wages fixed by law, they are threatened and atrocities are perpetrated on them. The Committee, therefore, emphasise that implementation of Minimum Wages Act in different States should be ensured by the respective State Governments and essential steps for their effective implementation taken without any loss of time.

1.8 In paras 3.37 and 3.38 of their Report, while observing that no authentic figures about total number of bonded labourers belonging to Scheduled Castes/Scheduled Tribes in the country were available with the Government and there was vast difference in the number of bonded labourers estimated by the surveys conducted by the State Governments, National Sample Survey Organisation and the Gandhi Peace Foundation, the

Committee had recommended that comprehensive and reliable surveys should be carried out in all the States/Union Territories to identify the bonded labourers. The Committee had also recommended that District Collectors should be made responsible to identify bonded labourers in their districts and the Central Government should provide grants to the State Governments for strengthening their administrative machinery in this regard.

1.9 In their reply dated the 11th December, 1986, the Ministry of Welfare have stated that the recommendations of the Committee were referred to the Ministry of Labour who have stated that under the Bonded Labour System (Abolition) Act, 1976, identification of Bonded Labourers is the responsibility of the State Governments. Identification of bonded labourers is a continuing process and the State Governments are already engaged in this task. As per the figures reported by the State Governments, 2,05,923 bonded labourers have been identified upto 31.3.1986, out of which 1,60,268 have been rehabilitated leaving behind a balance of 45,655 to be rehabilitated. A target of 19,728 Bonded Labourers has been fixed for 1986-87.

At present, the Ministry of Labour do not maintain separate figures for Scheduled Castes/Scheduled Tribes. Thus, it is difficult to specify the number of Scheduled Caste/Scheduled Tribe bonded labourers. However, as per the national survey conducted in 1978, it was estimated that 66% of the bonded labourers were Scheduled Castes and 18% were Scheduled Tribes. It may be proposed to revise the proforma reporting the figures of bonded labourers to make separate columns for Scheduled Castes/Scheduled Tribes both for identification and rehabilitation.

As regards the figures reported by National Sample Survey Organisation and Gandhi Peace Foundation, it may be stated that the surveys conducted by them were only random sample surveys and conclusions arrived at were only indicative, and do not indicate the actual number of Bonded Labourers and hence were not accepted by the Government for further plans of rehabilitation.

Apart from rehabilitation, identification also now forms part of the new 20 Point Programme and it has been desired to involve voluntary agencies in this important task. Accordingly, it has been decided to entrust the identification work to a voluntary agency viz., People's Action for Development (India) (PADI) functioning under the control of Ministry of Rural Development.

1.10 The Committee are not convinced with the reply of Government that identification of bonded labour is a continuing process. The Committee do not wish this problem to linger on indefinitely. The Committee, therefore,

reiterate their earlier recommendation that comprehensive and reliable surveys should be carried out in all the States/Union Territories to identify the bonded labourers. Thereafter, a time bound action plan should be drawn for their permanent rehabilitation so that the problem is solved once for all. The Committee may also be furnished with the Statewise figures of SC/ST bonded labourers.

1.11 In para 6.12 of their Report, the Committee had expressed their concern over the prevalence of evil of untouchability in some form or the other in various parts of the country in spite of the determination of Government to put an end to this evil practice and even after making provision for more stringent punishment under the Protection of Civil Rights Act. While agreeing with the views of the Central Government that the root cause of untouchability lay with the social, educational and economic backwardness of the Scheduled Castes, the Committee had opined that socio-economic development of Scheduled Castes had not taken place to the desired extent on account of the fact that a large section of Scheduled Castes were still illiterate and continue to live below the poverty line. In order to enable those Scheduled Castes to cross the poverty line all the welfare programmes for them should have proper linkages during the Seventh Plan.

1.12 In their reply dated the 11th December, 1986, the Ministry of Welfare have stated that the Report of the Working Group on the Development of Scheduled Castes during Sixth Five Year Plan had already recommended proper linkages for welfare programmes for Scheduled Castes. This has been reiterated further in the Report of the Working Group during Seventh Five Year Plan, which has already been circulated among all State Governments/Union Territory Administrations for necessary action by them. Besides, this point is also emphasised during the discussion held in this Ministry and the Planning Commission to finalise the draft Special Component Plan proposals of the States/Union Territories.

1.13 The Committee are not in favour of prolonging the problem of eradication of practice of untouchability from Plan to Plan. The Government have not stated in their reply any specific steps they are taking or propose to take to put an end to this evil practice. The Committee, therefore, emphasise that concrete steps should be taken to eradicate this evil including bringing about perceptible change in the social, educational and economic backwardness of Scheduled Castes/Tribes in order to raise them above the poverty line within a specified period of time so that the practice of untouchability is obliterated from the society. The Committee may be informed of the steps taken by Government in this direction.

1.14 In para 7.30 of their Report, while expressing their concern about the increase in the number of crimes against Scheduled Castes and

Scheduled Tribes in various States, the Committee had recommended that the Ministry of Welfare should analyse critically the crime statistics of the concerned States and strengthen their intelligence machinery, set up Special Cells/Harijan Cells both at State level and District level and ensure that at least one senior officer like District Collector or Superintendent of Police belonging to Scheduled Caste community is posted to each District. In atrocity-prone areas, the Ministry of Welfare should provide 100 per cent grant for meeting the expenditure incurred on the setting up of Special Cells.

1.15 In their reply dated the 30th January, 1987, the Ministry of Welfare have stated that the recommendation regarding strengthening of the intelligence machinery has been brought to the notice of the State Governments. As regards the Committee's recommendation for giving 100 per cent grants for setting up Cells in atrocity prone areas, it is informed that the National Development Council has already approved the financial pattern of the scheme of 'Implementation of PCR Act,' included under Centrally Sponsored Programme for Seventh Plan on 50 : 50 basis. It may, therefore, not be possible for the Government to provide 100 per cent grant for this purpose.

1.16 The Committee are satisfied with the Government reply regarding strengthening the intelligence machinery in the States and regarding 100 per cent grant for meeting expenditure incurred on the setting up of Special Cells. The Government reply is, however, silent about the recommendation that Special Cells/Harijan Cells both at State level and District level should be ensured and at least one senior officer like the District Collector or Superintendent of Police belonging to Scheduled Caste communities is posted to each area. The Committee, therefore, reiterate their recommendation that the State Governments should set up Special Cells/Harijan Cells both at State level and District level and ensure that at least one senior officer i.e. District Collector or Superintendent of Police belonging to Scheduled Caste community is posted to each district.

## CHAPTER II

### RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY GOVERNMENT

#### Recommendation Sl. No. 1 (Para 1.8)

The Committee note that Constitution of India contains a large number of safeguards to protect the interests of Scheduled Castes, Scheduled Tribes and other weaker sections of the society. Under Article 46, the State is charged with the responsibility to protect them from social injustice and all forms of exploitation. Article 15 prohibits discrimination on grounds of religion, race, caste, sex or place of birth and under Article 17 practice of 'Untouchability' in any form is forbidden.

It is most unfortunate that even 38 years after independence, Scheduled Castes still suffer from the stigma of untouchability and atrocities committed against them generally arise out of the practice of untouchability.

The Committee trust that both the Central and State Governments would leave no stone unturned to protect Scheduled Castes, Scheduled Tribes and other weaker sections against all types of crimes, exploitation and social injustice. To achieve this objective, the administrative machinery both in the States/Union Territories will have to be geared up to meet the challenges of unlawful elements, who utilise every possible opportunity to perpetrate crimes against these backward sections of society.

#### Reply of Government

The suggestion has been noted. The State Governments/Union Territory Administrations have also been informed and requested to take suitable action in the matter.

[Ministry of Welfare's O.M. No. III. 13014/3/86-PCR (DESK)  
dated 11.12.86]

#### Recommendation Sl. No. 2 (Para 2.11)

The Committee are surprised to note that in the Scheduled Castes and Backward Classes Development Division the statistical data regarding atrocities on the Scheduled Castes is collected and monitored by a Research Officer who analyses the trend in atrocity cases in quarterly, half-yearly and annual reviews, whereas the trend in the atrocity cases is

analysed by a Director in the Tribal Development Division. The Secretary, Ministry of Welfare explained during evidence that though the initial analysis is being done at the lower level in the SC & BCD Division, the report of analysis passes through the Director, the Joint Secretary upto the level of Additional Secretary. The Committee are not satisfied with this reasoning. They fail to understand why the Ministry has adopted different standards for two of its own divisions and has adopted discriminatory attitude towards SC&BCD Division though it is well known that incidents of atrocities on Scheduled Castes are far more than on Scheduled Tribes and call for greater attention. The Committee, therefore, desire that the analysis of trends in atrocities on Scheduled Castes which is an important and intricate task should also be done at higher level of a Deputy Secretary or a Director so that right conclusions on the basis of sound analysis are drawn to formulate appropriate guidelines or correct instructions are issued to the concerned State Governments/Union Territory Administrations to deal with menace of atrocities.

#### **Reply of Government**

The Committee's recommendation has been accepted. Analysis of crimes against Scheduled Castes is now being done by the officer of the level of Deputy Secretary/Director in the SC&BCD Division also.

[Ministry of Welfare's O.M. No. III. 13014/3/86-PCR (DESK)  
dated 11.12.1986]

#### **Recommendation Sl. No. 3 (Para 2.12)**

The Committee note that there are two separate Divisions in the Ministry of Welfare—Scheduled Castes and Backward Classes Development Division to deal with the welfare of Scheduled Castes and Backward Classes and Scheduled Tribes Development Division to deal with the welfare of Scheduled Tribes. Both these Divisions are headed by a Joint Secretary each and function under an Additional Secretary, who also looks after Development matters related to Scheduled Castes and Scheduled Tribes as well as Minorities under overall supervision of the Secretary (Welfare).

Both these Divisions have furnished separate sets of preliminary material on atrocities on Scheduled Castes and Scheduled Tribes to this Committee. On perusal of the material, the Committee have observed that in replies to certain questions the two Divisions have given different replies and have also adopted different types of proformae to collect statistical information on crimes against Scheduled Castes and Scheduled Tribes. This only shows that there is lack of proper coordination between the two Divisions.

The Committee are of the opinion that a great responsibility lies on the two Divisions for devising ways and means to ameliorate the socio-economic conditions of Scheduled Castes and Scheduled Tribes and to curb the crimes committed against them. This objective can be achieved only by well-coordinated and earnest efforts on the part of the two Divisions. The Committee, therefore, suggest that the Joint Secretaries heading the two Divisions should meet frequently to discuss and devise a uniform strategy for dealing with the problem of atrocities against Scheduled Castes and Scheduled Tribes. The system of collecting statistical data relating to atrocities should also be identical in both the divisions.

### **Reply of Government**

The Committee's suggestion has been accepted. A beginning has been made by adopting the common proforma (both for Scheduled Castes and Scheduled Tribes) for collecting six-monthly statistical data of crimes. The Joint Secretaries in the SCBCD Division and TD Division meet frequently for discussing common problems.

[Ministry of Welfare's O.M. No. III. 13014/3/86-PCR (DESK) dated  
11.12.1986]

### **Recommendation Sl. No. 6 (Para 3.32)**

The Committee are constrained to observe that in spite of the fact that most of the State Governments have enacted legislation to stop the transfer of tribal land to non-tribals large scale transfers of tribal land to non-tribals have taken place in the States of Andhra Pradesh, Bihar, Gujarat, Karnataka, Madhya Pradesh, Maharashtra, Orissa, Tripura and Uttar Pradesh. It only shows that the existing legislation of various States are not fool-proof and people have taken advantage of such lacuna for grabbing tribal land. The Committee, therefore, recommend that the Ministry should impress upon the various State Governments to review immediately their land laws with a view to plug the loopholes quickly so that the unscrupulous persons are not able to circumvent the land laws for getting tribal land through benami transactions.

### **Reply of Government**

The Ministry has brought this recommendation to the notice of the State Governments for necessary action.

[Ministry of Welfare's O.M. No. III.13014/3/86-PCR (DESK) dated  
11.12.1986]

### Comments of the Committee

The Committee may be apprised of the steps taken/proposed to be taken by the concerned State Governments to review their land laws and plug the loop-holes in them to check the unscrupulous persons from grabbing tribal land through benami transactions.

#### Recommendation Sl. No. 7 (Para 3.33)

The Committee note that the State Governments like Bihar, Maharashtra, Orissa and Madhya Pradesh have been permitted to utilise a part of the Special Central Assistance for building up of an administrative machinery required to detect and dispose of land alienation cases. The Committee have been further informed during the course of evidence that almost all State Governments have indicated their financial requirements for strengthening their administrative machinery for quick disposal of land alienation cases and for dealing with other problems like bonded labour, money lending etc. The Committee, however, find that all State Governments have not utilised the funds received from the Central Government for the purpose for which these were given.

The Committee need hardly stress that the funds given to the State Governments for the purpose of strengthening the administrative machinery and for dealing with other problems connected with the welfare of Scheduled Castes/Scheduled Tribes should not be diverted to other areas under any circumstances. The Committee would like the Ministry of Welfare to issue clear instructions in this regard to all States/Union Territories.

#### Reply of Government

The Ministry has brought the above recommendation to the notice of State Governments for taking necessary action in the matter.

[Ministry of Welfare O.M. No. III.13014/3/86-PCR (DESK) dated  
11.12.1986]

#### Recommendation Sl. No. 8 (Para 3.34)

The Committee recommend that in view of a large number of cases of land alienation in certain States, adequate number of Special Courts should be set up for their quick disposal and restoration of tribal land to the rightful owners.

#### Reply of Government

The recommendation has been brought to the notice of State Governments for necessary action.

[Ministry of Welfare O.M. No. III.13014/3/86-PCR (DESK) dated  
11.12.1986]



### Comments of the Committee

The Committee would like to know whether the concerned States have set up Special Courts for quick disposal of cases of land alienation and restoration of tribal land to the rightful owners.

#### Recommendation Sl. No. 9 (Para 3.35)

The Committee have been informed that in Maharashtra State, a tribal whose land has been alienated can apply for restoration of his land within a specified period. But in several other States like West Bengal, Andhra Pradesh and Orissa, no time limit has been prescribed in the land laws applicable to those States. The Committee appreciate that Ministry of Welfare are pursuing the matter with the State Government of Maharashtra who have been asked to remove the provision of time limit for applying for restoration of tribal land.

#### Reply of Government

The Committee's appreciation has been noted and views conveyed to the Maharashtra Government.

[Ministry of Welfare O.M. No. III.13014/3/86-PCR (DESK) dated 11.12.1986]

#### Recommendation Sl. No. 13 (Para 3.39)

The Central Government should also make a study if the amount spent on rehabilitation of bonded labour is sufficient to keep him away from the grip of this evil practice. If after some time he again falls an easy prey to this evil on account of economic reasons, then the money is certainly not well spent.

The Committee suggest that such a study can be entrusted to some Research Institute who are familiar with the problems of Scheduled Castes and Scheduled Tribes.

#### Reply of Government

We referred this recommendation to the Ministry of Labour. The Ministry of Labour have replied that with a view to make the rehabilitation of Bonded Labourers purposeful, following measures have already been taken by them :—

- (i) Amount of Assistance granted under the Centrally Sponsored Scheme for rehabilitation of Bonded Labourers has been enhanced from Rs. 4000/- to Rs. 6250/- per bonded labourer w.e.f. 1.2.1986,

- (ii) Instructions have already been issued to State Governments for integration of other anti-poverty scheme of the State with the one for Bonded Labourers so that the amount of total assistance becomes sufficient for permanent rehabilitation of Bonded Labourers. Besides this, inspections are carried out by officers of not only this Ministry but also the Programme Evaluation Organisation of Ministry of Programme Implementation to inspect the state of bonded labourers rehabilitated by Government and as also to see that they do not relapse into bondage.

[Ministry of Welfare's O.M. No. III.13014/3/86-PCR (DESK) dated 11.12.1986]

**Recommendation Sl. No. 14 (Para 4.12)**

The Committee note that the State Governments have identified certain sensitive districts/areas from the point of view of crimes against Scheduled Castes and Scheduled Tribes in the States of Bihar, Gujarat, Haryana, Karnataka, Madhya Pradesh, Maharashtra and Punjab. The Committee further note that the Central Government has suggested to the State Governments that with a view to prevent atrocities on Scheduled Castes and Scheduled Tribes, at least one of the posts of District Magistrate, Senior Superintendent of Police, Sub-Divisional Magistrate, and Sub-Divisional Police Officer in each sensitive district should be held by officers belonging to Scheduled Castes and Scheduled Tribes. From the information furnished by the Ministry of Welfare, the Committee have observed that out of the seven States with sensitive districts Scheduled Caste/Scheduled Tribe officers of the above said ranks have been posted only in two States *viz.* Bihar and Madhya Pradesh. When the Committee asked about the position of posting of Scheduled Caste/Scheduled Tribe officers in other States, the Ministry have stated that they do not have information regarding posting of Scheduled Caste/Scheduled Tribe officers in other States like Maharashtra, Gujarat, Haryana, Karnataka and Punjab etc. As all District level officers are transferrable such an information cannot be obtained on a permanent basis from the States. The State Governments have been requested to follow the guidelines of posting of Scheduled Caste/Scheduled Tribe officers in these areas and it is presumed that these are being followed by them subject to the administrative convenience. They also do not have any feed-back in the case of posting of Station House Officers belonging to Scheduled Castes/Scheduled Tribes in sensitive areas.

The Committee are surprised at the casual reply of the Ministry of Welfare that they cannot obtain such information on a permanent basis and they presume that the guidelines issued by them are being followed by the State Governments. It only shows that the Central Government are not

prepared to discharge any vigilance function as law and order is State subject. But in view of the fact that the Central Government have a special responsibility to protect the Scheduled Castes and Scheduled Tribes, the Committee feel that Ministry of Welfare should obtain regularly information from States/Union Territories about posting of Scheduled Caste and Scheduled Tribe Police officers of senior rank and Station House Officers in sensitive areas. The Committee suggest that the relevant information may be obtained by adding a few more columns to the statements already in vogue or by devising a new proforma for the purpose.

#### **Reply of Government**

The suggestion of the Committee has been accepted and information on the posting of senior officers as well as Station House Officers will be obtained from major States.

[Ministry of Welfare O.M. No. III.13014/3/86-PCR (DESK) dated  
11.12.1986]

#### **Comments of the Committee**

The Committee would like the Government to obtain the latest information relating to posting of senior SC/ST officers as well as Station House Officers from the concerned States and furnish the same to the Committee.

#### **Recommendation Sl. No. 15 (Para 4.13)**

The Secretary, Ministry of Welfare, rightly laid emphasis on the preventive aspect of crimes against Scheduled Castes/Scheduled Tribes and the Committee strongly recommend that the Central Government should closely watch that the suggestions/guidelines issued by them to State Governments for protecting the life and property of the weaker sections of society, particularly Scheduled Castes/Scheduled Tribes are implemented both in letter and spirit.

#### **Reply of Government**

The recommendation of the Committee has been accepted.

[Ministry of Welfare O.M. No. III.13014/3/86-PCR (DESK) dated  
11.12.1986]

#### **Recommendation Sl. No. 16 (Para 4.14)**

As regards obtaining information about the posting of Scheduled Caste/Tribe district level officers in the sensitive areas, the Committee feel, there should be no problem for the Ministry of Welfare as they are receiving a number of statements periodically on the crime situation from the

**States/Union Territories.** Obtaining of this information is important in as much as it will be a vital indicator of the extent to which guidelines of the Central Government are being implemented by the State Governments. It hardly needs to be emphasised that appointment of Scheduled Caste/Tribe officers at District level and police officers will go a long way in preventing atrocities on Scheduled Castes and Scheduled Tribes.

#### **Reply of Government**

The suggestion of the Committee has been accepted and information regarding posting of officers at district level will be obtained from important States.

[Ministry of Welfare O.M. No. III.13014/3/86-PCR (DESK) dated  
11.12.1986]

#### **Recommendation Sl. No. 17 (Para 4.15)**

The Committee need hardly stress that the complaints of tribals of the Kolhan area in Singhbhum district (Bihar) should be looked into thoroughly and it should be ensured that no harassment is done to them by the unscrupulous and vested interests. The Committee desire that they should be given their due share in the local administration i.e. in Gram Panchayats, Panchayat Samities, Cooperatives and other statutory Committees at different levels so that they have a feeling of involvement in the affairs of the State and a sense of oneness with the rest of the population. This will also instil a sense of security in them.

#### **Reply of Government**

The observation of the Committee has been brought to the notice of the State Government of Bihar for necessary action.

[Ministry of Welfare O.M. No. III.13014/3/86-PCR (DESK) dated  
11.12.1986]

#### **Comments of the Committee**

The Committee would like to know whether tribals of Kolhan area (Singhbhum District, Bihar) are now being given due share in local administration to instil a feeling of involvement in the affairs of the State and also sense of security in them.

#### **Recommendation Sl. No. 18 (Para 5.14)**

The Committee appreciate that very detailed and comprehensive guidelines have been issued by the Union Government to all the State Governments/Union Territory Administrations in the years 1980 and 1985. In these guidelines the Central Government have suggested precautionary

and preventive measures, punitive measures, measures of rehabilitation of victims of atrocities and measures of personnel policy for effectively dealing with atrocities against Scheduled Castes and Scheduled Tribes. The Committee firmly believe that if these guidelines/suggestions are followed meticulously and implemented in letter and spirit by the State Governments/ Union Territory Administrations, the crimes against Scheduled Castes and Scheduled Tribes can be obliterated to great extent. However, when the Committee see the actual crime statistics furnished to them by the Central Government they are compelled to form an opinion that due importance and serious thought has not been given by the concerned State Governments/ Union Territory Administrations for proper implementation of these guidelines.

### **Reply of Government**

The observation made by the Committee has been brought to the notice of the State Governments/Union Territory Administrations for necessary action.

[Ministry of Welfare O.M. No. III.13014/3/86-PCR (DESK) dated  
11.12.1986]

### **Recommendation Sl. No. 21 (Para 5.17)**

The Committee also recommend that dedicated officers, who have a burning desire to serve the weaker sections of society, should be posted in the atrocity prone areas. Only such officers can deal effectively with anti-social elements, musclemen or criminals who are hired by the powerful vested interests in the village for harassing the Scheduled Caste/Tribe people. The officers/staff who do commendable work in providing protection to Scheduled Castes/Tribes should be fully rewarded and their work and conduct should be given proper publicity. The State Government may also be advised to consider having some sort of incentive schemes like special increment, cash bonus, facilities in the matter of housing etc. for those officers, staff and workers who do dedicated work for prevention of atrocities and anti-social activities against the Scheduled Caste and Scheduled Tribe people. On the other hand, officers who show any dereliction of duty and connive with the criminals should be given exemplary punishments and not merely transferred to some other district. Police Officers who show reluctance to register cases of atrocities promptly should be punished after instituting proper departmental inquiry regarding their conduct,

### Reply of Government

The above recommendation made by the Committee has been brought to the notice of the State Governments for necessary action.

[Ministry of Welfare O.M. No. III.13014/3/86-PCR (DESK) dated 11.12.1986]

### Comments of the Committee

The Committee would like to know the reaction of State Governments to the recommendation regarding reward to dedicated workers and punishment to police officers who show dereliction of duty.

#### Recommendation Sl. No. 23 (Para 6.13)

From the information furnished on the disposal of cases under Protection of Civil Rights Act, 1955, the Committee find that every year about 4000 cases are registered but the number of cases pending has shot up to 7299 at the end of 1983 which was 4547 and 4545 at the end of 1981 and 1982 respectively. The Committee have been informed that majority of these cases are pending in four States viz. 1575 in Maharashtra, 1422 in Karnataka, 1117 in Madhya Pradesh and 1983 in Tamil Nadu and for the expeditious disposal of these cases 4 Special Courts each have been set up in Tamil Nadu and Madhya Pradesh in 1982 and 1983 respectively. The proposal for setting up similar courts in Maharashtra and Karnataka is under active consideration of the respective State Governments. In Andhra Pradesh (475 cases), Bihar (135 cases) and Rajasthan (338 cases) where there is sizeable number of cases pending with the courts, Special Courts have been set up. In Gujarat (291 cases) the High Court felt that if special courts are set up they will not be having sufficient work as the number of cases pending is not high. In Uttar Pradesh (476 cases) the Allahabad High Court has issued orders to all District Judges to take prompt action in all PCR Act cases.

It has been rightly stressed in the guidelines issued by the Central Government in 1980 (Punitive Measures, Item 10) that "real justification for Special Courts is the need to secure punishment for crimes under the IPC or under the PCR Act with deterrent rapidity and to impress offenders as well as potential offenders of the firm determination of the State Governments to put an end to atrocities once for all, irrespective of the number of cases on file". The Committee, therefore, strongly recommend that Special Courts should be set up in all those States where atrocity cases are lying pending.

### Reply of Government

The recommendation of the Committee has been accepted in principle and the matter will be pursued with the State Governments.

[Ministry of Welfare's O.M. No. III.13014/3/86-PCR (DESK)  
dated 30.1.87]

### Recommendation Sl. No. 24 (Para 6.14)

The Committee also recommend that more such courts should be set up in the States where the number of pending cases is very high and the courts already established cannot cope with the quantum of work. All out efforts should be made to dispose of pending cases as speedily as possible and reduce the number of pending cases, since delay in disposal of cases and awarding of punishment to those guilty of practising untouchability only strengthens the hands of offenders who ignore the authority of administrative machinery as being ineffective.

### Reply of Government

The recommendation has been brought to the notice of the State Governments for necessary action.

[Ministry of Welfare's O.M. No. III. 13014/3/86-PCR (DESK)  
Dated 30.1.87]

### Comments of the Committee

The Committee would like to know the steps taken by the State Governments for speedy disposal of pending cases in various courts relating to atrocities on Scheduled Castes/Tribes.

### Recommendation Sl. No. 26 (Para 6.16)

The Committee are surprised to note that presently there is only one Voluntary Organisation of all India nature namely Harijan Sewak Sangh, Delhi which is engaged in the work of removal of untouchability. As removal of untouchability is a gigantic task, the Committee are of the view that it is necessary to elicit the cooperation of other voluntary organisations which are engaged in similar welfare activities.

The Committee hope that Ministry of Welfare would look into the matter and find out which other voluntary organisations can help in the eradication of untouchability. The Government should encourage other social organisations to come forward to do voluntary social work for removal of untouchability.

**Reply of Government**

The Recommendation of the Committee has been noted.

[Ministry of Welfare's Office Memorandum No. III. 13014/3/86-PCR (DESK)  
dated 30.1.87]

**Comments of the Committee**

The Committee would like to know what action has been taken/is proposed to be taken to elicit cooperation of other voluntary/social organisations for removal of untouchability.

**Recommendation Sl. No. 28 (Para 7.31)**

The Committee are constrained to note that the number of cases regarding crimes against Scheduled Castes pending in Courts in 1982 was 23662 which has risen to 26261 in 1984. The number of cases regarding crimes against Scheduled Tribes pending in courts in 1984 is 1114 and cases pending investigation are 2240. In spite of the fact that the Union Home Minister made various suggestions in the guidelines issued by him to all the State Governments to see that disposal of these cases is expedited, the number of pending cases has increased from year to year. The Committee are perturbed to note that the State of Uttar Pradesh, where the number of cases of crimes against Scheduled Castes is the highest i.e. 13,692 in 1982, 14,754 in 1983 and 12,063 in 1984, have not set up any Special Courts to expedite the disposal of cases.

The Committee recommend that Ministry of Welfare should impress upon the State Government of Uttar Pradesh to set up special courts for quick disposal of cases of crimes against Scheduled Castes. The Central Government should also ask other States which have not set up special courts so far to take necessary action in this regard if the number of pending cases is large and cannot be disposed of by the ordinary courts within a reasonable time.

**Reply of Government**

The recommendation of the Committee has been noted.

[Ministry of Welfare's O.M. No. III. 13014/3/86-PCR (DESK)  
dated 30.1.87]



### Comments of the Committee

The Committee would like to be apprised of the action taken by the Ministry of Welfare to ensure that Special Courts are set up in the States where the number of pending cases is large and cannot be disposed of by the existing courts within a reasonable time.

#### Recommendation Sl. No. 29 (Para 7.32)

Those States, which have already set up Special Courts for expeditious disposal of atrocity cases should also be asked to review the position and if necessary the number of such courts may be increased to ensure quick disposal of such cases.

#### Reply of Government

The recommendation has been brought to the notice of the State Governments for necessary action.

[Ministry of Welfare's O.M. No. III. 13014/3/86-PCR (DESK)  
dated 30.1.87]

#### Recommendation Sl. No. 30 (Para 7.33)

The Committee need hardly stress that if crimes against Scheduled Castes and Scheduled Tribes are to be checked, the police force should be efficient, quick to act and must have a sincere approach to investigate the cases with the utmost speed. The police at the district level must develop their own sources of information so that most of the crimes can be prevented by timely action after receipt of advance information. The Committee also stress the need to modernise the police force in the sense that the arms provided to them should be light, of modern design, should be easy to operate and should add to the efficiency of the police officer. The introduction of 'Walkie Talkie' sets for quick transmission of messages in all Police Stations should be considered. The Committee hope that there will be no dearth of this device in the country and could be made available to the police of State Governments without difficulty. This device is likely to increase efficiency of the police force.

#### Reply of Government

The recommendation has been brought to the notice of the State Governments.

[Ministry of Welfare's O.M. No. III. 13014/3/86-PCR (DESK)  
dated 30.1.87]

### **Comments of the Committee**

**The Ministry should ensure that the suggestions made by the Committee are actually implemented by the State Governments and the crimes against SC/ST are brought under control.**

#### **Recommendation Sl. No. 32 (Para 7.35)**

The Committee also recommend that the State Government should provide adequate protection to the prosecution witnesses so that they do not turn hostile out of a feeling of insecurity or other pressure to which they are subjected by the influential and powerful vested interests.

#### **Reply of Government**

The recommendation of the Committee has been brought to the notice of the State Governments for necessary action.

[Ministry of Welfare's O.M. No. III. 13014/3/86-PCR (DESK)  
dated 11.12.1986]

#### **Recommendation Sl. No. 33 (Para 7.33)**

The Committee have been informed that the State Government of Tamil Nadu have instructed the District Collectors and the Superintendents of Police and the District Judges to get together once in a month to review the position regarding large scale acquittal of offenders of crimes against Scheduled Castes and they are taking measures on the basis of guidelines. The grant of bail to the accused in cases of atrocities on Scheduled Castes is being resisted.

The Committee appreciate the efforts being made by the Government of Tamil Nadu to ensure punishment to the perpetrators of crimes against Scheduled Castes and hope that if such steps are taken by other State Governments having large number of cases of atrocities and acquittal of accused persons, it can go a long way in solving the problem of acquittal of culprits. The Committee, therefore, urge the Central Governments to bring to the notice of other State Governments the measures adopted by the Government of Tamil Nadu and impress upon them also to follow them vigorously.

#### **Reply of Government**

This observation of the Committee has been brought to the notice of the other State Governments impressing upon them to do the needful on these lines.

[Ministry of Welfare's O.M. No. III. 13014/3/86-PCR (DESK)  
dated 11.12.1986]

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**Recommendation Sl. No. 34 (Para 7.37)**

The Committee note that almost all the States have set up Special Cell/Harijan Cells for initiating or exercising supervision of prosecution for the contravention of the provisions of the Protection of Civil Rights Act and bringing about cases of atrocities against Scheduled Castes. The Committee suggest that such Cells should be set up at the District and Taluka levels also in the States where the problem of atrocities on Scheduled Castes/Scheduled Tribes is acute. Wide publicity should also be given regarding existence of these Cells at the State/District/Taluka levels so that in time of need Scheduled Castes/Scheduled Tribes can approach these Cells and register complaints regarding atrocities committed against them.

The Committee further recommend that for the efficient functioning of these Cells adequate supporting staff should be provide for which Central assistance is also available to the State Governments.

**Reply of Government**

The recommendation has been brought to the notice of the State Governments for necessary action.

[Ministry of Welfare's O.M. No. III, 13014/3/86-PCR (DESK)  
dated 30.1.87]

**Recommendation Sl. No. 35 (Para 8.9)**

The Committee have been informed that monthly reports relating to crimes against Scheduled Castes and Scheduled Tribes are scheduled to be received in the Ministry of Welfare by the 10th of the following month and six-monthly reports by the 15th of the month following the six-monthly period. From the information furnished by the Ministry, the Committee observe that six-monthly report for the period ending 30.6.1985 showing progress of investigation of cases of crimes against Scheduled Castes and Scheduled Tribes was received only from six/seven States/Union Territory Administrations. Similarly monthly reports relating to crimes against Scheduled Castes and Scheduled Tribes during the month of August, 1985 were received from 6 States in the case of Scheduled Castes and 14 States/Union Territory Administrations in the case of Scheduled Tribes.

The Committee need hardly stress that in the absence of timely submission of these statistical data by the States/Union Territory Administrations, it is impossible to project the problem of atrocity on Scheduled Castes/Scheduled Tribes in its true perspective and suggest ways and means to combat this menace effectively as also to take suitable remedial measures. The Committee, therefore, strongly urge the Ministry of Welfare to impress upon the State Governments/Union Territory Administrations to strictly



adhere to time schedule regarding collection and submission of data relating to crimes against Scheduled Castes and Scheduled Tribes to the Central Government. The purpose of these reports is defeated if the reports are not received regularly and timely.

#### **Reply of Government**

The observation made by the Committee has been accepted and the State Governments/Union Territory Administrations have been impressed upon to adhere to the time schedule for sending statistical returns.

[Ministry of Welfare's O.M. No. III. 13014/3/86-PCR (DESK)  
dated 11.12.1986]

#### **Recommendation Sl. No. 36 (Para 8.10)**

The Committee was distressed to note that although the proforma for six-monthly report showing progress of investigation of cases involving offences against Scheduled Castes and Scheduled Tribes was revised in 1984, the Scheduled Castes and Backward Classes Division of the Ministry of Welfare is still using the old form. The Committee hope that as assured by Secretary, Welfare, during evidence, a uniform proforma will be adopted by both the Divisions of the Ministry of Welfare at an early date.

#### **Reply of Government**

Action has already been taken and an uniform proforma has been prescribed for collection of six monthly data for Scheduled Castes also.

[Ministry of Welfare's O.M. No. III. 13014/3/86-PCR (DESK)  
dated 11.12.1986]

#### **Recommendation Sl. No. 37 (Para 9.5)**

The Committee note the laudable objectives of the National Integration Council viz. to maintain communal peace, focus attention on the need for eschewing violence against weaker sections and irritants to communal and caste harmony and devising ways and means to deal with them. The Committee are, however, distressed to note that it met only twice since its reconstitution in 1980—first on 12th November, 1980 and then on 21st January, 1984. A Committee, namely 'Committee on Communal and Caste Harmony' formed by the National Integration Council also met only thrice i.e. on 24th April, 1981, 21st June, 1982 and 30th November, 1982. At its third meeting, this Committee discussed the recommendations of the Commissioner for Scheduled Castes and Scheduled Tribes and observed that the Centre had an over-riding responsibility in the matter of protection of weaker sections and also wanted the State Governments to effectively implement the laws of land ceiling, bonded labour and minimum wages.

The Committee are surprised to note that even after the lapse of 3 long years, the recommendations of the Committee on Communal and Caste Harmony are still being examined by Government. The Committee feel that the objectives of the National Integration Council are laudable and it undoubtedly can play an important role in the upliftment and welfare of weaker sections of society and save them from various types of degradation and atrocities, if it meets frequently to discuss, *inter-alia*, the problems of Scheduled Castes/Scheduled Tribes and follow up its recommendations. The Committee would also like to stress that the Committee on Communal and Caste Harmony should play a more positive role and hold its meetings at least twice in a year.

#### **Reply of Government**

Earlier National Integration Council and its sub-committees have ceased to work with the reconstitution of the new Council on 19th February, 1986. The new National Integration Council in its meeting on 7th April, 1986, has constituted a Standing Committee to formulate short-term and long-term measures to promote communal harmony. It was also decided in the meeting that the meetings of the National Integration Council and the Standing Committee will be held as frequently as possible.

[Ministry of Welfare's O.M. No. III. 13014/3/86-PCR (DESK)  
dated 30.1.87]

#### **Recommendation Sl. No. 39 (Para 10.10)**

The Committee are, however, happy to note that both the posts of Commissioner for Scheduled Castes and Scheduled Tribes and the Chairman of the Commission for Scheduled Castes and Scheduled Tribes have recently been filled up in February last. With these appointments, the Committee hope that the two organisations will actively perform their assigned functions and present their reports to the Parliament regularly and in time.

#### **Reply of Government**

The observation made by the Parliamentary Committee has been noted.

[Ministry of Welfare's O.M. No. III. 13014/3/86-PCR (DESK)  
dated 11.12.1986]

#### **Recommendation Sl. No. 41 (Para 10.12)**

The Committee hope that the next Report of the Commissioner for Scheduled Castes and Scheduled Tribes will be comprehensive and cover the period for which office of the Commissioner remained vacant so that statistical data compiled during the period is not lost sight of and is avail-

able for reference and remedial measures taken wherever necessary and possible.

### **Reply of Government**

The recommendation has been brought to the notice of the Commissioner for Scheduled Castes and Scheduled Tribes.

[Ministry of Welfare O.M. No. III. 13014/3/86-PCR (DESK)  
dated 30.1.87]

### **Recommendation Sl. No. 42 (Para 11.6)**

The Committee note that the States of Andhra Pradesh, Haryana, Himachal Pradesh, Gujarat, Karnataka, Kerala, Maharashtra, Uttar Pradesh and West Bengal have accepted the revised rates of relief/compensation suggested by the Commission for Scheduled Castes and Scheduled Tribes. The States of Bihar, Madhya Pradesh, Orissa, Rajasthan and Tamil Nadu have also accepted those rates with slight modification and the matter is being pursued with the Government of Punjab.

The Committee feel that the rates of compensation as suggested by the Commission for SC/ST should be accepted by all State Governments and Union Territory Administrations. In addition to the monetary relief to be provided to the victims of atrocities, an attempt should also be made to provide gainful employment to the widow, son or daughter of the person who has lost his life as a result of the atrocity committed. The Committee need hardly stress that providing a job to the next of kin of the deceased is a better compensation in the long-run as it provides means of livelihood which is an essential ingredient of any scheme for rehabilitation.

### **Reply of Government**

The recommendation has been brought to the notice of the State Governments.

[Ministry of Welfare O.M. No. III. 13014/3/86-PCR (DESK)  
dated 30.1.87]

### **Comments of the Committee**

The Committee would like to know the reaction of State Governments to the recommendation of the Committee regarding providing gainful employment to the next of kin of the deceased.

### **CHAPTER III.**

## **RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF GOVERNMENT REPLIES**

### **Recommendation Sl. No. 19 (Para 5.15)**

The Committee further note that inspite of various legislative and administrative measures taken and protective legislations enacted by the State Governments/Union Territory Administrations, the exploitation of poor Scheduled Castes/Scheduled Tribes still continues unabated. This is evident from the fact that the bonded labour system is still prevalent in many States, land belonging to Scheduled Castes/Scheduled Tribes is being alienated and they are also denied that statutory minimum wages.

The Committee would like the Central Government to impress upon the State Governments to review the implementation of their protective legislations and to plug the loopholes where necessary. The Committee need hardly stress that the implementation of the guidelines and various protective legislations enacted by State Governments/Union Territory Administrations to save the Scheduled Castes/Scheduled Tribes from all sorts of exploitation/atrocities should be continuously reviewed at the level of Chief Minister/Chief Secretary/Home Secretary of the State Governments/ Union Territory Administrations to watch their effectiveness and to remove the bottlenecks, if any, found in their implementation.

### **Recommendation Sl. No. 20, (Para 5.16)**

The Committee also recommend that there should be quarterly meetings between the officials of the Central Government and State Governments concerned for this purpose. The Central Ministries of Home Affairs and Welfare should also hold half yearly meetings with the Chief Ministers to review implementation of the guidelines issued by the Centre.

### **Reply of Government**

As regards effective implementation of the various legislative and administrative measures and protective legislations enacted by State Governments, the concerned Ministries viz. Department of Rural Development and Ministry of Labour were approached. They have informed that officers of Rural Development Department periodically visit for monitoring and assessing the implementation of various rural development programmes

including land reforms programmes. Conferences of Secretaries/Ministers are also held to discuss policies and implementation of these programmes. Thus a close contact is kept with State Governments. Ministry of Labour have already issued instructions for permanent rehabilitation of bonded labourers. Inspections are carried out by the officers of that Ministry to see the state of bonded labourers rehabilitated by State Governments.

The recommendation of the Committee regarding the review of the guidelines issued and various protective legislations enacted from time to time is being brought to the notice of the State Governments/Union Territory Administrations. So far as the implementation of the guidelines is concerned, review is being done at the Central level and these guidelines are revised from time to time in the light of the experience gained.

Officers of the Central Government visit the States and also discuss the matters relating to implementation of various schemes/programmes regularly. Discussions are also held between the Ministers of the Central Government and State Governments and even at the level of Chief Ministers of the States whenever the Welfare Minister and Deputy Minister, Welfare, visit the States or the Chief Ministers or other Ministers visit the Capital. It may, however, not be feasible to lay down a time limit to hold meetings with Chief Ministers half yearly for the purpose of discussing the guidelines issued to the State Governments regarding prevention of atrocities on Scheduled Castes.

[Ministry of Welfare O.M. No. III.13014/3/86-PCR (DESK) dated  
30.1.87]

#### **Recommendation Sl. No. 31 (Para 7.34)**

The Committee regret to note that the number of offenders acquitted is far more than the offenders convicted in the case of crimes committed against Scheduled Castes. From the statements showing the progress of cases regarding crimes against Scheduled Castes during the years 1982, 1983 and 1984, it is seen that that in 1982, 1483 persons were convicted and 2077 acquitted, in 1983, 1383 persons were convicted and 2422 acquitted and in 1984, 1450 were convicted and 1851 acquitted. The Committee have been informed that one of the reasons for acquittal of offenders is the unwillingness on the part of witnesses to attend courts as they lose wage on the days they attend courts. The Committee appreciate that the Central Government has extended financial assistance to compensate the wages of the witnesses involved in offences under the PCR Act required to appear before the Court. They have also suggested a similar scheme to be adopted by the State Governments so far as offences under IPC are concerned, where the Scheduled Castes are victims. The Committee hope that the State Governments will avail of the financial assistance extended by the Central



**Government for payment to witness required to appear before the courts in connection with cases of atrocities on Scheduled Castes and Scheduled Tribes.**

### **Reply of Government**

The recommendation has been brought to the notice of the State Governments. However, for such a scheme, the finance will have to be borne by the State Governments ; and the Central Government have no scheme for giving any type of financial assistance to SC/ST victims under IPC offences.

[Ministry of Welfare O.M. No. III.13014/3/86-PCR (DESK)  
dated 30.1.87]

### **Recommendation Sl. No. 38 (Para 10.9)**

The Committee note that the reports of the Commission/Commissioner for Scheduled Castes and Scheduled Tribes deal, *inter-alia*, with all the important cases of crimes against Scheduled Castes/Scheduled Tribes which come to their notice through different sources and bring to light very authentic reports about adequacy or inadequacy of action taken by Government. The Committee are, however, sorry to point out that there had been no Commissioner for Scheduled Castes and Scheduled Tribes for the last five years or so and the post of Chairman of the Commission for Scheduled Castes and Scheduled Tribes has also remained vacant for quite some time. In the absence of the heads of those important institutions there has been no report of the Commissioner from 1982 to 1985 and the Commission which came into being in 1978 could submit only five Reports so far. The Committee would like to know why these posts were allowed to remain vacant for such long periods.

### **Reply of Government**

Action to fill up the post of Commissioner for Scheduled Castes and Scheduled Tribes, after the retirement of the last incumbent, was initiated immediately but no decision could be taken due to non-availability of a suitable person of eminence and repute in public life.

Similarly, every effort was also made to find out a suitable person for the post of Chairman in the Commission for Scheduled Castes and Scheduled Tribes and it took sometime to fill up the post.

[Ministry of Welfare O.M. No. III.13014/3/86-PCR (DESK)  
dated 11.12.1986]

**Recommendation Sl. No. 40 (Para 10.11)**

The Commissioner for Scheduled Castes and Scheduled Tribes and the Commission for Scheduled Castes and Scheduled Tribes make valuable suggestions/recommendations after making thorough and in-depth study of various problems faced by Scheduled Castes and Scheduled Tribes. The Committee find that majority of recommendations pertain to the State Governments and as such these are forwarded by the Ministry of Welfare to the State Governments for appropriate action. The Committee are constrained to observe that very few State Governments pay proper attention to these recommendations and forward their replies/comments to Ministry of Welfare in time. The Committee, therefore, emphasise that the Ministry should have regular dialogue with the State Governments at the highest level and impress upon them to take appropriate action to implement the recommendations of the Commissioner/Commission for Scheduled Castes/Scheduled Tribes. The Committee would also like the Ministry of Welfare to consider whether a mechanism could be devised at the Centre to watch implementation of these recommendations by the State Governments or other authorities concerned.

**Reply of Government**

As soon as the printed copies of the Annual Reports of the Commissioner/Commission for Scheduled Castes and Scheduled Tribes are made available to this Ministry, the same are forwarded to all the State Governments/Union Territory Administrations requesting them to furnish their comments/action taken statements on the recommendations pertaining to them. State Governments/Union Territory Administrations are reminded at regular intervals till their comments/action taken statements are received. The experience gained so far on the basis of the replies received from them is that the suggestions/recommendations made by the Commissioner/Commission for Scheduled Castes and Scheduled Tribes are generally implemented by them, of course to the extent it is practicable keeping in view the local conditions prevailing in a particular State. If any of the recommendations is not acceptable to a particular State, the reasons for the same are intimated to this Ministry. In case the reasons furnished by the State Government are not found to be cogent, it is always open for the Central Government to issue suitable directions to that State Government as provided under the Constitution. This provides the necessary mechanism at the Centre to watch the implementation of the recommendations by the State Governments and other authorities concerned.

[Ministry of Welfare O.M, No. III.13014/3/86-PCR (DESK) dated  
11.12.1986]

## CHAPTER IV

### RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH REPLIES OF GOVERNMENT HAVE NOT BEEN ACCEPTED BY COMMITTEE AND WHICH REQUIRE REITERATION

#### Recommendation Sl. No. 4 (Para 2.13)

The Committee note that from November, 1985, the subject of the Welfare of Scheduled Castes and Scheduled Tribes and other Backward Classes has been taken out of the erstwhile Ministry of Home Affairs and placed under the charge of the Ministry of Welfare precisely to ensure that the subject of welfare of Scheduled Castes and Scheduled Tribes receive more intensive and continuous attention at the highest level. In support of this decision, the Secretary, Ministry of Welfare has stated during evidence that "when you look at the welfare you cannot ignore the incidence of atrocities..... We deal with them as law and order function. We deal with them as control function. It will be possible to look at the subject of atrocity as an essential indicator for the general welfare of Scheduled Castes and Scheduled Tribes. For that purpose, it is true that the Ministry of Welfare may not be in a position to issue directions to the Home Departments in the various States". He has further stated that "the functions of the Ministry of Welfare do not extend to direct implementation of the law and order function. We will take the assistance of the Ministry of Home Affairs and the other instruments of law and order and administration and there will be occasions when we will be giving counsel to them also and we will be seeking their cooperation and advice also."

From the views expressed by the Secretary, Ministry of Welfare during evidence, the Committee are led to believe that the Ministry of Welfare would not be able to tackle the problem of atrocities on Scheduled Castes and Scheduled Tribes quite independently. The representative of the Ministry of Welfare admitted during evidence that for direct implementation of law and order function they have to take the assistance of the Ministry of Home Affairs and other instruments of law and order and administrations. The Committee do not appreciate the decision of the Government to transfer the subject of atrocities on Scheduled Castes and Scheduled Tribes from the Ministry of Home Affairs to a separate Ministry of Welfare. They do not subscribe to the view that the Ministry of Welfare will be able to deal with this problem more effectively. It is needless to point out that cases of atrocities are closely connected with law and order problem and if the Ministry of Welfare have to seek the assistance of Ministry of Home Affairs

either in the matter of getting information or issuing necessary directives to the State Governments/Union Territory Administrations, it would only result in avoidable delays. The Committee, therefore, recommend that implementation of all welfare programmes for the socio-economic development of Scheduled Castes and Scheduled Tribes should be dealt with in the Ministry of Welfare, but as far as the subject of atrocities against Scheduled Castes and Scheduled Tribes is concerned, this should legitimately be re-entrusted to the Ministry of Home Affairs who have all the machinery for maintenance of law and order and channel of communication of orders and instructions at their command. The Committee feel convinced that it is difficult to deal with the problem of atrocities in isolation as it is closely linked with the law and order problem which may arise in a state under particular set of circumstances.

The Committee need hardly stress that whenever Scheduled Castes and Scheduled Tribes assert their legitimate rights and raise their voice against exploitation and injustice, the powerful vested interests try to cow them down and terrorise them. This is the genesis of most of the crimes and atrocities against Scheduled Castes and Scheduled Tribes. These matters are closely linked with law and order situation and as such the subject of atrocities should be within the jurisdiction of the Ministry of Home Affairs. The Committee would, therefore, like the Government to reconsider their decision and transfer back this subject to the Ministry of Home Affairs as soon as possible.

#### **Reply of Government**

The above recommendation of the Committee has been considered and we do not agree to the same.

[Ministry of Welfare O.M. No. III. 13014/3/86-PCR (DESK)  
dated 30.1.87]

#### **Comments of the Committee**

Please see Chapter I, para 1.4.

#### **Recommendation Sl. No. 10 (Para 3.36)**

The Committee note that the enforcement of the minimum wages is under constant review of the State Governments and the Central Government. The State Labour Ministers have also discussed this matter during their conferences held from time to time. They have also suggested that the machinery for the enforcement of the minimum wages should be strengthened. The Committee further note that the Ministry of Labour have evolved a centrally sponsored scheme on a pilot basis for assisting the States to strengthen their enforcement machinery and in the current year there is a provision in the annual plan of Ra. 30 lakhs for this programme.

The Committee are of the opinion that non-payment of minimum wages is one of the main causes of atrocities on poor Scheduled Caste/Scheduled Tribe agricultural labourers. Whenever they try to assert their right to get minimum wages fixed by the law, they are threatened and atrocities are perpetrated upon them. The Committee, therefore, recommend that the enforcement machinery for implementation of Minimum Wages Act in different States should be adequately strengthened and the Ministry of Labour should provide sufficient money for the purpose so that the Minimum Wages Acts are smoothly implemented in all the States. Besides, the State Governments should also supplement these measures with other schemes/programmes for the employment of agricultural labourers in their respective States throughout the year to strengthen their bargaining power/and to save them from exploitation and harassment.

#### **Reply of Government**

The recommendation was referred to the Ministry of Labour. That Ministry has informed that they have evolved a Centrally Sponsored Scheme on pilot basis for assisting the State Governments to strengthen their enforcement machinery. In the current financial year, a sum of Rs. 40 lakhs has been earmarked for this purpose. The scheme has been extended to four States namely Madhya Pradesh, Rajasthan, Orissa and Manipur. In the current financial year, there is no proposal to extend the scheme to other States. The Ministry of Labour has also opined that the question of extending the scheme to other States will be considered after gaining the experience of these four States regarding effectiveness of the scheme.

[Ministry of Welfare's O.M. No. III, 13014/3/86-PCR (DESK)  
dated 11.12.1986]

#### **Comments of the Committee**

Please see Chapter I, para 1.7.

#### **Recommendation Sl. No. 11 (Para 3.37)**

The Committee have been informed that the Bonded Labour System stands statutorily abolished throughout the country with effect from 25th October, 1975 under the Bonded Labour System Abolition Act, 1976. Under the Act, the responsibility for identification, release and rehabilitation of the bonded labourers rests with the State Governments concerned. At the Central level, the Ministry of Welfare happens to be the nodal Ministry in the matter of giving guidelines, coordination and monitoring the welfare schemes/programmes being implemented for Scheduled Castes/Scheduled Tribes by various Ministries. The Welfare of bonded labour is the responsibility of Ministry of Labour and this item is also included in the Special Component Plan of the Ministry of Labour.

As regards the total number of bonded labourers belonging to Scheduled Castes/Tribes in the country, the Committee are surprised to note that no authentic figures are available with the Government. There is a vast difference in the number of bonded labourers estimated by the surveys conducted by the State Governments, National Sample Survey Organisation and the Gandhi Peace Foundation.

The Committee need hardly stress that unless a clear picture about the magnitude of the problem is known to the Central and State Governments, no schemes to eradicate this evil is going to succeed. The Committee, therefore, recommend that comprehensive and reliable surveys should be carried out in all the States/Union Territories to identify the bonded labourers.

#### **Recommendation SL No. 12 (Para 3.38)**

The Committee feel that it will not serve any useful purpose to frame a Central scheme for the rehabilitation of bonded labourers unless the State Governments are in a position to identify the bonded labourers in the first instance. The Committee, therefore, recommend that District Collectors should be made responsible to identify bonded labourers in their districts and the Central Government should provide grants to the State Governments for strengthening their administrative machinery in this regard.

#### **Reply of Government**

The above two recommendations/conclusions were referred to the Ministry of Labour. According to them, under the Bonded Labour Section (Abolition) Act, 1976, identification of Bonded Labourers is the responsibility of the State Governments. Identification of bonded labourers is a continuing process and the State Governments are already engaged in this task. As per the figures reported by the State Governments, 2,05,923 bonded labourers have been identified upto 31.3.1986, out of which 1,60,268 have been rehabilitated leaving behind a balance of 45,655 to be rehabilitated. A target of 19,728 Bonded Labourers has been fixed for 1986-87.

At present, the Ministry of Labour do not maintain separate figures for Scheduled Castes/Scheduled Tribes. Thus, it is difficult to specify the number of Scheduled Caste/ Scheduled Tribe bonded labourers. However, as per the national survey conducted in 1978, it was estimated that 66% of the bonded labourers were Scheduled Castes and 18% were Scheduled Tribes. It may be proposed to revise the proforma reporting the figures of bonded labourers to make separate columns for Scheduled Castes/Scheduled Tribes both for identification and rehabilitation.

As regards the figures reported by National Sample Survey Organisation and Gandhi Peace Foundation, it may be stated that the surveys con-

dubbed by them were only random sample surveys and conclusions arrived at were only indicative, and do not indicate the actual number of Bonded Labourers and hence were not accepted by the Government for further plans of rehabilitation.

Apart from rehabilitation, identification also now forms part of the new 20 Point Programme and it has been desired to involve voluntary agencies in this important task. Accordingly, it has been decided to entrust the identification work to a voluntary agency viz. People's Action for Development (India) (PADI) functioning under the control of Ministry of Rural Development.

[Ministry of Welfare O.M. No. III. 13014/3/86-PCR (DESK)  
dated 11.12.1986]

### Comments of the Committee

Please see Chapter I, para 1.10.

### Recommendation Sl. No. 22 (Para 6.12)

The Committee are distressed to note that practice of untouchability in some form or the other is still prevalent in various parts of the country. Practice of untouchability which has been abolished under Article 17 of the Constitution is a matter of shame for the whole nation as a section of our society is still being treated as untouchables. It is a matter of great concern that even after making provision for more stringent punishment under the Protection of Civil Rights Act, this practice should continue in any part of the country. The Committee agree with the views of the Central Government that the root cause of untouchability lies with the social, educational and economic backwardness of the Scheduled Castes. The Committee appreciate that the Government have expressed their determination to put an end to this evil practice and have taken various administrative and legislative measures to bring about socio-economic development of Scheduled Castes. The Committee, however, feel that socio-economic development of Scheduled Castes has not taken place to the desired extent on account of the fact that a large section of Scheduled Castes are still illiterate and continue to live below the poverty line. The Committee find that during the Sixth Plan Government introduced a new strategy for the Welfare of Scheduled Castes known as Special Component Plan. In addition, Government also undertook various anti poverty programmes for raising their economic status. The Committee recommend that all these welfare programmes for Scheduled Castes should have proper linkages during the Seventh Plan period so that majority of Scheduled Castes are able to cross the poverty line by the end of the Plan.

### Reply of Government

The Report of the Working Group on the Development of Scheduled Castes during Sixth Five Year Plan had already recommended proper linkages for welfare programmes for Scheduled Castes. This has been reiterated further in the Report of the Working Group during Seventh Five Year Plan, which has already been circulated among all State Governments/ Union Territory Administrations for necessary action by them. Besides, this point is also emphasised during the discussion held in this Ministry and the Planning Commission to finalise the draft Special Component Plan proposals of the States/Union Territories.

[Ministry of Welfare O.M. No. III. 13014/3/86-PCR (DESK)  
dated 11.12.1986]

### Comments of the Committee

Please see Chapter I, para 1.13.

### Recommendation Sl. No. 27 (Para 7.30)

The Committee are distressed to note that the crimes against Scheduled Castes have increased in a large number of states over the years as is evident from the figures given in Appendix III and IV. The number of crimes against Scheduled Castes is very high in the States of Bihar, Gujarat, Madhya Pradesh, Maharashtra, Rajasthan, Tamil Nadu and Uttar Pradesh. The total number of crimes against Scheduled Tribes have also increased in the States of Madhya Pradesh, Rajasthan, Bihar, Maharashtra and Gujarat. The Committee recommend that Ministry of Welfare should analyse critically the crime statistics of these States and Governments to strengthen their intelligence machinery; to set up Special Cells/Harijan Cells both at State level and district level and ensure that at least one senior officer like District Collector or Superintendent of Police belonging to Scheduled Caste community is posted to each district. The Committee further recommend that in atrocity prone areas Ministry of Welfare should provide 100 per cent grant for meeting the expenditure incurred on the setting up of Special Cells.

### Reply of Government

The recommendation regarding strengthening of the intelligence machinery has been brought to the notice of the State Governments. As regards the Committee's recommendation for giving 100 per cent grants for setting up Cells in atrocity prone areas, it is informed that the National Development Council has already approved the financial pattern of the scheme of 'Implementation of PCR Act,' included under Centrally Sponsored



**Programme for Seventh Plan on 90 : 50 basis:** It may, therefore, not be possible for the Government to provide 100 per cent grants for this purpose:

[Ministry of Welfare O.M. No. III.13014/3/86-PCR (DESK)  
dated 30.1.87]

**Comments of the Committee**

**Please see Chapter I, para 1.16.**

## **CHAPTER V**

### **RECOMMENDATIONS/OBSERVATIONS ON WHICH FINAL REPLIES OF THE GOVERNMENT HAVE NOT BEEN RECEIVED**

#### **Recommendation Sl. No. 5 (Para 3.31)**

The Committee have been informed that disputes regarding government owned waste land and ceiling surplus lands allotted by Government to Scheduled Castes/Scheduled Tribes is one of the main causes of atrocities on them. The Committee regret to note that even the Ministry of Rural Development have no information whether a village to village survey has been conducted to know whether Scheduled Castes/Scheduled Tribes are in actual possession of the land allotted to them or belonging to them. Nor do they have Statewise details of cases of dispossession of the Scheduled Castes/Scheduled Tribes from the lands allotted to them. The Committee recommend that State Governments/Union Territory Administrations should be advised to conduct village to village survey to ascertain whether the waste land/ceiling surplus land allotted to Scheduled Castes/Scheduled Tribe beneficiaries is actually in their possession. Where Scheduled Caste/Scheduled Tribe allottees have been dispossessed of such land by the powerful vested interests, immediate action should be taken under the law applicable to the State with a view to ensure restoration of possession of their land. The Committee desire that the culprits of such crimes should be given exemplary punishment so that they do not dare to commit such crimes in future.

#### **Reply of Government**

The recommendation is being examined in consultation with the Department of Rural Development.

[Ministry of Welfare O.M. No. II.13014/3/86-PCR (DESK)  
dated 30th March, 1987]

#### **Comments of the Committee**

The Committee would like to be apprised of the final decision in the matter.

#### **Recommendation Sl. No. 25 (Para 6.15)**

The Committee note that State level Committees to review the working of PCR Act and for its effective implementation have been set up in most

of the States where the problem of untouchability is acute. The Committee are, however, perturbed to note that the State level Committees are not meeting regularly. The Committee are of the opinion that whole purpose of forming the State level Committee is lost if they do not meet regularly. The Committee, therefore, recommend that the Central Government should issue necessary instructions to the State Governments that these Committees must meet at regular intervals to review the working of the PCR Act as otherwise they will not be performing any useful function.

#### **Reply of Government**

The State Governments have been requested to hold the meetings of State level Committees more regularly.

[Ministry of Welfare O.M. No. III.13014/3/86-PCR (DESK)  
dated 30.1.87]

#### **Comments of the Committee**

The Committee would like to be apprised whether the State level Committee to review the working of Protection of Civil Rights Act are now meeting regularly to ensure the effective implementation of Protection of Civil Rights Act.

NEW DELHI ;  
April 21, 1987  
Vatsakha I, 1909 (S)

KRISHAN DATT SULTANPURI,  
Chairman,  
Committee on the Welfare of  
Scheduled Castes and  
Scheduled Tribes.

## APPENDIX

(*Vide* Para 4 of Introduction)

*Analysis of Action Taken by Government on the Recommendations contained in 11th Report of the Committee (Eighth Lok Sabha)*

I. Total number of Recommendations	42
II. Number of Recommendations which have been accepted by Government ( <i>vide</i> recommendations at Serial Nos. 1, 2, 3, 6, 7, 8, 9, 13, 14, 15, 16, 17, 18, 21, 23, 24, 26, 28, 29, 30, 32, 33, 34, 35, 36, 37, 39, 41 and 42)	29
Percentage to the total	69
III. Recommendations which the Committee do not desire to pursue in view of Government's replies ( <i>vide</i> Recommendations at Sl. Nos. 19, 20, 31, 38 and 40)	5
Percentage to the total	12
IV. Recommendations in respect of which replies of Government have not been accepted and which require reiteration ( <i>vide</i> Recommendations at Sl. Nos. 4, 10, 11, 12, 22 and 27)	6
Percentage to the total	14
V. Recommendations in respect of which final replies of Government have not been received ( <i>vide</i> Recommendations at Serial Nos. 5 and 25)	2
Percentage to the total	5

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PUBLISHED UNDER RULE 382 OF THE RULES OF PROCEDURE AND CONDUCT  
OF BUSINESS IN LOK SABHA (SIXTH EDITION) AND PRINTED BY  
SHRI DURGA PRINTING PRESS, DELHI