

**COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES AND
SCHEDULED TRIBES
(1994-95)**

(TENTH LOK SABHA)

FORTY-SIXTH REPORT

**MINISTRY OF WELFARE
AND
MINISTRY OF HOME AFFAIRS**

Action Taken by Government on the recommendations of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes contained in their Twenty-Third Report (Tenth Lok Sabha)—Atrocities on Scheduled Castes and Scheduled Tribes and pattern of Social Crimes towards them



सत्यमेव जयते

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LOK SABHA SECRETARIAT
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**COMPOSITION OF THE COMMITTEE ON THE WELFARE OF
SCHEDULED CASTES & SCHEDULED TRIBES
(1994-95)**

Shri Paras Ram Bhardwaj—Chairman

MEMBERS

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1. Shri S.N. Mishra—*Additional Secretary*
2. Shri G.C. Malhotra—*Joint Secretary*
3. Shri Babu Ram—*Deputy Secretary*

*Ceased to be Member of the Committee on his resignation from Lok Sabha w.e.f. 24 March, 1995.

INTRODUCTION

I, the Chairman, Committee on the Welfare of Scheduled Castes and Scheduled Tribes, having been authorised by the Committee to finalise and submit the Report on their behalf, present this Forty-Sixth Report (Tenth Lok Sabha) on Action Taken by Government on the recommendations of the Committee contained in their Twenty-Third Report (Tenth Lok Sabha) on Ministry of Welfare and Ministry of Home Affairs regarding "Atrocities upon Scheduled Castes and Scheduled Tribes and pattern of social crimes towards them".

2. The Report was considered and adopted by the Committee on 17 April, 1995.

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

I. Report

II. Recommendations/observations which have been accepted by Government

III. Recommendations/observations which the Committee do not desire to pursue in view of replies of Government

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 of the Committee contained in their Twenty-Third Report is given in Appendix. It would be observed therefrom that out of 55 recommendations/observations made in the Report, 13 recommendations *i.e.* 23.6 per cent have been accepted by Government. The Committee do not desire to pursue 23 recommendations *i.e.* 41.8 per cent of their Recommendations in view of Government reply. 6 recommendations *i.e.* 10.9 per cent in respect of which replies of Government have not been accepted by the Committee require reiteration. In respect of 13 recommendations *i.e.* 23.6 per cent final replies of Government have not been received.

NEW DELHI;
20 April, 1995

30 Chaitra, 1917 (S)

PARAS RAM BHARDWAJ,
Chairman,
Committee on the Welfare of
Scheduled Castes and Scheduled Tribes.

CHAPTER-I

REPORT

This Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes deals with the Action Taken by Government on the recommendations contained in the Twenty-Third Report (Tenth Lok Sabha) of the Committee on the Ministry of Welfare and Ministry of Home Affairs regarding Atrocities on Scheduled Castes and Scheduled Tribes and pattern of social crimes towards them.

1.2 The Twenty-Third Report was presented to Lok Sabha on 29.4.1993. It contained 55 recommendations/observations. Replies of the Government in respect of these recommendations/observations have been examined and may be categorised as under:

- (i) Recommendations/observations which have been accepted by the Government; (Sl. Nos. 17, 19, 22, 23, 24, 25, 26, 33, 36, 38, 39, 41 and 42).**
- (ii) Recommendations/observations which the Committee do not desire to pursue taking into consideration the replies of the Government; (Sl. Nos. 2, 3, 4, 11, 12, 13, 14, 15, 16, 20, 21, 27, 29, 30, 32, 37, 43, 44, 45, 49, 51, 53 and 55).**
- (iii) Recommendations/observations replies to which have not been accepted by the Committee and which need reiteration; (Sl. Nos. 46, 47, 48, 50, 52 and 54).**
- (iv) Recommendations/observations in respect of which final replies have not been received; (Sl. Nos. 1, 5, 6, 7, 8, 9, 10, 13, 28, 31, 34, 35 and 40).**

1.3 The Committee will now deal with those Action Taken replies of the Government which need reiteration and Comments.

(Recommendations at Sl. Nos. 46, 48 and 50; Para Nos. 5.25 and 5.29).

1.4 In paragraph 5.25 of the Twenty-Third Report (Tenth Lok Sabha) the Committee observed that there were only two States i.e. Andhra Pradesh and Rajasthan where three to six Special Courts were set up. To paragraph 5.27 of the same Report the Committee appreciated the suggestions made in the Chief Ministers Conference to set up Special Courts in all the States to deal with and dispose of atrocity cases on

priority basis. In para 5.29 the Committee recommended that Special Courts as suggested by the Chief Ministers Conference and as set up by Andhra Pradesh and Rajasthan should also be set up in other States and Union Territories to exclusively deal with and expeditiously dispose of atrocity cases.

1.5 In their reply the Ministry of Welfare have stated that under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Andhra Pradesh and Rajasthan have set up three and ten Exclusive Special Courts respectively whereas under the Protection of Civil Rights Act, 1955, 22 Special Courts in Andhra Pradesh, 4 in Bihar, 4 in Madhya Pradesh, 2 in Karnataka, 6 in Rajasthan and 4 in Tamil Nadu have been set up. All other States/Union Territories excepting Arunachal Pradesh, Mizoram and Nagaland where reported atrocity cases are negligible have specified existing District and Session Courts as Special Courts. The Ministry have also stated that all the States/UTs have been requested to send proposals for setting up of Special Courts under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 during 1993-94.

1.6 The Committee are not satisfied with the reply of the Government and are sorry to observe that only 6 States have so far set up Special Courts under the PCR Act, 1955 and two States under the SCs and STs (Prevention of Atrocities) Act, 1989. They, therefore, urge upon the Government to vigorously pursue the matter with the State Governments with a view to setting up of Special Courts in their respective States especially under the SCs and STs (Prevention of Atrocities) Act, 1989 to deal with cases of atrocities more effectively.

(Recommendations at Sl. Nos. 47 and 52; Para Nos. 5.26 and 5.31).

1.7 In paragraphs 5.26 and 5.31 of the Twenty-Third Report (Tenth Lok Sabha) the Committee observed that officers of the Ministry of Welfare sometimes visited Special Cells/Harijan Thanas for providing necessary guidance for their smooth functioning but specific details relating to the visit of the officers to Special Cells were not available with the Ministry for which the Committee recommended that the Ministry should keep a detailed record of the visits, suggestions made for the smooth functioning of Cells and other matters relating thereto so that the very purpose of the visit was not defeated.

1.8 The Ministry of Welfare in their reply have stated that after the visits are held the officers concerned in the Welfare Ministry report to their seniors and remedial measures are taken on their observations. The Ministry have also stated that taking into consideration the keenness expressed by the Committee on the Welfare of SCs and STs they are proposing to issue instructions to all the officers to submit a note in writing on their visit to the States/Special Cells.

1.9 The Committee are not satisfied with the reply given by the Government. They, recommend that instructions be issued immediately to the concerned officers of the Ministry to submit a note in writing containing

all the details of their visit including suggestion for better functioning of the Special Cells/Harijan Thanas so that necessary measures can be taken in time.

(Recommendation at Sl. No. 54; Para No. 5.33)

1.10 In paragraph 5.33 of the Twenty-Third Report (Tenth Lok Sabha) the Committee have recommended that with a view to removing the antagonistic feeling of the officers posted in Special Cells that they are demoted, efforts should be made by both Central and State Governments to see to it that these officers are suitably rewarded in their honest efforts.

1.11 The Ministry of Home Affairs have stated in their reply that "Action to be taken by the State Governments".

1.12 The Committee consider the reply of the Government evasive. In their opinion although the exact action is to be taken by the State Governments yet the Central Government can at least advise and persuade the former to give some incentives to the officers posted in Special Cells so that they can perform their duties with more dedication and without any hesitation.

(Recommendations at Sl. Nos. 1, 5, 6, 7, 8, 9, 10, and 18; Para Nos. 1.19, 1.23, 1.24, 1.25, 1.26, 1.27, 1.28, and 2.24).

1.13 In paragraphs 1.19 and 1.23 to 1.28 and 2.24 of the Twenty-Third Report (Tenth Lok Sabha) the Committee observed that the performance on the part of the Welfare Ministry so far as atrocities on SCs and STs are concerned has been pains takingly unsatisfactory and recommended that the subject should again be entrusted with the Ministry of Home Affairs for better and effective results. The Committee also recommended that alongwith the prosecuting power some developmental aspects involving financial assistance relating to the law and order problems of atrocities should also be entrusted with the Ministry of Home Affairs. The Committee further recommended that while the entire criminal aspect of atrocities concerned should be handled by the Ministry of Home Affairs, the rehabilitation and other Welfare measures be entrusted with the Ministry of Welfare. The Committee specifically recommended that the SCs and STs (Prevention of Atrocities) Act, 1989 which had been interwoven with the maintenance of law and order situation should be administered by the Ministry of Home Affairs.

1.14 In their reply the Ministry of Welfare and Ministry of Home Affairs have stated that the matter for transferring the subject of 'Atrocities' to Ministry of Home Affairs is under consideration of a group of Ministers. The Ministry of Welfare have stated that if their Ministry is empowered in regard to the control of police in charge of PCR and Atrocities Acts administration and also in regard to the administration of the relevant criminal laws relating to offences against SCs and STs it would be in a position to implement these acts effectively. The Ministry of Home

Affairs have stated that it is imperative that both the criminal as well as the developmental aspects are dealt with by a single Ministry.

1.15 The Committee wanted to know when the Group of Ministers was constituted and what progress was made since then. In a up-to-date reply the Ministry of Home Affairs have stated that a Group of Ministers under the Chairmanship of the Home Minister was constituted on 16.9.1993 by the Prime Minister. It was simultaneously stated that in the last meeting of the Group of Ministers held on 25.1.1994 the following decisions were taken:

- (i) The balance of convenience lies in the Home Ministry containing to be nodal Ministry to deal with criminal offences against vulnerable groups. In so far as women and children were concerned that was the unanimous view.
- (ii) With regard to crime against Scheduled Castes and Scheduled Tribes, however another meeting of the Group of Ministers would be held shortly and a final view would be taken thereafter.

It was, however, added that further meeting of the Group of Ministers had not since been taken place.

Comments of the Committee

1.16 "The Committee may be apprised of the position as soon as a decision is taken in this regard in the next meeting of the Group of Ministers".

(Recommendations at Sl. Nos. 28 and 35; Para Nos. 4.36 and 4.43)

1.17 In paragraph 4.36 and 4.43 of the Twenty-Third Report (Tenth Lok Sabha) the Committee noted that the Central Government was proposing to amend Section 377 of the Cr. P.C. whereby the affected SCs and STs could appeal even to the Session Judges against the acquittal of the accused persons and urged the Central Government to expedite the above mentioned Amendment thereby saving affected SCs and STs from unnecessary expenditure and trouble.

1.18 The Ministry of Home Affairs in their reply have stated that the matter is being examined by the Judicial Division of that Ministry.

1.19 The Committee desired to know when the matter was referred to the Judicial Division and what final decision was taken in this regard. In reply the Ministry of Home Affairs have stated that the matter was referred to the Judicial Division of the Ministry on 13.9.1993. It has also been stated that the Government have approved a proposal for amendment of section 377 to permit the filing of an appeal in the Court of Session instead of the High Court against inadequate sentences passed by a Magistrate. The Government have also approved a proposal for amendment of section 378 to provide for an appeal to Sessions Court against an order of acquittal passed by a Magistrate in respect of a cognizable and

non-bailable offence. These amendments are part of comprehensive amendments to the Code of Criminal Procedure to tone up the investigative machinery, streamline prosecution mechanism and expedite the disposal of cases.

Comments of the Committee

1.20 "The Committee may be apprised in case the Government at any point of time propose to modify the aforesaid provision."

(Recommendation at Sl. Nos. 31 and 40; Para Nos. 4.39 and 4.48)

1.21 In paragraph 4.39 and 4.48 of the Twenty-Third Report (Tenth Lok Sabha) the Committee observed that in some cases, especially in Kumber (Rajasthan) atrocities were perpetrated upon SCs and STs with full knowledge of the higher authorities including the District Magistrate, the D.I.G. and, therefore, recommended that stern steps should be taken against the erring officers as well as the main culprits so that such condemnable and despicable incidents are not allowed to happen in future.

1.22 In their reply the Ministry of Welfare have stated that their Ministry is seized of the responsibility in regard to take action against the erring officers in Kumber case of Rajasthan. They, however, have stated that the case is being regularly monitored with the State Government of Rajasthan who has been requested *vide* the Ministry of Welfare letter dated 14.6.1993 to furnish information on the latest situation of the case and a reply from the State Government is awaited. The Ministry of Home Affairs in their reply have stated that since 'Police' is a State subject the Central Government can not directly take action against delinquent officials or *suo motu* direct the CBI to take over investigation of crimes including crimes against SCs and STs.

Comments of the Committee

1.23 "The Committee desire the Ministry of Home Affairs to regularly monitor the cases of Atrocities in Kumber and elsewhere with the State Government of Rajasthan and other concerned State Governments as the Ministry of Welfare has been doing and the Committee may be apprised of the progress made in this regard from time-to-time. The Committee also desire the Ministry of Welfare to intimate them as soon as the reply from State Government of Rajasthan regarding taking action against the erring officials is received."

(Recommendation at Sl. No. 23; Para No. 4.42)

1.24 In paragraph 4.42 of the Twenty-Third Report (Tenth Lok Sabha) The Committee emphasised that the Criminal Courts should keep a register showing the number of witnesses summoned on a particular date, the number of witnesses examined, the number of witnesses sent back, the reasons for sending them back without examination and other details relating thereto so that large number of acquittals could be checked and pending cases disposed of expeditiously.

1.25 The Ministry of Welfare in their reply have stated that they will liaison the issue with the Ministry of Home Affairs and the State Governments. The Ministry of Home Affairs have replied that instructions in this regard are being issued by the judicial Division of their Ministry.

1.26 The Committee desired to know the latest position in this regard. In an up-to-date information the Ministry of Home Affairs have stated that the question of forwarding the suggestion to Registrars of all the High Courts for appropriate action is still under consideration of the Ministry.

Comments of the Committee

1.27 The Committee may be apprised as soon as a final decision in this regard is taken by the Ministry of Home Affairs.

CHAPTER II

RECOMMENDATIONS/OBSERVATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Recommendation No. 17 Para 2.23

The Committee also recommend that SCs and STs should adequately be represented in cutting edge posts like SHOs, Moharrars, Munshies, Head Constables, Village Officers and other posts in Survey and Revenue Departments.

Reply of Government (MoW)

Ministry of Welfare has brought the recommendation to the notice of Ministry of Home Affairs in the Centre and to all the Chief Secretaries in the States/UTs. with a request that they may ensure posting of adequate number of SC/ST personnel on cutting edge level posts like that of SHO, Moharrars, Munshies, Head Constables Village Officers and other similar other level posts in Survey and Revenue Deptts.

\ [M/Welfare O.M. No. 13016/2/93-PCR(DESK) Dated: 22-12-1993]

Reply of Government (MHA)

The Committee also recommend that SCs and STs should adequately be represented in cutting edge posts like SHOs, Moharrars, Munshies, Head Constables, Village Officers and other posts in Survey and Revenue Departments.

Action in this regard is to be taken by the State Governments. however, the Home Minister had written to the Chief Ministers of various States in a D.O. letter dated 10 March 1980 and reiterated in a letter dated 15 April 1985 stating that at least one of the following posts in each of the districts considered sensitive from the point of view of crimes against Scheduled Castes should be held by officers belonging to these communities: District magistrate, Superintendent of Police, Sub-Divisional Magistrate, Sub-Divisional Police Officers and Station House Officers.

Recommendation No. 19 Para 2.25

The Committee feel that keeping in view the enormity of the problem and bring social justice and equity to the oppressed people, it is high time that the Central and State governments act in unison with a deep

sense of commitment so that the day will not be far off when these down trodden people are able to live as equal and free from fear.

Reply of Government (MoW)

The Ministry agree with the observation.

[M/Welfare O.M. No. 13016/2/93-PCR(DESK) Dated: 22-12-1993]

Recommendation Nos. 22 & 23 Para 3.8 and 3.9

Needless to mention that there is a big gap between the introduction of various development programmes and their actual implementation. Simply by introducing some nodal schemes for the welfare of SCs and STs and thereafter completely shifting the responsibility to the State governments/ Union Territory administrations, the Central Government should not hope to bring the downtroddens into the main stream and thereby liberating them from the practice of untouchability.

The Committee, therefore, recommend that side by side with the introduction and implementation of the welfare measures the Central Government should see to the actual progress made by the State Governments/Union Territory Administrations in this regard. They feel that without jealous co-operation between the Central and State Governments and through monitoring of the proper implementation of schemes devised by the Central Government, it would not be feasible to do away with the socio-economic disabilities and educational backwardness of Scheduled Castes.

Reply of Government (MoW)

Ministry of Welfare generally agree with the observation. Ministry of Welfare, also assures the Parliamentary Committee that it will make untiring efforts with the Planning Commission to get more funds for the development of SC and ST and impress upon the States/UTs to increase flow of funds out of their State Plans towards Special Component Plans of States/UTs. Thorough monitoring of implementation of programmes during 1992-93 has been undertaken by the Welfare Minister with the Ministers-in-charge of welfare and Secretaries of States in the Southern region at Trivandrum on 28-29 Aug. 1992, with States in Western region at Bombay on 24-25 Sept. 1992, with States in Northern region, Mayors of Corporations at New Delhi on 18-19 Sept. 1992 and with Ministers and Secretaries in-charge of Tribal Development at New Delhi on 15.1.1993. Another review of the implementation of the schemes was undertaken on 4.8.93 at the Conference of State Social Welfare & Education Secretaries.

Endeavour towards constant review and monitoring of implementation of development programmes will be continued on regular basis.

[M/Welfare O.M. No. 13016/2/93-PCR(DESK) Dated: 22-12-1993]

Recommendation No. 24 & 25 Para 4.32 and 4.33

The Committee are distressed to note that the percentage of acquittals vis-a-vis convictions in various States and Union Territory Administrations is inexplicably high. The position is more deplorable so far as pending cases are concerned.

They observe that unwillingness on the part of witnesses to appear before the Court of Law culminate in a large number of acquittals of the accused persons. The reasons of such unwillingness on the part of the witnesses appear not only to be loss of their daily wages but also harassment suffered by them by not taking their evidence after summoning them for days together.

Reply of Government (MoW)

The recommendation will be brought to the notice of State Governments/UT Administrations with a request for taking up the matter with Registrars of High Courts in the respective States/UTs.

[M/Welfare O.M. No. 13016/2/93-PCR(DESK) Dated: 22-12-1993]

Recommendation No. 26 Para 4.34

The Committee are glad to note that with a view to removing the economic obstacle, the Government of India extends financial assistance to the State Governments to compensate the wages of the witnesses appearing before the Court and involved in offences under the PCR Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. They are also happy to note that a proposal to suitably enhance the rate of allowances as a compensation to the witnesses is being included in the next meeting of the Steering Committee of the Chief Ministers.

Reply of Government (MoW)

Ministry of Welfare will liaise with the Ministry of Home Affairs in following up the matter of enhancing the rate of allowances as a compensation to the witnesses, to be brought on the agenda of the next meeting of the Steering Committee of the Chief Ministers.

[M/Welfare O.M. No. 13016/2/93-PCR(DESK) Dated: 22-12-1993]

Recommendation No. 33 Para 4.41

Taking all the above observation into account, the Committee would like to recommend that with a view to removing the unwillingness on the part of the witnesses to appear before the court because of which a number of acquittals take place, suitable enhancement in their daily allowance on the days they appear before the court should be made. Each year a survey should be made to find out whether the number of acquittal cases is decreasing with the introduction of such financial compensation schemes so as to know the impact of the measures.

Reply of Government (MoW)

The reply has already been stated against reply to recommendation No. 18, 19 and 20 Paras 4.33, 4.34 and 4.35.

As regards sponsoring a survey every year to find out whether the number of acquittal cases is decreasing with the introduction of the scheme of financial compensation to witnesses, the recommendation of the Committee will be forwarded to the States/UTs for action. Ministry of Welfare will also include such a study in their annual plan of research projects.

[M/Welfare O.M. No. 13016/2/93-PCR(DESK) Dated:22-12-1993.]

Reply of Government (MHA)

The scheme for compensating witnesses for loss of wages on days they appear in Court to give evidence in cases of atrocities is implemented by the Ministry of Welfare.

Recommendation Sl. No. 36 Para 4.44

Necessary amendments as per the procedure explained by the Secretary, Ministry of Law during evidence be carried out in the I.P.C., Cr. P.C. and the Evidence Act so that the Directorate of Prosecution be brought under the control of the Police Department as was the practice before the existing lacunae in the functioning of the legal advisers and the investigating officers be removed.

Reply of the Government (MHA)

Proposals to this effect were approved by the Steering Group on Administration of Criminal Justice on 14 June 1993. The process for introducing a Bill in Parliament to this effect has been initiated.

Recommendation Sl. No. 38 Para 4.46

Unless and until the prosecuting the investigating machineries are strengthened in the true sense of the term all other efforts to check large number of acquittals as well as to expedite the pending cases will not bear fruit.

Reply of Government (MHA)

Having obtained the approval of the Steering Group for amending the Cr. P.C. to strengthen the investigation and prosecution mechanisms, the Ministry of Home Affairs has initiated action to introduce a Bill in Parliament to this effect.

Recommendation No. 39 Para 4.47

The Committee also strongly recommend that a thorough monitoring system, as suggested by the Secretary, Ministry of Welfare during the course of evidence is to be chalked out by the Central Government to ensure that there is no let up on the part of the State Government while rendering justice to the atrocity-affected people.

Reply of Government (MoW)

Strategy for building up a thorough monitoring system for atrocities against Scheduled Castes and Scheduled Tribes needs to be chalked out. Ministry of Welfare assures their full support to draw a methodology and control system for quick registration of the offences, prompt investigation, effective prosecution and quick disposal by the courts.

[M/Welfare O.M. No. 13016/2/93-PCR(DESK) Dated: 22-12-1993.]

Reply of Government (MHA)

The Ministry of Home Affairs has advised the State Governments to have a proper monitoring system so that they are aware of disputes concerning Scheduled Castes in different parts of the State pertaining to land, minimum wages, bonded labour, etc. Based on such information as well as information from any other source, the administration should be able to take steps to prevent the situation from developing into a case of atrocities on SCs/STs. If despite these steps, atrocities do occur, a scheme of comprehensive rehabilitation of victims of atrocities should come into operation immediately. Police personnel should move in quickly, bring the situation under control, arrest the offenders and complete the investigation on top priority. The State Governments have been advised that the prosecuting machinery should be geared up to pursue the cases in Court for ensuring conviction and deterrent punishment and special Public Prosecutors should be appointed for the purpose.

Recommendation No. 41 & 42 Para 5.20 and 5.21

The Committee are sorry to note that although the then Union Home Minister had requested all the Chief Ministers of various States/Union Territory Administrations to appoint at least one Scheduled Caste/Scheduled Tribe Officer in important post i.e. District Magistrate, S.S.P, S.D.M, SHO etc. with a view to preventing atrocities from being committed against Scheduled Castes and Scheduled Tribes in the identified sensitive Districts, yet the Central Government has not conducted any study to know as to how many such important posts are held by persons belonging to SC/ST community in the sensitive Districts of various States.

The Committee agree with the views of the Ministry of Welfare that unless and until persons of proven integrity with an inclination to work for the downtroddens and supported by the Government in all their honest actions, not withstanding their caste, are appointed in significant posts it would be very difficult to get the desired result in the atrocity prone areas. They, however, are of the opinion that since Scheduled Caste officers can better penetrate in analysing the causes and healing the wounds of the atrocity-affected people, such officers should be appointed in the above-mentioned important posts as far as practicable, failing which, persons from any community or caste with a good concern and voluntary enthusiasm towards ameliorating the condition of downtroddens be appointed in the sensitive Districts.

Reply of the Government (MHA)

The information is being collected from the State Government. Posting of officers to districts is done by State Governments. However, the Ministry of Home Affairs has been writing to the State Governments to re-orient their personnel policy such that persons belonging to the Scheduled Castes and Scheduled Tribes are ensured a better deal.

CHAPTER III

RECOMMENDATIONS/OBSERVATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PERSUE IN VIEW OF GOVT. REPLY

Recommendation/Conclusion Sl. No. 2, Para 1.20

The Ministry of Home Affairs at one point is saying that atrocity being a specialised crime requires special attention and therefore, cannot be clubbed together with other crimes while at some other point it has been stated to the Committee that the Ministry of Home Affairs is dealing with crime as a whole and there is no separate or exclusive control room to deal with atrocity cases.

Reply of the Government (MHA)

There is no contradiction in the stand taken by the Ministry of Home Affairs in this regard. Before the creation of the Ministry of Welfare, the Ministry of Home Affairs dealt with all matters pertaining to Scheduled Castes and Scheduled Tribes, including atrocities against them. It was then decided that the Ministry of Home Affairs, which monitors crime in the entire country, may not be able to give undivided attention required to the problems of the SCs/STs, especially to the problem of atrocities against them. In order to have an integrated approach to the problems of SCs/STs and to coordinate the efforts of various Ministries, the Ministry of Welfare was created. That Ministry has set up a control Room exclusively for monitoring cases of atrocities all over the country whereas the MHA control Room is primarily for monitoring the law and order situation in the country. Therefore the statement made by the Ministry of Home Affairs is consistent with Government policy and objectives.

Recommendation No. 3, Para 1.21

The Committee also note that there has been no close consultation, no proper coordination between the Ministry of Welfare and Ministry of Home Affairs to monitor the cases of atrocities. They feel that quite rightly a sense of complex has developed in the Ministry of Welfare vis-a-vis the Ministry of Home Affairs in dealing with the cases of atrocities as has been observed during the course of evidence. They are really surprised to note that a Ministry which has specially been entrusted to deal with the subject of atrocities comes to know about it only through newspapers. The State Governments concerned do not provide immediate information to the Departments concerned as noted above.

Reply of Government (MoW)

Ministry of Welfare has been receiving data on atrocities against Scheduled Castes and Scheduled Tribes through various sources, such as,

- (a) Newspapers and other published material.
- (b) Messages received in the Control Room through NIC NET Channel/ Telex and also monthly reports from State Governments/UT Administrations.
- (c) Report for Annual Report on the implementation of PCR Act, 1955 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- (d) Independent representations received from VIPs, NGOs and individuals. It is a fact that only a few districts falling in Maharashtra, Uttar Pradesh, Karnataka and Madhya Pradesh are sending regular reports to our control room. Ministry of Welfare always seeks the advice of Home Ministry as well as Ministry of Law and Justice on policy matters. In turn Ministry of Home Affairs consults the Welfare Ministry on related issues. A few recent references are as under:—
 - (i) Ministry of Home Affairs consulted Ministry of Welfare on practice of untouchability in India and action thereon for prevention thereof—Human Rights Conference held in June, 93 at Geneva—Note for.
 - (ii) Ministry of Home Affairs sought the opinion of Ministry of Welfare while furnishing reply to 10 point questionnaire released by Amnesty International on Human Rights—(Civil Rights)

[M/Welfare O.M. No. 13016/2/93 PCR(DESK) Dt.: 22.12.1993]

Reply of Government (MHA)

It is true that there is scope for improving the coordination between the Ministry of Welfare and the Ministry of Home Affairs in regard to monitoring of atrocity cases. Information collected by the PCR Cell and the PCR Control Room from the various State Governments are not passed on to Ministry of Home Affairs unless a request is made. The problem faced by the Ministry of Welfare in obtaining information from the State Governments is faced by the Ministry of Home Affairs as well. Indeed, the problem is common to all Ministries dealing with subjects which are primarily the responsibility of the State Governments. As such, the Ministry of Home Affairs does not have any special advantage over the Ministry of Welfare in this regard.

Recommendation Sl. No. 4, Para 1.22

The Committee are not convinced by the reply given by the representative of the Ministry of Home Affairs that the subject was transferred to the Ministry of Welfare as their (Home) Ministry has been entrusted with so many important responsibilities to deal with. The Committee feel that atrocities on Scheduled Castes is as important and as burning an issue as that of any other issue confronted and handled by the Ministry of Home Affairs.

Reply of the Government (MHA)

The Ministry of Home Affairs has never suggested or intended to suggest that the subject of Scheduled Castes is any less important than the other subjects handled by the Ministry. On the contrary, it has taken the view that because the subject of atrocities against Scheduled Castes is of such great national importance, the Ministry which is responsible for the welfare of Scheduled Castes and which has been created for the purpose, would be best placed to give it the special attention and expertise that this subject requires.

Recommendation No. 11, Para 2.17

The Committee note that the socio-economic oppression to which the Scheduled Castes and Scheduled Tribes have been subjected to for centuries together and their subsequent organised retaliation against it due to their development in education and growing awareness are the principal reasons for atrocities being committed upon them. They also note that harassing by the police by booking false cases against Scheduled Castes/Scheduled Tribes and non-representation of these people in adequate numbers in cutting edge posts add fuel to fire.

Reply of Government (MoW)

Ministry of Welfare generally agrees with the observation of the Committee made in first half the para. The second half of the para relates to Ministry of Home Affairs and as much they have been requested to take necessary action to ensure posting of SC/ST officials/officers at cutting edge level in adequate numbers.

[M/Welfare O.M. No. 13016/2/93-PCR(DESK) Dt. 22-12-1993.]

Recommendation No. 12 Para 2.18

The Committee are grateful for the efforts made by the Prime Minister and the Chief Ministers Conference in chalking out detailed guidelines with a view to preventing atrocities from being committed upon Scheduled Castes and Schedules Tribes. However they are surprised to note the reply given by the two Ministries during evidence that they have neither any co-ordination with nor any control over the State Governments to pressurise them to implement these guidelines in letter and spirit. The result is self-defeating as is evident from the

detailed information cited above that the number of crimes go on increasing with passing of each year in some of the major States.

Reply of Government (MoW)

State Governments are regularly pursued at different levels to send reports on the atrocity cases. The reports so received are painstakingly followed up for action at various level. Proposal to designate and officer in each State as Nodal officer, to monitor such cases has been initiated by the Welfare Ministry with State Govts/UT Admns. It is however a fact the State/UT Govts do not respond to or send reports/information to M/o Welfare adequately and timely.

[M/Welfare O.M. No. 13016/2/93-PCR(DESK) Dated: 22-12-1993.]

Reply of the Government (MHA)

The Ministry of Home Affairs has been taking follow up action on the Conference of Chief Ministers on atrocities against Scheduled Castes and Scheduled Tribes held on 4-5 October 1991 and has received compliance reports from a number of State Governments. An abstract indicating the implementation of the decisions taken in the Conference is given in the *Appendix*.

MINISTRY OF HOME AFFAIRS

Abstract indicating the implementation of the decisions taken in the Conference of the Chief Ministers held on 4th and 5th October, 1991 to discuss 'Prevention of Atrocities on Scheduled Castes/Scheduled Tribes'.

Decision No.	Implemented by the State Government	State Governments which have not indicated their position in their replies.
1	2	3
1 and 2	Andhra Pradesh, Bihar, Haryana, Madhya Pradesh, Maharashtra, Orissa, Punjab, Uttar Pradesh, Union Territory of Daman & Diu and Dadra Nagar Haveli and Chandigarh Administration.	Arunachal Pradesh, Gujarat, Kerala, Manipur, Meghalaya, Punjab, West Bengal and Lakshadweep.
3.	Andhra Pradesh, Bihar, Haryana, Madhya Pradesh, Maharashtra, UP, Orissa, Rajasthan, Union Territory of Andaman & Nicobar Islands, Daman & Diu and Chandigarh.	Gujarat, Kerala, Manipur, Mizoram, Punjab and West Bengal.
4.	Andhra Pradesh, Bihar, Haryana, Madhya Pradesh, Maharashtra, Manipur, Orissa, Rajasthan, Uttar Pradesh, Union Territory of Andaman & Nicobar Islands, Daman & Diu and Chandigarh Administration.	Gujarat, Kerala, Meghalaya, Mizoram, Punjab and West Bengal.

1	2	3
5.	Andhra Pradesh, Bihar, Haryana, Madhya Pradesh, Maharashtra, Orissa, Punjab, Rajasthan, Uttar Pradesh, Union Territory of Andaman & Nicobar Islands, Daman & Diu and Chandigarh.	Gujarat, Kerala, Manipur, Meghalaya, Mizoram, West Bengal and Lakshadweep.
6.	Andhra Pradesh, Bihar, Haryana, Kerala, Madhya Pradesh, Maharashtra, Manipur, Orissa, Rajasthan, Uttar Pradesh, Union Territory of Andaman & Nicobar Islands, Daman & Diu and Chandigarh Administration.	Gujarat, Meghalaya, Mizoram, Punjab, West Bengal and Lakshadweep.
7.	Andhra Pradesh, Bihar, Gujarat, Haryana, Madhya Pradesh, Maharashtra, Manipur, Orissa, Punjab, Rajasthan, Uttar Pradesh, West Bengal, Union Territory of Andaman & Nicobar Islands, Daman & Diu, Lakshadweep and Chandigarh.	Arunachal Pradesh, Kerala, Meghalaya and Mizoram.
8.	Andhra Pradesh, Bihar, Haryana, Kerala, Madhya Pradesh, Maharashtra, Manipur, Orissa, Punjab, Rajasthan, Uttar Pradesh, West Bengal, Union Territory of Andaman & Nicobar Islands, Daman & Diu, Lakshadweep and Chandigarh Administration.	Arunachal Pradesh, Gujarat, Meghalaya and Mizoram.
9.	Andhra Pradesh, Arunachal Pradesh Bihar, Gujarat, Haryana, Kerala, Madhya Pradesh, Maharashtra, Manipur, Meghalaya, Mizoram, Orissa, Punjab, Rajasthan, Uttar Pradesh, Union Territory of Andaman & Nicobar Islands, Daman & Diu and Chandigarh Administration.	West Bengal and Lakshadweep.

No reply has received from the State Governments of Assam, Goa, Himachal Pradesh, Jammu & Kashmir, Nagaland, Karnataka, Sikkim, Tamil Nadu, Tripura and Union Territory of Pondicherry and Delhi Administration.

APPENDIX

Conference of Chief Ministers to Discuss Prevention of Atrocities on Scheduled Castes and Scheduled Tribes—New Delhi, 4—6 October, 1991

General Decisions

1. The Conference agreed that this is a national question and cuts across political persuasion. It needs, therefore, be addressed as such, on the basis of national consensus.
2. It was suggested that the State Chief Ministers should themselves keep in direct touch with this matter in an intimate manner and on a continued basis in order to take effective and timely action.

3. In the posting of officers to important positions, those belonging to SC/ST should received adequate attention.
4. Unfilled quotas of appointment to the reserved SC/ST posts should be completed at the earliest, at the latest within 31st March, 1992.
5. The house being built for the SC's/ST's are inadequate. They should be enlarged with higher outlay. It is necessary to improve the housing conditions of SC's/ST's.
6. The State Governments will identify areas where incidence of atrocities has been found to be high and which are more tension-prone. These will have special provisions and administrative measures to counter the atrocities, as detailed below.
7. Since land is one of the main causes of tension, distribution of surplus land under the Land Ceiling Laws should be completed by 31st March, 1992.
8. The Conference noted that Special Courts have been specified/set up in different States and Union Territories under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989. The Government of India will ensure that the provisions of the Act regarding the setting up/specifying the Special Courts will be complied with in all the States and Union Territories.
9. The following recommendations made by the Sub-Committee appointed by the Conference were accepted for appropriate action:—
 - (i) *Prime facie* the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, were adequate as Section 4 provides for imprisonment for a term not less than six months for wilful neglect of duties by a public servant. This Act had come into effect only in 1990 and modifications therein can be considered after some time in the light of experience gained of its implementation.
 - (ii) Wherever considered necessary, the work pertaining to Scheduled Tribes may be entrusted to a separate administrative set up.
 - (iii) In sensitive districts which have past history of large scale atrocities against Scheduled Castes/Scheduled Tribes, an existing post of Additional District Magistrate may be designated as exclusively in charge of matters pertaining to Scheduled Castes/Tribes. In suitable cases, even a full time post of Additional District Magistrate may be created. He would responsible for overseeing the schemes and programmes for the welfare of Scheduled Castes and Scheduled Tribes as also for taking such actions for protecting the interests of the

weaker sections of society. He may be assisted in the task of follow-up action such as investigation of offences and atrocities against Scheduled Castes/Scheduled Tribes by appropriate level officers headed by an Additional Superintendent of Police.

- (iv) Whenever an incident of atrocities against Scheduled Castes/Scheduled Tribes takes place, the local officers must be made responsible to visit the place of crime at the earliest and start the legal process expeditiously. Senior officers such as Deputy Superintendent of Police should also personally pay visits in cases of serious atrocities within 24 hours to 48 hours of the occurrence.
- (v) To ensure greater transparency in the investigation of cases and the follow-up action thereon, a Vigilance and Monitoring Committee comprising District Magistrate as Chairman, and Superintendent of Police, District Welfare Officer and other concerned District Officers, as also five members of the public as members, should be appointed. Of these, the majority should be of Scheduled Castes/Scheduled Tribes. Additional District Magistrate (Scheduled Caste/Scheduled Tribe), wherever designated or appointed, should be the Member-Secretary of the Committee. This Committee would have the responsibility to see that the cases of atrocities against Scheduled Castes/Scheduled Tribes are pursued vigorously and brought up before the Court.
- (vi) To ensure speedy investigation into the cases involving atrocities against Scheduled Castes/Scheduled Tribes, particularly in sensitive districts, special investigation cells may be created at the circle/district level.
- (vii) Government should pursue the cases in the Courts diligently and every effort should be made to have these cases heard by the Courts on a day-to-day basis as in Session trials to ensure that such cases are disposed of quickly.
- (viii) Several atrocities against Scheduled Castes and Scheduled Tribes arise from land disputes. Methods must, therefore, be found for securing speedy disposal of land cases. Similarly, cases pertaining to land disputes pending in various courts should be followed-up expeditiously.
- (ix) Generally, the responsibility for investigation of cases of atrocity should vest in the normal police machinery and should be closely supervised by the Vigilance and Monitoring Committee, under the Chairmanship of District Magistrate.

- (x) In suitable cases, the Committee should have the authority to recommend proceeding against a public servant for wilful neglect of his duties as prescribed under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. In such cases, in particular, the investigation of the case may be entrusted to an investigating agency, other than the district police, such as Vigilance Bureau, Anti-Corruption Branch, State CID etc. So as to inspire confidence that the guilty shall not be shielded.
- (xi) A separate panel of prosecutors may be appointed by the State Government for prosecuting such cases.

Recommendation No. 13 Para 2.19

The Committee also note that even after the promulgation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the position has become no better as has been evident from the number of crimes committed against Scheduled Castes and Scheduled Tribes in different States during the years 1990 and 1991.

Reply of Government (MoW)

Ministry of Welfare agrees with the remarks made in report in paras 2.1 to 2.5 in Chapter-II of the report. The monitoring of the implementation has since been stepped up to ensure timely action in atrocity cases and also for taking pre-emptive action by law & order agencies.

[M/Welfare O.M. No. 13016/2/93-PCR (DESK) Dated 22-12-1993.]

Recommendation No. 14 Para 2.20

The Committee, therefore, recommend that the decisions taken at the Chief Ministers' Conference of 1991 for curbing atrocity cases should be strictly followed by the State Governments. They would like to emphasise that more communication of the instruction by the Central Government would serve no purpose unless and until checks are devised for proper control and thorough monitoring to see to it that these orders/instructions are actually implemented by the State Governments in letter and spirit.

Reply of Government

The recommendations made in the 1991 Conference of Chief Ministers held on October 4-5, 1991 have been regularly followed up by the Ministry of Welfare with State Govts.

[M/Welfare: O.M. No. 13016/2/93-PCR (DESK) Dt. 22-12-1993.]

Recommendation Sl. No. 14 Para 2.20

The Committee recommend that the decisions taken at the Chief Ministers Conference of 1991 for curbing atrocity cases should be strictly followed by the State Governments. They would like to emphasise that mere communication of the instructions by the Central Government would serve no purpose unless and until checks are devised for proper control

and thorough monitoring to see to it that these orders/Instructions are actually implemented by the State Governments in letter and spirit.

Reply of Government (MoW)

The recommendations made in the 1991 Conference of Chief Ministers held on October 4-5, 1991 have been regularly followed up by the Ministry of Welfare with State Governments.

While efforts are being made to ensure that State Governments comply with the recommendations of the Conference, there are obviously constraints in devising checks for proper control by the Central Government of subjects which are in the State list.

Recommendation No. 15 Para 2.21

Taking into consideration the reply of the Government that it is natural that a society which has been subjected to socio-economic disabilities and oppression for a long time would resist any change, the Committee would like to recommend that this very change comprising the socio-economic and educational development of Scheduled Castes and Scheduled Tribes should be accelerated at such a pace that these people need not wait for another century to get rid of the socio-economic disparity.

Reply of Government (MoW)

With a view to providing impetus to the socio-economic development of Scheduled Castes and Scheduled Tribes, the Ministry of Welfare has been constantly stepping up Special Central Assistance for the implementation of Special Component Plan and Tribal Sub-Plan as well as schemes under Central Sector. Centrally Sponsored Programmes have also been given massive support, as borne out of the information given below:-

(Rs. in Lakhs)

SCHEME	1991-92	1992-93	1993-94
A. Special Central Assistance for Special Component Plan for Scheduled Castes	28896	24800	24700
B. Special Central Assistance for Tribal Sub-Plan	25000	25000	27500
C. Central/Centrally Sponsored Schemes			
SCHEDULED CASTES DIVISION			
1. Post Matric Scholarship to SC/ST students	4000	4600	7240
2. Pre-matric scholarship to the children of those engaged in unclean occupations.	400	1100	1400
3. Book banks for SC/ST students studying in medical and engineering and other professional colleges	500	500	560
4. Girls Hostels for SCs	800	533	600
5. Boys Hostels for SCs	2002	500	600
6. Coaching & Allied Scheme	175	175	200
7. Aid to voluntary organisations	246	456	650
8. Research & Training	010	80	80

(Rs. in Lakhs)

SCHEME	1991-92	1992-93	1993-94
9. PCR Act, 1955 and SC/ST (Prevention of Atrocities) Act, 1989	609	550	650
10. Liberation and rehabilitation of scavengers and their dependents	5050	6000	7320
11. Contribution to share capital and matching assistance to State Scheduled Castes Development Corporations.	2746	2000	2200
12. Contribution towards authorised share capital of National Scheduled Castes and Scheduled Tribes Finance and Development Corporation.	—	—	2100
SCHEDULED TRIBES DIVISION			
13. Girls Hostels for STs	400	250	300
14. Boys Hostels for STs	267	267	300
15. Ashram Schools for STs	200	200	250
16. Aid voluntary organisations (ST)	225	320	400
17. Research and Training	120	120	120
18. Development of oil seeds and oil of the tree and forest origin	150	150	—
19. Tribal Cooperative Marketing Development Federation of India Ltd. (TRIFED) (Grant-in-aid, Price support towards investment)	800	850	800
20. Grant-in aid to State Tribal Development Cooperative Corporations	Nil	200	350
21. Vocational Training in tribal areas	Nil	100	190
22. Education of tribal girls in low literacy pockets	—	—	600

[M/Welfare O.M. No. 13016/2/93-PCR (DESK) Dated: 22-12-1993.]

Recommendation No. 16 Para 2.22

Erring police officials who harass the Scheduled Castes and Scheduled Tribes by booking false cases against them should be taken to task and given deterrent punishment.

Reply of Government (MHA)

Since 'Police' is a State subject, punitive action in respect of delinquent officials is to be taken by the concerned State Governments. However, the Home Minister had written to the Chief Ministers of various States in a D.O. letter dated 10 March 1980 and reiterated in a letter dated 15 April 1985 suggesting in the ACR of District Collector/District Magistrate/Deputy Commissioner and Superintendent of Police, a separate column should be opened on "Effectiveness in the development and protection of Scheduled Castes". Under this head, there should be specific comments with regard to, *inter alia*, attitude towards Scheduled Castes, sensitivity to social justice, ability to take quick and effective action to prevent and quell atrocities. Any failure to undertake prompt and efficient action or exercise adequate supervision whether at the preventive stage or the punitive stage

or the rehabilitative stage should be regarded as a grave dereliction of duty on the part of the officer and entered in the ACR, apart from taking appropriate disciplinary action. The incentive-cum-disincentive system should operate in such a manner that officers should perceive the career of those who do their duty to the Scheduled Castes in an exemplary manner advancing rapidly and the careers of those who fail this receiving a significant setback.

Recommendation No. 20 Para No. 3.6

The Committee observe that social discrimination, economic exploitation and educational backwardness are the three root causes for untouchability being practised against Scheduled Castes in the Country. They are distressed to note that even after strengthening the PCR Act, 1955 and introducing the Prevention of Atrocities Act, 1989 for making punishment more stringent the Government of India has not been successful in eradicating fully this evil practice.

Reply of Government (MoW)

Ministry of Welfare shares its concern with the observation made by the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes that "Government of India has not been successful in eradicating fully this evil practice" (untouchability). Observation of the Parliamentary Committee appearing in Para 3.2 of the report that "there is a close nexus between the economic condition on one hand and the social and civil disability to which the Scheduled Castes are subjected to on the other", is very much relevant. The Scheduled Castes and Scheduled Tribes are still living much below the poverty line as compared to general population in the country.

Percentage of population below poverty line in 1983-84

	SC	ST	All population
Rural	58.40	53.10	40.40
Urban	39.90	40.40	28.10

The Government of India have been making massive efforts to alleviate the povety of the SC/ST population among others so that they are not subjected to the practice of untouchability.

[M/Welfare O.M. No. 13016/2/93-PCR (DESK) Dated: 22.12.1993]

Recommendation No. 21 Para 3.7

Although the Government have expressed their determination to put an end to untouchability and other social crimes, the Committee feel that the socio-economic and educational development programmes aimed towards the overall upliftment of Scheduled Castes have not achieved the desired

result as is evident from the fact that a large section of these people are still social out caste, much below the poverty line as well as illiterates. The Committee realise that this untouchability which has its roots from some hundreds and thousands years ago can ever be driven away from the Indian society overnight. But taking into consideration the efforts made by the Central as well as State Governments, the Committee are constrained to observe that there is no marked improvement in eradicating this evil practice.

Reply of Government (MoW)

Although practice of untouchability still continues in one form or the other in many parts of the country, it is true that it has not been totally eradicated from our society. However, Ministry of Welfare does not fully agree with remark of the Parliamentary Committee that "there is no marked improvement in eradicating this evil practice".

Data on the implementation of the PCR Act, 1955 for the past two years show that there has been decline in the registration of cases under the PCR Act, as Under:—

Calendar Year	No. of cases registered under PCR Act, 1955
1990	3730
1991	3406

Report on the "Problem of Untouchability" brought out by the National Commission for Scheduled Castes and Scheduled Tribes in 1989 also corroborated this feature in the following manner-

"It was, however, found that there was decline in the intensity of the problem in some of the rural pockets mainly because of gradual awareness amongst the Scheduled Castes, particularly the younger generation, about their rights and privileges. This phenomenon may also be attributed to the spread of education and gradual improvement in their general economic condition as a result of various welfare measures adopted by the Government. Another revelation was that untouchability(...) in urban and semi-urban area was on the wane in Karnataka and Tamil Nadu (Reference Chapter-VI Page 23, Para 6.3 of the Report.)

[M/Welfare O.M. No. 13016/2/93-PCR (DESK) Dated: 22.12.1993]

Recommendation No. 27 Para 4.35

However, the Committee are deeply concerned with the casual reply of the Government that the Government can not comment whether there is a decline in the number of acquittals after initiating the scheme of compensating the financial loss of the witnesses appearing before the Court of Law. They are also sorry to note that even if a fair amount of money has been granted by the Central Government towards compensating the

loss of daily wages of the witnesses, the States do not take adequate interests.

Reply of Government (MoW)

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been made operative w.e.f. 30th Jan, 1990, and it is too early to assess the trend of decline of cases ended in acquittals during 1990, 1991 and 1992, in pursuance of the provision under Section 21 (2)ii of the Act. Such a phenomenon can be studied only after the provisions of Act have been fully made known to the prosecution staff, and the rules towards payment of travelling and maintenance expenses have been modified by the Department of Law or authorised Department in each State.

The State Government have already been requested by the Ministry of Welfare to send proposal for seeking financial assistance during 1993-94.

[M/Welfare O.M. No. 13016/2/93-PCR (DESK) Dated: 22.12.1993]

Recommendation No. 32 Para 4.40

The committee also feel that it has become a habit with the Central Government to pass-on the responsibility to the State Government every now and then as has been observed during the course of evidence.

Reply of Government (MoW)

Ministry of Welfare do not fully agree with the observation made by the Committee. In fact in specific cases of major incidents of atrocity and in all cases referred to by the VIPs the Ministry of Welfare regularly pursue the cases with the State at appropriate levels and remedial measures are timely ensured.

[M/Welfare O.M. No. 13016/2/93-PCR (DESK) Dated: 22.12.1993]

Recommendation Sl. No. 37 Para 4.45

The Committee specifically emphasise that a provision for completing the investigation within a stipulated time on the line of suggestions made by the then Home Ministers in 1980 and 1985 be made in the Cr. P.C. and utmost care should be taken to see to it that persons of proven integrity and impartiality be appointed in the Directorate of Prosecution. The Committee feel that if impartial officers carry out and complete the investigation within a fixed time limit, not only large acquittals can be checked but also pending cases can be expeditiously disposed off.

Reply of Government (MHA)

Action to be taken by the State Governments. They are being advised accordingly.

Recommendation No. 43 Para 5.22

The Committee are also unhappy to note that although the Chief Ministers conference recommended for appointment of one Joint Collector in each of the atrocity-prone areas/Districts no State except Andhra Pradesh has appointed them. The Committee are surprised to note that the State Governments are not adhering to their own suggestions.

Reply of Government (MoW)

Ministry of Welfare will liaise with the Ministry of Home Affairs to pursue with States, (other than Andhra Pradesh) the recommendation of the Chief Ministers Conference, about appointing a Joint/Addl. Collector in each of the atrocity prone districts. The Ministry of Welfare also will write to the States Govts. to do the needful in this regard.

[M/Welfare O.M. No. 13016/2/93-PCR (DESK) Dated: 22.12.1993]

Recommendation No. 44 Para 5.23

They, therefore, recommend that side by side with identifying the sensitive Districts/areas in States and Union Territories and appointing SC/ST officers to important posts, a comprehensive study should be made by the Central Government to see to it that how far the state Governments are implementing it in letter and spirit. Needless to stress that checks should be devised to make it compulsory on the part of the State Government from time to time.

Reply of Government (MoW)

M/O Welfare agree with the suggestion. Ministry of Welfare will soon include the undermentioned two studies in their annual plan of research projects—

- (i) A study to identify sensitive and atrocity prone districts (in which SC/ST become victims at the hands of non SCs and non STs) in the country and to suggest measures to prevent such incidents.
- (ii) A study to assess the implementation of guidelines issued by the Government of India to States to check atrocities against Scheduled Castes and Scheduled Tribes.

[M/Welfare O.M. No. 13016/2/93-PCR (DESK) Dated: 22.12.1993]

Recommendation Sl. No. 44 Para 5.23

Side by side with identifying the sensitive districts/areas in States/U.T.s and appointing SC/ST officers to important posts a comprehensive study should be made by the Central Government to see to it that how far the State Government are implementing it in letter and spirit. Needless to stress that checks should be devised to make it compulsory on the part of the State Governments to adhere to the guidelines issued by the Central Government from time to time.

Reply of Government (MHA)

Information in this regard is being collected from the State Governments.

Recommendation No. 45 Para 5.24

In the light of recommendations/suggestions made in the Chief Ministers Conference the Committee would also like to recommend that a post of Additional District Magistrate/Joint Collector for SCs/STs should be created in the sensitive Districts in various States as has been done by Andhra Pradesh. Besides a vigilance and monitoring Committee comprising the DM, SP and District Welfare Officers should be set up and should include ADM-SC/ST whenever applicable, as suggested by the Chief Ministers Conference.

Reply of Government (MoW)

(a) Recommendation on—

Posting of Additional Collector in sensitive districts-Reply furnished as at Recommendation No. 28 (Para 5.22).

(b) Recommendation on setting up of a Vigilance and Monitoring committee in sensitive districts—

Such a provision already exists in section 21(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. However, the States/UTs will be asked to send details in this regard. District level Committee under the Protection of Civil Rights Act, 1955 are already functioning in untouchability prone districts.

[M/Welfare O.M.No. 13016/2/93-PCR(DESK) Dated: 22-12-1993.]

Reply of Government (MHA)

This recommendation along with other recommendations of the Conference of Chief Ministers has been forwarded to the State Governments for implementation and follow up action is being taken.

Recommendation No. 49 Para 5.28

The Committee note with dismay that there is nothing special about the Special Courts i.e. they do not have their own Prosecutor, Police etc. to deal with atrocities at a faster rate. They are also sorry to note the feelings prevalent with the officers posted in Special Cells/Courts that they are being demoted.

Reply of Government (MoW)

Ministry of Welfare do not agree with the observation made in the report of the Committee about the Special Courts set up in States/as they consider that it is too early to reach any conclusion on the functioning of

these Special Courts. Special Courts set up under the SCs/STs (Prevention of Atrocities) Act, 1989 is described as under:—

A. Andhra Pradesh

1. Guntur
2. Chittoor
3. Mahabub Nagar

B. Rajasthan

1. Jaipur
2. Ajmer
3. Udaipur
4. Jodhpur
5. Kota
6. Bikaner
7. Merta
8. Pali
9. Pratapgarh
10. Alwar

Matching Grant has also been provided to the State Govt. of Rajasthan for starting the following Six additional Special Courts during 1993-94.

1. Tonk
2. Ganganagar
3. Baran
4. Sawaimadhopur
5. Dausa; and
6. Jhalawar.

[M/o Welfare O.M.No. 13016/2/93-PCR(DESK) Dated 22-12-1993.]

Recommendation No. 51 Para 5.30

As suggested by the representative of the Ministry of Welfare a Special Court should be set up at the place of occurrence of atrocities as has happened in the case of Tsundur (A.P.) The Committee would like to specifically pinpoint Kumher (Rajasthan) where a special court with its own independent staff to deliver justice to the aggrieved lot is badly needed.

Reply of Government (MoW)

Matter regarding setting up of Special Courts for cases like Tsundur (A.P.) and Kumher (Rajasthan) has been taken up with respective States.

[M/o Welfare O.M.No. 13016/2/93-PCR(DESK) Dated: 22-12-1993.]

As suggested by the representative of the Ministry of Welfare, a Special Court should be set up at the place of occurrence of atrocities as has happened in the case of Tsundur. The Committee would like to specifically pinpoint Kumher (Rajasthan) where a Special Court with its own independent staff to deliver justice to the aggrieved lot is badly needed.

Reply of Government (MHA)

The State Governments are being advised accordingly.

Recommendation No. 53 Para 5.32

They would stress that the Special Court/Special Cells should have their own Prosecutor, Police Personnel and other Officials so appointed to tackle and dispose of the atrocity cases independently and with a deterrent rapidity.

Reply of Government (MoW)

The recommendation will be brought to the notice of all the State Governments/UT Administrations for taking appropriate action.

[M/o Welfare O.M.No.13016/2/93-PCR(DESK) Dated: 22-12-1993]

Special courts should have their own prosecutor, police personnel and other officials so appointed to tackle and dispose of the atrocity cases independently and with a deterrent rapidity.

Reply of Government (MHA)

Action is to be taken by the State Government. They are being advised accordingly.

Recommendation No. 55 Para 5.34

They would also like to recommend that instead of a Joint Secretary or Deputy Secretary, a DIG alongwith a District Magistrate should be attached with the Secretary, Ministry of Welfare to monitor the aftermath of the atrocity cases, for in their opinion it would have a long lasting and greater impact upon both the culprits and the victims.

Reply of Government (MoW)

Ministry of Welfare will take up the issue of creating a post of D.G. Police (instead of a D.I.G.) and an officer of the rank of Director (who has held charge of District Magistrate in one of the atrocity prone districts), with the Ministry of Home Affairs and also with the Cabinet Secretariat. With the posting of these officers, Atrocity Monitoring Cell in the Government of India would get strengthened.

[M/o Welfare O.M.No.13016/2/93-PCR(DESK) Dated: 22-12-1993]

Reply of Government (MHA)

Action is to be taken by the Ministry of Welfare.

CHAPTER IV

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

Recommendation No. 46 Para 5.25

The Committee observe from the written replies furnished to them that as a result of the suggestion made by the Ministry of Welfare 57 Special Courts/Special Mobile Courts have been set up in various States and Union Territories. But during evidence it was stated that only two States i.e. Andhra Pradesh and Rajasthan had set up three to six such courts from where judgement was yet to be delivered.

Reply of Government (MoW)

The factual position with regard to "Special Courts" is as under:—

(A) Under the PCR Act, 1955	Number of
Name of State	Special Courts
1. Andhra Pradesh	22
2. Bihar	4
3. Madhya Pradesh	4
4. Karnataka	2
5. Rajasthan	6
6. Tamil Nadu	4

(B) Under the SCs & STs (POA) Act 1989.

(i) Exclusive Special Courts:—

1. Andhra Pradesh	1. Guntur
	2. Chittoor
	3. Mahabub Nagar
2. Rajasthan	1. Jaipur
	2. Kota
	3. Udaipur
	4. Jodhpur
	5. Bikaner
	6. Ajmer
	7. Merta
	8. Pali
	9. Pratapgarh
	10. Alwar

In other Districts of the States, the existing Distt. & Session Courts have been specified as Special Courts.

(ii) States of Arunachal Pradesh, Mizoram & Nagaland do not feel necessary to specify Special Courts as the cases of atrocities reported in these States are negligible.

(iii) All other States/UTs have specified existing Distt. & Sessions Courts as Special Courts.

[M/o Welfare O.M. No. 13016/2/93-PCR (DESK) Dated: 22-12-1993.]

Comments of the Committee

Please see Para No. 1.6 of Chapter-I.

Recommendation No. 47 Para 5.26

The Committee also note that Special Cells/Harijan Thanas for detection and disposal of offences under the PCR Act have been set up in various States/Union Territories. They also note that officers of the Ministry of Welfare sometimes visit the Cells for providing necessary guidance for their smooth functioning but specific details relating to the visit of the Officers to special cells are not available with the Ministry.

Reply of Government (MoW)

After the visits are held, the officers concerned in the Welfare Ministry report to their seniors and remedial measures are taken on their observations. Taking into consideration the keenness expressed by the Committee, the Welfare Ministry proposes to issue instructions to all the officers to submit a note in writing on their visit to States' Special Cells.

[M/o Welfare O.M. No. 13016/2/93-PCR(DESK) Dated: 22-12-1993.]

Comments of the Committee

Please see Para No. 1.9 of Chapter I.

Recommendation No. 48 Para 5.27

The Committee appreciate the suggestions made in the Chief Ministers Conference that Special Courts to deal with and dispose of atrocity cases on a priority basis should be set up in all the States. But they are apprehensive that the Chief Ministers are not showing any respect to their own suggestions/recommendations.

Reply of Government (MoW)

All the States/UTs have been requested to send proposals for setting up of Special Courts under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, during 1993-94.

[M/o Welfare O.M. No. 13016/2/93-PCR(DESK) Dated: 22-12-1993.]

Comments of the Committee

Please see Para No. 1.6 of Chapter I.

Recommendation No. 50, Para 5.29

The Committee, therefore, recommend that Special Courts as suggested by the Chief Ministers Conference and as set up by Andhra Pradesh and Rajasthan should also be set up in other States and Union Territories to exclusively deal with and expeditiously dispose of atrocity cases. They are dissatisfied with the contradictory statements made by the Ministry of Welfare regarding the number of Special Courts set up in various States/UTs. They, however, agree with both the Ministries that non-setting up of Special Courts is one of the foremost reasons for pendency of a large number of cases in various States.

Reply of Government (MoW)

As regards the number of Special Courts set up in various States/UTs the position has been clarified in reply to recommendation No. 31, Para 5.25.

As regards non-setting up of Special Courts by other States/UTs, comments have already been offered by the Ministry of Welfare while furnishing reply to recommendation No. 33, Para 5.27.

[M/o Welfare O.M. No. 13016/2/93-PCR(DESK) Dated: 22-12-1993.]

Reply of Government (MHA)

Action in this regard is to be taken by the State Governments. However, the Ministry of Welfare is implementing a scheme to assist State Governments in setting up exclusive special Courts.

Comments of the Committee

Please see Para No. 1.6 of Chapter I.

Recommendation No. 52, Para 5.31

The Committee would also like the Ministry to keep a detailed record of the visit of its officers to different States, periodicity of such visits, suggestions made for smooth functioning of cells and other matters relating there to so that the very purpose of the visit is not defeated.

Reply of Government (MoW)

Reply has been furnished while submitting comments to recommendation No. 32, Para 5.26.

[M/o Welfare O.M. No. 13016/2/93-PCR(DESK) Dated: 22-12-1993.]

Comments of the Committee

Please see Para No. 1.9 of Chapter I.

Recommendation Sl. No. 54, Para 5.33

The Committee emphatically recommend that with a view to removing the antagonistic feelings of the officers posted in the Special Cells that they are demoted, efforts should be made by both the Central and State Governments to see to it that these officers are suitably rewarded in their honest efforts.

Reply of the Government (MHA)

Action to be taken by the State Governments.

Comments of the Committee

Please see Para No. 1.12 of Chapter I.

CHAPTER V

RECOMMENDATIONS/OBSERVATIONS IN RESPECT OF WHICH FINAL REPLIES HAVE NOT BEEN RECEIVED.

Recommendation No. 1, Para 1.19

The Committee regret to note the self-contradictory statements made by the Ministry of Welfare, on one hand they are saying that work allocation amongst different Ministries does not have any bearing upon the functioning of a particular Ministry and on the other they opine that the Ministry of Home Affairs equipped with infrastructural abilities can better deal with cases of atrocities.

Reply of Government (MoW)

The subject is being considered by a Group of Ministers.

[M/o Welfare O.M. No. 13016/2/93-PCR (DESK) Dated: 22.12.93]

Comments of the Committee

Please see Para No. 1.16 of Chapter I.

Recommendation No. 5, Para 1.23

They also feel that very purpose for which the Ministry of Welfare was created has been defeated as has been evident from the fact that they have not paid adequate attention, leave apart a concentrated one, to the atrocity monitoring work and thereby could not bring succour and justice to the affected lot. No wonder, the achievement and performance on the part of the Ministry so far as atrocities on Scheduled Castes and Scheduled Tribes are concerned has been painstakingly unsatisfactory.

Reply of Government (MoW)

PCR (Desk) in the Ministry of Welfare is headed by an Officer of the rank of Joint Secretary, who is assisted by a Director, an Assistant Director and a Desk Officer. PCR Desk looks after work relating to the implementation of PCR Act and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Besides, a "Control Room" has been functioning in the Ministry w.e.f. 15.10.91. The Control Room is linked to NICNET, STD and FAX facility. But only a few districts falling in Maharashtra, Uttar Pradesh, Karnataka and Madhya Pradesh have been sending messages to M/O Welfare's Control Room about atrocities. The State Governments do not supply timely information/report, nor they ensure timely action against the accused of atrocities. The States have also not set up Special Courts. It is a fact that the subjects of police and Centre State relations being under the control of Home Ministry, the State Governments do pay scant attention to the implementation of the PCR

and Atrocities Acts which are within the domain of M/O Welfare. But if the M/O Welfare is empowered in regard to the control of police in charge of PCR & Atrocities Acts' Administration and also in regard to the administration of other relevant criminal laws relating to offences against SC & ST it would be in a position to implement these Acts effectively.

[M/o Welfare O.M. No. 13016/2/93-PCR (DESK) Dt.: 22.12.1993]

Comments of the Committee

Please see Para No. 1.16 of Chapter I.

Recommendation Sl. No. 6, Para 1.24

Taking into account all the above factors, the Committee therefore strongly recommend that the subject of atrocities should again be entrusted with the Ministry of Home Affairs for they are of the opinion that with the man machine and other facilities at their command, this Ministry cannot only take adequate precautionary and preventive measures in checking atrocities from being committed upon Scheduled Castes but also effectively maintain the law and order problems during its aftermath. They feel an urgent need of distinguishing this specialised crime from other general crimes with a view to dealing with it in a concentrated attention and a firm hand which the Ministry of Home Affairs only can do. Since this Ministry maintains the Service Records of all I.P.S. officers in the country besides sending them for training abroad and foreign deputation of the Police Force, the Committee feel that the law and order aspects of atrocities can better be handled by the Ministry of Home Affairs.

Reply of Government (MHA)

A Group of Ministers is at present examining the issue of which Ministry should be responsible for dealing with the subject of atrocities against Scheduled Castes and Scheduled Tribes. Since 'Police' is a State subject, the responsibility for registration, investigation, detection, prosecution and prevention of crimes against SCs/STs is that of the State Police Forces. The role of the Ministry of Home Affairs in this regard is merely advisory. The reference to the man machines and all other facilities in the Committee's recommendation gives the impression that the Ministry has unlimited resources and powers available. In fact, this is not the case since the State Police Forces are not at the disposal of the Ministry of Home Affairs. If the reference is to the Central Para-military Organisations which are under the Ministry of Home Affairs, it may be noted that these are involved in security operations and not in prevention of crimes. The fact that the Ministry of Home Affairs maintains the Service Records of IPS

officers and sends them on training abroad has little or no relevance to the Ministry which should be responsible for handling the subject, because IPS officers form only a small fraction of the total police strength. The police personnel who are in daily contact with the public and who are at the cutting edge of police administration, do not belong to the IPS. The Ministry of Welfare was created because it was felt that the Ministry of Home Affairs could not devote the special attention to subject required. The decision was arrived at after careful consideration and after taking into account all relevant factors and constraints.

Comments of the Committee

Please See Para No. 1.16 of Chapter I.

Recommendation No. 7, Para 1.25

The Committee also recommend that along with the prosecuting power some developmental aspects involving financial assistance relating to the law and order problems of atrocities should also be entrusted with the Ministry of Home Affairs so that it could function more effectively. Besides the trained staff who had earlier been transferred from the Ministry of Home Affairs should be brought back to it that no inconvenience and delay is caused while dealing with cases of atrocities.

Reply of Government (MoW)

The subject matter is under consideration of a Group of Ministers.

[M/o Welfare O.M. No. 13016/2/93-PCR (DESK) Dt. 22-12-1993]

Reply of Government (MHA)

If it is finally decided that the Ministry of Home Affairs should handle the subject of atrocities against Scheduled Castes and Scheduled Tribes, then the staff who were transferred to the Ministry of Welfare as well as the additional staff and posts created since then for dealing with the subject should be transferred back to the Ministry of Home Affairs.

Comments of the Committee

Please see Para No. 1.16 of Chapter I.

Recommendation No. 8, Para 1.26

With a view to not undermining the responsibility of the Ministry of Welfare, the Committee also desire that while the entire criminal aspect of atrocities concerned would be handled by the Ministry of Home Affairs, the rehabilitation and other welfare measures be entrusted with the Ministry of Welfare. Regular communication, close consultation and proper co-ordination between the two Ministries for monitoring atrocity issues would surely be more meaningful.

Reply of Government (MoW)

The subject matter is under consideration of a Group of Ministers.

{M/Welfare O.M. No. 13016/2/93-PCR (DESK) Dt. 22-12-1993}

Reply of Government (MHA)

Atrocities against members of the Scheduled Castes and Scheduled Castes and Scheduled Tribes are a direct result of their weak social and economic status in society. The National Commission for Scheduled Castes and Scheduled Tribes had in fact identified disputes over land as the single most important reason for atrocities against Scheduled Castes and Scheduled Tribes. Prevention of such atrocities involves a package of economic and social welfare measures, including effective implementation of land reforms, education, and employment-generation schemes for youth belonging to the Scheduled Castes and Scheduled Tribes. In fact, one of the measures of the effectiveness of the welfare schemes which are being implemented by the Ministry of Welfare should be the impact on reduction in atrocities against Scheduled Castes and Scheduled Tribes. The argument that since the Police are responsible for prevention of crimes, they are also responsible for prevention of atrocities against Scheduled Castes and Scheduled Tribes ignores the root causes of the problem and the remedies that follow therefrom. Similarly, the distinction that is sought to be made between the criminal aspect on the one hand and the welfare and policy aspect on the other is not justified. The problem of atrocities against Scheduled Castes and Scheduled Tribes has to be looked at in its totality and it has, to be recognised that the criminal aspect is only a manifestation of the deeper social and economic aspects. In view of the above reasons, it is imperative that both the criminal as well as the developmental aspects are dealt with by a single Ministry. Duality of responsibility between the Ministry of Home Affairs and the Ministry of Welfare with regard to matters relating to SCs/STs would render the efforts to improve the lot of persons belonging to the Scheduled Castes and Scheduled Tribes infructuous. It would be unrealistic to expect the Ministry of Home Affairs to enforce the law effectively if it is also not responsible for development schemes for the upliftment of Scheduled Castes and Scheduled Tribes.

Comments of the Committee

Please see Para No. 1.16 of Chapter I.

Recommendation No. 9, Para 1.27

Therefore, as assured by the Home Secretary and as suggested by the Welfare Secretary during evidence, the Ministry of Home Affairs should be made the nodal Ministry for the subject of 'atrocities' as soon as possible in order to clear the confusion once for all. The Committee would also like to be apprised of the progress made in this regard within three months.

Due to the day-to-day economic condition of the Tribal people, the Committee would also like to recommend that the Tribal Development Division should be transferred to the Ministry of Home Affairs as was the practice before for better implementation of tribal development programmes.

Reply of Government (MoW)

With regard to sub-para of para 1.27, the Ministry of Welfare has to remark that issuance of inter-Ministry rules of business is the prerogative of the Cabinet Secretariat.

Recommendation contained in sub-para 1 above is under consideration of the Group of Ministers. The decision on this issue will help the Government to take a view on the recommendation contained in sub-para 2.

[M/Welfare O.M. No. 13016/2/93-PCR (DESK) Dt. 22.12.1993]

Reply of Government (MHA)

This subject is at present being considered by a group of Ministers.

Comments of the Committee

Please see Para No. 1.16 of Chapter I.

Recommendation Sl. No. 10, Para 1.28

Due to the day to day deteriorating economic condition of the Tribal Development Division, the Committee would also like to recommend that the Tribal Development Division should be transferred to the Ministry of Home Affairs as was the practice before for better implementation of tribal development programmes.

Reply of Government (MHA)

If the Tribal Development Division is to be transferred to the Ministry of Home Affairs, there is no reason why the subject of development and welfare of Scheduled Castes should not also be transferred along with the staff dealing with such matters.

Comments of the Committee

Please see Para No. 1.16 of Chapter I.

Recommendation No. 18, Para 2.24

The Committee are of the view that the failure on the part of the Government to check atrocities even after implementation the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is mainly due to the fact that this Act which has been interwoven with maintenance of law and order situation is ironically administered by the Ministry of Welfare which obviously encounter enormous constraints in properly implementing it. With a view to checking the necessary growth of atrocity cases in various States this Act should be administered by the Ministry of Home Affairs as recommended by the Committee at Para 1.27

of Chapter as the Ministry of Home Affairs has better relation with State Police than the Welfare Ministry.

Reply of Government (MoW)

Ministry of Welfare agrees with the recommendation and do not intend to offer any comments further beyond what is replied to Recommendation No. 6 Para No. 1.27.

The Ministry of Welfare can implement the Act in case the machinery entrusted with the task of checking atrocities is placed under it squarely. Nevertheless the entire matter is under the consideration of the Group of Ministers as already stated earlier.

[M/Welfare O.M.No. 13016/2/93-PCR(DESK) Dated: 22.12.1993]

Comments of the Committee

Please see Para No. 1.16 of Chapter I.

Recommendation No. 23, para 3.9

The Committee recommend that side by side with the introduction and implementation of the welfare measures, the Central Government should see to the actual progress made by the Central Government in this regard. They feel that without the zealous cooperation between the Central and State Governments and thorough monitoring of the proper implementation of schemes devised by the Central Government, it would not be feasible to do away with the socio-economic disabilities and educational backwardness of Scheduled Castes.

Reply of Government

The responsibility for proper implementation of schemes for welfare of Scheduled Castes and Scheduled Tribes is currently with the Ministry of Welfare.

Recommendation No. 31 Para 4.39

The Committee are shocked to note the observation of the Secretary, Ministry of Welfare that in some cases, especially in Kumher (Rajasthan), atrocities were perpetrated upon Scheduled Castes and Scheduled Tribes with full knowledge of the higher authorities including the District Magistrate, the D.I.G. and the S.P. They are also surprised to note that the people appointed in the Directorate of Prosecution are generally a condemned lot.

Reply of Government (MoW)

The State Government of Rajasthan has been requested wide letter dt. 14.6.93 to furnish information on the latest situation of the case. A reply from them is awaited.

[M/Welfare O.M. No. 13016/2/93-PCR(DESK) Dated: 22.12.1993]

Comments of the Committee

Please see para No. 1.23 of Chapter I.

Recommendation No. 34 Para 4.42

The Committee would like to emphasise that the criminal court should keep a register showing the number of witnesses summoned on a particular date, the number of witnesses examined, the number of witnesses sent back, the reasons for sending them back without examination and other details relating thereto so that large number of acquittals can be checked and pending cases are disposed of expeditiously. They hope, as assured during evidence, that the matter would be expedited in the Steering Committee meeting of the Chief Ministers.

Reply of Government (MoW)

Ministry of Welfare will liaise on the issue with the Ministry of Home Affairs and State Govts.

[M/Welfare O.M. No. 13016/2/93-PCR (DESK) Dated: 22.12.1993]

Reply of Government (MHA)

Instructions in this regard are being issued by the Judicial Division of this Ministry.

Comments of the Committee

Please see para No. 1.27 of Chapter—I

Recommendation No. 35 Para 4.43

The Committee also urge the Central Government to expedite the proposed amendment of Section 377 of the Cr. P.C. whereby appeals against acquittals of accused persons can be made to Sessions Judges, instead of the High Court as at present, thus saving affected SCs and STs from unnecessary expenditure and trouble.

Reply of Government (MHA)

The matter is being examined by the Judicial Division of this Ministry.

Comments of the Committee

Please see Para No. 1.20 of Chapter I.

Recommendation No. 40 Para 4.48

With a view to avoiding another Kumher carnage where innocents were massacred with the connivance, direct or indirect, of the custodians of law and order, as has been confessed by the representative of the Ministry of Welfare before the Committee during evidence, the Committee would urge upon the Central Government to take stern steps against the erring officers besides finding out the main culprits so that such condemnable and despicable incidents are not allowed to happen in future.

Reply of the Government (MoW)

In regard to taking stern steps against erring officers and finding out the main culprits in Kumer case of Rajasthan, Welfare Ministry is seized of their responsibility and the case is being regularly monitored with the State Government.

[M/Welfare O.M. No. 13016/2/93-PCR (DESK) Dated 22.12.1993]

Reply of Government (MHA)

Since 'Police' is a State subject, the Central Government cannot directly take action against delinquent officials or *suo motu* direct the Central Bureau of Investigation to take over investigation of crimes including crimes against Scheduled Castes and Scheduled Tribes.

Comments of the Committee

Please see para No. 1.27 of Chapter I.

NEW DELHI;
April 20, 1995

Chaitra 30, 1917 (S)

PARASRAM BHARDWAJ,
Chairman,

Committee on the Welfare of
Scheduled Castes and Scheduled Tribes.

APPENDIX

(Vide para 4 of the Introduction)

ANALYSIS OF THE ACTION TAKEN BY GOVERNMENT ON RECOMMENDATIONS CONTAINED IN THE 23RD REPORT (TENTH LOK SABHA) OF THE COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES

1. Total number of recommendations	55
2. Recommendations/observations that have been accepted by Government (<i>vide</i> recommendations at Sl. Nos. 17, 19, 22, 23, 24, 25, 26, 33, 36, 38, 39, 41 & 42)	
Number	13
Percentage to total	23.6%
3. Recommendations/observations which the Committee do not desire to pursue in view of the Government replies (<i>vide</i> recommendations at Sl. Nos. 2, 3, 4, 11, 12, 13, 14, 15, 16, 20, 21, 27, 29, 30, 32, 37, 43, 44, 45, 49, 51, 53, 55)	
Number	23
Percentage to total	41.8%
4. Recommendations/observations in respect of which replies of Government have not been accepted by the Committee which require reiteration (<i>vide</i> recommendations at Sl. Nos. 46, 47, 48, 50, 52, 54)	
Number	6
Percentage to total	10.9%
5. Recommendations/observations in respect of which final replies of Government have not been received (<i>vide</i> recommendations at Sl. Nos. 1, 5, 6, 7, 8, 9, 10, 18, 28, 31, 34, 35, 40)	
Number	13
Percentage to total	23.6%