

SCTC No. 356

357

**COMMITTEE ON THE WELFARE
OF SCHEDULED CASTES AND
SCHEDULED TRIBES
(1985-86)**

(EIGHTH LOK SABHA)

ELEVENTH REPORT

MINISTRY OF WELFARE

**ATROCITIES ON SCHEDULED CASTES AND
SCHEDULED TRIBES**



*Presented to Lok Sabha on 25 April 1986
Laid in Rajya Sabha on 25 April 1986*

**LOK SABHA SECRETARIAT
NEW DELHI**

April, 1986/Chaitra, 1908 (Saka).

Price Rs : 7.00

381.431

CORRECTIONS
to

the Eleventh Report of the Committee on the Welfare of
Scheduled Castes/Scheduled Tribes (Eighth Lok Sabha)

Page	Para	Line	Correction
10	2.5	37	For constitute <u>read</u> constituents
11	-	19	<u>Delete to after</u> appropriate
16	2.12	19	For proformde <u>read</u> proformae
25	3.13	33	For ways <u>read</u> was
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41	4.5	10	For The following statement <u>read</u> The statement given on page 42
44	4.11	12	For advisis <u>read</u> advisis
45	-	17	For officers <u>read</u> officers
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65	6.13	31	For 1983 <u>read</u> 1083
81	-	20	For policy and Policp <u>read</u> Police
83	7.28	13	For(1979-80) <u>read</u> (1979-81)
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92	9.5	25	<u>Insert in after</u> role
101	11.6	19	For widow <u>read</u> widow
118	Orissa (1983)	15	Under cols. 7&8 For 33&55 <u>read</u> 38 and 53 respectively
119	W.Bengal (1982)	1	Under cols. 4 & 6 For 1 & 1 <u>read</u> 5 and 10 respectively
142	3.39	3	For sitll <u>read</u> still
150	6.13	17	For 1983 <u>read</u> 1083
154	7.31	25	For recommended <u>read</u> recommend
157	7.36	10	For Superindents <u>read</u> Superintendents
159	-	13	<u>Insert hardly after</u> need
161	-	16	<u>Insert and after</u> degradation
-	-	19	For schedulee <u>read</u> scheduled
	10.9	29	For caser <u>read</u> cases
164	11.6	12	For light <u>read</u> slight

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**COMMITTEE ON THE WELFARE OF SCHEDULED CASTES
AND SCHEDULED TRIBES
(1985-86)**

Shri Krishan Datt Sultanpuri—Chairman

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(iv)

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

*Ceased to be members of the Committee on their retirement from Rajya Sabha w.e.f. 2nd April, 1986.

INTRODUCTION

1. 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 Eleventh Report on the Ministry of Welfare—Atrocities on Scheduled Castes and Scheduled Tribes.

2. The Committee took the evidence of the representatives of the Ministry of Welfare on the 17th and 18th October, 1985. The Committee wish to express their thanks to the Secretary, Ministry of Welfare and other officers of that Ministry for placing before the Committee material and information, the committee wanted in connection with the examination of this subject.

3. The Report was considered and adopted by the Committee on the 17th April, 1986.

4. A summary of conclusions/recommendations contained in the Report is appended (*see Appendix X*).

NEW DELHI ;
April 18, 1986

28 Chaitra, 1908 (S)

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

I. INTRODUCTORY

A. Definition of Atrocity

In the guidelines issued on 15th April, 1985 by the Home Minister, Government of India to the Chief Ministers of State Governments and Lt. Governors of Union Territories, it has been stated that atrocity on Scheduled Castes is an expression which is frequently used in common parlance while referring to crimes against Scheduled Castes. Since the term "atrocity" does not have any legal definition/sanction, the Government have been using the expression "Crimes against Scheduled Castes" in respect of "atrocities" on Scheduled Castes.

1.2 On the recommendations of the National Police Commission, the Government of India classified the term "atrocity" to ensure proper recording and analysis of such offences. In view of this, the States were informed in letter No. III. 11011/8/82-PCR (DESK) dated 27th June, 1983 that the crimes against Scheduled Castes coming under the following sections of IPC may be included for reporting to the Central Government :—

- (i) Chapter VII (of offences against public tranquility)—except Sections 141, 142, 149, 152, 159 and 160.
- (ii) Chapter XVI (of offences affecting the human body) except Sections 303, 304—A, 305, 306, 310, 311, 312, 313, 314, 315, 316, 317, 318, 332, 333, 334, 335, 336, 337, 338, 353, 356, 357, 358, 369.
- (iii) Chapter XVII (of offences against property)—except Sections 381, 383, 400, 401, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 421, 422, 423, 424.
- (iv) Chapter XXI (of defamation).
- (v) Chapter XXII (Criminal intimidation, insult and annoyance).

B. Constitutional Safeguards for Scheduled Castes/Tribes

1.3 The Constitution of India provides for a number of safeguards for promoting and safeguarding the interests of Scheduled Castes and Scheduled Tribes. These safeguards have been provided with a view to facilitate the implementation of the Directive Principle contained in article 46 of the Constitution which states :

“The State shall promote with special care the educational and economic interests the of weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation”.

1.4 Some of the relevant articles of the Constitution are reproduced below :

Article 15.—Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.—

- (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.
- (2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to—
 - (a) access to shops, public restaurants, hotels and places of public entertainment ; or
 - (b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of general public.
- (3) Nothing in this article shall prevent the State from making any special provision for women and children.
- (4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and Scheduled Tribes.

Article 16.—Equality of opportunity in matters of public employment.—

- (1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.
- (2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated/against in respect of, any employment or office under the state.
- (3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory prior to such employment or appointment.
- (4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.
- (5) Nothing in this article shall affect the operation of any law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution or any member of the governing body thereof shall be a person professing a particular religion or belonging to a particular denomination.

Article 17.—Abolition of Untouchability.—

“Untouchability” is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of “Untouchability” shall be an offence punishable in accordance with law.

Article 23.—Prohibition of traffic in human beings and forced labour.—

- (1) Traffic in human beings and *begar* and other similar forms of forced labour are prohibited and any

contravention of this provision shall be an offence punishable in accordance with law.

- (2) Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them.

Article 29.—Protection of interests of Minorities.—

- (1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.
- (2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

Article 164.—Other provisions as to Ministers.—

- (1) The Chief Minister shall be appointed by the Governor and the other Ministers shall be appointed by the Governor on the advice of the Chief Minister, and the Ministers shall hold office during the pleasure of the Governor :

Provided that in the States of Bihar, Madhya Pradesh and Orissa, there shall be a Minister in charge, of tribal welfare who may in addition be in charge of the welfare of the Scheduled Castes and backward classes or any other work.

Article 273.—Grants from Union to certain States.—

- (1) Such sums as Parliament may by law provide shall be charged on the Consolidated Fund of India in each year as grants-in-aid of the revenues of such States as Parliament may determine to be in need of assistance, and different sums may be fixed for different States :
Provided that there shall be paid out of the Consolidated Fund of India as grants-in-aid of the

revenues of a State such capital and recurring sums as may be necessary to enable that State to meet the costs of such schemes of development as may be undertaken by the State with the approval of the Government of India for the purpose of promoting the welfare of the Scheduled Tribes in that State or raising the level of administration of the Scheduled Areas therein to that of the administration of the rest of the areas of that State.

Article 338.—Special Officer for Scheduled Castes, Scheduled Tribes etc.—

- (1) There shall be a Special Officer for the Scheduled Castes and Scheduled Tribes to be appointed by the President.
- (2) It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution and report to the President upon the working of those safeguards at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament.

Article 339.—Control of the Union over the administration of Scheduled Areas and the welfare of Scheduled Tribes.—

- (1) The President may at any time and shall, at the expiration of ten years from the commencement of this Constitution by order appoint a Commission to report on the administration of the Scheduled Areas and the welfare of the Scheduled Tribes in the States. The order may define the composition, power and procedure of the Commission and may contain such incidental or ancillary provisions as the President may consider necessary or desirable.
- (2) The executive power of the Union shall extend to the giving of directions to a State as to the drawing up and the execution of schemes specified in the direction to be essential for the welfare of the Scheduled Tribes in the State.

Article 340.—Appointment of a Commission to investigate the conditions of backward classes

- (1) The President may by order appoint a Commission consisting of such persons as he thinks fit to investigate the conditions of socially and educationally backward classes within the territory of India and the difficulties under which they labour and to make recommendations as to the steps that should be taken by the Union or any State to remove such difficulties and to improve their conditions and as to the grants that should be made for the purpose by the Union or any State and the conditions subject to which such grants should be made, and the order appointing such Commission shall define the procedure to be followed by the Commission.
- (2) A Commission so appointed shall investigate the matters referred to them and present to the President a report setting out the facts as found by them and making such recommendations as they think proper.
- (3) The President shall cause a copy of the report so presented together with a memorandum explaining the action taken thereon to be laid before each House of Parliament.

1.5 Drawing the attention of the representative of the Ministry of Welfare to article 46 of the Constitution, the Committee desired to know how far the Central Government had succeeded in fulfilling its responsibility for protecting the lives and properties of Scheduled Castes and Scheduled Tribes. The representative of the Ministry of Welfare has stated during evidence that if the Committee is referring to article 46 of the Constitution which says that "the State shall promote with special care the educational and economic interests of the weaker sections of the people and in particular of the Scheduled Casts and Scheduled Tribes and shall protect them from social injustice and from all forms of exploitation," the word 'State' here means Central and State Government and as may be appropriate in terms of divisions of functions. To

say that it exclusively rests with the Central Government does not follow from the Constitution. Many development functions lie in subject areas which are with the State Government. There are also many areas of development functions which lie within the jurisdiction of the State Governments by the arrangement of the Constitution, but the Central Government has taken up special programmes and given leadership when it comes to dealing with weaker sections and also in regard to anti-poverty programmes.

1.6 He has further stated that in the latest guidelines issued in 1985, the very first set of instructions are about precautionary and preventive measures. The Government attach more importance to the preventive aspect than to the curative aspect. In fact, the guidelines give pride of place to the precautionary and preventive measures that the State Government should adopt.

1.7 When asked whether the Central Government had issued directive to the State Governments under article 339 (2) of the Constitution, the representative of the Ministry has stated that no directions under this Article have been issued from the Centre to the States. This Article exclusively contains a reference to Scheduled Tribes and not Scheduled Castes. Issuing a direction under Article 339 (2) would be a very extraordinary step. Only when other avenues or dialogue with and persuasion of a State Government fail or where a particular State Government is so recalcitrant that certain things can not be done otherwise, the issuing of this directive can be considered. There is an instrument here but the occasion for using it has not arisen.

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 and 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.

II. ORGANISATIONAL SET UP AT THE CENTRE

2.1 The Committee have been informed that the subject of atrocities on Scheduled Castes by persons belonging to communities other than Scheduled Castes is dealt with in the Scheduled Castes and Backward Classes Development Division (SC & BCD) in the Ministry of Welfare (earlier Ministry of Home Affairs) under the charge of a Joint Secretary.

2.2 A separate Division designated as 'Tribal Development Division' (TD) under the charge of a Joint Secretary looks after matters related to development of Scheduled Tribes.

The Joint Secretary (SC & BCD) and Joint Secretary (TD) 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).

2.3 The Joint Secretary (SC & BCD) is assisted by the following gazetted staff in dealing with the subject of atrocities on Scheduled Castes —:

- (1) Director (PCR)
- (2) Desk Officer (PCR)
- (3) Research Officer.

The Desk Officer is assisted by one UDC, LDC and Steno, while Research Officer is assisted by an Investigator.

The statistical data regarding atrocities on the Scheduled Castes is collected and monitored by the Research Officer, who analyses the trend in atrocity cases in quarterly, half-yearly and annual reviews.

2.4 The Joint Secretary (Tribal Development) is assisted in his task by following gazetted staff :—

Director/Deputy Secretary	:	5
Joint Director	:	2
Deputy Director	:	2
Under Secretary	:	1
Research Officer	:	4
Desk Officer/ Section Officer	:	4

The work in the Division is distributed both subject-matter-wise and jurisdiction-wise amongst different officers. General matters relating to atrocity against Scheduled Tribes are dealt with by one of the Directors. Specific cases of atrocities are handled by the Director/Deputy Secretary dealing with the State concerned. Besides the data relating to atrocity cases received from the States is compiled in the monitoring and evaluation section headed by a Director who analyses the trend in the atrocity cases.

2.5 The Committee desired to know the reason why there were two separate Divisions in the Ministry of Welfare to deal with the subject of atrocities on Scheduled Castes and Scheduled Tribes, and what was the coordination between the two Divisions. The representative of the Ministry of Welfare has stated during evidence as follows :

“It is true that we have two separate divisions dealing with, broadly the subjects concerning the welfare of Scheduled Castes and Tribes, and by the nature of the organisation in the Ministry dealing with the problems of Scheduled Castes as a separate item and Scheduled Tribes as a separate item. One of the constituent subjects in looking at this problem is the problem of atrocities. The divisions are not meant only for the purpose of one or two subjects but to look at the totality of the activities of the Government and the problems of Scheduled Castes as such and Scheduled Tribes as such.

The problems of Scheduled Castes and the nature or location of these problems are different from the kind of situations in which the Scheduled Tribes are. They are not entirely common in all situations. Therefore, those divisions had come into existence in the Ministry and atrocity is one of the constitute which is being looked into and therefore there are separate arrangements to look at them.

Secondly, I would also like to submit that even according to the causes which led to atrocities it is perhaps not entirely identical or similar. It is true that even in some States Tribal Welfare is dealt with exclusively by a separate department. I am mentioning this to say that in actual practice there are different arrangements. The data regarding atrocities are collected separately on Scheduled Castes and Tribes. The data that is generated is looked at, presented and analysed and whatever is done in these two separate divisions because of this arrangement.

There is coordination in the working arrangements. The two divisions work in collaboration, and naturally there is collaboration when they function through a common arrangement to supervise their working which is the Additional Secretary or the Minister. You have asked me a question whether a separate Cell under senior officer will not be a better arrangement. My personal submission is that if we must have separate arrangements to look to the problems of Scheduled Castes and Scheduled Tribes and therefore we have created this infrastructure in separate divisions, it will be appropriate to that atrocity also as a subject is dealt with under two different arrangements. But I would only go one step further and personally think that there probably is a case for integrating communication channels in so far as collection of information from the different State Governments is concerned. At the present moment, it appears that the information comes in two different channels. After all information or data relating to atrocities emanate from basically the Police or the Home administration of the State Governments. It would probably be better arrangement if the reporting system can be integrated but once it is received here, it is de-segregated into the two divisions where they have to look at it and deal with the data."

2.6. When asked as to how the senior level officer who looked after the coordination, had an integrated approach to the problem of atrocities on Scheduled Castes and Scheduled Tribes, the representative of the Ministry of Welfare stated during evidence as follows :—

"These subjects were part of the Ministry of Home Affairs till very recently and the subjects pertaining to the Scheduled

Castes and Scheduled Tribes Welfare, backward classes, Minorities Commission, linguistic Minorities have now been reorganised and put under the Ministry now called the Ministry of Welfare. By reorganising the erstwhile Ministry of Social and Women's Welfare we are in the process of organising the functioning of the new Ministry. So, my answer is limited by this development. But so far as these two divisions are concerned, even when they were functioning under the erstwhile Ministry of Home Affairs, an Additional Secretary was in Charge and he continues to be in-charge. As I said the Additional Secretary then the Secretary and then the Minister provide the focus of coordination. The important instructions which have been issued in the past from the Ministry of Home Affairs have been sent to the State Governments and these take care of both the Scheduled Castes' problems as well as the Scheduled Tribes' problems."

2.7 The Committee pointed out that since the work relating to atrocities on Scheduled Castes and Scheduled Tribes was the main function of the Home Ministry, it should therefore go to that Ministry and other developmental affairs should be dealt with by the Ministry of Welfare. The Committee desired to know the reaction of the Government to this suggestion. The representative of the Ministry of Welfare has stated as follows :—

"It is my understanding that the subject of the welfare of Scheduled Castes and Scheduled Tribes and other backward classes and things like that have 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 receives more frequent and continuous attention at the highest level. When you look at the welfare, one cannot ignore the incidence of atrocities. Atrocities are an indicator of the kind of harassment in society that these classes have to face and unless there is the capability to independently look at what actually obtains in the field and in what manner administrations respond or do not respond to such situations, unless there is an independent capability to look at these things and not merely deal with atrocities as a law and order function and then say, the Home Ministry should

look after it, or the Home Administration should look after it, I am afraid the essential inputs or capabilities to look at these things from a different standpoint will not be there. We deal with them as law and order function. We deal with them as control function, whether crime is more or crime is less. It is my submission that 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. But there are many other developmental programmes meant for the Scheduled Castes and Scheduled Tribes for which this Ministry—what you call non Implementing Ministry—is performing, in one word, a watch dog function. It is a promotional function. It ensures that the welfare schemes meant for Scheduled Castes and Scheduled Tribes are given fair share. We ensure that fair share is given in the Tribal Development Programme in the scheme of things.

Similarly, in atrocities cases also, we see that proper care is taken, proper inputs are there and proper measures are taken. It will be a watch dog system and we would inter-act with the Home Ministry. Where it is necessary to do so, we would seek the intervention of the Home Ministry or State administration to deal with situations. We cannot function independently. But we would make use of all the instruments of the directions, guidance and control.

He further stated as follows :

“When you look at atrocities and deal with atrocities as one of the indicators and when you deal with the problems of the welfare of Scheduled Castes and Scheduled Tribes, there may be two types of responses in finding solutions to this problem. One response which you might say it the response which comes from the instrument which controls the law and order machinery. This is in most cases, what you call, an immediate palliative treatment. It is an arrangement by which measures are found to put down something. But there is other aspect

from which you have to learn some lessons ; you have to take some actions which are not necessarily law and order actions but other actions which are really intended to improve your administration of development in order to see that certain benefit reaches certain quarters and stays with them, without creating the kind of social tension which otherwise creates. If atrocity, as a subject, is to be dealt with only in the Ministry of Home Affairs, the danger is that this might tend to be identified in people's mind as the subject so exclusively relating to physical violence or things like that and the other lessons which one has to learn probably might be forgotten. Therefore, I think the subject rightly lies here. But the functions of the Ministry of Welfare, as I said earlier, certainly do not extend to direct implementation of the law and order functions. 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."

2.8 The Committee desired to know why the analysis of trend in the atrocity cases was being done by a Research Officer in Scheduled Caste and Backward Classes Development Division whereas it was done by a Director in Tribal Development Division. The representative of the Ministry of Welfare explained during evidence that though the initial analysis is being done at the lower level, the report of the analysis passes through the Director, the Joint Secretary upto the level of the Additional Secretary. So, the level are the same in both the Divisions. The initial analysis of compilation etc. is done at two different levels. But the files pass through upto the highest level. He further clarified that the monthly and quarterly reports about crimes position, on crimes against Scheduled Castes are analysed at the initial stage by the Research Officer for making charts, statements. Thereafter, these things form the basis or infrastructure for making further analysis leading to formulation of directions to be given to the State Government for improving the position. It is the same in the Tribal Development Division as well as in the Scheduled Castes and Backward Classes Development Division. The fact is that at the moment, in the Tribal Development Division, there is no Research Officer. As a matter of fact, both the Divisions

put their heads together to analyse these things to give directions to the respective State Governments.

2.9 In reply to a question, the representative of the Ministry of Welfare has stated during evidence that the file is shown to the Minister with all the notings and analysis and periodically the Minister also writes to the State Governments when the analysis is for a longer period.

2.10 The Committee wanted to know the action taken by Government after analysing the information on atrocities received from various States. The representative of the Ministry has stated that one of the most important aim of collecting information, analysing the information and presenting the information is in itself an important function because it is the basis of improving and making the people aware not only in the Government but also people concerned with it, the factual position regarding the occurrence of such incident. Information gathering, and information collecting and information analysis help the Ministry to understand and therefore to respond better. In fact some of the very detailed guidelines or instructions which have issued from the Central Government to the States are the outcome of the appreciation of the problem on the basis of information collected and information analysed.

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 the 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 trend 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.

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 on 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 proforma 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 condition 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.

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

receives 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 the other instruments of law and order and administration. 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 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.

III. MAIN CAUSES OF ATROCITIES

3.1 In the first Report of the Commission for Scheduled Castes and Scheduled Tribes (July 1978-March 1979) it has been stated that atrocities committed on Scheduled Castes have social and economic causes at the root. The social cause lies in the practice of untouchability which is a by-product of the Hindu caste system pushing the Scheduled Castes down to the lowest rung of the social ladder in the caste hierarchy. With the growing social awakening and the efforts made by the Scheduled Castes to get their rightful place in the society they have been victims of harassment and atrocities by the caste Hindus. The social disability against the Scheduled Castes is further reinforced by economic factors like land disputes, forcible harvesting of crops, dispute over payment of minimum wages etc. Other factors like provision of house sites and other economic development schemes aiming at ameliorating the socio-economic conditions of the Scheduled Castes, their educational advancement, etc., also cause discontentment among many caste Hindus which lead to clashes among the two sections. It has been the broad experience that the atrocities on the Scheduled Castes are generally committed by the caste Hindus, who have vested economic interests and this tendency is getting accentuated by the measures taken by the Government to confer economic benefits on the Scheduled Castes. The situation is further aggravated by the fact that the Scheduled Castes are now demanding economic and social equality with the higher and middle castes.

3.2 The Scheduled Tribes mostly inhabit hilly and inaccessible forest areas. They do not suffer from the stigma of untouchability and the social disabilities arising out of it. The atrocities on them are alleged to have been mostly committed by the police and the local landlords. Land alienation, indebtedness, forest policy restricting the interests of the tribals in forest, changing excise policy against the tribals, non-payment of minimum wages, bonded labour, charging of excessive toll tax by the *Hat* lessees from the tribals and exploitation by the local officers of the Forest and Police Departments and non-tribals are some of the main reasons of atrocities committed on the Scheduled Tribes.

3.3 The Committee desired to know whether any study has been made by the Government or any other agency to find out the main causes of atrocities and other incidents of harassment to Scheduled Castes and Scheduled Tribes. It has been stated in a note furnished to the Committee by the SC & BCD Division of the Ministry of Welfare that though no formal study has been conducted to find out the main causes of atrocities on Scheduled Castes, analysis of reports has shown that the main causes of atrocities on Scheduled Castes have roots in socio economic factors. Scheduled Castes are in a weak and vulnerable position. Most of them are agricultural labourers, while others depend on low-income occupations like share-cropping, fishing, weaving and leather work. They own very small assets and most of them are below the poverty line in their economic status. Whenever Scheduled Castes seek the payment of the statutory minimum wages for agricultural labour or when they try to resist the practice of untouchability or bonded labour or forced labour, vested interests try to cow them down and terrorise them. This is the genesis of most of the crimes or atrocities. Besides, when they resist the indignities subjected to their women folk by the powerful interests in the villages or try to preserve their self-respect and their women's honour, this too becomes an irritant for the vested interests and this is another cause for atrocities. Another source of atrocities pertains to the disputes regarding government owned waste lands or ceiling surplus lands allotted by Government to the Scheduled Castes. When they try to take possession of or cultivate or retain possession over such lands, the powerful vested interests try to obstruct them. Thus atrocities are committed when the Scheduled Castes seek to secure their legitimate rights in various matters.

3.4 In order to take remedial measures to prevent their recurrence, comprehensive guidelines suggesting preventive, precautionary, punitive and rehabilitative measures were conveyed to the State Governments/ Union Territory Administrations on 10th March, 1980. Later revised guidelines were conveyed on 15th April, 1985. Moreover, since it is a fact that their low socio-economic conditions make them more vulnerable to atrocities, the Government of India has given high priority to raising their standards of living through various programmes like the Special Component Plans of the State Governments and Central Ministries, provision of Special Central Assistance to State Governments and establishment of Scheduled Castes Development Corporations in the States in which the Central Government also participate in the share

capital contribution. These programmes were initiated during the Sixth Plan and are being continued in the Seventh Plan.

Land Disputes :

3.5 When asked whether any village to village survey had been conducted by the concerned State Governments/Union Territory Administrations to ensure that the Scheduled Castes/Scheduled Tribes were in actual possession of the land allotted to them or belonging to them, the representative of the Ministry of Welfare has stated as follows :—

“According to the information available with me, no village survey has been taken up to check up restoration of lands to the Scheduled Tribes. Andhra Pradesh has taken up some survey on the basis of village revenue records. Earlier we referred to a statement which has been given regarding the position of land alienation cases State-wise. Whatever information was there, we have given to the Committee. We tried to obtain information from the Ministry of Rural Development, and I am giving the information supplied by them. They do not have any information as to whether a village-to-village survey has been conducted. Nor do they have the details of cases of dispossession of the Scheduled Castes and Scheduled Tribes from the lands allotted to them, State-wise. In the Conference of Revenue Secretaries and Revenue Ministers of States held on 17th and 18th May, 1985, one of the subjects taken up for discussion was the protection of the interests of the tribals in land and review of the implementation of the existing land laws. The Conference, noting that legislations exist in most of the States for protecting the interests of tribals, agreed that scrutiny of the existing legislations should be done regarding banning of transfers of lands belonging to the tribals to the non-tribals and to take up administrative and legislative measures to ensure physical restoration of possession in all such cases where dispossession has taken place. The Ministry of Rural Development have also informed that many States have legislations to protect the Scheduled Caste allottees of land. I think, during discussion yesterday the Hon. Committee also referred to the need for taking up studies to see the comparative position of the States regarding legislations. We have taken note of that suggestion.”

Land Alienation :

3.6 The Committee desired to know about the cases of land alienation in the Tribal Sub-Plan areas. The information furnished in this regard is given at Pages 23 and 24.

3.7 When asked about the cases of land alienation in Dadra and Nagar Haveli, the representative of the Ministry of Welfare stated during evidence that they did not have the information about Dadra and Nagar Haveli at present and they will enquire into the matter through the Union Territory administration.

3.8 In a subsequent note the Committee have been informed that Dadra and Nagar Haveli is a Tribal majority Union Territory and as such is not covered under Tribal Sub-Plan. The information asked for about the case of land alienation is not available in the Tribal Development Division of the Ministry and is being collected from the Union Territory Administration.

3.9 The representative of the Ministry of Welfare has further stated during evidence that generally, there are land legislations in all States and the Ministry were having a review from time to time to improve their suitability for the concerned area. The Ministry examine the specific aspects like benami transactions, whether the provision is adequate for restoration of the land to the tribals or whether there is a time limit for the tribals to apply for restoration or for detection.

3.10 In reply to a question, the representative of the Ministry has stated that when the Ministry writes to the State Governments, state Governments takes action on the lines suggested by them. In Maharashtra with regard to tribals applying for restoration of their lands which has been alienated from them, there is a time limit to apply for restoration.

The Ministry have told the Govt. of Maharashtra that there is no such time limit in certain States like West Bengal, Andhra Pradesh and Orissa and requested the State Government to consider the removal of time-limit. In this way Ministry's review is continuous on specific aspects, so far as State laws are concerned.

3.11 It has been stated in a note furnished to the Committee that while implementation of the various laws and administrative measures is the concern of the State Governments, they have responded in a positive

S. No.	State	Cases Filed	Area in acres	Cases Allowed	Area rejected	Cases pending	Area Actually restored.			
1	2	3	4	5	6	7	8	9	10	11
1.	Andhra Pradesh	90991	527714	16084	53188	—	—	—	—	—
2.	Assam	—	16327 Bighas	—	—	—	—	—	—	10 Bighas
3.	Bihar	54189	80224	29208	33049	18519	—	6462	—	11279
4.	Gujarat	16788	19989 Htrs.	14618	16692	696	793	1474	2505	16057
5.	Karnataka	1039	961 Htra.	252	156	—	—	—	—	—
6.	Madhya Pradesh	34872	—	8563	11400 Htrs.	—	—	—	—	—
7.	Maharashtra	49997	—	19569	39915 Htrs.	—	—	—	—	27363
8.	Orissa	62793	—	30594	35826	29918	—	2280	—	—

1	2	3	4	5	6	7	8	9	10	11
9.	Rajasthan	182	310	—	—	—	—	—	—	—
10.	Tamilnadu	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
11.	Tripura	17474	17627	3552	3519	—	—	—	—	2913
12.	West Bengal	336	594	133	272	—	—	—	—	—
13.	Uttar Pradesh	8541	17973	—	—	—	—	—	—	—

State Government of Himachal Pradesh has stated that the problem does not exist. In Sikkim and Manipur, the problem is of a very small magnitude. Kerala has not yet brought its land alienation law into force and now they are contemplating to bring it into force from January, 1982. No problem of land alienation has been reported from Goa, Daman and Diu and Andaman & Nicobar Islands.

way to suggestions made by the Government of India. Further, the Government of India have come forward to the aid of the State Governments, in matters of financing part of the administrative expenses or instituting special machinery for dealing with cases of atrocities and exploitation. 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.

3.12 The Committee asked why permission had not been given to all the States 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 representative of the Ministry of Welfare has stated during evidence that when the Ministry allocates Special Central assistance to the States for the Tribal Sub-Plan, the Ministry also request them to give to the Ministry their suggestions, requirements, financial requirements for strengthening their administrative machinery in those areas. Several suggestions have come. Almost all states have given their suggestions and they have taken money from the Ministry. Now, in spite of taking money, all of them have not specifically applied that amount in connection with atrocities. They have strengthened general administration but have not specifically strengthened this atrocity aspect. So, this time the Ministry have told them to give specific suggestions and their requirements of money for building up a special machinery for eradicating bonded labour, money lending, etc. and filling the cases in courts. The Ministry have a grant under Article 275 (i) of the Constitution. The ministry have been told that this amount is not taken specifically for strengthening the administration related to this atrocity aspect. The States have been asked to give suggestions in this respect to get money from the Ministry. However, the States which ask for money specifically for strengthening the administration for dealing with the atrocities will be getting the money.

3.13 When asked whether there ways any arrangement to ensure that the money given to the States for the Welfare of Scheduled Castes/ Scheduled Tribes was utilised for these purposes only, the representative of the Ministry has stated that for the Tribal Sub-Plan, there are some non-divertible funds. The Ministry have asked the State Governments to open a minor head under their major heads and spend this amount on that. In other words, money is spent separately under a proper head of

account and the monny is not divertible. All the States have accepted. It is not diverted for other purposes.

3.14 It has been further stated that the Ministry receive regular statements from the State Governments and it is ensured that these funds are not diverted to other Heads.

3.15 The Committee wanted to know whether the funds which had been given to Bihar, Orissa, Maharashtra and Andhra Pradesh for disposal of land alienation cases had been utilised for that purpose or not. The representative of the Ministry has stated that they have been utilised for that purpose. What is actual achievement because of the grant of that amount that information is not available, but overall information about land alienation cases is available.

3.16 When asked whether any separate machinery had not been set up to spend the money given by Central Government to the State Governments for quick disposal of land alienation cases, the representative of the Ministry has stated during evidence that the machinery is set up by the Revenue Department of the State Governments everywhere, but the Ministry have given them some more money, to establish additional special courts if necessary, for example, Bihar, Andhra Pradesh, Maharashtra and Orissa have set up a few additional special courts to dispose of land alienation cases. Those of the States which have not yet established these special additional macninery, if they require such additional machinery, the Ministry have requested them to give proposal, and get money. Therefore, the Revenue Department of the State Government is the Department which administers the land alintation laws everywhere and there is no exception. The only thing is that if the number of cases is very many and the number of courts is small, the Government have given money to establish some additional courts.

3.17 When the Committee suggested that Special Squad should be set up under the control of District Collectors to detect the cases of land alienation of different places, the Secretary Ministry of Welfare has stated during evidence as follows :

“That is what I am saying. This is a description of the total scenario and in that total scenario I am in no disagreement with this view point. It is something which I not only administratively, but also as a citizen of this country feel deeply

conscious of it and is committed to this. We do institute certain measures for giving a certain type of justice to a certain class of people. If the machinery fails to function with that kind of an involvement in it, there are difficulties which are created. Similarly, solutions are not found only through administrative action. They are found through very many things. The total scenario itself requires some kind of a change. I am sure over a period of time with the kind of pressures that the Government is putting, we expect that this kind of change will come in and that is why we are still doggedly going along with this."

3.18 He has further stated that the suggestion that has been made, is more or less a suggestion which in a form has been accepted by the Government in the sense that in providing special assistance to the State Governments strengthening their machinery to deal with these things, one of the items for which this assistance is made available is—special machinery, for which the Committee has used the word 'squad'—special machinery for detection of money lending, bonded labour etc. etc. The idea is that if the State Governments want to set up machinery in a special way to deal with this problem which is rampantly prevalent in some particular cases, they are welcome to give the details and the Ministry will give special assistance, and it has been mentioned in the communication which has been sent to the State Governments in August, 1985.

Statutory Minimum Wages :

3.19 In the revised 20-Point Programme, it has been stated that the minimum wages for agricultural labour would be reviewed and effectively enforced. Since the beginning of 1980, the revision of Minimum Wages in agriculture for unskilled workers has been effected by the Central Government, the State Governments of Andhra Pradesh, Haryana, Himachal Pradesh, Kerala, Manipur, Meghalaya, Nagaland, Orissa, Rajasthan, Uttar Pradesh, and the Union Territory Administrations of Andaman and Nicobar Islands, Delhi and Pondichery. The Labour Ministers in their conference held in July, 1980 recommended that the minimum wages should be reviewed and revised, if necessary, once at least in two years or on a rise of 50 points in the consumer price index number, whichever is earlier.

3.20 The Committee wanted to know whether it had been ensured that the agricultural labourers in practice got the statutory minimum wages or had alternative and additional employment opportunities throughout the year to improve their bargaining power for their wages. The representative of the Ministry of Welfare has stated during evidence that enforcement of the minimum wages is under the constant review of the State Governments and the Central Government. Review and effective enforcement of minimum wages for agricultural labourers is one of the items of the 20-point programme. The State Labour Ministers' Conference, 1982, also discussed this as one of the items. That conference also drew attention to this fact, namely, that enforcement of the Minimum Wages Act is one of the important things which the State Governments have to do. The suggestion was that the enforcement machinery should be strengthened.

The Ministry of Labour has evolved a centrally sponsored scheme on a pilot basis for assisting the States to strengthen their enforcement machinery. Initially the scheme has been extended to four States—Madhya Pradesh, Rajasthan, Orissa and Manipur, where the number of Scheduled Caste and Scheduled Tribe agricultural labourers is 70 per cent or more. In the current year there is a provision in the annual plan of Rs. 30 lakhs for this programme. They have also given a statement showing the number of inspections carried out, irregularities detected, legal action taken, etc. by the enforcement machinery in 1984 (Appendix—I).

3.21 When asked how far problems other than the minimum wages, faced by weaker sections had been solved, the representative of the Ministry has stated that each of the Central Ministries and Departments dealing with the developmental aspects in the fitness of things should also deal with the Scheduled Caste and Scheduled Tribe and they should not be given entirely to the Ministry of Welfare. As a matter of fact each of the Central Ministries which deal with certain aspects of development of Scheduled Castes and Scheduled Tribes are the nodal Ministries in respect of that particular subject and from that point of view the implementation of minimum wages for agricultural labourers is a subject being dealt in the Ministry of Labour. But being the nodal Ministry for all developmental aspects of Scheduled Castes and Scheduled Tribes, the Welfare Ministry is in constant touch with them.

Bonded Labour :

3.22 The Committee have been informed that the Ministry of Labour is the concerned administrative Ministry for dealing with the subject of bonded labour. They have stated 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 Bonded Labourers rests with the State Governments concerned. As per the latest reports received from the State Governments, the total number of bonded labourers identified and freed as on 30.9.1985 was 1,89,184 out of which, 1,45,545 have been rehabilitated. A statement showing the number of bonded labourers identified, released and rehabilitated is given below :—

Sl. No.	Name of the State	Number of bonded labourers	
		identified and freed	Rehabilitated
1.	Andhra Pradesh	16,336	14,017
2.	Bihar	10,988	9,466
3.	Gujarat	61	38
4.	Haryana	295	—
5.	Karnataka	62,689	40,033
6.	Kerala	829	820
7.	Madhya Pradesh	3,389	2,851
8.	Maharashtra	723	319
9.	Orissa	40,549	27,403
10.	Rajasthan	6,674	6,266
11.	Tamilnadu	32,581	31,591
12.	Uttar Pradesh	14,070	12,741
	Total :	1,89,184	1,45,545
	Balance :	43,639	

3.23 When asked whether any survey had been conducted to know the number of bonded labourers belonging to Scheduled Castes and Scheduled Tribes in the country, the representative of the Ministry of Welfare has stated that this information has been collected from the Directorate General Labour and Employment, Ministry of Labour. According to one national level survey undertaken during the year 1978, it was estimated that 66% of the identified bonded labourers belonged to Scheduled Castes and 18 per cent to Scheduled Tribes. Under the Bonded Labour System (Abolition) Act, 1976, the responsibility for identification, release and rehabilitation of the bonded labourers rests with the State Government concerned. The information regarding State-wise details of the number of bonded labourers identified, released and rehabilitated during the last five years (i.e. from 1980-81 to 1984-85) has been made available to the Committee, which is as follows :—

<i>State</i>	<i>Identified & Released</i>	<i>Rehabilitated</i>
1. Andhra Pradesh	1432	4587
2. Bihar	5479	7057
3. Gujarat	21	21
4. Haryana	295	—
5. Karnataka	10	28731
6. Kerala	129	522
7. Madhya Pradesh	1326	2724
8. Maharashtra	540	292
9. Orissa	34308	22649
10. Rajasthan	646	610
11. Tamil Nadu	4300	2623
12. Uttar Pradesh	8284	6502
Total :	56770	76308

3.24 The representative of the Ministry has stated that the problem of bonded labour is a big problem. There are no precise estimates as to how many bonded labourers are there in the country. In the Report of the Working Group on the Development of Scheduled Castes

during the Seventh Five Year Plan, three estimates have been given. One estimate is that of the State Government ; another estimate is by the National Sample Survey Organisation and the third estimate is from the Gandhi Peace Foundation. Estimates of the three organisations are given below :

Sl. No.	State	As estimated by State Govt.	As estimated by NSSO @	As estimated by Gandhi Peace Foundation**
1.	Andhra Pradesh	12701	7300	325000
2.	Assam	—	4400	—
3.	Bihar	4218	102400	111000
4.	Gujarat	42	4200	17100
5.	Haryana	—	12900	—
6.	Himachal Pradesh	—	—	—
7.	Jammu & Kashmir	—	900	—
8.	Karnataka	62689	14100	193000
9.	Kerala	700	400	—
10.	Madhya Pradesh	1531	116200	500000
11.	Maharashtra	—	4300	100000
12.	Manipur	—	—	—
13.	Meghalaya	—	—	—
14.	Nagaland	—	—	—
15.	Orissa	337	5400	350000
16.	Punjab	—	4300	—
17.	Rajasthan	6000	2400	67000
18.	Tamil Nadu	27874	12500	250000
19.	Tripura	—	—	—
20.	Uttar Pradesh	4469	31700	550000
21.	West Bengal	—	21600	—
22.	All Union Territories	—	—	—
ALL INDIA :		120561	345000	2617000

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** Final Report January, 1981 of the Gandhi Peace Foundation.

Source :— Report of the Working Group on the Development of Scheduled Castes during the 7th Five year Plan (1985-90) January, 1985.

3.25 During evidence the Committee were informed that the Ministry of Welfare happens to be the nodal Ministry in the matter of giving guidelines but that Ministry does not deal with the Bonded Labour generally. The Ministry of Labour is in charge of this subject.

3.26. When specifically asked about the responsibility of the Ministry of Welfare towards the Scheduled Caste/Scheduled Tribe bonded labour, the representative of the Ministry has stated that actually the strategy of the Special Component Plan had been evolved in the Sixth Plan period for the welfare and development of Scheduled Castes. Each of the Central Ministries would be having a component Plan dealing with the developmental aspects of Scheduled Castes. It is included in the Special Component Plan of the Ministry of Labour. The Ministry of Welfare cannot absolve itself of the responsibility of monitoring the Plan. They get figures on how much is being covered. But even the Ministry of Labour which is dealing with this particular subject at the Central level has to depend on the State Governments so far as the implementation is concerned. In reply to a specific question whether Ministry of Welfare is not looking into the fate and sad plight of bonded labourers, the Secretary of the Ministry of Welfare has stated that the very purpose of what one might call 'Central Coordination' in looking at the programmes of different departments including the Department of Labour is to ensure that the schemes intended for the welfare of the weaker sections really benefit them. This is the very purpose and philosophy behind the formulation of this Special Component Plan and the Tribal Sub-Plan. This is the question of not one Department but coordinating the activities of many Central Ministries and also the State Governments. The Ministry of Welfare has the coordinating responsibility and the monitoring responsibility. It is by intervening in this manner only that all these developments have taken place during Sixth Plan and also in the Seventh Plan. The Special Component Plan and the Tribal Sub-Plan are more and more crisply formulated.

3.27. He has further stated that the role of the monitor is to bring out the facts. There is some monitor who brings out these things so as to make the implementing agencies to work better.

3'28. When asked about the details of assistance (financial or otherwise) provided to bonded labourers for rehabilitation after their release, it has been stated in a note furnished to the Committee that with a view to supplementing the efforts of the State Governments, a Centrally Sponsored Scheme was launched by the erstwhile Ministry of Home Affairs in 1978-79 under which the State Governments are provided Central Financial Assistance on matching grant (50 : 50) basis for the rehabilitation of bonded labourers. The scheme envisages provision of rehabilitation grant upto a ceiling limit of Rs. 4000/- per bonded labourer, half of which is given as Central Share. The State Governments have been advised to integrate/dovetail the Centrally Sponsored Scheme with other anti-poverty programmes viz., IRDP, NREP, RLEGP, Special Component Plan for Scheduled Castes and Tribal Sub-Plan and other on-going programmes of the State Governments for securing a permanent rehabilitation of Bonded Labourers. A blue-print containing detailed guidelines for bringing about such an integration has also been sent to the State Governments for their guidance.

3'29. In this connection the representative of the Ministry of Welfare has stated during evidence that Rs. 4,000/- per family was given as central assistance for rehabilitation of bonded labour. What is actually happening is that this has to be combined and pooled along with the money flowing from other poverty alleviation programmes like IRDP, NREP etc. A rough estimate is more than Rs. 6000/- per family.

3'30. When the Committee desired to know whether any action has been taken by the State Governments under the bonded Labour system (Abolition) Act, 1976 against persons found guilty of violating the provisions of the Act, the representative of the Ministry of Welfare stated during evidence that the concerned law i.e. the Bonded Labour system (Abolition) Act, 1976 contains penal provisions. The administration of the Bonded Labour system (Abolition) Act, or prosecutions arising therefrom is not the information they are collecting. It is done by the Ministry of Labour. In a subsequent note the following details of prosecutions launched against the keepers of bonded labourers under the Bonded Labour System (Abolition) Act, 1976, as on 31-12-1983 was furnished :—

Sl. No.	Name of the State	Cases Registered	Cases convicted	Cases acquitted	Amount realised as fines Rs.	Offending parties involved
1.	2	3	4	5	6	7
1.	Andhra Pradesh	1177	54	488	62,650/-	61
@2.	Bihar	1806	43	1005	6,577/-*	61
3.	Gujarat	—	—	—	—	—
4.	Haryana	1	1	—	—	—
5.	Himachal Pradesh	8	—	3	—	5
6.	Karnataka	29	2	9	—	50
7.	Kerala	—	—	—	—	—
8.	Maharashtra	—	—	—	—	—
9.	Madhya Pradesh	1006	98	866	43,365/-	—
10.	Orissa	821	274	—	—	—
11.	Rajasthan	1746	83	94	—	—
12.	Tamil Nadu	1	1	—	200/-	—
13.	Uttar Pradesh	342	117	41	990/-	—
TOTAL :		6937	673	2506	1,13,782/-	177

* Plus 6 Qtl. 70kg. paddy and 37 kg. and 50 gram rice.

@ Information in respect of two districts still awaited,

NOTE :—State Governments of Assam, Meghalaya, Manipur, Nagaland, Punjab, Tripura, West Bengal and Sikkim have furnished 'NIL' information, since no bonded labour system exists in these States.

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 Caste/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.

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.

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 purposes 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 the States/Union Territory Administrations.

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.

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.

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 Rs. 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 Acts 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.

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/Scheduled 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 scheme 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.

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 Central Government should provide grants to the State Governments for strengthening their administrative machinery in this regard.

339. 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 sometime 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.

IV. ATROCITY PRONE AREAS

4.1 The Committee have been informed that the State Governments have identified the following districts which are sensitive from the point of view of crimes against Scheduled Castes and Scheduled Tribes :

Sl. No.	Name of State	Name of districts identified as sensitive from the point of view of crimes against Scheduled Castes
1.	Bihar	Patna, Nalanda, Rohtas, Bhojpur, Gaya, Vaishali, Samastipur, Begusarai, Bhagalpur, Monghyr, Ranchi (11 districts).
2.	Gujarat	Ahmedabad (rural), Mehsana, Surendranagar, Junagadh, Kheda, Amreli, Rajkot (rural), Banaskantha, Vedodara (rural), Bharuch, Kutch (11 districts).
3.	Harayana	Ambala, Karnal, Sonapat, Gurgaon, Faridabad (5 districts).
4.	Karnataka	Bangalore, Bijapur, Kolar, Mysore, Tumkur, Gulbarga (6 districts).
5.	Madhya Pradesh	Morena, Bilaspur, Panna, Raipur, Jabalpur, Ujjain and Bhopal (7 districts).
6.	Maharashtra	Aurangabad, Beed, Osmanabad, Nanded, Parbhani, Buldana (5 districts).
7.	punjab	2 villages in Ferozepur district, 3 villages in Sangrur district and 3 villages in Patiala district (3 districts).
Total		48 districts.

Sl. No.	State	Name of districts identified as sensitive from the point of view of crimes against Scheduled Tribes
1.	Bihar	<ol style="list-style-type: none"> 1. Singhbhum 2. Lohardaga 3. Palamau 4. Ranchi 5. Dumka 6. Sahibganj 7. Dhanbad 8. Hazaribagh 9. Giridih 10. Godda.
2.	Maharashtra	<ol style="list-style-type: none"> 1. Dhule 2. Nasik 3. Jalgaon 4. Osmanabad 5. Parbhani 6. Chandrapur 7. Gadchiroli 8. Bhandara 9. Amravati

4.2 It has been stated that information in respect of such areas in the States of Madhya Pradesh and Orissa is being collected and compiled by the States concerned.

4.3 The Committee pointed out that the number of crimes against Scheduled Castes in Uttar Pradesh and Rajasthan was quite large and enquired why no pockets of sensitive areas had been identified in these States also. The representative of the Ministry of Welfare has stated during evidence that according to the State Governments, these crimes are spread over the whole State. There is no specific area as reported by the Chief Minister of Rajasthan.

4.4. When asked about the special measures taken to protect the life and property of Scheduled Castes/Scheduled Tribes in the sensitive areas the Ministry has been stated in a note furnished to the Committee

that it has been suggested to the State Government that with a view to prevent atrocities on Scheduled Castes and Scheduled Tribes, at least one of the following posts in each of the sensitive districts should be held by officers belonging to these communities and tribes. The posts identified for this purpose are District Magistrate, Senior Supdt. of Police, Sub-Divisional Magistrate and Sub-Divisional Police Officer. It has been further suggested that officers belonging to Scheduled Castes and Scheduled Tribes should also be posted as Station House Officers as far as possible in such sensitive localities.

4.5 The following statement shows the number of Scheduled Castes/Scheduled Tribe Officers working against the posts of District Magistrate, Superintendent of Police, Sub-Divisional Magistrate and Sub-Divisional Police Officer in the States of Bihar, Madhya Pradesh, Rajasthan, Tamil Nadu and Uttar Pradesh :

4.6 When asked about the position of posting of SC/ST officers in other States, especially the States like Maharashtra, Gujarat, Haryana, Karnataka and Punjab where atrocity prone pockets have been identified, it has been stated in a note furnished to the Committee that the Ministry of Welfare do not have information regarding the posting of Scheduled Caste/Scheduled Tribe officers in other States like Maharashtra, Gujarat, Haryana, Karnataka and Punjab etc. As all District level officers are transferable 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. It is presumed that these guidelines are being followed by them subject to administrative convenience.

4.7 When asked about the posting of officers belonging to Scheduled Castes/Scheduled Tribes as Station House Officers in sensitive areas, it has been stated that the Ministry have no feed back in case of posting of Station House Officers.

4.8 The Committee enquired whether the State Governments had identified the areas where the musclemen/criminals were operating and the action taken to apprehend them. The representative of the Ministry has stated during evidence that based on the incidence of atrocities, the State Governments have identified certain areas as sensitive or atrocity prone. 48 districts in seven States have been identified. The States have been advised to keep a constant watch on the situation and to take all

Position as on 1.7.1984

Sl. No.	Name of the State	District Magistrate			Supdt. of Police			Sub-Divisional Magistrate			Sub-Divisional Police Officer		
		Total No. of posts	Sch. Caste	Sch. Tribe	Total No. of posts	Sch. Caste	Sch. Tribe	Total No. of posts	Sch. Caste	Sch. Tribe	Total No. of posts	Sch. Caste	Sch. Tribe
		Off- cers	Off- cers	Off- cers	Off- cers	Off- cers	Off- cers	Off- cers	Off- cers	Off- cers	Off- cers	Off- cers	Off- cers
1.	Bihar	38	6	2	40	6	6	82	1	3	78	4	4
2.	Madhya Pradesh	45	8	4	45	7	3	155	15	16	64	3	8
3.	Rajasthan	27	4	Nil	27	2	4	84	10	4	123	7	5
4.	Tamil Nadu	16	2	Nil	60	10	2	54	4	Nil	249	13	2
	Uttar Pradesh	57	10	2	80	11	Nil	361	53	5	241	24	Nil

precautionary and preventive measures against atrocities and if the State Government or the local authorities feel that there is a fear or apprehension of any breach of peace in that area then, they have been advised how to handle the situation and how to avoid actual breach of peace.

4.9 He has further stated that it has been provided in the revised guidelines of 1985 issued by the Home Ministry that on the basis of the study undertaken by the State administration and taking into consideration identification of sensitive districts and villages, the Intelligence/Special Branch of the State Police Department shall be charged with special responsibility for keeping an eye on such areas and villages and communicate both at the State level and the district level the likelihood of tension building up. This is one of the precautionary measures that has been put in the guidelines. The Ministry is in touch with the rest of the State Governments also to carry out this exercise of identifying sensitive areas.

4.10 When pointed out that in Kolhan area in Singbhum district, Scheduled Caste/Scheduled Tribe people were being harassed by organised people and the State Government was not taking any action against the accused persons, the representative of the Ministry has stated that in the Kolhan area, the main grouse of the Santhal people was that they were not being adequately involved in the local administration. The Gram Panchayats are there and in a few cases the Santhal people, the Sarpanchs, are members. But there is another Group, namely, the Munkis and the Mundas, who are the traditional village headmen ; they are not adequately represented in these Panchayati Raj Institutions because these are based on democratic principles and the Munkis and Mundas are hereditary posts. So they have a grouse. However, so far as the Government of India is concerned, the Ministry have been of the view that where the traditional village functionaries belonging to Scheduled Tribes are active or are still holding some sway, the State Government should attempt to give them some representation in the administration of the area. The Ministry had a dialogue with the State Government of Bihar and the Ministry have identified which are the areas where better involvement and representation of the local tribal people is possible. One sector is the Panchayati Raj institutions like Gram Panchayat Samitis. The other is Cooperatives. There are also autonomous tribal development authorities in the State of Bihar. There also the representation should be adequate. Besides, there are certain regulatory Acts or legislations for which there are Statutory Committees

at the district level and even at other lower levels. There also it should be possible to represent the tribals adequately. The Ministry have been in dialogue with the State Government of Bihar. They have already examined a few legislations and they are in the process of examining the other legislations also. If any amendment to any legislation is necessary, they will do that or where no amendment is necessary by executive order the local tribal traditional functionaries can be associated without violating the existing principles, they will do that also.

4.11 The Committee pointed out that the persons who were to protect the tribals were themselves in connivance and were in conspiracy against these tribals and asked how the Government proposed to protect the tribals. The representative to the Ministry has stated that so far as the problems of Adivasis in Bihar are concerned they had requested the officials of the State Government of Bihar to come down here about three-four months back and had a detailed discussion on the various grievances of the tribals in Bihar. It is alleged that the tribals are cutting the forests and the forest officials are filing cases against them. This is one aspect of administration. Ministry also went into the developmental aspect and said that prices can be fixed for the minor forest produce. There is a law in the State of Bihar and it should be possible for them to fix the prices of minor forest produce which the State is procuring through their Corporation. They have agreed in principle that they will go on examining item by item for price fixation. Similarly, there are certain items like lac where production is considerable but there are certain bottlenecks which the Ministry have identified. They are going to take steps to see that lac production is improved and a very large number of tribal people involved in it get an earning. In the case of Tendu leaves which are procured from that area, the scheme of State trading is in operation in the State but it is not foolproof. It was found that upto a certain level the State Governments had their own agencies but below that, they were dependent to some extent on trade channels. So the Ministry have suggested to them that these trade channels which are private should be replaced by State agencies so that exploitation cases and the discontentment among the tribals goes down. Like that Ministry have identified six or seven important aspects regarding forests and forest produce where these developmental measures will ultimately reduce the discontent of the local tribal population.

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 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 transferable 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 don't 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 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.

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.

4.14. As regards obtaining information about the posting of Scheduled Caste/Scheduled Tribe District level officers in the sensitive areas the Committee feel, that 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.

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 Samitis, Co-operatives 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.

V. RESPONSIBILITY OF CENTRAL GOVERNMENT

5.1. The Committee have been informed that according to the Seventh Scheduled of the Constitution of India the subject 'Public Order' and 'Police' come within the purview of the State Governments and it is primarily for the State Governments to take steps for protecting Scheduled Castes/Scheduled Tribes from all forms of exploitation including atrocities on them. However, the Central Government have a responsibility for protecting the lives and properties of Scheduled Castes and Scheduled Tribes as envisaged in article 46 of the Constitution. The Ministry of Home Affairs have issued guidelines to the State Governments/Union Territory Administrations from time to time. Initially, the following guidelines were issued on 10th March, 1980 vide then Home Minister's D.O. letter addressed to the Chief Ministers :-

A. Precautionary and Preventive Measures

(1) The Administration at the State and District levels must fully apprise itself of disputes concerning Scheduled Castes in different parts of the State pertaining to land, minimum wages, bonded labour, indignity against Scheduled Caste women etc.

- (i) All these disputes should be resolved quickly in a manner which is fair to the Scheduled Castes who have been long exploited and denied their due.
- (ii) Keeping in view the real situation in different parts of the State regarding wages, it must be effectively ensured that the agricultural labourers in practice should get not less than the statutory minimum wages and have alternative and additional employment opportunities throughout the year to improve their bargaining power for their wages. Adequate machinery should be set up for enforcing the implementation of the Ministry Wages Act in actuality as experienced by the agricultural labourers who are largely Scheduled Castes, and not merely in term of official statistics.

- (iii) All bonded labourers who are essentially agricultural labourers in extreme distress and who are mostly of the Scheduled Castes should be released quickly and simultaneously rehabilitated.
- (iv) Scheduled Castes should be put in effective possession of lands belonging to them or allotted to them and enabled to carry on cultivation wherever there are disputes and obstructions. A related task to be undertaken immediately and completed well before the ensuing cultivation season is to launch a village to village drive to find out whether Scheduled Castes are in actual possession of the land allotted to them or belonging to them, and wherever they are not, to put them in effective possession of those lands so that they can carry out their cultivation in the ensuing season and subsequently without any hindrance. While this drive is on, it will also be possible for the teams concerned to identify villages and lands in respect of which there is a possibility of interference by others and in such cases, full and effective police protection should be given to the Scheduled Castes from the beginning of the cultivation season till as long as necessary. For accomplishing the above tasks efficiently, Revenue-cum-Police Cells/Teams may be set up in Districts to exclusively attend to these tasks. To these Cells/Teams may be added officers of any other Department necessary, like the Labour Department.
- (2) The CID of the State Police Department should be charged with the special responsibility on the highest priority of identifying the areas of potential atrocities, where tensions are building up, well in time and communicate information to the Administration both at the District level and at the State level regularly and promptly.
- (3) Based on such information as well as information from any other source, the Administration and the Police force should resolutely and promptly move in to scotch the evil before it explodes as an atrocity.
- (4) Instead of leaving the resolution of such disputes and tensions to lower functionaries, high level officers like Collectors/D. Cs./D. Ms and their subordinate officers at the Sub-Divisional level and similarly the S. Ps and Sub-Divisional Police Officers should themselves go to the spot for resolving these disputes in a fair manner. This will go a long way in deterring the potential criminals and giving confidence to the potential victims.

(5) In many areas, the actual crimes are committed under the instigation of the powerful in the villages, by musclemen hired or employed by them or gang leaders engaged by them. Preventive action will be strengthened if persons of this type are located and dealt with severely under the various preventive sections available in the Cr. P.C. This work can straight way begin with those who may already be within the knowledge of the authorities.

(6) It is necessary to review the arms licences granted in the State and cancel such licences in areas where atrocities have taken place or potential for atrocities exists. Simultaneously, areas notorious for illegal manufacture of arms should be combed and this source of supply for committing atrocities completely eliminated.

(7) Areas where atrocities have taken place, areas where there is potential for atrocities and areas notorious for illegal arms should be taken as top priority areas for immediate implementation of Land Ceilings Act and other land reform measures ; identification, release and rehabilitation of bonded labourers ; developmental schemes for strengthening the socio-economic condition of the Scheduled Castes and public works schemes to afford them alternative and additional employment opportunities. These measures will help strengthen the victims and potential victims of atrocities and weaken the capability of perpetrators and potential perpetrators of atrocities for engaging musclemen and mobilising the arms.

(8) A few units of Special Striking Force, highly mobile and well-equipped, may be located in strategic areas, composed and officered in a manner which will give confidence to the Scheduled Castes and other weaker sections and deter perpetrators and potential perpetrators of atrocities.

(9) Special Cells may be constituted at the State level, under the personal supervision of the Chief Minister, or, in the case of States under the President's Rule, of the Adviser, to look into the grievances of the Scheduled Castes. The time of the day and the days of the week when Scheduled Castes can meet the Chief Minister/Adviser in such cases, may be widely publicised through mass media. Monitoring of quick action on them may be arranged. Similarly arrangements may be made at the District level and widely publicised through mass media in the officers of the Superintendent of police and the District Collector to receive and

attend to members of Scheduled Castes with complaints, register them and regularly monitor the progress of quick action on them.

(10) When an atrocity has taken place in a village, there is a possibility of chain reactions in neighbouring villages and areas. Therefore, preventive vigilance and preparedness covering the various points enumerated above and including intensive patrolling should be stepped up in such neighbouring villages and areas.

B. Punitive Measures

(1) When, in spite of all preventive and precautionary measures, a atrocities do occur against Scheduled Castes, police force should be moved into the areas quickly to quell them, arrest the offenders, not only those who actually commit the crimes but also those who encourage and instigate them. It will not be correct if the small fry alone are arrested and the powerful, really behind the crimes, are allowed to go scot-free.

(2) In areas where serious atrocities against Scheduled Castes take place, special police pickets should be stationed, not only to take prompt action against offenders but also to prevent recurrence of such offences. These pickets should be manned and officered in a manner that will give confidence to the victims and put fear of the law into the offenders.

(3) The police should directly and effectively intervene in instances of criminal trespass into lands belonging to Scheduled Castes by others, criminal trespass being a cognizable offence under Section 447 of the IPC.

(4) The effectiveness of punishment depends not only on its quantum but also on the speed with which it is imposed. Therefore, the police machinery should be required to complete the investigation on top priority and charge these cases within the shortest possible time, in any case not exceeding 14 days.

(5) The police machinery should be tightened up to ensure that the registration of complaints is prompt and the investigation is free from lacunae and defects.

(6) In serious cases of offences against members of Scheduled Castes, the investigating officers should be gazetted officers, preferably

Deputy Superintendents of Police or above, and carefully selected on the basis of their sense of social justice and ability to perceive the implications of the case and investigate it along right lines within the quickest possible time. These serious cases should be treated as Special Report cases.

(7) Prosecuting machinery should be tightened up to effectively resist the grant of bail to the accused in such cases and to go in for appeal if bail is granted in spite of their efforts.

(8) The prosecuting machinery should be further required to pursue the cases in the court for securing out-of-turn quick trial, conviction and deterrent punishment.

(9) Public Prosecutors to deal exclusively with cases of crimes against Scheduled Castes under the IPC and the PCR Act should be appointed. There are many young members of Scheduled Castes with degrees in law who are working as Clerks, Assistants, etc. in different Departments for want of a property-owning social base which is often necessary to support legal practice. Such youngmen may be identified and given all support for setting up practice and continuing it, appointing them as Assistant Public Prosecutors under the above Public Prosecutors, if necessary after a period of under-study. They should be enabled to make this switchover by ensuring that there is no loss of income compared to their present pay in jobs not related to their legal qualifications.

(10) One specific measure that can help in securing quick trial and ensuring punishment of offenders with deterrant rapidity is to set up special courts to try crimes under the IPC and the PCR Act. There may be an erroneous impression in some minds that the justification for special courts depends on a number of cases. This is not correct. The 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 Government to put an end to atrocities once for all, irrespective of the number of cases on file. In fact, if this process of speedy trial through special courts starts, it is very likely that many cases where complaints are not made by the Scheduled Caste victims of crimes on account of their lack of confidence in the legal and

Administrative machinery, may come to light, providing even numerical justification for special courts at a later stage.

(11) In all cases of serious crimes like murder, rape, arson and other serious mischief, grievous hurt, kidnapping, wrongful restraint, wrongful confinement etc. committed against members of Scheduled Castes, the local D.M. and S.P. should invariably visit the spot immediately and at any rate within 24 hours of the occurrence, supervise steps for the apprehension of the culprits and measures of relief and rehabilitation for the victims, and take such other steps as may be necessary to instil a sense of security and confidence among the members of Scheduled Castes in the area and the fear of law in perpetrators and potential perpetrators of atrocities.

(12) District officers should be required not only to take prompt action about all crimes committed by non-Scheduled Castes on Scheduled Castes, but promptly inform the State Government to enable the latter to take all necessary action and to simultaneously keep the Central Government informed.

C. Measures of Rehabilitation

It is necessary to have a standing scheme of comprehensive rehabilitation of Scheduled Caste victims of atrocities so that it may automatically come into operation as soon as an atrocity takes place. In order that it may be of real help to the victims, it should contain the following ingredients :—

- (i) Immediate relief.
- (ii) Restoration of the full income-earning capacity of the family of the deceased or incapacitated victims of atrocities through provision of employment and/or self-employment.
- (iii) Provision for work including work under Food for Work Programme or other assistance to meet the consumption requirement of the victim families, until income-earning capacity is fully restored.
- (iv) Education and maintenance of children where there is no bread-winner left and there is no scope for restoring income-earning capacity through provision of employment and/or self-employment.

- (v) Special arrangements for rape victims, keeping in view the psychological trauma suffered by them.
- (vi) Pucca house building for victims of arson.
- (vii) Adequate financial compensation in view of the outrage suffered by them.
- (viii) Delegation of full powers to the District Collector/Deputy Commissioner/District Magistrate to grant all assistance according to the scheme.

The scheme may be formulated and brought into force urgently.

D. Personnel Policy

(1) It should be the personal responsibility of the Collector/Deputy Commissioner/District Magistrate and S.P. to ensure that prompt and effective action is taken not only by themselves but by all officers of their District along the lines indicated above. They should be responsible for fully achieving the objectives of effectively preventing atrocities, apprehending criminals and visiting them with condign punishment with deterrent rapidity and quick and complete rehabilitation of victims/families.

(2) However, they may also have certain difficulties which hamper their work. They should be encouraged to express their difficulties of any type and the Chief Minister/Adviser and the Chief Secretary may promptly remove those difficulties.

(3) In the ACR of these officers, especially 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, these should be specific heads on :—

- (a) Attitude towards Scheduled Castes.
- (b) Sensitivity to social justice.
- (c) Ability to take quick and effective action to prevent and quell atrocities and ensure justice to Scheduled Castes.

(d) Effectiveness in bringing about the development of Scheduled Castes.

(4) Any failure to undertake prompt and efficient action or exercise adequate supervision, whether at the preventive stage or punitive stage or rehabilitation stage, should be regarded as a grave dereliction of duty on the part of the officer concerned and entered in the ACR, apart from taking appropriate disciplinary action.

(5) 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 in this receiving a significant set-back.

(6) The State Government may post carefully selected District Collectors/D.Gs/D.Ms, Supdts. of Police and officers of major Development Offices in Districts/Areas, where atrocities are taking place or there is potential for atrocity.

(7) It is well known that according to the hierarchical pattern of residence, in existence in most parts of the country, rural as well as urban, Scheduled Castes generally are relegated to the outskirts the most distant parts of the village, devoid of facilities and conveniences available in the rest of the village. They are considered to be the least prestigious part of the village, or even the town. It is necessary to rectify this as part of the drive against atrocities. As one step to bring prestige to the Scheduled Caste part of the village, and thereby to the Scheduled Castes, all Collectors and S.Ps and their Sub-Divisional subordinates should be required to spend a substantial part of the time on their tours to villages in the Scheduled Caste localities of the village and transact from these localities their work pertaining to the general advancement and general problems of the villages. Similar instructions may be given to the officers of the major development departments and officers of local bodies. This will have a far-reaching psychological impact. This of course does not mean that where their work pertains to specific groups like potters or carpenters, etc. they should do that also from the Scheduled Caste localities. Such work should appropriately be done from the localities of the concerned occupational groups. But on no account should the District administration lend the weight of its prestige to that part of the village where the powerful of the village reside by transacting work pertaining to the general public, or specific occupational groups, sitting in the locality of the powerful.

5.2. The Union Home Minister further communicated the following two guidelines suggested by the Members of Parliament and other, to the Chief Ministers of States and Union Territories *vide* his D.O. letter No. III. 11011/7/80—PCR (DESK) dated 6th September, 1980 :—

(1) At least one of the following posts in each of the sensitive districts should be held by officers belonging to Scheduled Castes and Scheduled Tribes. The posts indentified for this purpose are District Magistrate, Senior Supdt. of Police, Supdt. of Police, Sub-Divisional Magistrate and Sub-Divisional Police Officer.

(2) Officers belonging to the Scheduled Castes and Scheduled Tribes should also be posted as Station House Officers as far as possible in such sensitive localities.

5.3. On the basis of the experience of the State Governments, while working on the guidelines issued in 1980, a revised set of guidelines were conveyed to the State Governments *vide* Union Home Minister's D.O. letter dated 15th April, 1985 addressed to the Chief Ministers (*see* Appendix -II).

5.4. When asked about the legislative and administrative measures taken by the Central Government to prevent the incidence of atrocities, it has been stated in a note furnished to the Committee that the existing criminal laws cover crimes against Scheduled Castes also. However, on the recommendations of the National Police Commission, the Government of India have clarified the term 'atrocities' to ensure proper recording and analysis of such offences. In view of this, the State Governments/Union territories were informed *vide* letter No. III. 11011/8/82-PCR (DESK) dated 27th June, 1983 that crimes against Scheduled Castes coming under the following sections of IPC may be included in their monthly report to the Central Government :—

- (i) Chapter VIII (of offences against public tranquility) except sections 141, 142, 149, 152, 159 and P60.
- (ii) Chapter XVI (of offences affecting the human body) except Sections 303, 304-A, 305, 306, 310, 311, 312, 313,

314, 315, 316, 317, 318, 332, 333, 334, 335, 336, 337, 338, 353, 356, 357, 369.

- (iii) Chapter XVII (of offences against property)—except Sections 381, 383, 400, 401, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 421, 422, 423, 424.
- (iv) Chapter XXI (of defamation).
- (v) Chapter XXII (Criminal intimidation, insult and annoyance).

5.5. Crimes against the Scheduled Tribes mainly ensue from economic reasons like, land alienation, liquor vending, debt bondage and bonded labour system, exploitation in forestry, minimum wages, etc. With a view to ensure that atrocity against Scheduled Tribes gets reduced, consistent effort has been made by the Government of India and the States to enact and enforce protective legislations in the sphere of land alienation, money-lending, debt relief, bonded labour, excise and forestry.

5.6 In relation to administrative measures, comprehensive guidelines suggesting precautionary, preventive, punitive and rehabilitative measures with regard to crime/atrocities against Scheduled Castes/Scheduled Tribes, have been communicated to the States and Union Territories. The personnel policy in tribal areas has also been suitably re-oriented. It has been emphasised that necessary arrangements may be made for strict compliance of the instructions and legal provisions. The State Governments have been instructed to analyse the causes of such crimes/atrocities, identify the major trouble area, quick investigation of such cases and rehabilitation of victims. To create confidence among the Scheduled Tribes and Scheduled Castes it has also been stressed that in sensitive districts at least one of the posts of DMs, SSP, SP, SDM, SDO, Police officers should be filled with Scheduled Caste/Scheduled Tribe officers. The rates of compensation to the Scheduled Caste/Scheduled Tribe victims have been prescribed keeping in view types of atrocities and loss sustained by them.

5.7 When asked about the precautionary and preventive measures taken by various State Governments to effectively deal with crimes against Scheduled Castes and Scheduled Tribes, the representative of the

Ministry of Welfare has stated in evidence that precautionary and preventive measures taken by the State Governments, according to the guidelines are (i) setting up of Special Cells and Harijan Cells at the State levels headed by DIG and SP and at the District level by D.S.Ps and Collectors and SPs who have been made personally responsible for the security of Scheduled Castes and Scheduled Tribes, (ii) prompt registration of cases of atrocities, (iii) quick investigation of cases of atrocities, (iv) Collectors and Superintendents have been advised to develop some source of information through better intelligence, (v) identification and rehabilitation of bonded labour, (vi) money lending and giving relief etc. Bonded labour abolition is reviewed constantly in collaboration with the Labour Ministry and then forestry and excise legislations are also reviewed during the discussions with the State Governments. The Ministry have not come across any laxity on the part of the administrative machinery in atrocity-prone areas.

5.8 The Committee wanted to know whether the protective legislations enacted by the State Governments were working satisfactorily. The representative of the Ministry has stated during evidence that on the land alienation sector, review by the Ministry is continuous and the Home Minister wrote in this connection to all the State Governments in May, 1985, and he suggested that the review of the legislation should be taken up to find out the lacuna in the laws and the rules. The institution of Special Courts, if need be, can dispose of the cases and restore the lands to tribals. In pursuance of letters which are written by the Ministry to the State Governments from time to time, they get their reactions and on knowing that a particular State have certain lacuna in some respect, that State is advised to amend their law. This is one way of reviewing. Secondly, the Ministry themselves are getting reports from all States on land alienation laws from time to time. If the Ministry come to know that some States have a law, say of having provision against benami transaction while a few other States do not have such provisions, the Ministry request other State Governments that they should also have the same provisions on these lines. So, that way, this review is continuous and it goes on from time to time. The Ministry also tries to pursue with the State Governments to ensure that the laws are as effective in that context as possible. In the case of Himachal Pradesh, the Courts there struck down order and said that the

land should be restored to the tribals. The High Court said that the law did not visualize the appeal and recommendation of the State. So, Himachal Pradesh had to amend this law for this type of alienation. The Ministry have checked up with other States to find out if there is any case like this.

5.9 When asked whether the arrangements at the Centre and States were adequate to protect the Scheduled Caste/Scheduled Tribe people from atrocities, the representative of the Ministry of Welfare has stated during evidence that it is a fact that as years have gone by, the instruments both at the State and Central level have been strengthened from time to time in order to take care of the growing requirements of the interests, or looking after the interests of the Scheduled Castes and Tribes.

5.10 The Committee desired to know whether a separate column on 'Effectiveness in the development and protection of Scheduled Castes' had been opened in the Annual Confidential Reports of Police Officers as per the guidelines. The representative of the Ministry has stated that in respect of the officers belonging to All India services, namely, IAS and IPS, new Annual Confidential Report forms have been introduced. This form has been in force for the last three or four years. There is a specific column in the Annual Confidential Report about the attitude of the officer towards Scheduled Castes and Scheduled Tribes, his sensitivity to social justice, his ability to take quick action and ensure justice to Scheduled Caste/Scheduled Tribe etc. These are some of the specific entries which are now there in the Annual Confidential Report.

5.11 In reply to a question, the witness has stated that in so far as IAS and IPS officers are concerned, this form is commonly applicable all over the country. In respect of these All India Services, this form has been introduced by all the States.

5.12 As regard punishment to police officers who did not provide timely protection to Scheduled Castes/Scheduled Tribes, the representative of the Ministry has stated that in the States, a number of things are done by the State Government to show its displeasure. Punishment is also awarded some times but more often transfers take place.

5.13 When specifically asked whether any responsibility lay on the Ministry to get the guidelines/instructions issued by the Ministry of

Welfare implemented when the State Government did not comply with them, the witness has stated during evidence that continuous dialogue, continuous persuasion and continuous taking it up at higher levels between the Central Government and the State Governments are meant for this purpose. Based on the reviews which are being done in the Ministry, the results are submitted to the Ministers and when it is found that in certain States the performance in this particular branch dealing with the Scheduled Castes/Scheduled Tribes is not satisfactory, the Ministry write to the Chief Ministers.

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 a 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.

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 Caste/Scheduled Tribe is being alienated and they are also denied the 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.

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.

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 Governments 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. Policy Officers who show reluctance to register cases of atrocities promptly should be punished after instituting proper departmental inquiry regarding their conduct.

VI. UNTOUCHABILITY

6.1 About the prevalence of untouchability and the cases registered under Protection of Civil Rights Act during the last three years, the Committee has been informed in a note that though under Article 17 of the Constitution, the practice of untouchability has been abolished, the prevalence of this obnoxious practice still exists in some form or the other in various parts of the country. The Government of India views with great concern this evil practice and is determined to put an end to it.

6.2 The root cause of untouchability lies with the social, educational and economic backwardness of the Scheduled Castes. For centuries they have been subjected to various kinds of indignities. It is a gigantic task before the Government to provide safeguards to these people and initiate various measures which aim at removal of untouchability. The problem of untouchability is more economic than social. There is a close link between their economic plight on one hand and the social and civil disabilities to which they are subjected to, on the other. Therefore, the removal of untouchability lies in bettering their economic conditions. With a view to rectify this state of affairs, a new strategy was adopted in the Sixth Five Year Plan and mechanism of Special Component Plan was conceived.

6.3. Hitherto, the Untouchability Offences Act, 1955, which was to deal with cases of untouchability, did not prove effective enough. With effect from 19 November, 1976, the name of the Untouchability (offences) Act 1955 was changed to Protection of Civil Rights Act, 1955 and some more stringent provisions were incorporated in this Act.

The present law is more comprehensive to combat the evil custom of untouchability.

6.4 Right from the beginning the Government have taken various steps to curb this evil practice. The machinery for implementation of Protection of Civil Rights Act has been strengthened. The Government

of India provide matching Central assistance to the State Governments/ Union Territory Administrations to take up such programmes/measures which will go a long way in curbing this evil. The State Governments have initiated programmes like provisions of legal aid to the Scheduled Caste victims, incentives to the inter-caste married couples, appointment of officers etc. in this direction.

6.5 The Government of India in pursuance of the statutory provisions contained in Section 15A (4) of the Protection of Civil Rights Act, 1955 is responsible to lay on the Table of each House of Parliament an Annual Report containing the measures taken by the Central Government and State Governments/Union Territory Administrations to ensure that the rights accruing to persons subjected to disability arising out of untouchability are made available to them. The Annual Report for the year 1983 was laid in Lok Sabha on 10th April, 1985.

6.6 As desired by the Committee the information regarding cases registered under PCR Act and their disposal during the years 1981, 1982 and 1983 has been stated to be as follows :

Brought forward with		No. of fresh cases registered.	No. of cases closed by police after investigation but with out challenging	No. of cases chall- aned in the court.	No. of cases disposed of by courts.			Total No. of cass pending at the end of the year.	
Police	Court			Ending	End- in con- viction in	ing	Police	Court	
1	2	3	4	5	6	7	8	9	10
Year—1981									
698	4995	4085	982	2865	441	2085	2526	690	4547
Year—1982									
690	4547	4087	897	2665	199	1633	1832	725	4545
Year—1983									
864	6347	3965	791	2902	243	1707	1950	1136	7299

6.7 In reply to a question, it has been stated in a note that information for the year 1984 is not yet available. The Committee find from the above statement that the number of cases under FCR Act which are pending the courts had risen from 4547 in 1981 to 7299 in 1983 and desired to know the measures being adopted by the Government for quick disposal of these cases. In reply, it has been stated that from the statement showing the number of cases registered under the PCR Act 1955, State-wise and their disposal during the year 1983 (See Appendix III) it will be seen that out of 7299 cases pending with the courts at the end of the year 1983, 4 States viz. Maharashtra, Karnataka, Madhya Pradesh and Tamil Nadu accounted for 5197 cases, the percentage of which comes to 71.20% as detailed below :

S. No.	Name of State	No. of cases pending at the end of 1983 with the court	Percentage
1.	Maharashtra	1575	21.58%
2.	Karnataka	1422	19.48%
3.	Madhya Pradesh	1117	15.30%
4.	Tamil Nadu	1083	14.84%
Total :		5197	71.20%

6.8 For expeditious disposal of these cases, 4 special courts each have been set up in Tamil Nadu and Madhya Pradesh respectively in 1982 and 1983. 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 Court, 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. To handle such cases, one Assistant prosecuting officer has been appointed under the District Superintendent of Police in each District.

6.9 In reply to a question, it has been stated that Committees to review the working of PCR Act and for its effective implementation have been set up in most of these States where the problem of untouchability is acute. The composition of these Committees and the frequency of the meeting varies from State to State which is left to the discretion of the State Governments. Government of India has not given any directive in this regard. It is observed that the State level Committees are not meeting regularly. The recommendations and suggestions of the State level Committees are generally considered by the State Governments and are included in the Grant-in-aid proposals under Centrally sponsored Schemes.

6.10 When asked about the role of voluntary organisations in the prevention of atrocities on Scheduled Castes and Scheduled Tribes and eradication of untouchability, it has been stated in a note furnished to the Committee that presently there is one Voluntary Organisation of all India nature namely Harijan Sewak Sangh, Delhi (having branches in several States), which is engaged in the work of removal of untouchability. During the year 1984-85, a grant of Rs. 26,85,383 was sanctioned to the Sangh for various schemes for the welfare of Scheduled Castes including the work of removal of untouchability. The Sangh is engaged in propaganda and publicity for the removal of untouchability through the propagandists (Pracharaks) and other workers who organise public meetings, inter-caste dinners and undertake padyatras to get open temples, wells, barber shops, restaurants etc. to the Scheduled Castes. The Sangh also distributes posters, pamphlets, arranges film shows etc. and organises training camps for the workers etc.

6.11 When asked whether Central Government had issued any guidelines to the State Governments/Union Territory Administrations for providing support to voluntary organisations engaged in the rehabilitation of Scheduled Castes and Scheduled Tribes victims of atrocities, it has been stated that the State Governments/Union Territory Administrations do not need or wait for central guidelines in providing such support to voluntary organisations in their respective States. As a matter of fact, no such guidelines have been issued.

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 untouchable. 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.

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 sizable 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.

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.

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 Committees 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.

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.

VII. INCIDENCE OF ATROCITIES

7.1 The Committee have been informed that the Ministry of Welfare, on the basis of prescribed proforma, monitors data relating to crimes against Scheduled Castes and Scheduled Tribes through monthly reports received from the State Governments/Union Territory Administrations. A six monthly return is also received from the State Governments/Union Territory Administrations regarding progress of investigation of cases against Scheduled Castes/Scheduled Tribes.

7.2 Whenever any incident of crime against Scheduled Castes/Scheduled Tribes comes to the notice of the Ministry either through a news-item or through letters from any VIP/M.P. or through Intelligence reports, the Ministry immediately gets in touch with the concerned State Government and asks for a detailed report in the matter and impresses upon them to take all actions to redress the grievances of the affected Scheduled Castes/cheduled Tribes.

7.3 The Committee desired to know the total number of cases involving offences such as murder, grievous hurt, rape, arson and other offences under the IPC committed against Scheduled Castes and Scheduled Tribes in different States/Union Territories during each of the last three years. The requisite information as furnished by the Ministry of Welfare is at Appendix—IV & V.

7.4 The Committee desired to know whether the Administrations of States/Union Territories where the number of crimes against Scheduled Castes/Scheduled Tribes was high, had undertaken an overall review of the functioning of their intelligence organisation at different levels with a view to finding out as to how to improve the quality of intelligence, assessment of information received, training of intelligence personnel, proper selection of such personnel and coordination of various intelligence agencies etc. The representative of the Ministry of Welfare has stated during evidence that the State Governments have their intelligence machinery and naturally in the context of the emphasis

that is laid in regard to the crimes against Scheduled Castes and Scheduled Tribes, there is always a bias to use their intelligence machinery and the efforts like these lead to even identification of what is called atrocity-prone area or sensitive area etc. One of the points which has been pointedly made in the instructions issued by the Government of India is that, at the ground level, that is at the district level, the Collectors and the S.Ps must also develop their own sources of information and must not only depend upon what are called the established agencies. There are so many sources of information which are passed on to the Collectors and the SPs which they can mobilise. Instructions to that effect are being given to them that they should supplement the sources of information in this fashion also.

7.5 He has further stated that ultimately the efficiency of the administration at the ground level very largely depend upon the time as well as accuracy of the intelligence information that is available. It has been stressed in the instructions that the Collectors and SPs should have the personal responsibility. It is in that context that they are also being advised to develop their own sources of information.

7.6 When asked about the directions given to the State Governments for more efficacy of the Intelligence Department, the witness has stated that in the instructions given to the States adequate emphasis has been laid on the fact that the existing machinery in the States is to look at this problem also and to periodically give information on this at the grassroot level that they should not only rely upon or should not wait for the intelligence information coming from this source, but they will also have to develop other sources of information.

7.7 In reply to a question, the representative of the Ministry of Welfare has stated that as far as the Central Government agency is concerned, they are also developing some information, but the central agencies network is not so widespread since it is concerned with so many other things. It cannot substitute the kind of grassroot information which the State Government agencies can provide. In the ordinary course of things the information which comes to one intelligence agency is of use to the others. These informations are shared for the use of the other agencies. This is a normal thing. Based upon the various sources of information, sensitive areas are identified.

7.8 When the Committee desired to know as to how the Government procured information about the background to atrocities in order to curb them, the representative of the Ministry of Welfare has stated that intelligence gathering is not forecasting. It is about some situation which might be brewing in certain places because of certain tensions. They are specific to time and space. Because of certain conditions in some places, some problems may arise. If certain tendencies are there, it is for the State to take precautionary action in time. For this kind of a little bit of forewarning which the intelligence machinery is able to give, a little responsibility has to be there on the intelligence agency. It should be of service to the law and order administration to feed the system with that kind of forewarning. It is done at the ground and State level also. The kind of information coming from different State sources will be naturally shared with the authorities who have to deal with such situations. They act according to the responsibility given to them. It is a forewarning system. The Union Government has stressed that they should not depend on it. They should develop other sources of information. The point is that in tackling a difficult problem like this, the law and order administration must not rely on one or the other source, but be able to make use of all possible sources of information. The Central Government has placed a lot of emphasis on this in the instructions that have been given to State Governments.

7.9 When the Committee suggested that a special Cell from the side of Central Government should be constituted to look after the instances of atrocities against Scheduled Castes/Scheduled Tribes, the representative of the Ministry of Welfare has stated as follows :—

“There is a very large network of Intelligence-gathering machinery in the States. There are special arrangements to gather special types of Intelligence. You have already got a Central agency which again supplement and complements. There are many other items of work. By fragmenting one particular intelligence gathering agency and calling it a ‘Cell’ you will not get much purpose out of it. The important point is this. This subject of atrocities against harijans is posing a situation which creates or causes such problems which must be the responsibility of all concerned. That is what has got to be impressed, that is being impressed. We cannot substitute wide network of agencies that are functioning in the field by creating any small Cell here

and saying, 'No, you do some-thing about it' and so on. I very much doubt that kind of a thing which can substitute the agencies that exist. We have to continuously improve our functioning. I would in the end only like to plead with you that it is very difficult to subscribe to the view that the cause of atrocities etc. is due to the failure of the machinery. It is not so."

7.10 In reply to a question, he has further stated :

"All that I am saying is that the addition of a Cell in the intelligence machinery at the Central level may not serve the desired purpose from the Ministry's point of view. I am putting across my view but the Committee in its wisdom may come to its own opinion."

7.11 Progress of cases regarding crimes against Scheduled Castes during the years 1982, 1983 and 1984 have been stated to be as follows :—

Cases relating to Scheduled Castes—1982

Sl. No.	Name of State	Convicted	Acquitted	Pending in Courts
1	2	3	4	5
1.	Andhra Pradesh	91	170	270
2.	Assam	—	—	—
3.	Bihar	439	103	3131
4.	Gujarat	15	87	224
5.	Haryana	3	9	40
6.	Himachal Pradesh	19	60	67
7.	Jammu & Kashmir	19	14	27
8.	Karnataka	5	323	469
9.	Kerala	12	143	76
10.	Madhya Pradesh	308	276	1790
11.	Maharashtra	97	152	590
12.	Manipur	—	—	—

1	2	3	4	5
13.	Meghalaya	—	—	—
14.	Nagaland	—	—	—
15.	Orissa	—	—	60
16.	Punjab	24	42	39
17.	Rajasthan	94	190	2979
18.	Sikkim	—	—	—
19.	Tamilnadu	6	99	152
20.	Tripura	—	—	—
21.	Uttar Pradesh	350	401	13692
21.	West Bengal	1	2	41
Union Territories :				
1.	Andman & Nicobar Islands	—	—	—
2.	Arunachal Pradesh	—	—	—
3.	Chandigarh	—	—	—
4.	Dadra & Nagar Haveli	—	—	—
5.	Delhi	—	2	13
6.	Goa, Daman & Diu	—	—	—
7.	Lakshadweep	—	—	—
8.	Mizoram	—	—	—
9.	Pondicherry	—	4	2
Total :		1483	2077	23662

1	2	3	4	5
1 9 8 3				
1.	Andhra Pradesh	33	73	250
2.	Assam	—	—	—
3.	Bihar	153	134	4147
4.	Gujarat	26	122	198
5.	Haryana	14	39	66
6.	Himachal Pradesh	5	11	112
7.	Jammu & Kashmir	—	9	33
8.	Karnataka	4	339	498
9.	Kerala	13	94	89
10.	Madhya Pradesh	316	233	2286
11.	Maharashtra	126	190	901
12.	Manipur	—	—	—
13.	Meghalaya	—	—	—
14.	Nagaland	—	—	—
15.	Orissa	—	2	42
16.	Punjab	13	20	36
17.	Rajasthan	56	96	4021
18.	Sikkim	—	—	—
19.	Tamil Nadu	17	157	184
20.	Tripura	—	—	—
21.	Uttar Pradesh	606	891	14744
22.	West Bengal	—	1	45
Union Territories :				
1.	Andman & Nicobar	—	—	—
2.	Arunachal Pradesh	—	—	—
3.	Chandigarh	—	—	—

1	2	3	4	5
4. Dadra and Nagar Haveli	—	—	—	—
5. Delhi	—	—	5	8
6. Goa, Daman & Diu	—	—	—	—
7. Lakshadweep	—	—	—	—
8. Mizoram	—	—	—	—
9. Pondicherry	—	1	6	4
		<u>1383</u>	<u>2422</u>	<u>27684</u>
	Total :			

1984*

1. Andhra Pradesh	6	19	N.A.
2. Assam	—	—	—
3. Bihar	45	220	4827
4. Gujarat	52	199	414
5. Haryana	3	2	55
6. Himachal Pradesh	6	19	126
7. Jammu & Kashmir	—	11	15
8. Karnataka	—	11	N.A.
9. Kerala	N.A.	N.A.	N.A.
10. Madhya Pradesh	580	127	3313

* Partial information in respect of some states.

1	2	3	4	5
11.	Maharashtra	40	109	N.A.
12.	Manipur	—	—	—
13.	Meghalaya	—	—	—
14.	Nagaland	—	—	—
15.	Orissa	—	—	46
16.	Punjab	10	30	34
17.	Rajasthan	77	243	4879
18.	Sikkim	—	—	—
19.	Tamil Nadu	27	245	424
20.	Tripura	—	—	—
21.	Uttar Pradesh	603	605	12063
22.	West Bengal	—	10	55
Union Territories :				
1.	Andaman & Nicobar	—	—	—
2.	Arunachal Pradesh	—	—	—
3.	Chandigarh	—	—	—
4.	Dadra & Nagar Haveli	—	—	—
5.	Delhi	—	1	7
6.	Goa, Daman & Diu	—	—	—
7.	Lakshadweep	—	—	—
8.	Mizoram	—	—	—
9.	Pondicherry	1	—	3
Total :		1450	1851	26261

7.12 Progress of investigation of cases involving offences against members of Scheduled Tribes by non-Scheduled Tribes during the year 1984.

Sl. No.	Name of State	Cases registered by police (B.F.+new)	Cases pending investigation (B.F.+new)	Cases closed after investigation (B.F.+new)	Cases on trial in courts (B.F.+new)	Cases decided by the Courts		
						Ending in conviction.	Ending in acquittal.	Total
1.	Assam	19@	16	4	3	—	—	—
2.	Bihar	14@	88	2	188	—	—	—
3.	Gujarat	166	82	3	128	14	16	30
4.	Karnataka	3*	3	Nil	2	—	—	—
5.	Madhya Pradesh	2041*	1651	Nil	336	176	109	285
6.	Maharashtra	94*	23	Nil	71	—	—	—
7.	Orissa	56	25	9	47	1	1	2
8.	Rajasthan	314	283	92	268	8	28	36
9.	Tamil Nadu	2*	1	Nil	2	—	—	—
10.	Uttar Pradesh	Nil	Nil	Nil	1	—	—	—
11.	West Bengal	34*	34	1	34	—	—	—

12. A & N Islands	4	3	Nil	18	—	—
13. Dadra & Nagar Haveli	1	1	Nil	Nil	—	—
14. Arunachal Pradesh	48	30	6	16	10	7
Total :	2924	2240	117	1114	209	161
						370

N.B. 1. Govt. of Himachal Pradesh, Meghalaya, Sikkim, U.T. Administration of Goa, Daman & Diu, Lakshadweep and Mizoram have furnished 'NIL' report.

2. Complete information in respect of Andhra Pradesh, Kerala, Manipur, Nagaland and Tripura have not been received so far.

*** Data from January-June, 1984 only.**

@ Data from July-December, 1984 only.

7.13. The Committee pointed out that the number of cases regarding crimes against Scheduled Castes pending in Courts in 1982 was 23662 which had risen to 26261 in 1984 and wanted to know the steps being taken by Government to clear the pending cases expeditiously to give prompt justice to Scheduled Castes. The representative of the Ministry of Welfare has stated during evidence that the guidelines sent by the Union Home Minister to all the State Governments in 1980 mentioned about this and certain steps were also suggested for seeing that the disposal of the cases was expedited. Some measures had also been suggested. The instructions that prosecuting machinery should pursue the cases in the courts to secure better trial of the offenders, appointment of the Public Prosecutors should be made more exclusively for the Scheduled Castes and Scheduled Tribes, also setting up of Special Courts etc. were given in the guidelines of 1985. They are also taking it up at their level with their counterparts in the State Governments to ensure that these things are taken care of.

7.14. It has been further stated that in those States where the pendency of cases is high or where the State Governments feel that they will be able to expedite the disposal of these cases by setting up of special courts, they have been advised to do so. In the States of Andhra Pradesh, Bihar, Madhya Pradesh, Rajasthan and Tamil Nadu, the Special Courts are already functioning. The Ministry expected that certain other States where the work is heavy will also think of setting up of such Special Courts. The Ministry of Welfare is repeatedly in touch with them. As a result of their review, if it is known that pendency has increased, the State Governments are told to follow the courses open to them by expediting the cases at the prosecution level and then by expediting the same through Special Courts etc.

7.15. The details about the States having Special Courts to try PCR Act as well as the IPC offences and the year since when these special courts were started are given below :—

S. No.	Name of State	No. of Courts	Years
1.	Andhra Pradesh	7	1979
2.	Tamil Nadu	4	1982
3.	Bihar	4	1982
4.	Madhya Pradesh	4	1983
5.	Rajasthan	8	1983

7.16. The Government of Andhra Pradesh took a lead by setting up 5 Special Courts in the year 1979. The motive behind setting up of these courts was to deal exclusively the crimes against Scheduled Castes/Scheduled Tribes. Considering the effectiveness of these Courts, the Government of Andhra Pradesh set up two more Special Courts bringing the total to 7. It is encouraging to note that the same Government have now proposed to set up 4 more Special Courts bringing the total to 11.

7.17. The experience of this State Government was mooted to other States also. Rajasthan followed it by establishing 3 Special Courts in the year 1980. The number has now risen to 8. The encouraging experience of these States have given inspiration to other States to set up Special Courts. Thus the Governments of Tamil Nadu, Bihar, Madhya Pradesh have set up 4 Special Courts each.

7.18. The Government of India is in continuous touch with the State Governments emphasising the need to set up Special Courts which have not so far any and to increase the number of these courts which have already set up such Courts. The Government of India is agreeable to bear matching Central Assistance for setting up these Courts/making them more effective.

7.19. Some States like Gujarat and Uttar Pradesh do not consider the need to set up these Special Courts while a few States like Maharashtra and Karnataka are considering to set up Special Courts in consultation with the respective High Courts. In Uttar Pradesh though there are no Special Courts, as per the orders of Allahabad High Court prompt action is taken in all cases. For this purpose, one Magistrate has been nominated in each District.

Acquittal of Offenders

7.20. The Committee observed from the statement showing progress of cases on crimes against Scheduled Castes/Scheduled Tribes that most of these cases result in acquittal of offenders. The Committee asked about the reasons of such acquittals and remedial measures taken, if any, to ensure that the guilty persons do not go unpunished. It has been stated in a note furnished to the Committee that the State Governments

have pointed out reasons for large scale acquittals like witnesses turning hostile or the witnesses won over by accused persons or complainants themselves not supporting their complaints. They have replied that they are taking measures to expedite the investigation of such cases. They have further mentioned that the cases are being contested vigorously by the accused also resulting in large scale acquittal. The State Government of Tamil Nadu have informed that they have instructed the District Collectors, the Supdts. of Police and the District Judge to get together once in a month to review the position and they are taking measures on the basis of guidelines. The grant of bail to accused in cases of atrocities on Scheduled Castes is being resisted.

7.21. It will be seen from the statement regarding progress of investigation of cases involving offences against the members of Scheduled Tribes by non-Scheduled Tribes during 1984 that the conviction ratio is much higher than the acquittal ratio. The convictions out of the total cases decided by the Courts was 209 out of 370 which is much above 50%.

7.22. In a separate note the Ministry of Welfare have stated that it is their experience that most of the cases lodged by the Scheduled Castes either under the PCR Act, 1955 or under the IPC end in acquittal because of the unwillingness on the part of the witnesses to attend courts due to various reasons. One such reason is their loss of wages on the days they attend courts, the time spent and the expenditure incurred by them. With a view to removing this genuine difficulty, the Government of India is agreeable to extend financial assistance to the State Governments to compensate the wages of the witnesses involved in offences under the PCR Act required to appear before the Court. It has been, therefore, impressed upon the State Governments to give wide publicity to this aspect and seek financial assistance from the Government of India as and when such occasion arises. It has also been suggested that a similar scheme may be adopted by the State Governments so far as offences under the IPC are concerned where the Scheduled Castes are the victims.

7.23. It has been further stated that the comprehensive guidelines suggesting various corrective measures have been formulated by the Central Government from time to time, and conveyed to the State Governments to effectively deal with the crimes against Scheduled Castes.

Consequent upon suggesting to the State Governments these precautionary, preventive, punitive and rehabilitative measures, a number of States have evolved steps to curb crimes against Scheduled Castes and to create a sense of security among the Scheduled Castes. Such measures are :—

- (a) Wherever potential exists for atrocities or where these have already taken place, review of the arm licences granted is undertaken on a continuing basis.
- (b) Police authorities have been specifically instructed to intervene in instances of criminal trespass into lands belonging to Scheduled Caste by others. Besides, they are under order to treat serious cases of crimes against them as special report cases, register the complaints promptly and start investigation forthwith and to arrange for quick trial with efficient prosecution with a view to ensuring deterrent punishment to be awarded to the offenders.
- (c) High ranking officers have been made personally responsible for prompt and effective action. Any failure in this regard would be treated as a dereliction of duty.
- (d) Eleven police stations in Bihar and 7 sub-Police Stations in Madhya Pradesh have been set up to exclusively register cases of crimes against Scheduled Castes.
- (e) Special Courts have been set up in the States of Andhra Pradesh, Bihar, Tamil Nadu, Rajasthan and Madhya Pradesh to ensure punishment of offenders with deterrent rapidity.
- (f) High level revenue and Police officers have been instructed to go to the spot for resolving the disputes in a manner fair to the Scheduled Castes. They have been entrusted with the responsibilities to supervise the steps for the apprehension of the culprits and keep a watch on the progress of investigation etc.

7.24 The Government is continuously pursuing with the State Governments about the strengthening of Special Harijan Cells where these have been set up and to create such cells where these do not exist. The Government of India is agreeable to bear matching Central Assistance for strengthening/creation of such cells under the Centrally Sponsored Scheme.

7.25 The Government of India have already suggested to the State Governments that while preparing the panel of lawyers for various

positions such as public prosecutors, Government pleaders and so on in the districts, steps should be taken to ensure that atleast some of them are sympathetic to the causes of Scheduled Castes/Scheduled Tribes. While preparing such a panel, it is advisable to give some weightage to lawyers belonging to Scheduled Castes/Scheduled Tribes in the light of the Government's anxiety to enable persons of Scheduled Castes and Scheduled Tribes to overcome impediments placed on them and in view of the needs of Scheduled Castes/Scheduled Tribes, adequate weightage on the lines of reservation percentage needs to be given to such Scheduled Castes/Scheduled Tribe candidates in the preparation of such panels. This justifies both from the point of view of introducing occupational diversifications among Scheduled Castes/Scheduled Tribes and from the point of view of introducing into the legal professions a fair proportion of persons who have suffered disadvantage being born in the families of Scheduled Castes and Scheduled Tribes and will, therefore, particularly be sensitive in the discharge of their professional duties to the problems being faced by such people. The Government of India, however, do not keep any record about the number of persons appointed in this regard.

Special Cells/Harijan Cells

7.26 The Committee have been informed that almost all the major States have set up Special Cells/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 regional offices of the Commission for Scheduled Castes and Scheduled Tribes, *inter-alia*, visit various parts of their jurisdiction to have a first hand knowledge about the working of these cells, which are reflected in the Annual Report of the Commission for Scheduled Castes and Scheduled Tribes. Officers of the Ministry of Welfare are sometimes visiting the States and these Cells and they provide necessary guidance so that these Cells may work smoothly. The Ministry also provides matching Central Assistance for continuance and strengthening of such Cells at various levels (State level, District level etc.). On the basis of the reports furnished by the State Governments, a review is made in the Ministry of Welfare. The Ministry recommends to the State Governments the important steps taken by a particular State so that other States may adopt such steps for effective implementation of the Act.

7.27 In reply to a question, it has been stated that as a result of creation of Special Cells/Harijan Cells more and more cases under the PCR Act and other crimes are being registered which otherwise would have gone unreported. The Harijan Cells are investigating these cases and are making challans to courts. The setting up of Cells have made it possible to devote exclusive attention to the work relating to prevention of crimes etc. for a close liaison with the district authorities. It may be stated that establishment of these Special Cells/Harijan Cells have considerably helped in checking the upward trend in crimes against Scheduled Castes and Scheduled Tribes in various States.

7.28 When the attention of the Ministry was drawn to the observation made by the Commissioner for Scheduled Castes and Scheduled Tribes in his 27th Report (1979-80) that the Harijan Cells/Special Cells do not have adequate supporting staff at State and regional levels, it has been stated that the State Governments/Union Territory Administrations have been asked to strengthen the Harijan Cells/Special Cells for which Government of India will give assistance.

7.29 In reply to a question regarding acquittal of accused persons in cases of crimes against Scheduled Castes/Scheduled Tribes due to connivance of police or some other loopholes in the case, the representative of the Ministry has stated that it is precisely to see that where such interest is not taken properly or there is an allegation that such interest is not taken properly, the State Governments have set up Special instruments. Special Cell within the Police administration has been set up. By creating these various mechanisms, the Government try to ensure that this kind of lapses even at the field level are reduced. No doubt that such incidents occur but there is a constant effort of the State Government to sharpen the instruments in such a way that the interests of these sections are well protected.

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 & 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 advise the State 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.

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.* 13692 in 1982, 14754 in 1983 and 12063 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.

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.

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 intimation. 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.

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 progress of cases regarding crimes against Scheduled Castes during the years 1982, 1983 and 1984, it is seen 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 the 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 witnesses required to appear before the courts in connection with cases of atrocities on Scheduled Castes and Scheduled Tribes.

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

7.36 The Committee have been informed that the State Government of Tamil Nadu have instructed the District Collectors 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 Government 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.

7.37 The Committee note that almost all the States have set up Special Cells/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 provided for which Central assistance is also available to the State Governments.

VIII. MONTHLY/HALF-YEARLY RETURNS

8.1 The Committee have been informed that the Ministry of Welfare, on the basis of prescribed proforma, monitors data relating to crimes against Scheduled Castes and Scheduled Tribes through monthly reports received from the State Governments/Union Territory Administrations. A six monthly return is also received from the State Governments/Union Territory Administrations regarding progress of investigations of cases against Scheduled Castes.

8.2 As desired by the Committee, the Ministry of Welfare have furnished copies of the monthly returns for the months of July and August 1985 and half-yearly returns as on 30th June and 31st December 1984 and 30th June 1985 received from the State Governments/Union Territories which may be seen at Appendix VI to IX.

8.3 The Committee desired to know the reasons for devising two different proforma (form with 21 columns in SC & BCD and a form with 13 columns in TDD) for the six-monthly returns showing progress of investigation of cases involving offences against Scheduled Castes and Scheduled Tribes. The Secretary, Ministry of Welfare has stated during evidence as follows :—

“What you have pointed is right. In fact what happened in 1984 was, the form in which the information was being collected for the crimes against Scheduled Tribes was rationalised and some of the repetitive information was avoided and in fact, we ourselves would like the proforma to be on a uniform pattern. We do not want to keep this distinction. Actually, the old proforma which has been there in the Scheduled Castes Division has continued as it was when in the Tribal Division it was rationalised. And you are quite right and we are trying to bring both the forms into one-same pattern.”

8.4 Referring to the statement showing information on crimes against Scheduled Castes/Scheduled Tribes on monthly basis, the

Committee asked why it had not been received from Andhra Pradesh for the month of July when Karamchedu carnage occurred. The representative of the Ministry has stated during evidence that even in the States information has to be collected from various field formations which are spread all over. So the States have also been improving their systems. If a particular State has not reported promptly, the Ministry pursue with that State Government in order to get the information. There is no other source. Ministry have to pursue with the State Governments and the State Governments in turn have to tighten up their systems of collecting information from the fields. It will be very difficult for the Ministry to answer whether and why a particular incident was not reported or why did the Ministry not get information on a particular incident. The question under discussion is the collection of statistical information. The reports are about the statistical information which has been classified into some groups and the nature of crimes and in relation to the nature of crimes certain inputs are given.

8.5 As regards the incident of Karamchedu, the representative of the Ministry has further stated that the incident was reported to the Ministry of Home Affairs and later on it was found that the State Government was about to appoint a Commission. As the Commission was to be appointed, no further action on the part of the Central Government was possible on that report.

8.6 When asked since how long these returns were being received in the Ministry, the Secretary of the Ministry has stated that the monthly reports in respect of Scheduled Castes and Scheduled Tribes used to come in an aggregate form since 1974. In 1984 the reports were bifurcated—one for Scheduled Castes and the other for Scheduled Tribes.

8.7 Asked whether the matter had been discussed with the Chief Ministers of the concerned States which were not sending the statistical information, the Secretary of the Ministry of Welfare has stated that in the case of more defaulting States the matter is taken up and brought to the notice of State Government at the highest level.

8.8 The Committee desired to know whether monthly/six-monthly reports on crimes against Scheduled Castes and Scheduled Tribes are

received from all the State Governments/Union Territory Administrations regularly and in time and if not, the action taken to get these reports on a regular basis from defaulting States/Union Territory Administrations. It has been stated in a note furnished to the Committee that monthly reports are scheduled to be received by 10th of the following month and six monthly reports are scheduled to be received by the 15th of the month following the half-yearly period. These reports are generally not received in time. The State Governments have to collect the information from their various field formations and compilation of the same delays the submission of the reports to this Ministry. The defaulting State Governments are reminded for expediting furnishing of the reports even by sending wireless messages.

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.

8.10 The Committee are 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 Caste 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.

IX. ROLE OF THE NATIONAL INTEGRATION COUNCIL

9.1 It has been stated in a note furnished to the Committee that the National Integration Council and its Committees have been engaged in the task of maintaining communal peace in broad terms. The Council has focussed attention on the need for eschewing violence against weaker sections and identification of main irritants to communal and caste harmony and devising ways and means to deal with them. The Council was reconstituted in 1980 and met thereafter on 12th November, 1980 and 21st January, 1984. The council had laid stress on greater development, adequate opportunities in the sphere of education and employment and inculcation of a national outlook among the people. The council had also stressed on creating and strengthening an atmosphere of secularism where members of the society help in protecting each other, especially the weaker neighbours.

9.2 The reconstituted National Integration Council (1980) appointed a Committee on Communal Harmony, which was later renamed "Committee on Communal and caste Harmony". This Committee has met on 24th April, 1981; 21st June, 1982; and 30th November, 1982. The Committee had focussed attention on the need to approach the problem of caste tensions from the socio-economic angle and also the need for intensification of the educational efforts for the backward communities and adequate publicity to the provisions of the Protection of Civil Rights Act. At its third meeting, the Committee discussed the recommendations of the Commissioner for Scheduled Castes and Scheduled Tribes wherein the Commissioner had observed that the Centre had an over-riding responsibility in the matter of protection of weaker sections and modalities for the effective intervention of the Centre. In the context of protection of the weaker sections of society, the Committee also wanted the State Governments to effectively implement the laws of land ceiling, bonded labour and minimum wages.

9.3 When asked about the outcome of discussion on the recommendations of the Commissioner by the Committee on Communal

and Caste Harmony, it has been stated that the recommendations of the Committee on Communal and Caste Harmony are being examined.

9.4 In reply to a question, it has been stated that the Committee on communal and caste harmony has not met after the 30th November, 1982.

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 39th 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 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.

X. ROLE OF THE COMMISSIONER/COMMISSION FOR SCHEDULED CASTES AND SCHEDULED TRIBES

10.1 The Committee have been informed that on important cases of atrocities enquiry is conducted through the Commission for Scheduled Castes and Scheduled Tribes. Field visits are also made by the officers of the T.D. Division. On the basis of findings in such studies, remedial action is initiated to prevent recurrence of such cases.

10.2 The Committee enquired about the cases investigated by the Commission or Commissioner for Scheduled Castes and Scheduled Tribes under directions from the Ministry. The representative of the Ministry has stated during evidence that on the initiative of the Government a case was referred to the Commission for looking into it and this referred to some law and order situation in an area in Godavari district, Andhra Pradesh. He added that the Report of the Commission and the Commissioner deal with all important cases which they look into during the year, not necessarily on Government reference but important cases which come to their notice through other sources also. It is not that the Commission or the Commissioner undertook to enquire only such cases which were referred by the Government. In fact, some cases were enquired into by them on the basis of information reaching them directly or through other sources. The Commission or the Commissioner take cognizance of such cases for enquiry and by this process of enquiry they bring to light very authentic reports about adequacy of action or inadequacy of action.

10.3 When asked to give details about the cases of atrocities investigated through field visits of officers from Tribal Development and Scheduled Caste and Backward Classes Divisions the representative of the Ministry has clarified that the field visits by the officers were not for the purpose of investigation. The purpose of mentioning about this is to show that the continuous contacts at the executive level, the administrative level are maintained between the Central Government and the State functionaries when such important things come up. The idea is not that those officers come and make some independent enquiry or

investigation. This is basically the aim by which officers of the Ministry of Welfare have occasion to talk to the counterparts in the States. In fact, it is very difficult to sort out visits relating to particular incidents. The purpose in mentioning this was only to say that the officers of the TD Division or Scheduled Caste and Backward Classes Division are not naturally tied to their desk. They do have a mechanism by which they have contacts with their counterparts dealing with the subject so that there is also continuous personal communication with the State Government officers. But for the work of the TD Division or Scheduled Caste and Backward Classes Division, atrocities are not the only subject. They are actually looking into the total question of Scheduled Caste welfare and tribal welfare. Naturally their visits to the State Governments will help discussion of problems and issues relating to development, relating to tribal welfare, implementation of Special Component Plan etc. When such cases come up like this and if they visit the State cases are dealt with also. Actually, this detailed looking into such cases as an independent agency is the work of the Commission/Commissioner, when they take cognizance of the cases. Looking into the facts of the case and making a report available to the public is their real function.

10.4 The representative of the Ministry of Welfare has further stated that the Commissioner of the Commission for the Welfare of Scheduled Castes and Scheduled Tribes has, in their charter, the functions to inquire into individual complaints and look into them. In fact, they do bring out in their reports, if there are any cases of this kind.

10.5 When the Committee pointed out that there was no report of the Commissioner from 1981 to 1985, the representative of the Ministry has stated that till 1981, the Government have Commissioner's Reports. Similarly upto the end of March, 1982, the Reports of the Commission are available and the Commission has submitted four reports so far because the Commission itself came into being in 1978. The Commissioner has submitted 27 Reports. Almost from 1974, the Commissioner in his Reports has been including a specific chapter on atrocities. The Commission has also been including a chapter on atrocities. These instruments of reporting regularly to the Government and to the Parliament on the very kind of inputs is a critical look into what happens and why does it happen and how does it happen and how the administration has reacted. Even to some specific illustrations

which they have looked into, these things are reported. The basic purpose of all that is naturally to bring to light what one might call the reality of the situation as perceived through these instruments in an authentic way in order that the picture is available to all concerned—both the authorities as well as the people.

10.6 The Commissioner for Scheduled Castes and Scheduled Tribes has *inter alia* stated in his Twenty-seventh Report for the period 1979-81 (p, 340, para 10.5) that of late, it has been witnessed in several parts of the country that some of the well intentioned measures put into implementation for improving socio-economic conditions of Scheduled Castes and Scheduled Tribes have become a subject of controversy and caused bitterness among some of the misguided sections of society, who instead of looking at the whole thing in its proper perspective have started considering these sections as being privileged at their own cost. It is essential that necessary awareness may be brought about amongst such misguided sections through publicity media that ameliorative steps are necessary on account of the past neglect of these communities and do not imply discriminatory approach of the Government.

10.7 When the Committee enquired about the action taken by Government on the above recommendation to the Commissioner it has been stated in a note furnished to the Committee that all State Governments/Union Territories have been informed to take appropriate action on the recommendation. The Ministry have so far received the comments on this Recommendation from six States/Union Territories which are as under :—

S. No.	State/U.T.	Comments
(1)	Bihar	The State Government agrees with this suggestion Various instructions have been issued by the State Government to curb exploitation of Scheduled Castes and Scheduled Tribes. District authorities have been asked to take suitable action under the existing laws to protect the legitimate rights of Scheduled Castes and Scheduled Tribes. These are also being regularly monitored.

1	2	3
(2)	Haryana	Periodic seminars are held by District S.P. in which the members of Scheduled Castes/Scheduled Tribes are also invited and they are encouraged to bring to the notice of the authorities any injustice done to them. Whenever such complaints are received, prompt remedial measures are taken to restore confidence amongst Scheduled Castes regarding protection of their rights.
(3)	Karnataka	The State Department of Information and Publicity and various field agencies are doing utmost to ensure that proper publicity is given regarding the measures for the welfare of Scheduled Castes and Scheduled Tribes and also regarding the need for these measures. The Ministers of the State Government, various officers of all the Departments of the State Government during their visits to the villages convey the message regarding the condition of these communities over the centuries and the fact that the measures for their welfare are not in any way discriminatory towards any other sections of the society. Even in training institutions, this idea is being imported to the trainee officers of all State Departments.
(4)	Rajasthan	With the passage of time, there is gradual awakening in the weaker sections about their rights which the administration is now taking into full consideration for such action as a case may require.

1	2	3
(5)	West Bengal	The State Government have agreed to the recommendation.
(6)	Goa, Daman and Diu	Necessary awareness is being created through publicity media.

10.8 The Committee have been informed that the Ministry of Welfare have asked the Governments of Bihar, Rajasthan, West Bengal and Goa, Daman and Diu to intimate the final action taken in the matter. The State Governments/Union Territory Administrations, who have not so far responde have been reminded.

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 crime 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 heads of these 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.

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.

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 the 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.

10.12 The Committee hope that the next Report of the Commissioner for Scheduled Caste and Scheduled Tribe will be comprehensive and cover the period for which office of the Commissioner remained vacant so that statistical data compiled during that period is not lost sight of and is available for reference and remedial measures taken wherever necessary and possible.

XI. RELIEF AND REHABILITATION MEASURES

11.1 The following rates have been suggested by the Commission for Scheduled Castes and Scheduled Tribes for providing relief/compensation to the Scheduled Caste/Scheduled Tribe victims of crimes :—

Nature of crime	Quantum of relief/compensation suggested
1. Death per each person killed in a family (whether earning or non-earning member of family).	Rs. 10,000/-
2. Permanent incapacitation per each member in a family.	Rs. 10,000/-
3. Temporary incapacitation.	Rs. 2,000/-
4. Grievous hurt, short of incapacitation.	Rs. 1,000/-
5. Rape	Rs. 5,000/-
6. Loss of house.	Rs. 2,000/-
7. Loss of immovable property.	Rs. 2,000/-
8. Loss of earning assets like a vehicle, a boat or cattle etc.	Rs. 2,000/- pending expeditious payment of the actual cost of replacement.
9. For loss of moveable property such as grains, clothes and other house hold effects.	Rs. 2,000/-
10. Damage to irrigation well, drinking water well, tubewell,	The amount of compensation sho-

electric motors, electric fittings and fruit bearing trees in the ownership of the victims to be assessed separately.

uld be equal to the actual loss as assessed. (An immediate grant of Rs. 500/- should be made.

11.2 The Committee have been informed that in pursuance of the Home Minister's D.O. letter No. III. 12014/12/81-PCR (DESK) dated the 2nd November, 1981, most of the State Governments have drawn up comprehensive standing scheme of rehabilitation and compensation of Scheduled Caste/Scheduled Tribe victims of crimes. On the recommendation of the Commission for Scheduled Castes/Scheduled Tribes, revised rates of compensation were suggested to the State Governments. In all 15 States (excluding Assam, Manipur, Tripura, Jammu & Kashmir, Meghalaya, Nagaland and Sikkim) and two Union Territories viz. Delhi and Pondicherry, where the incidents of crimes against Scheduled Castes are large, were addressed by the then Home Minister to adopt the enhanced rates of compensation/relief suggested by the Commission for Scheduled Castes and Scheduled Tribes and draw out a standing scheme.

11.3 The States of Andhra Pradesh, Haryana, Himachal Pradesh, Gujarat, Karnataka, Kerala, Maharashtra, Uttar Pradesh and West Bengal have accepted the standing scheme of relief/compensation. The States of Bihar, Madhya Pradesh, Orissa, Rajasthan and Tamil Nadu have also drawn up schemes with slight modifications. The matter is being pursued with the State Government of Punjab to draw up such a scheme. The matter is under consideration of the State Government.

11.4 As regards the Union Territories, the Government of India have accorded approval to such a scheme drawn by the Pondicherry Government whereas the scheme drawn by Delhi Administration is being processed.

11.5 When it was pointed out by the Committee that the State Governments did not follow the guidelines issued by the Central Government for relief and rehabilitation of the victims of atrocities, the representative of the Ministry of Welfare has stated during evidence that they had issued they guidelines and it is upto the State Governments

whether they accept them full or not. According to the available information, some States have accepted the guidelines fully but inspite of that it depends upon the State Governments how much compensation they pay to the victims of atrocities etc. The guidelines are only guidelines, not an order. They make their own assessment depending on the finances of the State or on the merits of each individual case.

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 these 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.

NEW DELHI :
April 18, 1986

28 Chaitra, 1908 (S)

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

APPENDIX I

(Vide para 3.20 of Report)

Statement relating to inspections carried out in 1984 by enforcement machinery for implementation of Minimum Wages Act.

Name of the State/Union Territory	No. of inspections carried out	No. of irregularities detected	No. of prosecutions launched	Amount of fines realised (in Rs.)	No. of claim cases filed	Amount of compensation (in Rs.)	No. of claim cases settled	Amount realised (in Rs.)	
1	2	3	4	5	6	7	8	9	10
Andhra Pradesh	14,108	667	76	Nil	Nil	198	39	Nil	14,851.00
Assam	1,042	855	84	2	344.00	12	4	-do-	Nil
Bihar	2,48,975	58,801	59,905	189	5,674.00	8,276	6,257	4,72,538.86 and 680	27,31,220.87 and 1336
								Quintal grains.	quintals 48 kg. 510 gms.

Gujarat	98,924	60,692	47,338	5369	2,13,434.00	177	1,086	12,90,083.50	14,59,253.15
Haryana upto Sep. 84	1	1	1	Nil	Rs. 1000.00	7	7	Nil	Nil
Himachal Pradesh	389	—	—	—	—	—	—	—	—
Karnataka	9,189	339	80	Nil	Nil	Nil	Nil	Nil	Nil
Kerala	4,486	1846	1250	2	Nil	59	48	2,902	Nil
Madhya Pradesh	86,264	9,926	5071	Nil	Nil	93	88	3,36,718.00	94,630.90
Maharashtra	1,92,223	2,40,824	1,76,109	283	12,194.00	2	2	4,346.00	1,164
Manipur	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Meghalaya	349	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Nagaland	1	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil
Orissa	12,652	10,237	823	5	Nil	7	4	Nil	441.00
Punjab	22,756 (P)	1,461	1,000	Nil	Nil	3	3	7,14,00	Nil
Rajasthan	4,801	15	40	Nil	Nil	29	119	18,313.00	1,71,290.72
Sikkim								(including previous year)	
Tripura	256	86	86	Nil	Nil	Nil	Nil	Nil	Nil

Minimum wages Act, 1948 has not yet been extended to the State.

APPENDIX II
(Vide Para 5.3 of Report)

*Revised Guidelines issued to the State Governments
vide Union Home Minister's D.O. letter dated
15th April, 1985*

Precautionary & Preventive Measures :

- (1) The Administration at the State and District levels must fully apprise itself of disputes concerning Scheduled Castes in different parts of the State pertaining to land, minimum wages, bonded labour, indignity against Scheduled Castes women etc. and all efforts should be made to redress their grievances. For instance, the agricultural labourers in extreme distress, most of them belonging to the Scheduled Castes, should get the minimum statutory wages. Adequate machinery should be set up for enforcing the implementation of the Minimum Wages Act.**
- (2) On the basis of the study undertaken by the State Administration and taking into consideration the identification of the sensitive districts/villages the Intelligence/Special Branch of the State Police Deptt., should be charged with the special responsibility of keeping an eye on such areas and villages and communicate both at the State level and district level the likelihood of tension building up.**
- (3) Based on such information as well as information from other sources, the Administration and the Police force should resolutely and promptly move in to scotch the evil before it explodes into a serious crime.**
- (4) Where serious crimes against Scheduled Castes have taken place or potential for them exists, the State Government should review the arms licences granted to persons in such areas and**

take steps for their suspension or cancellation according to the need of the situation.

- (5) A few units of Special Striking Force, highly mobile and well equipped, may be located in strategic areas. The force should be so composed as to instil a sense of confidence amongst the Scheduled Castes and deter the potential perpetrators of such crimes.
- (6) In most of the States special cells have been constituted at the State level under the Chairmanship of the Chief Minister to look into the grievances of the Scheduled Castes. The day of the week and the time when Scheduled Castes can meet the Chief Minister in such matters may be given wide publicity. Follow-up action may also be taken in such matters. Monitoring arrangements should be effective both at the State and District level. The District Collector and the Superintendent of Police should receive the members of the Scheduled Castes with a view to hear and redress their grievances.

Punitive Measures :

- (1) If, in spite all of the preventive and precautionary measures, crime against Scheduled Castes do occur, the police force should be moved into the areas quickly to quell them, arrest the offenders including those who have encouraged and instigated the criminals. It should be the effort of the district police to take action against such people who have master-minded the crime.
- (2) Special police pickets should be stationed in areas where serious crimes against Scheduled Castes have occurred with a view to prevent recurrence of such offences, besides taking action against the offenders. These pickets should be so manned as to instil a sense of confidence amongst the victims and put the fear of law into the offenders.
- (3) Police should directly and effectively intervene in the instances of criminal trespass into the lands belonging to the Scheduled Castes—criminal trespass is a cognizable offence under Section 447 of the I.P.C.

- (4) Police machinery should be so geared to ensure that the registration of complaints is prompt, the investigation is free from lacuna and the case successfully prosecuted.
- (5) Some State Governments have set up special police station to register exclusively cases of crimes against Scheduled Castes. This measure gives a sense of confidence amongst the Scheduled Castes. Other State Government may follow suit. Such police stations should be so located that the Scheduled Castes do not have to travel long distance to lodge their complaints.
- (6) The effectiveness of punishment depends not only on its quantum but also on the speed with which it is imposed. Therefore, it should be possible for the police to complete the investigations speedily and file chargesheet in the cases within the shortest possible time not exceeding 30 days.
- (7) In serious cases of offences against members of the Scheduled Castes, the investigating officers should not be below the level of Inspector of Police. These officers should be carefully selected on the basis of their sense of social justice and ability to perceive the implications of the case and investigate it along the right lines within the quickest possible time. Such serious cases should be treated as Special Report cases.
- (8) The Prosecutors should take effective steps to resist the grant of bail to the accused in such cases. If the bail is granted, appeal/revision should be filed in the next higher courts for its cancellation.
- (9) Special Public Prosecutors should be earmarked to deal exclusively with cases of crimes against Scheduled Caste.
- (10) Speedy and deterrent punishment is one of the essential ingredients for an overall strategy to contain and eliminate crimes against Scheduled Castes. To arrive at a decision to have special courts, statistics should not be sole criterion. It is our considered opinion that if effective prosecution and speedy trial is taken recourse to, there would be

a definite impact having a far-reaching effect not only on the potential offenders but also on the sufferers in instilling, in the latter, a sense of confidence. While considering the need for Special Courts, States may take into consideration the fact that a special court would be effective only if they are mobile. Such courts located at the district headquarters would involve long distance travel for the Scheduled Caste victims. Only mobile special courts would serve the need of the situation. In pursuance of the suggestions made in the Union Home Minister's D.O. letter dated 10th March, 1980, States of Andhra Pradesh, Bihar, Madhya Pradesh, Rajasthan and Tamil Nadu have set up Special Courts to try offences under the IPC and PCR Act against the Scheduled Castes. (In the case of Madhya Pradesh, the concurrence of the High Court for including IPC cases within the jurisdiction of the Special Courts is awaited.)

- (11) It is our experience that most of the cases lodged by the Scheduled Castes either under the PCR Act, 1955 or under the IPC end in acquittal because of the unwillingness on the part of the witnesses to attend courts due to various reasons. One such reason is their loss of wages on the days they attend courts and the time spent and the expenditure incurred by them. With a view to removing this genuine difficulty, the Government of India is agreeable to extend financial assistance to the State Governments to compensate the wages of the witnesses involved in offences under the PCR Act required to appear before the court. State Government may, therefore, give wide publicity to this aspect and seek financial assistance from the Government of India as and when such occasion arises. It is suggested that such a scheme may also be adopted by the State Governments so far as offences under the IPC are concerned where the Scheduled Castes are the victims.
- (12) Another aspect which seems to have been lost sight of by the State Governments relates to the imposition of collective fine under Section 10 (A) of the Protection of Civil Rights Act, 1955. Under this Section, if, after an inquiry in the prescribed manner, the State Government is satisfied that the

inhabitants of an area are concerned in, or abetting the commission of, any offences or harbouring persons concerned in the commission of such offence, or failing to render all the assistance in their power to discover or apprehend the offenders or suppressing material evidence of the commission of such offence, collective fine' may be imposed. Rules under this Section have already been framed and notified *vide* No. BC. 12013/2/76-SCT. V; dated 15th September, 1977. It has also been significant to point out that Section 15(A) of the Police Act, 1861 empowers the State Government to declare such atrocity/untouchability prone and disability area to be disturbed area. The District administration may take recourse to this punitive measure as and when occasion arises.

- (13) In all cases of serious crimes committed against members of the Scheduled Castes, local District Magistrate and Supdt. of Police should invariably visit the spot immediately, possibly within 24 hours of the occurrence, supervise the steps for the apprehension of the culprits and measures of relief and rehabilitation of the victims and take such other steps as may be necessary to instil a sense of security and confidence amongst the members of the Scheduled Castes in the area and the fear of law in the perpetrators and potential offenders of such crimes.
- (14) District officers should not only take prompt action in matters relating to crimes against Scheduled Castes but inform the State Government promptly to enable the latter to take all necessary action as well as simultaneously keeping the Government of India informed.

Relief and Rehabilitation

Another aspect which requires close attention and effective implementation is the question of properly rehabilitating the Scheduled Caste victims of crimes and/or their families and compensating them. In pursuance of the Union Home Minister's D.O. letter No. III. 12014/12/81-PCR (DESK) dated 2nd November, 1981, most of the State Governments have drawn up comprehensive standing schemes of rehabi-

litation and compensation of Scheduled Caste victims of crime. What needs greater attention is to ensure that this standing scheme automatically comes into operation no sooner as a crime takes place and the victims and/or their families get the relief/compensation expeditiously so that they can stand on their own.

Punjab and Orissa have yet to finalise a standing scheme. They may do so quickly.

Personnel Policy

- (1) In the Union Home Minister's D.O. letter No. III-11011/7/80-PCR (DESK) dated 6th September, 1980, atleast 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. The posts identified for the purpose are District Magistrate, Supdt. of Police, Sub-Divisional Magistrate and Sub-Divisional Police Officers. Similarly, it was suggested that officers belonging to Scheduled Castes should also be posted as Station House Officers as far as possible in such localities. The State Government may carefully select officers to such posts in the sensitive areas.

Information received from some of the State Governments indicate that there is scope for further improvement in this regard.

- (2) It should be personal responsibility of the District Magistrate and the Supdt. of Police to ensure that prompt and effective action is taken not only by themselves but by all officers working under them. They should be made responsible for fully achieving the objectives of effectively preventing such crimes, apprehending offenders and ensuring speedy investigation and trial alongwith quick and complete rehabilitation of the victims/families.

APPENDIX III

(Vide Para 6.7 of Report)

Statement showing the number of cases registered under the Protection of Civil Rights Act, 1955 and their disposal during the year 1983

Sl. No.	Name of State/ U.Ts.	Cases brought forward with Police Court	Fresh cases registered.	Cases closed by police after investigation.	Cases Challenged in Court.	Cases disposed of by courts ending in			Cases pending at the end of the year with Police Court		
						Con-	Acquit-	Total			
1	2	3	4	5	6	7	8	9	10	11	12
1.	Andhra Pradesh	173	363	385	68	313	11	190	201	177	475
2.	Assam	—	1	Nil	Nil	Nil	Nil	Nil	Nil	Nil	1
3.	Bihar	40	124	16	3	14	—	3	3	33	135
4.	Gujarat	4	255	306	31	279	5	238	243	—	291
5.	Haryana	Nil	5	5	4	1	1	5	6	—	—
6.	Himachal Pradesh	Nil	12	6	3	3	—	8	8	Nil	7
7.	Jammu & Kashmir	3	3	5	2	3	—	4	4	3	2
8.	Karnataka	310	1209	567	40	241	—	28	28	596	1422

1	2	3	4	5	6	7	8	9	10	11	12
9.	Kerala	4	28	37	8	29	2	16	18	4	29
10.	Madhya Pradesh	11	911	390	17	369	90	73	163	15	1177
11.	Maharashtra	70	1390	558	90	409	29	195	224	129	1575
12.	Orissa	48	282	90	37	81	3	44	47	20	316
13.	Punjab	Nil	2	—	—	—	—	2	2	—	2
14.	Rajasthan	15	274	193	98	105	6	36	42	5	337
15.	Tamil Nadu	164	956	1205	327	947	51	765	816	99	1083
16.	Uttar Pradesh	19	507	173	55	96	42	85	127	41	476
UNION TERRITORIES											
1.	Chandigarh Administration	1	—	—	1	—	—	—	—	—	—
2.	Delhi Administration	2	23	11	1	5	—	10	10	7	18
3.	Goa, Daman & Diu	—	2	2	—	2	—	1	1	—	3
4.	Pondicherry	—	—	16	6	9	3	4	7	1	2
Total		864	6347	3965	791	2902	243	1707	1950	1136	7299

APPENDIX IV

(Vide Para 7.3 of Report)
Statistics of Crimes against Scheduled Castes under IPC during the year 1982, 1983 and 1984

Sl. No.	State/U.T.	Murder				Grievous Hurt				Rape			
		1982	1983	1984	1984	1982	1983	1984	1984	1982	1983	1984	1984
1	2	3	4	5	6	7	8	9	10	11			
1.	Andhra Pradesh	16	11	17	08	26	08	17	25	14			
2.	Assam	—	—	—	—	—	—	—	—	—			
3.	Bihar	72	71	95	205	152	179	97	87	83			
4.	Gujarat	13	20	13	66	48	63	06	08	10			
5.	Haryana	01	01	03	21	01	03	59	23	26			
6.	Himachal Pradesh	01	02	Nil	02	04	07	02	03	04			
7.	Jammu & Kashmir	02	01	—	02	01	—	05	02	01			
8.	Karnataka	19	15	16	05	05	02	06	09	13			
9.	Kerala	04	07	08	05	01	06	07	18	08			
10.	Madhya Pradesh	88	108	122	366	323	351	148	183	213			
11.	Maharashtra	19	17	10	85	73	31	48	35	39			
12.	Orissa	10	09	08	16	16	13	11	07	09			
13.	Punjab	13	08	06	08	09	03	08	07	10			

1	2	3	4	5	6	7	8	9	10	11
14.	Rajasthan	37	35	24	174	174	192	58	75	63
15.	Tamil Nadu	05	14	06	05	07	15	02	08	17
16.	Tripura	—	—	—	02	—	—	01	—	—
17.	Uttar Pradesh	208	202	213	457	507	580	152	148	176
18.	West Bengal	06	04	—	02	04	04	04	01	04
UNION TERRITORIES										
1.	Delhi	—	—	—	—	—	—	01	—	—
2.	Dadra & Nagar Haveli	—	—	—	—	—	—	—	—	—
3.	Goa, Daman and Diu	—	—	—	—	—	—	01	—	—
4.	Pondicherry	—	—	—	—	—	—	02	01	—

APPENDIX IV Contd. (Col. 12 to 20)

Sl. No.	State/U.T.	Arson				Other offences				Total	
		1982	1983	1984	1984	1982	1983	1984	1984	1982	1983
1	2	12	13	14	14	15	16	17	18	19	20
1.	Andhra Pradesh	13	05	11	11	159	114	140	213	181	190
2.	Assam	—	—	—	—	—	—	—	—	—	—
3.	Bihar	321	267	201	201	1378	1232	1287	2073	1809	1845
4.	Gujarat	25	22	12	12	345	378	484	455	476	582
5.	Haryana	07	04	06	06	56	84	82	144	113	120
6.	Himachal Pradesh	03	02	02	02	65	36	47	73	47	60
7.	Jammu & Kashmir	—	—	01	01	36	19	10	45	23	12
8.	Karnataka	46	10	14	14	287	155	124	363	194	169
9.	Kerala	07	09	05	05	122	114	70	145	149	96
10.	Madhya Pradesh	173	211	192	192	3974	4467	4659	4749	5292	5537
11.	Maharashtra	28	36	33	33	500	543	457	680	704	570
12.	Orissa	13	10	12	12	100	105	108	150	147	150
13.	Punjab	03	Nil	Nil	Nil	41	12	28	73	36	47
14.	Rajasthan	63	69	94	94	1399	1251	1275	1731	1604	1648
15.	Tamil Nadu	05	02	08	08	136	268	644	153	299	690

APPENDIX IV—Contd. (Col. 12 to 20)

1	2	12	13	14	15	16	17	18	19	20
16.	Tripura	—	—	—	—	—	—	03	—	—
17.	Uttar Pradesh	327	344	377	2833	2650	2854	3977	3851	4200
18.	West Bengal	01	02	02	04	08	08	17	17	18
UNION TERRITORIES										
1.	Delhi	—	—	—	—	01	01	01	01	01
2.	Dadra & Nagar Haveli	—	—	—	—	—	—	—	—	—
3.	Goa, Daman & Diu	—	—	—	01	01	—	02	01	—
4.	Pondicherry	—	—	—	05	02	01	07	03	01

Note : 1. Information in respect of Jammu and Kashmir for the year 1984 excludes Srinagar District.
 2. Information in respect of Kerala for 1984 is upto August only.

APPENDIX V

(Vide para 7.3 of the Report)

Statistics of crime against Scheduled Tribes under IPC during the years 1982, 1983 and 1984.

State/Union Territories	Year	Murder	Violence resulting in grievous hurt.	Rape	Arson & serious mischief	Other offences	Total
1	2	3	4	5	6	7	8
Andhra Pradesh	1982	1	1	11	1	17	31
	1983	1	9	8	1	12	31
	1984	2	5	21	Nil	26	54
Assam	1982	Nil	Nil	Nil	Nil	Nil	Nil
	1983	Nil	Nil	Nil	Nil	Nil	Nil
	1984	Nil	2	Nil	Nil	11	13
Bihar	1982	5	6	21	1	52	85
	1983	9	10	12	15	70	116
	1984	10	16	37	8	132	203
Gujarat	1982	7	18	2	4	70	101
	1983	8	30	7	5	44	94
	1984	8	28	9	1	68	114

(Upto March 84)

1	2	3	4	5	6	7	8
Karnataka	1982	1	Nil	1	3	3	8
	1983	4	Nil	Nil	Nil	Nil	4
	1984	1	Nil	Nil	Nil	Nil	1
Kerala	1982	2	Nil	2	Nil	6	10
	1983	Nil	Nil	4	Nil	14	18
	1984	Nil	1	10	1	52	64
							(Upto Aug. 84)
Madhya Pradesh	1982	94	196	164	85	2571	3110
	1983	116	175	177	188	2463	3119
	1984	124	214	172	97	2537	3144
Maharashtra	1982	6	28	20	9	159	222
	1983	13	29	20	7	171	240
	1984	9	17	24	4	105	159
Orissa	1982	1	1	15	1	25	43
	1983	1	4	8	2	33	55
	1984	3	5	15	2	30	55
Rajasthan	1982	14	69	14	27	348	472
	1983	9	53	19	19	339	439
	1984	14	60	11	16	299	400
Tamil Nadu	1982	Nil	Nil	Nil	Nil	Nil	Nil
	1983	Nil	Nil	Nil	Nil	Nil	Nil
	1984	Nil	Nil	1	Nil	3	4

West Bengal	1982	2	1	5	1	10	19
	1983	Nil	Nil	7	1	12	20
	1984	Nil	Nil	8	Nil	7	15
Andaman & Nicobar Islands	1982	Nil	Nil	Nil	Nil	Nil	Nil
	1983	Nil	Nil	Nil	Nil	Nil	Nil
	1984	Nil	Nil	Nil	Nil	3	3
Dadra & Nagar Haveli	1982	Nil	Nil	Nil	Nil	Nil	Nil
	1983	Nil	Nil	Nil	Nil	Nil	Nil
	1984	Nil	Nil	Nil	Nil	1	1
Arunachal Pradesh	1982	Nil	Nil	Nil	Nil	Nil	Nil
	1983	4	1	1	6	24	36
	1984	Nil	Nil	Nil	1	29	30
Total	1982	133	320	255	132	3261	4101
	1983	165	311	263	244	3187	4170
	1984	171	348	308	130	3303	4202

Note :— States/U.Ts. of Himachal Pradesh, Manipur, Meghalaya, Nagaland, Sikkim, Tripura, Uttar Pradesh, Goa, Daman & Diu, Lakshadweep & Misoram have reported 'NIL' cases during the years 1982, 1983 and 1984.

APPENDIX VI

(Vide Para 8.2 of the Report)
Statement showing progress of investigation of cases involving offences (other than untouchability offences) against Scheduled Castes for the half year ending 30th June, 1985

Sl. No.	State	No. of cases registered during the period (No. of cases treated as spl. report cases to be given in brackets)	No. of cases pending investigation (No. of accused to be given in brackets)		No. of cases ending in final report (No. of accused to be given in brackets)		No. of cases ending in charge-sheet (No. of charge sheeted to be given in brackets)		Total		
			BF	Current	BF	Current	BF	Current			
1	2	3	4	5	6	7	8	9	10	11	12
1.	Gujarat	368	51 (133)	122 (430)	173 (563)	4 (11)	25 (19)	29 (120)	47 (122)	223 (656)	270 (778)
2.	Himachal Pradesh	24	—	14 (40)	14 (40)	—	1 (2)	1 (2)	18 (22)	9 (24)	27 (46)
3.	Punjab	15	3 (5)	12 (31)	15 (36)	1 (5)	1 (—)	2 (5)	33 (73)	3 (8)	36 (81)
4.	Orissa	76	11 (136)	47 (186)	58 (322)	6 (16)	3 (4)	9 (20)	39 (206)	26 (62)	65 (268)
5.	Rajasthan	617	74	617	691	15	97	112	52	393	445
6.	Tamil Nadu	413	13 (60)	127 (588)	140 (648)	27 (181)	46 (159)	73 (342)	66 (400)	240 (766)	306 (1166)

APPENDIX VI—Contd. (Columns 13 to 21)

Sl. No.	State	No. of cases ending in conviction (No. of persons convicted to be given in brackets)			No. of cases ending in discharge acquittal (No. of persons to be given in brackets)			No. of cases pending trial (No. of persons on trial to be given in brackets)		
		B.F.	Current	Total	B.F.	Current	Total	B.F.	Current	Total
1	2	13	14	15	16	17	18	19	20	21
1.	Gujarat	15 (34)	2 (2)	17 (36)	73 (102)	7 (12)	80 (114)	279 (905)	214 (642)	493 (1347)
2.	Himachal Pradesh	5 (7)	—	5 (7)	10 (18)	—	10 (18)	114 (167)	9 (24)	123 (191)
3.	Punjab	2 (4)	—	2 (4)	12 (24)	—	12 (24)	19 (46)	3 (8)	22 (34)
4.	Orissa	—	—	—	—	—	—	39 (206)	26 (62)	65 (268)
5.	Rajasthan	84 (122)	24 (49)	108 (171)	67 (152)	88 (109)	155 (261)	4728 (12227)	333 (428)	5061 (12655)
6.	Tamil Nadu	11 (22)	6 (15)	17 (37)	153 (773)	21 (53)	174 (826)	327 (1726)	213 (698)	540 (2424)

APPENDIX-VII

(Vide Para 8.2 of Report)

Statement showing progress of investigation of cases involving offences against Scheduled Tribes for the half-year ending 30th June, 1985

Sl. No.	State/U.Ts	NUMBER OF CASES												
		Registered during the year			Pending Investigation		Cases dropped (Finally Reported)		Sent and Pending trial		Tried during the period		Ending in conviction	Ending in acquittal
		B/F	During the period	Total	B/F	During the period	Total	B/F	During the period	Total	B/F	During the period		
1	2	3	4	5	6	7	8	9	10	11	12	13		
1.	Himachal Pradesh	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	
2.	Karnataka	149	79	142	221	7	84	6	90	1	12			
3.	Nagaland	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
4.	Orissa	25	2	11	13	5	10	10	20	--	1			
5.	Rajasthan	149	19	149	168	28	12	89	101	22	20			
6.	Dadra & Nagar Haveli	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		
7.	Mizoram	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil	Nil		

APPENDIX VIII

(Vide para 8.2 of Report)

Statement showing number of crimes against Scheduled Castes Reported during the Months of June, July and August, 1985

Sl. No.	State/U.T.	No. of crimes—June, 85								Total
		Murder	Grievous hurt	Rape	Arson	Other offences				
1	2	3	4	5	6	7	8			
1.	Andhra Pradesh	1	—	1	—	—	—	11	13	
2.	Bihar	7	14	5	15	—	—	118	159	
3.	Gujarat	—	5	1	5	—	—	73	84	
4.	Haryana	3	—	—	—	—	—	8	11	
5.	Himachal Pradesh	—	2	—	—	—	—	3	5	
6.	Jammu & Kashmir	—	—	—Not received—	—	—	—	—	—	
7.	Karnataka	3	—	1	8	—	—	20	32	
8.	Kerala	—	—	—Not received—	—	—	—	—	—	
9.	Madhya Pradesh	10	44	14	13	—	—	379	460	
10.	Maharashtra	1	2	1	1	—	—	26	31	
11.	Orissa	—	1	1	1	—	—	8	11	
12.	Punjab	2	—	—	—	—	—	2	4	

1	2	3	4	5	6	7	8
13.	Rajasthan	4	22	9	7	102	144
14.	Tamil Nadu	1	—	2	—	40	43
15.	Uttar Pradesh	24	43	9	45	206	327
16.	West Bengal	—	—	—	—	—	—
	<i>Union Territory</i>						
	1. Delhi	—	—	—	—	—	—
	2. Pondicherry	—	—	—Not received—	—	—	—

Sl. No.	State/U.T.	No. of crimes—July, 85							No. of crimes—August, 85						
		Mur-der	Grie-vous hurt	Rape	Anon	Other offences	Total	Mur-der	Gri-evous hurt	Ra-pe	Ar-son	Oth-er offences	Total		
		9	10	11	12	13	14	15	16	17	18	19	20		
1.	Andhra Pradesh			—Not received—							—Not received—				
2.	Bihar	3	5	4	7	94	113				—Not received—				
3.	Gujarat	4	6	1	4	81	96	1	5	—	4	67	77		
4.	Haryana	1	—	—	—	11	12				—Not received—				
5.	Himachal Pradesh	—	—	—	—	6	6	—	—	—	—	2	2		
6.	Jammu and Kashmir			—Not received—							—Not received—				
7.	Karnataka	2	—	2	4	18	26				—Not received—				
8.	Kerala			—Not received—							—Not received—				
9.	Madhya Pradesh	3	28	28	19	416	484				—Not received—				
10.	Maharashtra	2	5	2	—	26	35				—Not received—				
11.	Orissa	—	1	2	—	9	12	—	3	—	—	9	12		

Appendix VIII—Contd. (Col. 9 to 20)

Sl.No.	9	10	11	12	13	14	15	16	17	18	19	20
12. Punjab	—	—	1	—	—	1	1	1	3	—	2	7
13. Rajasthan	4	11	7	9	128	159	4	24	17	7	106	158
14. Tamil Nadu	—	—	3	2	69	74				—Not received—		
15. Uttar Pradesh	15	49	11	21	225	321	29	80	19	26	297	451
16. West Bengal	—	—	—	1	—	1				—Not received—		
<i>Union Territory</i>												
1. Delhi	—	—	—	—	—	—	—	—	—	—	—	—
2. Pondicherry			—Not received—							—Not received—		

Note: Information from other States/Union Territories is 'Nil'

APPENDIX IX

(Vide para 8.2 of Report)

Statement showing cases of atrocities on Scheduled Tribes during August, 1985

Sl. No.	States/UTs.	Murder	Violence	Rape	Arson	Other offences	Total
1	2	3	4	5	6	7	8
1.	Andhra Pradesh			Not Received			
2.	Assam			Not Received			
3.	Bihar			Not Received			
4.	Gajarat	1	4	1	Nil	7	13
5.	Himachal Pradesh	Nil	Nil	Nil	Nil	Nil	Nil
6.	Karnataka			Not Received			
7.	Kerala			Not Received			
8.	Madhya Pradesh			Not Received			
9.	Maharashtra	1	8	2	Nil	24	35
10.	Manipur	Nil	Nil	Nil	Nil	Nil	Nil
11.	Meghalaya	Nil	Nil	Nil	Nil	Nil	Nil
12.	Nagaland	Nil	Nil	Nil	Nil	Nil	Nil
13.	Orissa	Nil	Nil	Nil	Nil	Nil	Nil
14.	Rajasthan	1	8	2	Nil	24	35
15.	Sikkim	Nil	Nil	Nil	Nil	Nil	Nil

1	2	3	4	5	6	7	8
16.	Tamil Nadu			Not Received			
17.	Tripura			Not Received			
18.	Uttar Pradesh	Nil	Nil	Nil	Nil	Nil	Nil
19.	West Bengal			Not Received			
20.	A & N Islands	Nil	Nil	Nil	Nil	Nil	Nil
21.	Dadra & Nagar Haveli	Nil	Nil	Nil	Nil	Nil	Nil
22.	Goa, Daman & Diu	Nil	Nil	Nil	Nil	Nil	Nil
23.	Lakshadweep	Nil	Nil	Nil	Nil	Nil	Nil
24.	Mizoram			Not Received			
25.	Arunachal Pradesh			Not Received			

APPENDIX X
(Vide para 4 of Introduction)

Summary of Conclusions/Recommendations contained in the Report

Sl No.	Reference to para No. in the Report	Summary of Conclusions/ Recommendations
1	2	3
1	1.8	<p>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.</p> <p>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.</p> <p>The Committee trust that both the Central and State Governments would leave no stone unturned to protect Scheduled Castes, Scheduled Tribes and</p>

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other weaker sections against all types of crimes, exploitation and social injustice. To achieve this objective, the administrative machinery both in the States and 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.

2**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 the 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 wellknown that incidents of atrocities on

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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.

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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 on Scheduled Tribes to this Committee.

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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 proforma 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 condition 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.

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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 erst-

while 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 receives 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

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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 the other instruments of law and order and administration. 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

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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.

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3.31

The Committee have been informed that disputes regarding government owned waste land and ceiling surplus

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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 Caste/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.

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3.32

The Committee are constrained to observe that in spite of the fact that most of the State Governments have

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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.

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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,

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money lending etc. The Committee, however, find that all State Governments have not utilised the funds received from the Central Government for the purposes 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 the States/Union Territory Administrations.

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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.

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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

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10.	3.36	<p>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.</p>
		<p>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 Rs. 30 lakhs for this programme.</p>
		<p>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 Acts in different States should be adequately strengthened and</p>

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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.

11 3:57

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

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Castes/Scheduled 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 scheme 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 bounded labourers.

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3.38

The Committee feel that it will not serve any useful purpose to frame a central scheme for the rehabilitation of bounded labourers unless the State Governments are in a position to identify the bounded 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.

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3.39

The Central Government should also make a study if the amount spent on rehabilitation of bounded 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.

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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 Com-

mittee 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 don't 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 pre-

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pared 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/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.

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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.

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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

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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.

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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 Samitis, Co-operatives 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.

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5.14

The Committee appreciate that very detailed and comprehensive guidelines have been issued by the Union Government to all the State Governments/Union

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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 a 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.

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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 Caste/Scheduled

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Tribe is being alienated and they are also denied the 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.

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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.

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5.17

The Committee also recommend that dedicated officers who have a burn-

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ing 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 Governments 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.

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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 aboli-

shed 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 untouchable. 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 Cas-

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tes 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.

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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 sizable 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

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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.

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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.

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25	6.15	<p>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.</p>
26	6.16	<p>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.</p> <p>The Committee hope that Ministry of Welfare would look into the matter and find out which other voluntary</p>

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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.

27 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&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

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meeting the expenditure incurred on the setting up of Special Cells.

28. 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, 14754 in 1983 and 12063 in 1984, have not set up any Special Courts to expedite the disposal of cases.

The Committee recommended 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

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29.	7.32	<p>cannot be disposed of by the ordinary courts within a reasonable time.</p> <p>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.</p>
30.,	7.33	<p>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 intimation. 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.</p>

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31.	7.34	<p>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 progress of cases regarding crimes against Scheduled Castes during the years 1982, 1983 and 1984, it is seen 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.</p>
32.	7.35	<p>The Committee also recommend that the State Government should pro-</p>

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vide 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.

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7.36

The Committee have been informed that the State Government of Tamil Nadu have instructed the District Collectors the Superintends 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 Government 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.

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34	7.37	<p>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.</p> <p>The Committee further recommend that for the efficient functioning of these Cells adequate supporting staff should be provided for which Central assistance is also available to the State Governments.</p>
35	8.9	<p>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</p>

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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 Administration. 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 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 scheduld 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.

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The Committee are distressed to note that although the pro-

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forma for six-monthly report showing progress of investigation of cases involving offences against Scheduled Castes and Scheduled Tribes was revised in 1984, the Scheduled Caste 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.

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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

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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 type of degradation atrocities. if it meets frequently to discuss *inter-alia* the problems of Scheduled Castes/Schedule 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.

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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 crime 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

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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 these 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.

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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 regular and in time.

40 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

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Committee find that majority of the 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.

41 10.12

The Committee hope that the next Report of the Commissioner for Scheduled Caste and Scheduled Tribe will be comprehensive and cover the period for which office of the Commissioner remained vacant so that statistical data compiled during that period is not lost sight of and is available for reference and remedial measures taken wherever necessary and possible.

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42	11.6	<p>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 light modification and the matter is being pursued with the Government of Punjab.</p>

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.