

**COMMITTEE ON THE WELFARE  
OF SCHEDULED CASTES AND  
SCHEDULED TRIBES  
(1980-81)**

(SEVETH LOK SABHA)

## SEVENTH REPORT

**MINISTRY OF HOME AFFAIRS.**

**Action taken by Government on the recommendations contained in the Thirty-ninth Report of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes (Sixth Lok Sabha) on the Ministry of Home Affairs—Disturbances in Marathwada Region (Maharashtra).**

*Presented to Lok Sabha on?*

*Laid in Rajya Sabha on.*



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to the  
seventh Report of the Committee on the Welfare  
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(7th Lok Sabha).

<u>Page</u>	<u>Line</u>	<u>Para</u>	<u>For</u>	<u>Read</u>
19	21	275	retriiction	restriction
19	33	Rep.of Govt.	(delete word "were", after B.C. hostels)	
23	16to19	Rep.of Govt.	(delete whole para Statement....Home Affairs)	

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**COMMITTEE ON THE WELFARE OF SCHEDULED  
CASTES AND SCHEDULED TRIBES**

**(1980-81)**

**Shri R. R. Bhole—Chairman**

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\*Elected w.e.f. 4th December, 1980 vice Shri Baleshwar Ram, ceased to be member of the Committee on his appointment as Minister of State.

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**SECRETARIAT**

1. Dr. D. N. Gadhok, *Senior Legislative Committee Officer.*
2. Shri P. C. Chaudhury, *Senior Legislative Committee Officer.*

## INTRODUCTION

I, the Chairman, Committee on the Welfare of Scheduled Castes and Scheduled Tribes, having been authorised by the Committee to submit the Report on their behalf, present this Seventh Report (Seventh Lok Sabha) on Action Taken by Government on the recommendations contained in the thirty-ninth Report (Sixth Lok Sabha) on the Ministry of Home Affairs—Disturbances in Marathawada Region (Maharashtra)

2. The Draft Report was considered and adopted by the Committee at their sitting held on 2nd February, 1981.

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

I. Report.

II. Recommendations/Observations which have been accepted by Government.

III. Recommendations/Observations which the Committee do not desire to pursue in view of the Government's reply.

IV. Recommendations/Observations in respect of which replies of Government have not been accepted by the Committee and which require reiteration.

4. An analysis of the action taken by Government on the recommendations contained in the thirty-ninth Report (Sixth Lok Sabha) on the Committee is given in Appendix. It would be observed therefrom that out of twenty-seven recommendations made by the Committee in the Report, nine recommendations i.e. 33.3 per cent have been accepted by Government; the Committee do not desire to pursue nine recommendations i.e. 33.3 per cent of their recommendations in view of Government's reply and nine recommendations i.e. 33.3 per cent, in respect of which replies of Government have not been accepted by the Committee require reiteration.

NEW DELHI;

March 8, 1981

Phalgun 15, 1902 (Saka).

R. R. BHOLE,

Chairman,

Committee on the Welfare of  
Scheduled Castes and Scheduled  
Tribes.

## **CHAPTER I**

### **REPORT**

This Report of the Committee deals with the action taken by Government on the recommendations contained in the thirty-ninth Report (Sixth Lok Sabha) on the Ministry of Home Affairs—Disturbances in Marathwada Region in Maharashtra State.

1.2. In para 270(1) of their thirty-ninth Report, the Committee had suggested that steps should be taken to strengthen the intelligence machinery of the State Government upto Taluka levels so that any incidents which could lead to widespread disturbances and any advance preparations therefor were anticipated and appropriate steps taken to prevent any large scale violence.

1.3. In their reply dated the 29th November, 1980, the Ministry of Home Affairs have stated that the State Government of Maharashtra was satisfied that by and large the State intelligence set up had functioned adequately. However, the State Government proposed to undertake an overall review of the functioning of the intelligence organisation at different levels with a view to finding out as to how to improve the quality of the intelligence, assessments of information received, training of intelligence personnel, proper selection of such personnel and coordination of various intelligence agencies, etc.

1.4. The Committee do not agree with the State Government's view point that the State intelligence set up had functioned adequately, they, therefore, reiterate their earlier recommendation that steps should be taken to strengthen the intelligence machinery of the State Government up to Taluka levels.

1.5. In para 270(8) of their Report, the Committee had suggested that special machinery, at the State level to deal exclusively with all aspects of caste/communal riots, should be set up and SCs/STs should be adequately represented therein.

1.6. In their reply dated the 29th November, 1980 the Ministry of Home Affairs have stated that according to the Government of Maharashtra, invariably large scale incidents involving communal riots were dealt with at the level of the Chief Minister and the concerned Cabinet colleagues. It has been further stated that a State Level Committee has been set up under the chairmanship of



Minister, Social Welfare to devote special attention to implementation of the Protection of Civil Rights Act, 1955. Adequate representation has been given to members of State Legislature belonging to Backward Classes on this Committee.

It has also been stated that the working of the Cell created in H. D. under the Jt. Secy., to look into complaints of harassment/atrocities on members of Scheduled Castes/Scheduled Tribes and other weaker sections as also into the working of the DIGB (PCR) and the six Units at the six Ranges was reviewed from time to time by a Committee consisted of Chief Minister, Minister (Home) and Minister (Social Welfare).

1.7. The Committee are not satisfied with the reply, they feel that special machinery, at the State level should be set up to deal exclusively with all aspects of caste/communal riots, in which Scheduled Castes/Tribes should be adequately represented. They, therefore, reiterate their earlier recommendation.

1.8. In para 270(9) of the Report, the Committee has suggested that a High Power Committee under the Chairmanship of the Chief Minister in each State/Union Territory should be set up to give appropriate directions in matters of Caste/communal riots and implementing constitutional/safeguards in favour of Scheduled Castes and Scheduled Tribes. In their reply dated the 29th November, 1980, the Ministry of Home Affairs have stated that according to the Government of Maharashtra, a Committee to deal with communal matters already existed. The State Level Committee on the National Integration on which the members of Scheduled Castes are represented, functioned under the Chairmanship of the Chief Minister and its terms of reference are as follows:—

- (a) To review the communal and general position of law and order in the State;
- (b) To consider ways and means of promoting a sense of tolerance, mutual goodwill and respect amongst different religious, linguistic, regional and other groups in the State; and
- (c) To consider and to give a lead for harmonious celebrations of the annual festivals of different communities and to promote joint or common celebration of their respective festival by setting personal examples and making appeals to responsible leaders of different communities.

It has further been stated that a Cell of this Committee would be asked to meet at more frequent intervals to review the situation as and when the occasion so demand.

It has also been stated that there is already another committee set up under the Chairmanship of the Chief Minister to review the performance of the various Departments in the matter of recruitment of the backward classes in services under the State Government as well as the local bodies Corporation, Boards under the control of the State Government

1.9. The Committee feel that still there is need for a high power committee under the Chairmanship of the Chief Minister in each State/Union Territory which should deal, exclusively with caste/communal riots, and with the implementation of constitutional safeguards in favour of Scheduled Castes/Tribes. They, therefore, reiterate their earlier recommendation.

1.10. In Para 270(12) of their Report, the Committee desired that responsibility should be fixed on District Magistrates, Superintendents of Police, Dy. Superintendents of Police and Panchayat officials concerned or any other official for the outbreak of disturbances in Marathwada and suitable action taken against them.

1.11. In their reply dated the 29th November, 1980, the Ministry of Home Affairs have stated that the resolution to rename the Marathwada University after Babasahab Ambedkar was unanimously passed by both the Houses of the Maharashtra Legislature and as such it was not anticipated that it would cause any reactions of the sort. What was anticipated was in the nature of some disturbances especially in the University and college towns. The District Magistrates and the Superintendents of Police could not, therefore, be blamed for any failure on their part to quell the disturbances which spread rapidly to the remote villages. It has been observed that when the reaction was at first confined to these important places, the Police was by and large successful in dealing with the situation. It was only when it sporadically spread to different areas simultaneously that the police bandobast was found to be inadequate. Even here the movement of the police force was hindered on account of blowing of bridges at certain places, cutting of the telephone wires etc. Either for the outbreak of the disturbances or for their spread, therefore, Government was satisfied that the district authorities could not be held responsible as they acted with sufficient alacrity under difficult circumstances. Action has, however, been taken against three officers who were found wanting in handling the situation.

1.12. In para 268 of their 39th Report (6th L.S.) the Committee had pointed out that 'at most of the places police were mere spectators to the incidents and did not move in the matter to prevent or quell disturbances. Sarpanches and Police parties instigated atrocities on Scheduled Castes and neo-Budhists during disturbances...'. They feel that these charges should have been investigated and responsibility should have been fixed as desired by them.

1.13. In Para 270(18) of their report, the Committee had pointed out that relief given to victims of atrocities in Marathwada was much below the actual loss incurred by the Scheduled Castes and neo-Budhists. Concerted efforts were called for proper economic rehabilitation of all victims of disturbances for which adequate fund should be provided. They should be fully compensated and completely rehabilitated. The amount of Rs. 1500/- sanctioned for the construction of a house was too meagre for the purpose and should be increased to at least Rs. 5000/-.

1.14. In their reply dated 29th November, 1980, the Ministry of Home Affairs have stated that according to the Government of Maharashtra, the loss pertaining to (i) houses/huts of Dalits, partially or completely destroyed, (ii) on account of destruction of belongings and other moveable property in the houses/huts of which were damaged or destroyed; (iii) the value of crops destroyed; (iv) the value of private properties like shops/vehicles etc. damaged or destroyed, was estimated at Rs. 27.9 lakhs.

1.15. This assessment of damage was made by the State Government after careful observations soon after the incidents and every possible effort was made to assess the damages correctly. Panchamas were conducted in the presence of the affected persons and whatever details of damages were given by them were taken down without questioning, on the presumption that the sufferers have given the correct account of their damages.

1.16. It has further been stated that Financial assistance to the tune of Rs. 35 lakhs had already been extended by the State Govt. as follows:—

Purpose	Amount (Lakhs)
	Rs
(i) Gratuitous relief in cash and kind to meet their immediate needs .	3.5
(ii) Subsidy towards repairs/reconstruction of damaged/destroyed houses . . . . .	19.22
(iii) Ex-gratia payment to victims of atrocities towards death, injuries, Loss of belongings, etc. . . . .	5.94
(iv) Additional financial Assistance in cash and kind including for occupational rehabilitation . . . . .	6.60

- (v) In addition, employment to the affected persons was provided under the Employment Guarantee Scheme near their villages, where possible. In the disturbances that took place in July/August 1978, 1047 houses/huts were damaged or destroyed. By end of December, 1978 almost all the houses/huts had been repaired or reconstructed. Almost all the families affected had been rehabilitated.

1.17. It has also been stated that as regards the amount sanctioned towards the construction of houses/huts, it might be mentioned that while initially a subsidy upto Rs. 1500/- had been sanctioned by the Government towards reconstruction of completely damaged houses/huts, actually all the amount expended towards reconstruction of houses/huts had been met by the Government by sanctioning additional funds either from the Chief Minister's Relief Fund or from the Employment Guarantee Scheme. Thus the suggestion to increase the amount of grant had already been accepted and enhanced amount sanctioned to the sufferers..

1.18. The Committee do not appreciate the attitude of Government. They feel that only loss of property and life can be calculated but it is difficult to assess the human sufferings and agony people had to undergo during and after the disturbances. They desire that adequate compensation should have been given to the affected persons.

1.19. In Para 270(19) of their Report, the Committee had suggested that in a family where an earning member had lost his life,

another member of that family should be provided with employment immediately. These Scheduled Castes and Neo-Budhists whose crops had been damaged or the cattle etc. killed, should be provided with enough relief at least to sustain them till the next crops could be shown and harvested. They should also be provided with necessary inputs for the purpose.

1.20. In their reply dated the 29th November, 1980, the Ministry of Home Affairs have stated that according to the Government of Maharashtra, under the scheme for relief to the members of Scheduled Castes/Scheduled Tribes who were victims of atrocities committed on them on caste consideration, grants ranging between Rs. 1000—5000 had been given to the families of those killed or permanently incapacitated and grants ranging between Rs. 250—500 had been given to those who were temporarily incapacitated. Similarly, grants upto Rs. 500 had been given to such persons for loss of movable property and other belongings destroyed during the disturbances. Apart from this, works under the Employment Guarantee Scheme (E & GS) were started near the affected villages to absorb as many affected persons as possible.

1.21. The Committee are not satisfied with Government's reply. They reiterate their earlier recommendation and they would also like to know the number of persons affected by the disturbance and the number out of them rehabilitated so far.

1.22. In Para 270 (20) of their report, the Committee had suggested that any newspapers, periodicals magazines or any other published document which incited hatred and violence against Scheduled Castes and Scheduled Tribes and other weaker sections of the Society or propagated or encouraged untouchability should be prosecuted forthwith and, if necessary, suitable law in that regard should be enacted. All the newspapers which published inflammatory materials and editorials in Marathwada should be prosecuted immediately.

1.23. In their reply dated the 29th November, 1980, the Ministry of Home Affairs have stated that provisions already existed under Section 153(A) of the Indian Penal Code to take legal action in case any newspaper, periodical, etc. publishes any news or documents which incited hatred and violence against Scheduled Castes, Scheduled Tribes etc. Similarly, under section 7(b) of the Protection of Civil Rights Act, 1955, action could be taken against those who encouraged or propagated practice of untouchability. All newspapers comments and reports of speeches etc. had been scrutinised

by the Government of Maharashtra but none were found to be actionable.

1.24. The Committee do not agree with the conclusion arrived at that 'all newspapers comments and reports of speeches etc. had been scrutinised by the Government of Maharashtra but none were found to be actionable'. They would like to draw attention to para 269 of their 39th Report (6th Lok Sabha) wherein cases had been cited of the newspapers which had tried to incite hatred and violence. The Committee feel that action should have been taken against the guilty newspapers.

1.25. In Para 270(21) of their report, the Committee had expressed their concern that no enquiries had been conducted into printing and circulating of the inflammatory leaflets without giving the names of printers and publishers during the period of agitation in Marathwada. Such cases should be investigated by C.B.I. and culprits should be prosecuted.

1.26. In their reply dated the 29th November, 1980, the Ministry of Home Affairs have stated that according to the Government of Maharashtra, case had been registered U/S 153-A.I.P.C. and 3 cases under sections 3/12 of the press and Registration of Books Act. 1867.

1.27. The Committee are not satisfied with the reply. They feel that cases should have been investigated by C.B.I. and prosecution should have been launched against the culprits.

1.28. In Para 270(22) of their Report, the Committee had pointed out that the information furnished by the Government of Maharashtra pertaining to loss of property and crops was on the low side as compared to actual loss incurred by the victims of riots as gathered by the Committee. The Committee felt that proper assessment of actual loss incurred by the victims should be made quickly and full compensation paid to them for the loss of property and crops.

1.29. In their reply dated the 29th November, 1980, the Ministry of Home Affairs have stated that as already mentioned the total amount of loss of property, crops, etc, was estimated at Rs. 27.9 lakhs. This assessment was made by the Government of Maharashtra after careful observation soon after the incidents and every possible effort was made to assess the damages correctly. Panchanamas were conducted in the presence of the affected persons and whatever details of damages were given by them were taken down without questioning on the presumption that the sufferers had

given the correct amount of their damages. According to the State Government, it was possible that some of the claims were subsequently inflated after the victims became aware of large scale relief was being organised.

1.30. It has further been stated that financial assistance to the tune of Rs. 35 lakhs had already been extended to the affected persons even though the loss was estimated at 27.9 lakhs. Thus this suggestion has to a large extent been implemented by the State Government.

1.31. The Committee do not appreciate the attitude of Government. They feel, as already stated in Para 1.18 above, that only loss of property and life can be calculated but it is difficult to assess the human sufferings and agony people had to undergo during and after the disturbances. They feel that adequate compensation should have been given to the affected persons.

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## **CHAPTER II**

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

#### **Recommendation Para No. 270 (2)**

**As and when information is received about any likely disturbances, the law and order machinery should be immediately geared up and deployed to control the situation and ensure normalcy.**

#### **Reply of Government**

The State Government agrees with the suggestion. In fact current instructions include action to be initiated in receipt of any information about likely disturbances, as well as measures to be taken to control the situation and to restore normalcy. These instructions have been incorporated in the form of a Manual viz. Guide lines for dealing with communal disturbances.

[Ministry of Home Affairs O.M. No. III-13016/2/79-NID(D)|PCR  
(Desk) dated 29-11-1980]

#### **Recommendation Para No. 270 (3)**

**In rural areas, the police stations should be strengthened both in man and material viz. telephones, wireless sets, motor vehicles, etc.**

#### **Reply of Government**

The State Government agrees with the suggestion. An assessment of the manpower requirements of the Police Stations in rural areas has been carried out by a High Level Committee appointed by the State Government and in the light of the yardsticks proposed by that Committee actual deficiencies and requirements of manpower in respect of police stations in Marathwada area will be worked out, and where necessary, the existing strength augmented.

In the matter of materials, viz. motor vehicles, wireless sets, installation of telephones, etc. special attention is being given to police stations in Marathwada region. Since the disturbances, out of 145 police stations, Jeeps have been provided to about 45 police stations and it is proposed to allot a sizeable number of vehicles to Marathwada region from this year's budget grant, earmarked for purpose of vehicles.



Prior to disturbances only 22 police stations had been connected through wireless. Since then, 43 additional police stations have been connected and a substantial number is proposed to be covered in the current year's programme.

A number of telephone connections have been specially sanctioned to the Intelligence Branch Offices.

[Ministry of Home Affairs O.M. No. III-13016/2/79NID (D) PCR  
(Desk) dated 29-11-1980].

### **Comments of the Committee**

The Police Stations, within the areas populated by SCs/STs should be equipped with the jeeps, wireless sets, telephones etc. so that during disturbances any danger to the lives of SCs/STs is averted.

### **Recommendation Para No. 270 (4)**

Police Patils or Police Officials particularly those posted in rural areas should be instructed to bring the reports about atrocities or any matter of a sensitive nature, particularly those concerning Scheduled Castes and Scheduled Tribes to the notice of higher officer promptly so that necessary preventive measures are taken before the situation takes a violent turn.

### **Reply of Government**

The Govt. of Maharashtra has accepted the recommendations. Necessary instructions have been issued to police patils and police officers by the State Government.

[Ministry of Home Affairs O.M. No. III-13016/2/79-NID (D) PCR  
(Desk) dated 29-11-1980]

### **Recommendation Para No. 270 (6)**

Whenever disturbances take place, assistance of voluntary organisations should be taken to inspire a sense of confidence in Scheduled Castes and Scheduled Tribes.

### **Reply of Government**

The Govt. of Maharashtra has accepted this recommendation. In fact, wherever feasible, assistance of voluntary organisations is

sought and mobilized to supplement the efforts of official machinery by that State Government.

[Ministry of Home Affairs O.M. No. III-13016/2/79-NID(D)|PCR  
(Desk) dated 29-11-1980]

#### **Recommendation Para No. 270(7)**

Administrative machinery at the district level should be strengthened to ensure prompt and effective investigation of all offences involving members of Scheduled Castes and Scheduled Tribes and prompt redressal of their grievances.

#### **Reply of Government**

The suggestion has already been implemented by the Govt. of Maharashtra. Machinery at the district as well as police range level has been strengthened to ensure prompt and effective investigation of all offences involving members of Scheduled Castes and Scheduled Tribes as also to enquire into any complaints of harassment in order to promptly redress their grievances.

[Ministry of Home Affairs O.M. No. III-13016/2/79-NID(D)|PCR  
(Desk) dated 29-11-1980]

#### **Recommendation Para No. 270(10)**

Special courts for the quick disposal of cases involving Scheduled Castes/Tribes should be established.

#### **Reply of Government**

The State Government agrees with the suggestion. The question of setting up of Special Courts for expeditious disposal of cases involving offences against S.Cs./S.Ts. is kept under continuous review. In the past, proposal for setting up of such Courts in some districts, to deal with PCR cases had been made but considering the number of pending cases, the High Court did not find it necessary to set up any Special Court. The situation will however be reviewed from time to time and if necessary the matter will be pursued further.

[Ministry of Home Affairs O.M. No. III-13016/2/79-NID(D)|PCR  
(Desk) dated 29-11-1980]

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

Highest priority should be given to the disposal of cases in which SCs/Tribes are involved.

### **Recommendation Para No. 270(14)**

Whenever any person belonging to Scheduled Caste or Scheduled Tribe is dispossessed of his land through unfair means, Government should take steps to secure possession of the land from the person concerned by taking the same action as they take in case of Government land unlawfully occupied by any person.

### **Reply of Government**

According to the Govt. of Maharashtra in that State provision exists in—

(i) section 34 of the Bombay Tenancy and Agricultural Land Act, 1948;

(ii) Section 120 of the Bombay Tenancy and Agricultural Land (Vidarbha Region) Act, 1958;

(iii) Section 93 of the Hyderabad Tenancy and Agricultural Land Act, 1950 to restore lands to the tenants if they come to be evicted by the landlords and if the affected Harijans apply to the appropriate Revenue authorities for the purpose; and

(iv) In respect of Scheduled Tribes there is a separate provision for restoration of lands under the Maharashtra Restoration of lands to Scheduled Tribes Act, 1974 (brought into force w.e.f. 1st November, 1975).

[Ministry of Home Affairs O.M. No. LII-13016/2/79-NID(D)/PCR (Desk) dated 29th Nov., 1980]

### **Comments of the Committee**

The Committee feel that there is a long delay in getting back the possession of the land under the existing law through Courts. Govt. of Maharashtra should enact law similar to public premises (Eviction of unauthorised occupants) Act, 1971, so that summary proceedings could be taken to evict to unauthorised occupants of lands belonging to Scheduled Castes and Scheduled Tribes.

### **Recommendation Para No. 270(16)**

Whenever any disturbances occur, the licences of fire arms of persons living within that area should be cancelled and all lethal weapons should be confiscated.

### Reply of Government

Provisions already exist in the Arms Act, 1959, which empower the licensing authority to suspend or revoke a licence if such action is deemed necessary for the security of public peace or public safety. There are also provisions for the State Government to suspend or revoke, or direct any licensing authority to suspend or revoke, all licences granted under the Act within its territory. These provisions have again been brought to the notice of all licensing authorities by the Govt. of Maharashtra.

[Ministry of Home Affairs O.M. No. III-13016/2/79-NID(D)/  
PCR (Desk) dated 29th Nov., 1980]

### Comments of the Committee

The Committee would like to know the number of licences cancelled during the disturbances in Marathawada.

### Recommendation, Para No. 270(17)

Police Patils should be given proper training to make them aware of their duties and responsibilities.

### Reply of Government

The Govt. of Maharashtra have accepted this recommendation. Necessary arrangements are being made by the State Government to provide training to Police Patils.

[Ministry of Home Affairs O.M. No. III-13016/2/79-NID(D)/  
PCR (Desk) dated 29th Nov., 1980]

### **CHAPTER III**

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

##### **Recommendation Para No. 270(5)**

Local Police Force, Police Patils, Home Guards should be adequately represented by Scheduled Castes and Scheduled Tribes. One of the key posts in a village should be manned by Scheduled Caste or Scheduled Tribe persons.

##### **Reply of Government**

The suggestion that Scheduled Castes/Scheduled Tribes should be adequately represented in the Police Force has already been accepted by the Govt. of Maharashtra and continued efforts are made to ensure that the requisite percentage of persons belonging to Scheduled Castes/Scheduled Tribes are achieved in different branches of the force.

Even in respect of Police Patils, the State Government have already issued instructions in the past that all future vacancies in these posts should be filled in from among the members of Scheduled Castes/Scheduled Tribes and special efforts made to achieve the requisite percentages on a Sub-division level.

As regards the Home Guards, since in Maharashtra this Organisation is a purely honorary and a voluntary one, it has not been found practicable to apply the general orders regarding the reservation of posts for backward classes for enrolment of volunteers to that Organisation.

[Ministry of Home Affairs O.M. No. III-13016/2/79-NID(D)/PCR (Desk) dated 29th Nov., 1980]

##### **Recommendation Para No. 270(11)**

In case of disturbances, punitive fines should be imposed on persons living in the areas which are scenes of disturbances and the amount so collected should be paid as compensation to the victims of disturbances.

### **Reply of Government**

The State Government have examined this proposal in the past and have not found it practicable. In fact, section 51 of the Bombay Police Act, 1951 provides for imposition of special tax on the people of the disturbed area and the amount so collected to be distributed to the sufferers as compensation. The experience of the imposition of these fines shows that such fines are not recovered and process for recovery of fines itself become cause for further ill-feeling and has sometimes led to law and order problems, long after the original incidents which led to the imposition of such fines.

However, in the case of large scale disturbances victims are treated on par with sufferers of other natural calamities and assistance is given for their rehabilitation.

[Ministry of Home Affairs O.M. No. III-13016/2/79-NID(D)/PCR (Desk) dated 29th Nov., 1980]

### **Recommendation Para No. 270(13)**

Panchayats should be made accountable for their failures to prevent atrocities on the weaker sections in their areas.

Social workers and voluntary organisations should be involved to supplement the efforts of administration for bringing about normalcy and restoring confidence among the victims.

### **Reply of Government**

The Bombay Village Panchayats Act provides for establishing a Village Panchayat for every village or group of villages and investing them with such powers and authorities as may be necessary to enable them to function as units of Local Self Government development activities in rural areas and for certain other matters. Moreover, the village panchayats have no statutory duty/responsibility in the sphere of maintaining law and order in the villages. It will not, therefore, be legally feasible to hold them accountable for their failures to prevent atrocities on the weaker sections in their areas. As regards second part of the recommendation the State Govt. has accepted the same. In this connection, please also see reply to para 270(6).

[Ministry of Home Affairs O.M. No. III-13016/2/79-NID(D)/PCR (Desk) dated 29th Nov., 1980]

**Recommendation Para No. 270(15)**

Use of force to deprive Scheduled Castes and Scheduled Tribes of their land should be made a cognizable offence so that the police can immediately intervene in such cases.

**Reply of Government**

According to the Govt. of Maharashtra, the problem of eviction of Harijan tenants in terms of number of such cases is not a significant one in that State. Instructions have, however, been issued to the Revenue Officers that in cases of illegal dispossession of Harijan tenants, immediate action for the restoration of lands to them should be taken. The State Government does not consider it necessary to make a provision as suggested.

[Ministry of Home Affairs O.M. No. III-13016/2/79-NID(D)/PCR (Desk) dated 29th Nov., 1980]

**Recommendation Para No. 271**

With a view to inspire confidence and credibility in the public about the fairness and impartiality of the Administration, there should be an automatic judicial inquiry into the cases where there is a large scale arson, looting, murder and indiscriminate firing by the Police involving Scheduled Castes and Scheduled Tribes.

**Reply of Government**

According to the Government of Maharashtra it may not be desirable to have an arrangement by which automatic judicial inquiry is held into certain class of cases as suggested by the Committee. In that State, magisterial inquiries are ordered into all cases of firing by the Police resulting in loss of life or damage to property. A decision as to whether a judicial inquiry is to be held is taken on a case by case basis.

[Ministry of Home Affairs O.M. No. III-13016/2/79-NID(D)/PCR (Desk) dated 29th Nov., 1980]

**Recommendation Para No. 273**

The Committee need hardly emphasise the imperative need of initiating and implementing land reforms in order to improve the Socio-economic status of Scheduled Castes and Scheduled Tribes, who constitute the major portion of the landless agricultural labourers. The Committee have received complaints from almost

all parts of the country that land generally allotted to Scheduled Castes and Scheduled Tribes is barren or rocky and as such is unfit for cultivation. The Committee strongly feel that the land should be fully developed by Government at their expense or Government should pay charges to the allottees for its reclamation and development and Government has also to devise adequate checks to ensure that in no case the land allotted to Scheduled Castes and Scheduled Tribes is alienated. Suitable steps should also be taken to confer permanent ownership rights on them.

### Reply of Government

According to the Government of Maharashtra, the distribution of surplus lands in Maharashtra State is done by Tribunals consisting of an officer of the rank of Tahsildar as Chairman and two or more unofficial members, of whom at least one belong to backward classes. This ensures that the complaints such as that in reserving land for allotment to backward classes, only barren, rocky and uncultivable lands were selected for being granted to backward classes, do not arise in the distribution of land. No such complaint has been received so far in that State.

The allottees of surplus land are made members of Cooperative Societies as soon as they are granted land with a view to enable them to obtain institutional finance for cultivation and development of their lands. Besides they are also granted assistance under the Central Sector Scheme for grant of financial assistance to new assignees of surplus land. Under this scheme assistance upto Rs. 500/- per hectare (50 per cent subsidy and 50 per cent loan) is granted to the allottees. During the year 1978-79, out of a total amount of Rs. 118.16 lakhs made available towards development assistance in that State, and amount of Rs. 39.60 lakhs was made available in Marathwada Region.

The land Ceiling Act (Section 29) already provides that no land granted under that Act is transferred without the prior permission of the Collector which can be granted in certain circumstances, specified in the rules. Besides in the case of Scheduled Tribes, L.R. Code (Section 36 and 36-A) now put stricter restrictions on transfer of tribal lands. No such land can now be transferred to a non-tribal.

The allottees are Class II occupants of the lands allotted to them, which means that there are certain restrictions on their transferring the lands. The allottees being thus owners of the lands allotted to them, no separate action to confer ownership rights



on them is necessary. Besides, under the land to the tiller policy adopted in this State, tenants of agricultural land have been given ownership of the land. These provisions of the Tenancy Law have already been implemented and in Marathwada region, in all 11,92,605 tenants have been declared as owners in respect of 13,80,215 hectares of land.

[Ministry of Home Affairs O.M. No. III-13016/2/79-NID(D)/  
(PCR) (Desk) dated 29-11-1980]

#### Recommendation Para No. 274

The Committee feel that the rigorous implementation of the Protection of Civil Rights Act is a *sine qua non* for eradicating the evil of untouchability. All cases of untouchability must be faithfully registered, investigated, charge-sheeted and processed in the courts within the minimum possible time. Special courts, if necessary, should be set up for the purpose. Deterrent punishment has also to be given to all those persons responsible for perpetuating or propagating untouchability.

#### Reply of Government

According to the Government of Maharashtra the provisions of the Protection of Civil Rights Act, 1955 are vigorously enforced in that State. The number of offences registered under this Act during the last 5 years is shown below:—

Year	No. of Offences registered
1975	333
1976	364
1977	622
1978	1285
1979 (upto May)	552

Almost 95 per cent of the offences fall under section 7(1) (d) of the Act, namely, Abuses on Caste considerations.

A cell under Deputy Inspector General of Police has been created in the Office of the Inspector General of Police at Bombay. He is responsible for supervision over the implementation of the Protec-

tion of Civil Rights Act, at the District and Range levels. At the Headquarters of 6 Police Ranges small units under a Police Inspector have been established who work directly under the Deputy Inspector General of Police (P.C.R.)

The investigation of Protection of Civil Rights offences is to be made by Officer not below the rank of Police Sub-Inspector and it is supervised by Senior Officers.

Instructions have been issued by the State Government to Police Prosecutors to give priority to the cases registered under this Act and to move the courts to award deterrent punishments.

[Ministry of Home Affairs O.M. No. III-13016/2/79-NID(D)/PCR(DESK) dated 29-11-1980].

#### **Recommendation Para No. 275**

The Committee feel that the question of rapid spread of education among the Scheduled Castes and Scheduled Tribes merits serious considerations. Education has not only to be made free for Scheduled Castes and Scheduled Tribes upto University level but it has also to be ensured that all SCs and STs students actually attend the School/colleges. Rates of scholarship both pre-matric and post-matric have also to be enhanced considerably so as to help them meet their expenditure. The restriction for awarding scholarship only to two children should be removed and income limit of parents/guardians for award of scholarships should be enhanced suitably.

#### **Reply of Government**

According to the Government of Maharashtra in that State free studentship is granted to all students from the SCs/STs/VJs/NTs in all recognised educational institutions for all the recognised courses of education irrespective of their age and income. Thus, education for them is free even at the University level. Hostel facilities are also provided to these students. There are now 130 Government B.C. Hostels, where residential accommodation, meal, books and equipments and all other daily necessities are provided free. In addition there are about 1300 aided BC hostels where residential accommodation and meals are provided free of cost. Government gives grants to such hostels. About 57,000 students are benefitted.

Pre-matric scholarships are granted by the State Governments to the SCs|STs|VMs|NTs as per rules framed for the purpose. No

income limit has been prescribed. The question of enhancement of the rate of scholarships is under the consideration of the State Government.

The question of enhancing the rates of post-matric scholarships is under the consideration of the Government of India. Considering the particular need to promote Scheduled Castes and Scheduled Tribes girls education, the Government of India have decided that from the academic year 1980-81, the existing restriction for the award of scholarships to only two children of the same parents/guardian, will not apply to girls.

[Ministry of Home Affairs O.M. No. III-13016/2/79-NID(D)/PCR(DESK) dated 29-11-1980].

### **Comments of the Committee**

The restriction for awarding scholarship only to two children should be removed and income limit of Parents/guardians for awarding of scholarships should be enhanced suitably and also the rate of pre-matric and post-matric scholarships should be increased.

### **Recommendation Para No. 276**

Another problem that has to be tackled on War footing, is the provision of adequate employment opportunities to Scheduled Castes and Scheduled Tribes. Concerted efforts are called for providing the Scheduled Castes and Scheduled Tribes with jobs atleast according to the quotas as reserved for them as per the directives issued by Government from time to time.

Each of the Scheduled Caste and Scheduled Tribe who has passed matriculation or any higher examination or is I.T.I. qualified should be provided jobs on crash programme basis till such time the quotas for them are filled up. Side by side, a comprehensive Scheme for encouraging Scheduled Castes and Scheduled Tribes to set up cottage and small scale industries should be prepared and implemented. The intake of Scheduled Castes and Scheduled Tribes in the I.T.Is should be augmented so that more and more Scheduled Castes and Scheduled Tribes students acquire the necessary skill for different fields.

### **Reply of Government**

The State Government has been pursuing through repeated instructions and reviews the question of S.Cs. and S.Ts. attaining atleast the prescribed percentages of quotas reserved for them in

Government services. At present, the reservation, inclusive of backlog and current reservation, is made to the extent of 50 per cent of the vacancies on any occasion of recruitment and the question of relaxing this restriction is under consideration.

As on 1-1-1978, in respect of State Services in Class III cadre, recruitment of Scheduled Castes had reached 12.3 per cent and in Class IV, it was 22.8 per cent, i.e. in excess of the percentage of 13 per cent minimum prescribed.

In respect of Scheduled Tribes in Class III, the percentage was 2.9 as against prescribed 7 per cent. In Class IV, the percentage was 5 per cent.

As result of further efforts, percentages mentioned above are expected to have gone up.

Among other measures, the State Government have set up Maharashtra Backward Class Development Corporation Ltd. Its main objective is to undertake the task of economic development of the Backward Classes in general and of Scheduled Caste, Vimukta Jatis and Nomadic Tribes in particular. It is expected to plan, promote and finance programmes of economic development, marketing, processing, supply and storage of agricultural produce, small scale industries, etc. and such other business, profession, trade or activity for the benefit and welfare of the Backward Classes. It will also provide capital credits, finance and technical as well as managerial assistance and arrange contracts with and take up indents from the Government, etc.

In respect of Scheduled Tribes, there are schemes for apprenticeship training under master craftsman and also schemes for seed-money assistance to educated unemployed.

Government has already issued instructions for reservation of same quotas for Scheduled Castes/Scheduled Tribes etc. for admission in the I.T.Is. as have been prescribed for recruitment in Government service.

However, in some of the Districts a higher percentage in proportion to the population of Scheduled Tribes has been prescribed for admission of Scheduled Caste students in the I.T.Is.

[Ministry of Home Affairs O.M. No. III-13016/2/79-NID(D)/PCR(DESK) dated 29-11-1980].

## **CHAPTER IV**

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

#### **Recommendation Para No. 270(1)**

Steps should be taken to strengthen the intelligence machinery of the State Government upto Taluka levels so that any incidents which could lead to widespread disturbances and any advance preparations therefor are anticipated and appropriate steps taken to prevent any large scale violence.

#### **Reply of Government**

The State Government of Maharashtra is satisfied that by and large the State Intelligence set up has functioned adequately. However, the State Government proposes to undertake an overall review of the functioning of the intelligence organisation at different levels with a view to finding out as to how to improve the quality of the intelligence, assessments of information received, training of intelligence personnel, proper selection of such personnel and coordination of various intelligence agencies, etc.

[Ministry of Home Affairs O.M. No. III-13016/2/79-NID(D)/  
PCR(DESK) dated 29-11-1980].

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

Please see Chapter I, Para 1.4.

#### **Recommendation Para No. 270(8)**

Special machinery, at the State level to deal exclusively with all aspects of Caste/communal riots should be set up. Scheduled Castes/Tribes should be adequately represented therein.

#### **Reply of Government**

According to the Government of Maharashtra, invariably large scale incidents involving communal riots are dealt with at the level of the Chief Minister and the concerned Cabinet colleagues.

A State Level Committee has been set up under the chairmanship of Minister, Social Welfare to devote special attention to implementation of the Protection of Civil Rights Act, 1955. Adequate representation has been given to members of State Legislature belonging to Backward Classes on this Committee.

The working of the Cell created in H.D. under the Jt. Secretary, to look into complaints of harassment/atrocities on members of SCs/STs; and other weaker sections as also into the working of the DIGP (PCR) and the six Units at the six Ranges is reviewed from time to time by a Committee consisting of Chief Minister, Minister (Home) and Minister (Special Welfare).

[Ministry of Home Affairs O.M. No. III-13016/2/79-NID(D)/PCR(DESK) dated 29-11-1980].

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

Please see Chapter I, Para 1.7.

Statement showing the action taken on the recommendation/conclusion contained in the 39th report of the Committee on the welfare of Scheduled Caste and Scheduled Tribes (Sixth Lok Sabha) on the Ministry of Home Affairs.

#### **Recommendation Para No. 270(9)**

A High Power Committee under the Chairmanship of the Chief Minister in each State/Union Territory should be set up to give appropriate directions in matters of Caste/communal riots and implementing constitutional/safeguards in favour of Scheduled Castes and Scheduled Tribes.

#### **Reply of Government**

According to the Govt. of Maharashtra, a Committee to deal with communal matters already exists. The State Level Committee on the National Integration on which the members of S.C.s are represented, functions under the Chairmanship of the Chief Minister and its terms of reference are as follows:—

- (a) To review the communal and general position of law and order in the State;
- (b) To consider ways and means of promoting a sense of tolerance, mutual goodwill and respect amongst different religious, linguistic, regional and other groups in the State; and

- (c) To consider and to give a lead for harmonious celebrations of the annual festivals of different communities and to promote joint or common celebration of their respective festivals by setting personal examples and making appeals to responsible leaders of different communities.

A Cell of this Committee will be asked to meet at more frequent intervals to review the situation as and when the occasion so demand.

There is already another committee set up under the Chairmanship of the Chief Minister to review the performance of the various Departments in the matter of recruitment of the backward classes in services under the State Government as well as the local bodies Corporations, Boards under the control of the State Government.

[Ministry of Home Affairs O.M. No. III-13016/2/79-NID (D) / PCR (Desk) dated 29-11-1980]

### **Comments of the Committee**

Please see Chapter I, Para 1.9.

### **Recommendation Para No. 270(12)**

Responsibility should be fixed on District Magistrates, Superintendents of Police, Dy. Superintendents of Police and Panchayat officials concerned or any other official for the outbreak of disturbances in Marathwada and suitable action taken against them.

### **Reply of Government**

The resolution to rename the Marathwada University after Babasaheb Ambedkar was unanimously passed by both the Houses of the Maharashtra Legislature and as such it was not anticipated that it would cause any reactions of the sort. What was anticipated was in the nature of some disturbances especially in the University and college towns. The District Magistrates and the Superintendents of Police cannot, therefore, be blamed for any failure on their part to quell the disturbances which spread rapidly to the remote villages. It has been observed that when the reaction was at first confined to these important places, the police was by and large successful in dealing with the situation. It was only when it sporadically spread to different areas simultaneously that the police bandobast was found to be inadequate. Even here the

movement of the police force was hindered on account of blowing of bridges at certain places, cutting of the telephone wires etc. Either for the outbreak of the disturbances or for their spread, **therefore, Government is satisfied** that the district authorities cannot be held responsible as they acted with sufficient alacrity under difficult circumstances. Action has, however, been taken against three officers who were found wanting in handling the situation.

[Ministry of Home Affairs O.M. No. III-13016/2,79-NID(D) / PCR(Desk) dated 29-11-1980]

### **Comments of the Committee**

Please see Chapter I, para 1.12.

### **Recommendation Para No. 270(18)**

**Relief given to victims of atrocities in Marathwada is much below the actual loss incurred by the S.C.s and Neo-Buddhists. Concerted efforts are called for proper economic rehabilitation of all victims of disturbances for which adequate fund should be provided. They should be fully compensated and completely rehabilitated. The amount of Rs. 1500/- sanctioned for the construction of a house is too meagre for the purpose and should be increased to at least Rs. 5,000/-.**

### **Reply of Government**

According to the Govt. of Maharashtra, the loss pertaining to (i) houses/huts of Dalits, partially or completely destroyed, (ii) on account of destruction of belonging and other moveable property in the houses/huts of which were damaged or destroyed; (iii) the value of crops destroyed; (iv) the value of private properties like shops/vehicles etc. damaged or destroyed, was estimated at Rs. 27.9 lakhs.

This assessment of damage was made by the State Govt. after careful observations soon after the incidents and every possible effort was made to assess the damages correctly. Panchanamas were conducted in the presence of the affected persons and whatever details of damages were given by them were taken down without questioning, on the presumption that the sufferers have given the correct account of their damages.



Financial assistance to the tune of Rs. 35 lakhs has already been extended by the State Govt. as follows:—

Purpose:	Amount (Lakhs)
	Rs.
(i) Gratuitous relief in cash and kind to meet their immediate needs	3.5
(ii) Subsidy towards repairs/reconstruction of damaged/destroyed houses	19.22
(iii) Ex-gratia payment to victims of atrocities towards loss of belongings etc.	5.94
(iv) Additional financial assistance in cash and kind including for occupational rehabilitation	6.60

- (v) In addition, employment to the affected persons was provided under the Employment Guarantee Scheme near their villages, wherever possible.

In the disturbances that took place in July/August 1978, 1047 houses/huts were damaged or destroyed. By end of December 1973 almost all the houses/huts had been repaired or reconstructed. Almost all the families affected have been rehabilitated.

As regards the amount sanctioned towards the construction of houses/huts, it may be mentioned that while initially a subsidy upto Rs. 1500/- had been sanctioned by the Government towards reconstruction of completely damaged houses/huts, actually all the amount expended towards reconstruction of houses/huts has been met by the Government by sanctioning additional funds either from the Chief Minister's Relief Fund or from the Employment Guarantee Scheme. Thus the suggestion to increase the amount of grant has already been accepted and enhanced amount sanctioned to the sufferers.

[Ministry of Home Affairs O.M. No. III-13016/2/79-NID(D) / PCR(Desk) dated 29-11-1980]

#### Comments of the Committee

Please see Chapter I, Para 1.18.

#### Recommendation Para No. 270(19)

In a family where an earning member has lost his life, another member of that family should be provided with employment immediately. Those Scheduled Castes and Neo-Buddhists whose

crops have been damaged or the cattle etc. killed, should be provided with enough relief at least to sustain them till the next crops can be sown and harvested. They should also be provided with necessary input for the purpose.

### **Reply of Government**

According to the Govt. of Maharashtra, under the scheme for relief to the members of Scheduled Castes/Scheduled Tribes who were victims of atrocities committed on them on caste consideration grants ranging between Rs. 1000—5000 have been given to the families of those killed or permanently incapacitated and grants ranging between Rs. 250—500 have been given to those who were temporarily incapacitated. Similarly, grants upto Rs. 500/- have been given to such persons for loss of moveable property and other belongings destroyed during the disturbances.

Apart from this work under the Employment Guarantee Scheme (EGS) were started near the affected villages to absorb as many affected persons as possible.

[Ministry of Home Affairs O.M. No. III-13016/2/79-NID(D) / PCR(Desk) dated 29-11-1980]

### **Comments of the Committee**

Please see Chapter I, Para 1.21.

### **Recommendation Para No. 270(20)**

Any newspapers, periodicals magazines or any other published document which incites hatred and violence against Scheduled Castes and Scheduled Tribes and other weaker sections of the Society or propagates or encourages untouchability should be prosecuted forthwith and, if necessary, suitable law in this regard should be enacted. All the newspapers which published inflammatory materials and editorials in Marathwada should be prosecuted immediately.

### **Reply of Government**

Provisions already exist under Section 153(A) of the Indian Penal Code to take legal action in case any newspaper, periodical, etc. publishes any news or documents which incites hatred and violence against Scheduled Castes, Scheduled Tribes etc. Similarly, under section 7 (b) of the Protection of Civil Rights Act, 1955, action could be taken against those who encourage or propa-

gate practice of untouchability. All newspapers, comments and reports of speeches etc. had been scrutinised by the Govt. of Maharashtra but none were found to be actionable.

[Ministry of Home Affairs O.M. No. III-13016/2/79-NID (D) /  
PCR (Desk) dated 29-11-1980]

### **Comments of the Committee**

Please see Chapter I, Para 1.24

### **Recommendation Para No. 270(21)**

No enquiries have been conducted into printing and circulating of inflammatory leaflets without giving the names of printers and publishers during the period of agitation in Marathwada. Such cases should be investigated by C.B.I. and culprits should be prosecuted.

### **Reply of Government**

According to the Government of Maharashtra, case has been registered U/S 153-A I.P.C. and 3 cases under sections 3/12 of the press and Registration of Books, Act, 1867.

[Ministry of Home Affairs O.M. No. III-13016/2/79-NID (D) /  
PCR (Desk) dated 29-11-1980]

### **Comments of the Committee**

Please see Chapter I, Para 1.27

### **Recommendation Para No. 270(22)**

The information furnished by the Government of Maharashtra pertaining to loss of property and crops is on the low side as compared to actual loss incurred by the victims of riots as gathered by the Committee. The Committee feel that proper assessment of actual loss incurred by the victims should be made quickly and full compensation paid to them for the loss of property and crops.

### **Reply of Government**

As mentioned in para 270(18) the total amount of loss of property, crops, etc. was estimated at Rs. 27.9 lakhs.

This assessment was made by the Government of Maharashtra after careful observation soon after the incidents and every possible effort was made to assess the damages correctly. Pancha-

namas were conducted in the presence of the affected persons and whatever details of damages were given by them were taken down without questioning on the presumption that the sufferers have given the correct amount of their damages. According to the State Government, it is possible that some of the claims were subsequently inflated after the victims became aware of large scale relief was being organised.

Financial assistance to the tune of Rs. 35 lakhs has already been extended to the affected persons even though the loss was estimated at 27.9 lakhs. Thus this suggestion is to a large extent implemented by the State Government.

[Ministry of Home Affairs O.M. No. III-13016/2/79-NID(D) /  
PCR (Desk) dated 29-11-1980]

#### Comments of the Committee

Please see Chapter I, Para 31.

NEW DELHI;

March 8, 1981

Phalguna 15, 1902 (S).

R. R. BHOLE,

Chairman,

Committee on the Welfare of Scheduled  
Castes and Scheduled Tribes.

## APPENDIX

### *Analysis of the Action Taken by Government on the recommendation in the thirty-ninth Report of the Committee*

1. Total number of recommendations	27
2. Recommendations which have been accepted by Government ( <i>Vide</i> Recommendations Para Nos. 270 (2), (3), (4), (6), (7), (10), (14), (16) & (17)	
Number	9
Percentage to Total	33.3
3. Recommendations which the Committee do not desire to pursue in view of the Government's reply ( <i>Vide</i> Recommendations Para Nos. 270 (5), (11), (19), (15), 271, 273, 274 275, and 276	
Number	9
Percentage to Total	33.3
4. Recommendations in respect of which final replies of Government have not been accepted by Committee and which require reiteration ( <i>Vide</i> Recommendations Para Nos. 270 (1), (8), (9), (12), (18), (19), (20), (21) and (22)	
Number	9
Percentage to Total	33.3