

## CHAPTER VIII

MISCELLANEOUS SAFEGUARDSMiscellaneous Complaints

The Commission has also been receiving complaints of miscellaneous nature which do not involve breach of any particular safeguard or right of SC/ST under the Constitution, a law or an order of the Government but where the Complainants feel harassed or inconvenienced or seek help. During 1993-94, the Commission received about three hundred petitions containing complaints of miscellaneous nature, out of which eighty seven cases were considered suitable for some action. These petitions included cases of requests for providing financial assistance for community services, extension of welfare schemes and some problems faced by individuals belonging to SC/ST like non-payment of their dues, denying facilities meant for SC/ST people, etc. A brief picture of these complaints is given in the following paragraphs:

8.2 Nineteen cases were received which sought financial assistance. Most of these cases related to matters like construction of houses, providing financial assistance to SC/ST, compensation due to loss of property in fire, help for higher education, training courses, establishment of village or small scale industries, etc. All cases have been taken up with the concerned authorities for taking necessary action. In addition to this fourteen cases relating to community services were received in the Commission, out of which five cases relate to activities of Societies, cleanliness and providing basic facilities to SC/ST. Cases have been taken up with the concerned authorities. In many cases replies are awaited. Four cases related to digging of tubewells for SC/ST, hospital facilities, establishing of rest-houses and developmental problems of SC/ST. All these cases have also been taken up with the concerned authorities.

8.3 Cases regarding welfare schemes of SC/ST were also received in the Commission from SC/ST representationists of various States/UTs. In many of these cases, the representation was regarding waiver of loan or enhancement of loan limit. These cases have also been taken up with the concerned authorities. In one case the concerned authority informed that the petitioner was not entitled to waiver of loan. In another case regarding enhancement of loan limit, the Commission did not take any action as the petitioner had requested the Commission to approach the bank authorities for enhancement of bank loan, which the Commission feels, is outside its working area.

8.4 A case regarding penalty imposed on a Scheduled Caste L.P.G. dealer was received. The case was taken up with the principal, i.e., M/s Bharat Petroleum Ltd. The Company informed that the dealer was involved in malpractices and was issuing irregular unauthorised gas connections and that was the reason why penalty was imposed. The Commission did not find any reason to pursue the matter further.

8.5 Other cases received were regarding such matters as providing electricity connections and allotment of land, etc., to persons belonging to SC/ST. The requests have been taken up with the concerned authorities for suitable action although they are not cases of violation of any safeguard or right.

8.6 Four cases regarding illegal and forceful occupation of shops of SC persons by higher caste people were received. Out of these four cases one was sub-judice. Other cases were referred to concerned authorities for suitable action.

8.7 The Commission received 22 petitions regarding general problems of SC/ST. Most of the cases were regarding alleged harassment of SC/ST over different matters such as non-payment of salaries, some demands of SC/ST and developmental problems, etc. All the cases were referred to State Governments or the authorities concerned for suitable action except for one case which did not fall under the purview of this Commission. Final replies in the above cases are still awaited.

8.8 Two petitions regarding provision of better drinking water facilities to SC/ST were also received. Both the cases were taken up with concerned authorities for suitable action.

8.9 A case regarding death of tribals in Madhya Pradesh allegedly due to malaria was received in this Commission. It could not be established that the deaths had occurred due to malaria but were caused by different ailments and old age. However, the State Government has been advised to take up concerted programmes for these primitive tribals for whom nothing much seems to have been done.

8.10 A case was received regarding removal of a liquor godown. The concerned District Magistrate was requested to take necessary action in the matter.

8.11 A complaint was received regarding cheating of a SC person on the pretext of giving employment to his daughter. The petitioner was advised to approach the local police.

8.12 Maintenance of cleanliness in a SC basti was the

subject matter of another petition received. The District Collector was requested to take suitable action.

8.13 A case regarding cancellation of travelling agency belonging to a SC person was received. The matter was taken up with the concerned authority (Indian Airlines) and it was found that the petitioner himself was involved in malpractices and had no prima facie case for the Commission to take any further action.

Preference in allotment of Distributive agencies/dealership for petroleum products

8.14 Population statistics show that one out of every four Indians belong either to a Scheduled Caste or to a Scheduled Tribe. The SC & ST constitute the bulk of the poorest sections of the population and, therefore, these groups are to be the focus of many schemes and measures initiated by the Government. Economic development of SC & ST has been conceived as one of the main instruments for their socio-economic transformation on egalitarian lines. It was, therefore, quite appropriate that our Constitution framers incorporated specific Articles to ensure that the State took active part in promoting socio-economic development amongst weaker sections of the population.

8.15 Article 46 included among the Directive Principles of State policy provides: "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 Caste and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation".

8.16 Article 15(4) empowers the State to make any special provision for the advancement of any socially and educationally backward classes of citizens or for Scheduled Castes and Scheduled Tribes.

8.17 Efforts made in the country for the development of Scheduled Castes and Scheduled Tribes have not resulted in bringing about substantial improvement in their economic condition primarily on account of the enormity of the problem. Even now, due to lack of resources in urban areas majority of Scheduled Castes and Scheduled Tribes continue to live in slums. In rural areas they are affected by poverty and get poor returns due to outdated methods of production in their traditional occupations. In the fast changing economic scene in the country today many of the traditional occupations are being replaced by new occupations. Simple forms of trading is getting displaced by complex production and distribution systems. The handicaps suffered by the SC & ST in the past do not allow them to attain prosperity and consequent social equality by providing them proper opportunities of getting equal share

of the fruits of economic progress as members of a democratic and welfare society. There is need and scope for supportive measures in the area of trade and commerce also in favour of SC/ST. One such area of support is in the matter of providing dealerships to them in the commodities over which the State exercise control.

8.18 Reservation of 25% in dealerships for Scheduled Castes and Scheduled Tribes was introduced by then Ministry of Petroleum, Chemicals and Fertilizers in September, 1977. From September 1977 to June 1980 advertisements for dealership were common for all categories with preference to applicants belonging to Scheduled Castes and Scheduled Tribes, subject to other things being equal. Guidelines were revised by the Ministry in June, 1980 and it was desired that locations for new dealerships to be allotted to Scheduled Scheduled Caste and Scheduled Tribe persons may be predetermined by the Industry and a roster maintained Statewise. There are four Public Sector Corporations engaged in Petroleum activities, viz; Indian Oil Corporation Ltd; Hindustan Petroleum Corporation Ltd; Bharat Petroleum Corporation Ltd; and Indo-Burma Petroleum Ltd. These four Corporations allot the dealership/distributive agencies for petrol, diesel, Superior Kerosine Oil and L.P.G. etc. 25% of all these dealerships are reserved for Scheduled Castes and Scheduled Tribes.

8.19 Further keeping in view of the fact that the majority population in Arunachal Pradesh, Meghalaya, Nagaland and Mizoram belong to Scheduled Tribes, the percentage reservation of dealerships etc. for Scheduled Tribes in these States has been kept in line with the ST population percentage (rounded to the nearest ten) in the State and the same is mentioned below:

Table 1

State	Percentage dealerships to be awarded to ST	Percentage of open category
Arunachal Pradesh	70	30
Meghalaya	80	20
Nagaland	80	20
Mizoram	90	10

Source: Policy Guidelines for selection of Dealers and Distributors up dated upto 1-1-93.

8.20 According to the policy Marketing Plans based on 100 point formula have been adopted on a rolling basis to ensure reservation of percentage in respect of all categories for each State/Union Territory.

8.21 The policy further says that in case any dereservation is necessitated in a particular year necessary adjustment would be made in the subsequent Marketing Plan by converting equivalent number of locations under "Open" category into the concerned "Social Objective" category.

8.22 The Indian Oil Corporation began implementing reservation orders from the year 1974 for all their agencies/dealership excepting 'B' site retail outlets i.e. dealerowned and dealer-operated outlets. Other companies were nationalised later and reservation in dealership allotment was made effective in respect of these companies only from 23-9-77.

8.23 The Government have accepted reservation in allotment of quotas in dealership in petroleum products. In this regard the first step would be to ensure that these opportunities are brought to the notice of aspirants SC & ST who are actually potential beneficiaries. It will also be necessary to suitably modify the terms and conditions of the agency which may vary from one area to another depending on the general socio-economic conditions in each case so that adequate number of potential candidates come forward to take up the agencies. Particularly in the more backward areas even the relaxed conditions may be quite stiff. Therefore, to work out a system of assistance directly or in collaboration with other institutions to enable those who do not have their own resources to come into this business. When any individual SC/ST may take any agency he must be helped to stabilise himself in the area which is unknown to him. The above mentioned steps are taken and carefully looked after by the institution/Government. In this way the constitutional obligation has been fully discharged.

8.24 It has been observed that in some cases LPG agencies allotted to SC/ST persons were terminated on account of reasons which cannot perhaps be called as fully justified. In this way the dealership/agency was allotted to fulfil the requirement of reservation and after some time they terminate the dealerships/agency of these SC/ST on flimsy grounds and they have no sympathy for the weaker section of the society. Although we know that these SC/ST beneficiaries belonging to comparatively better section amongst the Scheduled Castes and Scheduled Tribes. If these SC/ST persons from economically better background face problems, the conditions of those from poorer background can be imagined. In these cases it cannot be denied that some of the problems are due to inherent bias and prejudice against the members of SC & ST.

8.25 The concerned Ministry should pay attention to critically review the working of reservation of the distributive agencies. It is also important to implement these reservation orders in letter and spirit. The concerned authority should effectively monitor the system of reservation and any complaints/representation regarding non-implementation of these orders should be dealt quickly and correctly. The interest of SC/ST and their conditions should also be kept in mind.

8.26 Ministry of Petroleum and Natural Gas has issued letter to four PSUs saying that reservation will be provided to the members of Scheduled Castes/Scheduled Tribes in the matter of engaging road transport trucks for movement of all petroleum products, such as LPG, HS/HSD, BKO, Lubes etc. in bulk or packed by the Public Sector Oil Companies. The percentage of reservation will be 15% and 7½% for Scheduled Castes and Scheduled Tribes respectively on all India basis. The Scheduled Caste/Scheduled Tribe members should, however, fulfil all tender conditions and they will not be eligible for any price preference or relaxation of standards. If adequate number of Scheduled Caste/Scheduled Tribe candidates are not available in any particular year the unfilled quota may be allotted to the unreserved categories in that year. However, the unfilled quota may be carried forward to the next tender also and offered to Scheduled Caste/Scheduled Tribe candidates. If the quota of the previous tender is not filled even in the next tender, the unfilled quota of the previous tender may be dereserved and allotted to general categories. This reservation policy was to be made operative w.e.f. 18.8.1994 and was to be made applicable to all future cases where new transportation agreements have to be concluded by the oil companies.

8.27 The information regarding number of dealership/agencies granted and number of dealership/agencies given to Scheduled Castes/Scheduled Tribes during the year 1993-94 (as on 1-4-94) collected from the Ministry of Petroleum is given below:

Table 2

Product	SC	ST	Total
1. Retail outlet Petrol/Diesel Pump	774 (5.02%)	266 (1.72%)	15,413
2. S.K.O/L.D.O	287 (4.74%)	152 (2.54%)	6,053
3. L.P.G.	478 (11.13%)	183 (4.26%)	4,292

Source: Ministry of Petroleum & Natural Gas Letter No.P-17011/4/94-Mkt. dated 18-8-94.

These figures reflect that not even in a single category the reservation provided in dealership/distributionship has been achieved.

8.29 The low representation of Scheduled Castes and Scheduled Tribes in these distributory agencies/dealership is generally attributed to non-availability of qualified SC/ST persons having good financial background and also having the experience, knowledge, talent, devotion, interest etc. in the respective field.

Representations received in the Commission

8.30 Eleven representations were received regarding allotment of dealership/agencies for L.P.G. in the Commission. In seven cases requests were made by the representationists that their cases may be recommended by the Commission or the Commission recommend for grant of dealership. It does not come within the purview of the Commission to recommend cases for dealership agencies without any specific and valid grounds of violation/deprivation of economic or any type of safeguards for SC/ST. Four cases have been taken up with the authorities.

8.31 In one case a Scheduled Caste person got the gas agency of Indian Oil Corporation Ltd. at Bijnore w.e.f. 25-3-1987 and it has completed six years in March 1993. He represented to this Commission that they had allocation of 2000 cylinders which they wanted to be increased by 1700 new gas connections to meet the waiting list.

8.32 This Commission forwarded his representation to the Indian Oil authorities on 16.6.93,

8.33 No reply has been received from them till 31-10-94.

8.34 In another case a person belonging to a Scheduled Caste was allotted a LPG dealership in September 1980 under SC category. The person complained in his representation about harassment to LPG distribution being Scheduled Caste. The case was taken up with Hindustan Petroleum Corporation Ltd. who replied that the complainant had indulged in gross irregularities and a penalty was imposed on him. They also clarified that he had unauthorisedly transferred the operation of dealership to a non-SC person by issuing an irrevocable power of attorney without approval of the Corporation. Under these circumstances this Commission was not in a position to intervene in the matter any further as there has been no violation of any safeguards provided for Scheduled Castes and Scheduled Tribes.

8.35 The Commission feels that the intention of the Government to provide opportunity to the SC/ST to establish

themselves in the field of business and trade through reservations in the granting of distributive agencies is not being fulfilled. There are many reasons for the same including the lack of information and knowledge among SC/ST and a lack of confidence.