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**RASHTRIYA DALIT CHINTAN SHIVIR on 15th and 16th April 2005
AT HILLS QUEEN, MUSSOORIE
AND
RASHTRIYA DALIT CHETNA SAMMELAN on 17TH APRIL 2005
AT DEHRA DUN, UTTARANCHAL**

**being organised by the
National Action Forum for Social Justice**

BACKGROUND NOTE

The Rashtriya Dalit Chintan Shivir and Rashtriya Dalit Chetna Sammelan are being convened, during the Ambedkar Birth anniversary Week, by the Forum in the context of the continuing exploitation and deprivation of the Scheduled Castes (SC), Scheduled Tribes (ST) and Socially and Educationally Backward Classes (S.Ed.B.C) including S.Ed.B.C of Religious Minorities (S.Ed.B.C R. M), even after 57 years of Independence and even after 55 years of the ushering in of the Indian Constitution and continuing neglect of the national task of achieving the goals of their economic liberation, educational equalization, social dignity and real and total equality of opportunity. These three constitute about of the 3/4^{ths} of the Indian population and the near-totality of the country's labour-force.

Problems of SC, ST &, S.Ed.B.C and Available Road-Map of Solutions

2. For your information and for the information of the public the enclosed note lists their problems. The road- map for resolving these problems and achieving these goals have been made available to the Government (during the rule of different Parties and Coalitions), through the "Dalit Manifesto (DM), Incorporating the Rights and Entitlements of Scheduled Castes, Scheduled Tribes and Backward Classes" formulated under the auspices of the Forum on 7. 3. 1996, Memorandum of the Parliamentary Forum of SC and ST MPs dated 17.12.1996 to the P.M. (and repeatedly presented subsequently), recommendations of the "Drafting Committee" of All-Party SC and ST Leaders prepared at the end of the Government-organised Convention of 5-7. 12. 1999, White Paper of the first National Convention of the SC and ST Forum of the Indian National Congress (20. 01. 2000) and the expanded White Paper (30. 01. 2000) based on the discussions at that National Convention, the Bhopal Declaration (12-13. 01. 2002), and Chapter-10 of the Report of the National Commission for Review of the Working of the Constitution (2000-2002), the Report of the Working Groups on the Empowerment of BCs in the IX Plan (1997) and X Plan (2001), all wholly or substantially covering the same ground as the DM.

Brief spurts of Interest & Activity, followed by Stagnancy & Downside

3. Yet, on the one hand, policies and programmes and financial allocations and delivery systems required to achieve these Constitutional goals have not been undertaken and, on the other hand, policies and financial allocations have been made which are adverse to these Constitutional goals. After brief spurts of interest and activity in the latter part of the 1970s and early 1980s and again in 1989-1990, there has been a decline in the sensitivity to and concern for these three categories of Dalits. It is the latter part of the 1970s and early 1980s that saw the flowering of a number of new important initiatives like the Tribal sub-Plan (TsP) for STs, the Special Component Plan (SCP) for SCs, Special Central Assistance (SCA) to the TsPs of States, Special Central Assistance (SCA) to the SCPs of States, Centrally Sponsored Scheme (CSS) of Central Assistance to States for investment in the share capital of their SC Development Corporations (SCDCs), CSS for Machinery to Implement the Protection of Civil Rights (PCR) Act etc. The year 1989-1990 saw recognition of and provision of reservation for S.Ed.B.Cs, promulgation and operationalisation of SC and ST (Prevention of Atrocities) Act [POA Act], inclusion of neo-Buddhists in SCs, vesting of Constitutional status on the National Commission for SCs and STs and celebration of Dr Babasaheb Ambedkar's Birth Centenary. The period after 1990 was one initially of stagnancy and then of downside, marked by trivialization and routinisation of SCP and TsP, Plan outlays not increasing in accordance with the needs of SCs and STs or even to the extent of the percentage of overall increase in the total Plan outlay, abandonment of important proposals for schemes of economic liberation of SCs and STs envisaged earlier, non-provision

of any significant programme or outlays for the advancement of S. Ed. B. Cs. This trend has been gathering tempo with the passage of time.

General Sympathy of Political Parties – CMPs of UF, NDA and UPA

4. Different political parties and coalitions in power in the period after 1990 have, no doubt, expressed their sympathy for the SC, ST and S.Ed.B.C.

5. The CMP of the United Front Government, 1996 laudably committed itself comprehensively to the Dalit Manifesto, in the following words: -

"The United Front Government will carefully study the Dalit Manifesto formulated by the National Action Forum for Social Justice and implement its salient recommendations."

6. The NDA Government's National Agenda for Governance (NAG) contained the following commitment: -

"The interests of Scheduled Castes, Scheduled Tribes and Backward Classes will be adequately safeguarded by appropriate legal, executive and societal efforts and by large-scale education and empowerment. We will continue to offer all assistance to the SCs, STs and Backward Classes to ensure their speedy socio-economic development. We will remove the last vestiges of untouchability from our society. Further, we will present a National Charter for Social Justice (Samajik Nyay) based on the principle of social harmony (Samajik Samarasta)".

7. The CMP of the UPA / NCMP of the UPA Government contains the following item as one of its six basic principles for governance: -

"to provide for full equality of opportunity, particularly in education and employment for Scheduled Castes, Scheduled Tribes, OBCs and religious minorities."

Some specific commitments, that arise from the above basic principle, are listed in it under the head "Scheduled Castes, Scheduled Tribes" which are arranged below topic-wise: -

(1) Commitments pertaining to protecting, strengthening and adding to empowering assets of / for SC and ST (Economic Liberation)

"The UPA Government will launch a comprehensive national programme for minor irrigation of all lands owned by dalits and adivasis. Landless families will be endowed with land through implementation of land ceiling and land redistribution legislation. No reversal of ceilings legislation will be permitted."

"Eviction of tribal communities and other forest-dwelling communities from forest areas will be discontinued..... The rights of tribal communities over mineral resources, water sources, etc as laid down by law will be fully safeguarded".

"The UPA will urge the States to make legislation for conferring ownership rights in respect of minor forest produce, including tendu patta, on all those people from the Weaker Sections who work in the forests."

(2) Development of Tribal Areas

"The UPA government will immediately review the overall strategy and programmes for the development of tribal areas to plug loopholes and to work out more viable livelihood strategies."

(3) Symbiosis of Tribal Communities and Forests

"The UPA administration will take all measures to reconcile the objectives of economic growth and environmental conservation, particularly as far as tribal communities dependent on forests are concerned."

"..... Cooperation of these communities will be sought for protecting forests and for undertaking social afforestation. ..."

(4) **Rehabilitation**

"More effective systems of relief and rehabilitation will be put in place for tribal and other groups displaced by development projects. **Tribal people** alienated from land **will be rehabilitated.**"

(5) **Reservation in Government and Public Sector**

"All reservation quotas, including those relating to promotions, will be fulfilled in a time-bound manner. To codify all reservations, a Reservation Act will be enacted."

(6) **Affirmative Action including Reservation in Private Sector**

Yet no substantive change, even Deterioration, in Basic Situation of SC, ST & S.Ed.B.C.

8. **But despite such all-round sympathy for the SC, ST and S.Ed.B.C cutting across Party lines, emerging from the basic documents of commitments, the irony of the situation faced by the SC, ST and S.Ed.B.C including the S.Ed.B.C. R.M is that overall their conditions have not improved substantially and qualitatively and in some respects have even worsened and the goals of economic liberation (transformation from providers of agricultural and other labour into co-equal Maliks of the country), educational equalization at all levels, social dignity and real and total equality of opportunity continue to elude them. The reasons and remedy for this dichotomy between politically expressed and committed intent and the actual outcome is a serious matter affecting the future of these three categories of Dalits, and deserving in-depth consideration by representatives and friends of the Dalits of all these three categories and the entire political leadership of the country.**

(i) Implementation of UF's CMP – Pluses and Minuses

9. **One of the laudable initiatives of the UF Government was to provide Rs. 250 crores in December 1996, ahead of the Budget of 1997-98, in keeping with its CMP commitment for an important scheme contained in the DM, of high quality residential schools from Class 6 to 12, in all districts, starting with low literacy districts and girls, 1/3rd of them for SC girls (75% SC and 25% ST, BC and other poor girls), 1/3rd of them for ST girls (75% ST and the rest SC, BC and other poor girls) and 1/3rd of them for BC girls (75% BC and the rest SC, ST and other poor girls), some of the last to be located in districts with large population of S.Ed.B.C. R.M. This scheme was designated as Kasturba Gandhi Swatantrata Vidyalaya and the amount of outlay was placed at the disposal of the Ministry of Welfare (subsequently renamed Ministry of Social Justice & Empowerment). But what stood in the way of the quick launching of this scheme is a matter for study. The delay in launching it proved to be costly because in the succeeding years it remained in the limbo, no such residential school was established and ultimately the accumulated amount provided in successive Budgets was taken away from that Ministry in 2003 and transferred to the Ministry of HRD, Department of Education. Now, after more than 8 years' loss, it has appeared in the Budget 2005-06 with the name of Kasturba Gandhi Balika Vidyalaya with dilution of the original concept of residential schools of excellence from class 6 to 12 and with unrealistically low provision per school.**

10. **Further, contrary to the sympathy of political parties and to their express commitments, certain negative measures surfaced, while substantive positive action could not emerge. Thus in 1997, the Department of Personnel was allowed to issue 5 anti-Dalit OMs substantially damaging the edifice of Reservation so painstakingly built by Dr. Babasaheb Ambedkar and Babu Jagjivan Ram, the consequence of which are causing injury to the SCs and STs to this day in the Centre and States. One of these OMs went to the extent of misinterpreting a Supreme Court Judgement to push the SCs from the 1st position in the Roster down to the 7th position and the STs from the 3rd to the 13th position (vide item 15 of the enclosed Note on Problems of Scheduled Castes and item 29 of the Note on Problems of Scheduled Tribes) --- a blatant injustice crying for correction and restoration of the status quo ante since the last 8 years -- - a cry yet to be heeded by Government.**

(ii) **Implementation of NDA's NAG – Positives and Negatives**

11. In the period after 1998, **Constitutional amendments to nullify 3 of the 5 OMs** mentioned above **were enacted**. But, the **benefit could accrue to SCs and STs only partly** and not fully for **want of focused efforts to enforce** their full implementation including restoration of seniority of SC & ST promotees. Further, the **promised National Charter for Social Justice was not presented**.

(iii) **Implementation of UPA's CMP – Progress, Gaps and Expectant Suspense**

12. There were **great expectations among SC and ST from the Budget of 2004-05** in view of the specific commitments contained in the CMP/NCMP (2004) of the UPA/UPA Government. In advance of that Budget, the **Forum moved the Government to make allocations in the Budget for launching the promised comprehensive national programme for minor irrigation of all lands of SC and ST**. But, **no outlay** was provided for this purpose. **This serious gap remains in the Budget of 2005-06 also**, but it is **still possible and necessary to fill the gap**.

13. Regarding the **related commitment to the SC and ST that landless families** (which means all landless families of SC and ST) **will be endowed with land**, there seems to be no progress because there is no mention about it in the "Report to the People – I" on the "Implementation of the NCMP and Other Initiatives from May 2004 to February 2005". The **PM has set up a Standing Committee of Ministers on Dalit Affairs** and among its tasks mentioned in press reports is that "the Centre **will encourage States to fulfill all promises made in respect of welfare and empowerment of Dalits including early identification of surplus land under land-ceiling Act and their redistribution to Dalits**." This is **short of the CMP commitment and will not yield enough land for every landless family of SC and ST**. Nor will "encouragement" produce results since it has been resorted to in the past also with disappointing results. The "Report to the People – I" also mentions that a **Standing Committee on Status of Tribal Groups has been set up** for monitoring tribal development and address tribal welfare issues, that the problems of tribals living on agriculture in lands in forest villages "are engaging the attention of the Government", and the Government "will try to settle the issue of land rights of tribals." There are press reports about legislations being formulated with regard to this issue, the symbiosis of tribal communities and forests and the rights of STs to Non-Timber Forest Produce (NTFP), but it has to be seen when these legislations will be presented before the Parliament, whether the provisions will be free from ambiguity and weakness and how they will be implemented.

14. The **establishment of these Standing Committees is welcome** as an indication of concern and interest. But having seen the fate of so many Standing Committees, Groups of Ministers, Commissions, Consultation Committees, Working Groups etc. and their reports and recommendations, the SC, ST and S.Ed.B.C and their friends are worried that the **outcome of all these should not become the same as before, these bodies should not become fora of endless discussions and deliberations, postponing essential and obvious positive decisions, leaving scope for adverse decisions to go through and leaving the bulk of the SC, ST and S.Ed.B.C in virtually the same condition as in the past or even worse**.

15. **It is welcome that a Bill for Reservation in Government and Public Sector has been drafted as promised in the CMP**. It is necessary that the **deficiencies in the Bill detracting from its effectiveness should be corrected** in line with the DM (examples: **Penal clause and establishment of Tribunals for Justice in Reservation or Arakshan Nyay Adalats**), before it is enacted.

16. It is also appreciated that a **Group of Ministers** has been constituted to engage in a dialogue with the industry with regard to affirmative action including reservation for SC and ST in private sector as promised in the CMP, but this **dialogue and the process must be brought to a definitive conclusion early, opening the portals of the burgeoning private sector to the SC and ST at technical, supervisory and managerial levels**.

17. There is **no discourse of S.Ed.B.Cs at all** even though they are the **victims of destruction of their traditional occupations and alienation of traditional resources**, as in the case of artisans, fisher-folk, stone-cutters etc., causing **tremendous immiseration** to them.

18. Discourse about all the three is very limited. Even this is typically conducted within the narrow contextual frame of electoral advantage and not in the context of Right and Wrong, Rights and Entitlements and the interest of the nation. No wonder, all the three are in a state of deep distress and despair.

BUDGET 2005-06 AND Dalits

19. Among the concrete expressions of Governmental intent is the Budget. In view of its importance for the present and future, here we analyse only the latest Budget for 2005-06 though the deficiencies in it are common to most Budgets of the past years. Here contrary to the laudable assurance of the "Report to the People - 1" that "the Government has also given special attention to the educational development of SCs and STs" and the laudable CMP commitments, there are a few shocks for the SC, ST and S.Ed.B.C.

(a) **Unprecedented Termination of Some Centrally Sponsored Schemes for SC and ST and Safai Karamcharis**

The following educationally important Centrally Sponsored Schemes (CSSs) for SCs and STs are being ended/ virtually ended as seen from the following figures in the Budget: -

	Centrally Sponsored Schemes	B.E. Allocations (in Rs. crores)	
		Plan B. E. for 2005-'06	Plan B.E. for 2004-'05
(1)	Girls' Hostels for SCs	0.01	22.00
(2)	Boys' Hostels for SCs	0.01	26.00
(3)	Boys' and Girls' Hostels for STs	Nil	24.00
(4)	Pre-Matric Scholarships for children of those engaged in unclean occupations, viz., scavenging, scanning and flaying.*	0.01	16.00

* This scheme, while mostly benefiting SCs, also benefits some non-SC Safai Karamchari communities like Halalkhor among Muslim S.Ed.B.Cs and Yenadi among ST.

20. Related to the 4th item above is the shock in respect of the National Scheme of Liberation and Rehabilitation of Scavengers, a CSS initiated by the Ministry of Welfare in the early 1990s. This CSS is now being brought to an end, though the problem remains, as seen from allocations below: -

Centrally Sponsored Schemes	B.E. Allocations (in Rs. crores)			Remarks
	Plan B.E. for 2005-'06	Plan B.E. for 2004-'05	Plan B.E. for 2003-'04	
National Scheme of Liberation and Rehabilitation of Scavengers	Nil	20	40	This CSS was first transferred from the Ministry of Welfare to the Ministry of Urban Employment and Poverty Alleviation which was followed by reduction of the allocation to Rs. 20 crores, diverting part of the previous allocation. We had moved the Govt. to restore the scheme with the full amount to the Ministry of Social Justice & Empowerment. But now this CSS itself is being terminated.

21. This is the first time in the history of India's Budget-making and Plan formulation that CSSs for SC, ST and Safai Karmacharis have been terminated. On all past occasions when large-scale transfer of CSSs to States was considered as in 1977-78, 1980 and 1987, not only were CSSs for SC, ST and other Weaker Sections protected but even additions were made. Even intra-Plan period moves for C.S.S transfer to States as in 1982 were opposed and consequently abandoned.

(b) **Some Laudable Initiatives**

22. The FM's speech contains two new laudable initiatives in education.

- (1) A larger scholarship meeting the requirements for tuition fees, living expenses, books and a computer, for any SC/ST student who secures admission in any of the shortlisted institute of excellence to be notified.
- (2) Rajiv Gandhi National Fellowship for SC and ST students for pursuing M. Phil and Ph.D. courses in selected universities for 2000 Fellowships per year to be awarded from 2005-06 on the pattern of UGC Fellowships.

But it needs clarification where exactly in the Budget the allocations for these two are included.

(c) **Decrease in Allocations for Some Schemes / CSSs**

23. There is decrease in the allocations for the following schemes: -

Centrally Sponsored/Central Schemes	B.E. Allocations (in Rs. crores)		Remarks
	Plan B. E. for 2005-'06	Plan B.E. for 2004-'05	
Other programmes for welfare of SCs	21.56	35.70	Decrease of 13.61%
Grants to State Govts. for investment by State Govts. in the share capital of Scheduled Caste Finance Dev. Corporations	31.50	49.00	Decrease of 35.71%
Other Programmes for welfare of STs	94.41	147.01	Decrease of 35.78%
Grants to National and State ST Finance Development Corporations	27.00	35.5	Decrease of 22.54%

(d) **Marginal Increase in Allocations for SC and S.Ed.B.C; Substantial Increase for ST – Allocations for all of them Small**

24. The increase in the total Plan "on a like-to-like basis" is 16.9% and the support for the Central Plan has increased by 25.6% in this Budget. As against this the increase in the Plan BE for welfare of SCs is only 8.27% while the increase in the Plan BE for the welfare of SCs including the common programmes for SC, ST and S.Ed.B.C is 10.8%. They constitute only 0.55% and 0.6% respectively of the total Plan BE. There is a laudable increase of 32.91% in the total allocation for the welfare of STs, but this still is only 0.83% of the total Plan BE.

25. It is not possible to make a similar comparison regarding inter-Plan variation of allocations for S.Ed.B.C as it is not separately exhibited in the Budget papers of this year or of any year and is mixed up under the Head "Common Programmes for SC, ST and OBC" – which even include some items which do not pertain to any of the three. This mix-up also obscures the fact that the allocations in this Budget, as in all Budgets after the belated recognition of S.Ed.B.Cs/OBCs in 1990, is so low in magnitude and narrow in range that it will be embarrassing to show it separately in the Budget papers. The investment in National BC Fin. & Dev. Corporation is also a very small amount of Rs. 10 crores, representing a marginal increase of 11.11%, more or less in the same range as the marginal increases for similar Corporations for SC and Safai Karamcharis.

(e) **Serious economic threats to S.Ed.B.C not addressed**

26. The Plan BE also does not address the problem of the great damage done and being done to the occupations of S.Ed.B.Cs and the loss of their control over their resources and the loss of their employment and income. For example, the **increase in the Plan BE for handloom industry is only 9.75%**, while the **non-Plan provision has steeply fallen by more than 50%, falling short of the promise contained in the Address of the President of India to the Parliament on February 25, 2005 to improve the situation of Weavers through a time-bound programme spanning the next two years to be called "Two Years For the**

Weavers". Allocations for regeneration of **traditional industries** and for **handloom industries**, in which sectors **most of the producers** are self-employed families of **S.Ed.B.C including S.Ed.B.C. R.M**, whose condition is progressively worsening with their exposure to global competition without adequate preparation and without avenues of opening into modern areas of livelihood, have either **suffered reduction or got only marginal additions**.

(f) **Beneficial emphasis on and step-up of outlays of general "Social Sector" schemes – But focus on SC & ST needed**

27. From the point of view of these three exploited categories, especially SCs, the emphasis on and step-up of outlays for the **National Food for Work programme** by nearly 200%, thanks to the intervention of Chairperson, NAC, is **welcome**. But this will be of full benefit only if it is accompanied by (a) **taking up of works that directly benefit the labourers** (mostly SCs, followed by BCs and STs) **in the shape of economic and social infrastructure required for them** and (b) programmes like **land distribution and irrigation to convert them into equal Maliks, instead of keeping and envisioning them perpetually as Mazdoors**.

28. Also **welcome** are the **National Rural Health Mission, ICDS, Mid-Day Meals Scheme, Rajiv Gandhi National Water Drinking Mission, Sarva Shiksha Abhiyan and Prarambhik Shiksha Kosh** etc, with substantial outlays, also following the intervention of the Chairperson, NAC, but the **benefits will substantially elude the SCs and STs unless there is focus on them through the SCP and TsP, with strict arrangements for enforcing them at all levels**.

(g) **BHARAT NIRMAN goals --- How to ensure shares of SC, ST and S.Ed.B.C are not missed**

29. "Key Features of Budget 2005-2006" contains 6 specific BHARAT NIRMAN goals.

30. It is the principle of the SCP and the TsP, accepted by the Govt long back, that in **every specific benefit of Development**, the **share of the SC and ST should be specified, earmarked & delivery of such shares should be ensured**.

31. Thus out of the Bharat Nirman **target of additional 1 crore hectares under assured irrigation, the shares respectively of SCs and of STs (each separately), arising from the CMP commitment referred at Para 7 (1) above, need to be clearly laid down**.

This will help to make the above CMP promise valid for SCs and for STs.

32. Regarding targets of **number of villages** to be provided **drinking water**, and connectivities of **electricity, telephone and Road**, the numbers of **SC Bastis to be so connected under each head needs to be laid down**.

Out of the **2.3 crore house holds to be given electricity connection**, the number of **SC house holds to be connected needs to be laid down**.

Similarly the **targets of ST habitations and house-holds need to be laid down**.

33. Extending this principle to S.Ed.B.Cs, the number of **isolated separate BC hamlets & house-holds, like hamlets of fisher-folk and Thandas of Banjaras (wherever they are BC) needs to be specified**.

(h) **Separate Statement of Schemes for SC and ST – Welcome, but some question-marks – and far short of SC & ST Entitlements**

34. The provision of a **separate Statement in this Budget** listing schemes for the development of SCs and STs is a **good initiative** in Budget presentation. But it **needs considerable improvement**. **Most of the schemes** listed in it are only a **repetition** of those listed in the Budget under the **Ministry of Social Justice & Empowerment** and the **Ministry of Tribal Affairs**. Apart from them, there are **only five other schemes** from three Ministries/Departments. The **total allocation of Rs. 6,253 crores mentioned in the FM's speech is not fully endorsable from the details in the Statement**. There are also **certain important issues in respect of some of the schemes in the list and the benefit claimed for SC and ST requiring consideration**. Apart from this, the **total allocation that the SCs are entitled to on the basis of the basic principle of SCP and the decision of the Planning Commission,**

approved by its Chairman in 1990, is no less than Rs. 30,000 crores and that of the STs on the basis of the basic principle of TsP, and the Planning Commission's decision in 1990, is about Rs. 14,000 crores out of a total Plan BE size or GBS to the Plan of Rs. 1,72,500 crores. **If this amount is allocated and set apart, there will be no shortage of funds for enabling SC and ST to become co-equal Maliks of the country through schemes like irrigation of all SC and ST lands, distribution and development of lands, high quality education, establishment of a powerful machinery for rooting out untouchability and atrocities and so on**, in accordance with the DM and other Documents referred to. Similarly, if the Working Group Report for Empowerment of S.Ed.B.C in the X Plan is followed, there will be no paucity of funds for S.Ed.B.C including S.Ed.B.C. R.M.

Implications

35. The neglect of the SC, ST and S.Ed.B.Cs including S.Ed.B.C. R.M from the point of view of the required outcomes that are imperative, mentioned above, is not only causing great harm to the vast majority of the Indian people but is also sapping the energy of the nation in our efforts for achieving its all-round growth potential and in facing competition in the global context. The FM's speech rightly emphasises the importance of inclusive economic growth and the importance of bringing SC and ST into the development process, This should also apply to S.Ed.B.Cs including the S.Ed.B.C. R.M. These three categories are eager to be strengthened and empowered as co-equal Maliks at all levels so that the efforts for the economic growth of the whole nation in the global context are fully successful in keeping with its potential.

Growth of "Extremist Violence" – Result of Ignoring Dr Ambedkar's Prophetic Warning in 1947

36. The CMP of the UPA/NCMP of the UPA Government has expressed concern about the growth of "extremist violence" in different States. This unfortunate phenomenon of violence need not surprise us because this is exactly what Dr Ambedkar had prophetically warned the nation about in his historic Address to the Constituent Assembly on 25.11.1949 on completion of the draft Constitution, in the following words: -

37. "On the 26th January 1950, we are going to enter into a life of contradictions. In politics we will be recognising the principle of one man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value. How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has so laboriously built up."

Therefore, he exhorted that

"We must make our political democracy a social democracy as well. Political democracy cannot last unless there lies at the base of it social democracy."

38. It is the failure to follow this diagnosis and prescription that is at the root of the distress and despair of the SCs, STs and S. Ed. B.Cs, as well as "the growth of extremist violence". It is also a basic factor that constrains India in achieving economic performance fully matching its potential and optimal global competitiveness.


What Next?

39. It is in this gloomy atmosphere pervading the lives of SCs, STs and S.Ed.B.Cs including S.Ed.B.C RM that the Forum is holding the Rashtriya Chintan Shivir in order to make an effort to find a way out of the terrible impasse in which these three categories find themselves in. The aim of this Shivir is also to find practical ways in which the help of political parties and Central and State Governments can be secured for translating their sympathy for the SC, ST and S.Ed.B.C including S.Ed.B.C. R.M. into

- (a) focus on SCs, STs and S.Ed.B.Cs including S.Ed.B.C.RM as national priorities and

- (b) policies and programmes, allocation of Plan and non-Plan outlays and, democratic and participatory delivery systems, all designed to achieve the outcomes of economic liberation, educational equalization and social dignity for SCs, STs and S.Ed.B.Cs. and
- (c) recognition that this cannot be achieved by-product and trickle-down processes

40. We propose to place the conclusions of this Shivar before the Dalit Chetna Sammelan. We propose to invite the senior leaders of different Political Parties in Government as well as in the Opposition, Ministers, State Chief Ministers, senior leaders of SC, ST and S.Ed.B.C and other concerned senior personalities to the Sammelan as our Guests



12.3.2005

(P. S. Krishnan)
Chairman

National Action Forum for Social Justice

Problems of Scheduled Castes

1. Landlessness

Most SCs are Agricultural wage labourers with no land at all or with very little land.

2. Poor Development of even the little land held by SC

Though in the rural areas of India SCs form close to 20% of the population they hold only about 7% of the agricultural land

Almost all their lands are unirrigated, even in an areas where there are adequate water resources and neighbouring non-SC farmers has been able to get borewells, tubewells etc., and can only get one poor harvest in a normal monsoon year.

As a result even those who have land (at an average of 1 hectare per family (leaving out those who have got no agricultural land at all), have to depend on agricultural wage labour

Though successive Governments in the last quarter century have had the benefit of the sound advice that a comprehensive nationwide programme of dependable minor irrigation through community borewells, community tubewells etc. will have a great impact on the life, economy & future of the masses of SCs, this has not happened, resulting in their continued agricultural servitude.

3. Failure to distribute land among the landless

Successive governments in the last more than a half-century, have had the benefit of advice that lands owned by Government (and not required for any public purpose), bhoodan lands, ceiling-surplus lands etc., should be distributed among landless SC agriculturists so that no SC agriculturist remains landless, and the distributed lands should be physically handed over to them and developed. Yet this has not been implemented or has been only marginally implemented. This has resulted in the bulk of the SC continuing in agricultural servitude, while plenty of land is either lying idle or have been allowed to be encroached upon by the well-to-do and the powerful and other ineligibles.

4. Poor wages

The wages fixed under the Minimum Wages Act, for agricultural labourers are low and even these are not implemented properly.

5. Condemnation of SCs to agricultural servitude and other hard labour with poor remuneration

As a cumulative result of 1 to 4, SC have been forced to remain in servitude to provide cheap labour for large land- holders and other rich and powerful.

Their wages are so low and the number of days of employment in a year are so few that the time and energy of all adult members of SC families and many of their children have to be spent on hard labour, rendering continued cheap labour for their masters, only to keep body and soul together

Their women have to put in hard labour even at the advanced stage of pregnancy when other women in India and women all over the world are allowed to rest in the interest of the health of the child in the womb and of the mother. At the same time their nutrition level is low. As a result SCs face high maternal mortality and high infant & child mortality, low body weight at birth and all other consequences of these through their life, thus marring their right to equal opportunities from before Day One

6. Rampant bonded labour

The number of bonded labourers is large and increasing as no Government in India has taken the Bonded Labour System Abolition Act 1996 seriously. The bulk of the bonded labourers belong to the SC.

Along with this child labour and migrant labour and, as mentioned in para 5 hard physical wage-labour are among the scourges of SC

7. Condemnation to Safai Labour or "Scavenging"

In the urban areas most of those who are forced to provide scavenging services belong to the SCs. The System has ensured that urban and metropolitan areas get assured supply of cheap scavenging labor at the cost of SC, especially their women and girl-children of playing and school-going age.

8. **Denial of social security and modern terms and conditions of work for the unorganised labour sector which accounts for 93% of the entire labour force of the country and among whom SCs are prominently present.**

9. **Denial of quality education and denial of "level playing field" at every level of education**

Whenever, SCs raise demands relating to reservation and their implementation,

they are given gratuitous advice to acquire good education and compete on the basis of "merit"

But at the same time they are denied access to quality education and a "level playing field" in education at every level

10. **Snatching away of funds provided for qualify education for SC**

A glaring example of denial of quality education is the fate of the "Kasturba Gandhi Swatantrata Vidyalaya" Scheme,

Started in 1996 December, as a result of the efforts of friends of Dalits inside Government and on the basis of the Dalit Manifesto, with an initial outlay of Rs. 250 crores in the Budget of Ministry of Welfare (renamed in 1998 as the Ministry of Social Justice and Empowerment), for setting up high quality residential schools from class VI to class XII for SC, for ST and for BC girl-children in every low literacy district of the country.

This scheme was not operationalised in the subsequent years. Not a single residential school has been set up

Finally when the amount had grown through budgetary allocations from year to year the whole of the amount was transferred to the Ministry of HRD, Department of Education in 2003, but that Ministry too has not set up a single residential school of the type for which this outlay was made and has in 2005 come out with a highly diluted version of it.

11. **Denial of access to market opportunities.**

SCs have been denied education, training and orientation relevant to market opportunities, in fields like computer science, information technology, in required magnitudes and with necessary thoroughness. This has resulted in the SCs being kept out of equal competition for opportunities in the market.

12. **Trivialization, routinisation and truncation of Special Component Plan (SCP) for Scheduled Castes**

The SCP was started about a quarter century back (in the later 1970's) for ensuring that at least population-equivalent proportion of Plan outlays and developmental benefits would go to SCs and developmental programmes of relevance to their economic and social liberation of SC would be undertaken.

It had a good start in the first few years because of the presence of devotion to Social Justice at the helm.

But, subsequently this has also been severely weakened.

13. **Poor outlays in the Budgetary heads of Welfare/ Social Justice Ministry**

In every Budget these outlays are not only poor and well below the developmental needs of the SCs but the percentage of their increase in the Budget from year to year is less than the percentage of increase in the total Central Plan outlay and total State Plan outlays.

This has also contributed to blocking the progress of the SCs

14. **Half-hearted implementation of Reservation in Central as well as State Governments, PSUs, PSBs, Universities**

15. **Tampering with and diluting pre-existing reservation rules**

Apart from half-hearted implementation, in 1997, 5 anti-dalit and unjust O.M.s were issued depriving SCs of what they had earlier.

Corrective Constitutional amendments were made from 1998 and in the subsequent years. But they have not been diligently followed up, to secure full implementation.

By one of the 1997 O.M.s, the Roster was tampered with, misquoting the Supreme Court Judgement in the Sabherwal case. By this, SCs who were till then in the 1st position in the roster were relegated to the 7th position

In spite of advice, this has not been corrected by restoring the pre-1997 Roster, though no Constitutional amendment is required and only a corrective O.M is necessary

16. Denial of normal service benefits and progress for SCs

Eg: In the recent panel of IAS officers of 1986 batch for promotion as Joint Secretaries, it is learnt that there is not a single SC officer, thus ensuring that the phenomenon of Dalit secretaries is nipped in the bud, a good instance of governmental and administrative "untouchability"

17. Denial of entry for SCs in technical, supervisory and managerial positions in the organised private sector till now.

18. Deprivation of SCs of reservation in PSUs while privatising them.

Privatization of PSUs has led to reduction of the number of reserved posts.

While privatizing any PSU, governments could easily have protected and still can easily protect the reservation policy by means of a simple provision in the MOU with the private Party. This has not been done, despite advice

19. Continuance of atrocities

Powerful anti-Dalit, anti-justice elements have ensured that the SC and ST (Prevention of Atrocities) Act 1997 is not properly implemented, and advice regarding its proper implementation and strengthening in certain respects (like setting up exclusive special courts for speedy trials) are not acted upon.

As a result trials in even cases of traumatic atrocities like the ones at Tsundur and Kumher, of 1991 and 1992 are at the initial/ pre-initial stages.

Consequently, the impression has been created that atrocities on SCs can continue to be perpetrated without fear of punishment and thereby SCs are prevented from raising and pursuing their legitimate demands regarding land, wages, education and protection from untouchability and atrocities etc., and are terrorised.

20. Continued imposition of "Untouchability"

This is being done in the same way as in ensuring the continuance of atrocities and for the same purpose

21. Failure to establish Dalit-friendly administration at all levels and to adopt Dalit-friendly personnel policy

22. Sidelineing of Dalit leadership in different Parties

There is a wide consensual/convergent practice of not allowing Dalit leadership to grow and, whatever Dalit leadership comes up, in spite of it, is either nipped in the bud or sidelined.

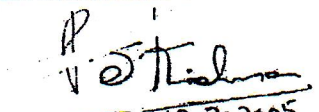
On all these and many other matters, successive Governments belonging to different political parties have had the benefit of the inputs of the Dalit leaders and advice from well-known non-political and justice-devoted quarters.

There is no room for any Government to plead ignorance on these and many other matters vital to the legitimate advancement and rights and entitlements of SCs.

The consequence is not only injustice to SCs, along with STs and BCs, but also weakening of the Nation.

No real patriot of India can countenance the socio-economic maiming of the SC (along with their ST and BC brethren) and consequent weakening of the Nation as a whole.

The bleak situation and prospects of SCs, along with STs and BCs, and therefore the limitation placed on the over-all advance of the Country need agonizing appraisal by Dalit leaders and Representatives and their genuine and tried friends and by all true patriots of India.



12.3.2005
(P. S. Krishnan)
Chairman

National Action Forum for Social Justice

Problems of Scheduled Tribes**1. Fraudulent and illegal dispossession of STs from their lands, often with implicit or even open collusion by those wielding State power**

Unlike the SCs the **majority of STs have got land**. But over time, **advanced non-tribals have been encroaching on and eating into their land resources**. This process gained tempo during British rule. **After Independence, powerful non-tribal sections of people and their representatives have been wreaking havoc in tribal territories, grabbing their lands**, with scant regard for laws prohibiting deprivation of STs of their lands. **Some State authorities including Chief Ministers have been ignoring or aiding this process either clandestinely and sometimes even openly.**

2. Conversion of tribals into minorities in traditional tribal territories

This has happened in Tripura, Jharkhand, tribal parts of Chattisgarh and tribal areas of other States.

3. Splitting of tribal territories and tagging them on to different States controlled by powerful non-tribal sections of the population and avoiding unification of contiguous tribal territories into ST-majority States, where STs can control the State and protect their legitimate interests.

By this, STs, their lands and their traditional territories are all exposed to powerful exploiters of STs. The contrast between the balkanization of contiguous tribal territories in Central/Middle India and the North-eastern States of Nagaland, Mizoram and Meghalaya where STs snatched their rights to form their own States is glaring and obvious

4. Denial of Sixth Schedule status for tribal territories and confining them to ineffective Fifth Schedule status.**5. Reduction of large numbers of Scheduled Tribes into landless agricultural wage labourers**

This is the consequence of item 1 above, aided by items 2 to 4 above

6. Emasculation of the Panchayat system extended to tribal areas by denying them adequate legislative and executive powers**7. Delayed formation of the Second Commission on the Administration of the Scheduled Areas and Welfare of STs under Article 339 (1), and lack of transparency regarding the Report submitted by the Commission to the Government in 2004 and action proposed to be taken by the Government on that Report****8. Deprivation of STs of their traditional rights in Forests**

The **Indian Forest Act 1927**, of colonial vintage, has been **continued after independence!**

9. Disruption of the age-old symbiotic relationship between Tribes and Forests benefiting powerful commercial interests during British rule and after Independence**10. Denial of normal rights to STs settled in forest villages****11. Displacement of STs from their lands and territories in the name of industrial, mining, hydel, irrigation, township and other types of projects, the benefit of which accrues to non-tribals and non-tribal territories**

This has resulted in a **new form of sweeping "ethnic" displacement affecting about one-eighth of the tribal population of India**. This has been compounded by the **denial of a complete and comprehensive rehabilitation policy**.

12. Displacement of tribal communities from their traditional common property survival resources through creation of national parks, sanctuaries and biosphere reserves.**13. Failure to reverse the process of shrinkage of non-Timber Forest Produce or NTFP (Minor Forest Produce or MFP), on which a large proportion of STs depend wholly or partly for their livelihood.****14. Exploitation of poor prices being paid by private merchants as well as governmental and cooperative agencies for NTFP/MFP collected by STs.****15. Absence of protection for collective intellectual property rights of STs****16. Threat of complete physical extinction of some numerically small tribes****17. Poor development of lands held by STs**

Almost all their lands are unirrigated. Though successive Governments in the last quarter century have had the benefit of the sound expert advice that a **comprehensive nation-wide programme of dependable minor irrigation through checkdams, lift irrigation, community borewells and community tubewells, will have a great impact on the life, economy & future of the masses of STs, this has not happened,** resulting in their continued economic deprivation, vulnerability and exposure to rapacious dispossessors.

Failure to distribute land among the landless

Successive governments in the last more than a half-century have had the benefit of advice that **lands owned by Government** (and not required for any public purpose), **bhoodan lands, ceiling-surplus lands etc., should be distributed** among **landless ST agriculturists** along with landless SC agriculturists so that **no ST and SC agriculturist remains landless,** and the distributed lands should be physically handed over to them and developed. Yet this has not been implemented or has been only marginally implemented. This has resulted in **a large number of STs being reduced to agricultural servitude,** while **plenty of land** is either **lying idle** or have been allowed to be **encroached upon by the well-to-do and the powerful** and other ineligible.

Poor wages

The wages fixed under the Minimum Wages Act, for agricultural labourers are **low** and even these are **not implemented properly.**

Subjection of STs to hard labour with poor remuneration

As a cumulative result of the above, STs have been subjected to **sufferings similar to those of Scheduled Castes** as described at item 5 of "Problems of Scheduled Castes"

Rampant bonded labour

The number of bonded labourers is large and increasing as **no Government in India has taken the Bonded Labour System Abolition Act 1976 seriously.** The **bulk of the bonded labourers, who do not belong to the SC, are of the ST.**

Along with this, **child labour** and **migrant labour** and **hard physical labour** are among the scourges of ST, as in the case of SC

Denial of social security and modern terms and conditions of work for the unorganised labour sector which accounts for 93% of the entire labour force of the country and among whom STs are significantly present.

Denial of quality education and denial of "level playing field" at every level of education

Position same as for SCs vide Item 9 of "Problems of SCs"

Snatching away of funds provided for quality education for ST

A glaring example of denial of quality education is the **fate of the "Kasturba Gandhi Swatantrata Vidyalaya" Scheme,** explained briefly at Item 10 of "Problems of SCs".

Denial of access to market opportunities.

Position same as for SC, vide Item 11 of "Problems of SCs"

Trivialization, routinisation and truncation of Tribal sub-Plan (TsP)

The TsP was started about a quarter century back for ensuring that at least population-equivalent proportion of Plan outlays and developmental benefits would go to STs and tribal areas and developmental programmes of relevance to their economic and social liberation would be undertaken.

It had a good start in the first few years because of the presence of devotion to Social Justice at the helm.

But, **subsequently this has also been severely weakened.**

Poor outlays in the Budgetary heads of Welfare/ Social Justice /Tribal Affairs Ministry

In every Budget these **outlays are not only poor and well below the developmental needs of the STs and tribal areas** but the **percentage of their increase** in the Budget from year to year is **less than the percentage of increase of the total Central Plan outlay and total State Plan outlays.**

This has also contributed to **blocking the progress of the STs**

28 Half-hearted implementation of Reservation in Central as well as State Governments, PSUs, PSBs, Universities

29 Tampering with and diluting pre-existing reservation rules

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Corrective Constitutional amendments were made from 1998 and in the subsequent years. But they have not been diligently followed up, to secure full implementation.

By one of the 1997 O.M.s, the Roster was tampered with, misquoting the Supreme Court Judgement in the Sabherwal case. By this, STs who were till then in the 3rd position in the roster have been relegated to the 13th position

In spite of advice, this has not been corrected by restoring the pre-1997 Roster, though no Constitutional amendment is required and only a simple corrective O.M is necessary.

30 Denial of normal service benefits and progress for STs

Eg: In the recent panel of IAS officers of 1986 batch for promotion as Joint Secretaries, it is learnt that there is not a single ST officer, thus ensuring that the phenomenon of Dalit, i.e., SC and ST Secretaries is nipped in the bud, a good instance of governmental and administrative "untouchability"

31 Denial of entry for STs in technical, supervisory and managerial positions in the organised private sector till now.

32 Deprivation of STs of reservation in PSUs while privatising them.

Position same as for SCs, vide item 18 of "Problems of SCs"

33 Continuance of atrocities

Position same as in the case of SCs, vide item 19 of "Problems of SCs"

34 Failure to establish ST-friendly administration at all levels and to adopt ST-friendly personnel policy
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35 Sidelineing of ST leadership in different Parties

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