

**HIMALAYA PROCLAMATION OF RIGHTS AND ENTITLEMENTS OF
SCHEDULED CASTES (SCs), SCHEDULED TRIBES (STs),
SOCIALLY AND EDUCATIONALLY BACKWARD CLASSES (SEdBC)
INCLUDING SEdBC OF RELIGIOUS MINORITIES (SEdBCRM)**

The Rashtriya Dalit Chintan Shivir held on the 15th and 16th April, 2005 at Mussoorie, organized in the Dr. Babasaheb Ambedkar Birthday Week by the National Action Forum for Social Justice-

took into account

the problems of SCs, STs and SEdBCs including SEdBCRMs, who constitute no less than three-fourths of the Indian population and the near-totality of the countries labour force;

the road-map of solutions already available in 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 - organized Convention of 5-7.12.1999, White Paper of the first National Convention of the SC and ST Forum of the Indian National Congress (20.1.2000) and the expanded White Paper (30.1.2000) based on the discussions at that National Convention, the Bhopal Declaration (12-13.1.2002), and Chapter - 10 of the Report of the National Commission for Review of the Working of the Constitution (2000-2002) read with its Background Note, 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;

made an agonizing appraisal of the mismatch between the sympathy expressed by political parties and governments and their CMPs on the one hand and policies, programmes and financial allocations and delivery systems made available on the other hand and of the stagnancy and deterioration in the objective conditions of SC, ST and SEdBC and the threats faced by them from the economy as well as the Plan budget as brought out in the Background Note for the Shivir to be read with this Proclamation;

deliberated on the overall gloomy situation in which they are now placed and of the discouraging prospects for them;

identified the following convergent Action Points of Solution as essential and urgent;

and on that basis the National Action Forum for Social Justice "The Forum" issues this Proclamation, at the Rashtriya Dalit Chetna Sammelan organized by the Forum on the 17th April, 2005 at Dehradun, releasing it to the public domain for the activation of three categories of Dalits and their friends and sensitization of the civil society as a whole and earnestly calling upon the Government of India and the State Governments and the political parties and coalitions who run the governments, especially the leading parties of each coalition to expeditiously undertake actions on the following Action Points in all sincerity and with all seriousness to fulfill the rights and entitlements of these three categories, meet their legitimate aspirations, fulfill the goals of their economic liberation, educational parity and social dignity and thereby protect and promote the interests of the country as a whole -

1. For the revitalization of the Special Component Plan (SCP) and Tribal sub-Plan - (TsP),

A network of new Institutions of Relevant Planning for SC and ST should be established, consisting of -

National Development Council (NDC) for Development of SC and ST

National SC and ST Development Authority (NSDA)

State SC and ST Development Authorities (SSDAs)

District SC and ST Development Authorities (DSDAs)

Population - equivalent proportion of total Plan Outlay (5 year, Annual or any other Period) of Centre and States should be placed at the disposal respectively of NSDA and SSDAs, before sector-wise and Ministry/Department-wise allocation is made, as corpus of SCP and TsP.

The respective Wings of NSDA and SSDAs should be entrusted with the task of undertaking relevant planning for SC and ST, and formulation of SCPs and TsPs of Centre and States, against the corpus of SCP and TsP, based on the needs and priorities of SCs and STs and with special attention to the needs and priorities of their women and children, issue of sanctions to respective Ministries/Departments, concurrent monitoring, timely corrections, rectifications, evaluation etc.

The DSDAs should be in charge of implementation and feedback reporting.

Till this Network of institutions is established, Plan Budget allocations for the SC and ST in the Central as well as State Plans should be sharply stepped up to the level of their population percentage, in accordance with the principle laid down and accepted at the highest level of the Government and Planning Commission long back and adequate for the demands raised in this Proclamation, without any hiatus, which has become the existing pattern, between need, intent and averments on the one hand and actual Plan and Budgetary outlays on the other, and providing focus and special attention to them and in particular their women and children in the various sectors including Health, Education, Labour Welfare, Rural Development, Employment Generation, Training etc.

The Ministry(s) /Department(s) in-charge of SC and ST should continue to have the Nodal Role and fulfill this role seriously and effectively.

2. A comprehensive National Programme of Minor Irrigation for all irrigable but unirrigated lands of SC and ST through wells, community-wells, bore-wells, community bore-wells and Tube-wells, bandheras, check-dams, lift etc. should be immediately undertaken and implemented.

3. Every landless rural family of SC and ST should be endowed with land through distribution of ceiling surplus lands, Bhoodan Lands and 'Waste' lands; implementation of Supreme Court Judgements; long-term leasing of temple lands, purchase of private lands etc. and these lands should be developed through minor irrigation as at 2 above and other means.

SC and ST beneficiaries should be actively involved in this process

Occupation of lands allotted/to be allotted/allottable to SC and ST by others should be included as an Atrocity under SC and ST (Prevention of Atrocities) Act and disqualification under Representation of Peoples Act etc.

4. Bhoomi Sudhar Nyay Adalats with appeal only to the Supreme Court, should be established.

5. Minimum Wages Act should be implemented effectively by identifying the biggest land-owners in each district/State and enforcing it on them.

6. National legislation for Agricultural Labourers should be enacted incorporating all aspects including living wages, gender-equal wages, conditions of work, social security, welfare etc., completing the process started with the draft of 1978-81.

7. Khet Mazdoor Nyay Adalats should be established with appeal only to the Supreme Court.

8. Under the Employment Guarantee Scheme which is being launched, there should be a condition that works selected should be works directly beneficial to SC, ST and other workers, like their own housing, economic infrastructure, educational infrastructure, residential area infrastructure etc. in the SC bastis and tribal hamlets and isolated/separate habitations like fisher-people's hamlets and Banjara Thandas.

9. Reservation/Population-equivalent share should be provided for SCs and STs in upstream and downstream activities including supplies and dealerships connected with industries in the public sector as well as private sector.

10. Total liberation and Rehabilitation of Bonded Labourers should be completed.

National Bonded Labour Authority and State BL Authorities should be established.

11. Bandhua Mazdoor, Bal Mazdoor evam Pravasi Mazdoor Nyay Adalats should be established with appeal only to the Supreme Court.

12. Urban Planning and Infrastructure should provide for residential areas and facilities required by Pravasi Mazdoor inevitably migrating into urban areas.

13. Residential Schools of high quality from Class-VI to XII should be established in every district one each for SC Girls, SC Boys, ST Girls, ST Boys, SEDBC Girls and SEDBC Boys - some of the last should be in districts with large population of SEBCRM - including ITI-type institutions.

14. Funds of Kasturba Swatantrata Vidyalaya should be restored to the hands of SC ST and SEDBC for implementation of the original idea behind item 12 above.

15. Reservation-equivalent share should be made available for SC and ST in all good educational institutions of all types, including professional institutions, at all levels, Indian and foreign, at government cost.

16. A National Programme of Food for Education should be undertaken.

17. A leakage-proof Reservation Act for SC and ST should be enacted including provisions for Arakshan Nyay Adalat and its composition, penal provision etc. The Bill tabled in the Rajya Sabha needs strengthening and modifications.

18. Reservation should be provided for SC and ST in the Private Sector.

19. Without waiting for completion of dialogue and action on Point 18, all of the many existing SC and ST products of IITs, IIMs and similar Institutions, who have secured high marks of 60% or above and have still not been taken up for employment by the Private Sector on account of personal social prejudices, masqueraded as concern for merit; simultaneously, Government of India should set an example by finding placement for all SC and ST products of IITs, IIMs and other similar Institutions of excellence, who have passed with less than 60%. First lists of such candidates are readily available.

20. The list of candidates published by IITs etc. for the information of Private Sector employers to facilitate campus recruitment should not list SC and ST separately indicating their caste or social category, but their names should be displayed, without indicating caste or social category, along with other names in the order of marks, so that their chances of campus recruitment are not damaged by the revelation of social category.

21. The three Constitutional Amendments enacted to nullify three of the anti-reservation O.M.s of 1997 should be fully and immediately implemented.

22. Backlog should be correctly interpreted to mean the difference between the number of SC and ST required in terms of the prescribed percentages and actual number of genuine SCs and STs present, cadre-wise.

23. Limitation of reservation in promotion only to first level of Group-I should be removed and its scope extended to the highest levels.

24. Executive order should be issued to restore pre-1997 Roster, distorted in 1997 by misinterpretation of the Supreme Court's Sabharwal Judgment.

25. Reservation for SC and ST should be continued in disinvested PSUs and inclusion of this stipulation should be made in future as well as past MoUs. On account of the artificial boosting of the percentage of SC and ST in PSUs, following the VRS, accepted mostly by non-reserved category officers, and consequent closure of avenues of promotion through reservation in promotion and other benefits for SC and ST, eligibility for such reservation and benefits should be based on the pre-VRS percentage of SC and ST in each cadre of the PSUs.

26. Reservation should be extended to areas from which it has been excluded so far. Regarding judiciary, the pragmatic recommendation of the NCRWC may be followed.

27. SC and ST (Prevention of Atrocities) Act (POA Act) should be strengthened by providing for exclusive special Court of Session in every district and other important amendments.

28. Social boycott, economic boycott, social blackmail, economic blackmail, occupation of lands allotted/to be allotted/ allottable to SC and ST should be included as specific atrocities under the POA Act.

29. Victims of Atrocities should be given full and immediate rehabilitation.

30. Dailt-friendly Personnel policy should be introduced, including - Social Justice Clearance for Promotion.

31. In empanelment for promotion as Joint Secretaries, Additional Secretaries and Secretaries, discrimination against SCs and STs should not be permitted and they should be included in the same proportion as they exist in the respective feeder-categories.

32. Total Liberation and full rehabilitation of Safai Karmacharis (SK), who are mostly of SC but also include some communities of ST and SEdBCRM, in an effective manner should be completed

33. The National Scheme for Liberation and Rehabilitation of SK should be retained as a Centrally Sponsored Scheme (CSS) and it should be with the Ministry in charge of SC with budgetary provisions on a scale relatable to the budgetary outlay in the BE 2003-2004.

34. Contract labour system should be eschewed in services, where SCs and STs are numerically large especially safai services.
35. The Central Monitoring Committee for the Liberation and Rehabilitation of Safai Karamchari should be activated.
36. Exclusive Mobile Special Courts for quick trial of offences under PCR Act should be established.
37. A massive democratic movement should be launched against the practice of untouchability in any form.
38. All CSSs for SC, ST and SEdBC slated to be discontinued for transfer to States should be retained as CSSs; and no CSSs for them should be discontinued or transferred to the States; those responsible for this anti-Dalit move should be identified and such moves should now be precluded for all times to come.
39. The various deficiencies in the BE 2005-06 pointed out in the Background Note dated 12.3.2005 should be rectified before the Budget is passed.
40. Constitutional provisions for SC, ST and SEdBC should be strengthened by amendments and additions.
41. Protection for tribal ownership / possession of lands should be provided by strict and honest enforcement of Land Transfer Regulations.
42. All alienated lands should be restored to STs.
43. The policy of harmonious protection of STs and Forests should be properly implemented.
44. The Report of the Second Commission on Administration of Scheduled Areas and Welfare of STs under Article 339(1) should be tabled in the Parliament immediately, without further compounding the three decades' delay in its establishment.
45. Extinction of tribes, which have been brought to the verge of extinction, should be prevented.
46. Correct policy regarding prevention/minimization of displacement of STs and other weaker sections for developmental projects should be adopted and implemented; and full rehabilitation should be provided where displacement is inevitable.

47. All Fifth Schedule Areas should be converted into Sixth Schedule Areas and all unscheduled tribal areas should be converted into Sixth Schedule Areas.

48. There should be focus on solving special problems of STs in those States of the North-east where they are in a minority namely Assam, Tripura and Manipur, and their aspirations, like the desire for autonomy and integration of contiguous home-lands split among different States by accidents of political history, should be met.

49. Exploitative system like Mahal and Mahaldars in Manipur should be put an end to.

50. The unconstitutional practice, still prevailing in certain States, of treating as reserved category candidates even those ST and SC candidates who should be in the general list by virtue of their marks should be stopped.

51. The correct approach to planning for SEdbc should be adopted. The present casual approach of insignificant schemes and outlays for SEdbCs, compounding their long-delayed recognition, should be given up; and the principles enunciated in the Report of the Working Group for the Empowerment of Backward Classes, such as priority for Most and More Backward Castes/Communities should be followed.

52. Natural resources pertaining to traditional artisans should be placed at their disposal, intrusion of others should be prevented and protection should be given to traditional artisans from the effect of globalization undertaken without preparation and without consideration for their interests.

53. Planning for strengthening the economy of traditional artisans, through technology, marketing, finance etc. and diversification should be commenced.

54. Small contracts should be made available in construction activities in the government and public sector to SEdbCRM traditionally engaged in construction and related occupations.

55. Appropriate planning for Nomadic, semi-Nomadic and VJ Communities of SEdbc should be commenced, including provision of open-ended Post-Matric Scholarship Scheme (PMS) etc.

56. Appropriate planning for Safai Karmacharis of SEdBC (who belong to religious minorities) should be commenced - including provision of open-ended PMS etc.
57. Sectors related to SEdBC should be re-oriented as sectors for the people concerned, e.g., Fisheries sector should be renamed and re-oriented as Fisher - people's Sector.
58. Facilities and concessions provided for any entrepreneur for setting up industries in backward districts should be provided for entrepreneurs of SEdBC and also SC and ST for setting of industries anywhere in the country.
59. Census lacuna in respect of SEdBCs should be removed and special census should be undertaken now to help in developmental planning of SEdBCs.
60. Reservation for SEdBCs in Central educational institutions including institutions like IITs, IIMs should be introduced.
61. In minority educational institutions there should be reservation for SEdBCRM of the religious community to which the institution belongs.
62. Residential schools should be established for SEdBC boys and SEdBC girls as mentioned earlier in respect of SC and ST.
63. Reservation-equivalent share should be made available for SEdBC including SEdBCRM in all good educational institutions of all types, including professional institutions, at all levels, Indian and foreign, at government cost.
64. SEdBCs belonging to religious minorities should not be lost sight of and it should be ensured, that they are taken-up fully in all development programmes along with the rest of SEdBC, without oversight or discrimination.
65. A leakage-proof Reservation Act should be enacted for SEdBC including provisions for Arakshan Nyay Adalat and its composition, penal provision etc. and other provisions to meet the specificities of the SEdBC.
66. Reservation for SEdBC should be continued in disinvested PSUs and inclusion of this stipulation should be made in future as well as past MoUs.

67. The threat of watering down reservation for SEdBCs and also for SEdBCRM, by making unconstitutional and constitutionally unsustainable moves to introduce reservation for 'economically backward classes' and 'socially and economically backward classes of religious and linguistic minorities', categories for which there is no constitutional recognition or sanction, should be removed and such moves should be desisted from.

68. Due representation for SEdBCRM should be provided in Commissions and Bodies pertaining to religious minorities.

69. Due representation for SEdBCRM should be provided in Commissions and Bodies relating to SEdBCs (like NCBC, SCBCs) and to occupational categories (like National Commission for Safai Karmacharis).

70. Due representation should be provided for SC, ST and SEdBCs especially More and Most Backward Castes and Communities of SEdBC including SEdBCRM in the Planning Commission, State Planning Boards, Bodies of RBIs and Banks and other National and State-level decision-making and resource-allocating Bodies and also in Bodies like the National Integration Council.

71. Nomination of Members to each of the various National Commissions set up for SC, ST, SEdBC and Safai Karmacharis should be made keeping in view the provisions of the Constitution/statute/rules, the category for which it is set up, and the relevant background and competence of the individuals. Appointments made counter to these factors in the recent past have created resentment, especially the nature of nominations made to the National Commission for Safai Karmacharis (NCSK), as also the reduction of the status of the NCSK from statutory to executive order-based. The procedure laid down for nominating the Chairman and Members of the National Human Rights Commission should be adopted for these Commissions also. Every report of each Commission should be placed on the table of the Houses of the Parliament and also State Legislatures in the first session after it is submitted to the government, without waiting for the Action Taken Report, which can follow as early as possible thereafter. Similar action should also be taken with regard to State Commissions.

72. All political parties and Union and State Governments should translate their expressed sympathy into:

a) focus on SCs, STs and SEdBCs including SEdBCRM 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 SEdBC and

c) recognition that this cannot be achieved through-product and trickle-down processes.

d) proper utilization of the services of senior and experienced leaders and representatives of these three categories available in each political party and availing themselves of the benefit of the knowledge and experience of those who have dedicated their lives to the development and empowerment of these three categories.

e) realization of the feelings of intense resentment, despair and alienation among all the three categories of Dalits.

f) appreciation that delay or inadequacies or equivocations and sleights of hand in this regard is fraught with serious adverse consequences for the country as a whole.

The Dalit Manifesto, The Report of the NCRWC and other documents mentioned in the introductory para contain details of the Action-Points and they should be read with this Proclamation and referred to for the details.

The Sammelan also calls upon the SC, ST and SEdBC including SEdBCRM communities to take up the following measures:

1. Build up unity among SCs and resolve internal problems amicably by mutual discussions and accommodation without endangering unity.

2. Similarly build up unity among STs.

3. Build up unity among SC, ST and SEdBC especially More and Most Backward Classes of SEdBCs including SEdBCRM realizing common threats and dangers and taking up common as well as each other's issues and cooperating socially in the elimination of abhorrent practices like "Untouchability" and all other forms of social humiliation.

4. Organize themselves into an effective social coalition and build up a powerful Front and a powerful Movement of Social Justice fully involving all the three and others devoted to Social Justice, which in turn can

impact on the content and direction of the Indian polity, economy and society at the National level as well as State and local levels.

5. Based on this 3-tier unity, build up a massive democratic movement of all the three categories along with their genuine sympathizers in support of the above 72-point programme.

6. Take up efforts to mobilize and secure the help of their elected representatives at all levels; and of the National Commissions for SC and ST and Safai Karmacharis; and Bodies like the Parliamentary Forum of SC and ST MPs, Parliamentary Committee on the Welfare of SCs and STs; SC and ST Fora of Political Parties; and of their genuine sympathizers, both institutional as well as individual.

7. Undertake mass mobilization --

all essential to secure their Rights and Entitlements peacefully from the government and all institutions in the public as well as private sector.

The Forum authorizes its Chairperson and other office bearers to pursue action on this Proclamation with the Union and State Governments and Political Parties and all others concerned and make additions to the Action Points herein as necessary from time to time as the situation evolves.



(P.S. Krishnan)
Chairman,

National Action Forum for Social Justice

Date: 17th April, 2005

Place: Mussoorie (Uttaranchal)