CHAPTER ONE

Introduction

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If we wish to preserve the Constitution in which we have sought to enshrine the principle of Government of the people, for the people and by the people, let us resolve not to be tardy in the recognition of the evils that lie across our path and which induce people to prefer Government for the people to Government by the people, nor to be weak in our initiative to remove them.

Dr. B.R. Ambedkar in his concluding remarks in the Constituent Assembly.

The Varna and the Caste System, as we know, have been the basic features of Indian society. Though Varna System includes the four categories of Hindus viz. Brahmin, Kshatriya, Vaishya and Shudra, it has always been debated whether untouchables and tribals come under the system or not. In spite of this debate the fact remains that untouchables have been residing on the 'periphery' of the areas dominated by Hindus as a distinct and independent social group, whereas tribals remained completely away from the Hindu society itself.

The subjugation of millions of people through the ideology of the caste system has been a part of Indian social history for centuries. Untouchables having been at the margins of Indian society always remained at the receiving end. Robert Deliege points towards this when he writes that "... in the Indian social system everyone is to some extent impure, and that impurity is a relative concept. But the impurity of untouchables is peculiar to them, in that it is indelible and irreversible" (Deliege 1999:50). The social conditions of untouchables were such that they were not merely ritually assailable but vulnerable in several other ways as explained by various social scientists. The deprivation of untouchables has largely been three fold: low ritual status, wretched economic conditions and lack of political power (Oomen 1984:46).

Caste system found critics not only from India but abroad as well and efforts have been made from time to time both by untouchables and non-untouchables to bring out the untouchables from their wretched conditions. During the medieval period, saints like Ravidas, Tukaram, Kabirdas, etc., addressed the question and in the 19th and 20th century Jotiba Phuley, Sahu Maharaj, the Britishers, Hindu Social Reformers and Ambedkar tried to bring equality in the Indian society.
Ambedkar’s role in addressing the question has been seen differently because he raised his voice for the social, economic and political rights of the untouchables and fought for these rights politically, which was not so explicit in the case of other advocates. Whether during the Mahad Satyagraha or the Round Table Conferences (RTCs) or the Poona Pact or last but not least in the Constituent Assembly, his objective was the demand for equality and the empowerment of deprived communities. His strategy had usually been political in nature. So as we see, the role of Ambedkar remained crucial in the process. His emphasis on the political rights of Depressed Classes (DCs) could be understood in the form of special representation in separate electorates that was demanded during RTCs by him and its culmination into the Poona Pact between caste-Hindus and DCs in 1932. The Poona Pact reserved constituencies with joint electorates for DCs, where not only they but others could also vote to elect candidates from amongst them. Without proper representation to DCs in the form of separate electorates Ambedkar was apprehensive of the consequences of a Constituent Assembly that was to be dominated by caste-Hindus where the representatives of DCs would be nothing more than tools in the hands of them (Moon 1991). Later on elections were held to the Constituent Assembly according to joint electorates and Ambedkar also became its member and worked for the development of the deprived.

Ambedkar is the architect of the special provisions towards Scheduled Castes and Scheduled Tribes (SC/STs) laid down in the Indian constitution. Special provisions towards SC/STs is a distinguishing feature of the Indian Constitution which is the handiwork of Ambedkar (Nesiah 1997:60). His obsession with the removal of inequality and establishing a just social order through the Constitution can be understood during his concluding remarks in the Constituent Assembly where he said that in politics, we may have introduced, equality through 'one man one vote' but the question is how to remove inequality prevalent in the social and economic life. The contradiction between political equality and socio-economic inequality remains unaddressed in concrete terms. He further added:

*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* (Govt. of India 1992, Ambedkar and Social Justice Vol II:190).
Ambedkar's role as Chairperson of the Drafting Committee in the Constituent Assembly was quite effective and that is why several laws and provisions were made for the oppressed. He must have expected a similar role from the SC/ST (Dalit) representatives who later came to constitute a good number in the Lok Sabha i.e., the lower house of Union Legislature that has been bestowed upon with the power of formulating laws for diverse sections of the Indian society.

This was due to his own dynamic sense of leadership and a proper understanding regarding the socio-political conditions of Dalits that Ambedkar could not only argue but also convince others to take a special care of Dalits through constitutional measures.

The expectation from Dalit representatives having got elected from reserved constituencies would obviously be to represent Dalit interests in the Lok Sabha and force the regimes in power to lessen subjugation, exploitation and discrimination of their Dalit constituents through legislative measures.

Policy-making is a complex and difficult task. This work has been undertaken to study the role of Lok Sabha in general and Dalit representatives in particular in policy formulation for the upliftment of these sections. Their role in Lok Sabha for Dalit constituents apparently depends upon the perceptions adopted and demands pursued by them. These perceptions and demands are reflected while discussing Dalit issues at various junctures in the Lok Sabha. To examine their contributions to policy making - either for continuation of the present Dalit policy paradigm or to alter it - becomes central to the present study.

Policies are formulated in order to address the present scenario of issues which confront the political demands of society and the need to foster desirable changes according to those demands. Public policies have been defined as guidelines for public action, prescribing in general terms, the means for moving towards a desired course of events or outcome (Poister 1978:1). Public policy may have broader goals like socio-economic development, liberty and equality as its objective, or narrower goals which are more tangible, concrete and immediate such as educational development or family planning. A policy can be for a larger section of the society or for smaller sections as well. Thus public policy indicates a deliberative

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* Now onwards, we also use Dalit as a substitute to SC/ST. In popular language Dalit has come to identify SC/ST category through connotation of both deprivation and oppression. The term Dalit has come to be used inter-changeably with SC/ST.
choice of collective goals and their implementation through decision-making. These decisions, once enacted, are considered authoritatively binding upon all members of society (Michels 1969:391). Decision-making is an integral part of policy-making, but every decision may not constitute a policy. While formulating policies, policy-makers keep eliminating policy options until the final selection. Elimination of policy options involves recognition of limitations which reveals what is not feasible, and by implication, what is feasible under the given circumstances (Howlett et al. 1995:123).

Policy making in a democratic system is a function of the elected representatives. The elected representatives debate and discuss various measures in the interest of society.

In a democratic country like India, the legislature occupies a central role in the making of laws and policies. Parliament being the supreme law-making body performs a major function of ensuring 'social justice' for disadvantaged sections in Indian society. The expectations of underprivileged sections have increased over the years due to welfare policies adopted to uplift the Backward Castes, Minorities, Women and Dalits in the last five decades. In a society dominated by caste, class, gender, religion and regionalism, it is the parliament that can work as a catalytic agency for social change and social justice.

Dalits form one of the most disadvantaged sections of Indian society. Being aware of this fact, the founding-fathers of our Constitution formulated special provisions for the upliftment of this section. The Constitution has asked to enact legislations which are useful for the development of this section and Parliament has accordingly formulated such policies in the past. Though the Dalits have their own representatives in the Indian Parliament to put forward their interests and demands, it is believed that the efforts on the part of the Indian State still have not satisfactorily lifted the social and economic conditions of the Dalits. It is even alleged that the Lok Sabha members belonging to this section do not take interest in the upliftment of their fellow-beings (Joshi 1982). The reservation of seats in political and educational institutions, in State employment and abolition of untouchability in the social sphere, these all form the cornerstone of the 'Dalit Policy Paradigm'. We seek to analyse the role of Dalit legislators as law-makers in the Lok Sabha and their impact on policies meant for Dalit masses.
Modern democratic political systems are complex in nature. And this complexity is multiplied several times in the context of highly populated countries like India, with multitude of social divisions and conflicting political interests. These conditions place severe limitations on elected representatives in their attempts to achieve constitutionally announced objectives. In this context, recent trends in policy formulation *vis-a-vis* the role of the legislature has raised many questions. For instance, the question whether legislature really formulates the policies or how effectively can legislature alter the policy, etc., have become pertinent to examine.

Laws help in the governance of the country and thus the rule of law becomes fundamental to the modern day systems of governance. Legislative bodies make laws and the executive regulates the affairs of the society as per the law. Legislative bodies are made up of the elected representatives through universal adult franchise. Thus, theoretically, the elected house represents the will of the people. Since people elect the representatives and representatives are expected to guard people's interests, legislative bodies can no longer remain indifferent to people's needs. This system of governance has created the material conditions where the modern state evolved into a welfare state through public policies. This value system of the modern state-system can be recognised as the universal characteristic of democracy.

However, public policies have come under great scrutiny in recent years and there has been a shift towards the focus on alternative policy formulations. Now the concern is not just a search for alternative policies and making minor changes in existing policies, but also to create new structures and processes for their formulation and implementation (Mathur 1997). And it is in this context that the role of Parliament assumes significance.

In the case of a parliamentary form of government as in India, two integrated concepts are in evidence - first, the supremacy of the parliament and second, the prerogative of the executive to take the initiative in formulating and implementing decisions regarding policies. On several occasions the executive has taken the initiative and formulated policies and the legislature deliberated upon them and ultimately approved or disapproved of such decisions. Thus the executive accountability or responsiveness to the legislature is a major feature of parliamentary democracy.

The parliamentary system of governance had been in existence in ancient India as well. Indicating this system Ambedkar affirms, "if you go through the
'Suktas' of Mahaparinirvana, you will find ample evidences in support of my point (parliamentary government). In those suktas, it is stated that while Bhagwan Buddha was dying at Kusinara (Kusinagara), message to this effect was sent to the mallas who were sitting in session at that time... they decided that they should not close the session but would carry on with their work and go to Kusinara after finishing the business of the parliament" (Ahir 1977:81). The notion of accountability to the citizens either directly or indirectly through their elected representatives, is a crucial aspect of the parliamentary system of governance. Ambedkar's point about the existence of such a system in some form in ancient India, highlights this notion.

The Indian parliamentary system, wherein elected representatives of the citizens make the policies, has been adopted from its British counterpart. Although the British Parliament is said to be capable of doing anything except changing a man into a woman and vice-versa but the decisions of the Indian Parliament are subject to limitations posed by the 'Judicial Review' as per our constitution. The laws passed by the parliament in India can be examined by the High Courts and the Supreme Court for constitutionality.

The historical antecedents of the modern Indian Parliament can be found in the Government of India Acts of 1909, 1919, and 1935 and some other rulings of British rule in the post 1857 period (For historical sketch of constitutional reforms in British India see M.V. Kamath (1984) and Subhash C. Kashyap (1992). The principle of parliamentary supremacy as in the British model has been modified in India according to its specialities. However, the combination of the parliamentary system and the federal structure has led to the division of powers between the Union Parliament and the State Legislatures. The fundamental rights of the citizens, directive principles of state policy and judicial review impose limitations on the power of the parliament in India, are non-existent in Britain. Thus, parliament of India has been considered neither sovereign nor supreme (Delhi Laws Act. (1912) A.I.R., 1951:332.)

In terms of the legislative-executive relationship, the Indian Parliament like its counterpart in Britain, presents a fusion rather than separation of powers as existent in United States of America. In spite of fusion of powers, the two are distinct bodies in terms of functions and powers as mentioned in Article 75 of the constitution. The executive governs the country and the parliament legislates, advises, ventilates public grievances, and also critically analyses the executive. The
executive has almost unlimited power, to initiate and formulate legislative and financial proposals, unfettered and unhindered by parliament. Similarly, the parliament has unlimited power to ask for information, to discuss and debate, to scrutinize the policies and to put the seal of popular approval on the proposals made by the executive (Kashyap:1987).

In practice, the actual policy formulation is done by the experts working under the Cabinet and only a few modifications take place on the floor of parliament in India as well as in Britain. Thus the well-known observation of Ramsay Muir apply to both the Indian as well as the British parliamentary systems, that says:

Parliamentary system of government has changed into prime-ministerial form of government diminishing the power and prestige of parliament, making it to appear as maintaining and criticising the cabinet.

Nonetheless, the significance of the Indian Parliament lies in the fact that the discussions on the Bills on the floor of the House and in the parliamentary committees can force the cabinet to change, over-rule, or simplify the decisions of the judiciary according to the suggestions of the Members. The three stages which every legislation has to pass through also influence the policy formulation.

The Process of Policy making
The process by which a proposal is translated into public policy is often a complex and lengthy one. Public policy involves deliberate choice of collective goals and the implementation of public decisions. When enacted, such decisions are considered authoritatively binding upon all members of the society. In the formation of public policies four principal stages can be identified. They are initiation, formulation, deliberation and approval, and implementation (Norton 1993:53).

Initiation and formulation or drafting of policy is undertaken by the executive as it has legal, constitutional experts at its disposal. These experts render their services on demand, and draft the proposals of the cabinet to put before the parliament. Though there is also a provision for Private Member's Bill in the parliamentary system but such bills are rarely approved and even if approved, the technicalities are furnished by the experts and only then such proposals are legislated. The MPs lack the resources and the time inside the parliament to initiate a policy on regular basis. Moreover, the Private Member's Bill though initiated by
'backbenchers', cannot make a charge on the public revenue, putting a limitation on it (Norton 1993:68).

It could be misleading to suggest that Parliament is concerned only with deliberation and approval of policy. It has the power of initiation and formulation of a policy on the one hand, and implementation of it on the other. Apart from parliamentary stage and post enactment stage, the Parliament's role in the preparatory stage of a bill could be significant, as legislation is influenced by various sources that may bear influence on the proposed legislation. The parliament may also be involved in the post-enactment stage in reviewing where the legislative shoe pinches (Rush 1976:84).

Legislation is normally the product of a complex and long-drawn process, the stages of which can be easily described theoretically, but difficult to unravel practically. This applies more to the preparatory stage as it takes place in private. It may be possible to discover who did what, how and when, but answering why is a formidable job. Pressure groups and backbenchers in particular may be consulted by the treasury benches but it is seldom acknowledged that their decisions got influenced from them. Apart from the pressure group and backbenchers, cabinet colleagues, the party in power, the government's priorities, the attitude of the opposition, the socio-economic situation etc., could also influence a legislation but to give each factor its due for arriving at a rational conclusion in influencing a decision is probably impossible. One may argue that each decision has an element of uniqueness - defying generalisation but it cannot prevent us from understanding how political decisions are reached.

The second stage i.e., parliamentary stage may take a long time and result in various substantial changes in the original bill but may not alter its fundamental purpose. A study conducted by J.A.G.Griffith on British Parliament showed that of the forty-eight government bills passed during 1967-68, 12 percent were substantially amended, 39 percent were slightly amended, another 39 percent were negligibly amended leaving 10 percent of legislation with the substance of the bill left intact, providing conclusive evidence of the limited number of changes made to government bills by parliament. (Quoted by Rush 1976:87)

The post-enactment stage of a legislation to implement the provisions of an Act could alter the legislations. During this stage, several statutory bodies in implementing the legislations may suggest modifications in the original enactment.
The parliamentary questions and other means of scrutinizing the bills are also effective in the post-enactment stage. The most important means, and one on which the greatest hopes have been pinned by the advocates of reforms in parliamentary procedures, are the select committees.

The legislature both inside the parliament house and in the committees has been envisaged essentially 'demand input processor' and legislative policy decisions are generally termed as 'Policy Output' but the linkage between policy demands and policy output is much more complex and circuitous than it is thought to be (Wahlke 1978:151-52).

Policy output has been classified in terms of "distributive", "regulatory" and "redistribute" policies suggesting that the arena of power or focus of decision-making varies from policy to policy. And on the other hand, "area policies" affect the total population and "segmental policies" are for specific sections of the population (Quoted by Eulau et. al. 1978:165).

If we look at the policies for Dalits then these policies can be regulatory, distributive and redistributive but these are essentially segmental policies meant for a particular section of the population. When these are segmental policies then the policy output in the parliament needs to be understood in distinct terms because they have special representatives in the Lok Sabha to address their concerns.

**Does Parliament Matter?**

In the light of the above discussion, it may be concluded that the Parliament, due to its limited role, stands insignificant in formulating the public policies. But the issue does not end here. Instead, it questions the significance of the Parliament itself as an institution and also whether it is a living institution which caters to the Indian situation.

Analysing the significance of British Parliament, Richardson and Jordan observed that the significance of Parliament lies in its very insignificance (Richardson et al. 1979:121). One must bear in mind that Parliament may not be the central actor in the determination of public policy but it does not mean that the parliament does not matter (Norton, 1993:202). Thus the issue turns the other way round, and to put it more precisely, "the insignificance of parliament lies in its significance in terms of its relationship with the government in formation and conduct of government and its relationship with the citizens" (Ibid.). Can we think
of the Indian polity without the parliament, or to be more precise, without the Lok Sabha? In order to answer this question satisfactorily, one has to turn towards the functions of Parliament and the role played by it in choosing the government, representing the citizens, legitimizing and monitoring the actions of people’s representatives and most importantly, representing the interests of diverse social groups in the country. One may argue that the media, courts, opinion polls, debates on television and referendums etc., can substantiate the role played by the Indian Parliament. However, even then the significance of parliament would not be ruled out. Norton has put it very rightly "what makes parliament distinct and indispensable is the fact that it alone enjoys the popularity as well as the formal legitimacy to undertake all these tasks?"

Parliament, Constitution and Policy Initiatives
Parliament may concern itself with policy matters on various occasions. Apart from basic constitutional policies mentioned in the preamble, fundamental rights and the directive principles of state policy, at times the political vision of party at the helm of affairs also provide a framework of government policies. Coming to power of a party is considered to be the result of an endorsement of the policy perspectives made known to the people through its statements and party manifestoes, etc.

The legislative control over policy concerns starts with the opening of the first session of parliament after the elections or in the new session annually with the President's address. Further, Question Hour, debate on proposed legislations, Motions, Resolutions and various Parliamentary Committee reports are the instruments to give rise to occasions for extending parliamentary influence over the activities of the government. On some occasions such as levying or modifying taxes, voting on grants, etc., Parliament asserts its power to make executive accountable to the masses.

The Questions Hour is basically to seek information from the Ministers but if utilized properly, it could force the government to rethink on a particular policy. As a follow up to an incomplete answer to a Question, the members may demand for a half-an-hour discussion at the end of the day. The proposed legislations by the government invite a detailed debate and discussion where MPs may assume significant role. Under a call attention notice, a member may with the prior permission of the Speaker ask for the attention of a Minister to any matter of urgent
public importance and force the Minister to make a statement on the subject. Once a Calling Attention Notice has been admitted by the Speaker, the Minister cannot refuse to make a Statement. Various reports of Commissions such as the NCSCT are not only tabled on the floor of the House but a full-fledged discussion also takes place where the policies of the government come under great scrutiny. Last but not least, the parliament appoints committees to look into various aspects of the government and the discussion in those committees may enable the government to strengthen or change the existing policies. The discussions are important as they indicate parliamentary mood and bring the impact of public thinking on the administrative apparatus which may otherwise remain immune to public sentiments and feelings. Parliamentary debates serve to remind the administration and the government their duties and obligations, affecting their way of thinking. Administrative accountability is laid down during discussions and after parliament approves the policies, the administration has the complete freedom to implement them. But they are nevertheless guided by the various viewpoints expressed on the floor of the House. (Shakdher 1977:180-84).

To check the decline of legislative powers, legislative committees "meant to provide a balancing factor in a system that is otherwise geared to the hegemony of the execute" have been formed (Parliamentary Committees in India 1973. New Delhi:Institute of Constitutional and Parliamentary Studies).

Though Article 105 of the Indian Constitution makes provisions for legislative committees, it was only in 1954 that Consultative Committees were established. A consistent demand was put on the government to revise Standing Committees by the parliamentarians but it was only in 1993 that 17 Standing Committees were established to review and report on laws, programmes and policy objectives and implementation. These are called subject-based Standing Committees viz., agriculture, commerce, defence, etc. prior to these subject based Standing Committees, there have been other Select Committees such as Public Accounts Committee, Committee on the Welfare of SC/STs, etc.

Due to the enormous territorial area and the diverse cultural character of Indian society, and the federal system, the cabinet/executive cannot formulate and decide the course of action on any given issue arbitrarily. The complexity of issues involved in the Indian socio-political system has perhaps been the reason behind the
frequent assertion by Indian Parliament of its share of power in the process of legislation (Jain 1985:241).

A number of instruments in the hands of Parliament may make one believe that it has got tremendous powers to formulate policies and keep check on the executive. But there has been a demand for parliamentary reforms for a long time. And scholars have been arguing to increase and strengthen the institution of parliament (Surya Prakash 1995).

Though, Parliament has various instruments to make the government accountable to the citizens but questions have been raised over the adequacy of those measures due to its declining role in the policy process. James Margach (1981) puts it directly by saying that "the modern Parliament has become in practice a central registry for recording votes and giving effect to decisions taken elsewhere in the Cabinet and in Government Departments". Another study by J.A.G. Griffith (1974) argues that Governments hardly yield before Parliament and even if they do so, it is on their own terms or very rarely, when opposition to their proposals is strong and widespread. It is not only true regarding the British Parliament but also the Indian Parliament, which has inadequate powers to control the Executive. Subhash Kashyap (1987) reaffirms that "the operative reality of politics today is that the real power resides in the Prime Minister and his or her Cabinet and not in Parliament" and the Prime Minister and Cabinet control not only the government but also legislative functions due to its extensive power to take and implement decisions.

These studies on the lack of governmental accountability towards Parliament make us to believe that the Parliament does not possess adequate instruments to scrutinize the governmental activities. A study by Rubinoff (1995) analysed the working of Subject-based Standing Committees formed on March 31, 1993 to examine policies and demands for grants of the various governmental departments in making the executive accountable and for strengthening the Parliament. He argues that such committees can only counterbalance a strong executive and make the Parliament effective.

One may argue that Select Committees have been existing for a long time to scrutinize the Bills which become major policies of the government but their role has not strengthened the Parliament. And if some more reforms take place, it will be possible for Parliament to strengthen itself. But there is certainly a ray of hope in strengthening the resources at Parliament's disposal and political will to do so.
Norton (1993) puts it correctly by saying that "members alone can determine whether parliament jumps into the twenty-first century or enters it as a body more responsive than ever before to the demands of changing society".

There is a need to interlink the issue of inadequate role of parliament on the one hand, and provide it with a greater role in making the executive more accountable to it, on the other.

There may be limitations on Parliament to play a significant role, but its significance in the overall policy making process cannot be ignored and specially in the context of national policies for Dalits, who have both the special representatives in Lok Sabha and a sizeable population in India.

The Indian Constitution states basic policy concerns with regard to the citizens in general and Dalits in particular. The policy is a collective's response to conditions of the political, economic and social environment. Changes in policy may occur with alteration in the socio-political environment. Thus,

policy functions as a response to environmental conditions, both physical and social, that has built into it an anticipation of a future state of affairs... a change in policy is both causal and purposive: it is "caused" by environmental stimuli, but it is also directed towards a goal and shaped for a purpose. The tension arising out of the simultaneity of causal and purposive forcing is a basic property of policy (Eulau 1978:179).

Parliament, could be seen as an institution which is meant to respond to the changing demands that functions not only at policy initiatives level but also for policy making.

**Representation in Parliament**

A representative is to protect and advance the interests of the individuals or the group on whose behalf s/he is acting. The central idea of representation is not how representatives are chosen and how much discretion they are allowed to exercise but whether the representative is able to co-ordinate between the constituents on whose behalf s/he is supposed to act. It also includes the institution of Legislature. The composition of the legislature is expected to determine the activities of different groups represented in it and there is need for a high co-relation of the characteristics of the legislatures with their constituents.

In the liberal democratic framework, responsibility and representation are closely linked. The relation between legislative behaviour and representation is quite
complex. And the search is for responsible and representative government under this framework. If one looks at Edmund Burk's notion of virtual and actual representation, one finds how representation is not merely concerned with what decisions are made but 'how they are made'. Explaining three forms of role-orientations - trustee, politico and delegate of the legislator, Eulau observes:

The trustee claims to rely on his conscience or what he thinks right, or on his considered judgement of the facts involved in the issue which he has to decide. The delegate claims that he seeks and follows instructions from his constituents or other clienteles. The politico claims that he will adopt one or other orientation as conditions call for, and he must balance one against the other. Under modern conditions the trustee orientation is probably more realistic. Given the complexity of governmental problems on the one hand and the difficulty of finding out what clienteles may want the delegate orientation is probably the least functional from the point of view of effective representation (Ibid:286).

The underlying concept of representation is the similarities between the representative and those represented. A basic task of Political Science is to understand the behaviours of important political actors, and in our case the MPs in Parliament. To influence policy is one of the legislator's defining characteristics. The response of its Members to the institution's policy influence is one of fundamental significance. While legislators are ubiquitous, their influence in policy process varies greatly across political systems, both in quantity and in type (Polsby 1975 Norton 1984) The cross sectional comparisons seeking to investigate the connection between legislative power and the behaviour of the legislators, confront inevitable problems. Participation is active involvement in the legislative process and the policy influence of a legislator is its ability to not only initiate legislation, but also to amend, delay, or even reject legislation proposed by the executive. (Blondel 1970)

The representational consequences of special interests may be understood with the help of two basic approaches - descriptive representation and substantive representation. The former relates to the societal relationship with the constituents of the representative in the physical world and the latter moves beyond appearances to the specific question of how the representative serves the interests of the constituents whom s/he is supposedly representing (Canon 1999:351-55).

Given the distinctive nature of special interests such as the Blacks in America and Dalits in India and such other similar social representations, questions have been raised about (a) how should these interests be represented, (b) whether
other representations can represent such interest, (c) what impact special representation may have on the nature of representation, accountability, legitimacy and equality etc.

Special interests have been understood in terms of the "politics of difference" versus the "politics of commonality". (Connely 1991, Young 1993). The recognition of community based identities have led to special representation so that the representatives and those represented share common aspects of socio-economic life. The choice of the legislator among Dalits obviously reflects the similar socio-economic characteristics within the Dalit community at large. Thus while providing reservations in legislatures, it was believed that a Dalit representative would be in a better position to comprehend the problems faced by his community than a non-SC/ST legislator. The seats have been reserved in the Lok Sabha with joint electorates, wherein Dalit as well as non-Dalit voters participate in the election process to choose a Dalit candidate. It obviously does not accept separate electorates - giving voting rights exclusively to the Dalit community.

Initially, a system of 'certified candidate' for the representation of Dalits was introduced by the British government. Accordingly the Governor of the province was entitled to nominate a "depressed classes" candidate to the legislature. But Rao Bahadur Srinivasan, a prominent leader of untouchables at that time, deplored this and stated:

"If the Governor who had to certify happened to be a Hindu, he could use this power in the interest of a party instead of the interests of the Depressed Classes" (Speech at the Round Table Conference Session, 30th November 1931:165).

Representation in Legislatures Through Reservations
In this work, taking the functional view of representation, the legislators' behaviour with special reference to SC/ST representatives and also their counterparts is analysed, in relation to the policies for Dalits in the Lower House of Union Legislature i.e., Lok Sabha.

The period for the study is 1985-95. It was a time where two significant developments were taking place. One, the level of consciousness among deprived sections was on the rise and also their participation in electoral politics. Two, the State was withdrawing from the public arena in terms of mass welfare programmes
and the liberalisation of the economy had started that finally led to more privatisation and globalisation. The 1990s in particular, saw an expanding base of electoral democracy, witnessing greater participation and more intense politicisation than before, among the marginal social groups (Yadav 1999:2393-99). The liberalisation of the economy "was a conscious decision to substantially reduce the role of the state in the process of economic development and rely far more on the market" where "long-term development objectives such as education, human resource development or the acquisition of technological and managerial capabilities, are simply neglected" (Nayyar 1998:3127-3128). This reflects the unfolding of the contradiction between the logic of political equality and that of social inequality that was warned against by Ambedkar in the Constituent Assembly.

Policy functions as a response to physical and social environment and a change in policy is both causal and purposive as it is not only caused by environmental stimuli but also directed towards a goal and shaped by a purpose (Eulau 1978:179). And our study becomes more relevant when we develop a relationship among special representations, politico- socio-economic environment in the late 1980s and early 1990s on the one hand and the role of parliament on the other, vis-a-vis Dalits.

The role played by the legislators themselves in influencing changing/rejecting/modifying/accepting policies for Dalits, constitute the subject matter of the present research. Their response towards the Reports of NCSCT and initiative to get its recommendations implemented and translated into policy through Bills participation in debate and discussions and performance during Question Hour in Lok Sabha have been analysed in the light of the fact that they are representatives of Dalit masses. Whether various parliamentary procedures like Question Hour, No Confidence Motion, Calling Attention Notice etc., are utilised or not by these Members deserve special attention for such analysis.

On the composition of the joint electorates under the Poona Pact, Ambedkar questioned “will the Scheduled Castes be able to elect a Scheduled Caste candidate who has their confidence to the seat reserved for them or will the Hindus be able to elect a Scheduled Caste Candidate who is their tool and who has no confidence of the Scheduled Castes?” (Moon 1991:154).

Analysing the results of 1937 elections, Ambedkar re-affirmed his stand and did not term the representatives coming due to joint electorates as true representatives of the DCs. He observed that “an untouchable candidate whose
majority is the result of split in the camp of his opponents and who, if there had been no split, would have lost, cannot be taken as the real representative of the untouchables” (Moon 1991:157).

The question again came up for discussion in the Constituent Assembly and demand for separate electorates was once again raised by Ambedkar. But finally the Constituent Assembly rejected this demand and adopted in principle the system of joint electorates with reserved seats as per the Poona Pact (Rao 1967:93-96).

Thus, Dalits were given special representation, not as minorities but as a special social class to help them revert the history of their political and social subjugation for centuries together. And this provision was stated to be purely temporary, which would span a period of ten years. Ambedkar himself moved an amendment in the Constituent Assembly that the reservation of seats for the SCs and STs would come to an end after completion of ten years and it was accepted and adopted (CAD Vol. IX August 1949:674). But it is being continuously extended even after the completion of five decades.

National Commission for Scheduled Castes and Scheduled Tribes (NCSCT) and Parliamentary Committee on the Welfare of SC/STs (PCWSCT) are two major institutional mechanism to look into the implementation and formulation of Dalit policies. The former functions outside the Parliament and the latter within parliamentary system of governance. We look into their evolution in this chapter and later on to their role in policy making.

National Commission For Scheduled Castes And Scheduled Tribes
The NCSCT has evolved from Article 338 of the Indian Constitution that provided for the Special Officer for SC/STs. The first appointment to this office was made on November 18, 1950. The office was designated as ‘Commissioner for Scheduled Castes and Scheduled Tribes’ (CSCT). The appointee’s tenure was fixed at three years. It was subsequently raised to five years, on the recommendation of the PCWSCT in 1970. The CSCT had a two fold thrust - 1) to monitor the functioning of the constitutional safeguards for SC and STs and 2) to look into the working of the welfare measures for Dalits. At that stage it had no role in the formulation of policies for these sections. But 1954 onwards it associated itself with the examination of schemes for grants-in-aid received by the state governments and
non-governmental agencies for the development of Scheduled Castes and Tribes areas. The CSCT's organisation also helped the state governments in formulating of their schemes and their proper implementation (PCWSCT 1969:10-11).

Recognizing the increasing importance of the role of the CSCT, the Estimates Committee (IIInd Lok Sabha) in its 48th Report on the "Ministry of Home Affairs: Scheduled Castes, Scheduled Tribes and Other Background Classes" recommended assignment of some more function to the CSCT. But, in 1967 it was decided that the CSCT should be relieved from the functions of formulation of schemes for SC/STs (PCWSCT 1971:2).

This was a regressive measure as it did not allow the CSCT to address the grievances of Dalits adequately. To fill up the gap, the Ministry of Home Affairs (MHA) came out with a resolution dated 21 July 1978 which asked for the constitution of a Commission for SC/STs in addition to the appointment of the CSCT. This Commission was to consist of a Chairman and four members including the CSCT. It was to share the CSCT's burden in various ways. But in its report for the term of 1979-81, it observed that the establishment of the Commission has not materially changed the situation with regard to his office (CSCT 1979-81:51).

Commenting on the present functioning of it observed:

There appears to be only two options open: (i) either to amend article 338 of the Constitution and replace the CSCT for Scheduled Castes and Scheduled Tribes by a multi-member Commission or (ii) to retain both the offices of CSCT as well as that of Commission, with distinctly drawn up functions and status. In the case of the latter option being accepted: it would be desirable appropriately to revise the functions assigned to the Commission so that these do not overlap with the functions assigned to the CSCT under the constitution. And there is a revision in view of the magnitude of the problems relating to the Scheduled Castes and Scheduled Tribes. (Ibid).

Interestingly, the above observation came after the Government of India introduced the Constitution (Forty Sixth Amendment) Bill 1978 that could not be passed during the winter session of Parliament. Yet again in 1979 the same Bill was brought up which was the 51st Amendment Bill 1979. It was debated on the floor of the Lok Sabha on 16 May 1979 but during the voting on the next day, it could not be passed for want of requisite majority (NCSCT 1992-3:10).

* During the period of our study, three statutory and constitutional bodies viz., Commissioner for SC/STs, Commission for SC/STs and the National Commission for SC/STs have been in existence, it has been used as Commissioner or CSCT, Commission and NCSCT or National Commission respectively now onwards.
Under these circumstances, the two agencies, namely the CSCT and Commission for SC/STs co-existed, till March 11, 1992. At last a fresh legislation called Constitution (Sixty-fifth Amendment) Act 1990 was passed by the parliament to constitute a National Commission for Scheduled Castes and Scheduled Tribes. It came into force on March 12, 1992.

The reports of the NCSCT are supposed to be tabled on the floor of Parliament and the Government need to come out with the Action Taken Report on its recommendations. During the period of our study it submitted three Reports, but no discussion had taken place on those reports. Though in the next chapter summary has been presented of those reports, but the perspectives of the Parliament relate only to the reports presented before the constitutional status to the Commission for SC/STs and the same reports have been discussed during 1985-95.

**Committee On The Welfare Of Scheduled Castes And Scheduled Tribes**

The Parliament is not capable to deliberate upon each and every issue that comes before it. A study conducted to ascertain the Indian Parliament's capability to check Executive power which states that "the systems that are in vogue are wholly inadequate and the accountability of the Executive is still a far cry". (Surya Prakash 1995:310). A ray of hope has been envisaged in the proper functioning of the Standing Committees and strengthening the supervisory role of the MPs there. It is true that the Parliament has been relegated to a position of minor importance and has become increasingly incapable of having a check on the government. A detailed committee investigations could become the best means of redressing the balance. But providing wide ranging powers to Parliament could mean "seriously undermining the functions of the executive leading to parliamentary government, not government through Parliament but government by Parliament" (Rush 1976:104). So the question is not whether the Parliament decides but how it influences the policies and carries public opinion to the government regarding the realisation of mass welfare and the empowerment of the people. In this context, the role of PCWSCT becomes significant, which was instituted in 1968 on the suggestion of Lok Sabha members during the course of discussion on the Fourteenth and Fifteenth reports of the CSCT. It consists of 30 Members - 20 elected by the Lok Sabha and 10 by the Rajya Sabha from amongst the MPs in accordance with the system of proportional representation by means of single transferable vote. The
Chairperson of the committee is appointed by the Speaker of the Lok Sabha from amongst the members of the committee. And the term of the Committee is usually one year.

The Committee has been submitting its reports since 1969 and its first report was on 'the reorganisation of the office of the Commissioner for Scheduled Castes and Scheduled Tribes and Director General, Backward Class welfare.'

During the period of our study, the Committee had submitted ninety-three reports which included 22 reports in the 8th Lok Sabha, 6 in 9th the Lok Sabha and 65 reports in the 10th Lok Sabha, on various aspects of the Dalit policy paradigm ranging from the issue of atrocities to the issue of development.

**Overview of Literature**

After the adoption of the Constitution, various aspects of Dalit policies have been studied and analysed by scholars, not only in India but in abroad as well.

Lelah Duskin (1961) in her articles outlined the polices and programmes for Dalits in three areas - education, services and politics. The major themes covered by her studies were on the future of the policy and the alternatives to it. S.M.Chitnis (1972) has shown that scholarships for Dalit students were not optimally and equitably used by them and the consequence was the creation of new inequalities. Karuna Ahmed (1978) in her study on the consequences of protective discrimination summarises the need for integrated programme for the dispersal of benefits to the Dalits.

With regard to the legal implications of Dalit policies, Marc Galanter (1972) points out the role of the law in the abolition of untouchability and other disabilities. In yet another paper (1979) he studies the impact of compensatory discrimination in political representation. Here, he analyses the costs and benefits of the policy of reserved seats.

In another study, Barbara R. Joshi (1982) deals with the political reservation for Dalits and argues that the policy of political reservation has proved to be supportive for the untouchables' developmental programmes in the event of increasing violent opposition against the mobilising untouchables. She also points out that the policy has made the Dalit legislators assertive on socio-economic issues.

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concerning Dalit masses. She also concludes that the political reservation has itself helped in the mobility of Dalits. One major aspect on which she throws light, is the importance of reserved constituencies where political parties can not afford to ignore Dalits completely. The caste-Hindu politicians consider the Dalits as a potential factor in the struggle for gaining power. The factional politics within a party also increases the importance of Dalit politicians and in turn they get benefited through party tickets and funds for election campaigns also. The low educational and economic status leaves Dalit legislators in hardship. She concludes that the institution of reserved constituencies can reduce the political problems of Dalits but cannot completely compensate for them. Joshi argues that the art of political skill and the experience on the knowledge of political power, which are a part of the legacy of the past, have not been eliminated in the case of Dalit legislators. So they are frequently forced to depend on caste-Hindus regarding their own issues.

Satish Saberwal (1972) while summarising the problems of political reservations argues that the Dalit representatives lack political socialisation and thus avoid assuming militant political postures. They do not understand the potentiality of the large system to generate effective social, political and economic equality. Moreover, they are not able to generate a new social philosophy or new legislative postures but adopt the same politically mediatory benefits that are available to others. He also concludes that in spite of all such restraints, the Dalits access to the political arena and to various elite settings would decline without a political reservation for them.

Gopal Guru (1986) in his study argues that the belief among the academic circles that the reservation policy in general and the reserved constituency in particular owes its origin to the British policy of ‘divide and rule’ needs to be analysed from a much more comprehensive and critical angle. In his final conclusions, he argues that the provision of reserved constituency for Dalits does not lead to creating a clout for the political development of the Dalit community as a whole. It helps a few Dalit legislators to get political benefits which is not sufficient to encourage an institutionalised political participation among Dalits.

Yet again this provision is very much subservient to the political interests of the political parties dominated by the elite of the dominant castes having sufficient socio-economic resources. And the elite are found using these constituencies as an
institutional device to protect their interests and not the interests of the Dalit community.

G. Narayana (1978) analysed the changing socio-economic characteristics of the Dalit MPs of the 3rd, 4th and 5th Lok Sabha during 1962-71. The changing recruitment patterns of key position holders in the political power structure has been drawn here. Among various variables examined are age, educational background, occupation, place of residence and previous experience as Members of Lok Sabha. A comparison with non-Dalit Members showed that the SC Members were younger to the general Members, but the other variables showed much more similarities between the two.

In yet another study, D.N.S. Chauhan and S.L. Chopra (1969) compare the socio-economic background of the SC Members in the Lok Sabha with general Members. On the educational and occupational front, differences between the SC and non-SC Members as well as similarities within the SC community as a whole are noted.

A recent study by Mendelsohn and Vicziany (1998) concludes that the preferential treatment policies have not been of much significance for Dalits. But it is the overall developmental process that has benefited them, as the health and literacy indicators show in the case of Kerala. The anti-discriminatory policies of the State, particularly the court enforcement of those legislations, have been very dismal. The section on Dalit representatives show the silver lining in the case of the increasing vote capacity of the Dalit masses which would help to grow an interest in supporting their people as representatives.

Demolishing the theory of Harijan elite, mainly propounded by Sachchidananda (1977), Mendelsohn and Vicziany (1998) see little merit in the proposition, that reservations have created a particularly selfish and uncaring community of Dalit politicians. The hereditary character of culture and its hierarchised advantages, lead to the tendency of the concentration of benefits in a few hands, which may also be true for the future in the case of Dalits. But today, the reality is different. Parliamentary reservation is seen as the most problematic aspect of compensatory discrimination. As a case in point the authors observe that, Kanshi Ram and the like argue that Dalits will learn to struggle when they no longer have any institutional guarantees. The greatest manifestation of Dalit power is seen in their freedom to vote in elections rather than in their number of 'representatives' in
Parliament. And this capacity to vote with free will has the potential to create new conditions which would give rise to the possibility of parliamentarians taking bold steps for the masses in the times to come.

Objectives of the Study
The present study goes beyond analysing the various processes and procedures of parliamentary control over the administrative machinery or its activities with regard to Dalit policies and programmes, or merely studying the socio-economic background of the Dalit representatives in the Lower House of the Parliament, i.e. the Lok Sabha. Such studies already exist in one form or the other. The purpose of the present work is to look into some select issues of Dalit policy paradigm with a view to analyse the impact of parliamentary involvement in these areas and also the role of Dalit representatives in influencing the policies that are likely to have a bearing on their constituents, i.e., the Dalit masses.

Our concern is to study the impact of parliamentary debates and questions on the policies meant for Dalits and examine the role of Dalit representatives in the formulation of such policies. This study has been undertaken against the backdrop of the growing disenchantment with the legislature in policy formulation. Studies on Dalits and reserved constituencies have shown that Dalit issues are not taken seriously. However, in the post-Mandal period Dalits have become more conscious and active in electoral politics. Notwithstanding this, it needs to be tested how far their active participation in electoral politics has altered the role of the Parliament in policy decisions and how far Dalit MPs consider their accountability as obligatory to the Dalit masses. With the liberalisation of the economy started in 1990s, the role of the State - on whom Dalits have been dependent is declining in developmental activities. Thus it becomes an urgent need to examine, how Parliament has responded to the Dalit aspirations at various crucial junctures. Although the focus of the study remains on the Dalit parliamentarians, the role of their counterparts in Dalit policy formulation has come to form an incidental and critical reference point.

Studies have demonstrated that the Dalit representatives role as spokespersons of Dalit masses is far from satisfactory. However, such studies basically belong to times when Dalit masses were hardly conscious and assertive against the State or societal injustices inflicted upon them. Here, we have attempted to cover a relatively more conscious and assertive phase where it is expected that the
Dalit representatives would be more vocal and instrumental, if not in deciding the policies, at least in influencing them, for those whom they socio-politically represent.

Here the role of Dalit representatives in the Parliament at various junctures has been analysed. The impact of their deliberations on the Bills, Statements, and the reply of Ministers with regard to the presentation of the Reports of CSCT and NCSCT get special attention.

We have covered the 8th, 9th and 10th Lok Sabhas, marked by the pre-Mandal and post-Mandal phases of Indian politics wherein the backward classes asserted to capture not only the political institutions but also to get their share in administrative and educational fields.

Although the term Dalit is used both broadly and in the narrow sense but in this study both the SCs and the STs, have been included among 'Dalits'.

The Main Objectives of the Study

- Study the role of Parliament in policy formulation for Dalits, through Lok Sabha debates and questions.
- Examine, whether the Lok Sabha is able to bring any shift in the Dalit policy paradigm or it works as per constitutional safeguards only.
- Evaluate the impact of the Reports of the CSCT and the NCSCT on the policies meant for Dalits.
- Examine the socio-political background of those participating frequently on Dalit issues.
- Finally, rejection of Dalit policies formulated by the government and rejected by the House.

The Dalit problem being embedded in the social structure is not an area specific issue but is general in nature. The political representation of SC/STs in the Lok Sabha raises higher expectations among Dalit masses, more so after getting conscious of their low socio-economic status and the existence of laws to ameliorate these hardships. In this context the following questions are pertinent for examination:

- How does Parliament put Dalit issues on the policy formulation agenda and identify the concerns of the MPs?
- How those concerns reflect the long-term interests of Dalit masses?
- Are the proposals of Dalit MPs withdrawn after discussion?
- How effectively does the Government handle the proposals?

Scope

Public policies have come under great scrutiny in recent years, shifting the focus on alternative policy formulations. The concern today is not just a search for alternative policies but also to create new structures and processes for their formulation and implementation. And it is in this context, that the role of the Indian Parliament becomes relevant with regard to the policy formulation for Dalits, who have started asserting their rights and establishing their own political parties. The role of the Indian Parliament in policy formulation has hardly been a concern of the researchers except a few. Moreover, there is a dearth of literature on the role of Dalit parliamentarians in the recent past. Special representation for Dalits in legislatures has been a historic phenomenon. The impact of special representation on policy outputs in Parliament has drawn least attention from academicians, intellectuals and research scholars. In this sense the present work becomes relevant. Moreover, in the present socio-political environment where demands are being raised for special representation to women and other underprivileged sections, the usefulness of existing special representation in changing policies for such sections could be ascertained.

This study examines the debates and questions regarding social and economic upliftment of the Dalits. Only those discussions of the Lok Sabha have been examined which concern the majority of Dalit population, thus, the Bills for including new communities in the list for SC/STs do not find mention because these do not have an impact on Dalit policy paradigm except conferment of the safeguard to few others. Endorsing extensions of political reservations in the Lok Sabha and the State Assemblies is also a routine function of Parliament. So this also does not find mention.

Similarly, instead of analysing all the questions during 1985-95, a sample of four year questions have been selected, viz., 1985, 1990, 1991 and 1995. These provide representation to all the three Lok Sabhas, i.e., the 8th, 9th and 10th.
this period, PCWSCT produced ninety-three reports during this period but only those reports have been discussed which relate to policy formulation.

Though reports of the NCSCT were not discussed in the Lok Sabha, we have summarised them as these are supposed to provide a framework for the development of Dalit policies.

**Methodology**

The study undertaken is partly empirical and partly analytical. The data/information has been collected basically from primary sources like Government Reports, Lok Sabha Debates, Reports of the National Commission for SC &STs and CSCT, etc. To ascertain the contributions of the MPs during the Lok Sabha debates, we have classified their contributions into two parts, i.e., *phenomenal representation and enduring representation*, where the former relates to short-term concerns and the latter to long-term policy objectives. Similarly the MPs' reactions to the Government Bills have been looked into as - one, *enduring representation of customary character* and the other, *enduring representation of specific character*. Here the former relates to the simple debate and discussion, whereas, the latter to the amendments proposed by the MPs to alter the themes of the proposed legislations. The secondary sources include books, journals and newspaper reports.

**Chapterisation**

In the introductory chapter we have dwelled upon the theoretical aspects of legislature's role in policy formulation and review of literature on Dalit policy paradigm and the Parliament in India.

The second chapter deliberates the development of Dalit policy paradigm and provides a summary of the recommendations made by CSCT and the NCSCT during 1985-95.

The third chapter examines the perspectives adopted by the Lok Sabha on Dalit policies during debates on the reports of the CSCT and the NCSCT.

The fourth chapter focuses on policy output and the role of Lok Sabha in the formulation of policies for Dalits. Here Bills, Statements, Motions, etc., and impact of legislative interventions have been examined. Some of the reports of PCWSCT concerned with formulation of policies have also been discussed in this chapter.
The fifth chapter looks into the Question Hour and the role of legislators on Dalit policies. It examines whether the legislators were concerned with implementation of policy or emphasising the need for fresh policy proposals.

The Sixth chapter delves into the socio-political affiliations of the Members participating in the policy formulation.

The last chapter apart from drawing conclusions, attempts to put forward certain relevant suggestions for the upliftment of the position of Dalits in the Indian society through the endeavours of the Parliament.