CHAPTER TWO

Genesis of Dalit Policy Paradigm: Reports of the Commissioner and National Commission for SC/STs

- Dalit Policy Initiatives
- Dalits Policy Paradigm and the Constitution of India
- Recommendations of the Reports of the National Commission for SC/STs 1992-95
- Summing Up
The focus of this chapter is the recommendations of the CSCT and NCSCT reports. We begin with a discussion on the evolution of the Dalit policy paradigm and the major components of it. The NCSCT reports, as suggested earlier, provide a framework for the discussion of the legislators to develop a perspective and impress upon the Government to take measures for the development of the Dalit masses. At the end an analysis of reports and a broader framework of these reports for Dalit policy formulation has been provided.

**Dalit Policy Initiatives**

The Britishers are considered to be the formal policy initiators for Dalits in modern India. Initially, they did not take measures construed as a confrontation with the caste-based Hindu society. But as the days rolled by, the administrative compulsions and pressures from Hindu social reformers made the Britishers to take steps that opened the closed Hindu society (Chatterjee 1996:139).

The Britishers opened the doors of education to all sections of society, introduced Western system of education, paved the way for urbanization and industrialization, established networks of communication like the railways and roadways, enacted social legislations like prohibition of *Sati*, child-marriage, and conferred limited franchise etc. Initially, the British wanted to sustain traditional Hindu and Muslim laws but in 1864 a new policy was adopted and the British courts started administering a uniform criminal law. It removed from the purview of caste *Panchayats* many matters that used to be adjudicated by it. Previously the cases of assault, adultery, rape and the like were taken before the British courts for decisions and the caste councils started losing their importance even in matters of civil laws such as marriage, divorce, etc. Though the avowed intention of the British was to be guided by the caste customs, slowly but surely various decisions of the High Courts practically set aside the authority of caste (Ghure 1990:271). To remove the inherent inequalities, the Disabilities Removal Act was introduced in 1850. It was the first major blow to the integrity of caste. It facilitated conversion from one religion to another and similarly admission into another caste. Notwithstanding any custom of caste disinheritance a person for changing of caste or religion, the Act provided that a person does not forfeit his ordinary rights of property by loss of caste or change of religion (Lathe 1924:373). Caste as a social reality was being accepted by the
government, not only Acts were passed acknowledging it but arguments to mention caste in the census were produced.

Finally, to know different castes and their people the Census Commission of 1881 recommended that the lists of caste and their occupations should be prepared (Census 1951, West Bengal, The Tribes and Castes of West Bengal 1953:1).

**Occupational Mobility among Untouchables in British India**

The untouchables were traditionally engaged in menial jobs like scavenging, removing dead cattle, working as village watchmen etc. From the late 18th century, *Mahars* (one of the untouchables group) were recruited into the Bombay army of the East-India Company and Cohen estimates that they constituted nearly one-sixth of the army upto 1857 (Cohen 1969:455). In Bihar *Dusadhs* and *Chamars* and *Paraiyas* in Madras were also recruited in to the army. Army service was not unknown to them as prior to the British, Shivaji’s army also had untouchables in it but they were not able to rise above the meanest rank of foot soldier (Cadell 1938:12). The experience of army life under the British must have transformed the outlook of many untouchables.

During the same period, industrialisation had started in India. Being associated with hard and uncongenial labour, untouchables were slotted into the least attractive positions in the industries (Mendelsohn and Vicziany 1998:89). Thus untouchables started experiencing new opportunities, although lower in the strata. In Western India, they moved into the textile mills established by the British, concentrated in the *Vidarbha* region, especially in Nagpur and Bombay (Mumbai). The data from the 1921 Census states that they comprised 12% of the workforce in the Bombay mills (Moris 1965:75).

The untouchable communities in various parts of India also discharged the work of cleaning of public space and disposal of waste material. In Western India, *Bhangis* functioned traditionally, though not exclusively as sweepers and scavengers of human waste. Thus the most prominent new employment for these sections within the organised sector of colonial India was that of the sweepers (Mendelsohn and Vicziany 1998:89). The *Mahars* of Western India, the *Malas* of Telugu country and the *Holeyas* of the *Kannada* speaking region are the three major examples in this category.
Yet some others migrating from rural to urban areas found employment as butlers and maids to British families and clubs (Robertson 1938:4). Thus industrialisation, jobs in the army and migration from rural to urban areas paved the way for limited occupational mobility among the untouchables.

**Educational Commencements**

In the pre-British Indian society education was the privilege of the upper strata of society such as Brahmins, Kshatriyas and Vaishyas. But the British rule in India established Western system of education based on the theory of equality and universalistic criteria of admittance, opening the doors of education to all irrespective of caste, class, sex or religion.

The British officers, who by nature were averse to discrimination on the basis of caste sympathized with and encouraged the deprived sections of the Indian society to seek education and employment under their supervision. In a court case of 1856, where a boy from the depressed class was refused admission on the ground of alienating caste-Hindus, the Court of Directors quashed the order and opined that, "all schools maintained at the sole cost of the Government shall be open to all classes of its subjects without distinctions" (Sinha 1986:42).

Referring to caste-prejudice among caste-Hindus regarding education for untouchables it was observed in 1920 that "both teacher and pupils make it most difficult for low caste boys to sit in class rooms" (Ibid).

Education as a channel of mobility had a very limited significance for the lower income groups. Moreover, the untouchables being at the lowest rung of the society in economic terms were unable to afford higher education and for this purpose in 1885, the education department of the Government of Bombay proposed to reserve fifty percent of free scholarships for Muslims and backward Hindu castes because the Britishers felt that scholarship based on merit would "perpetuate the Brahmin monopoly".

**Job Reservations**

With the educational development came the demand for government services that was regarded as a status symbol. Once competition for the position of power and status became stiff, protection and security acquired a new dimension in the backward class movements like non-Brahmin and self-respect movements in South
India (Chatterjee 1996:180). The claim for representation of backward classes in the State services was voiced in the South Indian States. In Mysore, a system of communal rotation was introduced and strict instructions were issued in 1895 that certain reservation of posts should be earmarked for all communities except Brahmins (Ibid.) Due to problems of implementation, the government evolved a policy which would give representation to all communities and accord representation to the unrepresented first, the under-represented next, and the represented last. The Governments of Travancore and Cochin States followed the policy of representation to the several communities in their States approximately in proportion to their population (First Backward Classes Commission Report 1955:129).

**Political Representation for Depressed Classes**

Edwin S. Montague, the then Secretary of State for India, announced a new policy for India in the House of Commons on August 20, 1917. At the same time two major meetings of the DCs were held in the city of Bombay, wherein a request was made to the Government to "grant the untouchables their own representation in the various legislative bodies to ensure them their civil and political rights" (Ambedkar 1970:15).

Taking stock of the situation and the emerging demand from DCs for their due representation and dignity, Indian National Congress (INC) adopted for the first time, an anti-untouchability resolution in Calcutta on December 26-29, 1917. Mrs. Annie Besant in her presidential speech urged the delegates to work for a brighter future of the members of DCs (Zaidi and Zaidi 1987:244).

Regarding the political representation of depressed classes, a committee was formed under the presidentship of Motilal Nehru that came out with the observation that "the depressed classes must be abolished or rather than they should be raised socially and economically so that they may take their proper place in the community. The only effective way to do this is to give them educational and other facilities for their advancement and remove all the obstacles in the way of their advance (Indian Quarterly Register 1923:30).

Initially a report called Mont-Ford Report was submitted to the Government of India but it provided no representation to the DCs and later on in their decision of April 23, 1919, the Government of India suggested that in each council there should
be enough representatives of these classes to save them from being entirely submerged. The report pointed out that "we intend to make the best arrangement that we can for their representation, in order that they too may learn ultimately the lesson of self-protection" (Report on Indian Constitutional Reforms 1918:155). While framing the details of the constitution they were granted representation by nomination. In 1924, the Reform Enquiry committee under the Chairmanship of Home Member Alexender Muddiman with other eight members was formed. The Committee in its report observed that:

so far as the depressed classes are concerned we consider that unless in any particular case a local government is prepared to recommend a system of election, the further representation which we consider can only be secured by nomination in increased representation by nomination becomes necessary the provisions of the Act which place a minimum limit upon the proportion of elected members in each legislative body may in certain cases require amendment. (Report of Reforms Enquiry Committee. 1924:55-56).

It was the beginning of a new era in Indian politics that accorded legitimacy to the claims of the DCs for separate representation in the legislature.

The Government of India Act. 1919 had made it obligatory on His Majesty's Government to appoint a Commission at the expiration of ten years from the passing of the Act. Subsequently on November 8, 1927, a Commission was appointed under the leadership of Sir John Simon that was assisted by 6 other Members of British Parliament.

Depressed Classes Under the Government of India Act 1919

The Government of India Act 1919 is the first major step in the way of developing Dalit leadership in the legislatures. It provided them with 13 seats in provincial legislative council to be filled on the basis of nomination. Accordingly, Madras was to send 5 members; Bihar, Orissa and Central Provinces 2 each; and, Assam and Bengal one each. Finally the Muddiman Committee Report recommended 20 seats for DCs which was accepted by the British government. Thus 10 seats were reserved in Madras, 2 in Bombay, 4 in Central Provinces and one each in Bengal, Bihar, Orissa and United Provinces (Report of the Indian Statutory Commission 1, Survey Appendix III :144-5). However, no seats were reserved for the DCs of Punjab and Assam in the Provincial Legislative Councils (Gupta 1985:204). Commenting on this Dr. Ambedkar stated that the right of depressed classes to special representation in the legislature had become a principle which was
not only accepted but adopted in the Constitution (of 1919). So well was this principle recognised that it had been extended even to District and Local Boards, School Boards and Municipalities in 1919 and which had thereby become a right and which had become perfected by the representatives of Depressed classes that could not be disputed by anybody (Moon 1989:312).

The provision was made that after the expiration of 10 years from the passing of the Act, a commission will be formed for the purpose of inquiry into the working of the system of government set up under the Act, and suggest desirable constitutional changes. On the same lines on November 8, 1927 a statutory commission was announced with five members of British Parliament and Sir John Simon as its head. Most of the Indian political parties at that time protested against it but the reaction of the DCs was far different from, these political parties (Chatterjee 1996:227). Eighteen Depressed classes associations testified willingly to the commission and sixteen of them asked for separate electorates for untouchables (Zelliot 1972:45). The Commission submitted its report to the British Government. In the meantime, the labour government was formed in Britain and in May 1929 this Government announced its willingness to confer dominion status to India and invited representative of different interest groups from India for a conference to discuss the British India and All-India problems (India Quarterly Register 1923:139).

Round Table Conferences and Dalit Question
Soon after the Commission’s report, different interest groups got active to mobilise support for themselves and organised meetings and conferences. In a similar exercise the All-India Depressed Classes Conference was held at Nagpur in 1930. Here Ambedkar remarked:

I agree with the Congressman that no country is good enough to rule over another. But I must also take the liberty to tell them point-bank that the proposition does not end there and that it is equally true that no class is good enough to rule over another class. It is only in the Swaraj constitution that you stand any chance of getting the political power into your own hands without which you cannot bring salvation to your people (Indian Quarterly Register 1930:367-74).

The first Round Conference (RTC) began on November 12, 1930. Dr. Ambedkar and Rao Bahadur Srinivasan presented a joint memorandum as a charter of demands for untouchables. It included a demand for untouchables to elect their
representatives through adult suffrage and separate electorates for the first ten years. It also demanded joint electorates with reserved seats but with the consent of the concerned groups. The prominent demands mentioned in the Memorandum were:

- equal citizenship;
- equal opportunity;
- ban on social boycott;
- establishment of law;
- condign punishment for violators;
- adequate representation in services;
- provision for their education and sanitation in their residing places;
- creation of special department (in charge of a Minister for the purpose) and representation in the Cabinet. (Proceeding of Sub-committee vol. II sub-committee No. II Minorities, India Round Table Conference 1930-31:77-78).

Though the first RTC was adjourned without any decision, the representatives of the DC did succeed in convincing the conference that they were entitled to recognition as a separate entity for political and constitutional purposes (Chatterjee 1996:235).

In the first RTC Congress representative was not present, whereas in the second RTC, Gandhi represented the Congress. He expressed his strong opposition for separate electorates saying:

The Congress has reconciled itself to special treatment of the Hindu-Muslim, Sikh Tangle. We do not want on our register and in our census, the untouchables classified as a separate class. Sikhs may remain Sikhs in perpetuity, so may Mohammadans, so may European. Will Untouchables remain Untouchables in perpetuity? I would rather that Hinduism die than untouchability lived. It will create a division in Hinduism which I possibly cannot look forward to with any satisfaction whatever...if I was the only person to resist this thing I would resist it with my life. (Proceeding of Federal Structure and Minorities Committee, Indian Round Table Conference, (Second Session) 7th September 1931-1st December 1931, vol. III, :1346).

Ambedkar and Rao Bahadur R. Srinivasan submitted another memorandum for the claims of the DCs. The lack of compromise between the leaders of Indian groups made the Prime Minister to adjourn the Committee meeting sine die with a suggestion to put a signed requisition authorising the Prime Minister to arbitrate and give decision on the communal issue that was signed by Gandhi but not by Ambedkar (Moon 1991:74). Ambedkar asserted that the demand of the Untouchables were so reasonable that no arbitration was necessary in this regard (Ibid).

On August 4, 1932, the British Prime Minister announced the Communal Award, also known as the Macdonald Award. Accordingly, apart from many others the DCs were also recognised as a minority. Gandhi commenced his fast unto death in response. Finally there was a compromise between the caste-Hindus represented
by Madan Mohan Malviya and the DCs represented by Ambedkar. Now joint electorates were provided for the DCs. And 148 seats were reserved for them. It was raised to 151 according to Government of India Act 1935, making adjustments for Bihar and Orissa as a whole (Chatterjee 1996:24-242). It had a unique feature in which the DCs were asked to elect 4 representatives separately in the primary elections who in turn would be the candidates to be elected by the general electorate in the constituency.

Apart from this, in the Central Legislature there was a provision of 18 percent reservation for the DCs in British India. The system of primary election to a panel of candidates to the Central and Provincial legislatures was to come to an end after the first ten years, unless earlier terminated by mutual agreement between the concerned communities. The Depressed Classes were not to be discriminated against for being member of such community while making appointments to public services. Every province was to earmark adequate educational grants for providing educational facilities to the members of the Depressed Classes (Moon 1991:85-88).

The freedom movement against British rule was becoming aggressive day by day. On the other hand the Second World War had started and the Congress led governments in the Provinces resigned. There arose a constitutional crisis that led to the negotiation of the Cripps Mission with the leaders of Indian political parties on the issue. The proposals laid down by Cripps were not acceptable to Ambedkar and M. C. Rajah and they categorically wrote:

the depressed classes would regard it a breach of faith if a constitution was forced upon them by His Majesty's Government which had not received their free and voluntary consent and did not contain within itself the provision necessary for safeguarding their interests (Quoted in Chatterjee 1996:253).

Predicting the consequences of a Constituent Assembly without proper representation to the DCs, Ambedkar felt that in the present circumstances they will be a hopeless minority and caste-Hindus will have the rights to nominate their representatives to the Constituent Assembly and these representatives would be the tools in the hands of caste-Hindus. This will lead to wiping out the safeguards granted to the Depressed Classes in the existing constitution (Moon 1990:336-43).

On October 29, 1942, Ambedkar as a member of Executive Council submitted a memorandum to the Governor-General, containing the grievances of the SCs and the remedies to remove them. It demanded a fixed amount and number of
representatives in different government institutions like the appointment of Scheduled Caste Officer to protect their services rights; representatives on the Federal Public Service Commission; appointment of two representatives of SCs in Central Board of Education; apprenticeship in government printing press and government railway workshop; providing adequate publicity of social and political grievances of SCs and providing a footing in the Government Contracts system in the Public works Department for the SCs (Chatterjee 1996:256-258).

In response to the memorandum, seats in Council of State, an additional seat in Central Assembly, reservation in Indian Civil Services, technical training at railway workshops and school of mines and annual provision of three lakh rupees as scholarship for technical education were provided by the government.

It also extended the benefit of 8½ percent of vacancies in Central and Subordinate Services including Railways to be reserved for them. The age limit was raised by three years and examination fees reduced to 1/4 for them (Ibid:258).

In response to yet another move to solve the Constituent Assembly tussle, the Cabinet Mission arrived in India on March 23, 1946 and Ambedkar told this delegation:

We do not want a Constituent Assembly at all. It would be dominated by the caste-Hindus and the Scheduled Castes members would be nothing more than a small minority which would always be outvoted if a three-quarters or two-thirds majority were required for the Assembly's decisions... Moreover there would be an immense amount of corruption in the Assembly, members would be bought over to vote against the interests of their communities... separate electorates were fundamental since without them, the Scheduled Castes would never have their own representatives (Mansergh 1970:144-47).

The Cabinet Mission did not entertain the issues raised by Ambedkar. Subsequently, the elections were held for the Constituent Assembly and the process completed by the end of July 1946. Here Congress won 206 seats, Muslim League 74, Independent 8, Unionist Party 3, Akali party 3, Communist 1 and the Scheduled Caste Federation (SCF) also got one seat (Chatterjee 1996:262).

The SCF met on June 4, 1946 and demanded that:

(i) The SCs should have the right to be represented in the legislatures through separate electorates,

(ii) The constitution should contain a provision, making it obligatory on the government to undertake formation of separate settlements for the SCs, and,

(iii) An SC member who tops the last primary elections should be made a member of the Advisory Committee and allowed to elect five
other representatives of the SCs in the Committee. It was also conveyed that if the demands were not accepted then it would resort to direct action (Mansergh 1970:808-12).

Ambedkar resisted the proposals of the Cabinet Mission and produced the analysis of the constituent Assembly elections. Addressing a letter to the British Prime Minister he requested the following:

(i) to state openly that His Majesty's Government hold that the SCs were a minority within the meaning of paragraph 20 of the Cabinet Mission's Statement.

(ii) before signing the treaty of cessation of sovereignty, satisfactory safeguards would be provided to SCs to live free from the fear of the majority.

(iii) the Interim Government should have at least two SC representatives nominated by SCF because the Federation alone represented the SCs and representation of Congressman SCs was no representation to SCs (Moon 1991:509-10).

In support of his claim for SCF to be the representative of SCs, Ambedkar produced the figures of December 1945 primary elections where only SCs voted, and the Federation received more votes than the Congress in Madras, Bombay and the Central Provinces (Ibid:529-36). He also sent the data proving that in each province the majority of the SCs votes had gone the non-Congress candidates (Moon 1991:366-75).

Policies for Tribals

The tribal areas were the last to come under British rule due to their inaccessibility. Since the tribals resented that their accessibility to forest wealth was curtailed and violently opposed it. The British adopted a policy of pacification through indirect rule with respect to tribal areas and treated them differently from the rest of the country.

The Scheduled Districts Act of 1874 was enacted to keep large tracts of tribal areas outside the jurisdiction of normal administration. The administration policy was based on non-interference into their affairs. In accordance with the policy, the Government of Madras Province formulated Agency Rules in 1924, and the local chiefs of the tribal areas were recognised by the British government for administrative purposes.

Later on, an Act called Excluded and Partially Excluded Area Act 1935 provided non-applicability of any legislation of the Provincial Governments to tribal
areas except on the direction of the Central government. The Governors were also enabled to pass special regulations for tribals with prior permission of the Governor-General.

With reference to North-East, the British Government by and large followed the policy of non-intervention in customary and economic life of the people. The first Inner Line Regulation was introduced in 1873 for all the districts of the eastern frontiers of Bengal. Land was allowed to be governed with tribal laws and outsiders were prohibited to acquire land in those areas (Pathy 1997:152).

It was also examined that reservations in jobs should be provided to tribal people and subsequently instructions were issued in December 1947, asking the appointing authorities to keep in view the recruitment of tribal people. In 1949, Orders were issued to provide fee and age concessions at par with the SCs (PCWSCT 1953-54:2).

There are three schools of thought regarding the Tribals and the improvement of their condition. The first school believes in protecting them by complete isolation from the rest of India. The second argue for their total assimilation in the national mainstream. The third believes that they should be integrated with the Indian Society but simultaneously their culture should also be preserved for the sake of keeping their identity.

Sri Thakkar Bapa Committee, which was appointed to study the position of Excluded and Partially Excluded Areas Policy of Britishers made many recommendations of which the most relevant had been that the state should bear the responsibility of the Tribal people and protect the Tribal lands and prevent their exploitation by the money-lenders.

**Safeguards for Dalits in the Constitution of India**

As we explained, the British India formulated some policies to uplift the Dalits. The Constituent Assembly discussed Dalit issues in detail and continued some of the previous measures, adding some other provisions in this regard. These provisions can be divided into four major parts:

1) **Policy against Adverse Discrimination**

Abolition of untouchability under article 17 and enforcement of any disability arising out of "untouchability has been made punishable offence in accordance with law" (CAD 29 November 1948:669).
The Constitution has not offered any definition of "Untouchability". But there was a discussion on the subject wherein a member proposed amendment to clause 11 of the Draft Constitution saying that the article sought to prohibit untouchability on the ground of religion or caste (CAD 29 November 1948:665) and not on other matters. Although the proposed amendment was nullified and left for the interpretation of the courts.

The constitution has not merely abolished Untouchability and its practice but its enforcement has also been considered to be an offence as per the law. Subsequently Untouchability offences Act 1995 was also enacted which sought to make some more provisions to punish certain kinds of historically prevalent and patterns of behaviour, which the society at large considered a right to exercise.

2) Policy for Compensatory Discrimination

To bring Dalits in the mainstream of the country, the founding fathers of the Constitutions made some provisions which could empower them and compensate against the discriminations inflicted upon them.

a) Political Reservations

The major breakthrough for the political reservations of SCs took place with the communal Award of 1932 and the subsequent compromise between the Caste-Hindus and the Depressed Classes by the Poona Pact. The award conferred special constituencies to SCs in which they alone could contest. The question was further discussed by the Constituent Assembly and the demand for 'separate electorates' was again raised by Dr. Ambedkar (Shiva Rao 1967:67). However the Constituent Assembly rejected this demand giving way for joint electorates with reserved seats as was agreed under the Poona pact. Thus the Constitution has provided for reservation of seats in legislatures for SC/STs. And Article 330 of the Constitution lays down that the seats shall be reserved in the House of the people for the SCs and STs in accordance with their population except the STs in the autonomous districts of Assam.

The provision for reservations was adopted as a protective measure without which it was apprehended that the SCs and STs would be unable to secure adequate representation in the elected bodies, having neither the resources nor the experience for entering into an open competition in the political process and decision-making. Thus these provisions were included, not merely because they were 'minorities', but
more so on the ground that they had been suffering from social handicaps for centuries together.

The provision for reservation of seats was intended to be purely temporary. Dr. Ambedkar moved an amendment in the constituent Assembly according to which it was to cease after ten years and it was accepted and adopted (CAD August 1949:674). But this period kept extending and recently it was extended till 2010.

Article 332 provides Reservation of Seats for Scheduled Castes and the Scheduled Tribe in the legislative Assemblies of the States. It is also in proportion to the population of these groups in the respective States (except the Scheduled Tribes in the autonomous Districts of Assam). One major difference with regard to Assam's autonomous districts is that no person who is not the Member of the ST of the autonomous district shall be eligible for election in the Legislative Assembly.

According to article 334 the political reservation will cease after fifty years from the commencement of the Constitution, provided that nothing in this Article shall effect any representation in the House of the people or in the Legislative Assembly of a State until the dissolution of the then exiting House or Assembly, as the case may be.

b) Job Reservations

Material benefits are vital for the interests of any marginalised community struggling for the upliftment of their social status. The objective of socio-economic equality was intended to be fulfilled by Article 16 (4) which says "nothing in Article 16 shall prevent the State from making any provision in the reservation of appointments or posts in the services under the State in favour of "backward classes citizens". This is an exception to Article 16 (1) which ensures to provide equality of opportunity to all citizens in matter relating to employment or appointment to any office under the State.

The article 335 specifically provides reservations for SCs and STs in the jobs saying that

the claims of the members of the Scheduled Caste and Scheduled Tribes shall be taken into consideration in consistent with the maintenance of efficiency and administration in the making of appointments to services and posts in connection with the affairs of the Union or of a State.
A time-limit was demanded on this issue by a member H. N. Kunjru in the Constituent Assembly, but it was rejected by it (CAD 30 November 1948). So no time limit was imposed on reservations in the service sector for Dalits.

(c) Educational development

Ambedkar's three commandments, viz., educate, agitate and organize, is a well known political dictum among his fellow community. The 1931 Census records point out that the literacy rate among Depressed Classes was merely 1.9 per cent. Taking stock of the grim conditions of their literacy rate, the Constitution makers under Article 29 of the Constitution made provision that "no citizen shall be denied admission into any educational institution maintained by the State, or receiving aid out of the State funds, on grounds of religion, race, caste, language or any of them".

In addition the provisions under Article 29 (2) specifically mentions that special care will be taken for the educational and economic interests of the weaker sections.

3) Monitoring System

The Constitution-makers were well aware of the fact that the special provisions in favour of SC/STs cannot be implemented properly till there is an authority to monitor the whole issue of their welfare. In this regard Article 338 provided that:

1. There shall be a special officer for the Scheduled Castes and Scheduled Tribes to be appointed by the President.

2. It shall be the duty of the special officer to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled tribes and report to the President upon the working of those safeguards at such intervals as the President may direct and the President shall cause all such reports to be laid before each House of the Parliament.

Article 339 makes provisions for the Union to exercise control over the administration of Scheduled Areas and for the Welfare of STs. It also says that President shall appoint a Commission to report on the administration of the Scheduled Areas and the Welfare of Scheduled Tribes in the States at the expiration of ten years from the commencement of the constitution.

4) Inclusion or exclusive of SCs and STs in/from the List:

Under Article 341 and 342 the President by an order or the Parliament by a law can include or exclude communities of the SC/ST list.
Summary of the Reports of CSCT and NCSCT

Initially, the status of the CSCT was that of Secretary in the Government of India, but the Committee on the welfare of SC/STs in its first report reviewed the working of the office in 1969. Consequently 46th Constitution amendment Bill tried to amend Article 338 by replacing the Special Officer with multi-member SC/ST Commission (James and Reddy 1979:1100-03).

Later on, to strengthen the Commission an amendment was introduced which is known as the Constitution (Sixty-Fifth Amendment) Act 1990.

The present study, being concerned with the role of Parliament in shaping the policies on Dalits between 1985-95, we analyse not only NCSCT reports but also reports of the CSCT that existed prior to 1992 and used to submit its report to the Parliament.

The NCSCT has been bestowed upon with wide ranging powers after the conferment of constitutional status.

Under clause 5 of the amended Article 338, the functions of the Commission can be broadly divided into 4 areas:

1) Investigation;
2) Monitoring;
3) Evaluation; and,

Prior to the 65th Constitutional Amendment, the CSCT and the Commission for SC/STs had some powers to investigate and monitor the functioning of welfare measures for Dalits. But due to the lack of an evaluative system and the lack of well-defined powers they were incapable of suggesting constructive measures to safeguard the interests of Dalits.

The NCSCT not only can investigate and evaluate the provisions but also can participate and advice in the planning process for socio-economic development of the Dalits. It has to associate itself with the Planning commission and various other Ministries in formulation of development programmes for Dalits.

It has been made obligatory for the Central and the State Governments to keep in touch with the NCSCT on major policy matters which affect the Dalit community. With these wide ranging functions and powers, the NCSCT can play an important role in the development of the deprived sections of the society. Recommendations contained in its reports submitted to the President of India have
been widely appreciated, but the lack of their implementation has been lamented by itself (Mathur 2000).

In the following discussion, a summary and analysis of the Reports of NCSCT and the CSCT has been made.

**Recommendations of the Reports of the CSCT and NCSCT**

In its report for the year 1985, the Commission made 43 recommendations. They emphasized implementation of the existing provisions with minor modifications to sharpen the relevant portions of constitutional safeguards. Most significant of these recommendations were to ensure proper representation in group, 'A' & 'B' jobs for Dalits, exchange of SC/STs for each other in case of non-availability of candidates, low cost housing, building opinion against untouchability, providing promotions and other incentives for those government officials who help in registering the complaints of SC/STs, implementation of existing economic programmes, assessment of the working of Scheduled Caste Development Corporation's programmes, growth of various centres in Tribal areas and SC bastis, simplification of Bank loan procedures, appraisals of anti-poverty programmes, etc. Apart from attempts at the strict implementation of existing measures, the Commission recommendations also addressed some policy issues. It suggested to formulate policies for the effective implementation of the continuing welfare schemes. They were:

(i) to provide constitutional status to the Commission and also to vest it with the power of Commission of Enquiry Act 1952,

(ii) the representation of Dalits is satisfactory in groups 'C' and 'D' but not in group 'A' and 'B'. So, the Commission recommended that there should be a 'Special recruitment drive' for vacant posts,

(iii) with respect to the welfare programmes for Dalits such as Special Component Plan (SCP) and Tribal Sub-Plan (TSP), it was suggested that the outlay for them should be in accordance with the population of these sections,

(iv) the traditional mind-set of the authorities has also been addressed. It suggested to prosecute officials found responsible for the abatement of offences against SC/STs,
(v) over the years, the civil courts had been hearing the untouchability related offences. These courts were over-burdened with various cases and thus the cases of untouchability have also been treated in formal fashion by these courts. To avoid the denial of justice to Dalits for a longer period, the Commission in its report recommended to establish special courts to deal with these cases,

(vi) victims of the atrocities have been almost always socially and economically deprived. Thus the commission recommended that for the days of attendance in courts or other government institutions the wages should be paid not only to the victims but also to the witnesses, and

(vii) to transform the process and mind-set of the people it was also recommended that there is need for change in the curriculum and it asked the mass-media to be sympathetic towards the issues of Dalits and provide sufficient coverage to the issues concerning them.

Recommendations of the Commissioner for SC/STs: 1986-91

The Commissioner in its reports for 1986-91 undertook a comprehensive analysis of the welfare measures being carried by the Government of India and various State Governments. The Report for 1986-87 contains 34 recommendations to uplift Dalits. On analysing those recommendations categorywise it was found that of these 34 recommendations, 19 recommendations concern the SC/STs jointly. But the STs remain a major concern of the report, where 14 recommendations exclusively deal with this section and no recommendation was made for SCs specifically.

Table No. 2.1
Section-wise Recommendations 1986-87

<table>
<thead>
<tr>
<th>Area</th>
<th>Joint</th>
<th>ST</th>
<th>SC</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Economic Development</td>
<td>8</td>
<td>6</td>
<td>0</td>
<td>14</td>
</tr>
<tr>
<td>Social Upliftment</td>
<td>8</td>
<td>2</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>Overall/particular</td>
<td>5</td>
<td>5</td>
<td>0</td>
<td>10</td>
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<tr>
<td>Total</td>
<td>21</td>
<td>13</td>
<td>0</td>
<td>34</td>
</tr>
</tbody>
</table>

Source: Reports of the Commissioner for SC/STs 1986.

Concern for Economic Development of SC/STs

Dalit problem is multi-dimensional. Its solution does not lie in one mechanism but in various measures such as social, political and of course economic. The economic
development is considered to be the base for any sort of change. For the economic development of SC/STs, the Commissioner suggested following safeguards:

(1) Check the Land Alienation
(i) the Central Government should prepare a model regulation or law to prevent alienation of land belonging to SC/STs and restore illegally or irregularly transferred lands to them. This law should be stringent;
(ii) there should be no transfer of SC/STs land to individuals from other communities;
(iii) the Prohibition should also apply in case of realisation of dues form SC/STs by the individuals;
(iv) there should be provisions for compulsory restoration of land after the decision of a court in favour of SC/STs; and
(v) if anybody tries to occupy the land within 3 years of the date of retroaction, the person should be convicted.

2) Mechanisms of Land Distribution:
(i) land should be allotted to the tiller. Being the resources for Dalits the lands should not be disturbed;
(ii) the share cropping should formally be recognised under the law and Tiller should be entitled to not less than 2/3 of gross produce;
(iii) wherever land is held by a trust or cooperative society, where all members are not actual tillers of land should be taken over by the State and distributed to the landless people, and the State should assume the responsibility of a Trust;
(iv) there should be drastic reduction in the ceiling limit of land based on the quality of land, productivity and the possibility of the extent of development;
(v) if corporate bodies have excess area, it should be taken over by the State and distributed to the landless; and
(vi) the State should create a fund for Dalits to purchase land and it should be interest-free and recoverable not in less than 10 years time.

3) Improvement in Wages and Working Conditions:
The Union Government has been asked to take urgent measure to improve the working conditions of labour in the unorganised sector, wherein the percentage of Dalit population is high. Some of the specific measures recommended are:
(i) special attention should be paid to economic activities traditionally associated with Dalits,

(ii) minimum wages should be fixed,

(iii) in the case of scavenging, strong measures should be taken, to see to it that the children below 14 do not go for scavenging. Wherever parents are engaged in scavenging, their children should get free education in residential institutions upto the age of 14, and

(iv) there should be established leather co-operatives to remove the contractors. And effort should be made to upgrade the skills and establish strong marketing network for the benefit of leather workers.

4) Job Reservations:
The Government should formulate a comprehensive policy of reservation for SC/STs in Government and Public Sector Undertakings. This include:

(i) comprehensive law on reservations,

(ii) policy which is sensitive to local situation,

(iii) commissioner's advice with reference to dereservation of vacancies in Government should be binding, and

(iv) *safai* work should be organised on Cooperative lines.

There was no reference to reservation in private enterprises.

5) Welfare Measures:
Reservations in employment being limited in its scope of welfare schemes in the form of direct financial help or comprehensive plans for the development of Dalits, have also been recommended by the Commissioner.

They were:

(i) provisions of separate budget for SC/STs and formulating programmes to target the people and not their location in a particular area or State,

(ii) the items in the Tribal Sub-Plan should be comprised primarily of those items which concern the development of tribal people,

(iii) presently, the finances for power and irrigation projects are also taken away form TSP fund, which should come under a separate budget, and
(iv) the Special Central Assistance remaining unutilised at the end of 5 years and it should be converted into Special Education Fund which can be spent on the elementary education of Dalit children.

6) The Government of India has been asked to prepare a 'comprehensive policy paper' for Dalits to ensure equality in all spheres of national life. For this purpose:
   (i) there is need for comprehensive employment generation programme,
   (ii) the economic activities like animal husbandry, poultry etc., a subsidiary occupation to the marginalised sections should be decentralised, according to the needs of local conditions, and
   (iii) small worker-entrepreneur model be adopted and needful financial, technical and organisational support be provided to ensure economic development of Dalits.

7) The Union Government in consultation with the State Governments should prepare a comprehensive plan to extend advantages of opportunities being created in the proposed growth centres and the existing townships to Dalits. For the same purpose the government may create a special fund.

8) There is a need for extension of positive discrimination policy to the non-Governmental enterprises in organised sector getting benefits of institutional finance, apart from various Ministries/Departments/Public Sector Units. The newly emerging assets such as residential houses and commercial complexes being created in private sector in urban centres with the State assistance should have due reservation for Dalits.

9) The suitable measures should be taken to ensure that the Eighth Five Year Plan contains a clear perspective and explicit objective that members of SC/STs under SCP and TSP are able to reach the general level of development within two Five Year Plans.

10) The National Development Council shall look into the consequences of growing 'economic inequality' and 'unrestrained consumerism' and its implications on the socio-economic conditions of Dalits.
Concern for Social Development of Dalits

Social development of Dalits primarily imply the abolishing of the existing discriminatory practices such as untouchability and the safeguarding of civil rights denied to Dalits. Forcing bonded labour and child labour on Dalits, etc. have also been included as social developmental concerns. Apart from statutory measures against adverse discrimination there are some developmental measures like education, health, housing, etc., which may help Dalits to overcome the discriminations structural.

1. In its first recommendation itself, the Commissioner suggested to make Protection of Civil Rights Act 1976 more stringent. The government was urged to support those officials working for equality in the society. Usually, civil servants working for Dalits were transferred for political reasons. Thus, need has been felt to avoid shifting of those officials standing by the poor. The prominent public figures favouring untouchability have been asked to be dealt promptly and their property counteracted through strong legal action.

2. Regarding atrocities, a system of regular review by the District Magistrate on a monthly basis and a similar review by the Chief Secretary at the State level, has been suggested and a report was prepared, to be forwarded to the Commissioner. Thus a three-tier review has been asked to be instituted against the atrocities and discriminations of similar kind.

3. It was also recommended that force should not be used in civil matters related to Dalits. If an officer wants to use 'force' against them then a detailed report should be prepared with full facts of the case and reasons given for use of force. Also, the reaction of people has to be sent to the officer designated by the Commissioner for SC/STs seven days in advance. Any Officer violating those norms shall be liable for penal action.

4. If violations of safeguards for Dalits occur due to wilful neglect by the authorities then appropriate action should be taken. And these cases should get attention of the Central and State Cabinets. Further, a convention should be established or a law could also be promulgated to make reference of such cases to the Supreme Court where the authorities knowingly function in a way that Dalits are denied the constitutional safeguards.

5. There is a need to establish forums at Block, district, State and National levels, which may continue dialogue with the social activists or voluntary
organisations working in the mobilisation of Dalits. And these forums can be used to resolve the conflict situations which may arise from time to time.

6. In the social development of a person, education plays an important role and so the report has asked to give highest priority to education of Dalits. There are four major aspects of this recommendation:

1. Necessary outlays should be earmarked for education in the general outlay for the development of Dalits.

2. There is a need for special programmes in those areas where the literacy rate of Dalits is very low.

3. Various scholarships should be reviewed from time to time according to the 'Cost of Education Index'.

4. Presently, the scholarship is received by the students at the end of the month. But it should reach him/her before the month.

Concern for Overall Development of Dalits

There are a few recommendations of the Commissioner which touch upon both the issue of economic development and Social Upliftment, and also few other aspects which need the attention of the government.

(1) The Ministry of Welfare should function as a 'nodal agency' with the responsibilities of reviewing the poverty alleviation programmes and should look into all matters which have implications for the welfare of Dalits before the matter goes for the consideration of the Cabinet where a final decision is taken. This nodal agency's in-charge in the centre and the State have to be the Prime Minister or Chief Minister respectively, otherwise he/she should occupy the next position in the Cabinet so that they can discharge their duties effectively.

(2) A Status paper on the social and economic conditions of Dalits should be prepared by the Government of India. It should contain the differential positions of Dalits vis-a-vis non-Dalits. For this purpose following measures have been suggested:

(i) each Ministry has to prepare a status paper concerning its responsibilities towards Dalits.

(ii) there is need to look whether a change is necessary in the normal flow of information concerning Dalits.
(iii) The responsibility for various surveys can be bestowed upon the National Sample Survey Organisation as it has necessary mechanism for the purpose.

3) The government may consider to organise a student volunteer corporations, especially of those belonging to the Dalits Community, who may function for mobilising people for participation in the economic activities.

4) The National Development Council has been directed to constitute a Standing Committee voluntarily to consider all the matters having implications for Dalits. This standing Committee has to find out the possible Commissions, aberrations and distortions having impact on the development of Dalits.

5) There is a need to formulate proper procedures for the certification of Dalits in the list. All the claims should be thoroughly examined by a team of experts. For inclusion of various groups in the category, the geographical, historical, ethnic and linguistic dimensions should be examined. The Dalit students should be issued permanent community certificates along with computer numbers to be maintained by the School boards.

As indicated in table 2.1, apart from the common concern for the SC/STs, the report of the Commissioner has dealt with specific measures for STs.

These recommendations are also divided into three parts viz., economic, social and overall development.

**Economic concern for Tribals**

1) A dialogue should be started by the Central Government with the State governments regarding alleged unauthorised occupation of forest land. And effort should be made to associate tribal people in the management of forests as partners.

2) The Special Central Assistance outlay for the welfare of tribal people should be raised. And a separate sub-plan should be formulated for disposed tribal people.

3) The Tribe Sub-Plan should be prepared in a way that there is constant advancement of tribal people. Education, health and mobilisation of tribals for developing their inner strength and enhancing their sense of social position should be the priority. In the Eighth Five Year Plan, the Integrated Tribal Development Projects (ITDP) should implement the programme of the plan from below. Those tribal areas or population facing special problems should be identified for microplans with ITDP.
4) Reasonable share should be ensured in the new assets being created and new enterprises being established:
   
   (a) in Tribal areas 50 percent of assets and enterprises should be earmarked for Tribal people,
   
   (b) if the tribal land be taken by an outsider, the tribal should be associated with enterprise as a share-holder,
   
   (c) all corporate enterprises in tribal areas should have a partnership in the share-holding of tribal people, and
   
   (d) there should be no tax on the ancestral property of tribals.
   
   (e) The Finance Commission should give special attention in Scheduled Areas and the Central Government should give directions to State Governments to provide systematic care for Scheduled areas.
   
   (f) There is a need for an annual review of the administration of scheduled Areas by a Cabinet Committee in the Central Government.

**Concern for Social Development of Tribals**

1. The Central Government should issue directives to State Governments to ensure effective implementation of the schemes of excise, forest credit, marketing and the T. S. P. Time-bound measures should be taken to avoid further exploitation of the tribal people. They should participate in the management and development of social forestry.

2. The development of primitive tribal communities should be streamlined so that the left out population of tribals are also included in the development programmes. An expert group may be constituted for the same purpose. The All India Institute of Medical Sciences and the National Institute of Nutrition may also be asked to provide help for the biological survival of the primitive tribes.

**Concern for Overall or General Development of Tribals**

1. All the ongoing projects for the tribals and also the pending ones should be reviewed and it should be ensured that all safeguards provided for them in the constitution are honoured in the real spirit. And they should not remain unrepresented simply because they do not have the necessary equipment to articulate their cause. A national consensus and policy frame need to be developed regarding
their access to and command over resources and their displacement for 'development' purposes.

2. To extend ordinary laws to Scheduled Areas, a suitable procedure should be adopted so that a regular review can be done. And the adaptation of those laws may be considered by the Supreme Court in case of non-actin by the executive.

3. In the Scheduled Areas, comprehensive regulations for the maintenance of peace and ensuring good administration such as single line of administrative authority, a special code for conduct governing the public servants, suitable institutions at village level which are answerable to the people in accordance with local customs, etc. Should be put in place. They should work as protection against backlash of development.

4. Though the Finance Commission accepted the compensatory measures for officials working in adverse conditions of tribal areas in principle. The government should work on preparing a graded comprehensive scheme of incentives, taking into account the inaccessibility of the places of posting and the kind of the social services available in such areas for the officials.

5. Panchayati Raj Institutions should be established in consonance with the traditions of tribal people. The Panchayat Institutions should shoulder wider responsibilities covering everyday life and the management of local resources, particularly land and the forest.

**Recommendations of the Reports of the Commissioner for the SC/STs 1987-1991**

Since the Commissioner from 1986-91 was the same person, the recommendations for 1986-87 cast a major shadow on the following years also.

The 1987-89 report can be termed to be general in comparison to 1986-87 report that touched upon even the minute elements that needed the attention of the government. In this report, the emerging scenario at all the India level has been analysed. Here it was observed that a dualistic system as rapidly gaining ground which hampered the interests of under-privileged sections of the society.

During this period the social consciousness among the deprived sections was fast growing. The emergent contestation for power and resources at the social level resulted in an intractable problem of law and order for the state. In this context, the Commissioner's opinion that some laws created by the State, particularly where the
state was encroaching into the rights of tribal people's lands and forests, were not in accordance with the spirit of the constitution. Further he asserted that there is no use of specific recommendations, when the foundation of the system itself is faulty.

Even as the above observations were being made, the Commissioner came up with the following recommendations in the Report for 1987-89:

1. There is need to restructure the legal-framework in a way that the life of the common man occupies a central theme in it. And all the unconstitutional elements, particularly those concerned with the command over resources, ownership of means of productions and entitlement of labour should be identified and replaced.

2. A profession-providing livelihood to the common man should be recognised as his/her right and the State should protect that right.

3. A system of self-government need to be established in tribal areas the management day-to-day affairs.

4. The State should refrain from using force against the peaceful struggles of the people. And the people's resolve to create and perpetuate the systems based on their basic values should be honoured.

5. The developmental paradigm needs to be redefined so that those are in harmony with the prevailing conditions.

6. The substance of all policies should be in consonance with the solution of the common man's day-to-day problems.

The report has expected a serious discussion at the national level on the fundamental questions regarding human rights, democratic values and constitutional schemes. It has also expressed hope that decisions will be taken in a manner that the dreams of the Constitution's founding fathers can be realised.

The 1989-91 report has been basically a correspondence of the commission with the Prime Ministers, Lok Sabha Speakers and the President of India. The issues raised in 1986-87 and 1987-89 reports are found to be repeated here as well. The report also regret the lack of prompt response from the government's side in the implementation those recommendations.

The appointment of the Commissioner under article 338 also takes prominence in the report. It has been suggested in this report that the Commissioner's Office should be kept away from political rivalries and the
incumbents should not have party affiliations. This was felt necessary in order to maintain sanctity of the office and discharge the duties without the fear of changing political colours of successive governments.

**Recommendations of the Reports of the National Commission for SC/STs 1992-95**

After the 65th Amendment Bill, the NCSCT has been established. It submitted its first report for the year 1992-93 on 15 August 1994 to the President of India. Later on reports for 1993-94 and 1994-95 have also been submitted. The following is the summary of recommendations by the NCSCT:

**Education**

In its first report the National Commission asked for:

(i) special coaching for Dalits,
(ii) collecting exact figures about their education,
(iii) checking drop-outs in education;
(iv) enhancing the scholarship according to the price-index; and,
(v) motivation of those children for education whose parents are working in 'unclean' occupations.

In the Second Report, the central theme has been

(i) higher education of Dalits, and Universities and the HRD Ministry should find out the causes of poor representation of Dalits in Colleges and Universities,
(ii) revision of merit list by Ministry of Health and Family Welfare, and
(iii) to take prior permission from the National Commission for changing any policy with regard to the Dalits.

The 1994-95 report asks:

(i) to develop a perspective plan for ensuring equal standards of education for Dalits in comparison with general category,
(ii) use of such a language which would facilitate Dalit children's acquisition of knowledge from the vast expanse of print and visual media,
(iii) to evolve a National Education Policy wherein primary schools should be opened in tribal areas on priority basis,
(iv) developing communicative skills among tribals; and,
(v) establishing residential schools for Dalits and developing a support system for Dalits in education. In higher education the government aided institutions which do not provide admission to Dalits should be directed to do so and the government should earmark remedial courses and scholarships for higher education.

Apart from the above measures HRD Ministry has been asked,
(i) to monitor the comparison between Dalits and non-Dalits,
(ii) provide monetary and non-monetary incentives to Dalit students, and
(iii) to encourage NGO’s to establish schools in Dalit dominated areas.

Adverse Discrimination or Atrocities

In its first report the National Commission has also suggested the measures to be taken for the effective implementation of the Prevention of Atrocities Act (PAA). They were:
(i) the Postmaster can be assigned the duty of telegraphically sending the complaints of the victims,
(ii) act to be made part of examinations, regulations and orientation courses,
(iii) publicising it through mass-media and NGOs,
(iv) identifying the atrocity-prone areas,
(v) making local administration more vigilant,
(vi) setting up special courts to dispose of the criminal cases quickly, and
(vii) providing a relief of one lakh to the victim of atrocities.

It was also suggested as a matter of policy that the subject of atrocities should be transferred to the Home Ministry from the Welfare Ministry, which is the case at present.

The Second Report asked for a series of studies to be carried out on the working of special courts, atrocity-prone areas, relief distribution to the affected person, disposal of cases by the police and courts vis-a-vis problems faced by the victims. It recommended that SHOs to be trained to implement the PAA properly.

The 1994-95 report also recommend for the speedy implementation of PAA in its true spirit.
Economic Development

The report for 1992-93 recommends to fix up higher proportion for TSP and SCP in the plan outlay than the population of Dalits. It also proposes that PAA can be used to settle the land-related disputes. It opinions that the employment generation programmes need to be given priority for some more years till the Dalits get economically stabilised. It also asks for speeding up the pace of implementation of development programmes for Dalits.

The suggestions of the report on the implementation of reservations in case of recruitment are significant:

(i) Dalits falling into the merit list should not be considered against the reserved quota,
(ii) it asks for ending the practice resorting to direct recruitment where Dalit candidates not available for promotion; and,
(iii) reviewing the procedure of writing the CRs of Dalit officers.

The Report for 1993-94 required the government: (i) to direct thrust of planning towards Dalit sections in rural India and asks the central ministries to give an account of programmes/schemes undertaken; and (ii) stresses the need to identify the poorest of the poor and direct the benefits of Employment Generation Programmes to them.

On the land question it suggested:

(i) to bring down the land ceiling in States as far as possible,
(ii) to set up land tribunals to expedite the cases of disputes,
(iii) Financial assistance to the allottees;
(iv) the Ministry of Rural Development should urge the State to report the progress with respect of alienation, restoration and possession to land given to Tribals; and,
(v) to check the illegal transfer of tribal land to the non-tribals. It also suggested that if there is a provision to transfer land with permission from competent authorities, such provision should be deleted from the legislations.

In respect of safeguards in recruitment in the public sector the report has recommended:

(i) proper implementation of reservations in Universities and colleges and suggested amendment law UGC and University Act, if need be,
(ii) further it went on record suggesting that in the absence of Dalit candidates the non-Dalit should have ad-hoc appointment, not permanent,

(iii) it did not favour any reservation, and asked to fulfill the backlog and clearly mention the number of reserved seats;

(iv) In case of litigation regard appointment of Dalits candidates if a case is decided in favour of the candidate then the management should be prohibited to go for appeal,

(v) seventy five percent sweeper posts to be reserved for those engaged traditionally in the occupation,

(vi) those engaged in scavenging can be diversified to group 'D' services; and,

(vii) PSU executives/ Directors should invite Dalit Unions to address their grievances.

The verification of the caste certificates of Dalits was also paid attention to here. It was suggested that i) Dalit women's identity be decided on the basis of her father's identity and not that of the husband; and, ii) completion of verification of certificates has to be done within three months to avoid harassment to Dait candidates.

The 1994-95 report on economic front has repeated its previous recommendations apart from the need:

(i) to review the functioning of Scheduled Caste Development Corporations and Tribal Development,

(ii) to provide education and accommodation facilities to the employees working in tribal areas,

(iii) to monitor the NGOs working in tribal areas,

(iv) to have a radical departure with regard to the Tribal Sub-Plan,

(v) to convert Integrated Tribal Development Projects in to ITD Agencies and their registration as societies so that they could be subject to an internal evaluation system,

(vi) to address the water problem in North-east, and

(vii) upgrade skills and technology to control drought conditions in the predominantly tribal districts of Kalahandi and Nuapada of Orissa.

On reservations in Public Service it has been directed:

(i) to have a special recruitment drive for group 'A' and 'B' services,

(ii) to ask the Liaison officers to inspect the maintenance of the Roster System and suggested that they should be made responsible for the its maintenance,

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(iii) to provide a respectable status to SC/ST employees, and
(iv) to embody the main principles of reservations in the Act of Parliament to avoid its violations.

This report discussed the problem of the flow of 'fake' certificates being used by non-Dalits at length and suggested that steps be taken to alter the methods of issuing the same. The non-Dalits have been using fake certificate to get jobs in the government sector and for admissions in the educational institutions as well.

The 1994-95 Report of the National Commission also recommended some significant suggestions in the field of analysing the impact of constitutional safeguards for Dalits through 'Research and Evaluation Studies'.

The analysis of the above recommendations shows distinctions between the reports prepared in the pre-constitutional and post-constitutional status of the National Commission for SC/STs. The CSCT reports have raised some major policy issues whereas NCSCT Reports emphasis was on the implementation.

The PCR ACT 1976 has been asked to be make more stringent so that it could put a check on the multiplication of atrocities. The formation of a regular review Committees, not only at the Central but also at the State, District and Block levels forms the major part of the recommendation on violation of civil rights of Dalits. Willful negligence on the part of the concerned officers with respect to atrocities on Dalits is suggested to be dealt with strictly. In its post-constitutional status, the National Commission recommends to implement the Prevention of Atrocities Act 1989 effectively. It has been suggested that as Dalits are scared to approach the police in case of atrocities, the Postmaster of the area could be asked to receive the complaint of the victim and he/she in turn should send it to the competent authority. Setting up of special courts and training the officials to implement the act also been emphasised for the success of the policy.

In the previous reports, the need to formulate a comprehensive policy on reservations in jobs has been emphatically recommended so that the Non-Government Organisations also provide proper representation to Dalits with the Government's institutions and ministries to be made able to fill up the backlog. But in the latter reports, proper implementation of the reservation policy in PSUs, Colleges and Universities, going for Special Recruitment measures and appointing Liaison officers has been recommended.

On the educational front, the earmarking of necessary outlays for the educational development of Dalits and complement the Cost of Education Index and the Scholarship was emphasised by CSCT reports whereas in the latter reports,
provision for special coaching, checking drop-outs and motivating the children of parents engaged in the 'unclean' occupation has been recommended. A major policy issue finds place in the latter reports where the government has been expected to formulate policy for the admission of Dalit children in the Government added schools and seeking prior permission from the National Commission, while changing any policy on education that concerns Dalits.

The Commissioner in its 1986-87 report gave special attention to the upliftment of the tribals and recommended that the Finance Commission should pay special attention in the Scheduled Areas; participation of Tribals in the management and development of social forestry; reviewing ongoing projects for Tribal development; and above all, making 'single line administration' and special code of conduct making it compulsory for government personnel to work in the Tribal areas has been emphasised. But the latter reports recommend not any policy changes but proper implementation of the existing ones.

Few of the other significant policy concerns of pre-constitutional National Commission include:

(i) a status paper on the Socio-economic conditions of Dalits,
(ii) asking National Development Council to constitute a Standing Committee on Dalit issues,
(iii) making the Welfare Ministry a nodal agency for poverty alleviation programmes; and finally it has been recommended that the substance of the policies must be in consonance with solution of the common man's everyday problems.

After being granted constitutional status, the National Commission for SC/STs touched the areas generally discussed in the previous reports, such as establishing land tribunals, monitoring of NGO's functioning for the development of Dalits and reviewing the functioning of SC/ST Development Corporations.

Thus policy areas find more discussion in the pre-constitutional National Commission with minor modifications and changes in the latter phase.

**Summing Up**

The reports once tabled on the floor of the House are discussed by the legislators. These can be then utilized by both the MPs and the government in as inputs for in policy formulation. On the basis of above analysis, a framework of policy inputs emerges that broadly includes the following issues:

1. To provide constitutional status to the Commission for SC/STs
2. Special recruitment drive to fulfill the backlog
3. To rationalize land distribution mechanisms and setting up of land tribunals for checking the land alienation.

4. Making Protection of Civil Rights Act more stringent to check atrocities. It could include:
   - action against erring authorities,
   - review panel comprising District Magistrates and Chief Secretaries,
   - setting up special courts,
   - identification of atrocity-prone areas.

5. Special educational programmes

6. Ministry of Welfare to become nodal agency for the Welfare of SC/STs

7. Policy of positive discrimination in government funded NGOs and other government aided private institutions.

8. Special policies for tribals. These should aim at the following:
   - not to acquire their land without consensus,
   - constitution of a commission on the administration of Scheduled Areas and welfare of STs,
   - to provide share in newly created assets and enterprises in tribal areas,
   - no use of force against their struggles,
   - to review all the ongoing projects in tribal area.

9. Comprehensive changes in overall system,
   - status paper on Dalit development,
   - prior permission of NCSCT to change present policies,
   - National Development Council to constitute Standing Committee on Dalit aspects,
   - research and analysis studies to examine impact of welfare programmes,

10. Scavengers to be promoted to group 'D' jobs,

11. To legislate new Act to embody main principles of reservations

These issues need to be examined while looking into the legislative deliberations because they are indicative of contemporary policy needs of Dalits due to the position of NCSCT in the overall legal and political sphere.