

## CHAPTER II

### APPROACH TO THE REPORT

#### Introduction

The National Commission for Scheduled Castes and Scheduled Tribes believes that, besides effective implementation of safeguards and development programmes for these communities, there is a need for improving the awareness in the society and awakening its conscience for contributing towards the accelerated socio-economic development of the SCs and STs, who have suffered deprivations for centuries. For the development strategy to be effective, each component of Indian Economy and the Society must work towards the common goal to empower these Social Groups for bringing them in the mainstream. The National Commission seeks to approach the problems of SCs and STs by shifting existing emphasis from charity/subsidy to promoting their creativity and building up capability, capacity and confidence among them. This approach of development requires their participation and involvement in decision making process for providing them gainful employment and access to basic needs. In its Fifth Report, the Commission would focus on participation of SCs and STs in decentralised governance, planning and development, Access to Minimum Basic Needs and issues relating to creation of employment opportunities for these communities, and awareness building about their constitutional safeguards through print and electronic media. These issues and concerns which have surfaced from the observations of the Commission through its State Level Review Meetings, discussions with various institutions and evaluation of socio-economic status of SCs and STs through various studies, need to be approached objectively, systematically and with a sense of compassion and commitment. Against this backdrop, a brief account is given of the approach, objectives and methodology adopted in different chapters of the Report.

#### Panchayati Raj and Decentralised Governance

2.1 One of the important reasons for SCs and STs not getting full benefit of 50 years of planning and development has been their inadequate participation in planning and implementation of economic development programmes and the promotion of social justice, particularly at the decentralised level. The 73<sup>rd</sup> Amendment to the Constitution, vide its Article 243D, has reserved seats for membership and chairpersonship for SCs and STs, including women belonging to these Groups, at all tiers of the Panchayati Raj System in the country. This is an important step towards empowering socially and economically deprived sections of society as it would enable them to participate in decision making. Elections to the Panchayats in most of the States were held during 1995-96. In these elections, about 34 lakh elected representatives have become Members and Chairpersons at three tiers of the Panchayats across the country. Of the total elected representatives about 7.50 lakhs are SCs and STs of which about 2.5 lakhs are women belonging to these Groups.

2.2 Article 243 G of the Constitution envisaged that the Legislature of the State may endow the Panchayats with such powers and authority as may be necessary to enable them to function as institutions of self government and such laws may contain provisions for the devolution of powers and responsibilities upon the Panchayats at the appropriate level subject to such condition as may be specified with respect to :

- i. Preparations of plans for economic development and social justice.
- ii. Implementation of schemes for economic development and social justice, as may be entrusted to them, including subjects listed in the 11<sup>th</sup> Schedule (ANNEXURE 2.I). The 11<sup>th</sup> Schedule contains a list of 29 subjects ranging from Agriculture to Maintenance of Community Assets. It may be seen from the 11<sup>th</sup> Schedule that almost all the basic needs like health, education etc., are in the domain of the Panchayats. This casts a heavy responsibility upon the elected representatives.

2.3 Besides, the provisions of the Constitution (73<sup>rd</sup> Amendment) Act have also been extended to the 5<sup>th</sup> Schedule Areas as per the provision of the Panchayats (Extension to the Scheduled Areas) Act, 1996. The Extension Act has empowered the Gram Sabhas or the Panchayats to protect and promote their traditional values, rights, resources and environment.

2.4 However, keeping in view the hierarchical caste system and the prevailing economic inequality in the rural areas, it might be a difficult task for the SC and ST elected representatives to function effectively in the Panchayats. In the light of experience gained so far with regard to their participation in the Panchayats, the focus in this chapter will be on whether the deprived sections have started to exert some influence in the functioning of the Panchayats or whether the traditional forces are still hindering their active participation. Focus will also be placed on the extent to which these disadvantaged and deprived sections of society have found Panchayats to be effective platforms to ventilate their grievances and in seeking social justice. The report would examine the impediments in the path of their empowerment and the steps the Centre and the States have taken to enable the SCs and STs to participate in the Panchayats effectively. Besides, extent to which SCs and STs, including women belonging to these Groups, are feeling empowered to address their problems in their respective areas and jurisdictions, will also be analysed.

#### **Provision and Access to Minimum Needs**

2.5 The capabilities, capacities and confidence among SCs and STs can be built up and sustained by providing better education, better health facilities, safe drinking water, housing, good quality roads and better sanitation and cleanliness.

2.6 Access to these facilities would lay the foundation for integration of these Groups in the mainstream. It may be recalled here that the Scheduled Areas and Scheduled Tribes Commission had recommended as far back as in 1960-61 that concentration should be on economic development, education, health and communication in the Tribal Development Blocks. If the targets had been fulfilled in all Tribal Development Blocks and the implementation of the necessary protective legislations had been effective, the objects of the Fifth Schedule would have been achieved and it could be conveniently abrogated (Report of the Scheduled Areas and Scheduled Tribes Commission, Vol. I, 1960-61). But the reality is that, over a period of time, the inequality in socio-economic development, between Scheduled Areas and other areas, instead of narrowing has widened.

2.7 Emphasising the importance of literacy, Jean Dreze and Amartya Sen commented that "the flourishing of local participatory politics has been greatly slowed down by low levels of literacy and basic education. Literacy obviously helps people to understand the functioning of the system, to deal with the Government bureaucracy, to be aware of their rights, to understand and tackle new problems and to achieve other

abilities, that are important for an effective role in local politics" ( Drenze and Sen 1995.p-106).

2.8 The State Chief Ministers conference held in New Delhi in July 1996 resolved to provide the following Basic Minimum Services by the turn of century for the uplift of poor and deprived: (i) Provision of safe drinking water in rural and urban areas (ii) Primary health services in rural and urban areas (iii) Universalisation of primary education (iv) Extension of midday meal scheme (v) Public housing assistance to shelterless poor families (vi) Connectivity of all villages and habitations and (vii) Streamlining of the public distribution system (PDS) with focus on the poor.

2.9 This chapter will examine the extent to which such Basic Needs have been provided to SCs and STs so far. The Commission strongly feels that strong public action alongwith Governmental efforts are essential for effective coverage and improving the quality of delivery of these Basic Services. The methodology of the Commission in examining the Minimum Needs issues would be a critical examination of the level of allocation, expenditure and physical achievements of the Central and State Governments and whether they have taken any special measures for providing these services to the SCs and STs.

2.10 As population growth among SCs and STs has a bearing on providing access to basic needs as well as overall development of these Groups, measures to check their population growth will also be focused upon in this chapter.

### **Employment and Income generation**

2.11 Employment and Income generation through various programmes have always been one of the main planks of planning since its inception. But till the Third Five Year Plan, the emphasis had been on a growth oriented approach assuming that the fruits of development would "trickle down" to the masses and thereby alleviate their poverty. However, the fruits of growth did not trickle down to the masses as assumed. Even the Green Revolution bypassed most of the SCs and STs and the backward areas. Hence, during the Fourth Five Year Plan, the approach of removing poverty was modified. Special programmes were initiated to benefit the poor and backward areas. As poverty is an indivisible phenomenon, a variety of programmes were launched over a period of time for alleviating it. In this chapter the strategy for removal of poverty would be examined critically to assess the extent to which these programmes have succeeded in reducing poverty amongst SCs and STs through employment generating schemes.

2.12 The problem of providing employment opportunities is becoming increasingly difficult as elasticity of employment to Gross Domestic Product (GDP) has been decreasing. For example, it may be seen from ANNEXURE 2.II that the elasticity of employment to GDP for all Sectors has come down to 0.40 during 1993-94 from 0.59 during 1972-73 to 1977-78. Sector-wise figures show that except for Construction and Finance, Real Estate, Insurance and Business Services, the elasticity of employment has decreased in all the sectors. It may be mentioned here that during the 9<sup>th</sup> Plan period the elasticity of employment-to-GDP ratios has been projected at a lower level compared to the decade 1983-94 to 1993-94. Although this trend does not necessarily depict the employment position of the SCs and STs, it certainly indicates the grim position of employment opportunities in the years to come. This will have a particularly adverse impact on SCs and STs. In such a situation it has become important to provide employment for SCs and STs in those sectors of the non agricultural economy where the elasticity of employment to GDP is higher than in other sectors of economy, as there is



not much absorption capacity in agriculture sector where most SCs and STs are engaged today.

2.13 Employment and income generation among SCs and STs may also be seen in the light of the new economic policy adopted in July 1991, which has adversely affected the SCs and STs. S.P. Gupta, using the NSSO estimates and based on the method suggested by the Expert Group of the Planning Commission, has estimated that the poverty ratio in the rural sectors dropped from 57 percent to 35 percent between 1970-71 and 1990-91, but moved up to 41.71 percent in 1992 (Gupta, 1995 p-1296).

2.14 This study indicates that after the induction of the New Economic Policy, poverty has increased but it does not indicate its impact on SCs and STs as a major sub-group of the poor. However, the study of the Central Statistical Organisation "Counting the Poor" clearly indicates that of all the poor households, STs which accounted for 14.6 percent in 1987-88 fell negligibly to 14.4 percent in 1993-94. SC households which accounted for 24.72 percent in 1987-88, have increased to 28.24 percent in 1993-94, while the other households formed a lower proportion of the poor households in 1993-94 (56.74%) compared to 1987-88 (60.65%). What is true for the rural sector is also true for the urban sector. It can be said that relatively SC households have fared worse than other categories of households throughout the country in both rural and urban sectors (Dubey, and Gangopadthaya 1998, p-48). In the light of experience gained so far it would be studied as to whether the Government has made any efforts to offset the adverse impact of the New Economic Policy on SCs and STs and suitable measures will be suggested for achieving this objective.

2.15 The problem of educated unemployed is quite serious among SCs and STs. In the present and emerging situation, where Government jobs are shrinking, the only alternative appears to be to make the educated unemployed skilled in different trades and commerce so that they could be absorbed in the secondary and tertiary sectors of the economy. This will not only provide them gainful and sustained work but also enable them to join the mainstream of development. An assessment would be made in the report as to what steps the Government has taken to develop an environment for building confidence among them by way of upgrading their skills and giving technological support to them for exploiting existing technical know-how and experiences.

2.16 Dissemination of state of art technologies impacting positively on rural infrastructure, micro enterprises, cottage and small scale industries in the rural and urban areas for ensuring sustained employment and incremental incomes is a sine que non for overall development of SCs and STs. This Commission strongly believes that technologies must be disseminated and transferred through establishing Rural Technology Demonstration Centres across the country and particularly in Tribal and Scheduled Caste dominated areas. In rural area this work can easily be done by the network of more than 500 Zilla Panchayats and more than 5000 Development Blocks across the country. Besides, these Centres could help in upgrading technologies for value addition relating to the present products which are being produced by the TRYSEM and DWACRA Groups. Such interaction between these Centres and the beneficiaries would enhance their incomes, for replication of output levels and ultimately help in improving their quality of life. Issues regarding Employment Assurance Scheme as discussed in the meeting of the Commission held on 21<sup>st</sup> June 1999 shall also be highlighted in this Chapter. Besides, the problem of poverty alleviation shall also be focused in the light of the recently

restructured employment and income generation schemes, like Sawaranjayanti Rozgar Yojana by the Ministry of Rural Development with reference to SCs and STs.

2.17 Replication and diffusion of successful measures such as the Operation Barga in West Bengal to other States for providing land rights for SCs and STs in rural areas is essential. This will not only enhance their incomes but also improve their status in society which is essential for bringing them into the national mainstream.

### **Service Safeguards**

2.18 While participating in the Lok Sabha Debate on withdrawal of Office Memorandum pertaining to Reservation of SCs and STs in Services on 18.3.99, Dr. Subramanian Swamy pointed out that "reservation is not an atonement or a concession by the upper castes to the Scheduled Castes. It is a part of a social contract signed by none less a person than Mahatma Gandhi in 1932 with Dr. Babasaheb Ambedkar when he voluntarily, on behalf of the Scheduled Caste community, gave up separate electorate which the British had mischievously tried to bring and divide the country. That great act of sacrifice led to the Pune Pact and from there flows the reservation. Hence, reservation is not something that we are giving them. It is a part of a social contract and that contract must be honoured. It is because of honouring this contract that we are today such a united country." (Lok Sabha Debate pp- 9877-78). The provision of reservation in Service for SCs/STs was made in the Constitution under Article 16(4), 16(4A), 335 and 320(4) to give opportunities to them for equal participation in governance and administration of the country. But even after 50 years of independence, the representation of SCs and STs in various Departments and PSEs of Government of India and in many of the State Governments has not reached the prescribed level.

2.19 The Five Orders issued by DoPT in 1997 further diluted the reservation policy by withdrawing a number of facilities that were available to SCs and STs. This has been agitating the minds of the SCs and STs who organised a number of public meetings against these O. M.s. The Lok Sabha was also rocked on 18.4.99 when most of M.Ps, irrespective of their party and caste, had shown their concern on this issue. The consensus that emerged among the MPs was that a permanent solution to the problem lie in putting reservation in Ninth Schedule of the Constitution.

2.20 Keeping in view the seriousness of the problem, the Commission submitted a Special Report on the Reservation Issue to the President. Thus, this year the Commission shall focus on important services cases taken up by the Commission during the reference period and the issues that still require attention of various Departments and Ministries for fulfilling reservation quota.

### **Atrocities**

2.21 It is observed that with the increase in awareness among SCs and STs about their rights, violence on them has also increased. This appears to be a natural phenomenon as SCs and STs have started asserting themselves in day to day life while others want to continue their suppression, which has resulted in violence. Various legal provisions have been made to deal with those who commit atrocities on SCs and STs.

2.22 Keeping this in view, the Commission has proposed to examine the effectiveness of the Special Courts and role of the Police and the Administration in dealing with the problem of atrocities on SCs and STs. Some important cases dealt by the Commission will also be highlighted in the Report. Case studies on implementation of POA Act, in UP and functioning of Special Courts in MP have been conducted and the

findings of these studies will also form part of this Chapter. The Group atrocities which took place in Bihar and other parts of the country will also be focused in order to recommend policies for preventing such cases.

### **Main Issues in Tribal Development**

2.23 Several State Governments are considering relaxation of ceiling limits of land to enable the private sector to participate in commercial farming in the wake of economic liberalisation. For example, the State of Karnataka has relaxed the ceiling on horticultural land and the State of West Bengal is considering doing so in regard to fish ponds (Government of India M/o RA&E p-30). This is a dangerous trend from the tribal angle as it would mean that the tribals would lose their community resources, which would worsen their already poor economic position since employment opportunities in non-farm sectors for landless are not adequate. The alternative arrangements initiated by the Govt. for providing employment to the tribals will be examined in this chapter.

2.24 Further, keeping in view the strategy of market led growth, appropriate technology, infrastructure and organisational support for credit, marketing, storage and transportation needs will be discussed to enable small and marginal farmers among the STs to generate sufficient income which could keep them above the subsistence level.

2.25 Horticulture, Sericulture and Aquaculture are emerging fields for creating employment opportunities for tribals. Here, it would be examined what efforts the government have made towards developing these areas for tribals.

2.26 The present strategy of removal of poverty among the tribals has not paid desired attention to the institutional issues which have a significant bearing on raising their economic status. The Steering Group on Poverty Alleviation & Area Development in Rural India for the Ninth Five Year Plan also felt ".... that some existing policies/laws were anti poor and therefore posed as an anti thesis of the development process. There was a strong case to review the existing policies which impinged on the interest of the poor". ( Planning Commission, 1997, p.p-22-23). For this purpose, a sub-Group which was constituted under the Chairmanship of Dr. N.C. Saxena, had identified of certain laws and policies which need to be reviewed. An attempt will be made to examine as to what extent the identified laws and policies have been made poor friendly.

2.27 In the light of extension of provisions of Constitution (73<sup>rd</sup> Amendment) Act to the 5<sup>th</sup> Schedule Areas, it is important to investigate whether the powers and functions given to the Gram Sabhas or the Panchayats have been operationalised by the respective State govts. Because the preliminary investigation, done by CSD ( Council for Social Development ) in Orissa revealed that the State Govt. has acquired tribal land for the Alumina Project in Raygada district without the approval of Gram Sabha (CSD 1999 ). Similarly, in Madhya Pradesh, a report appearing in the Pioneer discovers that Government has grabbed land from tribals for World Bank Project in Pati Block of Barwani district. Hence, based on available information, it would be examined as to what extent the provisions of the Extension Act has been operationalised in protecting the interests of the tribals.

2.28 As Tribals do not get remunerative prices for their produce, marketing network through their co-operatives need to be created in the tribal areas. Example of marketing of tamarind in tribal dominated Bastar district in Madhya Pradesh is worth mentioning in this connection where, through co-operative societies, tribals have fetched almost four times more prices as compared to last year's price. Commission recommends such co-operative network across the country for all forest produces such as mahua, chironji, kosa,

honey, tendu leaves and sal seeds so that tribals can get remunerative prices .Value addition activities may also be undertaken for creating additional employment in these areas.

### **Summing up**

2.29 Though the SCs and the STs have benefitted from 50 years of planning and development, it has been far less than what was intended or expected. The inequality between SCs and STs and others has been persisting. Problems have further accentuated as inequality in intra SCs and STs has also been growing. Hence, there is a out cry among SCs and STs against others (i.e. non SCs and STs) as also different SC communities for not having their fair share in governance and administration of the country. In such a situation, besides creating employment opportunities for them, their access to Basic Minimum Services for enhancing their creativity, capability, capacity and confidence building is essential. Hence, the Commission emphasize on dealing with these issues through public action and participatory democracy.



**ELEVENTH SCHEDULE****(Article 243-G)**

1. Agriculture, including agricultural extension.
2. Land improvement, implementation of land reforms, land consolidation and soil conservation.
3. Minor irrigation, water management and watershed development.
4. Animal husbandry, dairying and poultry.
5. Fisheries.
6. Social forestry and farm forestry.
7. Minor forest produce
8. Small scale industries, including food processing industries.
9. Khadi, village and cottage industries.
10. Rural housing
11. Drinking water.
12. Fuel and fodder.
13. Roads, culverts, bridges, ferries, waterways and other means of communication.
14. Rural electrification, including distribution of electricity.
15. Non-conventional energy sources.
16. Poverty alleviation programme.
17. Education, including primary and secondary schools.
18. Technical training and vocational education.
19. Adult and non-formal education
20. Libraries
21. Cultural activities
22. Markets and fairs.
23. Health and sanitation, including hospitals, primary health centres and dispensaries.
24. Family welfare
25. Women and child development.
26. Social welfare, including welfare of the handicapped and mentally retarded.
27. Welfare of the weaker sections, and in particular, of the Scheduled Castes and the Scheduled Tribes.
28. Public distribution system.
29. Maintenance of Community Assets.



## ANNEXURE 2.II

### ELASTICITY OF EMPLOYMENT TO GDP

Employment Elasticity						
Sector	1972-73 to 1977-78	1977-78 to 1983	1983 to 1987-88	1987-88 to 1993-94	1983-94 to 1993-94	1997 to 2002
			Actuals			Projected
1. Agriculture*	0.75	0.45	0.45	0.53	0.50	0.50
2. Mining & Quarrying	0.94	0.80	1.00	0.39	0.67	0.60
3. Manufacturing	1.00	0.67	0.29	0.42	0.33	0.25
4. Electricity	1.00	0.73	0.73	0.33	0.50	0.50
5. Construction	0.33	1.00	1.00	0.00	1.00	0.60
6. Wholesale & Retail Trade	1.00	0.78	0.63	0.59	0.60	0.55
7. Transport Storage & Communication	0.74	1.00	0.25	0.68	0.47	0.55
8. Financing, Real Estate, Insurance & Business	0.00	1.00	0.11	1.00	0.90	0.53
9. Community, Social and Personal Services	0.73	0.83	0.27	0.92	0.59	0.50
All Sectors	0.59	0.53	0.38	0.43	0.40	0.38

\*On the basis of 3 year moving average of GDP at 1980-81 prices.

Source: Ninth Five Year Plan, Volume-I, Government of India, Planning Commission