PREFACE

Having closely interacted with a large number of Government Organisations, Non-Government Organisations, peoples representatives at various levels, the Commission cannot help coming to the conclusion that inspite of specific provisions made in the Constitution for overcoming the socio-economic disabilities of the SCs and STs, several legal and policy initiatives, institutional network and considerably large financial allocations, the results achieved in terms of bringing the Scheduled Castes and Scheduled Tribes to the national mainstream falls far short of expectations. The main instruments used for achieving this objective was through a policy of reservations in employment and admissions in educational and professional courses as also in elected bodies; protective legislation to ensure that they are not subjected to exploitation and discrimination and through enhanced and specific financial allocations for their development.

Through the system of reservations in elected bodies, including in Panchayat Raj Institutions, provision has been made for participation of SC and ST representatives in the planning process at various levels. But due to the compulsions of electoral and party politics, relative inexperience of elected representatives especially in Panchayat Raj bodies, the representatives of SCs and STs have not been fully successful in making a common cause on issues relating to social disabilities and economic deprivation of SCs and STs. This calls for an introspection not only among the SC and ST representatives but also by the other sections of society and to initiate measures for creating conditions for integration of these communities in the national mainstream.

Policy of reservations in appointments and educational institutions was provided in the Constitution to ensure equitable share to these communities in governance. It is true that reservation in appointments would benefit only a small proportion of their population, but their representation at various levels was expected to ensure incorporation of the concerns and developmental needs of these communities in formulation and implementation of programmes for their socio-economic development. But inspite of reservations, the representation of SCs and STs continues to be much lower than the prescribed proportion in Group A and Group B services, both under the Government and the Public Sector Undertakings. The poor representation of Scheduled Tribes in all the groups of services is particularly disturbing. One of the reasons for this situation is relatively low level of literacy and very poor quality of education. The Scheduled Castes and the Scheduled Tribes who come mainly from the rural areas do not have access to good quality of education and are thus found wanting while competing for higher levels of posts and those requiring technical and professional qualifications.

Most of the concessions and relaxation provided to the SCs and STs in the matter of reservations in services were withdrawn through 5 O.Ms issued by the Government in 1997. As a result of constant persuasion by the Commission, 3 of these OMs have since been withdrawn by amending the Constitution. The OM relating to switching over to post-based rosters continues to militate against the interests of SCs and STs. Through this single decision of the Government a large number of backlog reserved vacancies just disappeared. Besides, under the existing scheme of things reservation policy in small cadres, whose number is very large in various Government Departments and public funded institutions, has become a farce and reservation can never reach the proportions prescribed by the Government. The implementation of reservation policy through executive instructions, which are frequently subject to judicial intervention, has failed to achieve the desired objectives. The Commission has been recommending for a long time to give statutory basis for the reservation policy and to insulate it from judicial intervention by
keeping it in the IXth Schedule of the Constitution. This recommendation which also forms part of the recommendations of the Workshop of SC and ST Members of Parliament, held in December 1999, should be given serious consideration by the Government and early decision taken in this regard.

The number of cases registered under PCR Act and SC & ST (POA) Act has been showing downward trend in the recent years, which is indeed a healthy development. But from its reviews with various State Governments the Commission is of the view that a large number of cases of atrocities go unregistered, mainly because of reluctance on the part of police officers to register the cases and also because of lack of awareness among the members of these communities about the provisions of these Acts. In addition, there are delays in investigation, collusion with offenders and manipulation of witnesses and evidence which all contribute to reduce the effectiveness of these protective legislations. In almost all the States the meetings of the Monitoring and Vigilance Committees at State level are not held regularly which is an important mechanism for ensuring proper implementation of these laws. Number of cases pending before the courts in most of the major States is alarming. Uttar Pradesh alone has more than 70,000 cases pending in the Courts. Though there is a provision for setting up Special Courts under these Acts, with a few exceptions, most of the States have designated the existing District and Session Courts as Special Courts. The question of setting up exclusive Special Courts, particularly in the States having large pendency, needs serious consideration of the Government. The rate of convictions in various States ranges from 5 to 10 percent and it is necessary to examine the reasons for such low conviction rates and for taking urgent corrective action. The Apex Court has held that the Special Courts cannot directly entertain the cases under these Acts, without following committal proceedings. It is, therefore, necessary to amend these Acts suitably to authorise the Special Courts to admit cases under these Acts directly.

The Special Component plan and the Tribal Sub Plan have not been implemented in the manner these strategies were conceived. Most of the Central Ministries are neither formulating SCP and TSP nor are making allocations in proportion to SC and ST population. The State and UTs are of course formulating SCP and TSP, but with a few exceptions, allocations are often short of prescribed proportions and diversions are quite common. The role of nodal Ministries of Social Justice and Empowerment and the Tribal Affairs in coordinating the programmes for development of SCs and STs has been quite ineffective. Similarly, except in a few States, the Departments of Social Welfare and Tribal Welfare have very little say in formulation of programmes for Socio-economic development of SCs and STs and their implementation, which is left to the individual Departments. The Planning Commission has sought to rectify the situation through the mechanism of Tri-Partite Committees both at the Centre and at State levels. Its effectiveness has, however, not been fully satisfactory. Time has come to take a fresh look at the existing institutional mechanism for formulation and implementation of development programmes for SCs and STs so as to ensure better participation of the target population, making the programmes need based and to improve the delivery of such programmes and schemes.
EXECUTIVE SUMMARY

Chapter I
Introduction to National Commission for Scheduled Castes and Scheduled Tribes-its setting up, duties and responsibilities entrusted to it under the Constitution of India.

Chapter II
Various provisions of Constitution relating to safeguards for SC/ST communities; protective and anti-exploitative legislations; and other important legal provisions dealing with SC/ST matters discussed.

Chapter IV
Genesis of the caste system and the practice of untouchability and efforts made since Independence for eradicating untouchability through legislative and other measures have been discussed in detail. The need for giving wide publicity to the efforts made for abolition of untouchability and the provision of the Protection of Civil Rights Act, 1955 along with need for coordinating role of the Central Govt. for implementation of this Act have been re-emphasised. Attention has also been drawn to the lack-luster efforts by various State Governments in investigating the atrocities on Scheduled Castes. It has been emphasised that Govt. of India should get the two Institutions of Harijan Thanas and Special Courts investigated thoroughly in terms of concrete results that they have produced so far.

Chapter III & V
Economic condition of SCs and STs continues to be worse than that of other sections of society. Nearly 50% of the total SC/ST households are estimated to be below poverty line. They represent the poorest segments as reflected by the lower per capita expenditure of SCs and STs as compared to other sections of poor people. In rural areas, most of them are either agricultural labour or small cultivators. Efforts for providing them wage employment through various schemes have slowed down due to reduction in the amount of Central share, delay in release of instalments by Central Govt. and non-utilisation of allocated funds. The requisite coverage of SC/ST beneficiaries as per guidelines in these schemes is not being adhered to. Both State Governments and Central Ministries are allocating less funds under SCP/TSP and diversions are quite common. There is a need for increasing outlays under SCP and TSP, strengthening of monitoring mechanism and full utilisation of funds allocated.

Chapter VI
Extent of Land Alienation among STs and displacement due to major projects have been discussed in detail in this chapter. The extent of dependence of tribals on forests has also been focused. The major issues discussed in the chapter are-

i. The protective and legal provision relating to Land Alienation.
ii. The empowerment of Scheduled Tribes under the Panchayats (Extension) to Scheduled Areas Act, 1996.
iii. The extent of displacement due to major projects taken up in tribal areas.
iv. The intervention by the Commission in major policy issues affecting the Scheduled Tribes in matters relating to land alienation, displacement due to projects.

v. The forest laws and policies affecting the tribals.

vi. The issues relating to MFP, medicinal plants, effects of jhum cultivation and the concept of JFM for afforestation and regeneration of forests for the benefit of tribals.

vii. The lacunae and suggestions for ensuring better command of Scheduled Tribes over natural resources in their habitats.

Chapter VII
Educational status of SCs and STs, right from primary stage and their representation in higher education has been discussed in detail. The need for arresting the drop outs, especially among SCs and STs, through strengthening of Mid-day-Meal Scheme in partnership with Women's Self Help Groups and extension of vocational education has been emphasised. Community participation in achieving the goal of Universalisation of Elementary Education is essential. For optimum utilisation of Government resources it is important to develop educational complexes with all the necessary infrastructure. The need for conserving tribal arts by enrolling artists as resource persons in vocational institutions has also been emphasised.

Chapter-VIII
The representation of SCs/STs is still to reach the prescribed levels in the Central Government Departments and PSEs. The Department of Personnel and Training issued Office Memoranda on 31.1.97, 2.7.97, 22.7.97, 13.8.97 and 29.8.97, which had the effect of reversing the reservation policy. There is a need for an Act by the Parliament to provide reservations to the SCs/STs in educational institutions and the services.

Chapter-IX
Alongwith emphasizing the important provisions of the SCs and STs (POA) Act, 1989, specific instances of atrocities on SCs and STs and the remedy given by the Commission are the highlights of the chapter, which clearly bring out the need for stringent enforcement of the Acts by the implementing agencies.

Chapter X
Recommendations have been made for improving the effectiveness of various programmes and the functioning of the concerned implementing agencies. It is imperative that urgent action is taken by the executive machinery for its implementation so as to realize the dream of an egalitarian society of our constitution makers.