



Democracy at Work: The Story of the National Legislation on SCP

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In January 2013, the ruling Congress party declared, “The Indian National Congress is concerned about the insufficient allocations and utilization under the Tribal Sub Plan and Scheduled Caste Special Component Plan in Central and State budgets. **The Party calls upon the Government to consider bringing a National Legislation** to assure allocation of sufficient resources to these plans, as has recently been done by the Congress Government in Andhra Pradesh” (Refer to the Jaipur Declaration, released after the Chintan Shivir of the party, 2013).

Given the electoral benefits of such legislation, it is expected that an Act would be passed in the Parliament well before the 2014 General Elections. The Union Ministry of Social Justice and Empowerment has already posted, on its website, a ‘Draft Scheduled Castes Sub Plan Bill 2013’ for public debate. Many political parties have expressed their agreement on such an Act. And a National Coalition of civil society organizations on SCSP/TSP Legislation has been formed and an alternate Draft for the Act has been released. Latest, the Congress government of Karnataka too has expressed its resolve to bring a State Legislation on SCP!

What are the political factors that have led to this turn of events?

How is it that the Special Component Plan for dalits and Tribal Sub Plan, which were formulated, way back during the 5th and 6th Five Year Plans in the 1970s, and have been mostly ignored, resisted and sabotaged by most of the central ministries and state governments are suddenly acquiring a Legislative status, thus turning

the policy frameworks into legal entitlements?

What have been the political compulsions that have led to such a progress? And how have dalit and civil society organizations been able to use the political spaces within the Indian democratic system effectively towards this goal?

What would this legal entitlement concretely mean for the actual socio-economic empowerment of dalits in India? What lessons can the general civil society budget advocacy movement learn from this experience?...

The Promise and the Betrayal

Based on the limited experience of the Tribal Sub Plan (initiated during the 5th Five Year Plan) and on the conviction that 3 decades of general planning and the ‘Area Development Plans’ had not resulted in substantial benefits to Dalits, Government of India launched, in 1979, the Special Component Plan for Dalits (SCP).

Based on clear philosophical principles of ‘Proportionality’, ‘Universality’, ‘Auto-decision making’, ‘Convergence’ etc., SCP was visualised as a ‘game changer’ and a ‘paradigm shift’ in the approach to planning and budgeting for Dalits. And it was mandated for all the ministries / departments of both the Central and State Governments. Politically, SCP was made possible by the push of the then Congress Government, led by Indira Gandhi, as well as by the pro-active efforts of progressive bureaucrats like P.S.Krishnan, who was then the Joint Secretary in the Ministry of Home Affairs.

But, over the decades, the potentially revolutionary policy framework became

the victim of lack of political will, bureaucratic apathy-cum-resistance and the lack of effective advocacy by civil society and dalit movements and organisations. The Plan remained just a plan, hardly implemented both at the Centre and States levels.

Civil Society Advocacy

It was only in the mid-1990’s that the advocacy around SCP gained, at the Centre and in many States, both visibility and political momentum. Starting from the work of Social Watch-Tamilnadu and later other State groups such as the Centre for Dalit Studies (Andhra), the advocacy has been picked up at the national level too. National organizations such as the National Campaign for Dalit Human Rights (NCDHR) and the National Dalit Forum (NDF) have done in-depth researches around the SCP and have launched effective advocacy efforts. Selected members of Parliament and State legislatures as well as committed bureaucrats have also joined in the struggles to get SCP implemented according to its original intent. In later stages, CPM’s front organizations, in some States, taking up the advocacy on SCP has added a distinct political tone to the struggles.

It was because of the relative success of these advocacy efforts that, in 2011, the National Advisory Council of the Congress Party strongly recommended to the Union Government that “A new system must be devised for the 12th Five Year Plan, which can overcome the difficulties experienced in the past and ensure that the Sub-Plans are implemented in letter and spirit” (Rf NAC Recommendations on Reforming SCSP/TSP, 2011).

Given this momentum, certain States did make substantial progress in the proper implementation of SCP. For example, in 2010, the Tamilnadu Government, for the first time in the country, allocated SCP

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funds population proportionately and in a separate account, signifying a huge jump in allocations under SCP. In 2011, Bihar State Government followed suit.

Search for Legal Remedies

But, in spite of these improvements in some States, the overall situation in the country with regard to implementation of SCP has remained dismal. As recently as in April 2013, Dr. Narendra Jadhav, member, National Planning Commission, acknowledged publicly that not even 50% of the SCP funds in the country are spent and that diversion of SCP funds remains a major problem.

Further, even when the full amount is allocated, the quality of schemes that go to make up SCP remains very weak. In 2010, when the Tamilnadu Government allocated the full amount under SCP, civil society organizations, while praising the state for the quantitative achievement, lamented that major part of the money was spent on doles and freebie schemes and that a miniscular amount was spent on higher education and zero allocation for any entrepreneurial or development oriented schemes for dalits! Again, recently dalit women have raised a serious accusation that SCP has remained largely gender-blind, just as Gender Budgeting in this country has ever remained caste-blind!

It is in such a context of frustrating experiences, one of the efforts by civil society has been to seek legal remedies for the implementation of SCP. In 2007, a group, including NCDHR and Social Watch-Tamilnadu filed a PIL in the Delhi Court, demanding that the Delhi State Government be ordered to properly implement SCP in the state. The Court initially responded that SCP is a matter of fiscal policy in which courts cannot interfere, but later suggested that the Supreme Court be approached.

Andhra Legislation on SCP

Since then, the struggle towards a Legislation on SCP, which would give a statutory binding on the Centre and States

to adhere to the original spirit of SCP in its implementation has gained momentum.

The momentum created by various dalit and civil society organizations led to the Planning Commission's Sub-Group on Perspective Planning on Empowerment of SCs during 12th Five Year Plan, headed by Mr. P.S.Krishnan recommended the enacting of a "Legislation for Special Component Plans for SCs and Scheduled Caste Development Authorities" as well as "an Amendment to the Constitution by inserting in the concurrent List of the Seventh Schedule 'Protection, Welfare, Development and Empowerment of SCs'". The Group also proposed a draft "Special Component Plan for Scheduled Castes and Scheduled Castes Development Authorities Bill, 2011"

The National Advisory Council, though, in May 2012, was not so forthright regarding the Legislation. In its Draft Recommendations, it said, "... While a central legislation may prima facie be desirable, for the present, what is required is a fresh set of guidelines and effective implementation mechanism, backed up by consistent monitoring and evaluation of outcomes."

It is in this context the Andhra Pradesh Congress Government leading the State Legislature to pass unanimously, on 2 December 2012, the "SC/ST Sub-Plan Bill" has proved to be a game changer. It was obviously due to the sustained and prolonged advocacy done by many dalit and civil society organizations, led by the Centre for Dalit Studies (CDS), Hyderabad. CDS and, in later stages, the Joint Action Committee for SC and ST Sub Plan funds, which effectively brought together all political parties, retired bureaucrats, civil society organizations and the media, truly played stellar roles in pushing the political class towards the Legislation. And the Congress Government, struggling for survival, buffeted by the Telengana agitation and the revolt by the Jagan faction, found a timely life-boat in the name of the Legislation on SCP, with its huge electoral dividends!

And a similar process of pro-active advocacy by civil society organizations coupled with political expediency has led to the new Congress Government in Karnataka too to declare its readiness to pass a similar legislation on SCP. And the momentum towards a national legislation is building up.

Legal Entitlements Vs Socio-Economic Empowerment

A National Legislation on SCP is surely a welcome step and needs to be pursued vigorously. On the country, given the fact that, in India, even the most progressive Acts collapse at the altar of implementation, a critical approach to such legislations is also needed. Already the Andhra Act as well as the draft Bill floated by the Union Government have been severely criticized as watered down versions that fail very basic commitments of the original SCP formulations. Again while the overall framework of the Indian public policy remains predominantly neo-liberal and anti-social equity, such legislations may prove, in the long run, more symbolic victories, rather than effective mechanisms that truly lead to holistic socio-economic empowerment of dalit communities. Again, as mentioned before, undue concentration on mere allocation of funds without ensuring qualitative change in the schemes and projects that constitute these funds can also prove counter-productive.

Therein lies the further challenge for dalit movements and social equity-focused civil society budget advocacy groups! The National Legislation can at best be looked as a potentially significant tool for the empowerment of dalit masses, but further success would depend on how dalits are able to grab the ever-diminishing democratic spaces in the public policy and budgetary spheres of India!