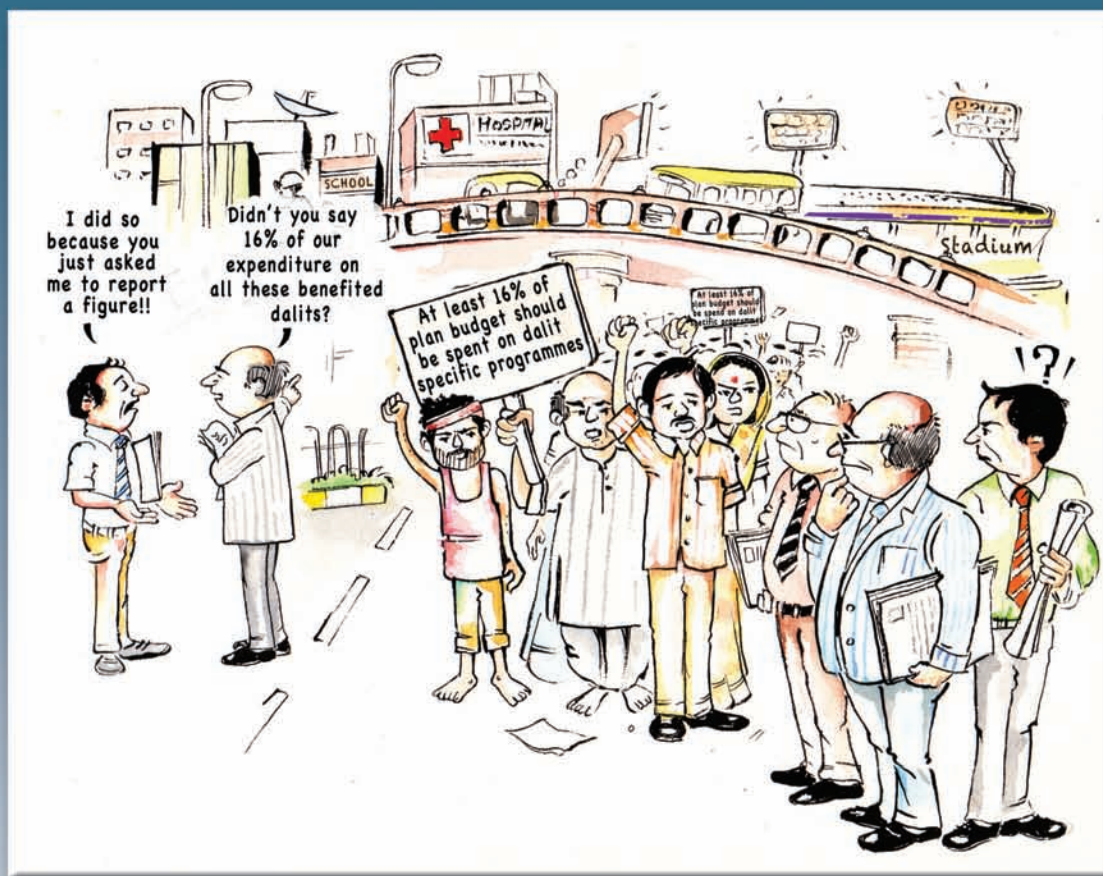


Budget TRACK

Volume 9, Track 1-2, July 2013

IN THIS ISSUE

- The Saga of the Special Component Plan (SCP) for Scheduled Castes
- No Mainstreaming Please
- Democracy at Work: The Story of the National Legislation on SCP
- 'Sau Mein Pachees Haq Hamara'
- Andhra Pradesh SCP and TSP Legislation 2013
- SCP in Tamil Nadu
- Implementation of SCP in Gujarat
- Implementation of TSP and SCP in Rajasthan
- SCP Implementation in Madhya Pradesh
- Scheduled Caste Sub Plan in Odisha
- Issues of Dalit Women
- Reinterpreting SCP and TSP
- Budget and Policy Tracking



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IN THIS ISSUE

The Saga of the Special Component Plan (SCP) for Scheduled Castes -Its Inspired Origin, Subsequent Trivialisation and Future Rejuvenation <i>National Legislation-Necessity, Potential and Challenges</i> P. S. Krishnan	3
No Mainstreaming Please R. Christodas Gandhi	11
Democracy at Work: The Story of the National Legislation on SCP Manuel Alphonse	14
'Sau Mein Pachees Haq Hamara'- Reclaiming our due Share SCP TSP Legislation- Equity and Inclusion in Growth N. Paul Divakar and Beena J. Pallical	17
A.P. SCP & TSP Legislation 2013- Potential and Limitations Satyababu Bose and David Sudhakar	21
SCP in Tamil Nadu - Lopsided Growth and Development... John Kumar	24
Experience of the Implementation of SCP in Gujarat Mahender Jethmalani	28
Status of the Implementation of TSP and SCP in Rajasthan Nesar Ahmad	31
SCSP Implementation in Madhya Pradesh Pallavi K. Mali and DevkantTripathi	34
Scheduled Caste Sub Plan in Odisha Pravas R. Mishra	37
Issues of Dalit Women Saumya Shrivastava	42
Reinterpreting SCSP and TSP Subrat Das and Jawed A. Khan	45
Budget and Policy Tracking Priyadarshini Mohanty	47

Views expressed in the articles are those of the authors and not necessarily the position of the organisation.

Foreword

Given that the Scheduled Castes (SCs) and the Scheduled Tribes (STs) have been among the most disadvantaged communities in the country, the Union Government had introduced the *Special Component Plan (SCP)* for SCs, later renamed as the *Scheduled Caste Sub-Plan (SCSP)*, and the *Tribal Sub-Plan (TSP)*, during the 1970s. The main objective underlying these two strategies was to channelize Plan funds for the development of the SCs and the STs, in proportion to their shares in the total population.

After almost three-decades since the introduction of SCSP and TSP, there remain serious gaps in the implementation of these strategies both at the level of the Union Government as well as at the level of different States. What were envisaged as key instruments for bringing about an improvement in the status of SCs and STs, have not been implemented properly in all these years. From being envisioned as 'planning' strategies aimed at addressing the key developmental deficits and disadvantages being faced by SCs and STs, the approach has been restricted to being an ex-post accounting exercise, fraught with issues such as lack of requisite planning and policy formulation, inadequate allocations, poor utilization and diversion of allocated funds etc.

Amidst the debate on the poor implementation of SCP across the country, the Andhra Pradesh Government has come out with the landmark SCP legislation, providing it a strong legal framework. Further, the Union Ministry of Social Justice and Empowerment has formed an inter-ministerial committee to look into the drafting of the SCP Bill at the national level and a draft bill has been circulated to States and Union Ministries for comments. On the same lines, the Government of Rajasthan has formulated a Draft Bill on SCSP and TSP in the State and asked for feedback and comments from various stakeholders. Also, given that the 12th Five Year Plan envisages effective implementation of SCSP as the essential instrument for accomplishing inclusive growth with respect to SCs, in fulfillment of its broader agenda of 'Faster, More Inclusive and Sustainable Growth', it is worthwhile to see where we are in terms of achieving the said objectives.

In this context, CBGA is bringing out this Special Issue of *Budget Track*, focusing on the different aspects of this critical policy strategy, so as to facilitate greater public awareness on this policy and the requisite measures for proper enforcement of the same.

This issue begins with **P. S. Krishnan's** enriching narrative about SCP and TSP, right from the Constitutional roots of the two strategies to their inception, and subsequent efforts towards their design and implementation. In his article, he discusses the evolution of the entire discourse on SCSP and TSP over the different planning periods and through the different political regimes, concluding with the recently passed Legislation in Andhra Pradesh and the Draft Bill on SCP by the Union Ministry of Social Justice and Empowerment and the subsequent hopes and challenges. This is followed by an edifying article by **R. Christodas Gandhi** emphasizing the need for the schemes meant for general welfare to remain outside the ambit of the SCSP/TSP funds and why there is a need to go beyond the concept of 'mainstreaming' and rather focus on individual development of SCs and STs. **Manuel Alphonse** narrates the history, enumerating the reasons behind the demand for the Andhra and the National legislation on SCSP and the role of various stakeholders that strengthened the case for these. In the following piece, **Paul Divakar** and **Beena Pallical** have outlined the key strategies of SCSP and TSP and how the gaps in their implementation have led to the formation of the *National Coalition on SCP TSP Legislation*. They further present a critical assessment of the National Draft Bill on SCP, highlighting some of the critical gaps and emphasising the need to go from notional to real development of SCs.

The next set of articles capture the experience of implementation of the SCSP and TSP strategies in select States and highlight the challenges being faced in implementation of these two plan strategies. **Satyababu Bose** and **David Sudhakar** outline the case of Andhra



Pradesh, presenting a critical analysis of the recently passed landmark SCSP:TSP Legislation in the State and the status of budgetary allocations under the SCSP and TSP and their implementation in the post-legislation period. **John Kumar** highlights the case of Tamil Nadu, which has achieved the proportionality norm in allocation of Plan funds under SCSP merely by shifting expenditure accounts with different renewed nomenclature, but failed to adopt an innovative approach to design targeted interventions for development of SCs based on principles of convergence and universality. In the following article, **Mahender Jethmalani** narrates the experience of implementation of SCSP in Gujarat, with respect to meeting the norms of proportionality of funds, their utilization, and the problem of notional allocations that prevails in budgeting for SCSP. **Nesar Ahmad** presents the experience in Rajasthan, outlining how the strategies have become just an accounting exercise and how, even then, the budgetary outlays fail to meet the stipulated requirements. He goes on to discuss the recently formulated draft bill on SCSP and TSP in Rajasthan, presenting a critical analysis of the same. In the next article, **Pallavi K. Mali** and **Devkant Tripathi** look at the budgetary allocations and their respective utilization under SCSP for various departments as well as for the entire State of Madhya Pradesh, questioning the rationale for reporting the said outlays under SCSP. **Pravas Mishra** narrates the case of Odisha, looking at the allocations under SCSP both at the aggregate level as well as at the level of the different departments in the State Government. He highlights the gaps prevalent in the implementation of SCSP where there are cases of diversion of funds for other purposes or reporting them under ambiguous heads, which poses a question on the justification of these funds being reported under SCSP.

Saumya Shrivastava, in her article, outlines some of the major challenges of Dalit women as a result of the multiple-disadvantages that they face, in addition to summarizing the place being accorded to Dalit women in the various policies, programmes and legislations as well as at the level of the nodal ministries in the Union Government. **Subrat Das** and **Jawed A. Khan** have analysed the roadmap suggested by the Narendra Jadhav Task Force on SCSP and TSP, highlighting the limitations in the approach adopted by this Committee and explaining how the focus of the strategies (SCSP and TSP) should not be limited to an ex-post number-crunching exercise but rather be on the planning process to address the specific disadvantages faced by the SCs and the STs in various sectors. This is followed by the *Budget and Policy Tracking* piece by **Priyadarshini Mohanty**, where she outlines the key policy developments relating to finalization of 12th Five Year Plan, Union Budget 2013-14, some important legislations, restructuring of centrally sponsored schemes, and other significant developments in governance spanning over three sessions of Parliament - Monsoon and Winter Sessions 2012 and Budget Session 2013.

We hope this issue of *Budget Track* provides useful insights on how SCSP and TSP should be re-interpreted by our policymakers so that we realize the required changes in planning and budgeting for the SCs and the STs that are long overdue now.

- Editorial Team

The Saga of the Special Component Plan (SCP) for Scheduled Castes —Its Inspired Origin, Subsequent Trivialisation and Future Rejuvenation

National Legislation—Necessity, Potential and Challenges

P. S. Krishnan*

We are on the threshold of a new chapter in the planned developmental history of the Scheduled Castes (SCs) and consequently in the developmental history of the country, with a national legislation for the Special Component Plan for Scheduled Castes (SCP) on the anvil. Hopefully, it will be moved and get passed in the Monsoon Session 2013, unless the Ministry of Social Justice & Empowerment (MoSJE) allows it to slip through the fingers by further delay and inadequate effort.

The birth of the SCP was the result of tremendous effort and careful moves — I had the good fortune to participate in it from its pre-natal stage continuously till now. To understand the purport and significance of this proposed legislation, it is necessary to know the pre-history and history of the SCP, its Constitutional roots and its inspired and inspiring origin and its subsequent trivialisation.

Constitutional Roots of the SCP

The SCP, as also the Tribal sub-Plan (TsP), are based on the Constitutional mandate on the State commanding it to create a regime of Equality including Social Equality through comprehensive measures of Social Justice. Social Equality means ensuring Equality between SCs and STs — and also Socially and Educationally Backward Classes (SEdBC)/Other Backward Classes (OBCs)/Backward Classes (BCs) (hereafter BCs) which include the bulk of the religious minorities who are in fact converts from “Untouchable” and other “low” castes —

on the one hand, and the Socially Advanced Castes (SACs), i.e., the non-SC, non-ST, non-BC castes (NSCTBC) on the other, in all parameters of life — economic, occupational, educational at all levels, residential facilities-related, health and nutritional, etc. This Constitutional root can be seen in a number of specific provisions in the Constitution which provide guidance for such Social Justice measures of which Reservation is a part. These Articles of Social Justice towards the goal of Social Equality constitute a sublime edifice within the grand structure of the Constitution. The coping stone of this sublime edifice is Article 46 which imposes a pressing and urgent mandate to promote the advancement of the weaker sections of the society, particularly of the SCs and STs on the State which means equally the Central Government and the State Governments and other limbs of the Indian State at the national as well as sub-national levels.

Pre-SCP Concept of Indian Planning, and Planning for SCs — But Casualness of Indian Planning towards Planning for SCs

After Independence, India embarked on the path of planned development. It was the idea from the beginning that the SCs as also the STs should get due share of benefits from the general sectoral development programmes, and special provisions made for them should be supplementary. At an early stage the planning process lost its way and misdirected itself by declaring that “the welfare of Harijans (SCs) is mainly the

responsibility of State Governments”¹, which is a careless lack of understanding of Article 46.

This misdirection and washing of its hands by the Centre of its equal national responsibility for the SCs was the “original sin” which led to a not-benign indifference and casualness to the cause of the SCs. The learned planners lost sight of the Constitutional mandate of Social Equality through comprehensive Social Justice measures. It was assumed in a facile way that “to the extent economy develops, Backward Classes also benefit”. As a result, the concept that the SCs as STs should get their due share of benefits from the general sectoral Plans and outlays remained like a disembodied soul. Leaving out details, suffice it to say here that so far as SCs are concerned, the Plans of India have been like a ship adrift without any structure to ensure the avowed objective of ensuring the flow of due benefits and outlays from general sectoral Plans to SCs. No wonder there has been no radical change in the conditions of the SCs or of the STs.

Emergence of the Tribal sub-Plan (TsP)

Devising structures to ensure the flow of due benefits and outlays to the SCs and STs depended on the arrival of devoted individuals on the scene. The TsP was conceived and undertaken through the initiative of two officers who belonged to the same IAS batch of 1956 as myself, Dr. B.D. Sharma and Dr. Bhupinder Singh. The TsP was conceived as sub-Plans within

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the respective State Plans for areas with large concentration of STs.²

Conceiving the SCP in 1978 and First State Annual SCPs for 1979-80 and Five Year Plan Period 1978-83

I had the privilege of conceiving an appropriate structure for the comprehensive development of SCs when I came to the Centre on deputation as Joint Secretary, first in the Commerce and Industry sector, and later voluntarily moved to the newly created post of Joint Secretary for SC and BC Welfare, Ministry of Home Affairs, w.e.f. 2 September, 1978.

I conceived the SCP as a comprehensive Plan in which and as a developmental instrumentality by which physical benefits and financial outlays would be earmarked and flow to the SCs from every sector of development, at least in proportion equivalent to their population in the total population, and developmental programmes of relevance to their economic and social liberation and educational equalisation would be designed and undertaken. The benefits had to be directed to individuals, families and groups of SCs and to their habitations. The model of the TsP was not appropriate for the SCP because while the vast majority of STs reside in compact tribal areas in which they constitute the predominant population, the SCs are spread in almost all parts of the country and almost all States. Everywhere they are a minority of the population but a majority of the agricultural and other wage-labourers.

I had to kickstart the SCP and secure its place in the Planning system and the Plans of the Centre and States in circumstances not very favourable. The crucial individuals in the Planning Commission were casual and dismissive and sometimes derisive and even hostile. Only one Member, two or three Advisors and a Deputy/Joint Advisor were positive. The Ministry was supportive as this was part of my agenda and the package of understanding of my moving into the post.

I planned my operations bottoms-up through the following measures:-

- (1) Letters to all State Governments from the Ministry requesting them to formulate the State SCPs as part of their Annual Plan 1979-80 and Five Year Plan 1978-83 and giving them guidelines.
- (2) A programme of discussion with State Governments starting with one in Mumbai where the process of formulating the SCP was explained to the State representatives by the Minister of State Shri Dhaniklal Mandal and myself, followed by a meeting with Southern States at Bangalore and another in Uttar Pradesh, &c.
- (3) My tours to many States for personal interactions with State officers, particularly Secretaries in charge of SCs and Planning.

In all these meetings and interactions I explained the SCP in detail, how to prepare it, what not to include, what sort of schemes should be taken up for SCs under the SCP and so on.

The outcome of these planned and systematic efforts was the presentation of Annual SCPs for 1979-80 and SCPs for the Five Year Plan period 1978-83 by the States to the Ministry of Home Affairs and Planning Commission. There were advance discussions between State officers and me and my team of officers on the SCP of each State to make sure that whatever was included was in keeping with the interests of the advancement of the SCs and nothing spurious was allowed to come in. **The SCP had arrived and there could be no looking back. 1978 deserves to be widely known as a red letter year for the SCs.**

To negate the negative ambience at the top of the Planning Commission I secured the help of the newly created Five-Member Commission for SCs and STs, established in 1978. Shri Bhola Paswan Shastri, a saintly, wise and honest political leader and ex-Chief Minister of Bihar was its

Chairman. The post of its Secretary and Joint Secretary had not been filled up and, therefore, I looked after the work of the Commission. This enabled me to explain to the Chairman and Members the features, significance and potential of the SCP and secure their full support. After our interactions, Shri Bhola Paswan Shastri came out with a definitive observation "*Special Component Plan Zaroori Hai*". I arranged a meeting of the Commission with the Dy. Chairman and Members of the Planning Commission. Shri Shastri also wrote a letter to the Planning Commission supporting the SCP. This helped in ensuring that the Annual State SCPs smoothly went through the Planning Commission's process.

To secure acceptance for the SCP, cutting across Party lines, so that no harm came to it with Governmental changes in future, I arranged for the following steps:-

- (1) Meetings of SC MPs of all Parties region-wise presided over by the Home Minister and with the Minister of State, Secretary, Additional Secretary and myself participating. The agenda included important items pertaining to SCs and the new SCP. Before each meeting, I briefed MPs known to me and requested them to support it. MPs of different Parties did so. Shri Yogendra Makwana was outstanding in his support. I met him for the first time just before the Conference started. He asked me what he should emphasise. I told him that he must particularly support the SCP and seek its effective implementation. He immediately got the point and lent his valuable support. Two years later, when he became Minister of State of Home in charge *inter alia* of SCs and STs in the post-Janata Indira Gandhi Government, at my first meeting with him, I reminded him of this Conference, the discussion about the SCP and his role in the meeting. This provided a good setting, under the new Government, for the progress of the SCP, and also for my pending

proposal for the Special Central Assistance to the SCPs of States (SCA) in order to catalyse and supplement the efforts of the States in formulating and implementing their SCPs, under the new Government (the story of the SCA is a glorious saga within the saga of SCP. I shall write about it later. Shri Yogendra Makwana is also writing about it).

- (2) I got the subject of the SCP included in the agenda of the periodic Regional Council meetings of Chief Ministers of the States of each region presided over by the Prime Minister, at that time Shri Morarji Desai. My colleague Dr. Bhupinder Singh similarly got the TsP included in the agenda. Shri Morarji Desai, in accordance with the agenda notes provided to him by us, impressed on the Chief Ministers of different Parties to formulate the SCP and TsP of their States and implement them effectively.
- (3) During this period there was also a National Conference of Chief Ministers convened by the Minister. Here too we got SCP and TsP included in the agenda. Through officers known to me in some States I secured the support of some Chief Ministers belonging to different Parties, to support the SCP and the TsP.
- (4) There were also various other meetings with States or groups of States in every one of which the SCP was made a standing item.

These measures helped to produce an all-Party consensus on the SCP.

The 26th Report of the Commissioner for Scheduled Castes and Scheduled Tribes for the year 1978-79 submitted by the then Commissioner Shri Shishir Kumar to the President of India (pp. 103 ff) was the first formal official document to take note of the formulation of the SCPs by States for the Five Year period 1979-83 and for the Annual Plan period 1979-80.

During the Janata regime the then Minister of State for Home Affairs Shri

Dhanik Lal Mandal gave his wholehearted support to the SCP and was appreciative of my efforts for its promotion. I gratefully remember his role and support; they need to be known to the SCs.

Report of the Working Group for Development of Scheduled Castes (1980-85) of September 1980

With the return of Mrs. Indira Gandhi and the Congress to power in January 1980, a new Sixth Five Year Plan 1980-85 was launched, preceded by the usual process of Working Groups for different sectors. The Report of the Working Group on Development of Scheduled Castes 1980-85 dated September 19, 1980, of which I was the Chairman, is a pioneering Report for the scheduled castes, the first of its type. I took this opportunity to present a complete picture of the status and plight of the SCs and the approach to their development in different fields. In view of the centrality of the SCP, it has received focused attention in this Report. It emphasized the following points:-

- (1) Schemes should be taken up in each sector on the basis of the needs of the SCs, funds earmarked for SCs for schemes and the flow of benefits quantified.
- (2) There would be two aspects to the SCP
 - (a) direct flows through family and individual-oriented programmes aimed at the economic development of SCs and providing them income-generating assets and skills so that they cease to be dependent upon their exploiters and oppressors for their livelihood.
 - (b) provision of services and other facilities through basti-oriented schemes like provision of drinking water, drainage, health services, house-sites and housing, electricity, etc. and programmes for extending facilities like education and vocational training.

- (3) Need-based programmes to be worked out with reference to important occupational categories, namely, landless agricultural labourers, cultivators, traditional artisans – leather workers, weavers and other artisans, fisher-folk, essential health workers, namely, civic sanitation workers, traditional dais, urban unorganised labourers and the educated.
- (4) Need to secure participation of SCs by measures like building up a cadre of workers from among the SCs in each occupational category, to act as effective links between the delivery system and the beneficiary-participants and developing capability and internal organization among them.

After dealing with the Approach to the Development of SCs, the Report goes into each area like economic development occupational category-wise and explains the situation and developmental needs of each of them. For example, in the case of Agricultural Labourers, the largest occupational group of SCs, land-distribution and land development including particularly irrigation is emphasized. In the case of the Educated, apart from suggesting measures for sharpening the regime and implementation of Reservations, it takes a futurist look at the role of the private sector. Other areas included educational development, social services and minimum needs, human resources development, institutional financing, monitoring and evaluation.

One whole chapter is devoted to the three instruments of SC development which I had formulated and promoted in 1978 to 1980: the Special Component Plan for the SCs of the States and Central Ministries; the Special Central Assistance to the SCPs of the States; and Central Assistance to the States for their Scheduled Castes Development and Finance Corporations.

Thus, for the first time a holistic approach was laid out. This Report is a

pioneering classic of the development, welfare, advancement and empowerment of SCs which needs to be better known to the SCs and others interested in the securing of their rights and in the healthy integration of Indian society and the strengthening of the Indian nation.

Return of Smt. Indira Gandhi and Strengthening of SCP

In the post-Janata Congress Government under Smt. Gandhi, Shri Makwana was the MOS in charge of SCs and STs apart from other subjects like law and order and jumped into the fray from the outset; and Giani Zail Singh was the Union Home Minister who fully supported the SCP and other efforts for the SCs.

One of my tasks was to ensure that the SCP was not adversely affected by the change of Government. Events and the following planned systematic steps jointly by Shri Makwana and myself helped in this.

- (1) Two letters PMO 280 and 281 dated 12.3.1980 addressed respectively to the Central Ministers and to Chief Ministers/Governors, drafted by me, in which inter alia she emphasized the need to formulate relevant developmental programmes based on the developmental needs of SCs and building them and corresponding outlays in the SCPs and directed that the development of SCs, a task of highest priority, should receive the personal attention of Chief Ministers.
- (2) Home Minister Giani Zail Singh's DO letter dated 10.3.1980, also drafted by me, to the Chief Ministers / Governors regarding Atrocities against SCs and detailing the precautionary, preventive, punitive measures and measures for comprehensive rehabilitation.
- (3) Commencement of Special Central Assistance to States (SCA) at the end of March, 1980 and substantive Annual Plan and Five Year Plan provisions.
- (4) Callibrated and planned tours to the States by Shri Makwana and myself,

jointly or separately, in which the SCP and guidelines for its proper formulation were reiterated and reinforced.

- (5) Inclusion of a point on SCs and STs in the Revised 20 Point Programme of 1982.
- (6) Firm measures against Atrocities, under my day to day supervision, especially of major cases like Belchi and Pipra (both Bihar) and Jetalpur (Gujarat)

All these together sent an integrated signal that the initiatives commenced in 1978-79, including the SCP were permanent and were above differences of Parities and changes of Governments. Credit is due to Shri Yogendra Makwana, Shri Giani Zail Singh and Smt. Indira Gandhi for his and I am personally grateful for their help in continuing my mission in which the SCP had a central place.

There was great optimism with regard to SC development and the SCP during 1978 to 1982. But, both Shri Makwana and I had to pay a price for our uncompromising efforts which we paid cheerfully.

Deterioration, Routinisation, Trivialisation and Truncation of the SCP

Subsequent to 1982, over time, the initial enthusiasm for the SCP waned. It was converted into a mere arithmetical-statistical exercise, showing notional and imaginary figures of allocations which had no relationship with measures required for the advancement of the SCs. This also happened to the TsP. This is because developmental instrumentalities like these for the most deprived and weakest people require the personal attention of persons of understanding and devotion at the official level as well as at the political level of governance. This is not ensured by the policy or lack of policy of allotment of portfolios like SC and ST matters and posting of Secretaries and other senior officers to such Ministries. A firm and consistent interest and demonstration of such interest by the Chief political

executive of the Centre as well as States is also necessary. This too did not happen most of the time. The guidelines of 1978-79, Mrs. Indira Gandhi's directions of 12.3.1980, the elaborate guidelines contained in the VI Plan Working Group were all forgotten. The worst culprits were the Central Ministries.

This deterioration and arithmetical-statistical packaging and padding of SCP on specious and ridiculous grounds such as that, SCs also use flyovers and infrastructures was exposed to the Parliament and the whole country through the Commonwealth Games Scam and the admission of the then Home Minister Shri P. Chidambaram in the Rajya Sabha on 30th August 2010 that this was wrong and such diversions and deviations were happening in the Centre as well as all States.

Beginnings of Efforts for Reform, Revitalisation and Rejuvenation of the SCP

In VII Plan Working Group and other Working Groups and Steering Committees once the SCP became a settled matter, I moved to my next goal, which was impracticable at the initial stage, and proposed in the first meeting in 1983 of the Working Group on Development of SCs in the VII Five-Year Plan, of which I was a Member though not holding any Central Govt. post at that time, that for the relevant formulation of the SCP, not less than the population-equivalent proportion of the total Plan outlay should first be set apart as the corpus of the SCP, before the total Plan outlay is sectorally distributed, and within that corpus schemes and programmes based solely on the needs and priorities of the SCs should be formulated and undertaken.

I pressed this point at every subsequent Working Group for subsequent Plans of which I was Chairperson or Member and in the Planning Commission's Steering Committees of which I was a member.

The VP Singh Interregnum and First Formal Approval for the Principle of Initial Setting Apart of SCP and TsP Corpuses and Separate Planning on the Basis of SC and ST Needs and Priorities

The all-too brief period of Shri V.P. Singh in 1989-90 saw a revival of interest at the highest level in the SCP after Smt. Indira Gandhi's period of 1980-82. I became Secretary, Ministry of Welfare on 2.1.1990. I proposed in file that not less than the SC and ST population-equivalent proportion of the total population should be set apart as the corpus of the SCP and TsP, before the total Plan outlay is sectorally distributed, and within this corpus Plans should be independently formulated for the SCs and STs based entirely on their needs. The Prime Minister V.P. Singh who was also the Chairman of the Planning Commission approved this. This was immediately followed up by Secretary and Addl. Secretary of the Planning Commission meeting me to work out the modalities. But this move became still-born with the fall of that Government followed by my own retirement at the end of 1990.

Dalit Manifesto, 1996 and other subsequent Documents

The ideas on the meaningful formulation of SCP and its effective implementation were further elaborated and concretised in the "*Dalit Manifesto, Incorporating the Rights and Entitlements of SCs, STs and BCs*" (1996) (**hereafter DM**) which I formulated under the auspices of the National Action Forum for Social Justice (NAFSJ) preceded by in-depth consultations with Dalit activists and friends at different places in the country. This was circulated among various political parties and their leaders in the run-up to the general elections of 1996. This was the **first document on the SCP and TsP in the public domain**, along with other important issues of SCs, STs and BCs.

The election brought the United Front (UF) to power. The UF adopted the DM in toto as part of its "A Common Approach to Major Policy Matters and a Minimum Programme" (CMP) (4th June 1996).

The DM made the following analysis of the state of the SCP and TsP:-

- (a) They have been routinised and trivialized and converted into a mere arithmetical-statistical exercise.
- (b) The Planning Commission and its State counterparts have in the previous decades missed the vital dimensions of economic liberation and educational equality of the SCs and STs.
- (c) They failed to incorporate programmes and schemes relevant to the advancement of the SCs and STs such as
 - ✓ residential schools of high quality,
 - ✓ admission to private professional educational institutions
 - ✓ endowing every rural family of SCs and STs with a viable extent of land,
 - ✓ a comprehensive National Programme of Minor Irrigation for all lands of SCs and STs
 - ✓ total liberation and comprehensive rehabilitation of *Safai Karmacharis* ("scavengers") and bonded labourers
 - ✓ food for education at the national scale (which, like the Working Group of 1980, anticipated the National Mid-Day Meal programme)
 - ✓ training and education and financial and other facilities for self-employment
 - ✓ reservation-equivalent presence of SCs and STs in every sector, i.e., including the private sector.
- (d) Thereby, they failed to develop the SCP and TsP in the manner envisaged by the original formulators and instead reduced them to routinised mechanisms.

The DM proposed the following remedial measures:

- (1) Setting apart, before the total outlays are distributed sectorally, of not less than the SC and ST population-equivalent proportion of the total Plan outlays of the Centre and of each State and UT as the corpus of the SCP and TsP.
- (2) Placing of these two corpuses at the disposal of a National SC and ST Development Authority with a wing each for the SCs and STs and State SC and ST Development Authorities
- (3) Establishment of a National SC and ST Development Council for the development of SCs and STs
- (4) The National and State SC and ST Development Authorities to be constituted with members with empathy for SCs and STs, faith in Social Justice and expertise and experience in their development
- (5) The Prime Minister/Chief Minister to be the Chairperson of each Authority, but the major work to be entrusted to a Cabinet-ranking Deputy Chairperson and other dedicated full-time Members
- (6) Responsibility on Authorities for the formulation and approval of National and State (Annual, Five Year and Perspective) Plans, based on the developmental needs of SCs and STs and their priorities, from the point of view of SCs and STs, and keeping in view the vital dimensions of their socio-economic liberation and socio-educational equality, to the extent of the corpus of the SCP and TsP initially set apart
- (7) Scheme-wise, programme-wise and sector-wise allocation of outlays by the National and State Authorities
- (8) Supervision, monitoring and direction of the implementation of the developmental Plans under the SCP and TsP, by the National and State Authorities, so as to ensure the achievement of the purpose of the SCP and TsP

- (9) Establishment of District SC and ST Development Authorities to be the main implementation Authorities of the SCP and TsP so as to secure their objective and to provide inputs to the National and State authorities for planning and monitoring purpose

These are the seminal ideas around which recent proposals for legislation for the SCP and TsP have been prepared. These seminal ideas were reiterated in many Forums and on many occasions such as the following:

- (i) Memorandum of the All-Party Parliamentary Forum of SC and ST MPs presented to Prime Minister Deve Gowda on 17. 12. 1996, when I was also present on invitation, and subsequent PMs Shri I.K. Gujral in 1997 and Shri A. B. Vajpayee in 1998. As entrusted to me by the Forum President and Chairman, National Commission for SCs and STs, Shri H. Hanumanthappa and the veteran SC leader and Minister Shri G. Venkataswamy, I drafted the Memorandum for them which was finalized after discussions among us. It reiterated the points in the DM and endorsed the DM as a whole. The Memorandum particularly repeated the DM proposal regarding the relevant and comprehensive planning for the SCs and STs under SCP and TsP and wanted this to be undertaken from the IX Plan onwards.
- (ii) All-Party National Convention of SC and ST MPs on 5-7. 12. 1999 inaugurated by Prime Minister Shri Atal Behari Vajpayee. I wrote to the Convener of the Convention and Law Minister Shri Ram Jethmalani and all SC and ST MPs enclosing the DM and the Memorandum of the Parliamentary Forum and particularly requested them to emphasise the proposal regarding SCP and TsP. Accordingly, the recommendations signed by senior SC and ST leaders of different Parties endorsed the DM's ideas regarding the SCP and TsP.

- (iii) The White Paper of the first National Convention of the SC and ST Forum of the Congress held on 20.1.2000, inaugurated by Congress President Smt. Sonia Gandhi. The White Paper was a verbatim Hindi translation of the sections dealing with SCs and STs in the DM for which the Forum President Shri Ajit Jogi took my permission.

- (iv) Expanded White Paper prepared by me as desired by the Convention and sent to the SC and ST Forum on 30.1.2000.

In both the White paper and the Expanded White Paper the issue of the relevant formulation of the SCP and TsP and their contents have an important place under the head "Relevant and Comprehensive Planning for SCs and STs - Developmental Autonomy for SC and ST".

- (v) The Report of the National (Justice Venkatachaliah) Commission for Review of the Working of the Constitution (2000-2002) set up by the NDA Government. Chapter 10 of the Report and its Background Paper inter alia recommended the seminal concepts of the DM under the head "Socio-Economic Development and Empowerment of SCs and STs, Allocation and Management of Funds, and Revitalisation of SCP and TsP".
- (vi) Himalaya Proclamation drafted by me and adopted and released by the Rashtriya Dalit Sammelan organized by the NAFSJ at Dehradun on 17. 4. 2005.

Legislative Approach and the Entry of Dalit NGOs

Meanwhile there have been two recent developments which have helped the efforts for the revitalization of the SCP and also the TsP. One is the increasing acknowledgement by the political authorities of the Government of a right-based approach in respect of the deprived classes and categories instead of a mere welfare approach, though welfare remains

a goal. Taking note of this, I initiated moves for casting the various features of a meaningfully formulated SCP and TsP in the legislative format. Legislation is necessary to secure transparency and to help prevent distortions. Legislation has to be national to ensure uniformity in respect of essentials, leaving enough room for regional and local variations.

The other development is the growth of Non-Governmental Organisations working for Dalit and human rights at the national level and in the States. Some of these organizations began to realize the importance and potential of the SCP and TsP. The National Campaign for Dalit Human Rights (NCDHR), with the support of the Centre for Budget and Governance Accountability (CBGA), listed the SCP allocations and corresponding expenditure shown in the Budget documents of Delhi and a few other States. They could thus identify the quantitative shortfalls. While this quantitative aspect was a necessary part of the monitoring of the SCP, I advised the activists of the NCDHR and other activist organizations like the National Confederation of Dalit Organisations (NACDOR) and the National Dalit Forum (NDF) and a number of other organisations in the States, to concentrate also on the qualitative aspect, namely, whether the programmes shown in the Budget are relevant to the needs and priorities of the SCs. I also advised them to demand the initial setting apart of the due share of the total Plan outlay as the SCP corpus and propagated these ideas through my various papers, articles and lectures at different Forums.

Report of Sub-Group-I on Perspective Planning for Empowerment of SCs in the XII Five Year Plan — Its Recommendation on SCP and Draft Bill for SCP and SC Development Authorities

This Sub-Group was set up, with me as Chairperson, as part of the pre-XII Plan exercise by the Planning Commission and the MoSJE. The Report of the Sub-Group dated 1.8.2011 devoted a whole

chapter to the restructuring and revitalizing of the SCP. It worked out a system and institutional structure consisting of National, State and District SC Development Authorities (NSCDA, SSCDA and DSCDA) for the formulation, implementation and concurrent monitoring, evaluation and timely correctives of the SCP along the same lines as the DM and recommended a Central legislation for the SCP and SC Development Authorities to be enacted along the lines detailed in the Report. For facility of quick processing of this recommendation by the Ministry a draft Bill, drafted by me and adopted by the Sub-Group after elaborate discussions, was enclosed as Annexure-1 of the Report.

In addition to reiterating the seminal ideas of prior setting apart of the corpus of the SCP and planning and allocation for programmes and schemes relevant to SCs and sanctions within this corpus and establishment of SC Development Authorities, the Sub-Group's draft Bill elaborated the ideas with the following points:-

- (1) The NSCDA and SSCDA to consist of the Prime Minister and Chief Minister as Chairman and the concerned Minister as Vice-Chairman and a full-time Deputy Chairman and six other full-time members with majority for the SCs in each Authority. Full-time members to be non-political devoted experts.
- (2) A broad-based Selection Committee consisting of representatives of the Government, Opposition and non-officials to select persons of known dedication to Social Justice for SCs and with development-related experience.
- (3) Formulation of Plans by the Authorities after consultations with representatives of SCs at different levels and laying down the line for the Ministries to take up relevant schemes and programmes in their respective sectors for SCs and approval and sanctions of funds and thereafter close monitoring of the implementation and, where necessary, timely correctives.

- (4) Full powers for the Authorities along with functional, financial and administrative autonomy in line with the concept of developmental autonomy of the SCs.
- (5) Involvement and association of SC people at the grassroots through the District SC Development Authorities.
- (6) Transparency and social audit in respect of each scheme and programme so that people know the specificities of each scheme and programme and their location.
- (7) Restoration of the original meaningful name, namely, the Special Component Plan for Scheduled Castes (SCP), in vogue from 1978 to 2006, as the concept behind that name is in line with the needs, entitlements and rights of the SCs which require a holistic and integrated Plan formulated solely based on their needs, entitlements and rights to bridge the gap between them and the SACs/NSCTBCs, while the concept of a sub-Plan in the name introduced in 2006-07, namely, Scheduled Castes sub-Plan, does not meet this.

The National Advisory Council (NAC) made recommendations along the same lines as in the Sub-Group-I Report and the draft Bill, and its Chairperson Smt. Sonia Gandhi herself took this up through her DO letter dated 20. 12. 2011 to the Prime Minister. After further consultations, certain other details and a comprehensive Preamble drafted by me were added, the essentials remaining the same as in the DM and Sub-Group's Bill. This draft Bill was handed over to the Planning Commission on 29. 10. 2011 at its last Steering Committee meeting. This draft Bill and the proposal have thus been with the Planning Commission and Government from 2011 onwards. As usually happens in all matters pertaining to deprived classes there was tardiness all round in the Government and this did not receive the urgent attention that it deserved.

The Pioneering Legislation of Andhra Pradesh

Fortunately, this was picked up by the Andhra Pradesh Government on account of the mobilization successfully managed and support of all political parties secured by Dalit activists and certain other circumstances. A Dharna and a march to the Assembly by thousands of participants clinched the issue. The Chief Minister responded positively and formed a Cabinet sub-Committee under the Chairmanship of the Deputy Chief Minister and, adopting many but not all its recommendations, which were formulated after elaborate discussions at the grassroots and with experts and activists including myself, a State Bill was drafted and unanimously passed by the legislature on December 2, 2012. Andhra Pradesh thus became a pioneer in developmental legislation for the SCs and STs. The Act is a positive step but has got certain lacunae and one provision, Section 11(d), which legalizes the CWG-type of misdirections and is dangerous for the SCs and STs.

An important task for the future is to get these lacunae and Section 11 (d) removed and to secure amendment inserting important provisions omitted such as those relating to the developmental autonomy of SCs. Meanwhile Dalit activists and friends have to keep watch on what programmes and schemes are undertaken under the SCP even under the diluted Bill since much depends on this.

Involving STs and Formation of National Coalition for SCP/TsP Coalition in 2013 I had been advising the active NGOs to remove the lacuna of virtual absence of ST representatives. Accordingly, a National Coalition for SCP and TsP Legislation was formed which included ST activists also. This Coalition held its first meeting in May, 2013.

MoSJE's Draft Bill

Meanwhile the Central Government's MoSJ has slowly stirred. An Inter-Ministry Working Group was formed adding to the

delay, when the Sub-Group Bill and Bill with subsequent additions, were the result of the widest consultations with all concerned including Central Ministries and State Governments and the Ministry could have straightaway started with that Bill. After the Working Committee was formed, I sent to the Ministry another draft on 2.4.2013 adding provisions for TsP and National, State and District ST Development Authorities in keeping with the consensus of ST and SC activists. A draft Bill which can be described as a diluted version of the AP Bill was presented by MoSJE for discussion with a Group including me on 4.6.2013. Following the discussions some other features of the Bill, proposed on behalf of Dalits, were adopted in the revised draft which was put in the public domain inviting comments. This draft also contains certain serious omissions.

In my comments to the Ministry I have advised that important provisions which were in the Bill prepared on behalf of Dalits, which enshrined the concept of developmental autonomy for SCs and sought to create a tamper-proof system, should be brought back into the Government's draft Bill such as those listed above under the sub-head "Report of Sub-Group-I on Perspective Planning For Empowerment of SCs in the XII Five Year Plan" and also provisions for the following:

- (1) Statement of vision and overarching goals of SC development and SCP.
- (2) Spell out objective of equalisation of SCs in all parameters of development and welfare with SACs/NSCTBCs and not as in Bill.
- (3) Equity within SCs, regional equity and particular attention to Specially Vulnerable Groups of SCs such as women, manual scavengers, Nomadic and Vimukta Jati communities etc.
- (4) Non-lapsability and mechanism to ensure it.
- (5) All important matters to be mentioned in the Act itself instead of being left to future Rules.

- (6) An Annexure listing important development programmes to be covered by SCP, such as land for all SCs, irrigation for SC lands, high-quality residential schools, opening up of private professional institutions by law under Clause (5) of Article 15 introduced by the 93rd Amendment, massive programme of market-related skill development with all facilities, support for entrepreneurial development, total liberation and comprehensive rehabilitation of manual scavengers and bonded labourers
- (7) Share for SC women in SCP
- (8) Removal of room for equivocation, misinterpretation and possible, misutilisation in a number of provisions and definitions in Govt. Bill and make tight provisions and definitions with no scope for such misinterpretations etc.

One of the important deficits in the Ministry's draft Bill is the institutional mechanism, which is the same old official bureaucratic structure consisting mainly of Ministers and officers instead of the Dalit-people oriented mechanism proposed by us.

Hopes and Challenges

It is hoped that the national legislation on SCP and SC Development Authorities will be enacted this year, in the Monsoon session itself. If this legislation cannot include provisions for the TsP and ST Development Authorities in accordance with the consensus of SC and ST activists and my advice, on account of the inability of two Ministries to come together, a separate national legislation for the latter should also be enacted in this session itself. This will be a historical measure. The SCs will have a right-based platform to secure their developmental dues and achieve the Constitution-mandated Equality in all parameters of development and welfare with the SACs/NSCTBCs. It is hoped that the legislation will be free from the lacunae I have pointed out and will include the provisions I have mentioned – for this

MPs will have to be briefed and help taken during the Parliamentary debate. If still there is a deficit, SC activists and friends must be alert to preclude its adverse consequences and to secure amendments later as early as possible. Active efforts will have to be made to secure the inclusion of schemes and programmes relevant to the SCs which have been mentioned in the draft Bill given to the Government in June 2013. Simultaneously, what is prohibited like attributing to the SCP a share of common infrastructure open to all people should be guarded against and vigorously resisted. Legislation is only a step which provides a framework. India has a history of legislation which does not work because of lack of appropriate machinery, systems and deployment of dedicated individuals, all springing from lack of seriousness on the part of the political and administrative executive, individual exceptions notwithstanding.

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1. Government of India, Planning Commission, 1956, *Second Five Year Plan*, p. 598.
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No Mainstreaming Please

R. Christodas Gandhi*

The well-intended Scheduled Caste Sub-Plan (SCSP) had a quarter-century-long hibernation since its inception in 1980, mainly due to chronic bureaucratic apathy. The civil societies working with Scheduled Castes (SC) woke up and gained some ground inch by inch in the last decade and a half. However, these gains are reflected in improvised quantum allocations only and not in the desired changes that need to come over approaches in planning.

No innovative schemes have appeared on the horizon. The successive governments and Planning Commissions have ventured into ever new policy statements with every passing Five-Year plan. The conviction of these innovative policy pronouncements, however, remain buried under the constancy of static programs.

A broad scanning of Annual Reports of Planning Commissions (of the States and the Union government) and a scrutiny of Annual Budgeted schemes of the Departments will reveal this yawning gap between policies and practices. Ninety percent of the schemes that exist now for SC/STs are the same old schemes that existed prior to the introduction of SCSP or TSP and continue to exist in the same old fashion.

Two crucial factors have contributed to this stagnation. Firstly, neither the bureaucracy nor the planning experts have ever been provided any exposure programs as to understand the demography of SC, STs, or the methodology to plan progress. Secondly, no nexus with SC/STs has been allowed by way of civil society participation in evolving plan perspectives and programs.

The crying need of the hour is to establish SC/ST programmatic think-tanks in at least the top ten states with highest SC population and 10 other states barring North East which have considerable ST population. These civil forums should concern themselves with evolving typical innovative schemes which will translate policy aspirations into reality shows. Even one scheme per state and ten overall in a year for the nation will usher in remarkable changes.

A breakaway from partaking in general planning is a sine-quo-non for making SCSP and TSP deliver to SCs and STs. We should understand general planning as one that delivers SC/STs ultimately into the hands of other vested groups. An autopsy of all the SCSP/TSP schemes of the past and a social audit will reveal this disturbing aftermath of SC/STs getting subordinated or subservient to general domination. In other words, over 90% of SCSP/TSP funds is spent on apportionments of common schemes drawn without any specific consideration for SC/STs. Schemes with focused attention on the following thrust areas should be drawn:

- a) SC/STs elevation from current levels;
- b) Generation of material wealth;
- c) Establishment of institutions and enterprises on their own;
- d) Attaining autonomous strength to self-determination, self-progress and self-defence;
- e) Planning not only for what they lack but also taking into account what they have, which they have, which they really have, in considerable measures to build on their own;

A total deviation from amelioration to elevation and appeasement to upliftment, need to be achieved in SCSP/TSP planning. Amelioration, poverty-alleviation, and palliative inputs should go through general schemes wherein SC/STs

will access their own share. No SCSP/TSP should be exhausted on account of these schemes. For example, schemes meant for below poverty line should not eat into SCSP funds. Similarly SCSP/TSP on SSA should not be squandered on general infrastructure or training to teachers. It should rather be on specific schools accommodating SCs in large numbers and on SC teachers as well as non-SC teachers for sensitization towards SCs. In Tamil Nadu (TN) for example, there are around 13000 schools which have more than 50% SCs. The infrastructure needs of these schools could be planned under SCSP. Similarly there is a specific need for providing conveyance to remotely placed ST students which should find a specific allocation in TSP of SSA.

The TN State Planning Commission has incorporated model schemes for SCP/TSP. The additional committee set up, for the 12th Five Year Plan, to review the implementation of the schemes approved under SCSP/TSP has also been given the power to 'arrange for allocation from a basket of schemes through respective sectoral departments', in case of contingency. The basket of schemes mentioned below was suggested for SCs following deliberations by members of sub-group for SCSP for the Twelfth Plan (TN State Planning Commission).

- **SCs in Realty Sector:** In order to counter the problem of urban exclusion of SCs - an increasing phenomena in modern Tamil Nadu, SCs would be supported with subsidy, credit with differential rate and land for development of commercial and housing constructions in Corporations, Municipalities and Town Panchayats. The objectives of the proposed entry of SCs in Realty Sector are giving entrepreneurial opportunity to unemployed & diploma holders and scaling up business opportunities to small SC builders.

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- Car Rental Companies for SCs:** The present scheme in TAHDCO to finance individual vehicles for individual beneficiaries does not fit in a business model. No individual auto, taxi, lorry or tanker owner can survive in the market where business is mostly offered to agencies possessing many vehicles. Even though, TAHDCO's past ventures for the last three or more decades have increased the number of beneficiaries, they have not been able to produce any successful and surviving transporters. Therefore, a revitalised model of funding would be introduced. Every year 100 top notch cars will be provided to 50 SCs with driving licenses (two cars each). Five associations/ agencies/ societies will be formed consisting of 10 beneficiaries each. Each Society on its own or with intervention from regulatory authorities will secure a three year lease agreement (renewable) from Star Hotels. The Government can intervene on behalf of these agencies to secure contracts for longer periods from public undertakings for outsourcing vehicles from these beneficiaries.
- Load Transport Business for SCs:** As in the car rental scheme, 100 lorries and tankers will be provided to another five associations of 10 beneficiaries each and long-lease agreements will be secured from oil companies.
- SCs in Public Transport:** The State Transport Corporations will procure at least six thousand new buses to replace and replenish their fleet and for the purpose, Transport Corporations draw from the Government exchequer. Instead, about 1000 new buses will be outsourced from SCs, who in turn can be funded through SCSP.
- Promoting SC Media:** Providing SC ownership to any print or electronic media to voice their concerns, will be a fruitful confidence building exercise.
- SCs in Science (Aid to conduct Conferences):** SC academicians in higher educational institutions will support to conduct two national and one international science conference every year to celebrate Dr. Ambedkar's Birth Anniversary.
- SCs in Science/ Social Science Research and Doctoral Studies:** Providing substantial scholarship to aspiring SC scholars in the areas of biotechnology, nanotechnology, robotics, aeronautics, space science, oceanography, advanced mathematics, economics, anthropology, linguistics, journalism etc.
- Horticulture and Floriculture Green House Scheme:** The Government will support about 600 SC farmers (20 in each district) across the State to set up green houses for both horticulture and floriculture with the required supportive infrastructure.
- Agricultural Engineering Equipment:** The Government with the SCSP funds will support at least 900 farmers in the State (30 in each district) to purchase agricultural machinery of their choice (like tillers, ploughs, harvesters, sowers, sprayers etc.)
- Additional Grants to SC Women Panchayat Presidents:** The Government will support at least 100 Dalit Women Panchayat Presidents with an additional grant of Rs.1.00 crore for specific schemes that she herself will carry out, so as to gain authority and popularity over other panchayat presidents.
- Promoting and Exhibiting SC Works of Art (sponsorship and provision of space for exhibitions for SC artists):** Painting exhibitions will be financed by the Government wherein, upcoming young SC artists can exhibit their paintings. A monthly exhibition in the various galleries in the city of Chennai, two each in six chosen districts, one each in the city of Delhi and Mumbai will be organised by the Department of Art and Culture every year.

The final caution is against the so called 'mainstreaming'. The professed Mainstreaming activities so far remain as targeted intervention to subsume SCs into the vortex of public domain owned, managed and manipulated by vested caste groups. Mainstreaming concepts or practices do not have any ingredient to transfer ownership, leadership, authority, power, profit or autonomy to SCs nor does anyone intend to accrue them to SCs. All that is happening under mainstreaming, if at all any claim could be made, is nothing but condescension by a majoritarian rule to spare some nook and corner to SCs that will cause no inconvenience to its hold on the regime. In other words mainstreaming is nothing but an exercise to reduce SCs to a minority status and make them suffer forever the perils of minority subordination. This way SCs are carefully nurtured in a climate where the ethos inculcated is that of a secondary citizen. No scope for leadership, assertion, autonomy or self-determination can be thought of for SCs in grand-stand mainstreams. Of course mainstreaming from SCs' perspective or to be designed through SCSP can be staged honorably. 15 percent reservation of seats in ongoing marauding IITs for example is considered mainstreaming. Why only a 15SC: 85 non-SC pattern? Why can't independent IITs, IIMs and the like be created on a 70 SCs: 30 non SCs pattern under SCSP? Surely no one can say that it is not an appropriate mix to deserve a 'General Public' character. SCs will obviously perform professionally well without being subjected as humbled creatures after all. This exactly is the crucial difference that SCSP should make by demolishing the myth of indivisible schemes which is nothing but a humbling mainstream onslaught.



Analysis of TN - SCSP – in the 11th Plan (2007-2012) Period: *Steep leaps & creepy freaks*

Year	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13(12 th FYP)
Allocation	1638	2365	5615	3828	5007	6018
Additional Over Previous Year		727	250	1213	1179	1101

A mammoth annual increase of over Rs. 1000 crore every year in 2010-11, 2011-12 and 2012-13 could be noticed. To appease the public outcry to comply with SCSP regulations the Finance Dept. did a table-dressing to pull-up the allocation level to 19%. Remarkably, this huge increase for SCs had been achieved without introducing any single scheme with any focused attention on SCs' needs or growth. In reality SCSP funds have been liberally diverted for popular schemes.

How was the Rs. 1213 Cr. increase achieved in 2010-11?

By just two populist schemes drawn with the forthcoming elections in mind which got expunged by the new regime next year: 1. Kalaighar Housing Scheme; Rs. 2.78 cr. And 2. Kalaighar Health Insurance Scheme; Rs. 222/- Cr.

How was the Rs. 1179 Cr. increase achieved in 2011-12?

By simply jacking up SCSP allocation under the following freebie schemes announced by the new regime:

Schemes	Allocation (Rs. In crore)
1) Free goats	34
2) Free cows	14
3) Free Houses	182
4) Free Green Houses	637
5) Free Laptops	228
6) Free chappals	5
Total	1097

There is not even one scheme that was newly designed for SCs or meant for SCs alone.

How was the Rs.1101 Cr. increase achieved in 2012-13?

By just four populist schemes (old schemes revisited in new garb including cyclone relief!!!) and usual jacking-up of general freebie schemes what could otherwise be called retro-accounting.

1. 'Thanay' cyclone	200 Rs./cr
2. 'Thaai' Scheme	150 Rs./cr
3. Scheme for Drop-outs	69 Rs./cr
4. Skill-training	25 Rs./cr
	444 (I)
1. Free goats & cows	15
2. Free Homes	165
3. Free Mixie-Fan	180
4. Free Chappal	9
5. Free Laptop	150
6. Free Uniform	30
7. Dr. Muthulakshmi Maternity Scheme	12
8. Rural Development	40
9. 108 Ambulance	7
10. Health Insurance	210
	818 (II)
(I+II) 444 + 818	1262

III What is being done or not done:

- No one else (other than SC/ST) plans for SC/ST. At best they condescend to spare some budgetary space.
- No one is interested in factoring growth or providing self-propelled growth in SC/ST planning.
- No one is willing to entrust SCSP/ TSP planning in the hands of SC/ STs.
- Only transient remedial measures are thought of.

- Programming is conceived only on assumptions of weaknesses and under-valuations.
- Minoritization in the name of mainstreaming.

What to do:

- Exclusive planning for tackling exclusion.
- No theoretical reading alone; but concrete programming.



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

Manuel Alphonse*

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!





‘Sau Mein Pachees Haq Hamara’
Reclaiming our due Share

SCP TSP Legislation- Equity and Inclusion in Growth

N. Paul Divakar*

Beena J. Pallical*

Post liberalization economic policies have certainly elevated India on the global platform with its monstrous growth, opening several doors of opportunities as a result of the boost in the economy; a massive push for high GDP growth unprecedented even while the global meltdown was taking place across the world. However, in spite of this, India still remains at the periphery of development as compared to many countries. Foreign direct investment has increased, entrepreneurs have grown, Indian private sector companies have gone global, there has been a colossal paradigm shift in the status of India on the global map, then why is it that India is still low on the human development indicator chart, development has only obviously occurred in some sections of society. Majority of the Scheduled Castes and Scheduled Tribes continue to remain on the fringes of development. Perhaps India is the only country where one section (read Caste) of the society is relegated to the lowest form of social, economical status and structural discrimination still continues to this day, this phenomenon is further stimulated with the poor implementation of the current policies. There is a growing disparity amongst the communities in the country and social inequalities continue to exist in spite of the so called inclusive economic policies that exist in India today. Government has for decades introduced various policies for the development and

welfare of the Scheduled Caste and Scheduled Tribe communities but time and again this has failed to do the needful.

Although the Constitution provides several mechanisms within its purview that mandate the state to take all necessary measures to ensure non discrimination and provide equal opportunities for the Scheduled Caste and Scheduled Tribes, however, historically the Scheduled Castes and Scheduled Tribe groups have been systemically and systematically discriminated as a result of the age old rigid system of caste. These communities have been pushed to the margins, access to education, employment, basic health facilities and economic empowerment has been either absent or remains a dream. Marginalization is evident when we look at the human development indicators. Compared to other communities the current situation of the Scheduled Castes and Scheduled Tribes still remains appalling. In education, the effective literacy rate for Scheduled Castes was 54.7% and Scheduled Tribes 47.1 % as compared to the national average of 74 % in the year 2001¹. Likewise if we look at various other indicators like health, higher education it seems like the situation is the same, always lower than the national average. How does this happen in a country which boasts of a high economic growth? This continues today as a result of the inequalities that exist in this country.

As per a UNDP study, inequality reduces the human development growth.²

Dual Policy of Scheduled Caste Sub Plan & Tribal Sub Plan

Several safeguard mechanisms exist for the economic and social upliftment and well-being of the Scheduled Castes and Scheduled Tribes, one among them being the Special Component Plan for Scheduled Castes and the Tribal Sub Plan for the Scheduled Tribes launched in the 1970s. However, these policy tools have not been utilized adequately, properly and effectively in the last several decades to ensure growth and development for these two communities. The Tribal Sub Plan was introduced in 1974 and the Special Component Plan in 1979, this was later changed to Scheduled Caste Sub plan. The basic objective of both these Sub-Plans is to allocate the flow of outlays and benefits in the Central Ministries/Departments for the development of Scheduled Castes and Scheduled Tribes at least in proportion to their population, The importance of the Scheduled Caste Sub Plan and Tribal Sub Plan have been again underlined by the Hon'ble Prime Minister while addressing the 51st Meeting of the National Development Council held on 27th June, 2005. The Prime Minister had then stated that “in the mid-1970s, the Special Component Plan and the Tribal Sub-Plan were initiated. Tribal Sub-Plans and Special Component Plans should be an integral part of Annual Plans as well as Five Year Plans, making provisions therein non-divertible and non-lapsable, with the clear objective of bridging the gap in socio-economic development of the SCs and STs within a period of 10 years”.

The developmental objectives of Scheduled Castes and Scheduled Tribes can be listed as their economic liberation and educational parity at all levels, dignity

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¹Report of the Task Group on development of scheduled castes and Scheduled Tribes, PCI, 2005

²http://www.undp.org/content/dam/undp/library/corporate/HDR/2013GlobalHD/R-Rtp://www.undp.org/content/dam/undp/library/corporate/HDR/2013GlobalHDt studies that **high economic growth, like the situatio



and equality in all parameters, security and safety in their day to day life and bridging the gap in development between SCs and STs on the one hand and the socially advanced castes on the other. All these objectives can be attained in a reasonable time only through ‘additionality’ in the flow of fiscal resources in the budget and proper and full spending of the money for the intended projects and schemes.

In the 12th Five Year Plan one can see that they have very clearly spelt out the objective of social justice. It says, “the objectives of the social justice can be achieved with the full participation in the benefits of development of all these groups. This calls for an inclusive growth process which provides opportunities for all to participate in the growth process combined with schemes that would either deliver benefits directly or more importantly help these groups to benefit from the opportunities thrown up by the general development process. Social Justice—striving to eliminate all types of discrimination with the strength of legislative support, affirmative action, awareness generation and change in the mind-set of the people”³

The Planning Commission documents state that the emphasis should be on education, economic development through employment and income generation schemes and programmes. However in spite of the aims and objectives clearly indicated, it is very evident that implementation is abysmal. Therefore it is important that a legislation is drafted and effective implementation of this is the key to economic empowerment of these communities.

National Coalition on SCP TSP Legislation

Despite the booming economy and political uncertainty, India continued its spate with growth. However the gap continued to grow larger and the

Scheduled Caste and Scheduled Tribe communities continue to be deprived of the economic growth benefits. Against this background there was a need to create a space for various voices from the margins to be heard and work towards the larger goal of economic liberation.

Dalit Arthik Adhikar Andolan (DAAA) is a unit of the National Campaign on Dalit Human Rights working on realising the economic rights of the Dalit communities. The main focus is on budgetary entitlements, education, employment and reclaiming of the Dalit Share. Against this backdrop DAAA has been instrumental in initiating the campaign on demanding a legislation on Scheduled Caste Sub Plan and Tribal Sub Plan and to further this vision, the National Coalition on SCP TSP Legislation was born. The “National Coalition on SCP TSP Legislation”, comprises about 201 Scheduled Castes and Scheduled Tribes organization and other civil society partners from across the country. The National Coalition evolved organically through a process of consultations with community leaders across the country. The coalition comprises of 27 national networks and organisations and over 200 state level organisations from 22 states working on Dalit and Tribal/Adivasi issues and is still expanding to other states. It is a non-political, secular body engaged in access to economic justice. This Coalition has been working towards strengthening the economic rights of the Scheduled Castes and the Scheduled Tribes by focusing on the Special Component Plan (SCP) and Tribal Sub Plan (TSP) at the national level as well as in the States. The main focus of the campaign is to accelerate the process of the demand to legislate SCP/TSP and use it as one of the effective ways to achieve economic equity and in the process reclaim the due share of the economic development in the country, as unfair proportions of allocated money set apart from the plan outlay budget for the development of the Scheduled Castes and Scheduled Tribes is diverted and utilized

for purposes other than intended. The coalition consists of a think tank of experts, human rights activists, ex-bureaucrats and community leaders, academicians, activists united for a common cause demanding for a legislation to ensure development of the Communities and freedom from poverty. The coalition is an ardent supporter of enacting this legislation as soon as possible, for not to do so would be denying social justice to one and all.

National Draft Bill on SCP

The critical need of the hour is to look at the situation of these two communities and assess the urgent need for reforms to elevate them out of the poverty. When the Scheduled Caste Sub Plan and Tribal Sub Plan were crafted, there was hope of bridging the gap that exists between Scheduled Caste and Scheduled Tribe communities, and other more advanced groups, however this remains only a hope even today. The implementation of this policy is poor and there have been gross diversions. The effective implementation of the bill would have a huge impact on ensuring economic stability and contribute to the growth of the nation. Of course legislation alone is not an end in itself but effective implementation is key to the overall development of the communities. It is to be noted that Andhra Pradesh has been the first state in India to pass a legislation on Scheduled Caste Sub Plan and Tribal Sub Plan in January this year, albeit with flaws and gaps in it, however their efforts ought to be applauded. The draft bill prepared by the National Coalition on SCP TSP Legislation consists of both the SCP and TSP, however it is absolutely unfortunate that the national draft bill prepared by the Ministry of Social Justice and Empowerment has only the Scheduled Caste Sub Plan and not Tribal Sub Plan, efforts are on by the National Coalition to demand for a draft also on Tribal Sub Plan.

³(http://planningcommission.gov.in/plans/planrel/12thplan/pdf/vol_3.pdf)

The key features of the proposed Bill by the Coalition on Scheduled Caste Sub Plan and Tribal Sub plan are:

- Clearly set apart a proportion of the total plan outlays of the centre and states equivalent to the proportion of the Scheduled Caste and Scheduled Tribe population. 50% of the allocated funds should be for schemes only for the development of Scheduled Caste and Scheduled Tribe women
- A well dedicated institutional set up or authority to allocate and set apart funds for the development of the communities
- Schemes should be non-divertible and non lapsable and should be individual, family and basti oriented
- General schemes should not be accounted for in the Scheduled Caste or Tribal Sub Plans
- The implementing authorities should have proportionate representation of Scheduled Caste and Scheduled Tribe women
- Strict Accountaibility Norms and failure to implement the provisions of this Act or any lapse, shall be presumed to be an offence punishable under section 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

From Notional to Real Development

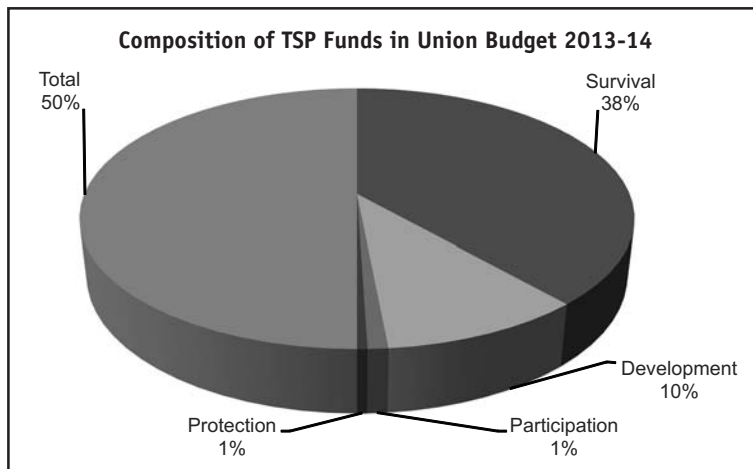
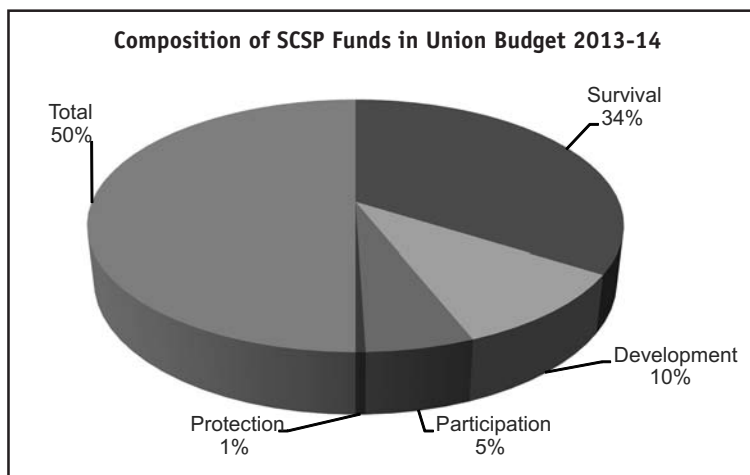
Economic policies cannot be driven by profits and consumer requirements alone, they need to focus on social justice as a core while formulating policies and this would create a developmental economic environment for the marginalised. Until this is done, these policies would be hollow policies that have no impact on the overall development of the community. Economic Inequalities and disparities continue to grow amongst these communities today and present a stark picture as compared to other communities. India needs to do more to achieve equality in the economic sphere. According to Amartya Sen in his recent article in New York Times, the reason that India lags behind China in economic growth is the “huge extent of

inequality and its damaging consequences” which will destroy the course of economic growth in the long run. Therefore social justice should be the sine non qua for economic development.

The situation has to change and these two instruments will definitely help in changing the status of these communities. The Scheduled Caste and Scheduled Tribe communities should be the catalysts for development of the country rather than be shunned further to the margins. Investment in human capital is crucial; if we do the math and we invest in about 16% of the Scheduled Caste and 8% of the Scheduled Tribe population, who can be trained in the latest technology and educated with high technical skills, this would in turn contribute to the total growth of the country, bolstering economic growth. The progress of the country should not be judged only by

numbers or GDP but by the progress that the people of the country make.

From the graphs it is evident that most of the funds are allocated for survival schemes and not on developmental schemes which falls under the economic sector. Schemes have to be designed not only for survival but to ensure long term holistic development. This clearly shows the 70 % of the funds are for survival schemes and only 20% for developmental schemes, this very clearly shows that that the economic development of the Scheduled Castes and Scheduled Tribes are not priority for the government. This is also reflective of the neglect in protection, participation, promotion and development of the communities. Therefore the schemes devised for the Scheduled Tribes and Scheduled Castes will not in any way help in bridging the gap but will in turn further widen the gap,





thereby contributing to poverty in the country. The Scheduled Caste Sub Plan and Tribal Sub Plans cannot be only a post facto accounting exercise but care should be taken to ensure that the money allocated is utilized effectively and for the economic empowerment of the community. Schemes designed for these communities do not directly benefit SC individuals/families/habitations: SCP clearly mandates all ministries and departments to design schemes aimed to provide benefits to individuals and families for elevating them out of poverty and developing education/health/employment-related schemes as well as schemes for improving the living standards in the SC habitations. Many ministries and departments evade this mandate and their schemes are not designed to provide specified benefits to SCs. They argue that their budgets are 'non-divisible' and that the general state/national-level benefits from their ministries/departments also reach the SCs. Thus, as of today out of a total 57 ministries only 25 ministries have allocated funds for SCP and 29 ministries for the TSP.

Some of the major concerns with the current policy are:

- Notional Allocations: the allocations are only notional which means allocations only on paper; where the

proportionate budgets are reported but not utilized to directly benefit the communities.

- Non-Utilization of Allocated funds- Ministries and departments do not come up with relevant schemes contributing to the development and only about 50% of the allocated funds get utilized, as mentioned by the Planning Commission in their Mid-Term Review document of the 10th Five Year Plan.
- Diversion of funds- Funds from the Scheduled Caste Sub Plan and Tribal Sub Plans are often diverted for purposes other than intended; for example in 2010, Rs. 744 Crore was diverted to build stadiums during the Commonwealth games.

These are gross violations of the policies and misuse of the funds which are meant only for the development of the Scheduled Caste and Scheduled Tribe communities. Currently the Ministry of Social Justice & Empowerment and Ministry of Tribal Affairs are the only ministries spending for schemes and programs directly benefitting the Scheduled Caste and Scheduled Tribe communities and for their development. The funds have to be non-lapsable and non-divertible. There has to be conscious efforts by the government to ensure that these communities are participating and

have access to state of the art technology and opportunities for higher education which would enable them to aim for higher skilled jobs and not just remain within the low skilled workforce.

The goal is to provide economic justice and by not doing so, we would be creating a vicious circle of economic as well as physical violence and which almost always contribute to growing poverty which is detrimental to the economic growth of a country in the long run. Ultimately what is required to ensure that the Scheduled Caste and Scheduled Tribe communities are elevated from the clutches of poverty, is most definitely education, employment, freedom from violence and protection, participation in the larger economic growth. Is it impossible for the government to provide these basic services and rights to the citizens of this country? The idea of social justice cannot be achieved without economic liberation; our fight for a just world cannot be achieved unless the government along with society can specifically look at the vertical and horizontal economic development of these communities. Positive steps towards achieving these said goals should be taken. Persistent focus on the development of the vulnerable and marginalised communities is not only a necessity but should also be priority today for the government.



A.P. SCP & TSP Legislation 2013

Potential and Limitations

Satyababu Bose and David Sudhakar*

Background

After more than four decades of struggle by Dalit and Adivasi movements, Andhra Pradesh Legislature passed the “Andhra Pradesh Scheduled Castes Sub-Plan and Tribal Sub-Plan (Planning, Allocation and Utilization of Financial Resources) Act No.1 of 2013. It came into force on 25th January 2013. The Act is to ensure an accelerated development of SCs and STs, with emphasis on equality in economic, educational and human development, while ensuring security, social dignity and promoting equity among SCs and STs, by earmarking a portion of budget, in proportion to their population.

Infact, the policy of earmarking 15% of budget for the development of SCs was initiated by Andhra Pradesh government in respect of Panchayati Raj in 1960s. It was extended to municipalities in 1972 and to other departments from 1975 onwards. The Secretary, Planning, Sri B.P.R.Vithal issued Memo with definitive guidelines to all Heads of Departments during finalisation of Annual Plan 1975-76¹. Later, Sri S.R.Sankaran, Secretary, Social Welfare Department, wrote to all Government Departments in July 1976, “to evolve a procedure to ensure that at least 15% of the funds in the general sector are utilized for the welfare of the SCs and accordingly to prepare sub plans for the purpose”². The concept of Special Component Plan was evolved by Centre only in the late seventies and made part of Sixth Five Year Plan. But SCP and TSP implementation by the GoI and GoAP is dismal.

Allocations under SCP & TSP were limited only to ministries/departments under divisible category in Andhra Pradesh. During **9th Five-Year Plan** out of Rs. 30,291.02 crore of plan budget, Rs. 2,252.99 crore (7.44%) was allocated under SCP. But, the actual expenditure was only Rs. 1,505.62 crore (4.97%). Similarly in the **10th Plan**, out of Rs. 68,465.61 crore of plan budget, only Rs. 6,087.90 crore (8.89%) was allocated and Rs.7,292.66 crore (10.65%) was utilized. In **11th Plan** out of Rs.190,778.91 crore of plan budget, Rs. 30,961.52 crore (16.23%) was allocated and the expenditure was only Rs. 19,626.93 crore (10.29%). As against these allocations and utilizations, the dalit and adivasi organizations voiced the need for a strong legislation to protect their share of the budgets.

Potential of Andhra Pradesh SCP, TSP Legislation

- Such legislation is first of its kind in the country.
- It also became a role-model for other states.
- The legislation defined objectives, allocations & expenditure and procedures.
- Constitution of State Council for Development of SCs and STs.
- Nodal Agencies headed by Ministers of Social Welfare and Tribal Welfare.
- Exclusive Secretary, Finance in Finance Department for performing the functions relating to budget implementation and allocations according to the Act.

- Strengthening of Social Welfare and Tribal Welfare Departments as nodal departments with Administrative & Technical Support Units and Sub-Plan Research Centre.
- Identified Departments to establish Sub-Plan Support Unit.
- Each Department to post the documents in public domain.
- Constitution of District Monitoring Committee.
- Annual Social Audit and analysis of improvement in Human Development Index against the projections for the state and district.
- To plan schemes which secure direct and quantifiable benefits to SCs and STs that have potential to bridge the gaps in development.

As far as the allocations are concerned, the present Act defined clear institutional arrangements. The Nodal Agencies would function under the chairmanship of the Minister of Social Welfare and Tribal Welfare respectively with their ministries, as nodal departments, will coordinate with all other departments in the state to prepare state SCP & TSP. These sub-plans will be placed before the State Council which meets twice in a year and can suggest measures for proper planning and implementation and also approve the annual SCP & TSP plans. State Council functions under the chairmanship of the Chief Minister. The nodal agencies have the power for reallocation of SCP & TSP funds from one department to another department. These nodal agencies will be supported by administrative and technical units and research centers for the preparation of sub-plans. Similarly, other departments will also be supported by sub-plan support units.

Limitations of the Act

However, there are some serious lapses in the Act which need to be reviewed and remedial steps need to be taken.

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¹ Memo No. 1808/ Planning. IV/74-27 dated 2/12/1974

² D.O.No.2826/B1/76-3, dated 21st July, 1976

³ Various documents of Social Welfare Department



1. The 10-year time-limit for the implementation of the Act from the implementation date. Since, the Act has come into implementation in the year 2013, it will cease to exist after the year 2022 without any notification or procedures. [Chapter - I, (4)]
2. The Act prescribes that the schemes under SCP-TSP should be consistent with Annual and Five-Year Plan and priorities of the state. But, SCP and TSP are formulated for bridging the gap between the SCs, STs and others and need to be specially planned. Hence, they need not be consistent with the state annual plans or five-year plans and their priorities. [Chapter II- 5]
3. As per the Act, departments shall prepare plans to promote equity in the development of various social groups within SCs and STs; **the Act is missing out on the rights of the women. The share of Dalit and Adivasi women has to be included in the Act.** [Chapter II, 6]
4. The sentence “**shall be allocated and accounted**” would legitimise diversions without actually utilising any funds for the direct or indirect benefit of SCs or STs. Hence, allocation, utilisation and benefits to Dalits and Adivasis should be reflected in the Act and not just as allocation and accounting.[Chapter III -11 a, b and c]
5. Allowing the government to determine the portion of scheme’s cost as **non-divisible infrastructure works as deemed to have been attributed for Scheduled Castes Sub-Plan and Tribal Sub-Plans** will only enable the government to legitimately divert SCP funds and account general expenditure in the name of infrastructure development under SCP and TSP. [Chapter III- 11d]
6. The State Council’s functions are limited to “advise, suggest and approve” which do not give any autonomy to the State Council. Hence, it is necessary to consider “ (a)

take decisions on all the policy matters relating to Scheduled Castes Sub-Plan/Tribal Sub-Plan”. (b) take decisions on the measures for proper planning and implementation of the schemes by the departments. [Chapter - V (2 a and b)]

7. Action against any functionary for negligence in discharge of responsibilities under this Act shall be as per the relevant service/disciplinary rules. But, it should be under Section 4 of SCs and STs (PoA) Act, 1989. [Chapter - VI-25]

Experience of Budget Allocations under SCP & TSP after the legislation

SCP

The AP Plan Budget for the year 2013-14 is Rs.52,955.28 crore. As per guidelines, 16.2% has to be allocated under SCP on the population basis. Rs.8,578.75 crore was allocated by the state government (Rs. 6.08 crore excess). Out of this Rs.2,170.28 crore was allocated to Social Welfare Department and Rs. 5,406.00 crore for other 41 departments.

But, the Government fixed 7%, i.e., Rs. 1,088.55 crore for the year 2013-14 as deemed allocation for non-divisible infrastructure works in 8 ministries/ departments.

In fact, Centre share increased from 9.61% in 2012-13 budget to 14.26% in 2013-14 budget but state share decreased from 90.39% to 85.74%. While the overall central share increased by 85.69% the state’s share increased by 18.70% only.

TSP

As per the share of ST population, 6.6% of the budget, Rs. 3,495.05 crore, should have been allocated under TSP in the state budget of Rs. 52,955.28 crore. But, the allocation is Rs.3,666.60 crore (Rs. 17.15 crore excess). Out of this Rs.1,181.74 crore has been allocated for the Tribal Welfare Department and Rs.329.42 crore attributed @ 3% for non-divisible infrastructure works in 6 departments.

Institutional Arrangements

Rules for the implementation of the Act have not been framed as yet. The constitution of the State Council and the Nodal Agencies has not taken place so far. The Department-wise budget release orders have not been given till date. Similarly the specific schemes and programmes, and percentages, priorities are also yet to be worked out.

As per the Act the Government should start preparing its SCP & TSP budget by October of every year. Unfortunately the mandatory institutional arrangements are not in place yet. We hope the Government will complete the process at the earliest.

Avenues for participation in Budget making process

Since, there is State Council for Development and Nodal Agencies, the Dalit and Adivasi stakeholders can interact with them on the schemes, allocations, implementation, utilisation of funds and the consequent benefits and share their experiences and suggestions. The District Monitoring Committees can interact with the stakeholders throughout the year and give feedback/suggestions on the Dalit / Adivasi needs and the required schemes. Prioritisation of programmes schemes could be developed through public hearings, consultations with different stakeholders. Infrastructure development in Dalit / Adivasi localities (wadas/bastis, urban slums) should be demanded under SCP, TSP.

Dalit /Adivasi activists should think and design schemes under SCP, TSP which can train Dalit /Adivasi students to decide about the career and enter the job-market with skills and proficiency. Under SCP and TSP, training/coaching right from high-school stage should be demanded to prepare Dalit /Adivasi children to enter best institutions of education such as IITs, IIMs and NITs.

Political parties, civil society organisations and academicians can play a critical role in



Nodal Agency in developing perspective plans and designing the programmes and schemes for SCP and TSP. In fact, members from political parties, civil society organisations, and academic circles could be made members of state council and nodal agency and could provide valuable

insights into the SCP and TSP implementation.

Now since there is legislation, the Judiciary could also intervene in appropriateness and effectiveness of the SCP & TSP implementation. On the other hand, public can also approach courts.

Finally, the first part of the journey has been completed and the milestone of getting statutory status for SCP and TSP is reached. Now, the process of implementation to hasten the development of Dalit / Adivasis should begin with their meaningful participation.



SCP in Tamil Nadu - Lopsided Growth and Development...

John Kumar*

Planning process, especially at the Union level, has undergone drastic changes, since the era of structural adjustment programmes. Forced by the political and economic compulsions of neo-liberal policies, governance process in the country has tried to attune itself, to the vagaries of Globalisation, Liberalisation and Privatisation, largely to the detriment of social sectors. Despite the challenges raised from different quarters, including the media, about the plight of the people at the margins vis-à-vis the growth prospects, the so-called claims of 'trickle down' (of fringe benefits) is cited as the possible way-out.

But those claims have not been proved, either through the overall development and growth process or through the policy measures for delivering goods and services to the economically weaker sections. On the other hand, ensuring constancy of growth of the market-led economy too has been very difficult in the context of the recession experienced by the countries around the world.

The broad, sloganeering goals of the recent Five Year Plans of Union Govt., viz., **Inclusive, Faster and Sustainable Growth** have scarcely yielded the desired results.

The brunt/burden of the market-led model of economic growth has been heavy upon the vulnerable groups of our society viz., the marginalized and minorities esp., the Scheduled Castes and the Scheduled Tribes.

Critiquing the country's economic position amidst the Asian countries, a columnist of a leading daily (The Hindu 23rd July 2013) writes, "India's GDP per

capita is pitifully low compared to that of the Asian power houses, ...and the fruits of its much-vaunted high growth in recent years are poorly distributed. ...restricting ourselves to the income criterion misses an important element when it comes to evaluating the standard of living; ... we refuse to acknowledge how important this (standard of life) is in enabling people to lead a dignified life"

The failure in addressing squarely, the needs and conditions of the marginalized groups, have forced a majority of them to live an 'undignified life'. Propelled by the shift towards lop-sided market-led growth, which increasingly continues to deny the rights and entitlement of the disadvantaged; the semi-urban and rural population (mostly the SCs and STs) get further alienated from their land, land-based agrarian engagements/activities and also the other livelihood opportunities.

And, these disadvantaged sections, who form a conspicuous majority, increasingly end up **being excluded**, because of the systemic flaws. This needs to be countered with stricter enforcement of existing acts, laws and verdicts of the Supreme Court, diligent execution of policy provisions, and focused monitoring of the policies and strategies in action; for example, the progressive policies like **Special Component Plan (SCP) for the Scheduled Castes and Tribal Sub-plan for the Scheduled Tribes**. These should be ensured, progressively realized and the allocations should be utilized fully, through innovatively explored programs.

In terms of programs for the marginalized, the perspective of minimum requirement fulfillment should be replaced by that of maximum fulfillment of needs, and an attempt should be made to consciously

bridge the gap. The Post-Millennium and +15 goals and the International covenantal standards of human and social development have to be aimed at, if not as the mandate, at least as a redressal mechanism to 'right the wrong' done to the disadvantaged sections down the history of social and economic development of this country.

In the state of Tamilnadu, more than that in many other states, the attempt for creation of 'growth-ambience' for Foreign Direct Investment swallows and eats-up a high share of common property resources.

The euphoric empty promises by successive Govts.' radical Political Manifestos, filled with populist schemes, tend to deviate the attention of the masses and dilute their struggles and demands for social justice. The policies and guidelines, pretty much remain on paper with partial fulfillment or empty words.

The following are the illustrations explaining what's really happening in the state of Tamilnadu with regard to implementation of Special Component Plan (SCP) for the Scheduled Castes. Though this radical and strategic development policy came into existence almost 3 decades ago, it has been kept in hibernation and denied any attention.

Responding to the civil society representations during the late 90s', the Govt. of Tamilnadu, reviewed the state of affairs with regard to the implementation of SCP and announced in its policy documents (during two consecutive budget speeches) that,

"The Government is aware that the allocation for the Special Component Plan for Adi-Dravidar and Tribal Welfare is not commensurate with their total population.

We propose to review the progress and achievements under the Special

* John Kumar is the Director of Social Watch-Tamil Nadu (SW/TN), Chennai



Component Plan and Tribal Sub-Plan on a regular basis”

- Tamilnadu Govt. Budget Speech 2001-02

“The Review of the implementation of the Special Component Plan and Tribal Sub Plan for the welfare of the Adi-Dravidas and tribals reveals discrepancies in the actual allocation of resources for the welfare of people belonging to these communities.

A High Level Committee has been formed to prioritize schemes based on specific requirements of the Adi-Dravidas and Tribals under the Special Component Plan and Tribal Sub Plan”

- Tamilnadu Govt. Budget Speech 2002-03

But these announcements viz, **1. Review the progress and achievements ... on a regular basis; and 2. The formation of a High Level Committee to prioritize schemes based on specific requirements;** remain largely unfulfilled till date, though they are claimed to have been achieved in the Annual Reports of SCP and the performance reports; But, when we analyse closely, whether they adhere to the guidelines and queries of the Union Planning Commission, they seem to be lackadaisical, in the pattern of evolving or conceiving programs, the corresponding budget allocation needed and the mode of implementing them under SCP.

The apparent increase in fund allocation, in the recent years, under SCP through the sectors and departments for programs/schemes are merely a shift of expenditure accounts with different renewed nomenclature viz., **‘what had been so far general / common program meant for all (poor/marginalized) people’, have been brought and shown under the Special Component Plan (SCP) with a certain proportion of fund culled out of general schemes, and categorised with the budget code of ‘789’.** Starting from 2006-07, these aforementioned categories of expenditure have been increasing in leaps and bounds, without in any way corresponding to qualitative increase in terms of growth and development of the sector. They are neither innovative, nor particularly

focusing on the entitlements of the SCs or their empowerment.

Yet, by this skewed accounting, the Tamilnadu Govt. tends to give the impression that it has fulfilled, at least one of the criteria of Special Component Plan viz., the **‘proportionality’**. And, it is all the more glaring when TN Govt. claims and proves success through its supposedly objective achievements, in terms of both financial and physical targets, published in its performance budgets

In the following enlisted programs during the 11th Plan, we see the phenomenal increase in budget amount ranging from

10 percent to 70 percent; but, at the end of it, the desired qualitative change in standard of life of the SCs is missing: when there is a sevenfold increase in budget amount, and there is not even a twofold increase in quality & standard of their lives – where are these planning and budgeting leading us all to?

Could the budget flow and accounting procedures for SCP schemes be verified and proved at the district/field level? These are a few of the programs of SCP, we see with huge up-scaling in the last five years – Are they based on any empirical evidence? (Refer to the following table)

Tamil Nadu State Budget : Schemes under Scheduled Caste Sub-Plan							
(Rs. in Lakh)							
Demand No.	Head of Account	Schemes	Account 2006-07	Account 2007-08	Account 2008-09	Account 2009-10	Pre-Account 2010-11
5.	2401789JA	Procurement and Distribution of Paddy and Millet seeds (to SC farmers)	448.99 (Nearly Rs.5 Cr.)	543.33	705.23	4807.64 (Rs. 48 Cr.- almost 9 times increase)	2771.70 (Rs. 28 Cr. more than 5 times increase)
5.	2401789JB	Multiplication and distribution of Pulses seeds	142.17 (Nearly 1.5 Cr.)	157.91	174.79	231.08	604.08 (Rs. 6 Cr. which is 4 times increase)
5.	2401789JC	National Agri. Devp Prog Rashtriya Kishan Vikas Yojana (NADP-RKVY) Agri. Engineering Dept under SCP	....	....	....	....	1033.44
5.	2401789JI	Scheme for improvement of income of farmers operating pumpsets to irrigated lands under Special Component Plan	61.34	....	99.38	247.40 (4 times increase -nearly Rs. 2.5 Cr.)	....
5.	2401789JO	State subsidy to Agri..Insurance scheme to Non-Loanee tenant farmers and Loanee farmers in Horticulture dept. under SCP	....	....	13.45	2726.63 (20 fold increase compared to 10 th FYP Plan)	66.01(5 times increase before completion of A/C)



Demand No.	Head of Account	Schemes	Account 2006-07	Account 2007-08	Account 2008-09	Account 2009-10	Pre-Account 2010-11
5.	2401789JP	National Agri. Insurance scheme	....	....	....	8045.07 (40% increase compared to 10 FYP Plan)	8000.07
5.	2401789JQ	Incentive to Farmers during paddy Procurement under Special Component Plan	....	....	....	1422.01	4720.01
5.	2401789UH	Oil Seeds production prog.	232.91	246.66	263.76	277.09	291.48

All and sundry under SCP

Besides, the general schemes being shifted and accounted under SCP (with new or the same names), the populist schemes too being accounted under SCP which can be seen from the following two schemes through the department of Animal Husbandry by the present Govt. of Tamilnadu.

The SCP allocation which did not exceed, even one crore, till 2010-11, suddenly jumped to nearly Rs. 50 Crore:

1. Free distribution of goats Rs. 33.75 Cr.
2. Free distribution of cows Rs. 14.01 Cr.

The schemes that are not immediately relevant to the SCs and directly assisting in their need, are being included under SCP in the 2012-2013 budget year For example,

1. Expansion of Veterinary Dispensaries in the Districts Rs. 61.76 Lk.
2. Mobile Units for Veterinary Dispensaries Rs. 21.95 Lk.

- How does the Govt. explain the sudden disproportionate increase in expenditure shown under schemes which (hitherto, were accounted and spent under general category)?
- How are they determined, by-passing the nodal agency ADTW department?

These are all questions that go unanswered in every budget.

The State has also failed in the other two basic criteria of SCP viz, the principles of 'Universality' and 'Convergence'; especially, the latter criterion could only be achieved through inter-sectoral approaches in fulfilling its financial commitments, where two or more departments collectively engage in evolving programs, mutually share and allocate fund for programs particularly focused on assisting SC families and individuals. Also, this could be possible only through

participative and innovative mode of evolving schemes that would augment income generation, e.g. through encouraging entrepreneurial ventures, definitely focusing at empowering the SCs. But, on the contrary, we have evidences to show TN neither kept its promises nor followed the guidelines of the Union Govt. Here is the claim of TN almost a decade back:

“While the central objective (of SCP) is the economic development to achieve a lasting solution to the socio-economic problems, it is intended to comprehensively cover economic, educational and social development along with the fulfilment of minimum needs and human resources development.

The measures for securing the scheduled castes full access to modern, secondary and tertiary sectors, including public services, protection and promotion of

their demand over land and resources, measures for expansion of the resource base and effective protection against discriminatory practices. All these constitute into the part of SCP.”

- Special Component Plan for SCs, Adi Dravidar and Tribal welfare, Chennai, Tamilnadu, 2003.





Experience of the Implementation of SCP in Gujarat

Mahender Jethmalani*

Background

The strategy of Scheduled Caste Sub Plan (SCSP) (earlier known as Special Component Plan for Scheduled Castes) is in force since 1979-80, to ensure proportionate flow of plan resources for the development of Scheduled Castes. For the implementation of SCP, the Gujarat state has created administrative machinery; the Social Justice & Empowerment Department is the nodal department in charge of the Scheduled Castes Sub Plan. While the Scheduled Castes Sub Plan schemes are to be prepared and implemented by the respective departments as a part of their Five Year and Annual Plan schemes, the Social Justice & Empowerment Department is required to oversee both the formulation and implementation of the Scheduled Castes Sub Plan. In order to ensure proper implementation of the Special Component Plan Schemes, from the year 1983-84, the budgetary provisions under the various schemes of the Special Component Plan have been consolidated under a separate and single demand of the Social Justice & Empowerment Department. This has been done to ensure proper and full utilization (the full utilization hardly observed) of the outlays provided. The major objectives of SCP implementation are to ensure minimum desirable levels of income and to provide the basic minimum needs to the SC population in the villages. The SCs, who constitute about 7 % of the state population are at various stages of socio-economic progress and face number of problems on account of social exclusion.

The concepts of exclusion and discrimination are very closely associated with caste. By definition, exclusion is known to be structured around the societal processes that exclude, discriminate, isolate, and deprive some

marginalized groups on the basis of certain social characteristics that are intrinsic to a social structure. In the Indian context, marginalized social groups primarily, include the Scheduled Castes (SCs). Within the *Hindu* social structure, the SCs have been historically discriminated on the basis of un-touchability and caste-based discrimination. More than 60 years after gaining Independence, India is still very much afflicted by the cancer of the caste system and the Schedule Castes remain the most vulnerable and marginalized.

The Gujarat Scenario

Schedule Caste communities in Gujarat, have suffered historic injustice on caste basis; their economic and social status is lower than the others. Gujarat has around 7% of SCs population. According to the 2011 Census, the population of the SCs in Gujarat is 40.74 lakhs, out of state's total population of 6.04 Crore. The SCs in Gujarat are dispersed in all the districts of the State unlike the Scheduled Tribes (who are spread in eastern hilly belt); the bulk of SCs live in eight districts. Out of the 18,275 villages in the State, as many as 12,808 villages have Scheduled Castes population. There are 2,361 villages and towns which have SC population of 250 and above. The larger concentration of SC Population is concentrated in Ahmedabad, Banaskantha, Junagadh, Mehsana and Vadodara districts.

Socio-economic status of SCs in Gujarat

Very few Schedule Caste people own agricultural lands, there are about 42.39 lakh operational holders operating about 98.77 lakh ha. land as per the Agricultural Census 2000-01. Out of total 42.39 lakh operational holders, 1.54 lakh (3.63%) SC landholders are operating about 2.85

(2.89%) lakh ha. area of operational holdings. The landlessness among SCs is very high, therefore, number of agricultural labourers is very high. As per the survey of BPL families conducted by the Rural Development Department there were 23.24 lakhs families in the state living Below Poverty Line (BPL) of which 2.37 lakh families belonged to the Scheduled Castes.

The literacy rate among SCs is (70.5%) higher than the state average (69.14%) but the drop-out rate at upper primary level was observed 31.65% in year 2008-09. According to NFHS-3 report, 56.3% SC women have suffered from any anaemia. Infant Mortality Rate among SCs (65.4%) and Under-Five Mortality Rate (72.2), key indicators of human development, are higher than the general social groups; and this is also manifestation of poverty, lack of access to health care, better employment.

SCP (Special Component Plan) for Schedule Castes

Scheduled Castes Sub Plan was evolved with a view to expedite socio-economic development of the Scheduled Castes. The Scheduled Castes Sub Plan is not a scheme by itself, but it is an umbrella under which schemes implemented by State and Central Government are dove-tailed by apportioning funds exclusively for Scheduled Castes for addressing their needs and problems. The Scheduled Castes Sub Plan is, thus, a plan within a plan, where each Department formulates needs-based programmes to ensure direct flow of benefits to Scheduled Castes through family and individual oriented programmes as well as benefits of the services like provision of drinking water, health services, irrigation, roads & bridges etc., by **earmarking State Plan Outlays atleast in proportion to Scheduled Castes**

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population of the State. The funds under the special Component Plan for SCs should be Non-divertible.

Status of Implementation of SCP during 11th Five Year Plan in Gujarat

In most of the states in our country, the SCP model has not been properly followed by the departments of the state government and Gujarat is not an exception. Even the central government has equally failed in implementing the special component plan as per the guidelines of Planning Commission of India. The Gujarat Budget documents have a separate budget statement, which shows the budget estimates and actual expenditures under SCP.

denial of 1% out of Plan outlay of over Rs. 50 thousand crore, amounts to be Rs. 500 crore, with which amount all the Schedule Caste people could be provided water and sanitation in their houses, better health care, education or better economic opportunities for educated youth. The denial is around 2%, which will be more than Rs. 1000 crore in each subsequent year, in future years' plan outlay.

Actual implementation of SCP

Making Budget outlay is one part of planning but actually spending budget outlay under the said functional heads (4 digit numbers known as major heads) is

It is observed from data that during the 11th Five year plan except year 2007-08, budget outlay under SCP was never fully utilized and unspent portion of budget is around 10%. The actual implementation of SCP for promoting various social, economic developmental activities for the welfare and upliftment of the Schedule Castes of the state is also marked by **under utilization** of budget outlay.

The overall picture could be summed up as (1). The budget outlay under SCP (Schedule Caste Special Plan) is not made as per proportion of the SC population and (2). Whatever outlay is made, it is not fully utilized.

Observations on Notional type expenditures

Another cause of concern under Special Component plan is the Notional expenditure, which creates infrastructure but the expenditure is accounted under SCP, like expenditure for major irrigation, urban development, construction of Roads and Bridge. In year 2012-13, the budget outlay for capital account outlay for major irrigation was Rs. 713 crore out of total budget outlay of Rs. 3108.60 crore under SCP, which is around 23% of SCP. The state must create infrastructure but such expenditure should be accounted under General Budget; and under the SCP, expenditure should be for providing

Gujarat State Budget: SCP Implementation in 11th five year plan and first two years of 12th plan

(All figures in Rs. crore)

Year	2007-08 AE	2008-09 AE	2009-10 AE	2010-11 AE	2011-12 AE	2012-13 AE	2013-14 BE
Gujarat State Plan outlay	15680.04	21763.63	23161.46	30097	34659.79	50559	58500
Expenditure/ outlay under SCP	554.16	1053.13	1269.08	1337.68	1767.97	2919.86	2850.73
% SCP out of state's total plan	3.53%	4.84%	5.47%	4.46%	5.1%	5.77%	4.87%

AE: Actual Expenditure, RE: Revised Expenditure, BE: Budget Estimates

Status of SCP within state plan in context of PCI (Planning Commission of India)'s guidelines, during the eleventh five year plan period and subsequent years reveals that "the budget outlay under SCP has never been proportionate to the population of Schedule Castes in the state. The actual expenditure in percentage out of state's total plan outlay under SCP was 3.53% in year 2007-08, followed by 4.84% in 2008-09, 5.47% in 2009-10, 4.46% in 2010-11 and 5.1% in 2011-12. Thus the average outlay under SCP during the 11th Five year plan comes around 4.68%. The pattern of budget outlay during the first two years of 12th Five year plan also shows the same pattern of allocation: less than the population percentage of 7%.

It makes huge difference in the lives of the Schedule Castes, when denied their due share under special component plan. Even

another part. The actual expenditure under SCP is always less than the budget estimates.

Gujarat State Budget: SCP- Actual Utilization Vs. Budget Estimates

(All figures in Rs. crore).

Year	BE Budget Estimates	RE Revised Estimates	AE Actual Expenditure	Difference of actual expenditure from budget estimates (BE-AE)	% of utilization under SCSP against budget estimates
2007-08	478.8243	569.9215	554.164	75.3397	115.73
2008-09	1053.131	1070.105	960.9082	-92.222	91.24
2009-10*	1436.7	1376.176	1269.0859	-167.614	88.33
2010-11	1457.57	1389.168	1337.6824	-119.89	91.77
2011-12	2050.191	1857.78	1767.9729	-282.2171	86.23
2012-13	3108.6017	2919.8556		188.7461 (BE-RE)	
2013-14	2850.7304				

Source: Budget books of 2007-08 to 2013-14 for Department of Social Justice and Empowerment part II (SCP).

*ME- State Government presented Modified Budget on account of the Parliament election in May, 2009.



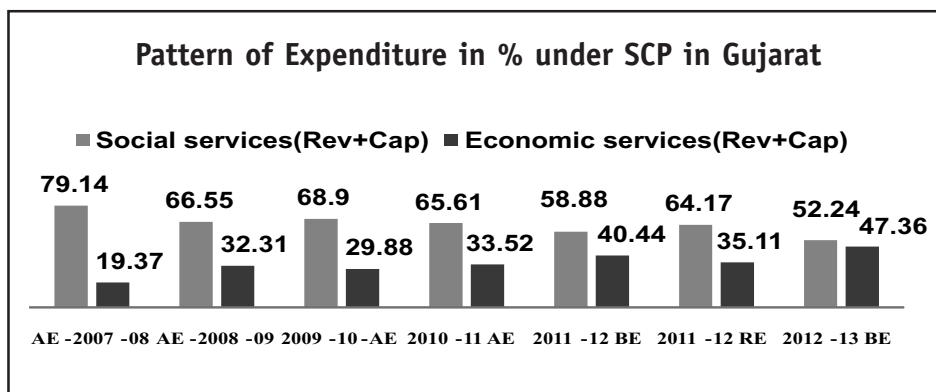
connectivity to SC population from villages to block, provision of minor irrigation, which could help in enhancing the small and marginal SC farmers in enhancing the farm yield and so on.

Under-spending and Over spending under Special Component Plan:

On closely observing the actual expenditure against budget outlay in year 2010-11, out of 53 major heads for SCP, under which financial outlay is made for the welfare and development of Schedule Caste people, it is observed that “30major heads, means 56.60% major heads reported under- utilization of the budget outlay. These are important social services like, General education, Technical education, Administration of Justice, Sports and Youth services, Arts and Culture, Medical and Public Health, Housing, Information and Publicity, Welfare of Schedule Caste, Social security and welfare, animal and crop husbandry, Rural employment and others. Over spending is observed under 6 major heads (11.32%) like Roads and Bridges and Other Rural Development Programmes with considerable amounts. The budget outlay was fully utilized for family welfare, water supply and sanitation, Urban development, capital outlay for education, medical and public works and housing.”

The priorities under SCSP in the present context
(Shift from Social to Economic services)

The pattern of expenditure under SCP has changed in the last five years; during the 2007-08, social services (Revenue and Capital) accounted 79.14% of total expenditure under SCP and economic services (Revenue and capital) expenditure was 19.37%. The expenditure under social services has gradually declined (in percentage) from 79.14% (2007-08) to 52.24% as per the budget estimates of 2012-13. The expenditure under economic services has increased gradually from 19.37% during 2007-08 to 47.36%. The capital account on social services has also witnessed decline from 6.60% (year 2010-11) to 3.64% (BE 2012-13).



In the beginning of 11th Five year Plan, the focus was on social development but gradually the focus is shifting towards economic development, so that the issues of poverty and development of infrastructure in the pockets having concentration of SC population is addressed through implementation of SCP. But under the economic development, the expenditure creates more of infrastructure, which ultimately results in notional expenditure and such expenditure must be done and accounted under general budget.

The focus during next five year plan’s implementation should be upon skill development, higher education, employment, health care, access to basic amenities and mitigation of caste based

discrimination, access to natural resources, and implementation must ensure engagement of community participatory in transparent manner, so that there is constant monitoring for desired result. The efforts should be to bring the substantial social and economic positive change in reducing the overall gap between Schedule Castes and mainstream society.

Social justice and development of Schedule Castes requires not only dedicated financial funds but the rights-based funds, with a justifiable instrument in case of denial or violation. Therefore, looking at the experience of SCP planning and implementation, the Special Component Plan must be accorded the legal status, as has been done in Andhra Pradesh.



Status of the Implementation of TSP and SCP in Rajasthan

Nesar Ahmad*

Introduction

The Planning Commission of India has issued guidelines to the ministries of the Union government and all the state governments to ensure that plan allocations for the development of SCs and STs are proportional to their share in the total population of the state. These are known as Tribal Sub-Plan (TSP) and Scheduled Caste Sub-Plan (SC-SP), earlier known as Special Component Plan (SCP). In most cases, the state governments have not been allocating the amounts required. The share of tribal communities in the state of Rajasthan is 12.56 percent and that of SCs is 17 percent, therefore the allocation to TSP should be 12.56 percent and allocation to SC-SP should be 17% of the total Plan outlay of the state.

Mechanism for Implementation and Reporting of TSP and SC-SP in the state

The Tribal Area Development (TAD) Department and Department of Social Justice and Empowerment have been made nodal departments for the implementation of TSP and SC-SP respectively. The Planning Department in its report of the Annual Plans reports the spending on TSP and SC-SP, which is generally in accordance with the norm of 12% for TSP and 17% for SC-SP. In the budget books the allocation to the TSP and SC-SP are shown under Demand Number 30 and Demand number 51, respectively. All the departments are required to show the allocations and the expenditure under the two sub-plans under specific Minor Heads under every Major Head. Minor Head 796 is used for TSP and Minor Head 789 is used for SC-SP. The Rajasthan government has made provision for inserting the two Demand Numbers (30

and 51) under the other Minor Heads (than 796 and 789) as well so that the allocation to the two sub-Plans could be shown to be higher.

In case of TSP, the state has identified TSP area (the V Scheduled area) consisting of 27 blocks of 5 districts of southern Rajasthan where the 75% of the TSP allocations is spent. Rest of it is allocated to Marginal Area Development Approach (MADA) - the pockets, outside TSP areas, of more than 10,000 to 5,000 population, with 50% tribal population; scattered tribal population in the state; and to two Saharia tribal blocks - Shahabad and Kishanganj of Baran district.

Tribal Development Fund

Within TSP, the State government has also created the Janjati Kalyan Nidhi or Tribal Development Fund (based on Maharashtra Pattern), under which two-third of the TSP amount of the 13 departments of the State government are transferred to the Tribal Area Development Department, which makes development plan for the tribal area based on the plan submitted by these departments. This arrangement is based on Maharashtra experiment and is also known as Maharashtra pattern. The major schemes under the TSP being implemented in the state are: Integrated Tribal Development Project (ITDP), MADA, MADA Cluster Development Scheme, Primitive Tribe Development Scheme and Scattered Tribal Development Scheme. For the SC-SP the villages/hamlets having more than 40% SC population are considered as SC area.

Too Much Focus on Accounting

A government order issued by the Planning Department on February 6, 2012, provides the latest guidelines for

accounting for the TSP and SC-SP. These guidelines have turned the two sub-Plans into an accounting exercise instead of a planning exercise. The February 2012 order suggests that the allocation made to large infrastructure projects should be accounted for the two sub-Plans based on either the share of STs and SCs in the state (in case of electricity, transmission lines etc.) or the share of SCs and STs among the beneficiaries of a project, which could be calculated by the population in the villages along the roads, canal, etc. The government order also suggests that the allocation to TSP and SC-SP should include the total establishment cost in case of a project being implemented in TSP and SC-SP area or a share of the establishment cost if not fully implemented in the TSP and SC-SP areas.

Lower allocation

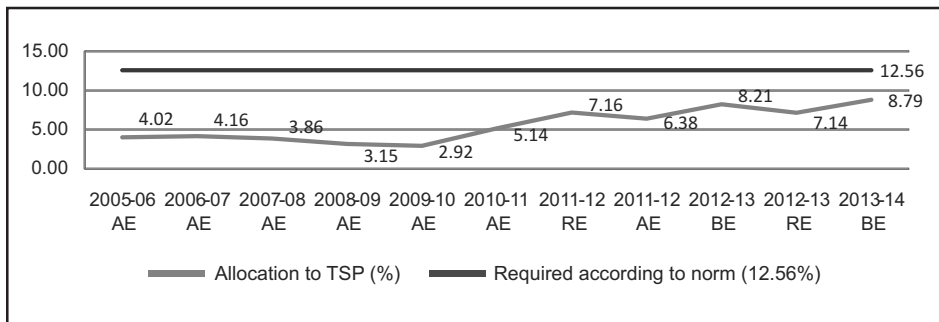
The State Planning Department claims that the expenditures meet the requirements, based on the assumption that the expenditures made by the various departments are automatically reaching the tribals and Scheduled Castes. This, however, is not enough and all the departments are required to show the allocations and the expenditure under the two sub-plans under specified Minor Heads. All the departments in the state are supposed to disclose special disaggregated budget line items or Minor Heads for these two sub-plans, which does not happen in many cases.

BARC's analysis is based on the allocations made under these special Minor Heads (789 and 796). BARC found that allocations to the two minor heads were very low compared to the norms. The following charts show the allocations being made to TSP and SC-SP in the state:

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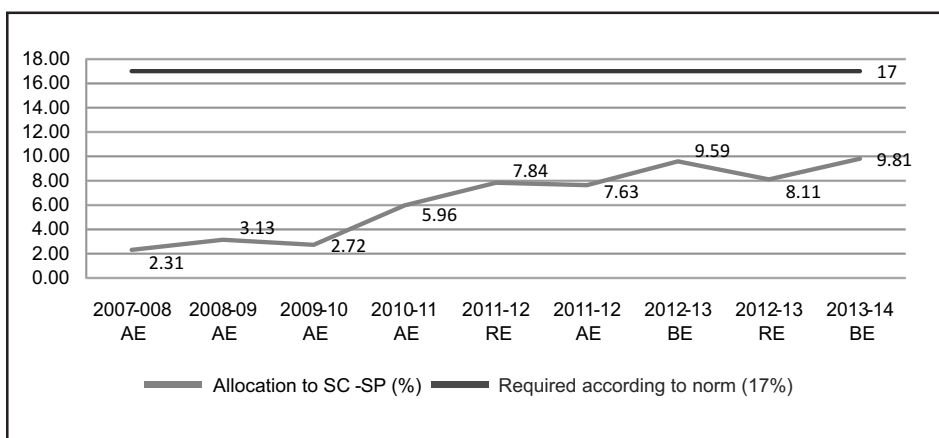


Chart 1: Allocation to TSP (796) in Rajasthan (%)



Source: Based on BARC data collated from Rajasthan govt. budget books, various years

Chart 2: Allocation to SC-SP (789) in Rajasthan (%)



Source: Based on BARC data collated from Rajasthan govt. budget books, various years

As the charts above show, the allocations, though showing increasing trends during last few years, have been below the stipulated norms. This happens in spite of the accounting exercise to include maximum possible expenditure under the two sub-Plans.

If we calculate the shortfalls, the difference between the amount which should have been allocated to TSP and SC-SP according the norms and the actual allocations being made to the TSP and SC-SP according the budget books, we get an idea of the huge amount from which these two communities are deprived year after year. The following table gives an idea of the same:

Table 1: Shortfall Amount under the two Sub-Plans

Year	Shortfall amount (Rs. Crore)	
	under TSP	under SC-SP
2007-08	956.25	1632.05
2008-09	1146.54	1710.02
2009-10	1211.33	1814.60
2010-11	1050.96	1776.71
2011-12	1271.19	1960.77
2012-13 (RE)	1603.64	2677.83
2013-14 (BE)	1188.06	2316.92

Source: BARC's calculation based on state government budget books

Note: Shortfall is difference between what should have been allocated under TSP and SC-SP and the actual allocation, based on the state government budget books.

BARC's advocacy for increasing allocation to TSP and SC-SP

BARC has been advocating with MLAs to raise the issue of lower allocation to TSP and SC-SP and to increase the fund available for the two sub-Plans. BARC has also been demanding transparent reporting of the allocations made to the Tribal Sub-Plan (TSP) and the Scheduled Caste Sub-Plan (SC-SP).

In 2007, BARC published a working paper titled "How long would the dalits continue to be deprived of their due shares?" The booklet brought the issue of lower allocation under SC-SP in notice of media and elected representatives of the state. This issue was also raised in the State Assembly. Then Chief Secretary of the state called a meeting of all the Principal Secretaries and all the departments were given special instructions to raise the allocations. The departments/Major Heads under which the two minor heads had not been opened yet, started to open these minor heads.

The issue of under allocation and spending under Tribal and Scheduled Caste Sub-Plans was raised again by BARC with the MLAs, who raised it in the State Assembly during the debate in March 2010. In response, the government promised that next year all the departments will open the Minor Heads and better data will be available. BARC also raised this issue with the civil society organizations and with the media, who have created pressure on the govt. As a result, the Rajasthan Government in last few years' budgets has increased the allocation under the two sub-Plans considerably, though it is still lower than the proportion of the two communities in the state population. The government has also opened the Minor Heads for the two sub-Plans under as many as 13 to 16 new departments/Major Heads, including Energy Department, which spent more than 40% of the total Plan allocation of the state government, during the years 2011-12 and 2013-14.

This has certainly enhanced the transparency of the government budget



and it will be easy to monitor the two sub-Plans in these new departments. BARC is now conducting a field level budget tracking study to see how the amount budgeted for the sub-plans by selected five departments are being spent at the ground.

Legislating the TSP and SC-SP in Rajasthan

With the continued pressure by civil society and media and passage of an act to implement the TSP and SC-SP in Andhra Pradesh, the Rajasthan Chief Minister announced in Budget 2013-14 to pass an Act in the State to implement the two sub-Plans.

Subsequently the government came out with a draft bill, titled “The Rajasthan Scheduled Castes Sub-Plan and Tribal Sub Plan (Planning, Allocation, and Utilization of Financial Resources) Bill, 2013”. The draft bill has been placed on the Planning Department’s website and the government has invited people’s suggestions and comments on the bill.

Issues with the Draft Bill

The draft bill does make provision for earmarking a portion of the total plan outlays of the state in proportion to the population of SCs and STs in the state. It, however, also adds that the “expenditure of SC-SP/TSP shall be accounted for in the manner hereafter specified in this act.” The manner in which it will be accounted for, however, has not been specified in the draft bill.

The bill, however, has provision for making rules and the process of accounting, which may be specified in the rules, which will be made after the bill is enacted.

It is important that the specific accounting rules do not make it an accounting exercise. It is important that the two sub-Plans be made as separate plans for the SC and ST communities which could provide them direct benefits.

The draft bill also mentions in section 6 that the persons of SC and ST communities will be extended benefits of all the general schemes but does not state clearly that the schemes under TSP and SC-SP would be additional to the general schemes.

It also does not provide any time frame for the Planning Department to communicate to the other departments, a tentative plan outlay out of Scheduled Castes Sub-Plan / Tribal Sub-Plan earmarked for preparation of the respective department wise SC-SP and TSP.

The draft bill has provisions for a State Council for Development of SC/ST to be headed by the Chief Minister, which will advise the state government on all the policy matters regarding the TSP and SC-SP. It also makes provisions for nodal departments (Tribal Area Development Department for TSP and Department of Social Justice and Empowerment for SC-SP) which will assist and advise the Planning Department in approval and appraisal of TSP and SC-SP of all the departments and review and monitoring of implementation of TSP and SC-SP.

The bill also has a chapter on “transparency and accountability” and makes it mandatory for the nodal departments to place a report before the State Legislative Assembly the outcome of implementation of TSP and SC-SP.

The bill, however, has no provisions for district level committee or guidelines about implementation of TSP and SC-SP at district level and at the level of the local bodies.

The bill is also silent about the Janjati Kalyan Nidhi or Tribal Development Fund (based on Maharashtra Pattern), under which the two-third of the TSP amount of the 13 departments of the state government are to be transferred to the Tribal Area Development department, which will make development plan for tribal area based on the plan submitted by these departments.

The draft bill also makes provision for re-appropriation of sub-Plan amount from one scheme to another and also the Finance Department can consider re-appropriation of amount from one sector to another, looking at pace of expenditure and priority. This possible re-appropriation from one sector to another may lead to unbalanced development, with communities lagging in those sectors which show slow progress or expenditure. The draft bill defines Scheduled Caste area or SC area as “areas having more than 40% SC population.” This definition is too vague. Instead of area, term habitation should be used and population criteria of 40% should be changed to 80-100% of total population of a habitation from 40% as specified in the draft bill.

The draft does not make any reference to gender issues. The state government has recently started bringing Gender Budget Statement with the annual budget of the state. The bill should specifically include provisions for including gender issues in TSP and SC-SP and making clear provisions for gender budgeting in TSP and SC-SP in the state.

The bill should be made more specific, making the TSP and SC-SP a proper planning exercise and should not leave scope for it to remain as an accounting exercise which it currently is.

The bill should also mention specifically that the allocations to TSP and SC-SP and specific schemes under the two sub-Plans will be in addition to general schemes under the state plan being implemented in the state. The benefits going towards ST and SC community from the general schemes should not be accounted as the allocation towards the TSP and SC-SP.

It should also outline the clear provisions / guidelines for implementation of the sub-Plans at the district level.



SCSP Implementation in Madhya Pradesh

Pallavi K. Mali*

Devkant Tripathi*

Madhya Pradesh is home to a significant population of Scheduled Castes. According to Census 2011 (Table: 1), in India 16.6% population is of Scheduled Caste, while their proportion is 15.6 percent in the total state population in Madhya Pradesh (1.13 crore approximately). Thus every sixth citizen belongs to Scheduled Caste in Madhya Pradesh. There is substantial representation of almost 47 Scheduled Caste groups, spread across 30 out of 50 districts in the State.

different developmental indicators like education, health, livelihood, poverty employment, nutrition, access to basic facilities like housing, drinking water, sanitation, electricity, availability of assets like land holding etc. (Table: 2). Women of Scheduled Caste community are victims of both gender and caste discrimination and their living conditions are critical with very little change over the years.

Scheduled Caste Sub Plan (SCSP) was introduced in Sixth Five Year Plan (1980-

Table 1: Scheduled Castes Population in Madhya Pradesh

	Total population		Scheduled Caste Population		% of Scheduled Population	
	2001	2011	2001	2011	2001	2011
MP	6.03	7.26	0.91	1.13	15.20	15.6
India	102.86	121.06	16.66	20.09	16.20	16.6

Source: Census, 2001 and 2011

The historical and continuous discrimination and oppression faced even today by this community has retarded its socio-economic development and placed them much behind their counterparts of general population, when glanced through

85) and in Madhya Pradesh it began in the Seventh Five Year Plan (1985-90) and thereafter annually a separate budget allocation has been earmarked under various developmental schemes for SCSP. SCSP envisages channelizing flow of outlays and benefits from all the sectors of

Table 2: Developmental Indicators for Scheduled Castes in Madhya Pradesh

Indicators MP and India	Year and source for	India	MP	Scheduled Caste in MP
Sex Ratio	Census- 2001, 2011	943	931	905 (Census 2001)
Infant Mortality (within one year of age)	SRS October, 2012	44	59	81.9 (NFHS-III, 2005-06)
% of BPL Families	Planning Commission, GoI, 2011-12		22	31.7 Rural- 42.8 Urban- 67.3 (Department of Social Justice, GoI, 2004-05)
Literacy	Census- 2001, 2011	73.0	69.3	58.6 (Census, 2001)
Crime against scheduled caste	National Crime Record Bureau, 2012	33585	2875 (8.54%)

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development in the Annual Plans of States/UTs and Central Ministries, at least in proportion to their population both in physical and financial terms.

An attempt has been made to assess the trend in earmarked budget allocations and expenditure patterns for SCSP implementation in Madhya Pradesh for last five years from 2008-09 to 2013-14.

It is evident from the table that the earmarking of budgetary outlays under SCSP are well in tune with their

Table 3: Budgetary outlays under SCSP in Madhya Pradesh

FY	(in Rs.Crore)		
	Madhya Pradesh State Plan (BE)	SCSP Budget BE	% of SCSP to State Plan
2008-09	15352	2393	15.6
2009-10	19028	2826	14.9
2010-11	21939	3338	15.2
2011-12	25579	3726	14.6
2012-13	31743	4858	15.3
2013-14	37608	5581	14.8

population proportion in the State at an average of 15 %, thereby adhering to the norms mentioned in the guidelines for SCSP implementation. In monetary terms, SCSP budget allocation has doubled during the period from Rs. 2393 crore in 2008-09 to Rs. 5581 crore in 2013-14, with average annual allocation of about Rs. 3387 crore.

It is very much pertinent to look at the expenditure trends in SCSP implementation vis-à-vis its allocations earmarked as given in the table 4.

Table 4: Allocation and expenditure under SCSP in Madhya Pradesh

FY	(in Rs. crore)		
	Budget Estimate	Actual Expenditure	Difference
2008-09	2393	2085	-307 (12.8%)
2009-10	2826	2376	-451 (16.0%)
2010-11	3338	3117	-221 (6.6%)
2011-12	3726	3487	-239 (6.4%)
2012-13 RE	4858	4871*	+13
2013-14	5581	0	

* Revised Estimate



It is observed that on one hand obligatory budgetary allocation norms are being fulfilled in Madhya Pradesh under SCSP. But the problem is with its utilization where we found that the State has been not able to utilize the allocated amount under SCSP to the fullest and there are unspent balances from Rs. 200- 450 crore in last few years (annually Rs. 304 crore), proportionately ranging from 6% to 16% of the allocated budget amounts. Although the quantum of unutilized funds has reduced in last few years, but it is definitely a cause of concern as the developmental indicators of Scheduled Castes in Madhya Pradesh are not very encouraging.

FY	Per capita expenditure on general population	Per capita expenditure under SCSP on SCs	Difference
2008-09 AC	7464	1977	5487
2009-10 AC	9330	2207	7123
2010-11 AC	10912	2838	8074
2011-12 AC	14906	3075	11831
2012-13 AC	14994	4203	10791
2013-14 BE	18014	4714	13300

Note: Figure of general population is derived by subtracting SC and ST population from total population, similarly, per capita expenditure on general population is derived by subtracting SCP and TSP budget from total budget.

It is an un-debated fact that poverty rates among Scheduled Castes in MP are higher, especially in urban areas. Hence under-spending under SCSP is not justified taking into account numerous socio-economic needs of the community and their proportionately higher degree of requirement. This is further corroborated from the analysis of per capita expenditure. A close look at Table 5 reveals that there is high degree of variation between per capita expenditure on general population and per capita expenditure under SCSP and this gap is widening year after year. From equitable resource allocation/distribution point of view, this existing and rising disparity is definitely a matter of concern, especially taking into account the developmental status of the community. SCSP implementation strategy looked at (a). Economic development through beneficiary oriented programmes for

raising their income and creating assets; (b). Basti-oriented schemes for infrastructure development through provision of drinking water supply, link roads, house-sites, housing etc. Educational and Social development activities like establishment of primary schools, health centres, vocational centres, community halls, women work place etc.

An attempt was made to look at the allocation pattern and sectoral priority for the State Government under SCSP at five years interval in 2008-09 and 2013-14.

employment, which show a reduction. The heads with reduced budgetary outlays on the other hand are very crucial from the perspective of economic development and community based infrastructure development.

A further deep look at the various heads under SCSP portrays a very surprising picture with respect to budget allocations under different heads. The budget earmarked in some of the heads is totally in sync with that of SCSP guidelines, however in case of some of the heads it is very difficult to understand as to how

Table 6: Budgetary outlays under SCSP in MP

Department	2008-09 BE	2013-14 BE	Change	% share 2008-09	% share 2013-14
SC, ST and OBC Welfare	400.2	1134.0	733.8	16.7	20.3
Electricity	136.2	502.1	365.9	5.7	9.0
Other rural development programmes	217.7	481.2	263.5	9.1	8.6
Capital expenditure on roads and bridges	299.2	465.2	166.0	12.5	8.3
General Education	190.9	433.8	242.9	8.0	7.8
Social Protection and welfare	62.6	430.5	367.9	2.6	7.7
Capital expenditure on major irrigation projects	15.6	398.8	383.1	0.7	7.1
Urban development	121.3	296.5	175.1	5.1	5.3
Water supply and sanitation	165.9	240.6	74.8	6.9	4.3
Nutrition	28.8	182.4	153.6	1.2	3.3
Agriculture and crop production	120.1	179.7	59.7	5.0	3.2
Medical and public health	110.8	154.5	43.6	4.6	2.8
Special programmes for village development	164.5	81.7	-82.7	6.9	1.5
Compensation or Assignment to local bodies and PRIs	37.7	78.4	40.7	1.6	1.4
Co-operation	4.0	76.8	72.9	0.2	1.4
Capital expenditure on medium irrigation projects	9.4	64.5	55.1	0.4	1.2
Rural Employment	113.7	64.1	-49.7	4.8	1.1

Approximately, 94.3 percent of the budget allocations earmarked in 2013-14 is spread across 17 heads mentioned in Table 6. Among these, the major ones are SC, ST and OBC welfare, electricity, other rural development programmes, capital expenditure on roads and bridges, general education, social protection and welfare and capital expenditure on major irrigation projects. It is observed that budget allocation in all these heads shows increase in 2013-14 over 2008-09, except in the case of special programmes for village development and rural

these heads are going to serve the benefits to Scheduled Caste community exclusively.

SC, ST and OBC is one of the key head with 20% proportionate share of SCSP budget and major programmes run under this include student welfare, motivation schemes for girls education, hostels and scholarships to Scheduled Caste children. Among the other heads where direct or indirect benefit to Scheduled Caste community is clearly understood are general education (grant in aid to Zilla Panchayats for giving salary



to teachers of secondary schools), supplementary nutrition (supplementary nutrition provided in anganwadis), social protection and welfare (pension to disabled persons, widow pension, old age pension), medical and public health (different health facilities in rural and urban areas) and compensation to local bodies and PRIs for carrying out relevant work (infrastructure development grant on the recommendations of State Finance Commission, one time grant for basic facilities in village panchayats etc.). Another head where benefit to Scheduled Castes is sceptical are capital expenditure on electricity projects, capital expenditure on roads and bridges, capital expenditure on major irrigation projects, urban

development, water supply sanitation etc. Thus, we may conclude that priority in budget allocations under SCSP in Madhya Pradesh needs further scanning with viable rationale for booking the expenditure under this particular head.

In Madhya Pradesh the process of formulation of Five Year Plan and Annual plan includes, consultation on SCSP for SCs but this does not include all the relevant stakeholders. Five Year Plan and Annual plans provide relevant information on strategies for development of SCs, description of specific schemes and programmes and plan outlays for schemes and programmes under SCSP. But the State Government does not bring out any

document mentioning the basis on which the departments are reporting allocation/expenditure under SCSP. Physical and financial assessment SCSP is done quarterly during Five Year Plan Period at the HoD level of concerned departments and annual review takes place at Minister Level.

In order to reap the real benefits under SCSP some of the key measures required are its effective implementation, ensuring quality of expenditure incurred, monitoring and assessment, spreading awareness among Scheduled Caste community about provisions of SCSP and their participation in developmental process.



Scheduled Caste Sub Plan in Odisha

Pravas R. Mishra*

Scheduled Castes in Odisha: An Overview

The Scheduled Castes (SCs) are one of the most vulnerable groups and are seen as low castes in the social strata, since the Hindu social order is a caste hierarchical order. Historically, the SCs have been denied access and right to productive resources like land, forests, capital and other community resources. Further, the prevalence of caste based discrimination and the practice of untouchability against the SCs hinder their access to basic minimum facilities like education, health care, drinking water etc. thus weakening their socio-economic prosperity over the period.

The status of SCs under various socio-economic indicators with regard to the rest of the population of the state is comparatively low. As per Census 2011, the Scheduled Castes (SC) represents 17.13 percent of the total population of the Odisha (Census 2011) and around 87 percent of the total SC population of the state is living in rural areas. With regard to female literacy rate, Census 2001 reported that the SCs' female literacy rate was 40.33 percent, which is way below the overall female literacy rate for the state as a whole, i.e. 50.51 percent. Similarly the male literacy rate for SCs was 55.5 percent; where as the overall male literacy rate for the state was 63.1 percent. Odisha Primary Education programme Authority (OPEPA) reported that out of the total out of school children in upper primary level, around 20% belong to the SC community.

Evolution of SCSP

Two major strategies the Tribal Sub Plan(TSP) and Scheduled Caste Sub Plan

(SCSP) were initiated during 5thFive Year Plan (1974-1979). The Special Component Plan (SCP) for Scheduled Castes was introduced in the year 1979 and the present version of Scheduled Castes Sub Plan came into force on 4th April 2008. In order to prioritize the resource allocations and spending in favor of SCs and STs, efforts were made by the government, at various levels, to ensure proportionate flow of plan resources for the development of SCs and STs in the country. Prime objective of these sub plans were to ensure the share of resources spent for the benefit of the SCs and STs was at least in proportion to their population share, as spelt by the Planning Commission. The objective was also for substantial reduction in poverty and unemployment through creating productive assets in favour of Scheduled Castes and Scheduled Tribes.

Budget Allocations Earmarked for SCSP in Odisha

In budget accounting classification, the SCSP is placed in the minor head (789). The table below shows that during 2006-07, SCSP allocation in the state

budget was 6.30 percent which was much less than the percentage of SC population in the state. However, the situation improved towards fulfillment of proportional allocation. In the year 2009-10, SCSP has the highest percentage of state plan i.e. 18.13 which is more than the normative rate fixed by the Planning Commission. As per the current years' estimated budget during 2013-14, the allocation is 16.31 percentage of state plan which is equal to the percentage of SCs in Odisha. This shows that over the last 8 years, Odisha fulfills the normative rate of SCSP as decided by the Planning Commission of India.

Looking at the overall SCSP allocation & spending proportion in the state plan it is clear that the SCSP fund is utilized and in many years there is more utilization than the allocated amount. In 2007-08 there was under-utilization of Rs. 15.11 Cr. of SCSP funds. Similarly in 2010-11 and 2011-12 the under-utilization of SCSP fund was Rs. 57.23 Cr. and Rs. 93.54 Cr. respectively. It shows that Odisha fulfills the mandatory requirement of the Planning Commission of India to allocate SCSP as per the proportion of the Scheduled Caste population in the state.

It is observed from the table below that out of forty departments, 13 departments

Table-1: Allocation and utilization under SCSP and TSP in Odisha State Plan budget from 2006-07 to 2013-14(BE)

(Rs. In Cr.)

Year	Total state plan outlay	Allocation under SCSP	% of SCSP expenditure from SP	Actual Expenditure under SCSP
2006-07	3543.24	182.08	6.30	223.19
2007-08	5828.38	750.80	12.62	735.69
2008-09	7375.84	1077.91	15.67	1155.86
2009-10	7214.13	1297.94	18.13	1307.87
2010-11	10010.48	1633.80	15.75	1576.57
2011-12	12638.80	2203.18	16.69	2109.64
2012-13	15004.14	2482.58	16.60	2490.71
2013-14 (BE)	19368.21	3158.68	16.31	NA

Source: Detailed Demand for Grants, Govt. of Odisha

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Table-2: Status of SCSP across 40 departments of Government of Odisha in the budget of 2013-14 (BE)

					Rs. In Crore
Sl. no	Name of the Dept	Total budget under state plan	Norm of SCSP (16.53%)	Allocation as per SCSP	Deviation
1	Agriculture Department	1320.00	218.20	212.31	5.89
2	Commerce Department	11.00	1.82	0.00	1.82
3	Co-Operation Department	608.00	100.50	88.68	11.82
4	Department Of Energy	730.00	120.67	132.20	-11.53
5	Department Of Public Enterprises	1.00	0.17	0.00	0.17
6	Employment And Technical Education & Training Department	185.00	30.58	39.18	-8.60
7	Excise Department	3.50	0.58	0.00	0.58
8	Finance Department	31.00	5.12	0.00	5.12
9	Fisheries And Animal Resource Development Department	153.00	25.29	26.58	-1.29
10	Food Supplies And Consumer Welfare Department	20.00	3.31	1.11	2.20
11	Forest And Environment Department	315.44	52.14	66.60	-14.46
12	General Administration Department	90.00	14.88	0.00	14.88
13	Health & Family Welfare Department	555.00	91.74	69.77	21.97
14	Higher Education Department	410.00	67.77	13.79	53.98
15	Home Department	263.00	43.47	61.33	-17.85
16	Housing & Urban Development Department	1162.00	192.08	176.08	16.00
17	Industries Department	9.20	1.52	0.25	1.27
18	Information & Public Relation Department	11.00	1.82	0.49	1.33
19	Information Technology Department	122.80	20.30	0.00	20.30
20	Labour & Employment Department	25.00	4.13	4.29	-0.15
21	Law Department	11.90	1.97	0.00	1.97
22	Micro, Small & Medium Enterprises Department	14.00	2.31	1.44	0.87
23	Orissa Legislative Assembly	0.00	0.00	0.00	0.00
24	Panchyat Raj	1682.91	278.19	369.93	-91.74
25	Parliamentary Affairs	0.00	0.00	0.00	0.00
26	Planning And Coordinating Department	1241.32	205.19	123.06	82.13
27	Public Grievances And Pension Administration Department	0.00	0.00	0.00	0.00
28	Revenue And Disaster Management Department	120.00	19.84	18.40	1.44
29	Rural Development Department	1055.67	174.50	190.32	-15.82
30	School And Mass Education	1752.30	289.66	293.58	-3.92
31	Science And Technology Department	39.00	6.45	1.72	4.73
32	Sports And Youth Services Department	38.00	6.28	5.83	0.45
33	ST, SC And Minorities & OBC Welfare Department	830.00	137.20	0.00	137.20
34	Steel And Mines Department	19.27	3.19	0.00	3.19
35	Textile And Handloom Department	80.00'	13.22	13.46	-0.24
36	Tourism And Culture Department	115.00	19.01	0.00	19.01
37	Transport Department	128.00	21.16	4.48	16.68
38	Water Resources Department	3031.00	501.02	686.71	-185.69
39	Women & Child Development Department	1983.89	327.94	343.44	-15.50
40	Works Department	1200.00	198.36	213.66	-15.30

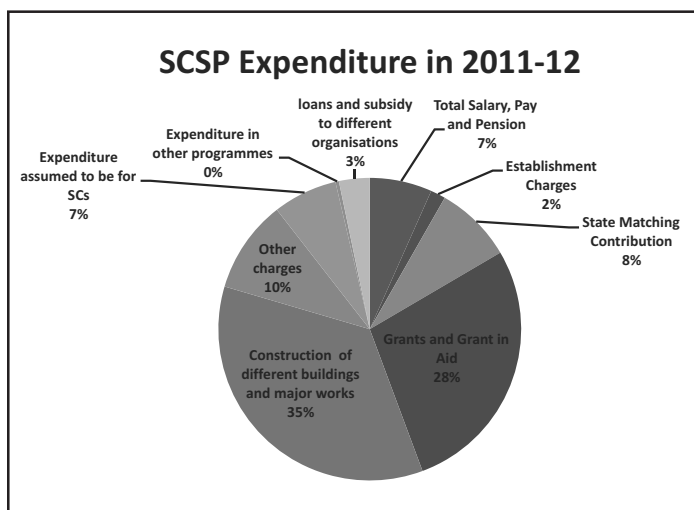
Source: Detailed demand for Grants, Govt. of Odisha



(Commerce, Public Enterprises, Excise, Finance, General Administration, Information Technology, Law Department, Odisha Legislative Assembly, Parliamentary Affairs, Public Grievance and Pension Administration, Steel and Mines, SC and ST Development, Tourism and Culture Departments) do not have allocation under SCSP. Departments like Agriculture, Food Supplies And Consumer Welfare, Health and Family Welfare, Higher Education, Housing and Urban development, Revenue and Disaster Management, Transport have made less allocations under SCSP. The allocation is not satisfying as per the norm of Planning Commission's guidelines. At the same time, it is also evident from the above table that in some cases like Department of Energy, Employment and Technical Education & Training, Home, Panchayati Raj, Rural Development, School and Mass Education, Women & Child Development and Works, allocations have made more than the mandatory requirements as per the guidelines. The SCs, STs and Minorities & OBC Welfare Department, which is nodal agency of SC and ST development, does not have SCSP component within it.

SCSP fund utilized for other purposes: A case of fund diversion

An examination into the flow of budgetary resources under SCSP in the financial year 2011-12 in Odisha shows that total expenditure under SCSP in state plan was Rs.2109.64 Cr. It is observed that out of Rs. 2109.64 Cr. a major part i.e. 35% (743.04 Cr.) was utilized for the construction of different



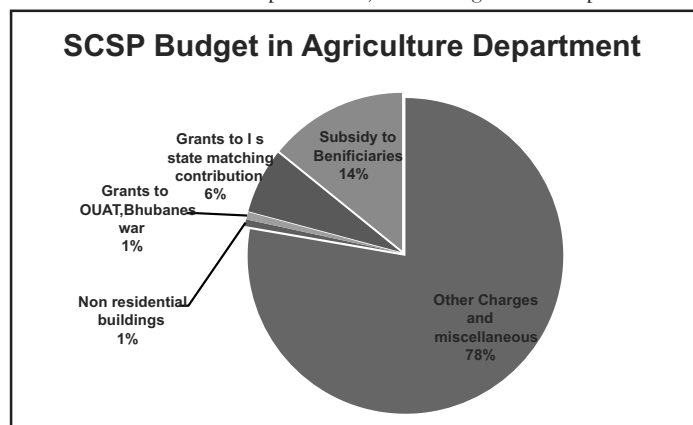
buildings like jails, barracks, offices, residential buildings, major works and minor works etc. 28% (Rs. 586 Cr.) was utilized for the grants and grant-in-aid to different institutions and agencies like DRDA, OSDMA, Orissa State Civil Supplies Corporation, Animal Welfare Board, Creation of capital assets etc.. 8% of the SCSP fund is spent for the State's matching contribution to different central sponsored programmes. 10% (Rs. 209.37 Cr.) is spent for 'other charges', which do not have any further details in budget heads classification. 7% of the SCSP fund has been utilized

for the salary and payment to the government employees which shows the contravention of the Planning Commission's guideline. 3% is utilized for the loans and subsidies to different agencies like GRIDCO, State Civil Supplies Cooperation, for TAX reimbursement in SSI unit etc. 2% of the total SCSP fund in 2011-12 expenditure has been spent for the establishment charges. 10% of the total SCSP fund is spent in such a way that the budget heads looks like as if it is spent on the programmes for the Scheduled Castes. Thus, clarity in budget spending is missing in the SCSP. One cannot clearly say whether this fund is directly benefiting the Dalit people of the state.

Fund allocated for other Purposes in some Key Departments

Agriculture

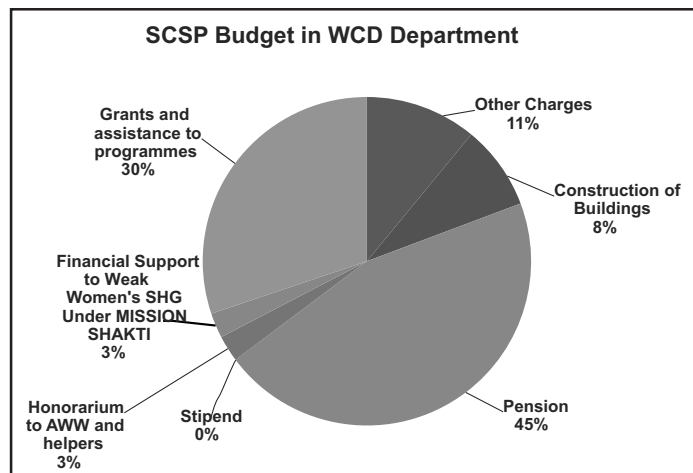
In Agriculture Department out of Rs. 212.31 Cr., Rs. 160.03 Cr. has been allocated on *other charges* and Rs. 2.04 Cr. allocated towards miscellaneous expenditure, which together comprise 78%



of the total SCSP allocation. This head has no further details. Only 14% of the total SCSP fund is allocated towards the subsidy to beneficiary, which may directly reach the SCs.

Women and Child Development

It is observed that in WCD department 45% i.e. Rs. 156.06 Cr. out of Rs. 343.44 Cr. of the SCSP fund has been allocated under

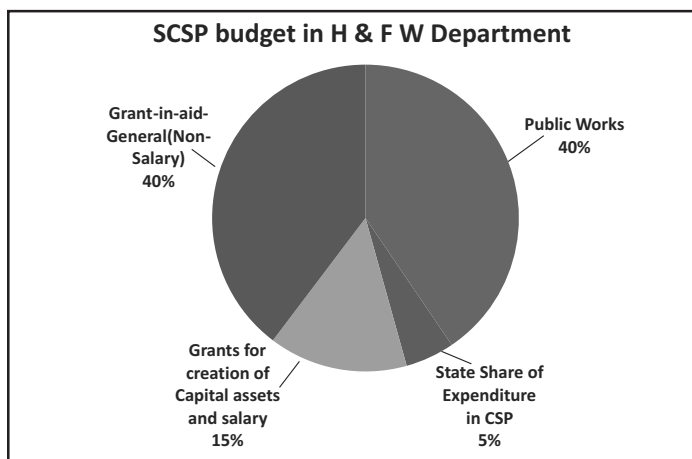




pension for the destitute. Thus, this needs to be checked whether all the recipients of this fund are from Dalit community. The department has allocated Rs. 37.66 Cr. of the total SCSP fund under the head titled 'other charges' where the purpose of expenditure is not clear. It is also seen that the department has allocated 30% of the total SCSP fund towards the Grant inAid.

Health & Family Welfare

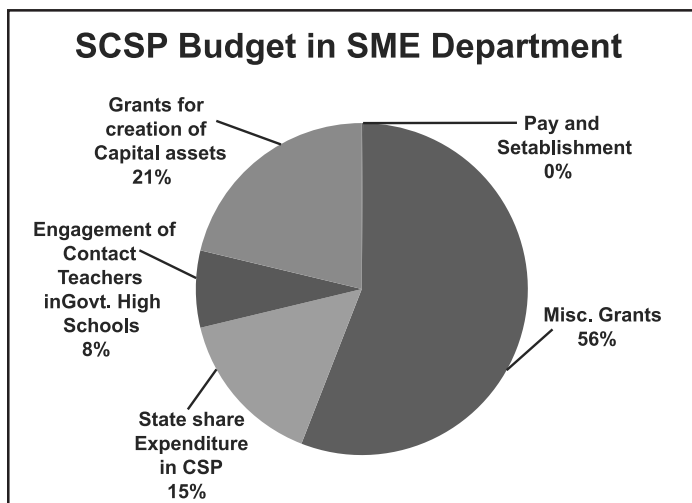
The department of Health and Family Welfare has made the allocation of Rs. 28.25 Cr. towards the public work out of the total SCSP fund (Rs. 69.77cr.) which is 40 % of the total SCSP



fund in the department. Around 40% of the total SCSP fund allocated towards the grant- in-aid and 15 % of the SCSP fund in Health and Family Welfare department has been allocated towards creation of capital assets and salary.

School and Mass Education

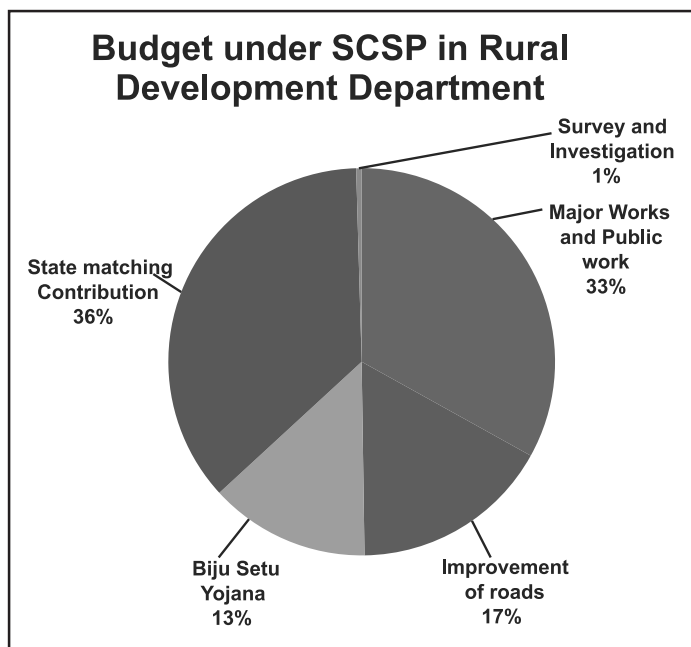
Major chunk of the SCSP fund in School and Mass Education department has been allocated towards the miscellaneous grants. The amount is 56% of the total SCSP fund in the department. There is allocation of Rs. 62.39 Cr. out of Rs. 293.58 Cr. for



creation of capital assets. Rs. 45 Cr. is earmarked towards the state share expenditure in central Sponsored Schemes.

Rural Development

The Rural Development department allocated Rs. 69.24 Cr. out of Rs. 190.32 Cr. towards the state Matching share to different generic schemes. Around 33% of the total SCSP fund i.e. Rs. 62.92 Cr. has been allocated for public work and major works



which may not directly benefit the SCs. 30% of the total SCSP fund under Rural Development Department has been allocated towards the Biju Setu Yojana (Rs. 25.5 Cr.) and Improvement of roads (Rs. 31.79 Cr.).

Thus, in Odisha, the norm of proportionate allocation of SCSP has been fulfilled by the government. The specific purpose of this fund was to benefit the Dalit people through creating community assets and providing employment which will eradicate poverty of Dalits. Expenditure analysis of some specific departments shows that the SCSP fund is being diluted with a lot of administrative and mainstream expenditures. It is also becoming very difficult for the policy makers, think tanks, civil society and Dalit activists to disaggregate exclusive benefits for the Dalits. Secondly, the guidelines say that this sub plan may be used to supplement any innovative development projects implemented by the state and thus, some portion of this fund is used to support the Centrally Sponsored Programmes such as NRHM, SSA etc. These schemes are not designed exclusively for the Dalit communities and being generic schemes, Dalits are incidental beneficiaries as is the case with other general development programmes. Therefore, SCSP fund is used as a 'safety net' for filling up state share for central sponsored programmes. Thirdly, there is no integrated and exclusive plan of action in the state on how to use this fund which would directly benefit the Dalits.





Issues of *Dalit* Women

Saumya Shrivastava*

The Working Group on Women's Agency and Empowerment for the 12th Five Year Plan¹ defines women's empowerment as "as a process, which enables women to have a notion of dignity and self-worth, bodily integrity, freedom from coercion and control over resources. It affirms that empowerment is achieved when, along with the condition of women, their position improves and their freedoms and choices are enlarged economically, socially and politically. Empowerment must enable *all* women to negotiate these freedoms and increase their capabilities."

A brief overview of the condition of *Dalit* women in India affirms the fact that they perhaps constitute one of the most disempowered sections of the society. The issues faced by them are deep-rooted in the caste-based patriarchal social structure inherent in the society. *Dalit* women face triple deprivation by being poor, being women and being a *Dalit* (Scheduled Caste). The interface of the severely imbalanced (social, economic and political) power equations in caste and patriarchy impacts *Dalit* women uniquely; very distinct from the experience of other women and even *Dalit* men (Irudayam, Mangubhai, Lee, 2006²). *Dalit* women remain marginalised in all spheres of life, be it education, health, political participation, occupation, wages, assets, social mobility, extent of victimization through violence or access to justice. Incidence of violence against *Dalit* women is particularly high and assumes a dual nature of being both sexual as well as caste-based. Violence is often used against

the women to 'keep them in their place' as a lesson for them to adhere to the existing feudal and patriarchal dominant-caste norms. According to the National Commission for Women³, "In the commission of offences against... [*Dalit*] women the [dominant caste] offenders try to establish their authority and humiliate the community by subjecting their women to indecent and inhuman treatment." 'Further, when they transgress caste norms such as those prescribing caste endogamy or untouchability practices, or assert their rights over resources or public spaces, violence is unleashed on them'⁴.

Dalit women have been subjected to rape, molestation, kidnapping, abduction, homicide, physical and mental torture, immoral traffic and sexual abuse. The National Crime Records Bureau data reveals that more than four *Dalit* women are raped every day in India. *Dalit* women's experience of violence across four Indian states shows that the majority of *Dalit* women report having faced one or more incidents of verbal abuse (62.4%), physical assault (54.8%), sexual harassment and assault (46.8%), domestic violence (43.0%) and rape (23.2%) (Irudayam, Mangubhai, Lee, (2006) as quoted in Violence Against *Dalit* Women, Input to the UN Special Rapporteur on Violence against Women in connection with her visit to India between 22 April – 1 May 2013). The violence against *Dalit* women is linked primarily to violation of their sexual or bodily integrity, gender inequality and 'natural' caste hierarchy, violation of their civil rights, economic

exploitation, and resistance to the group's assertion of their political rights and when *Dalit* women seek justice and protection of the law. The incidence of violence against *Dalit* women is particularly high when they assert their political rights, contest in Panchayat elections or when they try and exercise their political authority as elected Panchayat representatives⁵.

Given such multiple disadvantages faced by *Dalit* women, especially the high incidence of violence targeted at them, it is of utmost importance to accord special attention to their overall development and empowerment. A number of policies and programmes have been introduced for the development of *Dalits*, however the extent to which their concerns have been integrated in the policy and planning processes of the country is a question worth assessing. Likewise, though there are a number of measures in place for women in general, to what extent have the *Dalit* women found a place in these, is also worth looking at. The idea is to try and assess the nature of social rank being accorded to '*Dalit* women' in the government policies and programmes in recognition of the triple disadvantages that they face, and how far has the group been recognized as a separate category whose needs are different from those of poor men, *Dalit* men, and non-*Dalit* women.

National Policy for Women (2001)⁶:

Recognizes that women belonging to the Scheduled Castes have inadequate access to education, health and productive

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¹ Working Group on "Women's Agency and Empowerment" for the 12th Five Year Plan, Planning Commission, GoI

² Aloysius Irudayams. J., Jayshree P. Mangubhai, Joel G. Lee, *Dalit Women Speak Out: Violence against Dalit Women in India*, Overview Report of Study in Andhra Pradesh, Bihar, Tamil Nadu/Pondicherry and Uttar Pradesh, 2006

³ National Commission for Women, 1996; Women of Weaker Sections: Socio-Economic Development of Scheduled Caste Women. New Delhi: National Commission for Women, p.33 as quoted in Violence against Dalit Women Briefing note prepared for the 11th session of the Human Rights Council International Dalit Solidarity Network – Cordaid – Justice & Peace Netherlands – National Campaign on Dalit Human Rights – Feminist Dalit Organisation, Nepal

⁴ Violence against Dalit Women Briefing note prepared for the 11th session of the Human Rights Council International Dalit Solidarity Network – Cordaid – Justice & Peace Netherlands – National Campaign on Dalit Human Rights (India) – Feminist Dalit Organisation, (Nepal)

⁵ *ibid*

⁶ Available at <http://wcd.nic.in/empwomen.htm>



resources. It also recognizes the need for targeted policies in the field of education to eliminate discrimination, universalize education, eradicate illiteracy, create a gender-sensitive educational system, increase enrolment and retention rates of girls and improve the quality of education to facilitate life-long learning as well as development of occupation/vocation/technical skills by women, whereby it emphasizes the need to focus particularly on SC women and girls.

Union Ministry of Women and Child Development (MWCD):

There is supposed to be a special emphasis in various schemes and programmes run by the Ministry on the benefits for SCs and STs. To ensure that at least 28.2 percent of the total allocation of the Ministry is utilized for the benefit of SCs and STs, the Ministry has earmarked funds for them under three major schemes, viz. ICDS, SABLA and IGMSY. During 2012-13, an amount of Rs. 5217 crore has been earmarked for the purpose⁷.

Specific Interventions under the Union Ministry of Social Justice and Empowerment⁸ (MSJE):

- Under Special Central Assistance (SCA) to Scheduled Castes Sub-Plan (SCSP), at least 15% of the SCA should be utilized by States/UTs for SC women.
- *Mahila Samridhi Yojana* under National Scheduled Caste Finance and Development Corporation (NSFDC): exclusive Micro-credit scheme for women beneficiaries
- *Mahila Kisan Yojana* under NSFDC: Term Loans up to Rs. 50,000/- at an interest rate of 5% p.a., exclusively to women beneficiaries for taking up income generating ventures in Agriculture and/or Mixed Farming related economic activities

- *NSKFDC*: Women are a priority group under the economic development and rehabilitation measures under this.
- Several scholarships (Pre-Matric, Post Matric, National Overseas Scholarship, Top Class Education for Meritorious Students etc.) that have a provision for earmarking a certain percentage for girl students.
- Hostels for students, with special focus on Girls' Hostels (eg: *Babu Jagjivan Ram Chhatrawas Yojana*, Girls Hostels) Under *Babu Jagjivan Ram Chhatrawas Yojana*, under the girl's hostel component of the scheme, 100% Central Assistance is provided for new construction and expansion of existing girls' 'hostel building' to State Governments (as against 50% assistance for boy's hostels).
- Machinery for Implementation of PCR Act of 1995 and Prevention of Atrocities Act 1989: functioning and strengthening of SCs and STs Protection Cell and Special Police Stations, setting up and functioning of exclusive Special Courts, cash incentives for inter-caste marriage, relief and rehabilitation of atrocity victims and awareness generation.
- A number of studies sanctioned to various organisations to study the different forms of vulnerabilities faced by *Dalit* women.

Working Group on Women's Agency and Empowerment for the 12th FYP:

The working group acknowledges that *Dalit* women face multiple disadvantages, which are primarily a result of the dominant socio-cultural norms and practices. It recognises that the empowerment of SC women needs special attention in our development policies, and the need is to follow a rights-based approach, take steps to eliminate untouchability, ensure provision of

subsidized foodgrains with outlets in SC *bastis* (operated as far as possible by SC women), special intervention for migrant SC women and children, and provide assistance and infrastructure to carry out fishing operations and related activities.

12th Five Year Plan (2012-17):

The observations and recommendations are along the same lines as the Working Group with special focus on the education of SC girls through scholarships, hostels, residential schools and other such measures. The approach is to ensure security and dignity especially of SC women, improve their development status, empower them for political participation and implement SCSP effectively to achieve inclusive growth. Priority is to be given for economic development and rehabilitation of manual scavengers (most of whom are SC women) through National Safai Karamchari Finance and Development Corporation (NSKFDC).

The Scheduled Castes Sub-Plan Bill, 2013 (Draft Bill for the National Legislation):

Dalit women do not find a mention in this draft Bill except the clause to have at least three women members among the six social workers, as a part of the National Scheduled Castes Development Council. That is not to say that there should be separate earmarking for *Dalit* women within SCSP, however, the recognition of the fact that they have specific needs, distinct from *Dalit* men, and incorporation of the same in the overall planning process under the SCSP would have been welcome.

⁷Outcome Budget 2012-13 of the Ministry of Women and Child Development, GoI

⁸ As given in the Annual Report of MSJE (2010-11), Official website of the MSJE (<http://www.socialjustice.nic.in/index.php>), Union Budget Documents (Gender Budget Statement and Expenditure Budget Vol. 2 for 2013-14)



It is clear from a brief overview of the policies and programmes in place that the approach towards empowerment of *Dalit* women is either subsumed under their identity of being a *Dalit* or of being a woman. Recognition of the fact that women are a heterogeneous group with varying issues and needs and at the same time, concerns faced by *Dalit* women are

different from those faced by *Dalit* men, is yet to be incorporated in our policy framework. What is lacking is a substantive approach to address the specific issues faced by *Dalit* women. Especially, given the high incidence of violence against the group, it is important that separate allocations be made for addressing this concern through

strengthening the implementation of existing policies and legislations as well as designing new structured interventions. It is high time that *Dalit* women are treated as a distinct group and a comprehensive needs-based approach is adopted to address the disadvantages facing the SC women.



Reinterpreting SCSP and TSP

Subrat Das*

Jawed A. Khan*

Schedule Castes (SCs) and Schedule Tribes (STs) have been among the most disadvantaged sections of Indian society due to their socio-economic exploitation and isolation over a long period of time. They lag behind other social groups in terms of their socio-economic well-being as measured by the key development indicators. In order to ensure direct “policy-driven” benefits for SCs and STs through specific interventions, the Planning Commission during the 1970s introduced two planning strategies, namely the Special Component Plan (SCP) for SCs and the Tribal Sub Plan (TSP). The SCP for SCs was later renamed as Scheduled Caste Sub Plan (SCSP). The main objective of SCSP and TSP was to expedite the development of SCs and STs by channeling Plan funds for them in accordance with their respective population proportions, which at the national level account for 16 percent and 8 percent respectively (as per the 2001 Census).

Even though, SCSP and TSP have been operational for over 30 years, numerous problems exist in the way they are being interpreted and implemented. The allocations and release of funds by the Union Government and State Governments have not been made in proportion to the population of SCs and STs. The problem has been further aggravated by poor utilization of the allocated funds for the welfare of SCs and STs. Moreover, the funds meant for SCSP and TSP have also been diverted to other sectors in many cases.

A major limitation in the approach being followed towards SCSP and TSP has been that most Union Ministries were reporting

Plan allocations earmarked for SCs and STs only in a retrospective manner, i.e. after their Plan budgets had been finalized in the process of formulation of the Union Budget, without any special measure being taken by them for formulating SCSP and TSP during the budget preparation phase.

In this backdrop, in 2010, the Union Government set up a Committee, chaired by Planning Commission member Dr. Narendra Jadhav, to look at the problem of inadequate implementation of SCSP and TSP by the Union Ministries in their Plan Budgets. The Narendra Jadhav Committee, which consulted the Secretaries of most of the Union Ministries, submitted its report by the end of 2010, suggesting a roadmap for implementation of SCSP and TSP in the Plan Budgets of Union Ministries. In a welcome measure, the Committee required all Union Ministries, which are obliged to implement SCSP and TSP, to introduce the required codes / budget heads for SCSP and TSP - Minor Head 789 for SCSP and Minor Head 796 for TSP - in their detailed budget books (i.e. the Detailed Demands for Grants) starting with these documents for the year 2011-12. Accordingly, all Union Ministries that report some part of their Plan allocations in Statement 21 of Expenditure Budget Vol. I of the Union Budget (Statements on Budgetary Provisions for Schemes for the Development of Scheduled Castes and Scheduled Tribes) have introduced Minor Heads 789 and 796 in their Detailed Demands for Grants in the last three years' documents (i.e. those for 2011-12, 2012-13 and 2013-14). Also, the Statement 21 itself has been bifurcated into two Statements -Statement 21 showing Budgetary Provisions for Schemes for the Development of Scheduled Castes and the Statement 21A showing the provisions for Scheduled Tribes - with the Union Budget documents for 2011-12.

However, the Narendra Jadhav Committee's roadmap for implementation of SCSP and TSP did not

address the core problem, that is: in many of the schemes for which the nodal Ministries are reporting a part of their Plan allocations (for the schemes) as the proportion of funds meant for benefiting SCs /STs, the scheme/any component of it has not been designed to address specific needs and challenges of SCs /STs; rather, it's a scheme designed for the entire population, and the nodal Ministry is 'assuming' that SCs and STs will also benefit from it along with other sections of the population. Such 'incidental' benefits do accrue to SCs and STs from most development schemes; and, in case of some Ministries, like the Ministry of Rural Development, the data on beneficiaries do validate such assumptions of benefits. However, the objective of SCSP/TSP should not be to merely capture the assumptions/perceptions of Ministries with regard to 'incidental' benefits accruing to SCs/STs from their general schemes. The basic objective of SCSP/TSP should be to ensure availability of adequate budgetary resources with Ministries for providing direct 'policy-driven' benefits to SCs/STs in their respective sectors.

Moreover, unless a tailor-made scheme/a component of it has been designed specifically to respond to the needs and challenges of SCs/STs, the usual mode of implementation of the scheme might not be able to address the problems of social discrimination in implementation, the need for a higher unit cost for SC/ST beneficiaries as compared to general beneficiaries, the challenges in reaching out to remote areas or habitations etc. For instance, in the National Rural Drinking Water Programme, the guidelines of the scheme focus on provisioning of piped water supply in rural areas; however, in some parts of the country, the ST communities live in hilly regions where piped water supply cannot be provided; what would be more appropriate for such habitations is something like Spring Box where eternal springs are there. But the guidelines of NRDWP do not take this additional difficulty/challenge pertaining

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to STs into account. Hence, TSP for the NRDWP scheme should provide the additional resources required for such additional/special measures for reaching out to ST communities adequately.

The Narendra Jadhav Committee seems to have focused mainly on one issue: how could 16 percent and 8 percent of the combined Plan Budgets of all Union Ministries be earmarked under SCSP and TSP respectively, and which Ministries should be made responsible for reaching these targets. Accordingly, the Committee suggested that, of all Union Ministries/Departments, only 25 Ministries/Departments should be responsible for implementing SCSP and only 28 Ministries/Departments should be responsible for implementing TSP. It opined that 43 Union Ministries/Departments should be treated as 'No Obligation Ministries/Departments' as far as SCSP is concerned and a similar number as 'No Obligation Ministries/Departments' with regard to TSP. Of the 25 Ministries/Depts. held responsible for implementation of SCSP, the responsibility accorded was much higher for a few, which had to earmark more than 16 percent of their Plan budgets under SCSP; while the remaining Ministries/Depts. (of these 25) could earmark less than 16 percent though they were not made exempt. Likewise, of the 28 Ministries/Depts. held responsible for implementation of TSP, the responsibility accorded was much higher for a few, which had to earmark more than 8 percent of their Plan budgets under TSP; while the remaining Ministries/Depts. (of these 28) could earmark less than 8 percent though they were not made exempt from TSP. The Committee envisaged that 16 percent of the combined Plan Budgets of all Union Ministries would be earmarked under SCSP through the earmarking of funds by the 25 Ministries/Depts. identified for SCSP; and 8 percent of the combined Plan Budgets of all Union Ministries would be earmarked under TSP through the earmarking of funds by the 28 Ministries/Depts. identified for TSP.

The Committee exempted a considerable number of Ministries/Depts. from the implementation of SCSP and TSP citing various grounds; but the logic common to all those grounds was the same 'indivisibility' of the schemes implemented / services delivered by a Ministry/Dept. It is true that several such Ministries don't have schemes at present in which the beneficiaries can be counted, and, hence, their existing schemes/services are seen as 'indivisible'. However, in many of these 'indivisible' sectors, the Ministries can identify some specific challenge confronting SCs/STs and then formulate a new intervention/a new scheme to address such challenges, even if the allocations are very small as compared to the total budget of the Ministry.

Let's take the example of the Department of Biotechnology, which falls under the 'No Obligation'/exempt category as per the Narendra Jadhav Committee report. The Annual Report 2009-10 for this Department says that: "in order to empower the members of the Scheduled Castes, Scheduled Tribes, the underprivileged and the rural population, various training and demonstration programmes in biotechnology were organised. Proven technologies in sericulture, vermicomposting, integrated pest management, mushroom cultivation; aquaculture, apiculture, value addition, bio-control, agri-waste management, and bio-resource management were transferred for the benefit of SC/ST populations". This shows that the Department of Biotechnology can design some special measures for SCs/STs, which would require financial resources; these financial resources should be reported under SCSP / TSP of the Department.

Hence, the main objective of SCSP/TSP should not be to just report / show that 16 percent/8 percent of the total Plan Budgets of all Ministries is meant for benefiting SCs/STs, as such an objective pushes several Ministries to focus merely on retrospective reporting; rather the main objective of SCSP/TSP should be to encourage all Ministries to - (i) identify

what could be the additional difficulties / challenges confronting SCs/STs in their sectors of concern, (ii) what kind of measures could be taken by them to address those special difficulties/challenges, and (iii) how much additional resources would be required for such special measures. These additional resources devoted for the special measures for SCs/STs should then be reported under SCSP/TSP. Clearly, it would be neither feasible nor necessary for all Ministries to meet the 16 percent benchmark for SCSP or 8 percent benchmark for TSP. But, if the Ministries make serious efforts along these lines, the combined Plan allocations reported for all Ministries is quite likely to be higher than the 16 percent and 8 percent benchmarks, if not in the first year itself then certainly over a span of a few years. Thus, the recommendations of the Narendra Jadhav Committee seem to have reinforced the problem of SCSP and TSP implementation being focused mainly on retrospective reporting instead of being based on special measures designed for SCs and STs across all sectors.



Budget and Policy Tracking

Priyadarshini Mohanty*

Background

The last financial year (2012-13), which was the first year of the 12th Five year plan, witnessed the introduction of a number of reformist measures in terms of government accounting norms, bringing about greater transparency and better monitoring of public spending, putting some major landmark legislations and bills in place, streamlining Centrally Sponsored Schemes, and taxation policies etc. The 12th Five Year Plan has set a target of average growth rate of 8 percent per annum for the five year period. The year that passed by, has not lived up to the target, and there is an overall slowdown across key sectors of the economy. There were also a number of committees constituted and reports submitted on various financial reforms.

In this context, the present section of Budget Track cites some of the key policy developments in government finances including Sundaramurti Committee report on reorganisation of the existing classification of List of Major and Minor Heads of Accounts (LMMHA), Parthasarathi Shome Committee report on General Anti Avoidance Rules (GAAR) and Indirect transfers, and constitution of 14th Finance Commission and its terms of reference. Apart from this, the present piece also gives an update with regard to the finalization of 12th Five Year Plan, legislation on Special Component Plan for Schedule Castes, restructuring of centrally sponsored schemes, demand for special category state by Bihar and Odisha government, and the food security ordinance that came into force in July, 2013. It lists out the bills passed and introduced in the Parliament particularly those related to social sector, during the Monsoon and Winter session of Parliament in 2012-13 and discusses briefly the Union Budget 2013-14.

Sundaramurti Committee report on redesigning of Government Budget

Sundaramurti committee constituted by Government of India has recommended a complete refurbishment of government accounting with a view to enforce transparency and better monitoring of public spending. The committee has suggested rationalisation and reorganisation of the existing classification of List of Major and Minor Heads of Accounts (LMMHA) of Centre and States in its final report submitted to Ministry of Finance, in January 2012. In this regard, the panel has proposed a multidimensional classification framework, which has seven mutually exclusive segments with their own individual hierarchical structures. The seven segments are (i) administrative; (ii) functions; (iii) programme-cum-scheme; (iv) recipient (v) target; (vi) economic; and (vii) geographic segment. In the proposed structure, it has been envisaged that:

- The budget provisions would now be attributed directly to the schemes and administrative units responsible for implementing or executing those schemes. The Detailed Demands for Grants (DDGs) would present allocation for each administrative unit showing breakdown into establishment related provision and allocations for the scheme.
- All budget lines would have three attributes such as: administrative units, programmes and schemes [Plan or Non-Plan], and economic object. If the budget provision is meant for transfer payment, such as grants, subsidies, contributions, loans etc., the entity receiving the transfer would also be recognized to the extent possible at the budgeting stage.
- Similarly, expenditure provisions targeted at certain identifiable groups,

such as women, SCs, STs etc. would be suitably flagged to identify the target group.

- If the expenditure is meant for any special area or a region, then the geographical location of the expenditure item could be captured and recognised at the Budgeting stage.

To sum up, the revised accounting classification, codes which are being perceived as a milestone in the area of accounting reforms, could address many of the issues related to a robust Public Financial Management System.

Parthasarathi Shome Committee Report on General Anti Avoidance Rules (GAAR)

The Parthasarathi Shome Committee set up by Prime Minister of India in July 2012 presented its draft report on GAAR in August 31, 2012 and the report was placed in September 2012 in the public domain for further discussion. After examining the responses to the draft, the Expert Committee submitted its final report on September 30, 2012. The Union Government has accepted the recommendations of this expert committee in January, 2013 with some modifications. The following are some of the key decisions taken by the Government:

- The Government has accepted the proposal of deferment; now the GAAR would be made applicable from assessment year 2016-17, i.e., for financial year 2015-16.
- A monetary threshold of Rs. 3 crore tax benefits to a taxpayer in a year has been accepted for applicability of GAAR provisions.
- As a relief for Foreign Institutional Investors (FIIs), GAAR will not apply to FIIs who do not seek protection under any tax treaty. GAAR will also not apply to non-resident investors in the FIIs.
- While determining whether an arrangement is an impermissible

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avoidance arrangement, it will be ensured that the same income is not taxed twice in the hands of the same taxpayer in the same year, or in different assessment years.

- The Committee recommended that where Specific Anti-Tax Avoidance Rules (SAAR) is applicable to a particular element, GAAR would not be applicable. However, the Finance Minister has stated that where GAAR and SAAR are both in force, only one of them will apply to a given case and guidelines will be made regarding the applicability of one or the other.
- The tax auditor will be required to report any tax avoidance arrangement.

Parthasarathi Shome Committee Report on Indirect Transfer of Assets Located in India

The Parthasarathi Shome Committee submitted its final report on retrospective amendment relating to indirect transfer on October 31, 2012. The recommendations in the report are largely in line with the draft report submitted in early October 2012. The Committee recommended that any taxation involving indirect transfer of assets located in India should be prospective and not retrospective. The retrospective application of law should happen in exceptional or the rarest of rare cases. The report also suggested that if the Government opts for retrospective taxation of indirect transfers, no burden should be fixed on the payer for non-deduction of tax at source.

Legislation on Special Component Plan for Schedule Castes

Even after decades of policy interventions, Schedule Castes (SCs) have remained deprived and marginalized. Most of the funds allocated for the welfare of SCs don't reach them because funds get diverted, are allowed to lapse or remain unspent. There are no institutional mechanisms for effective implementation of Special Component Plan (SCP).

Against this backdrop the legislative council of **Andhra Pradesh on December 2, 2012** had passed the historic Andhra Pradesh Scheduled Caste Sub-Plan and Tribal Sub-Plan (Planning, Allocation and Utilization of Financial Resources) Bill, 2012. Andhra Pradesh is the first state to enact such legislation, giving statutory status to the Schedule Caste and Schedule Tribe Sub-plans for ensuring allocation of funds in proportion to their population. The Andhra Pradesh Government has issued the Gazette publication of the act on January 24, 2013.

Salient features of the Act:

- To ensure accelerated development of SCs and Schedule Tribes with emphasis on achieving equality in the next 10 years.
- Focus would be on economic, educational and human development along with ensuring security, social dignity and promoting equity among SCs and STs.
- The state would earmark a portion of total state plan outlays (16.2% and 6.6% respectively) for SCs and STs, which should be proportionate to their population. This would be included in the Demands for Grants for the department under relevant head of account for the sub plan.
- The Act establishes a State Council under the chairmanship of the Chief Minister to advise and suggest measures to the state government on all policy matters related to SC and ST sub-plans. It will approve the annual SC & ST sub-plan proposals of the department.
- 100% of scheme cost shall be allocated and accounted under the sub-plans. This would be the case for the schemes exclusively benefitting SCs and STs.
- The Social Welfare Department and Tribal Welfare Department are the nodal departments to prepare the plan and to evaluate and also appraise the plan and supervise its implementation.

Following by the Andhra Pradesh state government's initiative, the **Ministry of Social Justice and Empowerment at the Centre** has prepared the first draft of the Scheduled Castes Sub Plan (SCSP) Bill, 2013. The draft Bill, dated 6 June 2013, has already been published on the Ministry's website. The bill has been circulated to states and union ministries for consultation. The Union Budgets have provisions to allot funds towards the development of SCs, but the need was felt to make it mandatory through a law. The main features of the SC Sub-plan bill, 2013 are as follows;

- The Central law would make it mandatory for states to set aside separate funds for welfare of SCs and STs in proportion to their population and also ensure punishment for officials in case of negligence in implementing the SC Sub-plan.
- To plug the malaise of diversion of money from SC Sub-plan, the law stipulates "the fund shall not be allocated to general schemes that are accessible to all, including SCs".
- It also proposes to set up an exclusive SCSP wing in the Finance Ministry or Departments of Union and State Governments to oversee the implementation of the programme.
- The draft bill says that the government should at least allocate the funds six months before the start of new fiscal year.
- Every department would have to submit the details of the Sub-plan and name of the schemes to be funded by them. These agencies would vet the plans and propose them for approval by 'SC development council' for inclusion in annual budget.
- The proposed development councils will suggest measures for proper planning and implementation of the schemes and approving the annual SCSP proposal. While the National Council will have the Prime Minister as one of its members, the councils



would have representation of elected Members of Parliament and State Legislatures.

- The draft law seeks to provide legislative backing for SC sub-plan mandating expenditure on Schedule Castes in proportion to their population.

Drafting of the bill in itself is the first massive step in recognizing the rights of the Schedule Castes. Therefore, keeping the demand and urgency of having this law in mind, the proposed bill could be brought to Parliament in the Monsoon Session of 2013 for approval.

Finalization of 12th Five Year Plan document

The 12th Five Year Plan (2012-17) with the theme of “Faster, More Inclusive and Sustainable Growth” was approved by the National Development Council (NDC) in December, 2012. **The approval process has got delayed by a year.** Though the final plan document has now been uploaded in the website, **the Appendix of the document has not yet been made public.**

Key Features of the Plan

- The 12th Five Year Plan is an ambitious Plan because of the scale of funds being promised to various sectors. The gross budgetary support of the Centre for the 12th Plan is 132 percent higher than that of the 11th Five Year Plan (Table-1).
- The 12th Plan aims to bring down poverty by 10 percent in the five-year period and also generate 50 million jobs in the non-farm sector.
- It seeks to achieve 4 percent agriculture sector growth during the Plan period. The objective is to continue with the decentralization thrust of RKVY.
- The 12th Plan has also an aim to establish the system of Universal Health Coverage (UHC) in the country through National Health Mission and it has projected the total

Heads of Development	Centre's Budgetary Support			States and UTs Budgetary Resources		
	Eleventh Plan	Twelfth Plan	% Increase	Eleventh Plan	Twelfth Plan	% Increase
Agriculture and Allied Activities	60339	133965	122.02	102422	228637	123.23
Rural Development	179925	267047	48.42	108284	190417	75.85
Special Area Programmes	0	0	0	42817	80370	87.71
Irrigation and Flood Control	2325	17212	640.3	227008	404800	78.32
Energy	43374	98541	127.19	180188	352468	95.61
Industry and Minerals	50452	120372	138.59	38143	85212	123.4
Transport	227637	491713	116.01	203316	384690	89.21
Communications	5308	29699	459.51	0	0	0
Science, Technology and Environment	50615	130054	156.95	18682	37296	99.64
Economic Services	45706	181321	296.71	43652	124136	184.38
Social Services	492408	1190416	141.75	641496	1390582	116.77
General Services	9795	50500	415.57	45800	57459	25.46
Total	1167884	2710840	132.12	1651808	3336068	101.96

Source: 12th Five Year Plan Document, Planning Commission, Government of India

health expenditure by the government to increase to 2.5 percent of GDP, by 2016-17.

- The overall plan expenditure for education during the 12th Plan period is projected to be about Rs. 3,43,028 crore and *Sarva Sikhsa Abhiyan* (SSA) with a proposed allocation of Rs. 1,92,726 crore for five years would continue to be the flagship programme for realizing the right to elementary education for each and every child.
- The plan document has proposed to set up Rural Development Flexi-fund (RDF) of Rs. 40,000 crore with the intent to devolve a significant share of Central funds related to rural development.
- The Plan targets include increasing green cover by 1 million hectare every year and adding 30,000 MW of renewable energy generation capacity in the Plan period.
- It has also emphasized on reducing the number of centrally sponsored schemes in various sectors.

While many of the targets and commitments made in the 12th Plan document are commendable, a lot remains to be done when it comes to implementation. Besides, The strategy for the 12th Plan encourages private sector participation directly as well as through various forms of Public Private Partnership (PPPs) in critical sectors such as health, education etc. But the feasibility and desirability of emphasizing PPPs in such critical sectors is questionable.

Constitution of 14th Finance Commission and its Terms of Reference:

The Government of India, in January 2013, announced the constitution of 14th Finance Commission under article 280 of the Constitution. Former RBI Governor Y. V. Reddy has been appointed as the Chairperson of the Commission. Following are the core functions of 14th Finance Commission as described in its Terms of Reference (TOR):



- To determine tax devolution and grants-in-aid under article 275, the Commission has been mandated to review the state finances, deficit and debt level of the Centre and States, keeping in view the fiscal consolidation road map proposed by the 13th Finance Commission.
- To suggest measures to raise the tax ratios of both the Centre and the states, improve performance of public sector enterprises and tackle challenges in ecology, environment and climate change.
- To study the level of subsidies needed and how to insulate the pricing of public utility services from policy fluctuations.
- To assess the likely impact of the proposed Goods and Services Tax (GST) on central and state finances and devise a mechanism for GST compensation in case of any revenue loss to states following the implementation of GST.
- To suggest measures to amend the Fiscal Responsibility and Budget Management (FRBM) Act, keeping in view the incentives and disincentives for states for observing the obligations laid down in the FRBM Act.

Union Budget 2013-14

The Union Budget for 2013-14 has tried to increase allocations for some sectors and provide incentives for investments and savings while containing the fiscal deficit to 4.8% of GDP. However, lack of adequate priority to social sectors in the budget has translated into low priorities for a number of critical sectors. Total Union Budget outlay for social sectors (excluding only Non-Plan Capital Expenditure on such sector which is very less) registers a modest increase from 1.7 percent of GDP in 2012-13 (RE) to 1.9 percent of GDP in 2013-14 (BE). The following graph presents the allocations in the Union Budget 2013-14 for select ministries.

In addition to the overall allocations for various ministries, it is also important to

have a cursory look at the allocations made for various flagship programmes in education, health, rural development, water and sanitation, which is presented in Table 2.

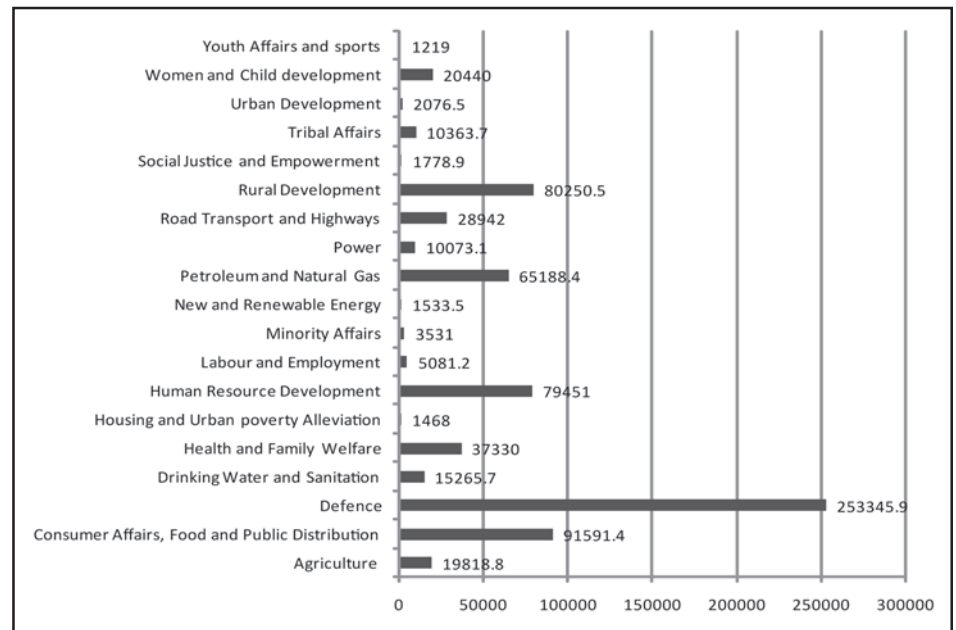
New Initiatives in the Union Budget 2013-14

- Setting up of the ‘Nirbhaya’ fund with an allocation of Rs. 1,000 crore in 2013-14 to empower and ensure the security of women in the country.

Taxation:

As regards Direct Taxes, a relief of Rs. 2000 for the Tax Payers in the first bracket of Rs. 2 lakh to Rs. 5 lakh has been provided. A surcharge of 10 percent on persons (other than companies) whose taxable income exceeds Rs.1 crore has been levied. Surcharge has been increased from 5 to 10 percent on domestic companies whose taxable income exceed Rs. 10 crore. In case of foreign companies, surcharge will increase from 2 to 5 percent, if the taxable income exceeds Rs.

Graph 1: Allocations for Selected Ministries in the Union Budget 2013-14 (in Rs. Crore)



Source: Response to Union Budget 2013-14, Centre for Budget and Governance Accountability
 Note: Agriculture data excludes Special Central Assistance for State Plans, like, RKVY.

- Setting up of India’s first Women’s Bank as a public sector bank with an initial capital of Rs. 1,000 crore.
- Rastriya Uchha Sikhsha Abhiyan (RUS) is introduced this year with a very small outlay of Rs. 400 crore.
- National Livestock Mission is a new scheme launched in 2013-14 with an allocation of Rs. 307 crore to attract investment and to enhance productivity.

10 crore. Additional surcharges to be in force for only one year.

Restructuring of the Centrally Sponsored Schemes in the 12th Five Year Plan

The Union Cabinet has approved the restructuring of the existing 147 Centrally Sponsored Schemes (CSS), and Additional Central Assistance (ACA)



Table 2: Allocations for Key Programmes and Schemes for the Year 2013-14 (BE)

(in Rs. Crore)

Name of Key existing programme and schemes	Allocation for the year 2012-13 (BE)	Allocation for the year 2012-13 (RE)	Allocation for the year 2013-14 (BE)
Sarva Shiksha Abhiyan (SSA)	25555.0	23645	27258
Rastriya Madhyamik Shiksha Abhiya (RMSA)	3124.00	3172.63	3983.00
Mid-Day Meal Scheme	11937.00	11500.00	13215.00
Integrated Child Development Services	15952.8	15858	17846
National Rural Health Mission (NRHM) now expanded to National Health Mission (NHM)	20628	17097.77	21104
Rastriya Swasthya Bima Yojana (RSBY)	1096.70	1060.74	1141.47
National Rural Drinking Water Programme (NRDWP)	3500	2500	4260
Nirmal Bharat Abhiyan	10500	10500	11000
Pradhan Mantri Gram Sadak Yojana (PMGSY)	24000	10000	21700
Mahatma Gandhi National Rural Employment Guarantee Scheme	33000	29387.00	33000
Backward Region Grant Fund (BRGF)	12040	10524	11500
Ajeevika	3915	2600	4000
Rastriya Krishi Vikas Yojana (RKVY)	9217.00	8400.00	9954
National Food Security Mission (NFSM)	1780.00	1654.51	2025
Indira Awas Yojna (IAY)	11075	9024	15184
Multi-Sectorial Development Programme	887.90	579.56	1110

Source: Expenditure Budget Volume-I and Volume-II, Union Budget Document, Government of India

Note: Inclusive of all the allocation for the North Eastern Region and Sikkim within the schemes.

schemes into 66 schemes, including flagship programmes across various sectors, for effective implementation and monitoring of the 12th Plan in June, 2013. The entire exercise of restructuring the CSS was done by the Planning Commission and the Union Finance Ministry in line with the roadmap suggested by Chaturvedi Committee that had earlier recommended to bring down CSS to 59 from 147. As per the Chaturvedi Committee report, reforms need to be made to the design of CSS, their physical and financial norms, planning, transfer of funds, and monitoring and evaluation. The Cabinet has approved the following changes:

- Schemes may have state specific guidelines, which may be recommended by an Inter-Ministerial Committee constituted for the purpose.
- Financial assistance to states in these schemes will be provided through the Consolidated Funds of the states.

- Maintaining flexi-funds under which the state government could use ten percent of the budget allocated for CSS within the broader framework of the flagship programme.
- For each new CSS, ACA, flagship scheme, general category states may contribute at least 25% of the funds while special category states may contribute 10% of funds.

The budgetary provision has been made for 137 CSS and 5 Scheme based ACA (excluding block grants) in 2013-14 (BE). These arrangements will come into force for the remaining years of the 12th Five Year Plan and will help in optimum utilization of resources for desired results.

Demand for the status of 'Special Category State' by Bihar and Odisha

Presently, India has 11 special category states and 6 more states (Bihar, Chhattisgarh, Goa, Odisha, Jharkhand, and Rajasthan) have been demanding for

such status for some time. But none of them satisfy all the five criteria (viz. (a) hilly and difficult terrain, (b) low population density, (c) sizeable share of the population as tribal, (d) strategic location along borders, (e) economic and infrastructural backwardness and non-viable nature of state finances) to get the special category status as decided by the Planning Commission of India.

Of late, Bihar and Odisha have intensified their demand to get a special category state status. Overall economic backwardness compared to national averages in various development indices, sizable tribal population, lack of infrastructure and frequent natural calamities have been the reasons cited by these states.

The Inter Ministerial Group (IMG) formed in 2011 rejected the demand of Bihar after judging the States on the basis of the said five criteria. The Planning Commission has also disallowed recently the demand of Odisha by stating the state's finances to be stable and viable with sound indicators of fiscal deficit, outstanding liabilities, and interest payment. However, the Centre has recognised Bihar's backwardness and suggested Special resource support from the Centre through flagship schemes as well as Special Plan through the Backward Regions Grant Fund for addressing these issues. Both states have been demanding the change in rules and criteria to grant special category status to any state. The Union Government is reviewing the existing criteria and a sub-committee has been set up to study this.

Parliament Sessions (August 2012 - July 2013)

In the Monsoon session (August 8-September 7, 2012), a lot of time was devoted to the issue of black money, violence in Mumbai and allocation of coal blocks. Similarly the Winter session of Parliament (November 22 to December 20, 2012) discussed the issues related to FDI in retail, suspension of Indian Olympic Association, need for uniform education system and safety of women in the country. The Budget Session, which



Bills in Parliament

Budget Session –February 21st to May 8, 2013

Status of Some of the Key Government Bills Listed for consideration and Passing

- **The National Food Security Bill, 2011:** The Bill seeks “to provide for food and nutritional security in human life cycle approach, by ensuring access to adequate quantity of quality food at affordable prices to people to live a life with dignity and for matters connected therewith and incidental thereto”
- **The Land Acquisition, Rehabilitation and Resettlement Bill, 2011:** The bill seeks to address problems of industry regarding acquisition of land for setting up projects. It provides for land acquisition, rehabilitation and resettlement of the displaced people and proposes to replace the Land Acquisition Act of 1894.
- **The Prohibition of Employment as Manual Scavengers and their rehabilitation Bill, 2012:** The Bill prohibits the employment of manual scavengers, the manual cleaning of sewers and septic tanks without protective equipment, and the construction of insanitary latrines. It seeks to rehabilitate manual scavengers and provide for their alternative employment.
- **The Protection of Women from Sexual Harassment at Workplace Bill, 2012 (Passed in both Rajya Sabha and Lok Sabha on Feb 26 and March 11, 2013 respectively):** The Bill defines sexual harassment at the work place and creates a mechanism for redressal of complaints. It also provides safeguards against false or malicious charges.
- **The Pension Fund Regulatory and Development Authority Bill, 2011:** The Bill seeks to give statutory powers to the interim authority set up in 2003. The bill provides a structure to National Pension System (NPS) to plan for old age income security. However, it is optional for those in the unorganized sector.
- **The Finance Bill, 2013: Passed** on 30th April and 2nd May, 2013 by Lok Sabha and Rajya Sabha respectively.

Winter Session- November 22 to December 20, 2012

- **The Prevention of Money-Laundering (Amendment) Bill, 2011: Passed** on 29th November, 2012 in Lok Sabha and 17th December, 2012 in Rajya Sabha- The objective of the bill is to curb the practice of money laundering and it proposes to introduce the ‘corresponding law’ to link the provision of Indian law with the law of foreign countries.
- **The Child Labour (Prohibition and Regulation) Amendmend Bill, 2012:** Introduced on 4th December 2012 in RajyaSabha; The bill aims at prohibiting the engagement of children in certain types of occupations and regulates the condition of work of children in other occupations.

Monsoon Session- August 08-to-September 07, 2012

- **The All India Institute of Medical Sciences (Amendment) Bill, 2012 (Passed):** This Bill was introduced during the Monsoon Session 2012. It replaces the ordinance, which allowed six AIIMS-like institutes to become operational w.e.f September 15, 2012.
- **Rajiv Gandhi National Institute of Youth Development Bill, 2012 (Passed):** Confers status of national importance to the Rajiv Gandhi National Institute of Youth Development.
- **The Street Vendors (Protection of Livelihood and Regulation of Street Vendors) Bill, 2012: (Pending)-** The Key objective is to regulate urban street vending and ensure uniform legal framework to protect the rights and social security of street vendors.

Source: PRS Legislative Research Website

started on February 21 and continued till May 8, 2013, largely debated the draft report on 2G, India China border issues, chit fund scam of West Bengal and corruption in Railways. An attempt has been made to highlight the status of some of the major bills listed for discussion, as shown below:

Food Security Ordinance 2013:

The Union Cabinet has approved promulgation of an ordinance to implement the National Food Security Bill and it has been signed by the President of India on July 5, 2013. The Ordinance claims to provide food security to all. The

National Food Security Ordinance guarantees provisioning of subsidised food grains to almost two-third of the country’s population, which would include 50 percent of the urban population and 75 percent of people living in rural areas. It requires the government to provide 5kg of food grains (cereals) per person per month – at prices of Rs. 3 per kg of rice, Rs. 2 per kg of wheat, and Rs. 1 per kg of millets – for a period of three years from the date of commencement of the ordinance.

Further, the ordinance includes provisions, like, pregnant women and lactating mothers being entitled to free of cost meals through the local *Anganwadi centres* during pregnancy and for six months after child birth, and maternity benefits of not less than six thousand rupees. Also, every child within the age group of six months to six years shall receive appropriate meal free of cost, and those in the age group of six to fourteen years will be provided Mid-day meals in all government schools on all days except on school holidays. Apart from these provisions, measures pertaining to women’s empowerment, grievance redressal mechanisms, and reforms in the public distribution system, food security allowances etc. are some of the other positive features in the said ordinance.

The Union Government has taken some positive steps to address the key concerns relating to the disadvantaged sections of population, the proliferation of centrally sponsored schemes, need for provisioning of food security etc. However, what is important is to recognise that a lot more needs to be done still in order to ensure equitable growth and development.

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