Making Statutory Institutions Vibrant, Responsive and Accountable

Study of Institutional Structures for Safeguarding Socio-Economic Interests and Rights of the Scheduled Castes

Synthesised National Report on Status of State Commissions for Scheduled Castes
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Synthesised National Report on Status of State Commissions for Scheduled Castes
PACS publication series:

Study on Statutory Commissions for Socially Excluded Groups

Year of conducting study: 2013
Year of publication: February 2014; Second Edition Publication: May 2015

The content produced in the study is a joint initiative of Poorest Areas Civil Society (PACS) Programme and Society for Participatory Research In Asia (PRIA).

Contact info@pacsindia.org for re-printing and references.
The report can also be downloaded from www.pacsindia.org

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Socially excluded groups experience greater challenges in moving out of poverty. Being systematically pushed to margins, their life experiences are marked with inequality in accessing rights, entitlements and opportunities. This inequality manifests in contrasting figures of differential access to entitlements and even in access to constitutional rights. It is in the context of this chasm that Poorest Areas Civil Society (PACS) programme’s interventions are positioned. Focusing on Scheduled Castes, Scheduled Tribes, Muslims, Women and Persons with Disabilities, the programme works to assist the groups to claim their rights and entitlements while addressing issues of differential access. For PACS, strengthening demand as well as the supply side of the governance processes is strategically critical to ensure inclusive policies, programmes, and responsive institutions. Promoting social justice hence gets inevitably linked with making institutions for the socially excluded as well of the socially excluded vibrant, effective and accountable.

Recognising the tremendous historical barriers and discrimination that the socially excluded groups have faced and continue to face, the Constitution of India has various provisions and instruments for safeguarding their rights and addressing their development needs. For putting an end to all visible and invisible forms of discrimination however, it is crucial that all such protective and developmental measures are implemented and are continuously responding to the requirements of the people they are mandated to address. This is where the role of Statutory Institutions gains centrality. Having the constitutional mandate, the Statutory Institutions are to perform the important role of overall safeguarding interests and rights of socially excluded, of being the supervisory body with the primary responsibility of monitoring the entire gamut of protective, compensatory and developmental measures and mechanisms. It is in this context that the study of the Statutory Institutions\(^*\) was undertaken by PACS in collaboration with the Society for Participatory Research in Asia (PRIA) across PACS programme focused states; viz. Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Odisha, Uttar Pradesh and West Bengal.

The national level reports synthesise the findings and the experiences of the State level studies vis-à-vis each commission. The study has been conducted by using participatory tools and has generated important information through interviews (with all possible stakeholders), Focus Group Discussions with community members, and multi-stakeholder state level workshops in each state. People across the states and stakes expect concrete initiatives for strengthening of these commissions.

The underlying directional idea of this action research study has been to create a critical and collaborative space for various stakeholders to engage with. Developing this pathway of engagement, the study brings to fore interesting and important analysis on issues of (i) legislative mandate, structure, composition, modes of functions of the Statutory Institutions (ii) assesses

\(^*\) State Commissions for Women, Scheduled Castes, Scheduled Tribes, Minorities and Persons with Disabilities
awareness levels and practical experience of community members and puts together (iii) a set of recommendations for advocacy and dissemination based upon the study and socially excluded community’s experiences. The study draws attention to the fecundity of the various commissions and at the same time also to the areas which need inputs for the Statutory Institutions to play their role more effectively.

There is a real and an urgent need to strengthen the presence and engagement of the commissions and to address issues of access and visibility. There is an equally pressing need for the civil society, the activists, the campaigns and the Statutory Institutions to work together for promoting the rights of socially excluded communities.

We hope that the study is able to generate useful debates and discussions towards making Statutory Institutions vibrant, responsive and accountable.

In solidarity,

Rajan Khosla
Director
PACS

Dr. Rajesh Tandon
President
PRIA
The study team would like to thank the office bearers of all the State Commissions, of the Nodal Departments of the State Governments, members of the Urban Local Bodies and of the Panchayati Raj Institutions who took time out, provided the study team the information they needed as well as their insights and valuable suggestions in this process of exploring ways of strengthening the statutory institutions. This study could not have proceeded without their support.

This study would also not have been completed without the support of the civil society organisations and individuals who are working very closely with community people, at the grassroots. We would especially like to thank Vikas Vihar,

Chhapra (Bihar), Development Education & Environmental Programme (DEEP), Patna (Bihar), Dalit Vikas Abhiyan Samiti (DVAS), Patna (Bihar), Nav Manas Kalyan Kendra, Bihar Sharif (Bihar), Disha Samaj Sevi Sanstha, Kanker (Chhattisgarh), Shikhar Yuva Manch, Bilaspur (Chhattisgarh), Badlao Foundation, Jamtara (Jharkhand), Vedic Society, Latehar (Jharkhand), Samarthan – Centre for Development Support, Bhopal (Madhya Pradesh), Sangini Gender Resource Centre, Bhopal (Madhya Pradesh), Adivasi Sanrachna Sewa Sansthan, Betul (Madhya Pradesh), Mansi – Centre for Human Development Research & Initiative, Panna (Madhya Pradesh), Institute of Social Sciences, Bhubaneswar (Odisha), Centre for World Solidarity, Bhubaneswar (Odisha), Women Organisation for Socio Cultural Awareness (WOSCA) Keonjhar (Odisha), Ekta Parishad Trust, Kalahandi (Odisha), Tarun Chetna, Pratapgarh (Uttar Pradesh), PACE, Pratapgarh (Uttar Pradesh), Gramin Vikas Sansthan (Uttar Pradesh), Child in Need Institute (CINI), South 24 Parganas (West Bengal), Nari-O-Shishu Kalyan Kendra, Howrah (West Bengal) for their contributions and time.

We would also like to thank Rekha Panigrahi, L.S Hardenia, Upasna Behar, Adv. Milind Wankhede and Mr. Jeet Parmar for their support study in its various phases.

We also wish to acknowledge the persistent work that has been put in by the PRIA team under Dr. Alok Pandey who anchored the study on behalf of PRIA. A special thanks to Dr. Rajesh Tandon, Dr. Martha Farrell, Dr Namrata Jaitely and Mr. Majoj Rai who have drafted these reports.

Last, but definitely not the least, our heartfelt thanks to all the community people who not only gave us time but also shared their experiences and personal information with us; and to whom we would like to dedicate this report with a hope of being able to translate it into real actions for them.

Hoping these reports part a significant strategy towards empowering the marginalised community.

In solidarity

Priyanka Dale
Programme Manager, PACS
# Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>CSO</td>
<td>Civil Society Organisation</td>
</tr>
<tr>
<td>FGD</td>
<td>Focus Group Discussion</td>
</tr>
<tr>
<td>GoI</td>
<td>Government of India</td>
</tr>
<tr>
<td>MP</td>
<td>Madhya Pradesh</td>
</tr>
<tr>
<td>NAC</td>
<td>National Advisory Council</td>
</tr>
<tr>
<td>NCSC</td>
<td>National Commission on Scheduled Castes</td>
</tr>
<tr>
<td>NGO</td>
<td>Non-Government Organisation</td>
</tr>
<tr>
<td>PACS</td>
<td>Poorest Areas Civil Society</td>
</tr>
<tr>
<td>PCRA</td>
<td>The Protection of Civil Rights Act</td>
</tr>
<tr>
<td>POA</td>
<td>The Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act</td>
</tr>
<tr>
<td>PRIA</td>
<td>Society for Participatory Research in Asia</td>
</tr>
<tr>
<td>SC</td>
<td>Scheduled Casts</td>
</tr>
<tr>
<td>SCSP</td>
<td>Special Component Sub Plan</td>
</tr>
<tr>
<td>ST</td>
<td>Scheduled Tribes</td>
</tr>
<tr>
<td>ToR</td>
<td>Terms of Reference</td>
</tr>
<tr>
<td>UGC</td>
<td>University Grants Commission</td>
</tr>
<tr>
<td>UP</td>
<td>Uttar Pradesh</td>
</tr>
</tbody>
</table>
“Ours is the struggle not for money or power but for human dignity”

– Dr. B. R. Ambedkar

Introduction

Background

“The state shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Schedules Tribes, and shall protect them from social injustice and all forms of exploitation”

Directive Principles of State Policy, the Constitution of India (Article 46).

The Promise

Inspired by Dr. Ambedkar, the Constitution of India made clear and strong commitments to overcome entrenched socio-economic exploitation of scheduled caste (SC) community and provide them social justice. During the first elected parliament of India, The Protection of Civil Rights Act (PCRA) was legislated in 1955 “to prescribe punishment for preaching and practice of untouchability and any disability arising therefrom”.

As atrocities against members of SC community didn’t cease in the Indian society, a more stringent legislation was passed by Indian parliament in 1989 called The Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act (POA). This new legislation describes atrocities against members of SC community in great detail, provides for special courts for trial of such offences and includes relief and rehabilitation to the victims of such offences.

Recognising the historical and structural discrimination against SC community in terms of access to basic needs of education, health care, livelihood and human development, the sixth Five Year Plan (in 1976) started a special component of SC Plan known since as SCSP. It was assumed that special budgetary allocations so made will address these historical discriminations to improve the socio-economic status of SC community in the country.

In order to further address the issues of social justice and socio-economic development of the SC community, the parliament legislated to create a National Commission on Scheduled Castes and Scheduled Tribes in 1990 through the sixty-fifth constitutional amendment. Consequent to this enactment, several state legislatures have also enacted a conformity legislation to create State SC Commissions since then.

In the national government, a special ministry was created in 1998 to focus attention, policies and
programmes for socio-economic development of SC and Scheduled Tribes (ST) communities, called Ministry of Social Justice and Empowerment. Similar departments and agencies have since been created in various state governments in the country.

To ensure substantial and proportionate political participation to SC community in Indian democracy, the Constitution of India also provided for reserved constituencies in parliament and state legislatures. After the enactments of 73rd and 74th constitutional amendments that created Panchayats and Municipalities as elected bodies, similar proportionate reservation was provided for SC community at this tier of governance as well.

This report analyses the functioning and impacts of such special SC Commissions based on empirical studies and consultations carried out in three states of Bihar, Madhya Pradesh (MP) and Uttar Pradesh (UP) during the past ten months. It describes the nature of the mandates of these Commissions, the experiences of members of SC community with their functioning, identifies factors that have influenced their performance and makes suggestions for making SC Commissions vibrant, responsive and accountable to their mandates and the SC community in the country.

The Reality

The 12th Five Year Plan (2012-17) of Government of India, in its chapter on ‘social inclusion’, acknowledges that progress in socio-economic development of SC has been slow, despite several policy and programmatic measures undertaken during the previous five year plans, especially the 11th Five Year Plan (2006-11). SC population in the country is 16.9% of the total population (Census, 2011) and “the incidence of poverty has been most pronounced amongst them” (Planning Commission, 2012: 225). It has committed to improve the delivery of various socio-economic development schemes specifically meant for SC community in a far more effective manner. The National Advisory Council (NAC) has recommended to the Planning Commission to revamp the SC Special Plan by allocating proportionate budget towards their socio-economic development and create an effective institutional mechanism to ensure its implementation in the 12th Five Year Plan (http://nac.nic.in/pdf/reforms_scsp.pdf).

Several studies in recent years have confirmed the trends described by the Planning Commission with respect to socio-economic development of SC community in India. In a recent review of impacts of various policies and development programmes designed for the socio-economic development of SC community, Singh (2009) concludes that SC population remains far below the national average in terms of access to basic needs- education, health, housing, drinking water and sanitation; in addition, nearly 80% of SC population continues to work as agricultural labourers or casual workers.

The status of literacy amongst SC men and women continues to be far below national average, and more so in many of the poorer states. Female literacy rates amongst SC populations in both rural and urban areas are more than 10% lower than the national average, thereby reinforcing the conclusions drawn above in respect of structural and historical discriminations undermining socio-economic development of SC community.

Overall SC population in the country is 16.7% of the total population, as per Census 2011. The population is distributed variously in the different states of the country. Amongst the PACS supported states, distribution of SC population as a percentage of the total population varies from low of 1.6% in Chhattisgarh to 20.5% in UP (Table 1.1).
Table 1.1: Percentage share of Scheduled Castes population

<table>
<thead>
<tr>
<th>S.N.</th>
<th>State</th>
<th>Percentage population of SCs</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bihar</td>
<td>8.2</td>
</tr>
<tr>
<td>2</td>
<td>Jharkhand</td>
<td>2.0</td>
</tr>
<tr>
<td>3</td>
<td>Chhattisgarh</td>
<td>1.6</td>
</tr>
<tr>
<td>4</td>
<td>Madhya Pradesh</td>
<td>5.6</td>
</tr>
<tr>
<td>5</td>
<td>Odisha</td>
<td>3.6</td>
</tr>
<tr>
<td>6</td>
<td>Uttar Pradesh</td>
<td>20.5</td>
</tr>
<tr>
<td>7</td>
<td>West Bengal</td>
<td>10.7</td>
</tr>
</tbody>
</table>

Source: Census of India, 2011.

The trends towards atrocities on members of the SC community have not shown any deceleration despite the operationalization of special courts under the POA 1989. Recent data from the Ministry for Social Justice and Empowerment, GOI shows that more than one lakh cases are still pending before the investigating agencies and courts (Annual Report, 2011-12, page 66). Despite the provision for special courts under this Act, only a few states have created adequate provisions for the same (Table 1.2). Despite large SC population and large numbers of cases of atrocities against SC community, Bihar and UP have not created adequate courts in the districts; the record of MP in this regard is much better, as shown in Table 1.2 (Annual Report, 2011-12, page 63).

Lee and Thorat (2006) conclude that “dalits in Indian society negotiate social and economic transactions in many spheres of life from this inherited position at the bottom, while in other spheres ‘untouchability’ excludes them from transactions with dominant caste society altogether”.

It is in this context that the results and recommendations of this study need to be situated.

Table 1.2: Exclusive Special Courts formed by state to ensure speedy trial of cases under Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

<table>
<thead>
<tr>
<th>S. N.</th>
<th>State</th>
<th>Total Number of Districts</th>
<th>Number of Exclusive Special Courts in Districts</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Andhra Pradesh</td>
<td>23</td>
<td>23</td>
</tr>
<tr>
<td>2</td>
<td>Bihar</td>
<td>38</td>
<td>11</td>
</tr>
<tr>
<td>3</td>
<td>Chhattisgarh</td>
<td>20</td>
<td>06</td>
</tr>
<tr>
<td>4</td>
<td>Gujarat</td>
<td>25</td>
<td>19</td>
</tr>
<tr>
<td>5</td>
<td>Karnataka</td>
<td>28</td>
<td>07</td>
</tr>
<tr>
<td>6</td>
<td>Madhya Pradesh</td>
<td>50</td>
<td>43</td>
</tr>
<tr>
<td>7</td>
<td>Rajasthan</td>
<td>32</td>
<td>17</td>
</tr>
<tr>
<td>8</td>
<td>Tamil Nadu</td>
<td>31</td>
<td>04</td>
</tr>
<tr>
<td>9</td>
<td>Uttar Pradesh</td>
<td>70</td>
<td>40</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>317</td>
<td>170</td>
</tr>
</tbody>
</table>


The Study

This study began in January 2013 as a joint initiative of PRIA and PACS with the following specific objectives:

- To understand the legislative mandate, structure, composition, modes of functioning and delivery of State Scheduled Caste Commissions of the three states of Bihar, MP and UP mandated to safeguard the socio-economic rights of Scheduled Castes.
- To assess the awareness levels and practical experiences of members of Scheduled Castes with respective State Scheduled Caste Commission.
- To arrive at a set of recommendations for advocacy and dissemination efforts to make these Scheduled Caste Commissions more ‘vibrant, responsive and accountable’.
This study of SC Commissions is part of a larger study of five different Commissions in the seven states covered under the PACS programme. Three SC Commissions in Bihar, MP and UP were included in this study.

A common methodology for the study was deployed in each of these three states, comprising of the following:

1. First step was a preliminary study of the respective Scheduled Caste Commissions for the three states (Bihar, MP, UP) to review the statutory and legislative mandates of each institution including Terms of Reference (ToR), constitution, composition, structure and support system, general functioning, and process of appointments of commissioners and officials.

2. Two districts in each state were selected for in-depth empirical study as per the methods given below:
   - Focused Group Discussions (FGDs): Eight FGDs (two each in rural and urban locations in each district separately for men and women) were organized with members of Scheduled Caste (SC) to assess the level of awareness, accessibility, approach and effectiveness of the State Scheduled Caste commission.
   - In-depth Interviews were conducted from SC community, local functionaries, NGO workers, local leaders and others (60 in each district) to gain further information on various aspects of the functioning of SC Commissions.
   - Tracking of cases: Nearly ten cases handled by the SC Commissions within the last two years were tracked in each state to understand the actual procedures and time taken after a complaint is registered with the SC Commission.

The above intensive field data-collection was carried out in two districts of each state—Gaya & Samastipur (Bihar), Panna & Betul (MP), Pratapgarh & Mau (UP).

This report presents a synthesis of the findings of SC Commissions studied in the three states, including reference to the National Commission on Scheduled Castes (NCSC) as well. At the end of this report, a set of recommendations based on the ‘emerging issues’ are also included.
Findings from the Field

As per the objectives of the study stated earlier, the main findings are presented in two sections. The first section focuses on the mandate and institutional design of the commissions. The second section focuses on institutional effectiveness.

**Mandates & Institutional Designs**

The National Commission for SCs and STs was set up in 1990 as per Article 338 of the Constitution, and further bifurcated to create a separate NCSC in 2003 after the 89th Constitutional (Amendment) Act was passed. The overarching purposes of NCSC, as per its mandate in Article 338(5), are to monitor safeguards and protections provided to SC community as well as review of various welfare schemes and measures meant for SC.

The NCSC has been assigned the following responsibilities under Article 338 of the Constitution:

- To investigate and monitor all matters relating to the safeguards provided for SCs under the constitution
- To enquire into specific complaints with respect to deprivation of rights and safeguards of the SCs
- To participate in the planning process and make recommendations towards the socio-economic development of the SC communities.
- To make recommendations for the effective implementation of the safeguards
- To discharge such other functions in relation to the protection, welfare and development, and advancement of the communities, as the President may prescribe.

A comparative analysis of the National Commission for Scheduled Castes and the respective State Commissions for which the study was conducted (Bihar, Madhya Pradesh, and Uttar Pradesh) is presented in Table 2.1(a) and 2.2 (b) as given on next page.
Table 2.1(a): Comparison of the mandate of the National Scheduled Caste Commission and the respective State Scheduled Caste Commissions

<table>
<thead>
<tr>
<th>National Commission for Scheduled Castes</th>
<th>Bihar</th>
<th>Chhattisgarh</th>
<th>Madhya Pradesh</th>
<th>Uttar Pradesh</th>
</tr>
</thead>
<tbody>
<tr>
<td>• To investigate and monitor all matters relating to the safeguards provided for SCs, under the constitution.</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>• To enquire into specific complaints with respect to deprivation of rights and safeguards of the SCs.</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>• To participate in and advise on to the planning process of the socio-economic development of these communities.</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>• To make recommendations for the effective implementation of the safeguards.</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>• To present to the President (State Government) annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards.</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>• To discharge such other functions in relation to the protection, welfare and development, and advancement of the communities, as the President (State Government) may prescribe.</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
</tr>
</tbody>
</table>
### Table 2.2(b): Comparative Analysis of the institutional structure of the Scheduled Caste Commissions

<table>
<thead>
<tr>
<th>National State</th>
<th>Year of enactment</th>
<th>Year of constitution of the first commission</th>
<th>Date of constitution</th>
<th>Current Commission</th>
<th>Staffing (Support staff)</th>
<th>Public of annual reports</th>
<th>Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Proposed</td>
<td>In office</td>
<td>Proposed</td>
<td>In office</td>
</tr>
<tr>
<td>National Commission for Scheduled Castes (NCSC)</td>
<td>2003</td>
<td>2004</td>
<td>2010</td>
<td>1 Chairman, and 1 Vice chairman 3 Members.</td>
<td>All positions are filled.</td>
<td>No information</td>
<td>NA</td>
</tr>
<tr>
<td>Bihar</td>
<td>2009 (cabinet resolution)</td>
<td>2010</td>
<td>2010</td>
<td>1 Chairperson, and 1 Vice Chairperson 3 members.</td>
<td>Only the Chairperson is in office</td>
<td>18 posts have been sanctioned</td>
<td>All posts are filled.</td>
</tr>
<tr>
<td>Chhattisgarh</td>
<td>1995</td>
<td>2006</td>
<td>2010</td>
<td>1 Chairperson and 2 members.</td>
<td>Only the Chairperson is currently in office</td>
<td>16 posts have been sanctioned</td>
<td>All but two positions are filled.</td>
</tr>
<tr>
<td>Madhya Pradesh</td>
<td>1995</td>
<td>1995</td>
<td>2010</td>
<td>1 Chairperson and 2 members.</td>
<td>All positions are filled.</td>
<td>25 posts have been sanctioned.</td>
<td>6 positions were vacant, as per the annual report</td>
</tr>
<tr>
<td>Uttar Pradesh</td>
<td>1995</td>
<td>1997</td>
<td>Commission is defunct since the year 2012.</td>
<td>1 Chairperson, 1 Vice-chairperson and 3 members.</td>
<td>All positions are vacant.</td>
<td>20 posts have been sanctioned.</td>
<td>Only 12 posts are filled vacant.</td>
</tr>
</tbody>
</table>
Analysis of the above data from Table 1.3 (a) and (b) shows some very interesting patterns.

**Mandates**

In terms of formal mandates, all Commissions (national and states) are expected to focus on two main functions: monitor constitutional safeguards and enquire into complaints of violations of safeguards.

NCSC also has two additional important mandates:

- to participate/advise in planning for socio-economic development of SC community
- to make recommendations for effective implementation of the constitutional safeguards

Only the SC Commission in UP has these two additional mandates where as the SC commissions in Bihar and MP do not. Thus the mandates of SC Commissions in Bihar and MP have been curtailed in the way their functions are defined in the respective legislations.

Unlike NCSC or the State Commissions in Bihar and UP, the SC Commission in MP has additional mandate to identify communities for inclusion and exclusion in the definition of SC, and make reservations for SCs in public services and educational institutions. In this respect, the Commission in MP has a larger mandate.

**Composition**

The appointment of the members of the Commissions across the studied states, exhibit a similar pattern. There are no clear criteria for assessing suitability of various appointed members, including Chair and Vice-chair (other than being a member of SC community). There is also no clear procedure for selection and appointment of such members, including Chair/Vice-chair.

In the absence of both transparent criteria and procedure for appointment, Chair and members of SC Commissions in the states are appointed by the state government (typically by the CM's office), and likewise for NCSC by national government and the concerned Minister.

As a consequence, appointments to the Commission are based exclusively on party affiliations, typically made to provide a formal ministerial status with associated perks. The motivation, competence, knowledge or previous experience in working on such issues is hardly taken into account. Hardly any criteria exist for inclusion of women as members or Chairs of SC Commission. There is no woman Chair or Vice-Chair of any SC Commission in the country today. Considering that a huge number of cases of atrocities are against dalit women (as acknowledged by the Planning Commission itself), it is astonishing that such institutions do not have women in leadership.

As has been shown in the case of SC Commission of MP (where no member/chairperson was appointed for more than two years in 2008-10), there is no system to ensure that vacancies in the membership/chairmanship of the Commissions are filled up in a time-bound manner.

All legislations provide for appointment of a full-time secretary to oversee the functioning of the activities of the Commission. However, in none of the SC Commissions studied, such appointments have been made. An officer from the nodal department (typically joint director of Social Welfare Department) also acts as the Secretary of the Commission, in addition to his/her other departmental responsibilities. As a result, the overall administrative and managerial leadership roles are not being adequately performed in any of the state SC Commissions.

As Table 1.3 (b) shows, the nature of staffing in the SC Commissions is not based on the requirements of the functions to be performed. Most posts are of administrative nature (peons, clerks, drivers, assistants, etc.). While NCSC has 25% of the posts with some technical and professional competence, this ratio for Bihar is 22%, for MP it is 4% and for UP it is 8%. This presents a particular difficulty in effective performance of the main functions of SC Commissions in respect to monitoring of safeguards and enquiring cases of violations.
This situation is further compounded by the type of budgetary allocations made for the Commissions. As table 1.3 (b) shows, there seems to be no benchmark for establishing what is a reasonable budget given the nature of the mandates of the Commissions. MP’s budgetary allocation at Rs 42 lakhs during 2009-10 (latest figures available) is far below that of Bihar at Rs 190 lakhs for 2012-13 (UP budgetary figures are not available). A detailed analysis of budgetary provisions in all Commissions (including NCSC) suggests that most of the funds are consumed in running the office (paying salaries and meeting administrative expenses) of the Commission and hardly any funds are available for programmatic activities of the Commissions in respect of fulfillment of their mandates.

### Institutional Effectiveness

The empirical data collected during the study focused on three aspects of institutional effectiveness.

First aspect focuses on **public awareness** about the Commission, especially amongst the members of SC community. Its key dimensions are knowledge about the existence of the Commission, its mandate and office, and office-bearers.

A comparative analysis of the three SC Commissions shows several patterns.

The awareness about the existence of the SC Commission is rather low, especially amongst the members of the SC community. In Bihar, less than half (48%) of the total respondents interviewed had known of its existence. Similarly in MP only 55% of the respondents were aware of the existence of the Commission and the overall picture in UP is much worse as the corresponding figure is 29%.

However, community level Focus Group Discussions (FGDs) with men and women of SC community clearly demonstrated that there was no awareness of the existence of SC Commission amongst them.

Most of the interviewed respondents shared that it was primarily through the NGOs and their awareness generation campaigns in their locality that they got to know about the commissions.

Understanding about the Commission’s functions and roles also came through informal peer networks rather than the Commissions themselves, and that too mostly in the context of certain cases of atrocities. A very small percentage of respondents were aware of the nodal department through which the SC Commission operates. These figures were 8%, 10% and 5% for Bihar, MP and UP respectively. Clearly, the understanding about the SC Commission’s linkages with the state government was rather weak.

Of those who had heard about the existence of SC Commissions, fewer respondents knew about the location of the office of the SC Commission in the state. These figures were 69% in Bihar, 27% in MP and 19% in UP. Hardly any of the respondents from SC community in rural areas knew about its location.

The percentage of respondents who had visited the Commission’s office was even smaller; . 7% in Bihar, 3% in MP and 11% in UP. The main constraint seemed to be the physical access. Most respondents felt that physical distances to the capital of the state (where these offices were located) had made access impossible, especially in the absence of any systematic outreach efforts by any of these SC Commissions.

There was hardly any understanding of the criteria and/or the process of appointments of members, Chairpersons, etc amongst the community members. However, the respondents recommended that clear and stringent criteria should be transparently established for the appointment of members and chairpersons of SC Commissions in the states.

The above pattern of findings indicates a clear shortcoming in terms of awareness about the existence and functioning of SC Commissions in all the three states.

The second aspect looks at **transparency** in the functioning of the Commission. It particularly analyses efforts at proactive disclosure about the activities, budgets and progress on disposal of complaints, including annual reports.
A comparative analysis of the three SC Commissions in respect of transparency reinforces the patterns of findings above.

Though the SC Commission had undertaken field visits, but such steps have not led to an awareness in the SC community about the roles and responsibilities that the Commission has towards them, since mostly such visits don’t come under the attention of the SC community. These rare field visits were limited to enquiry of complaints filed from the locality. In UP, a small percentage of respondents (8%) knew about some awareness programmes conducted by the SC Commission.

The mandate of SC Commissions requires them to present an Annual Report in the public sphere. The latest Annual report of SC Commission in MP is available for 2009-10; reports for 2010-11, 2011-12 and 2012-13 are not available in public domain. Despite the fact that the first SC Commission in Bihar completed its term in 2012, it did not produce any Annual Report in the public domain. Information about Annual Reports from SC Commission in UP is not available in public domain. Clearly, the SC Commissions are not fulfilling their obligations, since they are not undertaking any proactive disclosures about themselves to the public in general, and SC community in particular.

The information about the annual budgets and expenditures was inadequately shared in the public domain by SC Commissions. Information about the annual budget and expenditure, in aggregate terms, was most clearly presented by SC Commission of MP upto 2009-10. The SC Commissions of Bihar and UP on the other hand, did not provide any information about the annual budget and expenditure. Even in the case of MP, there was no detail of annual expenditure in terms of any of its functions and mandates. The accountability of the SC Commissions comes under question especially when the very founding stone of the whole process, the annual plan, is absent, since then the other subsidiary functions of the SC commission, like budgeting and the disclosure of information related to the allocation of resources also get sidetracked, making it impossible to ascertain the actual work done against the goals that were set forward.

Another measure of transparency relates to information about the progress of cases filed by complainants. MP SC Commission provided an aggregated picture of number of cases received, resolved and pending till 2009-10. Bihar SC Commission provided information about number of complaints received during 2011-12 and 2012-13. No such information was available from the UP SC Commission. Even the information that was presented lacks clarity in terms of types of cases, locations and progress of disposals. As discussed in some detail in the next section, the information about tracking of cases and communication to complainants about the progress of cases was never provided to the complainants, or in the public domain.

The third aspect examines responsiveness of the Commission towards the complaints received. It analyses what support is offered by the Commission to complainants, how promptly complaints are disposed -off, how communication about the progress of the case is communicated to the complaint and suo-moto actions initiated by the Commission. In addition, the expectations of the SC community about the responsiveness and support from the Commission are also analysed here.

The flow chart on next page describes typical steps entailed in filing a complaint, its enquiry and disposal.
Flowchart depicting the steps involved in disposal of cases

Complainant

- Complaint through post

- Suo Moto on the incident

- Filing complaint by visiting

Cognisance by Commission

Response to applicants

- Order for Investigation

- Calling the applicant, non-applicant and witnesses for hearing

- Visiting place for probing further (If required)

Judgment/recommendations of the Commission

- Complainant Satisfaction

- Complainant Dissatisfaction
Step 1 is filing of cases by the complainant. This step follows some grievance or violation of safeguards in respect to provisions of the Constitution and various legislative measures. The most common reason for filing a complaint is atrocity against a SC person (including verbal and physical abuse). Of the 8 cases tracked in MP, 60% related to atrocity, and 25% to land grabbing and denial of services. Of the 9 cases tracked in Bihar, 45% related to atrocities and land grabbing each. In UP, 11 cases were tracked; of these, 27% related to atrocities and the remaining 73% to land grabbing. In this sense, grabbing land of the members of SC community is a growing phenomenon in UP and Bihar.

A complainant is usually unaware of all the procedures; so, in many cases, the complaint is made through a facilitating agency, typically an NGO. In cases where the complainant approaches the Commission directly, it is both through post and through personal visit.

Most complainants approach the SC Commission only after their grievances have not been addressed by local police station or local government functionaries. SC Commission is therefore seen as a ‘port of last call’.

Empirical data also indicates that the staff of the SC Commission in all the three states studied, were apathetic and hostile to the complainants.

Step 2 entails enquiry by the Commission on the complaint registered. Only in the cases tracked in Bihar and MP procedure for sending an acknowledgement of the registration of cases was working. In the two states, the complainant received a written acknowledgement of the registration of the complaint within a month. In most cases, the Commission started actions towards an enquiry after 60 days. During the process of the enquiry, no update on the complaint is provided to the complainant by the Commission.

Two facts become evident at this step. First, there is no standard operating procedure, with fixed benchmarks, for the Commission to take actions and initiate enquiry after the complaint is registered.

Second, there is no mechanism for ongoing feedback to the complainant on the progress of the complaint. The complainant has to make efforts to track the progress, many a times at great cost and effort, and with no clear outcomes.

Step 3 entails disposal of cases. Disposal doesn’t mean satisfactory redressal of grievance or punishment to the violators. In several cases tracked during the study, the disposal did not happen within two years. In Bihar, none of the nine cases tracked (the first case was filed on September 23, 2011) were disposed; data available from the records of SC Commission did not indicate the stage of progress made so far. In the cases tracked in UP, only two from 2004 involving land disputes were disposed of by giving cash compensation; several cases from 2009 and 2010 were still pending. In MP, all the cases tracked were still pending, the oldest one being from January 2011.

During enquiry, the Commission can also send officers and undertake field investigation itself. Most SC Commissions have many quasi-judicial powers in conduct of enquiry (as does the NCSC); the exception is SC Commission of Bihar since it was set up through a cabinet decision, and not by a legislation of the Assembly. These powers, inter alia, comprise of:

- Summoning and enforcing the attendance of any person from any part of the state and examining him/her on oath.
- Requiring the discovery and production of any document.
- Receiving evidence on affidavits.
- Requisitioning any public record or copy thereof from any court of office.
- Issuing commission for the examination of witnesses and documents.
- Any other matter which may be prescribed.

Three challenges have emerged in this step.

First, the Commission conducts initial enquiry of the complaint by sending it to the local police and administrative machinery. However, it is only...
because of a lack of initiative displayed by the local machinery that most complainants approach the SC Commission. Clearly, this procedure vitiates the possibility of any independent investigation. In most cases, delays are deliberate, and in some cases, complainant is harassed by the same local machinery which is tasked by the Commission to do the enquiry.

Second, the powers of the Commission are not adequately deployed since many members and staff lack judicial/legal competence. The Commission is not able to conduct enquiry in a free, fair and timely manner so as to ensure justice.

Third, the offenders in many cases of atrocities are dominant caste members with economic and political power. In other cases of grievances, the violators are government officials. Given the asymmetrical power relations between the complainant and the offenders and perpetrators, any meaningfully enquiry can only be conducted by an independent mechanism not beholden to local socio-political web of relationships.

The final step is the pronouncement of judgment by the Commission. The judgment carries with it several infirmities in the present situation.

First, the complainant is not given any opportunity to express his/her satisfaction or feedback on the judgment to the Commission. Second, there is no mechanism with the commission to enforce its judgment and ensure that penalty is indeed meted out to the offender/perpetrator. Third, there is no follow-up mechanism to monitor whether the grievance has indeed been redressed and offense stopped following the implementation of the judgment.

In some cases, the SC Commissions have taken suo-moto cognizance of violations and initiated an enquiry. These cases are typically those which receive wide media publicity and get the support of vocal and political leaders in the society. In many such cases, speed of enquiry and delivery of judgment far exceed that of ‘normal’ complaints made to the Commissions.
Emerging Issues

- The preceding analyses show some key emerging issues in the functioning of the SC Commissions, and they are discussed at length below.

Identity & Autonomy

The most critical factor that is affecting the functioning of these Commissions is confusion and ambiguity about their identity and autonomy. Are these Commissions independent of state governments, or are they mere extensions of the departments of social welfare and social justice? The constitutional mandate provided to National Commission of SC envisages a statutory body independent of the executive. It provides for its oversight responsibility on the implementation of various Constitutional safeguards for the SC community. As a statutory body, it is expected to monitor policies and programmes meant for the socio-economic development of SC, and provide guidance and advice to the ministries and departments concerned.

This is clearly not the case with respect to the three state SC commissions studied. The mandates of SC commissions of Bihar and MP do not even include oversight and advisory roles with responsibility to make recommendations. The legal framework of Bihar SC Commission is weak as it has been set up only through a cabinet decision, and not through a legislation of the Assembly.

A major reason for lack of autonomy is the absence of criteria and procedure for appointments of Chairperson and members of these commissions (including National Commission). All appointments are made on political party affiliations, without concern for competence and/or commitment to the mandate. As a result, the Commission is unable to speak out on issues, violations and indifference of the state government with respect to the safeguards for SC community. The nodal department in the state government substantially influences the functioning of the Commission.

In reality, even the annual budget allocations to the Commission are at the mercy of such a nodal department, its minister and the state government. Annual budgets fluctuate, and remain unlinked to annual plans. This budgetary dependence on the executive is also visible in the NCSC.

Unlike the NCSC which is expected to report to the President of India, the state SC Commissions are expected to report to the state government, thereby further compromising their autonomy. The accountability mechanisms for the state SC Commissions are thereby curtailed and lack independence.

It is imperative that concrete steps be taken to ensure clear independent oversight identity of such SC Commissions along with substantial autonomy.

Proactive Outreach & Disclosure

The SC Commissions have no outreach to the SC community. Its functioning is limited to responding to cases and complaints (and some political functions assigned by the party and the chief minister). In order to perform its functions of monitoring safeguards for SC community, it needs to be heard, known and visible. In the absence of that outreach, many governmental and non-governmental agencies working on issues of empowerment of SC community are not able to provide support to the Commission.

In the course of the study, not a single incidence of any independent study undertaken by the Commission came to light in these states. In the absence of authentic and ground understanding of functioning of various Constitutional provisions for the safeguard and socio-economic development of the SC community, the Commission is unable to fulfill its mandate.
In the very design of the institutional structure, there is no thought given as to how various functions will be performed. There is no formal system for undertaking various activities. Procedures and rules for conducting enquiry, for communicating with the complainant and for undertaking functions related to planning of socio-economic development of SC community have not been clearly formulated and communicated. The existing procedures of nodal departments have been implemented inadvertently.

It is necessary that the standard operating procedures for the design of roles and responsibilities, planning and monitoring and handling of its various activities are formulated, keeping its mandates in view.

The SC Commissions in these states (and to some extent NCSC) stand in isolation, and function likewise. There are a number of different public agencies which are mandated to work towards the empowerment of SC and ensure social justice. Yet, operational and organic linkages between them at the state and district level do not exist.

The most critical absence of linkage is with the judiciary. Given the quasi-legal nature of these Commissions, and their responsibility in conducting the enquiry in case of complaints, it is necessary to have a mechanism with the district courts and the local judicial process.

Likewise, the Legal Assistance Cells in each district are mandated to provide free legal aid to the members of deprived community in matters related to claiming their legal rights and facing legal enquiry.

Each state legislature has a Sub-committees focused on SCSP (SC Sub-Plan) and monitors the budgets and performance of the government in its implementation. A part of the function of oversight of socio-economic development can be performed through better linkages with this Sub-committee.

The panchayats and municipalities have a proportionate reservation for SC community at all tiers, including reservation for women from SC.
community. In the present scheme of things, the thousands of elected representatives of Panchayats and municipalities are unaware of the existence of SC Commission and its mandates. Social justice is also a constitutional mandate of all local bodies in the country.

Since the state SC Commissions were constituted in light of the national legislation, and following the formation of National Commission of SC, it is surprising that there is no mechanism for periodic engagement, dialogue, advice and support between NCSC and the state SC Commissions. Absence of such a linkage is glaring, and affecting the effectiveness of the state SC Commissions.

In many universities and colleges, special centres for social justice and Ambedkar Chairs have been created by state governments and University Grants Commission (UGC). There is at present no linkage between the studies conducted by such centres and Chairs, the field work carried out by their students and the mandate of monitoring safeguards by the SC Commissions. An organic and active linkage of the SC commission with academic and research agencies of the states can yield enormous synergy between them.

In addition, many civil society organisations and NGOs are working on issues of empowerment of SC community in these states. In many districts and states, associations and networks of dalit organisations are active as well. Linkages with such organisations can enhance the outreach of the SC Commission greatly, especially in far-flung remote rural areas.

These challenges are not unique to the three SC Commissions of Bihar, UP and MP. SC Commissions in other states face similar issues in ensuring effective functioning towards achieving their mandates. In fact, the National Commission on SC is also facing similar challenges in making itself vibrant, responsive and accountable. Most importantly, there is an absence of organic and ongoing linkages between NCSC and various state SC Commissions as well.
The Constitutional mandate granted to the National Commission on SC as an independent entity more than a decade ago was designed to make this institution as the ‘watch-dog’ to protect and advance the constitutionally mandated rights—human and socio-economic—of all the members of SC community in the country. The constitution of NCSC, and commensurate constitution of state SC Commissions, raised considerable hope that they would be able to monitor the performance of the executive—ministries and departments of Government of India and respective state governments—with respect to fulfilling their constitutional responsibilities in protecting the rights of SC community and in providing them socio-economic justice.

The foregoing analysis, based on empirical field studies of three state SC Commissions in Bihar, MP and UP, seems to indicate that such expectations of SC Commissions have not been fulfilled. The findings suggest certain specific weaknesses in the design and functioning of these institutions. In this concluding section of the report, concrete recommendations have been made to address several of the emerging issues analysed in the preceding section.

**Identity & Autonomy**

Several recommendations below are aimed to enhance an independent identity of the SC Commissions and ‘restore’ its autonomous functioning.

1. Similar to NCSC, each state SC Commission must be appointed by the Governor. The annual report of the SC Commissions should be sent first to the Governor. This is similar to the NCSC. This is also consistent with the constitutional provisions where the President of India, and governors of the state, are duty-bound to protect the rights of SC community.

2. A clear and transparent set of criteria for appointment of Chairperson and Members of the Commission should be established. It should include, inter alia, professional experience, social commitment and independent track record of previous efforts to work on issues of SC empowerment. A pool of potential Commissioners can be created through an open process.

3. In addition, a transparent and clearly defined process of appointment of Commissioners needs to be established. The process can include a plan for periodic replacement of retiring Commissioners well in advance so that no vacancy or vacuum exists. A committee should make the selection, comprising of the Prime Minister/Chief Minister, Leader of the Opposition, judge of High/Supreme Court and a nominee of the President/Governor (who is a civil society person outside the political party connection or government service).

4. The Commissions should be mandated to prepare a five year plan with deliverables and budgets. These plans should be the basis of annual budgets of the Commissions. A nationally accepted norm for benchmarking this budget outlay needs to be created in this regard. National Finance Commissions can be approached to recommend such a norm. The practice currently being followed for Election Commission of India facilitates this
autonomy from the executive (the Prime Minister), and can be a model for practice of budgetary allocations to SC Commissions.

**Proactive Outreach & Disclosure**

One of the over-riding limitations of the SC Commissions is that members of the SC community do not even know of its existence. Without positive and continuous outreach, the Commission is unlikely to fulfill its mandates. Some of the ways to improve this outreach are recommended below.

1. Information dissemination about the mandates, activities and outputs of the SC Commission need to be regularly communicated with the constituency of SC households. This communication has to take into account the lack of access by such households due to absence of education and access to technology, especially amongst those who live in remote rural areas. Use of radio, television, mobiles, and occasional drives of awareness raising through folk media, in addition to print, might prove to be helpful to generate awareness amongst the constituency of SC households.

2. Absence of district level presence seems to make the distance from the Commission quite a constraint. While it may not be feasible for the Commission to establish district level offices all over the state, it is essential that some form of district ‘presence’ may be established in partnership with other existing agencies, departments or institutions.

3. When the members or staff of the Commission travel to the field, such local agencies as NGOs working at a district level and other civil society actors may provide support in information dissemination and outreach by establishing close functional relations with each other.

4. Each SC Commission should have a fully functioning web-site which can provide information about the Commission’s activities as well as the responses to the complaints. The suo-moto information disclosure by the Commission will enhance its transparency.

5. The Commission can provide a platform for all those actors—government agencies, academia, media, civil society—who are working towards improving the status of SC in the state. This platform can be a regular forum (say once in two months) where emerging issues within the mandate of the Commission are shared and discussed. The platform can act as a channel of feedback to the Commission, mutual complementarity of actions amongst various actors, as well as mutual accountability mechanism. It can also bring a coherence of actions amongst various agencies and organisations addressing such issues, instead of acting in isolation from each other.

**Institutional Capacity**

Enhancing institutional capacity of SC Commissions is directly related to its mandate. In a state like Bihar, MP or UP, where millions of SC households live under difficult socio-economic conditions, and thousands of cases of atrocities and injustices against them are occurring, it is imperative that SC Commission has the institutional capacity to engage with these issues substantially.

1. One of the main elements of enhancing institutional capacity of SC Commissions is to re-align their annual budgets. As mentioned before, planning over five years, defining specific activities and deliverables, must be used to devise annual budgets. These budgets should include various types of activities (like awareness-raising, studies, field-based capacity development, investigation, etc.) that a Commission is expected to undertake.

2. Another aspect of this capacity enhancement is to re-examine the staffing. Like any other government department, Commissions have mostly peons, assistants and drivers on their payroll. Since most of these are secondary government staff, they can be reverted back while creating a more professional team which has competencies in jurisprudence, investigation and studies, capacity development and communication and documentation and reporting.
3. The system of functioning of the Commissions needs to be 'reformed' to reduce inefficiency and delay in responding to complaints, preparing reports and making presentations to different stakeholders. This can be accomplished if a full-time secretary is attached to each Commission, as per their mandate.

4. The staff of the Commission, including new members, needs to be periodically oriented to their purposes and responsibilities. Deeper and sensitive understanding of the realities of SC community in the state is critical, and should be regularly focused upon to improve their functioning.

5. Systems of data-collection, recording, analysis and dissemination need to be put in place with support from computerization. This includes updation and tracking of cases so that complainants and the general public can access relevant information without having to write to or visit the Commission.

Linkages

The findings seem to suggest that most SC Commissions function almost in isolation, from the other institutions and agencies also working towards improving the socio-economic status of SC community in the state. By creating and maintaining linkages with all such relevant agencies, the SC Commissions can draw on substantial human, institutional and financial resources to achieve their own mandates.

1. The foremost linkage has to be with the district and state level judicial process. By establishing such linkages, the legal functions expected to be carried out by the Commissions can be done in partnership with judicial bodies which have greater competence and legitimacy to do so.

2. In addition, state and district legal aid cells can provide formal and professional legal assistance to complainants. These cells can also undertake awareness generation of SC community about their legal rights. The Commission can partner with these cells as they have legal expertise as well as the mandate to do what the Commission wants to do.

3. Strong linkages with Panchayats and municipalities can support the Commission to reach out to thousands of elected representatives in each village and ward. A large percentage of these also belong to SC community themselves. During the orientation of newly elected panchayat representatives, a brief session about the Commission can be very useful in this regard. Likewise, the SC Commission can support the orientation of Social Justice Committees of the Panchayats which are mandated to focus on issues of social justice amongst women, SC and St households in particular.

4. As has been pointed out earlier, many universities and colleges have designated professors, centres and/or courses focusing on socio-economic rights of SC community. These can be engaged by the Commission to undertake periodic research on different schemes or status related to SC in the state. By engaging such academic institutions, the Commission can get access to appropriate studies, documentation and feedback from the ground on an ongoing basis.

5. In each state, there are a host of such Commissions, some with somewhat overlapping mandates. For example, SC Commission can work with Women’s Commission on issues related to SC women. Likewise, SC Commission can work with State Finance Commission to suggest ways in which local government bodies can implement and monitor various schemes meant for the socio-economic development of SC community. Periodic meetings of all Commissions within the state may enhance achievements of mandates of all Commissions.

6. There should be a mechanism of periodic information sharing, peer learning and collective reflections on the functioning of SC Commissions in the states and the National Commission on SC. Such a mechanism can be readily housed in NCSC, and its convening and hosting responsibilities can be periodically rotated amongst different state SC Commissions.
7. Finally, the Commission must establish closer linkages with district, state and national level civil society organisations working to improve the status of SC community in the state. These civil society organisations can support the Commission in numerous ways---- by undertaking awareness generation in the constituency, by mobilising victims and providing them support in filing complaints, by undertaking field studies and investigations, by providing support to the Commission in its capacity development programmes, and by undertaking campaigns to focus policy-makers on the issues of SC community. Such a partnership can substantially augment the capacity of the Commission in fulfilling its mandates.

In conclusion, the Constitution of India has made several provisions for protection and enhancement of rights of members of the SC community so that historical discrimination against them could be overcome. Many national and state legislations have been enacted to pursue these provisions of the Constitution. Commissions on SC, both national and at state levels, are one of the key institutional mechanisms to support and monitor the realization of those constitutional provisions and legislations. It is imperative that these Commissions are empowered, enabled and strengthened to be able to work towards their mandates in a serious, systematic and sustained manner. Operational implementation of some of the recommendations made in this Report can be of help in taking the initial steps towards that end.


This study was initiated by Poorest Areas Civil Society (PACS) programme through Participatory Research in Asia (PRIA) to look at important areas and aspects of selected institutions in Bihar, Chhattisgarh, Jharkhand, Madhya Pradesh, Odisha, Uttar Pradesh and West Bengal.

**Objectives of the study**

- To understand the legislative mandate, structure, composition, modes of functioning and delivery of institutions mandated to safeguard constitutional rights of Scheduled Castes, Scheduled Tribes, Women, Minorities and Persons with Disabilities.
- To assess the awareness levels and practical experiences of members of socially excluded communities towards two selected institutions, from the five mentioned, in each of the seven states.
- To arrive at a set of recommendations for advocacy and dissemination efforts to make these institutions vibrant, responsive and accountable.

**Methodology**

Field visits and desk review were conducted during the first phase of the study. The mandates and remit of each of the above mentioned commissions were studied through secondary sources gathered from websites, existing literature and reports of the commissions.

Meetings and interviews with the office bearers of the commission were also held.

In the second phase, 14 commissions were shortlisted from the first 35 for a deeper study. This was done after taking into account various aspects, the population of a particular social group and functioning of the respective institutions in a particular state. In this phase two distinct processes were involved, two districts were selected; two blocks each, to conduct interviews of persons from socially excluded communities. This was to assess awareness levels, experience of engagement with commissions in cases of violations. Eight focus group discussions were also organised. To ensure participation by women in the study and allow them to voice their perspectives separate focused group discussions were held. Ten cases were taken for study to get an on-ground of the cases those were taken up these commissions.

This study is conducted by using participatory tools and it has been able to generate information through interviews (with all possible stakeholders), Focus Group Discussions with community members, and multi-stakeholder state level workshops in each state.
Poorest Areas Civil Society (PACS) Programme is an initiative of the UK Government’s Department for International Development (DFID) aimed at assisting the socially excluded groups to claim their rights and entitlements while addressing issues of differential access.

www.pacsindia.org

Participatory Research in Asia (PRIA) is an international centre for learning and promotion of citizen participation and democratic governance. PRIA’s professional expertise and practical insights are utilised by other civil society groups, NGOs, governments, donors, trade unions, private business and academic institutions around the world.

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