



# Empowering the Vulnerable: The NCSC's Role in Eradicating Discrimination and Atrocities against Scheduled Castes

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"We must be the change we wish to see in the world." - Mahatma Gandhi

## INTRODUCTION

The National Commission for Scheduled Castes (NCSC), a constitutional body in India, embodies the nation's commitment to ensuring the welfare and empowerment of the Scheduled Castes. It stands as a guardian of equity and inclusion, dedicated to uplifting the marginalized and underserved sections of society. The Constitution directed the establishment of the National Commission for Scheduled Castes, formerly known as the National Commission for Scheduled Castes and Scheduled Tribes, with the aim of "investigating and overseeing all issues pertaining to the protections offered."

both in common law and constitutional law, for the Scheduled Tribes and Scheduled Castes(Article 338). The NCSC

is a body that is a part of a complicated web of regulations, guidelines, and organizations created to combat social injustice. Regarding the distinction between the institutional orientations of promotion and protection, it can be argued that the NCSC is primarily a protective organization, even though it is expected to provide advice on and track the development of promotional policy initiatives coming from other state agencies.

The NCSC has a complicated past and is tasked with monitoring and looking into issues pertaining to the legal and constitutional protections for the Scheduled Castes, as well as assessing how well these protections are functioning; to look into particular complaints about the denial of rights and protections; to take part in the planning process; and to report to the President on a yearly basis on all of the aforementioned. The NCSC has categorized the constitutional protections it aims to oversee and assess into five main areas: (a) social protections (such as child labor and untouchability); (b) economic protections; (c) cultural and educational protections (like reserved seats in legislatures); (d) political protections (like reserved seats in legislatures); and (e) service protections (primarily pertaining to reservations in hiring for public employment). The Commission's recommended corrective action is only advisory in nature. Additionally, it advises the federal government and state governments, who are required to consult it on all significant policy issues pertaining to the Scheduled Castes. Each House of Parliament must be presented with the Commission's yearly report to the President, the Action Taken Report on the Union's recommendations, and the justifications for rejecting the recommendations in the event of non-compliance. As a result, the Commission functions as the official state's legislative branch's watchdog on the executive branch, all the while maintaining its independence. In that sense, its function is comparable to that of the General Auditor and Comptroller.

## **EVOLUTION OF THE NCSC**

The National Commission was established as a constitutional body in the early 1990s, but its origins may be traced back to the colonial period, particularly in the late 1800s.

In the 19th century, representatives from low caste and untouchable groups called for reforms to address prejudice and inhumanity in Indian caste society, drawing attention from the colonial state. The call for social reform became related to the need for particular measures and rights for collective representation.

During independence, the Scheduled Castes and Tribes received special representation through joint electorates. The Constituent Assembly of India, established by the Cabinet Mission Statement in May 1946, aimed to represent diverse interests and communities, despite its limited franchise. There were 31 Scheduled Castes and 6 Backward Tribes among the 296 elected members from British India's provinces. The Constituent Assembly (1946-49) debated these groups as part of a larger discussion on minority rights. Four days into the Assembly's deliberations, Jawaharlal Nehru introduced a resolution defining the ideology that the Constitution should reflect. He argued that the Constitution should ensure justice, equality of status and opportunity, and equality before the law for all citizens. As stipulated by the new Constitution, "safeguards shall be provided for minorities, backward and tribal areas, and depressed and other backward classes". Vallabhbhai Patel's letter to the President of the Constituent Assembly outlined four

components of desired political safeguards for minorities. Dr. B.R. Ambedkar's Memorandum and Draft Articles on the Rights of the States and Minorities presented to the Constituent Assembly in March 1947 emphasized the need for a Superintendent of Minority Affairs with similar status to the Auditor-General. This included representation in legislatures, reservation in the Cabinet and public services, and an administrative mechanism to protect minority rights. (Ambedkar, 1947).

### **There are various areas of function:**

Service safeguards is one of the four main areas of the Commission's work. The other three are education, economic growth, and atrocities. The wing is the busiest. These complaints are mostly about promotions, unfair departmental investigations, transfers to faraway places or positions of little importance, discrimination and harassment in different forms, starting disciplinary proceedings on weak grounds, unfair departmental investigations, unfair entries in annual confidential reports, delays in paying retirement benefits, delays in finishing departmental investigations, and other things. It has also been able to make the system of liaison officers and special SC and ST cells official in all central ministries and public sector companies. This way, the problems of workers from these groups can be solved quickly and effectively. Out of all the Commission's functional offices, the Services Safeguards Wing has the most work to do and the most people working there. In this area of its work, the Commission's investigations into complaints are mostly good, and its suggestions are clear, showing where the violations are happening and what needs to be done to make things better. But some people think that the wing mostly serves the needs of the new SC and ST elites, which were formed by policies of compensatory discrimination. This means that it works for people who have already gotten past some obstacles and are now able to join.

The Commission keeps an eye on how well the Scheduled Castes are learning to read and write and how their schooling is growing. It has shown that it is aware of the differences, relative levels of poverty and exclusion within the SCs, based on gender and community. It is especially interested in the number of women who can read and write. At the basic level, it shows how many kids are enrolled and how many drop out at each level of schooling. It also keeps an eye on the operation of book banks and different grant programs at all levels. It has paid special attention to building hostels for these groups.

Most of the complaints the Commission gets in this area are about reserve policies not being followed or being applied inconsistently. The main issue with the Commission's method is that it doesn't seem to have a clear idea of what education is for and how it can help these communities get better. Obviously, murders against Dalits are a very important issue, and the NCSC keeps an eye on how the different laws that are in place to deal with these kinds of crimes are being followed. It keeps track of cases under the Civil Rights Act of 1955 and the Prevention of Atrocities Act of 1989 and makes notes on those numbers. It pays extra attention to the horrible crimes that police officers commit. The Commission's main job is to keep an eye on the creation of special courts so that crimes against the Civil Rights Act and the Atrocities Act can be tried quickly. It also keeps an

eye on how quickly these courts decide cases. Over the years, the Commission has looked into reports of crimes more than once on the spot.

There is almost 89% of all crimes against SCs and STs are horrible crimes against people from the Scheduled Castes. The Commission has a lot of power to investigate and inquire into this matter. It can also decide who is responsible and suggest actions, but these suggestions are not legally binding. The probe and the decisions are taking too long to come out. More than that, some people think that the Commission agrees with the government on most cases. It's not a surprise that this is the case because the Commission always sends petitions and reports to the same authority—the police or the revenue—that either helped keep the crime going or was involved in the cover-up. It's strange that the Commission has never thought this was a problem that needed to be looked into in more depth in order to come up with a full set of recommendations, like they have done with service complaints, the circulation of fake certificates, or reservations in general. It puts way too much weight on the formal way of bringing up these kinds of problems in the report, like how they would be discussed in Parliament.

The economic growth is the part of the Commission's job that causes the least disagreement. In its second report as the NCSCST, the Commission looked into the land issue and proved beyond a doubt that most of the people working in agriculture are from the Scheduled Castes. It carefully figured out what was going on with them by collecting data on things like occupational holdings, normal holding sizes, and so on. In order to deal with the very important issues of land reform, land records, and streamlining the management of land income, the Commission suggested that the amount of land that could be owned be capped and that extra land be given to different state governments. It also offered a number of changes to the way tenants are treated and a number of ways to stop the selling of tribal land (it was the NCSCST at the time). In a strange way, this effort to protect and even advance the Scheduled Castes' interests has not worked because the goal is not well served by the whole political class putting on a show for it.

## Evaluation

The Commission has exposed itself to the accusation of elite bias by opting to read its constitutional mandate narrowly. Given that it is the most vibrant and most effectiveness in terms of protections connected to services speaks for itself. Since the Commission primarily handles complaints and the more articulate and capable members of these groups are the ones who can make claims, it could be argued that the Commission has not made sufficient use of its suo moto cognisance powers and has not been sensitive enough to the exclusions caused by ignorance. The Commission's ability to resolve complaints pertaining to services rendered may be weighed against its incapacity to lessen the number of crimes and acts of violence against Dalits or to successfully combat the enduring evil of untouchability. The Commission has actively offered suggestions for improving processes and making sure that development plans and reservations are applied fairly. It does not, however, actively advocate for more significant reforms or even for a candid and incisive examination of the socioeconomic reality of discrimination. Through bringing attention to the issue of landlessness among dalit wage laborers and emphasizing the necessity of optimizing

land revenue administration, the Commission has evidently endeavored to beyond its protective duty and promote the well-being of marginalized social groups. However, it hasn't succeeded in bringing about any real change in these areas, if only because the apparent—and poorly stated—consensus on these matters leads to politically acceptable platitudes rather than actual policies. It appears that a commission is only as good as its members—especially the chairman. Competent and dedicated members are less likely to be appointed to the Commission due to the lack of institutionalization in the appointment procedures. This is particularly true in a political and policy environment where being a member of the Commission serves as a convenient sinecure for unemployed politicians or a temporary shelf for bureaucrats affiliated with these groups. The Commission's biggest shortcoming is that its rulings are just advisory rather than legally obligatory. Despite not being stated clearly in the modified Constitution, Article 338 and all of its subclauses provide a great deal of room for interpretation. It grants the Commission quasi-judicial investigative powers, but it makes no mention of how the Commission's decision on a given matter will be made or carried out. It does not specify that the Commission's recommendations would be legally binding, but it does require the federal and state governments to communicate with it. In actuality, it seems that the Commission's moral authority plays a significant, if not deciding, role as and when it is successful. It is arguable that the Commission could employ its reporting process more creatively and in ways that address public concerns—for example, about the practice of untouchability. It may undoubtedly influence and even direct discussions on these topics in civil society. The fundamental conflict between the Commission's constitutional duty to oversee the operation of safeguards and its role as a body that handles complaints of safeguard violations is a significant limitation. This tension is caused, at least in part, by the latter task's enormous scope, the massive amount of resources needed to do it, and—above all—the widespread perception that this is its principal function. The disparity between the yardstick that activists use to assess the Commission's performance and the one that the Commission uses to carry out its work is another way that the tension is evident. The latter contend that trial courts across India should only hear cases involving atrocities, and that the Commission should be an independent, centrally managed investigative body with the authority to conduct both criminal and civil inquiries.<sup>1</sup> Giving the Commission more authority would necessitate that it adhere to established guidelines for evidence and protocol, such as in criminal investigations. Aside from the questionable effects of setting up a rival legal system, these could actually hinder the Commission's efficacy by making it more open to lawsuits and appeals to higher courts, which would undermine its ability to function effectively and weaken its reputation and moral authority.

In fact, the amount of laws that would pile up on such a Commission might make it impossible for it to carry out its monitoring duties. An annual report from the commission is expected to be presented to parliament. Reports that are submitted to the President are sometimes tabled two years or longer later. The requirement that the Action Taken Report be presented with the main report typically causes these delays. Accordingly, the President distributes the Report to every Ministry and Department that it mentions, and the Report cannot be presented in Parliament until every Ministry and Department has either justified their inaction or provided an explanation for their conduct. The length of time that the Report must be discussed in Parliament is not specified by the Constitution. Reports are rarely addressed in Parliament, even when they are presented. There is no indication that any of the first four reports were



discussed during the Lok Sabha discussions. Only one of the four Special Reports—about service safeguards—has an impact on all of India. This stands in stark contrast to the extremely busy Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes, which has been meeting continuously since 1968 and has produced up to 177 reports on study tours that its study groups have conducted, 166 original reports, and 148 action taken reports.

The growth of institutions has produced an institutional jungle in many policy domains, such as the Scheduled Castes, where the responsibilities and authority of each are obscured. In many cases, the duplication and proliferation of institutions serves mainly as a symbolic, low-cost reaction to political demands, laden with little real expectations. Therefore, the only thing that predisposes one to become more active or visible is the rather random component of leadership. Institutions like these have a difficult time effectively and clearly pursuing their goals in the larger political and institutional environment.

## **Definitions**

"Scheduled Castes means such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under Article 341 to be Scheduled Castes for the purposes of this Constitution," **reads Article 366(24) of the Indian Constitution**<sup>1</sup>.

**As per the Indian Constitution, Article 341(1)** permits the President to designate, by public notification, "the castes, races, or tribes which shall for the purposes of the Constitution be deemed to be Scheduled Castes in relation to any State or Union Territory, as the case may be," with regard to any State or Union Territory, following consultation with the Governor.

**As per the Indian Constitution, Article 341(2)** permits Parliament to make laws that include or exclude any caste, race, or tribe from the list of Scheduled Castes mentioned in a notification issued under the aforementioned Clause (1). However, the notification issued under the said clause cannot be altered by a subsequent notification.

As to the 2011 Census, **1. 16.6%** of the population of the nation is comprised of Scheduled Castes.

West Bengal, Tamil Nadu, and Uttar Pradesh have the highest concentrations of Scheduled Castes.

## **LITERATURE REVIEW**

**According to the Official Reports:** The yearly reports of the National Commission for Scheduled Castes (NCSC) (National Commission for Scheduled Castes, yearly Report 2022-2023) that provide significant statistics on the number of complaints that have been lodged, investigations that have been undertaken, and recommendations that have been made. Reports like these illustrate the role that the NCSC plays in the process of registering complaints and conducting investigations.

<sup>1</sup> Indian Constitution Article 366(24)

Research conducted in academic institutions acknowledges the contributions made by the NCSC. **Praveen Kumar<sup>2</sup>** "The Role of National Commission for Scheduled Castes (NCSC) in Protecting the Rights of Scheduled Castes in India." International Journal of Current Research, The article highlights the role that the NCSC plays in bringing attention to caste-based issues, offering legal assistance to victims, and recommending corrective action to the government.

**Reports from NGOs<sup>3</sup>:** Limited resources are frequently brought to light by independent groups such as the National Campaign on Dalit Human Rights (NCDHR) (National Campaign on Dalit Human Rights, "Annual Report 2022". These consist of insufficient resources for investigations and prosecutions as well as a lack of enforcement authority.

**P. Jhingran (2019) Scheduled Castes and Scheduled Tribes<sup>4</sup> (Prevention of Atrocities) Act, 1989:** A Critical Analysis of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. A Journal of the Indian Association of Social Science Institutions, Social Change, and Development, The legal basis for the protection of Scheduled Castes and Scheduled Tribes (SCs), is examined in this article, along with the advantages and disadvantages of the 1989 legislation and the NCSC's relationship to it.

**Menon, A.<sup>5</sup> (2018) The National Commission for Scheduled Castes: A Study of Its Functioning and Effectiveness.** This article presents an analysis of the National Commission for Scheduled Castes, focusing on its operations and achievements. "Economic and Political Weekly," This article offers a more critical viewpoint on the National Cyber Security Center (NCSC), analyzing its internal operations and determining how well it is able to accomplish the objectives it has set for itself. This report investigates potential aspects of the Commission that could be improved.

**Shah, A. R. (2006)<sup>6</sup> From Atrocities to Rights? The Trajectory of Dalit Politics in India** the article highlights the National Council of Socialists of India (NCSC) an institution that operates within the larger social movement for Dalit rights in India, which is the subject of this article. Furthermore, it sheds light on the continuous fight for social justice as well as the difficulties that the Dalit community must contend with.

## OBJECTIVE OF STUDY

- Analyze the adequacy of existing policies and laws designed to protect SCs from discrimination and atrocities.
- Evaluate the NCSC's effectiveness in monitoring implementation of these policies and ensuring enforcement by relevant authorities.

<sup>2</sup> Kumar, Praveen "The Role of National Commission for Scheduled Castes (NCSC) in Protecting the Rights of Scheduled Castes in India." (International Journal of Current Research, vol. 9, no. 08, 2017, pp. 58022-58025)

<sup>3</sup> National Campaign on Dalit Human Rights, "Annual Report 2022"

<sup>4</sup> Jhingran, P "Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989: A Critical Analysis' Social Change and Development" (Journal of Indian Association of Social Science Institutions 2019 19(2) 221-236)

<sup>5</sup> Menon, A. "The National Commission for Scheduled Castes: A Study of Its Functioning and Effectiveness" (Economic and Political Weekly 2018)

<sup>6</sup> Shah, A. R., "From Atrocities to Rights? The Trajectory of Dalit Politics in India. Journal of Asian Studies" (Journal of Asian Studies, 65(3), 2006)

- Assess the NCSC's capacity to investigate complaints of atrocities against SCs and its role in facilitating prosecution of perpetrators.

## RESEARCH QUESTION

1. How effectively does the NCSC investigate complaints of discrimination and atrocities against Scheduled Castes (SCs)?
2. To what extent does the NCSC's intervention influence policy changes aimed at preventing discrimination and atrocities against SCs?
3. How effectively does the NCSC collaborate with other stakeholders (government, NGOs) to address issues faced by SCs?

## SCOPE OF STUDY

The NCSC primarily serves as a protective organization but also monitors the progress of promotional policies implemented by other governmental bodies. The Constitution mandated its creation, but it is not responsible for promoting it. This institution is solely responsible for the welfare and protection of the scheduled castes against injustice. The primary emphasis of the research will be the NCSC's current operations, which also highlights the historical context of how the NCSC and its mission have changed over time. The study will focus on the activities of the NCSC throughout India at the national level. It might, however, take into account geographical differences in the frequency of caste-based prejudice and crimes against SCs.

## RESEARCH METHODOLOGY

The nature of research is to be doctrinal approach. The methodology will involve a qualitative approach, including a literature review, analysis, findings, and conclusion. To begin, a thorough literature review will be conducted to gain insight into the system's history, development, and current state, identifying gaps and areas for improvement. Data are collected from various sources, including government reports, court judgments, and expert interviews, incorporating both qualitative and quantitative data. Finally, conclusions will be drawn based on the research, summarizing key findings and emphasizing the importance of transparency for a just system.

The researcher will try to analyze the existing text and data like cases, books and articles by scholars. The researcher through this method would be able to gain better understanding of the issues pointed out by the authors and raised in the cases on the particular subject matter.

### Primary Sources

- Indian Constitution
- Report of Nation Commission for Scheduled Castes
- Prevention of Atrocities Act 1989



## Secondary Sources

- The yearly reports of the National Commission for Scheduled Castes (NCSC)
- Annual reports of NGOs
- Books including *The Untouchables and the Indian State*.

## CONCLUSION

There are a few factors that appear to be important to the Commission's performance, such as its report and the people who occupy its positions. These factors are typically disregarded in favor of an argument that gives the Commission more teeth, although they seem to be essential to enhancing its functionality. The claim that the Commission is a paper tiger that requires more authority is based on a lack of understanding of the Commission's role under the current constitutional framework. If the Commission were to be granted more authority, it would have to go by established guidelines on evidence and prosecution, for example, while conducting a criminal inquiry. These could hinder the Commission's efficacy by making it more susceptible to lawsuits and appeals to higher courts, undermining the Commission's operational efficiency and diminishing its moral authority.

One of the most important factors that determines the efficiency of the Commission is the personality, experience, and status of the individuals who are appointed to serve on it. This has been observed on numerous occasions. When these facts are taken into consideration, together with the frequently asserted fact that the purpose of appointing the Chairperson, Vice-Chairperson, and other members of the Commission, it may be necessary to implement a procedure that is more thoroughly institutionalized. Members of the Commission are guaranteed to be appointed. A greater degree of independence from the government that is currently in power ought to be granted to the process of selection to the Commission. The members of the Commission should be nominated through a political process that is based on consensus, as this would be the most desirable outcome. The ability of the Commission to enter into delicate areas, such as evaluating the effectiveness of the political safeguards offered to SCs, which is essentially neglected in all of the reports, would be considerably enhanced as a result of this.

## BIBLIOGRAPHY