

## *Chapter 6*

# **Social Security**

Social Protection is defined by the ILO as “a set of public measures that a society provides for its members to protect them against economic and social distress caused by the absence or a substantial reduction of income from work as a result of various contingencies (sickness, maternity, employment injury, unemployment, invalidity, old age or death of the breadwinner), the provision of health care”.<sup>1</sup> UNICEF describes social protection as “the set of public and private policies and programmes aimed at preventing, reducing and eliminating economic and social vulnerabilities to poverty and deprivation”. In restricted sense, social protection denotes to measures which relate to contingency, related risks which are more in an informal economy and non-statutory setting.<sup>2</sup>

The objective of social protection is very broad, it takes into account dropping poverty and vulnerability, forming human capital, empowering women and girls, enhancing livelihoods, and dealing with the economic and other shocks. Thus, the process and mechanisms of social protection programmes are disparate. ‘Safety nets’ are arrangements of social protection by which the people get in access to the instantaneous elementary requirements during the time of crisis. Typically, short-term goals are taken to alleviate instantaneous influence of shocks and to smoothen consumption.

All public and private initiatives that meet the above goals may be described as social protection measure.<sup>3</sup> Social protection covers various dimensions of life in all its phases. Garcia and Gruat contend that social protection may be considered as a combination of statutory and non-statutory actions taken to ensure a decent life altogether. The ILO therefore recommends that social protection ought to move toward considering several dimensions and through several stages of the life cycle.<sup>4</sup>

Indian Constitution contains several provisions that meet the above criterion. Separate provisions are undertaken for the betterment and development of all 'backward classes', Art. 15 (4) states that a class may be termed as backward members as they are 'socially and educationally' worse off than others. Both 'social' and 'educational' backwardness is considered for this purpose. Social backwardness in the eventual analysis is the outcome of poverty and may be aggravated by determinates of caste. But a classification grounded exclusively on caste is insufficient. Traditional agricultural performs, scarcity of infrastructure facilities and geographical seclusion also contribute to their backwardness. Educational backwardness of a community can be broadly determined by the way students get enrolled in it and it is below the average in respect of other communities.<sup>7</sup>

## **6.1 Constitutional Safeguards and Legal Provisions for Scheduled Tribes in India**

A nation cannot achieve all-round growth if some sections of its population continue to remain backward. Our Constitution, recommends some provisional measures to support the backward sections to enhance their level like the remaining nationals. There are also certain permanent safeguards to protect minority rights of any segment of the community who are considered 'minority' depending on their number rather than communal point of view to avert the democratic machine from being used as an engine of oppression by the numerical majority.<sup>6</sup>

The Indian Constitution contains many provisions to safeguard the interests of the backward classes and minimize their social and economic deprivations. It lays special emphasis on equality in eyes of the law and prohibits discernment vis-à-vis race, religion and caste.<sup>7</sup> For Scheduled Tribes, care is taken to see that they have command and access over the natural resources of the areas where they live. They also received benefits from

sponsored development.<sup>8</sup> A policy of reservations has therefore been introduced so that they can overcome their difficulties.

Scheduled Tribes were grossly handicapped by their social incapacity and economic backwardness from getting a reasonable share of designated offices, government jobs and educational institutions. In pursuance of the Directive Principles, they are specially protected by almost twenty Articles and two specials, scheduled in the Indian Constitution. We may cite the following for example,

Article 41 “within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want”; Articles 42 & 43 “make provisions for the ingredients of decent work in terms of conditions of employment and a living wage” and Article 47 “regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties”.

It is again possible to divide the provisions into two groups, one relating to protection and the other to development. The protective provisions are meant to protect the tribals from social and economic exploitation and injustice. Land polices, forest policies and policies to defend tribal principles and ethnicities comes under this head. The necessities concerning the upliftment of the Scheduled Tribes are meant for providing positive steps for their socio-economic development.<sup>9</sup> The programmes undertaken for upliftment and welfare are commenced by the government and voluntary agencies to improve the life of the tribals using the integrationist approach.

The India Government has familiarized numerous social protection programmes for which a major part of the finance is drawn from the federal budget. These programmes cover the entire life cycle of poor individuals and includes various dimensions, such as

health, education, food security, shelter, employment and livelihoods. The chief social protection programmes, currently implemented in India are funded by the Central Government.

The first Backward Class Commission was nominated in 1953 with Kaka Saheb Kalelkar as Chairman. It was to govern the tests through which any specific class or group of people could be called 'backward' and were supposed to create a list of such backward communities present in the entire country. It was also to recommend steps for the reduction of the difficulties in which the tribals found themselves.

Besides there are social protection schemes at the level, which furnish to diverse sections of the population. The domain of these schemes is pretty hefty, including basic education and health, employment promotion, workers social security and food and nutrition security or almost the entire realm of social policy including workers, rights at work. After liberalization, in the initial phase, social protection measures were neglected, but this began to change from the mid 1990 when there was an expansion in the budget for rural employment generation and social assistance programmes. While the ambit of social security schemes relating to workers and which are statutory in nature, has also grown, in the last few years, a major expansion in the expenditure has occurred in sectors where the courts or the constitution have created specific entitlements through legislative changes or legal oversight.<sup>10</sup>

Under Article 338 of the Constitution a Special Officer nominated as Commissioner for STs, was allotted the responsibility of investigating into the entire matters concerning protections given to the STs by various statutes. He is to report the workings of these protection measures to the President. Their Regional offices are present in various parts of the nation.<sup>11</sup>

As the Commissioner's Office for SCs & STs was considered not to be adequate to supervise the performance of Constitutional safeguards, thus an amendment of Article 338 was thought of and a Multi-Member Commission was set up. Prior to the approval of this amendment, the first Commission for SCs & STs was set up in 1978 under the chairmanship of Shri Bhola Paswan Shastri with four members.<sup>12</sup> Later known as the National Commission for Scheduled Castes and Scheduled Tribes (NCSCST), it acted as a National Advisory Body to the Government on comprehensive policy matters and on improvement of the Scheduled Castes and Scheduled Tribes. It had no constitutional standing till the Sixty-fifth Amendment of 1990 was passed and the Bhola Paswan Shastri commission was substituted by a new Commission under the Chairmanship of Shri Ram Dhan. Subsequent NCSCST commissions are shown as under: -

Date	Chairman
1995	Hanumanthappa
1998	Delip Singh Bhuria
2002	Bijoy Sankar Sastri

The 89th amendment of the constitution in 2003 fragmented the NCSCST and made provisions for NCSC under Article 338 and NCST under new Article 338A.<sup>13</sup>

Let us now look at some of these safeguards.

### ***Social Safeguards***

Articles 23, 24 and 46 deserve special attention in this connection.

(i) Article 23 forbids trafficking of human beings and vagabond and alike type of enforced labour and provides that any infringement of this provision will be considered a punishable offence.<sup>14</sup> Even though, STs are not specifically mentioned in this provision, still it has a special privilege for them because they form the mainstream of bonded labour. In execution of this Article, Parliament has passed the Bonded Labour System (Abolition)

Act, 1976. For effective implementation of this Act, the Ministry of Labour is running a Centrally Funded Scheme for identification, liberation and rehabilitation of bonded labour.

(ii) Article 24 states that any child under 14 years shall not be employed in any factory or mines or be involved in any other perilous employment. Moreover, Central and State laws have also been passed to prevent child labour. This Article is also momentous for STs and SCs as a significant share of child labour affianced in hazardous jobs fit in to these groups.<sup>15</sup>

(iii) Article 46 – It covers both the developmental and regulatory aspects. It needs: “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 Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation”.<sup>16</sup> Various safeguards have been passed for socio-economic and educational development of Scheduled Tribes in the Indian Constitution.

### ***Economic Safeguards***

Besides Articles 23, 24 and 46 mentioned above, economic protections for Scheduled Tribes and Scheduled Castes include the following: -

(i) Art. 244 Clause 1, the provisions of the Fifth Schedule shall smear to the supervision and regulation of the Scheduled Areas and Scheduled Tribes all through the states except Assam, Meghalaya, Mizoram and Tripura where (Clause 2), the requirements of the Sixth Schedule be applicable.<sup>17</sup>

(ii) Article 275 (1) provides that from the Consolidated Fund of India a state shall be paid as grants-in aid such amount as may be required for developmental work for the tribals with the concurrence of the Centre or for uplifting the standard of administration of the Scheduled areas within it in contrast to the remaining state.<sup>18</sup> The grants are to be used essentially for creation and upgradation of the basic intension to income and employment

creation. Due emphasis is provided to infrastructure in tribal areas such as health, education, income generation etc. so that the basic purpose of creating and funding opportunities for employment and income is met.

### ***Educational and Cultural Safeguards***

(i) Article 15 (4) permits the State to frame distinct provisions. This provision was included in the Constitution by the Constitution (First Amendment) Act, 1951, like reservation seats of SCs and STs in educational institutions.<sup>19</sup>

(ii) Article 16 (4. A), permits the State to pass any legislation required for reservation of post for those in the Scheduled Caste and Scheduled Tribes (Seventy–seven Amendment Act, 1995) which it ponders inadequately embodied in government services.<sup>20</sup> “Nothing in this Article shall prevent the State from making any provision for the reservation in appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State”.<sup>21</sup>

(iii) Article 29 (1) provides that “any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture to its own shall have the right to conserve the same”.<sup>22</sup>

(iv) Article 350 (A) further states that “It shall be the endeavour of every State and of every local authority within the State to provide adequate facilities for instructions in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups, and the President may issue such directions to any State as he considers necessary or proper for securing the provision of such facilities”.<sup>23</sup> Most of tribal communities enjoy personal languages or dialects which is very different from the State’s official language. If tribals are educated only in their particular language, they will be further isolated. They therefore need to learn a language that will enable them to communicate with society so that they may be exposed to outside knowledge.

### ***Political Safeguards***

(i) Article 164 (1) provides that a Minister shall be given the responsibility of the welfare of tribal in States like Bihar, Madhya Pradesh and Orissa. He may additionally be placed in trust of the general welfare of the Scheduled Castes and backward classes or be given related work.<sup>24</sup>

(ii) Under Article 330 and Article 332 of the Constitution, seats are earmarked for Scheduled Caste and Scheduled Tribes in the Lok Sabha and State Vidhan Sabhas according to their proportion of population. This concession, primarily for a span of 10 years from the instigation of the Constitution, has been extended, through amendments up to 25 January, 1990. Parliamentary acts provide such reservation in the Union Territories. But there is absence of reservation of seats in Rajya Sabha and State Parishads.<sup>25</sup>

(iii) Article 334 initially positioned the provisions regarding the reservation of seats of SCs/STs in the House of the People and in the State Legislative Assemblies.<sup>26</sup>

(iv) Article 243 D offers that the seats shall be earmarked for the STs in Panchayats.<sup>27</sup>

### ***Service Safeguards***

As far back as 1934, Indian Government had issued instructions to give a fair percentage of representation to the depressed classes. But finding shows that Government of India reviewed the whole issue and passed orders in 1943 to keep 8.33 percent of the posts reserved for these classes. It was increased to 12.5 percent in 1946. After Independence, the whole policy of reservation was rested on the Government of India in 1950 in pursuance of the provision of Article 16 (4), read with Article 335, of the Constitution of India. 12.5 percent of posts were earmarked for Scheduled Caste and 5 percent for Scheduled Tribes. These percentages of reservation were further boosted in 1970 to 15 percent and 7.5 percent for the Scheduled Castes and Scheduled Tribes respectively.<sup>28</sup> Different State Governments have also passed laws and orders for reservation of post for

Scheduled Castes and Scheduled Tribes in government services.<sup>29</sup> Article 335 stipulates reservation in services.

Articles 15, 16 and 19 was meant to prevent discernment in terms of race, caste, religion, sex or birth place in matters relating to public employment and protect certain rights regarding freedom to pursue any profession of a person's choice.<sup>30</sup>

The relevant Article of the Constitution governing the entire reservation set-up is mentioned below:

Article 335: This Article provides that "The claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State".<sup>31</sup> The following proviso was added to this Article by the Constitution (Eighty-second Amendment) Act, 2000- "Provided that nothing in this article shall prevent in making any provision in favour of the members of the Scheduled Castes and Scheduled Tribes for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State".

#### ***National Commission for Scheduled Tribes***

Under Article 338, the President of India is to receive through a Special Officer known as Commissioner for Scheduled Castes and Scheduled Tribes, appointed by him, information to investigate on the progress made by the implementation of safeguards given in the Constitution for them. The report is to be raised to the Parliament.<sup>32</sup> Article 338 (5) mentions the following as its scope of activity: -

(a) To examine and supervise all issues regarding the protections given to the STs under the Constitution or any other law or order of the Government.

- (b) To investigate into certain grievances concerning denial of rights and protections of the STs.
- (c) To participate and counsel the scheduling of socio-economic advancement of the STs as well as to appraise the advancement of their development in any State or Union Territory.
- (d) To report and recommend the measures undertaken by the Union or any State for the effective execution of these measures for the safety, welfare and socio-economic advancement of the STs.
- (e) To emancipate further functions regarding the safety, welfare and advancement of STs as the President may specify, relating to the requirements of any law duly made by Parliament.<sup>33</sup>

This Commission raised its report to the Government in 1955. But the tests resembled ambiguity to the Government and was of much practicability. The State Governments were therefore authorised to provide support to the backward classes bestowing to the lists they prepared. The Second Backward Class Commission appointed in 1979 under the chairmanship of B. P. Mandal, submitted its report in 1980. The Supreme Court has, however, laid down a number of principles for determining whether any class may be classified by the Government as 'backward', for extending to the members thereof the special constitutional safeguards for backward classes.<sup>34</sup> Some of the State Governments like Assam, Orissa and West Bengal have enacted legislations providing punishment for the offenders of the rule of reservation in services of the State Government. However, these provisions failed to be strictly imposed.

The impact of Constitutional privileges on the Scheduled Tribes highlights the uneven impact of such privileges on the tribal communities, which is basically due to the variations in the levels of development between one tribal region and another, and

between different tribal communities. Consequently, there arose a small elite class among the tribals, who have been benefited from the protective discrimination, while majority of the tribals faced more hardship or have remained where they were before the formulation of these policies. This has been evident in the life-way processes of the tribal communities, be it education or politics. The fact is that these vested groups are capable of articulating their interests in ethnic lines instead of making an effort to marshal the progressive forces in India in the common task of ending all forms of exploitation; rather small section of tribal elites have become internal exploiters.<sup>35</sup>

Five decades of experience on tribal development in India reflect that the goal of all-round development of the tribal communities as conceived in the Indian Constitution has raised certain basic issues before the nation. These issues may be recognition of rights of the tribal people over natural resources for instance land, water, forests and mineral resources, crisis in tribal identity, etc. However, it is too challenging to infer that since independence and from the formulation of Indian Constitution, the social-economic conditions of these communities have not changed much. It is a fact that as long as the disparity between the tribal groups on one side and non-tribal on the other prevails, the Constitutional goal of building one socio-economic order remains a daydream. Under this situation, the government policy should be more focussed towards bridging the prevailing disparities jointly within and outside the tribal communities.<sup>36</sup> But, as N. K. Bose points out it is not possible to segregate any one particular section among the people for protection, so long as exploitation exists in a class-based society.<sup>37</sup>

### ***State Level***

Under the Fifth Scheduled (Part-A), the Union Government has the right to issue directions to a state about the supervision of the Scheduled Areas within its jurisdictions. The Governor of such a state has to report annually or whenever asked for by the

President, about the administration of these areas. The Governor is further empowered to make regulation for the harmony and good governance of the Scheduled Areas, keeping specially the following objectives in mind: -

(a) to forbid or confine the transference of land by or amid people of the Scheduled Tribes, (b) regulate the allocation of land to people of the Scheduled Tribes and (c) regulate the activities of those involved in money advancing to people of the Scheduled Tribes area.<sup>38</sup>

By Part-B of the Fifth Schedule, a Tribes Advisory Council is to be set up in every State owning Scheduled Areas and, if the President asks, as well in any State possessing Scheduled Tribes but not Scheduled Areas. This Council utmost can include twenty members among which approximately three-fourths are to be the representatives of the Scheduled Tribes in the Legislative Assembly of the State. If suppose the seat in Tribes Advisory Council remains vacant by the representatives of the Scheduled Tribes then it is to be filled by other members of those tribes. The Tribes Advisory Council is to guide the issues concerning the welfare and progression of the Scheduled Tribes in the State as stated by the Governor.<sup>39</sup>

The Sixth Schedule restricted itself to provisions concerning the administration of the Tribal Areas in the States like Assam (North Cachar Hills District and Karbi Anglong District), Meghalaya, Mizoram and Tripura (Autonomous Hill District). There are Autonomous District Councils and Autonomous Regional Councils in the concerned areas which possess the long custom of self-management. These autonomous councils other than administering the various Departments and developmental programmes have the power to make laws on diverse subjects like land, forest, shifting cultivation, village or town administration together with village or town police and public health and sanitation, inheritance of property, marriage and divorce and social customs.<sup>40</sup>

Article 339 of the Constitution states that “the President may at any time and shall at the expiration of ten years from the inauguration of the Constitution appoint a Commission to report on the supervision of the Scheduled Areas and the welfare of the Scheduled Tribes in the States”.<sup>41</sup>

## **6.2 Protection of Civil Rights Act**

Removal of untouchability was one of the major planks of the Congress programme ever before the country became independent. The provisions of the Indian Penal Code and the Fortification of Civil Rights Act of 1955 were incompetent in dealing with atrocities against the Scheduled Castes and Tribes. So, the Untouchability (Offence) Act came in force in 1955. But it failed to meet its purpose, for punished persons under the Act were too few and inadequate in number. To broaden the scope of this Act, an amendment was brought into existence on 19th November 1976 known as the Protection of Civil Rights Act, aimed at plugging the loopholes of the principal Act. Its main features are:

- i. Punishment for untouchability offences has been considerably enhanced, and both imprisonment and fine are simultaneously awarded for such offences that prevents a person from relishing the rights ensuing out of eradicating untouchability.
- ii. Untouchability offences have been made non-compoundable.
- iii. Every offence, other than the one punishable with incarceration meant for a least tenure beyond three months, may be tried summarily.
- iv. State Government have been empowered to impose collective fines on the residents of any area where such inhabitants are anxious or assisting the commission of untouchability offences.

v. State Governments are required to take necessary measures to certify that the rights accumulating from the eradication of 'untouchability' are made accessible to, and are enjoyed by the persons exposed to any infirmity mounting out of 'untouchability'.<sup>42</sup>

For enlarging the scope and making the penal provision more stringent, the Untouchability (Offence) Act, 1955 had been comprehensively amended by the Untouchability (Offence) Amendment and Miscellaneous Provision Act, 1976, which came into force from 19 November, 1976. With this amendment, the principal Act was renamed as Protection of Civil Rights Act, 1955. Enhanced punishments have been given for subsequent offences. Under a provision in the Act, the Government lays an annual report in front of the House of Parliament on the workout of the provisions of Section 15 A of the Act.<sup>43</sup>

The Ministry of Welfare is the nodal Ministry for inclusive policy, planning and synchronization of programmes of development for Scheduled Caste and Scheduled Tribes. Each Central Ministry and Department is the nodal agency concerning its sector. The Ministry of Welfare maintains connection with Central Ministries and State Governments.<sup>44</sup>

Government had set up Three Parliamentary Committees initially in 1968 and subsequent in 1971 and 1973, to scrutinize the execution of the Constitutional safety measures for the wellbeing of the Scheduled Caste and Scheduled Tribes. The Committee was initially established as a standing committee of parliament, the tenancy of the members being one year. The State Government and Union Territory administrations have distinct departments to administer the wellbeing of the Scheduled Castes and Scheduled Tribes and other backward classes. The administrative set-up differs across states. In Bihar, Madhya Pradesh and Orissa separate Ministers have been appointed to look after tribal welfare as prescribed in Article 164 of the Constitution. Some other states have formed committees of members of State Legislatures on the pattern of the parliamentary

committee at the Centre. All the states having Scheduled Areas as like Tamil Nadu and West Bengal have constituted advisory councils for the tribal population as per provision in the Fifth Schedule to the Constitution to provide guidance on issues affecting the welfare and progression of the Scheduled Tribes in the state.<sup>45</sup>

### **6.3 The Scheduled Tribes (Prevention of Atrocities) Act**

The National Integration Division of the Ministry of Home Affairs coordinates all work with regard to punishable misconducts with the people of SC/ ST categories. The Desk comprises of a Desk Officer of the post of a Section Officer, a U.D.C. and a Stenographer. It also serves to coordinate the directions that are issued overtime to the State and Union territories with regard to the prompt investigation and follow up and disposal of such cases along with steps for appropriate preventive and relief measures in such cases etc. Whenever the Commission learns of any serious offence of this type through the press or a communication from an M.P. or others, takes *suo moto* action to move the concerned State Governments for a proper enquiry and appropriate legal action in the matter. A factual report is also called for in important cases.<sup>46</sup> The Commission maintains monthly figures of cases registered in this regard and comprehensive and half-yearly progress reports of such cases that are received from the States and Union Territories.

The Desk Officer is not an independent functionary in the sense of a Collector or Superintendent of Police. He is a share of the Secretariat. In some cases, he is certainly authorised to ask for a report. In more important cases invariably he puts up a letter asking for a report either to the Deputy Secretary or Joint Secretary.

The statement of matters and motives involved in the Bill when it was moving in the Parliament, read, “Despite various measures to improve the socio-economic conditions of

SCs & STs, they remain vulnerable. They are denied numerous civil rights; they are subjected to various offences, indignities, humiliations and harassment. They have, in several ruthless occasions, been run-down of their life and possessions. Solemn atrocities are dedicated against them for various historical, social and economic reasons.”<sup>47</sup>

The preamble also guarantees a Special Courts for the trial of offences committed against the Scheduled Castes and Scheduled Tribes and provide relief and restoration to those who have suffered from such misdeeds for issues associated therewith or accompanying thereto. The Act aims to provide social justice to all. The performance of untouchability, in its concealed and unconcealed form was made a cognizable and non-compoundable crime, and stringent punishments are providing in case of any such offence.

The Scheduled Tribes (Prevention of Atrocities) Act, 1989 with strict provisions (which outspreads to India as a whole excluding Jammu & Kashmir) was endorsed on 9 September 1989. Section 23(1) of the Act legalises the Central Government to form rules for serving the intentions of the Act. Grabbing supremacy from this section, the Scheduled Tribes (Prevention of Atrocities) rules of 1995 were framed.<sup>48</sup> The guidelines for the Act were reported on 31 March 1999. The term ‘atrocities’ was not well-defined till this Act was approved by the Parliament in 1989. In authorized phraseology, the Act appreciates the term to be understandable as a punishable offence in sections 3(1) and 3(2). In precise terms:

Atrocity is “an expression commonly used to refer to crimes against Scheduled Castes (SCs) and Scheduled Tribes (STs) in India”. It denotes “the quality of being shockingly cruel and inhumane, whereas the term ‘crime’ relates to an act punishable by law”<sup>49</sup> It implies “any offence under the Indian Penal Code (IPC) committed against SCs by non-SC persons, or against STs by non-ST persons. Caste consideration as a motive is not necessary to make such an offence in case of atrocities.”<sup>50</sup>

The Committee then enquired whether the Government had identified those areas where atrocities on Scheduled Caste and Scheduled Tribes were more likely to be committed so that effective and preventive steps could be taken beforehand there. The Committee enquired the presence of a high-level Committee to check the cases of atrocities committed in each State. The Home Secretary in his evidence before the Committee has stated that High Level Committee underneath the Chief Ministers are reported to be functioning in Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, Karnataka, Maharashtra, Rajasthan, Tamil Nadu, Utter Pradesh and West Bengal.<sup>51</sup>

The Ministry of Home Affairs in a written note furnished to the Committee has stated: “According to information available, cells or Committee at the State level to look into the grievances of Scheduled Castes and Scheduled Tribes and other weaker sections and to make special affords to promote employment opportunities for them, have been set up in Andhra Pradesh, Bihar, Haryana, Himachal Pradesh, Kerala, Maharashtra, Gujarat, Madhya Pradesh, Karnataka, Orissa, Punjab, Rajasthan, Tamil Nadu, Uttar Pradesh, West Bengal and Delhi.”<sup>52</sup>

A State Level Vigilance and Monitoring Committee underneath the Chief Minister was to set up. The principal secretary of the Backward Classes was made its convener. The following were to be its members - The Finance Minister, the Home Minister and Secretary of Home Department, Members of Parliament, Members of the Legislative Assembly, the Director General of Police. All District Magistrates have also been directed to constitute District Level Vigilance and Monitoring Committees and evaluate the execution of the Act in accordance to Rule 17 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules, 1995.<sup>53</sup>

## **6.4 Social Security Schemes for Schedule Tribes in West Bengal**

### ***National Social Assistance Programme***

The National Social Assistance Programme (NSAP), introduced by the Government of India on 15th August 1995, was a momentous step in the direction of realizing the Directive Principles as enunciated in Article 41 and Article 42 of the Constitution. The programme intends at guaranteeing a minimum national standard for social assistance to the households living below poverty line. The name of late Prime Minister Indira Gandhi has been attached to three of their schemes, viz. (i) Indira Gandhi National Old Age Pension Scheme (IGNOAPS), (ii) Indira Gandhi National Widow Pension Scheme (IGNWPS), (iii) Indira Gandhi National Disability Pension Scheme (IGNDPS).<sup>54</sup>

From 2002-03, the NSAP has become a State Plan Programme under which cent percent Central Assistance in terms of Additional Central Assistance (ACA) is extended to the States and Union Territories to deliver benefits according to the norms, guidelines and conditions put forward by the Government of India.<sup>55</sup> To enhance the scale of assistance, different state governments may bestow to the programme from their individual budget. In West Bengal, the NSAP is executed by the Panchayats in the rural areas so that it becomes responsive and cost-effective. The objectives of the schemes along with eligibility criteria and other details of individual schemes are given below:

### ***Indira Gandhi National Old Age Pension for STs in Rural areas***

The National Old Age Pension Scheme was retitled Indira Gandhi National Old Age Pension Scheme (IGNOAPS) and legally familiarized on 19<sup>th</sup> November 2007. Old aged poor persons of rural areas particularly those who belong to Scheduled Tribe (ST) communities are the most disadvantaged group of people. They are vulnerable to different social and economic problems. Large section of these people lives in extreme poverty. They frequently suffer from hunger, debt, seclusion and destitution. These complications

possess unadorned challenges for their existence. Thus, the State Government implemented this scheme to secure the old aged persons fitting the ST communities of rural areas.

The objective of this scheme is to guarantee social protection to the ageing population by providing financial support. Thus, reducing poverty, helping to access health care and ensuring social standing of these underprivileged segment of population. The BCW Department of West Bengal has introduced a scheme for providing pension to tribals living below poverty level beyond 60 years.

A scheme for providing financial aid to the aged Tribal people living in Integrated Tribal Development Programme (ITDP) areas was introduced by the State Government in November, 2004.<sup>56</sup> The scheme namely, “Old Age Pension Scheme for Poor Persons belonging to the Scheduled Tribes” is administered by the Backward Classes Welfare (BCW) Department and the eligibility conditions for the scheme are as follows: (i) that persons over the age of 60 years and belonging to Scheduled Tribe communities who are permanent residents of ITDP Mouzas will be eligible; (ii) that the beneficiaries under the present scheme will only be from families existing below the poverty line; (iii) that persons benefitted from any such existing pension scheme like Old Age Pension Scheme, Widow Pension Scheme and Disability Pension Scheme administered by the Women and Child and Social Welfare Department of the State Government or any such schemes being presently run via the State Government or Government of India are not eligible; (iv) except as above the execution of the schemes will follow such other norms and guidelines as in forced in respect of Old Age Pension Scheme being implemented by the Women and Child Development & Social Welfare Department of the government. Later on, the benefit of this pension was extended for tribal people living in non ITDP areas with effect from 01.10.2006.<sup>57</sup>

### ***Indira Gandhi National Widow Pension Scheme (IGNWPS)***

The Indira Gandhi National Widow Pension Scheme (IGNWPS) was implemented on February 2009. To be eligible applicant has to fulfil the following conditions:

- (i) She has to be a widow in the age between 40-59 years.
- (ii) The applicant should be from a family subsiding below the poverty line as per the criteria set by the Govt. of India. The Central and the State mutually contributes to the pension fund. The Centre contributes Rs. 200/- per month per recipient. While the State Governments may bestow at least an equivalent amount so that the recipient gets a minimum of Rs.400/- per month.<sup>58</sup>

### ***Indira Gandhi National Disability Pension Scheme***

The Indira Gandhi National Disability Pension Scheme (IGNDPS) was inaugurated in February 2009. The eligibility criterion of IGNDPS was – (i) She needs to be a widow in the age from 18-59 years. (ii) She needs to be from a family subsiding below the poverty line as per the norms set by the Govt. of India. Disability pension is provided to the multiple or viciously disabled persons of age group of 18-59 years. The Centre contributes Rs. 200/- per month per recipient. The State Governments might offer another Rs. 200/ from their personal possessions so that a pensioner gets a minimum of Rs.400 per month.<sup>59</sup>

### ***Bi-cycles for Tribal Girls***

The State Government is executing a scheme of circulating bi-cycles to the tribal girl students studying in Class IX to XII in the Left-Wing Extremists exaggerated (LWE) blocks in the districts of Paschim Medinipur, Bankura and Purulia. The scheme aims at diminishing drop out in the schools and to boost them to carry on with their study. Moreover, the bicycles helped the family members too to per sue other household activities. Although objective assessment of the scheme is hitherto to be done, however, apparently it appears that the scheme has a positive impression on the girl students. There

is a massive demand from tribal areas and also from SC subjugated backward areas. Under this Scheme, 4716 bi-cycles were distributed in 2010-11.<sup>60</sup>

From the limited experience of a few entitlement-based social protection programmes, it can be inferred that such an approach will have a substantial impression on poverty and vulnerability and create conditions for a larger notch of empowerment, lead to a prioritisation of public expenditures towards these sectors, and to a greater accountability and efficacy of these expenditures.