

राष्ट्रीय सामाजिक न्याय कृति मंच National Action Forum for Social Justice

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Dear

As I mentioned in my letter of 14.7.1995, the National Action Forum for Social Justice undertook the task of evolving the DALIT MANIFESTO incorporating the **Rights and Entitlements of Scheduled Castes, Scheduled Tribes and Backward classes**. A number of workshops were held on this subject, to which leaders and representatives of all political parties and interested officers, professionals and activists were invited. Under the auspices of this Forum and as decided by it, I have formulated the Dalit Manifesto. For your facility, I enclose herewith a Background Note bringing out the background of this exercise.

2. On behalf of the **National Action Forum for Social Justice**, I have pleasure in sending you herewith a copy of the Dalit Manifesto in three parts

Part I pertaining to Scheduled Castes and matters pertaining jointly to Scheduled Castes and Scheduled Tribes;

Part II pertaining to Scheduled Tribes (other than matters contained in Part-I jointly with SC); and

Part III pertaining to Backward Classes.

3. I may mention here that this is not the last word but a significant first step. At this stage, the effort made is, focusing on the guarantees and safeguards contained in the Constitution, existing laws, existing policies, existing orders, and existing instructions and decisions of the State, to spell out comprehensively and specifically what is required to see that these do reach the Scheduled Castes, Scheduled Tribes and Backward Classes in the manner intended and so as to ensure their progress above the Line of Economic Freedom and the Line of Self-respect. The emphasis is on effective statutory interventions, purposeful institutional build-up and efficient mechanisms to ensure adequate financial flows for the fulfillment of the

major Constitutional and national policy objectives with regard to these long-exploited and long-oppressed people. In due course of time we will graduate towards formulation of additional and new policies required to achieve these objectives.

4. The Forum strongly feels, reflecting the sentiments of the SCs, STs and BCs that Social Justice (in its wider sense comprehending the education, economic, social and protective aspects) should remain in the central focus in the coming elections irrespective of what other issues have, and may come up in the context of the ensuing Elections.

I am sure you will agree with us in this regard. For your facility, the Manifesto which your party accepts can be straightway reproduced in your Party's Manifesto filling up only the name of the Party at appropriate places.

5. We shall also be convening a Conference where this will be discussed so that the acceptance of the contents of the Dalit Manifesto for incorporation in your esteemed Party's manifesto and its actual incorporation therein can be widely publicised for the information of the people of the country, particularly the Dalits.

Yours sincerely,

(P.S. Krishnan)

BACKGROUND NOTE

In the half century after India's Independence, the nation has registered progress in a number of directions but it is the feeling of the SCs, STs, and BCs and of those who are working with them and for them that the benefits of the nation's progress have, in some respects, not become available to them at all and, in other respects, have become available to them in a very inadequate measure or truncated manner.

2. For example, while agricultural production has multiplied, the bulk of the SC families remain agricultural wage-labourers, as in the past many centuries, depending on their very oppressors and exploiters for their bread. A large part of the country's agricultural land has been brought under irrigation but the limited extent of lands owned by the SCs remain almost wholly unirrigated, forcing even small farmers among the SCs to depend on agricultural wage-labour. Land ceiling and re-distribution Acts have been honoured more in the breach than in the observance. The Special Component plan for SCs introduced in 1978, has been routinised and trivialised. The SCs continue to be forced to live in the most miserable rural bastis and urban slums. A large section of them continue to be forced to render "safai" (scavenging) service. The bonded labour system remains in all its vicious vigour and about two-thirds of bonded labourers in the country belong to the SCs. Untouchability continues to be rampant in many parts of the country. Atrocities continue to be perpetrated against them whenever they seek to secure even a small part of their rights. Legislations to prevent and penalise Untouchability and Atrocities are drafted defectively and implemented half-heartedly. It is only a small proportion of SCs, about 2 % of SCs families, who have been able to secure employment in Government, PSUs and other such public organisations through the mechanism of scholarships, hostels and reservation in posts and appointments. It is only this small proportion who have been able to cross the "Line of Economic Freedom" and the "Line of self-Respect" demarking lines most relevant to SCs, STs and BCs. Even the benefits of reservation have not reached the SCs in full because of poor implementation by the Central as well as State Governments.

3. STs, proud masters of their traditional territory, are being progressively deprived of their lands and have, in many cases, been reduced to minorities in their own home-lands. This is a historical process that has been going on for centuries and has acquired greater momentum in the decades of Independence. The lands that still remain with them are poorly developed, are rarely irrigated and are unintegrated or poorly integrated with the market, leaving the field open to exploiters and middlemen from outside. Irrigation projects that have been undertaken by Governments in the tribal areas are typically programmes for creating dams in tribal areas, submerging tribal lands, scattering their settlements and people to the winds and taking water to non-tribals outside the tribal areas; the plan expenditure incurred on such projects are gratuitously and unabashedly shown as part of the Tribal sub-Plan, which has also been routinised and trivialised. No wonder on increasing number of STs are forced into agricultural wage-labour and the proportion of STs among agricultural wage labourers has increased in recent decades. Traditional tribal rights in forests which they have been enjoying through traditional symbiotic relationship between tribes and forests, were unilaterally abrogated and abridged by the colonial government, an abrogation and

abridgement continuing even after Independence, making the STs dependent on others for their elementary requirements and for their very survival. In the trading of Minor Forest Produce (MFP), in the collection of which tribals are specialised, they are being exploited both by private trade as well as by cooperatives/corporations set up by Governments. Availability of MFP, which is the main or a substantial source of livelihood for a large percentage of STs is fast shrinking. The benefits of reservation have reached STs even to a lesser extent than in the case of SCs. It is only this 1 % of STs/ST families, who have been able to get into employment in governmental and quasi governmental establishments and it is only this 1 % which can be said to have crossed the 'relevant Lines, viz; "the Line of Self-Respect" and "the Line of Economic Freedom" in the modern sense of the term. The rest are vulnerable or potentially so.

4. A large proportion of the BCs are dependent on their traditional occupations like fishing, a variety of traditional productive industries and of services and so on. While, on the one hand the doors of access to other occupations of their individual choice have been barred to them, on the other hand opportunities and incomes in the traditional occupations, to which they are largely confined, are also being threatened and truncated by the organised market and through denial of access to Relevant Technology and to finance and credit. Many of them have consequently been pushed into agricultural wage-labour and even bonded labour. Almost all bonded labourers who are not SCs or STs belong to BCs. The problem faced by BCs engaged in traditional occupations is also the fate of those sections of SCs and STs who are dependent on similar traditional occupations. The presence of BCs in the organised modern establishments of government and quasi-governmental bodies is very limited on account of denial of their Constitutional right to be recognised and accorded reservation and other facilities until 1990-93 at the Centre and in a number of States. Even now their other entitlements like reservation in education have not been provided for in the Central Sector.

5. Thus, as illustrated above, in the life of all those three categories, who together constitute the vast majority of India's population, economic freedom is absent. Consequently, almost all of them dwell below the "Line of Economic Freedom" and the "Line of Self-Respect". An important instrument of progress emphasised by Dr. Babasaheb Ambedkar, viz; education, has not been made available to them either in full quantity or in quality. There is no educational equality for them with the dominant elite minority. In fact the qualitative gap between the educational availability to this majority and the dominant elite minority has been alarmingly, widening in the last one or two decades. Thus there, is no true equality of opportunity for them. Indian governance at the Central as well as State level, has not till now addressed itself totally, comprehensively and consistently to measures which would bring economic freedom, educational equality and true equality of opportunities to SCs, STs and BCs in an integrated and comprehensive manner. Developmental assistance has been and is usually sporadic, patchy, truncated and inadequate. Even these are poorly implemented because of the presence of Inegalitarians, in large numbers and in crucial positions, both in political as well as administrative governance and the persecution and sidelining, in the decades' after Independence to this day, of those in the administrative structure of the country, who are Egalitarians and who bear faith to the Constitutional principle of Socio-Economic Justice.

6. The country has seen a number of elections at the national and State levels after Independence under the Constitution of which Dr. Babasaheb Ambedkar was the prime architect. And another General Election is round the corner.

7. At this crucial juncture, those working for the SCs, STs and BCs strongly feel that the time come for the Dalits to set the agenda for all institutions, including political parties. The time has come for the formulation of a Dalit Manifesto which will include the rights and entitlement of the SCs, STs and BCs and also the nuts and bolts of the delivering of those rights and entitlements. The time has come for this Dalit Manifesto to be placed before all the political parties for their consideration, acceptance and adoption.

Formulated by

P. S. Krishnan

Under the auspices of
National Action Forum for Social Justice

DALIT MANIFESTO

Part-I - I

SCHEDULED CASTES —

Pertaining wholly or mainly to Scheduled castes and jointly to Scheduled Castes and Scheduled Tribes

- I. _____ Party, recognising that the Right to Life, guaranteed by Article 21 of the Constitution to every person, has not been made a reality for the Scheduled Castes and Scheduled Tribes, even in the most elementary sense of the term, solemnly undertakes and promises to take the following measures in order to make this Right a reality for them:-
1. An exclusive Special Court of Session shall be established in each district, in keeping with the spirit and purpose of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 (P.O.A. Act) and, in particular of Section 14 thereof, which has not been implemented by any State and has been nominally implemented by two or three States;
 2. These exclusive Special Courts of Session shall try only cases of Atrocities against Scheduled Castes and Scheduled Tribes and shall try these cases on day-to-day basis, and shall not be entrusted with any other cases;
 3. Special Investigating Officers and Special Public Prosecutors shall be appointed exclusively for the investigation and prosecution of cases of Atrocities against Scheduled Castes and Scheduled Tribes and they shall not be entrusted with any other work;
 4. The Judges of these Courts of Session and the Special Investigating Officers and Special Prosecuting Officers shall be appointed from panels prepared on the basis of their record of and reputation for upholding the Rights of Scheduled Castes and Scheduled Tribes especially their Right to Protection from violence;
 5. These posts shall never be kept vacant;
 6. These judges and, investigating and prosecuting officers shall be provided with adequate supporting staff and facilities, which shall not be less than what is provided for officers of similar rank in the mainstream posts in their respective departments/set-ups; and they shall not be prevented from functioning optimally by being starved or partly starved of the supporting staff and facilities required for the efficient discharge of their functions;
 7. The following amendments shall be carried out in the P.O.A. Act, in the very first Session of the Parliament after the ensuing elections to the Lok Sabha. But the measures at (1) to (6) above can and shall be implemented without waiting for the amendments :

(a) Section 14 shall be amended as follows:

"Special Court - (1) For the purpose of providing for speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the official gazette, establish in each district, a Court of Session to be a Special Court exclusively to try the offences under this Act.

Provided that in respect of districts where there are no atrocities against Scheduled Castes and Schedule Tribes at all, the Government may, with the concurrence of the National Commission for Scheduled Castes and Scheduled Tribes, either exempt such district or districts from this provision or combine such district(s) with any other neighbouring district(s) for the purpose of establishing exclusive special courts;

(2) The special Courts set up under this provision shall not be the same as any of the existing courts of session;

(3) The exclusive Special Courts shall try offences under this Act on day-to-day basis;"

(b) Sub-Section (2) of Section 3 of the P.O.A. Act shall be amended to include the following crimes against Scheduled Castes and Scheduled Tribes as Atrocities and to make them punishable with imprisonment for a term of not less than six months but which may extend upto seven years with fine:

- Social Boycott ;
- Economic Boycott; . - Social Blackmail;
- Economic Blackmail;

(c) Sub-Section (2) of Section 3 shall be amended to provide for death sentence for murder in addition to imprisonment, as provided in Section 302 of the Indian Penal Code and for mandatory death sentence for multiple murders, multiple or mass rapes and gang rapes

(d) Section 15 of the P.O.A. Act shall be amended as follows:

"15(1) Special Public Prosecutor - For every Special Court, the State Government shall, by notification in the Official Gazette, appoint a Public Prosecutor or appoint an Advocate who has been in practice as an Advocate for not less than seven years, as a Special Public Prosecutor, for the purpose exclusively of conducting cases under this Act in that Court;

(2) Special Investigating Officer - For every Special Court, the State Government shall, by notification in the official gazette, appoint a Police Officer as Investigating Officer exclusively for the purpose of investigation in respect of cases of offences under this Act ;"

(e) The following new Section shall be added in the Act :

"Section 15(A)

(1) The Judges of the exclusive Special Courts of Session and the Special Investigating officers and Special Public Prosecutors shall be appointed from panels prepared on the basis of their record of and reputation for upholding the Rights of Scheduled Castes and Scheduled Tribes especially their Right to Protection from violence.

(2) The exclusive Special Courts, and their judges, Special Public Prosecutors and Special Investigating Officers shall be provided with adequate staff and facilities, so that the discharge of their functions is not impeded.

(3) The posts of Judges, Special Investigating Officers and Special Public Prosecutors shall never be kept vacant."

(f) In order to make the protection of Section 10 available to Schedule Castes also, the words "or in any other area of any district" shall be added in sub section (1) of Section 10 after the following existing words:

"in any area included in Scheduled Areas or Tribal Areas as referred to in Article 244 of the Constitution"

(8) The victims of atrocities and their families shall be provided with full financial and other support to become economically self-reliant without their having to seek wage employment from their very oppressors and classes of oppressors and the State shall immediately take over the education of the children of such victims/such families in the best schools and colleges of their choice available in the State/in this country upto the level of the choice of such children/families, fully at State cost including the cost of their food and maintenance;

(9) In case of attacks collectively on Scheduled Castes or Scheduled Tribes in any village or urban locality, the State shall immediately provide full financial and other support and take all steps to make, all SC and ST families of that village or urban locality economically self-reliant without any of their members having to seek wage employment from any individual and take over the education of all SC and ST children of such village/urban locality in the same manner and to the same extent as mentioned in para 8 above.

(10) Every SC and ST victim of rape shall be forthwith given a permanent government /quasi-government job of the highest level appropriate to her educational qualifications, in the Ministry/ Department/ PSU/Public Financial Institution/other Public Sector organisation of her choice and at least of the Group D/Class-IV level if she has no educational qualification at all. If there is no vacancy, a supernumerary post shall be deemed to have been created forthwith for her appointment. The District Collectors/Heads of Department/Heads of PSU/Heads of Public Financial Institutions/ of other Public Sector organisations shall be authorised and mandatorily required to make such appointments with effect from the date of the atrocity. The State shall also take over the responsibility of arranging her marriage if she is unmarried or divorced or widowed at the time of the rape.

11. A special wing of the Rapid Action Force shall be constituted to deal exclusively with Atrocities against SCs and STs and similar Wings/Forces shall be constituted in each State.

12. The measures at Paras (8), (9) and (10) above shall be incorporated in statutory rules under clause (iii) of sub-section (2) of Section 21 of the POA Act within three months of the formation of a government after the ensuing election to the Lok Sabha. But they can and shall be implemented without waiting for the issue of such Rules.

13. A special scheme shall be drawn up to effectively prevent any form of disrespect to the statues

of Dr. Babasaheb Ambedkar, as aberrant behaviour in this regard has become a form of collective atrocity against S.C. and S.T. apart from being an insult to the Nation and there after this shall be suitably incorporated in the P.O.A. Act.

II. Recognising that the Right to Life under Article 21 of the Constitution goes far beyond mere physical survival, -as interpreted in various judgements of the Supreme Court and, recognising that this includes the Right to Life with self-respect, and further recognising that the practice of "untouchability" constitutes a fundamental attack on the self-respect of the Scheduled Castes, _____ Party solemnly promises to take the following measures :

1. The Protection of Civil Rights Act 1955 (PCR Act) shall be implemented sincerely seriously and honestly;

2. Inter-alia a Special Mobile Court shall be established in each district exclusively for trying cases under the PCR Act on the spot. The optional provision at clause (iii) of sub-section (2) of Section 15(A) of the PCR Act, shall be made mandatory by the amendment of the Act in the first Session of the Parliament after the ensuing elections to the Lok Sabha; but this provision can and shall be implemented without waiting for the amendment.

Where there is no practice of "untouchability" at all in any district, the government may, with the concurrence of the National Commission for SC & ST, either exempt such district or districts from this provision or combine such district(s) with other neighbouring district(s) for the purpose of establishing special mobile courts under this Act.

3. The special Mobile Courts shall be given vehicles, which shall always be in running condition and shall never be withdrawn from the Court for any other purpose;

4. It shall be made the personal responsibility of every District Collector and Superintendent of Police, in so far as his/her district is concerned, to ensure that all measures as may be necessary for ensuring that the rights arising from the abolition of "untouchability", are made available to, and are availed of by, the persons subjected to any disability arising out of "untouchability", as the State Government is mandated to do by Section 15(A) of the PCR Act. The measures taken by them shall be one of the specific criteria of Social Justice Clearance for every officer to become eligible for future promotions, as detailed lower down;

5. This party shall adopt at least one village and one town in every State where it is in power or

it may come to power in future for total eradication of "untouchability" and make them "untouchability-free" by mobilising all positive social forces including SCs and STs in addition to the official machinery;

III. Recognising that educational support for Scheduled Castes and Scheduled Tribes has not been adequate quantitatively and qualitatively and that there is disparity between them and the rest of the population at every level including the bottom line level of mere literacy, and releasing that absence of total parity and absolutely "level playing field" will be fatal to the Rights of Scheduled Castes and Scheduled Tribes to real Equality of career opportunity and also recognising that the Right to Parity in Education at all levels is a part of the Right to Life under Article 21 and Right to Equality under Articles 14, 15 and 16 this party solemnly undertakes that :

1. The Scheduled Caste Scheduled Tribe students shall be got admitted in every good professional institution in the district/state/country, whether public or private, in the same proportion as the percentage of Reservation in education for them existing from time to time and shall be educated there upto the level of their choice. The Government shall meet the full cost of the education and maintenance of each such student in accordance with the actual cost of study in each such institution and boarding and lodging expenses in a hostel attached to such institution(s) or in the absence of such attached hostel, in other appropriate hostel(s); and shall also meet capitation fee, by whatever name known, wherever charged.

2 (i). One residential school each for Scheduled Castes and one each for Scheduled Tribes for boys and one each similarly for girls shall be set up in each district on the pattern existing in Andhra Pradesh, with 75 per cent of the seats going to the candidates of the specific category of weaker sections and the remaining 25 per cent for the candidates belonging to the other social categories of weaker sections and to the candidates of general categories. In Districts where either SC or ST are too small in number, there may be one residential school jointly for both. This facility shall be provided in private residential schools also in view of the large number of private institutions of general as well as specialised education at all levels set up in the past and that may be set up in future and the advantage that the candidates passing out of such institutions have.

(ii) A selection grade post of teachers shall be created and selection grade teachers shall be appointed only in these residential schools and similar residential schools for other weaker sections;

3. In districts where residential schools are not possible, at least one good hostel for SC & ST boys and one for SC & ST girls shall be set up in each place where a high, school/higher secondary school or college exists. These hostels will be designed in such a manner that they may in future become the nucleus for residential schools. Where one hostel each is not adequate for all SC and ST boys and girls, additional hostels shall be created in such places to the full extent necessary to accommodate all SC & ST students. NO restrictions like distance, rural/ urban shall be laid down, since the motivation for joining hostels arises not only from considerations of distance but also from considerations of facility for undisturbed studies.

4. In view of the fact that a sizeable number of students have qualified and increasing numbers will in future qualify from educational institutions of general as well as specialised /professional education in foreign countries and the career advantage that candidates passing out from foreign institutions have in this country, the Government shall send, at its cost fully covering fees and other mandatory payments, maintenance and travel cost, SC and ST candidates in the same proportion

in relation to the general category candidates who go to such institutions on their own or otherwise, as the percentage of reservation in education fixed for them from time to time, to good institutions in each such country in every area of education, every year.

5. The selection of SC and ST candidates for admission to residential schools and other good schools and college and universities, public as well as private, Indian as well as foreign, shall be made on merit among them through competitive examinations with suitable weightage for candidates from families of agricultural wage-labourers, civic sanitation workers (i.e. those rendering "scavenging" services), bonded labourers, rural residents and so on and for girls.

IV. Recognising that the various safeguards provided for the Scheduled Castes and Scheduled Tribes in the Constitution cannot be fully or adequately secured in practice unless every SC and ST family is allowed and enabled and facilitated to become economically self-reliant, free from the compulsion to seek wage-employment from any individual; and recognising that a vast majority of SC families and ST families outside tribal areas are under compulsion to seek wage employment from individuals, on account of the traditional socio-economic structure of production and relations of production, buttressed by the operation of modern market forces, this party solemnly promises to take the following measures :

1. Economic development programmes for the Scheduled Castes and Scheduled Tribes shall not be made like procrustean beds or distribution of insignificant amounts as subsidy or loan, but shall be designed to fit the objective of economic self reliance of every SC and ST family like.

(i) a comprehensive National Programme of Minor Irrigation i.e. irrigation for all irritable but unirrigated lands held by Scheduled Castes and Scheduled Tribes, through wells, community wells, borewells, community borewells, tubewells and community tubewells, bandheras, check dams, lifts and other such minor irrigation sources for exploitation of surface or ground water or both conjointly according to the choice of the individuals or groups concerned, based on the ground reality and local situation (which will at one stroke liberate a substantial proportion of SC and ST families from the compulsion of agricultural wage-labour, bonded labour and child labour and migrant labour) ;

(ii). Endowing every landless rural family of Scheduled Castes and Scheduled Tribes with at least a minimum extent of land through proper implementation of land ceiling and redistribution legislations; full and sincere implementation of un-implemented Supreme Court Judgments which will neutralise the illicit reduction of ceiling surplus land; distribution of assessed and un-assessed waste lands/gair mazarua lands not required for any legitimate public purpose/use and ensuring actual occupation and peaceful and undisturbed possession of land allotted to SCs and STs by the allottees; allotment of Bhoodan lands; allotment of lands of temples and other such institutions, on long term lease basis, where they are proposed to be disposed of ; with full financial provisions and facilities for development of such lands through irrigation under the National Programme of Minor Irrigation mentioned at (i) above or through other appropriate means so that they can get adequate income for their sustenance and the education of their children without having to resort to wage labour with individual land-owners;

(iii) Implementation of Minimum wages Act for wage labourers by identifying the largest employing land owners in each State and in each district, and enforcing the Act on them;

- (iv) Proper implementation of the policy of harmonious protection of Scheduled Tribes and forests;
- (v) Total liberation and full rehabilitation of bonded labourers and establishment of a National Authority for this purpose as recommended by the Commission for Rural labour in 1991; and elimination of child labour practice;
- (vi) Total liberation and full rehabilitation of Safai Karamcharis ("Scavengers") in an effective manner;
- (vii) Securing for the SCs and STs reservation-equivalent proportion of presence in every sector of employment through reservation and other means buttressed by training and education for the purpose and so on;
- (viii). Strengthening the SCs and STs in self employment through training, education and provision of financial and other facilities;
- (ix). Preservation and restoration of land ownership and possession of STs in Tribal areas; .
- (x). Food for Education on National Scale.

2. Realising that the Plans that have been prepared by the planning Commission and its counterparts in the States in the last 4½ decades have missed the vital dimension of economic liberation and educational equality by incorporating programmes and schemes of the type mentioned at (1) above and have also failed to develop the Special Component Plan for SCs and Tribal sub-plan for STs in the manner envisaged by their original formulators and instead have reduced them to routinised mechanisms, the following institutional arrangements shall be made for the meaningful planned development of scheduled castes and Scheduled Tribes:

- (i). there shall be a National Development Council for the development of Scheduled Castes and Scheduled Tribes consisting of the Prime Minister as its Chairperson, the Deputy Chairperson of the National Scheduled Castes and Scheduled Tribes Development Authority (referred to lower down), Minister in charge of Scheduled Castes and Scheduled Tribes Development and Welfare, Chariperson and Dy. Chairperson of the National Commission for SC & ST, Finance Minister, Ministers of other development sectors relevant to SCs and STs, Chief Ministers, Experts and Scholars, broadly similar to the constitution of the National Committee for the Centenary Celebrations of Dr. Baba-Saheb Ambedkar formed in .1990, which shall perform the same role in respect of Special Component Plans for Scheduled Castes and Tribal sub-Plans for Scheduled Tribes as has been done hitherto by the National Development Council with regard to general Plans of development;
- (ii) there shall be a National Scheduled Castes and Scheduled Tribes Development Authority, with a wing each to concentrate respectively on SCs and STs, and this body should be constituted with Members and experts with empathy for Scheduled Castes and Scheduled Tribes, faith in Social Justice and expertise and experience in the development of Scheduled Castes and Scheduled Tribes. This Authority shall be responsible for formulating and approving national and State Plans-annual plans five year plans and perspective plans-based on the developmental needs of SCs and STs and their priorities from the point of view of SCs and STs keeping in view the vital

dimension of Socio-economic liberation and socio-educational equality. Further, this authority shall have compact units with specialisation in each area of development relevant to Scheduled Castes and Scheduled Tribes;

(iii) there shall be similarly constituted State SC and ST Development Authorities;

(iv) the population equivalent proportion of the total Plan Provision of the Centre and of each State and Union Territory shall be set apart as the Special Component Plan for SCs and Tribal sub-Plan for STs and placed at the disposal of the National SC and ST Development Authority and State SC and ST Development Authorities. These authorities will then make scheme-wise, programme-wise and sector-wise allocations of outlay based on the developmental needs and priorities of the Scheduled Castes and Scheduled Tribes. The National as well as State Authorities shall thereafter supervise, monitor and direct the implementation of the developmental plans so as to ensure the achievement of their purpose of the socio-economic liberation and socio-educational equality for the SCs and STs in relation to the rest of the society and economy.

(v) there shall be constituted District SCs and STs Development Authorities in each District, consisting of SC and ST Chairpersons and members of district and intermediary level panchayat bodies, SC and ST Chairpersons and municipal councillors of municipalities in the district and SC & ST MLAs and MPs, District Collectors, Heads of Departments relevant to SCs and STs development, experts, representatives of NGOs who have been working sincerely and honestly for SCs and STs. These district SCs and STs Development Authorities shall on the one hand provide the inputs to the National and State SCs and STs Development Authorities for planning and monitoring purposes and on the other hand be the main implementational authority of the SCs and STs so as to secure their objective.

(vi) The Prime Minister shall be the Chairperson of the National SC and ST Development Authority. Its Dy. Chairperson shall be full-time and shall have the rank of a union Cabinet Minister and shall invariably attend Union Cabinet Meetings. Similarly, the State/UT Chief Minister shall be Chairperson of the State SCs & STs Development Authority and its Dy. Chairperson shall be full time and shall have the rank of a State Cabinet Minister and shall invariably attend the State Cabinet meetings.

(vii) In addition SC and ST shall be given representation in all important decision-making bodies in all sectors.

V Recognising that reservation of appointments of posts in the services under the State as defined in Article 12 of the Constitution and as interpreted by the Supreme Court from time to time, so as to include public sector undertakings, public financial institutions, universities etc. _____ is one of the important instruments of Social Justice and recognising that this has not been implemented in a fully satisfactory manner, this Party promises to take the following measures as a built-in mechanism to ensure full and total compliance with the policy of reservation for Scheduled Castes and Scheduled Tribes and for quick judicial adjudication redressal of complaints and grievances in this regard:

1. Reservation will be brought under the purview of a statute by enacting, in the very first Session of the Parliament, after the ensuing the election to the Lok Sabha, in case this Party comes to power by itself or in coalition in the Centre and in the ensuing session of the legislatures in the

States where it is in power or comes to power by itself or as part of a coalition, an Act to be named as Scheduled Castes and Scheduled Tribes (Reservation of Appointments or Posts and of Seats in Educational Institutions) Act, 1996, which will provide for all aspects pertaining to reservation for SCs and STs;

2. This Act will include provisions to set up **Arakshan Nyay Adalats or Tribunals** for Justice in Reservation with its main Bench in Delhi and other Benches in every place where the CAT has got Benches, and with the Status of a High Court with appeal lying only to the Supreme Court as in the case of the CAT;

3. The Chairperson, Vice-Chairperson and other members of this Adalat and its Benches shall be appointed from panels of names of persons who, while possessing the requisite formal qualifications for a High Court level body as in the case of the CAT, shall in addition necessarily have the qualification of having implemented reservation fully and sincerely in their respective areas of earlier activity;

4. Without going into the question of the merits and demerits of the policy of disinvestment of the Government holdings in PSUs, if and when disinvestment goes to the extent of converting a PSU into a non-PSU, the provision of reservation for Scheduled Castes and Scheduled Tribes shall continue to be mandatorily applicable and this shall be a part of MOU if any and also be incorporated in the legislation mentioned at (1) above;

5. Every Post reserved for Scheduled Castes and Scheduled Tribes both in direct recruitment as well as in promotion shall be filled up promptly and shall not be allowed to remain vacant or dormant or to lapse and any failure in this regard shall also be covered by the penal provisions in the Act referred to above;

VI. Recognising that the development and protection of Scheduled Castes and Scheduled Tribes in the light of objectives of economic liberation and educational equality require self-operating institutions so that the exercise does not become a series of disjointed acts of patronage of any type, this Party promises to set up the following institutions of the status of a High Court with appeal lying only to the Supreme Court in areas of direct or substantial relevance to Scheduled Castes and Scheduled Tribes in addition to the institutions referred to Sections I to V above:

1. **Bandhua Mazdoor, Bal Mazdoor evan Pravasi Mazdoor Nyay Adalats (Bonded Labour Child Labour & Migrant Labour, Justice Tribunals)** - as a quasi-judicial body complementing the National Authority referred to at IV (1) (v) above;

2. **Bhoomi Sudhar Nyay Adalats (Land Reform Justice Tribunals);**

3. **Khet Mazdoor Nyay Adalats (Agricultural Labour Justice Tribunals);**

The statutes setting up these institutions shall be passed in the first Session of the Parliament after the forthcoming elections to the Lok Sabha.

VII. Recognising the anomaly that, while the development and protection of the scheduled castes

and scheduled tribes is a major responsibility of the State under the Constitution, there is no entry in any of the lists of the VII Schedule read with Article 246 in this regard,. this party promises to take the following steps: 1. A Constitutional Amendment shall be got passed introducing in list III or concurrent list, the following entry:

"Development, Welfare. and Protection of Scheduled Castes and Scheduled Tribes".

VIII. Recognising that many areas of the development and protection of SCs and STs need the active contribution of the official machinery and recognising that, while there has been the phenomenon of over-administration in areas and sectors pertaining to the affluent and rich classes, there has simultaneously been under-administration in areas pertaining to SCs and STs and other weaker sections, this party promises to take the following steps in this regard:

1. A personnel policy will be drawn up, whereby, interalia, officers of the IAS and other services directly or substantially relevant to Scheduled Castes and Scheduled Tribes will find it possible to advance their career only by working for at least a periods of five years in areas and sectors directly or mainly pertaining to Scheduled Castes and Scheduled Tribes, at grass-root level, executive level and policy level and none of them shall be allowed to get posts in generally coveted areas and sectors, like Commerce, Economic Affairs, Industries etc., without acquiring this qualification; it is ensured that those who voluntarily devote the major part of their service to areas and sectors wholly or mainly pertaining to Scheduled Castes and Scheduled Tribes shall not hereafter be losers in their career; and providing for protection from persecution by powerful persons inside and outside government to be given to honest officers/employees of all ranks working sincerely for the development and protection of Scheduled Castes and Scheduled Tribes; and provision is made for "Social Justice Clearance" (just like "integrity clearance") before an officer of Class-I or Class-II is promoted; and it is ensured that service in tribal areas does not put any public servant to any disadvantage in the matter of net family income or the education of the children; and provision is made of a formula of accelerated promotion for those who spend at least five years continuously in areas and sectors directly or mainly pertaining to Scheduled Castes and Scheduled Tribes.

IX. 1. Appreciating the urgency and importance of the developmental and welfare Rights, Entitlements and Needs of the SCs and STs, this Party promises that decisions regarding measures found necessary from time to time shall be taken promptly without bunching them for periods just before elections.

2. As an earnest of its sincerity in fulfilling the Rights, Entitlements and Needs of the SCs and STs, this Party promises to undertake forthwith in States, where it is already in power, those of the measures promised in this Manifesto as can be implemented by State Governments themselves.

Formulated by

P. S. Krishnan

Under the auspices of
National Action Forum for Social Justice

Dalit Manifesto

Part II

SCHEDULED TRIBES

(in addition to points common to SC & ST in Part I Scheduled Castes)

Keeping in view the seventy-third Constitutional amendment mandating people's empowerment for self-government and implementation of schemes of economic development and social justice and the recommendations in the Bhuria Committee's Report 1995 for structuring panchayat institutions in Scheduled Areas and Tribal Areas;

_____ Party undertakes and promises that a bill as per these recommendations will be brought before the new Parliament in its very first session so that the new bodies come into existence before the end of 1996.

2. In keeping with the Bhuria Committee's recommendations, education and health shall be the first charge on Panchayats in Scheduled Areas and Tribal Areas and intensive efforts will be made in physical and financial terms for bridging, within a decade, the widening literacy gap between STs and SCs on the one hand and the non-SC, non-ST population on the other and between the ST and SC female literacy rate and non-SC, non-ST female literacy rate.
4. Particular attention shall be paid to low literacy pockets in tribal areas.
5. The medium of instruction in primary classes shall be the tribal child's mother-tongue and all arrangements shall be made therefor.
6. The drive for adult education and continuing education among ST and SC shall be stepped up.
7. The National Health Policy of 1983 will be revised to give better focus on tribal health. Special attention will be given to preventive, primitive and curative services. The approach to the family planning programme will be tribe-specific, instead of being general, so that numerically small tribes are not reduced further. Family planning programme will be integrated with primary health care.
8. Indigenous tribal systems of medicine will be encouraged. The feasibility of blending traditional with the modern systems of medicine will be examined.
9. In the current national and international regime of intellectual property rights, the rights of tribals shall be protected and promoted in every way.

10. Recognising that displacement on account of industrial, mining, hydel, irrigation, township and other different types of projects has seriously affected the food security and disrupted the economic, social and cultural lives of more than ten million tribals to date, a Policy shall be evolved and laid down by 1996-end, weighing carefully the human, social and cultural costs of displacement of tribal families on account of location of development projects, particularly in view of the fact that most natural resources like minerals, forests, water are abundantly available in tribal-inhabited regions of the country. The Policy shall spell out broadly the conditions in which decision for or against locating a project can be made, so that such dislocation is minimised and such projects are taken up only with the consent of the tribals likely to be displaced thereby and shall lay down rehabilitation measures whereby the STs get their due share of benefits from such projects and they do not suffer in short or long term. This policy will protect the interest of non-land holding displaced groups both of ST as well as others like agricultural wage labourers, artisans and fisher folk.

11. A bill for the amendment of the Indian forest Act 1927 shall be introduced in the Parliament broadly echoing the objectives and spirit of the Forest Policy Resolution 1988 and shall be got passed in the first session of the Parliament after the ensuing general elections to the new Lok Sabha. The Forest Policy Resolution shall be scrutinised further with a view to orienting it to its basic objective of "creating a massive people's movement with the involvement of women" for achieving the other basic objectives enumerated in the Policy document.

12. Displacement of tribal communities from their traditional common property survival resources through creation of national parks, sanctuaries and biosphere reserves shall be avoided by integrating the tribal communities and their traditions in the management of the reserves and/or effecting their full and proper rehabilitation.

13. All steps shall be taken to eliminate economic, social, cultural, psychological etc. exploitation of tribals through measures in legislative, administrative, social and other fields. Arrangements will be made for neutralising exploitative practices in exchange of goods and services through the tribals' own institutional instruments. The vicious grip of the middle-men shall be broken.

14. Laws enacted by State Governments to prevent alienation of tribal land, which have generally been ineffective or sometimes even deliberately sabotaged by some of those, whose duty it was and is to uphold them, shall be scrutinised for making them stringent and foolproof. Alienated lands shall be fully restored to the tribals. The state shall not lightly take over tribal land for development projects. Each proposal shall be considered carefully on its merits. In this context, the provisions of the Land Acquisition Act shall be scrutinised with a view to limiting it to genuine "public purposes". Every major project involving acquisition of more than one hundred acres of tribal land shall be cleared at the national level by an appropriate body including authentic representatives of scheduled tribes.

Formulated by Dr. Bhupender Singh and Shri P.S. Krishnan

P. S. Krishnan

Under the auspices of
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Dalit Manifesto

Part-III

Backward Classes

I. _____ Party, noting that the recognition of Backward Classes as a specific social category for focus in developmental efforts at the national level and even at the level of many States was a late starter, in spite of Constitutional provisions requiring such recognition, and the first concrete step in this regard at the national level was taken only very recently, and realising that this delay should not be compounded hereafter by inadequacies or half-heartedness, and recognising that educational support for Backward Classes has not been adequate quantitatively and qualitatively and recognising that there is disparity between them and the non-backward sections of the population at every level including the bottom-line level of mere literacy and that absence of total parity and absolutely "level playing field" will be fatal to the Right of Backward Classes to Real Equality of career opportunity and that the Right to parity in education at all levels is part of the Right to Life under Article 21 and Right to Equality under Articles 14, 15 and 16 solemnly undertakes and promises that :

1. Reservation at the national level for Backward Classes, which has been introduced only in appointments or posts in the services, shall be extended to seats in Central educational institutions also;
2. Backward Class students shall be got admitted in every good professional institution in the district/state/country, whether public or private, in the same proportion as the percentage of reservation in education for them as existing from time to time and shall be educated there upto the level of their choice. The Government shall meet the full cost of the education and maintenance of each such student in accordance with the actual cost of study in each such institution and boarding and lodging expenses in a hostel attached to such institution(s) or in the absence of such attached hostel, in other appropriate hostel(s) and to facilitate this and other measures for the educational advancement of the BCs, schemes like the Post-Matric Scholarship Scheme shall be introduced in the Central Plan, with outlays adequate to cover all eligible students of the B.C.
3. One residential school for boys and one for girls of Backward Classes shall be set up in each district on the pattern existing in Andhra Pradesh, with 75 per cent of the seats going to the candidates of Backward Classes and the remaining 25 per cent to candidates belonging to the other social categories of weaker sections (SC and ST) and to the candidates of general categories. This facility shall be provided in private residential schools also in view of the large number of private institutions of general as well as specialised/professional education at all levels, set up in the past and that may be set up in future and the advantage that candidates passing out of such institutions have.
4. A selection grade post of teachers shall be created and selection grade teachers shall be appointed only in these residential schools for BCs and in similar residential schools for other weaker sections.

5. In districts where residential schools are not possible, at least one good hostel for Backward Class boys and one for B.C. girls shall be set up in each place where a high school/higher secondary school or college exists. These hostels will be designed in such a manner that they may in future become the nuclei for residential schools. Where one hostel each is not adequate for all B.C. boys and for B.C. girls, additional hostels shall be created in such places to the full extent necessary to accommodate all Backward Class students. No restrictions like distance, or rural/urban residence/origin shall be laid down, since the motivation for joining hostels arises not only from considerations of distance but also from considerations of facility for "undisturbed studies";

6. In view of the fact that a sizeable number of students have qualified and increasing numbers will in future qualify from educational institutions of general as well as specialised and professional education in foreign countries and in view of the career advantage that candidates passing out from foreign institutions have in this country, the Government shall send at its full cost, covering fees and other mandatory payments, maintenance and travel cost, Backward Class candidates in the same proportion in relation to the general category candidates as the percentage of reservation in education fixed for B.Cs from time to time, to good institutions in each such country in every area of education, every year;

7. The selection of Backward Class candidates for admission to residential schools and other good schools and colleges and Universities, public as well as private, Indian as well as foreign, shall be made on merit among them through competitive examinations with suitable weightage, for candidates from families engaged wholly or mainly in traditional artisanal crafts; fishing, hunting, bird-snaring; agricultural labour on the lands of others for wage; earth-work, stone-breaking, salt manufacturing, lime-burning; toddy-tapping; animal rearing; butchery; hair-cutting, washing of clothes; ferrying by boat; safai (Le. "scavenging"); knife grinding, grain roasting, entertaining through song and dance, acrobatics, jugglery, snake-charming, acting; begging or mendicancy; and other similar occupations; families of bonded labourers, first generation learners, rural residents and for girls.

II. Recognising that disadvantages arising from social backwardness cannot be removed in practice unless every Backward Class family is allowed, enabled and facilitated to become economically self-reliant, according to the specific situation and needs of each Backward Class or similarly placed groups of Backward Classes, this party solemnly promises the following steps :

1. Leases, licences and permits for stone and sand quarries and other sources of raw materials and of other resources required for productive activities, in which many members of artisan castes and similar backward castes are engaged, shall be given only to them. On this basis, for example, leases, licences and permits for all stone and sand quarries shall be given only to cooperatives/associations of actual stone-cutters of social groups who have been traditionally engaged in this occupation, along with all necessary equipment and other facilities; and similarly for clay-bearing lands to actual potters, and for fishing to fisher-folk and so on, and with training wherever required to optimise their activity, productivity and income;

2. Wherever members of any Backward Class are engaged in traditional occupations and are desirous to continue to do so, no outside "entrepreneur" shall be given lease, licence or permit for such activity or related raw materials or other facilities in order not to adversely affect their occupation, production and income, as has happened in recent years in case of traditional fisher-folk and earlier in the case of many other groups of artisans like weavers and to similar primary and secondary producers.

3. Wherever members of any Backward Class are engaged in a traditional occupation not involving leases, licences or permits, and any members of such class desire to continue to do so, they shall be given full financial and other support like shops/space/ accommodation in all commercial estates/ markets/areas convenient to them at affordable rates, along with training' wherever required in order to maintain/step up their activity, productivity and income at optimal level and in order that they may not be exposed to unequal competition with "entrepreneurs" of other groups with superior financial resources and other support and not work.
4. While preserving the control of Backward Classes engaged in traditional industries like hand loom weaving, pottery and artisanal production like fishing, stone_cutting etc. and providing them training for upgradation of skills and better management and facilities including financial support for attaining economic self-reliance, so long as any members of these Backward Classes desire to continue in their traditional occupations and while not allowing any intrusion in their traditional areas of occupation, members of these classes who desire occupational diversification, especially those belonging to the younger generation, shall be given all educational and training facilities and financial and other support to successfully enter new occupational areas on a really "level playing field";
5. Without going into other aspects of the recent macropolicy of Liberalisation, realising that this has resulted in shrinkage of and threat to the employment and income of traditional producers of various goods, who mostly belong to the Backward Classes and partly belong to the Scheduled Castes and Scheduled Tribes, including large numbers of women of these communities, as was demonstrated very recently in the case of fisherfolk, following the issue of numerous licenses for deep-sea fishing to big Indian and foreign companies, and as has been happening to weavers, to cite another major example, this party binds itself that,
 - (i) No macro-economic decision shall be taken in future without consulting the authentic representatives of these traditional producer-communities and other experts and social activists sympathetic to and knowledgeable about them;
 - (ii) No macro-economic decisions shall be taken which will adversely affect them in terms of their employment and income, without, the consent of such representatives, experts and activists;
 - (iii) All decisions and action of this type taken so far by the State shall be reviewed and corrective/ remedial action taken in consultation with such representatives and experts and activists, within six months after the new government is formed after the forthcoming elections to the Lok Sabha if this Party comes to power in the Centre by itself or as part of a coalition and in States where it is in power or comes to power by itself or as part of a coalition;
 - (iv) Where any such macro-economic decision or action is taken after securing their consent as at (ii) above, the policy shall necessarily contain built-in safeguards against damage to their interests and to ensure that a fair share of the benefit actually goes to them;
 - (v) Representation shall be provided for B.Cs in all important decision-making bodies in all sectors;
6. Recognising that there has been an unjustifiable lacuna in the planned development of

traditional artisanal and other artisanal producers, other traditional workers and skill-less and assetless indigent communities, recognising also that no efforts have been made to conceptualise development models for sound, comprehensive and integrated development of such communities, who mostly belong to the Backward Classes and partly belong to the Scheduled Castes and Scheduled Tribes, in order to hereafter ensure that their development is undertaken along sound lines and in a comprehensive and integrated manner, both from the point of view of maintaining and promoting their hold and growth in the traditional areas and facilitating diversification into new and modern occupational areas, this Party promises to take the following steps, in case it comes to power at the Centre on its own or as part of a coalition :: After the ensuing general Elections:

(i) A Committee of experts belonging to the Backward Classes and others, who have empathy for the Backward Classes and have knowledge and expertise pertaining to different areas of economic activities and planned development relevant to different sections of Backward Classes, especially the type mentioned above, shall be constituted in order to work out meaningful, comprehensive and integrated models for the development of Backward Classes well in time for the formulation of the Ninth Plan;

(ii) The conclusions arrived at by this Expert Committee shall be taken seriously in terms of content and magnitudes including investment.

(iii) Similar steps shall also be taken in States when this Party is in power or comes to power on its own or in coalition.

III Recognising that reservation of appointments or posts in the services under the State- State as defined in Article 12 of the Constitution and as interpreted by the Supreme Court from time to time, so as to include public sector undertakings, public financial institutions etc. _____ is one of the important instruments of social justice and recognising that this important mechanism has been made available to the B.Cs only very recently in the Centre and some States and to preclude gaps in implementation right from now, this Party undertakes to take the following measures as a built-in mechanism to ensure full and total compliance with the policy of reservation for Backward Classes and for quick judicial adjudication of complaints and grievances in this regard:

1. Reservation will be brought under the purview of statute by enacting, within one year of the constitution of the new Lok Sabha, in case this Party comes to power by itself or in coalition in the Centre and in States where it is in power or comes to power by itself or as part of a coalition, an Act to be named as Backward Classes (Reservation of Appointment or Posts and of Seats in Educational Institutions) Act, 1996, which will provide for all aspects pertaining to reservation for Backward Classes;

2. This Act will include provisions to set up Arakshan Nyay Adalats or Tribunals of Justice in Reservation, with its main Bench in Delhi and other Benches in every place where the CAT has got Benches, with the status of a High Court, and with appeal lying only to the Supreme Court as in the case of the CAT; .

3. The Chairperson, Vice-Chairperson and other members of this Adalat and its Benches shall be appointed from panels of persons who, while possessing the requisite formal qualifications for a High Court level body as in the case of the CAT, shall in addition necessarily have the qualification

of having implemented reservation; 1 for Backward Classes fully and sincerely in their respective area of earlier activity;

4. Without going into the question of the merits and demerits of the policy of disinvestment of Government holdings in PSUs, if and when the disinvestment goes to the extent of converting a PSU into a non-PSU, the provision of reservation for Backward Classes shall continue to be mandatorily applicable and this shall be part of MOU if any and also be incorporated in the legislation mentioned at (1) above;

5. Every Post reserved for Backward Classes shall be filled up promptly and shall not be allowed to remain vacant or dormant or to lapse and any failure in this regard shall also be covered by the penal provisions in the Act referred to above.

IV. Recognising the anomaly that while the development and welfare of Backward Classes is a major responsibility of the State under the Constitution, there is no entry in any of the Lists of the VII Schedule read with Article 246 of the Constitution, this Party promises to get a Constitutional Amendment passed introducing in List III or the Concurrent List, the following entry:

“Development and Welfare of Backward Classes”

V. Recognising that many areas of the development and welfare of backward classes need the active contribution of the official machinery and recognising that while there has been the phenomenon of over administration in areas and sectors pertaining to the affluent and rich classes, there has simultaneously been under-administration in areas pertaining to Backward Classes, this party promises to take the following steps in this direction:

1. A personnel policy will be drawn up, whereby, inter alia, officers of the IAS and other services directly or substantially relevant to the Backward Classes will find it possible to advance their career only by working for at least a period of five years in areas and sectors directly or mainly pertaining to Backward Classes and/or Scheduled Castes or Scheduled Tribes at grass-root level, executive level and policy level and none of them shall be allowed to get posts in generally coveted areas or sectors like Commerce, Economic Affairs, Industries etc, without acquiring this qualification; it is ensured that those who voluntarily devote the major part of their service to areas and sectors wholly or mainly pertaining to Backward Classes shall not any more be losers in their career; protection is ensured for honest officers/employees of all ranks working sincerely for the development and welfare of Backward Classes against persecution by/ from powerful persons inside and outside government; and provision is made for a Social Justice clearance (just like integrity clearance) before an officer of Class-I or Class-II is promoted; and a formula of accelerated promotion is provided for those who spend at least five years continuously in areas and sectors directly or mainly pertaining to Backward Classes and/or Scheduled Castes & Scheduled Tribes.

VI. (i) Appreciating the urgency and importance of the developmental and welfare Rights, Entitlements and Needs of the Backward Classes, this Party promises that measures found necessary from time to time will be taken promptly without bunching them for periods just before elections;

(ii) As an earnest of its sincerity in fulfilling the Rights, Entitlements and Needs of the Backward Classes, this Party promises to undertake forthwith, in States where it is already in power, those of the measures promised in this Manifesto as can be implemented by the State Governments themselves.

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