CONCLUSION AND SUGGESTIONS

The Hindu Social System is the root cause for the growth and evolution of the policy of reservation or protective discrimination. Hindu Social System has divided the society into different class of people i.e. Upper Castes and lower Castes. As a matter of fact the Hindu Social System denied education to the women, Scheduled Castes and Scheduled Tribes prior to the advent of Britishers. Justice was given to the women, Scheduled Castes and Scheduled Tribes only during the British period. The Brahminical people who are in minority have been placed in the highest social order in hierarchy and enjoying all benefits at the cost of shudras and atishudras who are in majority. At this time Mahatma Jyothiba Phule determined to destroy this system by organizing the shudras and atishudras. He decided to create unity among the degraded, more degraded and most degraded people to fight against the degradation. He gave more importance to women than men. So he gave education to his wife, Matha Savithri bai Phule, so that she could impart education to the other women. He started many schools for the benefits of girls in India and continued the same till his death. He also provided the same benefits to untouchables or Scheduled Castes and Scheduled Tribes. This was the greatest contribution to the Indian Society in general, women, Scheduled Castes and Scheduled Tribes in particular. Further, in the province of Bombay and Mysore the kings like, Shau Maharaj and Nalwadi Krishna Raja Wodeyar provided reservation to the weaker sections and backward classes is a very significant contribution. After 1920, Dr. B.R. Ambedkar fought against the social injustice and struggled for improving the conditions of Women and Scheduled Castes/Scheduled Tribes. Because, these sections of the society are suffering from atrocities, exploitation and injustice since centuries. Therefore in order to uplift them he incorporated the concept of protective discrimination or reservation into the Indian Constitution. In fact it is the greatest contribution to these sections of the society.
The concept of social justice has been enshrined in the Indian Constitution. Ambedkar was the Chief Architect of the Indian Constitution. He was fully aware of the pattern and problems of the society and their conflicting interests. Social justice is not defined in the Indian Constitution but it is a relative concept taking into cognizance of time and circumstances, the people their backwardness, blood, sweat and tears. The Constitution of India has brought renaissance through the concept of social justice when it reflects a trinity of it in the preamble, the fundamental rights and the directive principles of state policies. This trinity is the core of the commitments to the social revolution. Thus Dr. B.R. Ambedkar created a social revolution by awaking the Women, Scheduled Castes and Scheduled Tribes and breaking all social evils found in the Hindu Social System. He has earnestly sacrificed his whole life for the amelioration of women, Scheduled Castes and Scheduled Tribes in the Indian society. In the era of globalization, liberalization and privatization, the concept of social justice has assumed a greater significance. Globalization in India means opening doors of our economy to the multinationals in the field of agriculture, industries, communication, transportation, electricity generation and distribution and also education etc. However, before opening the doors of economy to the multinational companies, one should know the fact that these multinationals are not coming for providing charity in India but to make profit by utilizing our reserve resources, raw materials and treasury. They are not concerned with our environment, infrastructure development to deliver social justice. These are not in their policies and programmes. Many multinational companies, by insisting for merit, have discarded the concept of social justice. All MNC’s should be made to work within the Constitutional frame work as to ensure social justice to Scheduled Castes/Scheduled Tribes and women in India. For this the state should make various rules, regulations and procedures for MNC have to fallow. Otherwise, the concept of social justice would not be materialised.
The Constitutional makers incorporate some of the provisions to the Constitution of India which provide equal status and opportunity to all, including women, the Scheduled Castes and Scheduled Tribes. For example, Right to equality, Prohibition of discrimination on the grounds of religion, caste, race, sex or place of birth, equality of opportunity in matters of public employment, Abolition of untouchablity, Right to life, Right not to be denied admission to any citizen in any educational institution maintained by the state or receiving aid out of state funds on the grounds only religion, race, caste, Right to Constitutional Remedies. The main object of these rights is to provide to all the people including women, the Scheduled Castes and the Scheduled Tribes equal justice and social justice.

The main aim of incorporating various provisions in the Constitution is to bring about peaceful, political and socio-economic revolution with a view to balance the conflicting interests in the Indian Society for securing the satisfaction of maximum of wants with minimum friction. The Constitution gives the direction to the legislatures to chalk out the various government policies and programmes for the benefits of women, Scheduled Castes and Scheduled Tribes to get the benefits. The Constitution has ensured equal status to all i.e., not only between men and men, women and women but also between men and women. This Constitutional spirit has found a distinct place and recognition in various legislations passed by the parliament.

Indian Constitution is a “Social document”; it is unique in legitimizing affirmative state action for bringing social and economic equality. The fundamental rights do not merely contain civil and political rights traditionally known as civil liberties but they also ensure social and economic justice is also given to the people of India in general, Women, Scheduled Castes and Scheduled Tribes in particular. Directive Principles of State Policy also ensure justice to the vulnerable sections. Therefore,
Directive principles of state policies are the economic and social rights of the people. Fundamental rights and Directive Principles of State Policy are Dr. Ambedkar’s ideology of social justice. The entire credit goes to Dr. Ambedkar ensuring for Constitutional social justice who is rightly named as the “Architect of our Constitution”.

The role of judiciary is to protect the interest and welfare of Scheduled Castes and Scheduled Tribes through the interpretation of various Constitutional schemes and provisions of ‘reservation policy’. The supreme court of India, from Balaji case to Madhav’s case has been insisting that the reservation contemplated in Article 15 (4) and 16 (4) to Scheduled Castes, the Scheduled Tribes and backward classes in educational institutions as well as in public employment should not exceed 50%. Although the 50% rule fixed by the Supreme Court in Balaji’s case was relevant at the time of its decision, yet it is irrelevant today, as there is a substantial increase in the Scheduled caste and Scheduled Tribes and backward classes population in India. The Supreme Court has in the case of N.M. Thomas Vs. State of Kerala, observed that, under the extraordinary circumstances, this 50% rule may be slightly relaxed to secure social justice to the Scheduled Castes, Scheduled Tribes and other backward classes when they are not adequately represented in the services of the union and the states. The fact remains that even though Articles 15 (4) and 16 (4) speak about the protective discrimination, yet reservation is restricted to below 50%. But as long as socio-economic and political justice is not properly reaching the weaker sections including the Scheduled Castes and Scheduled Tribes, so long the reservation even if it exceeds 50% can be justified. Because, the goal of the preamble to the Constitution of India is to provide socio and economic justice to those depressed classes who were deprived and denied certain privileges from centuries and make them to be equal with the rest of the society. Therefore, it can be observed that, the 50% rule fixed by the Supreme Court is not reasonable and practicable as the population of
Scheduled Castes and the Scheduled Tribes is rapidly increasing. Therefore there is a need to revise 50% rule as long as these deprived sections of the society can not attain the Constitutional goal of socio and economic justice.

Besides, in order to secure social justice to the Scheduled Castes and Scheduled Tribes, the concept of carry forward rule has to be strictly followed, so that the unfilled reserved posts in a particular year may be filled in the subsequent years when the candidates, from Scheduled castes and Scheduled tribes community are available. But the Supreme Court in T. Devadasan Vs. Union of India unfortunately struck down such carry forward rule adopted by the Union Government as it exceeded 50% rule. In this connection, the observation made by justice Krishna Iyer in Akhil Bharatiya Shoshit Karamachari Sangh (Rly) is noteworthy. He further said, “In no year Scheduled Caste and Scheduled Tribe candidates be actually appointed to substantially more than 50% of the promotional posts. Some excess will not affect as mathematical precision is difficult in human dealings, but substantial excess will void the selection”.

Justice Chinnappa Reddy also observed that, 50% rule laid down by the Supreme Court is only for the guidance of the judges and they need not be bound by it. Again in Indra Sawhney Vs. Union of India, the Supreme Court has observed that, the carry forward rule is valid only when it does not exceed 50%. But it seems to be unjustifiable and impracticable as 50% rule does not secure social justice to the backward classes including the Scheduled Castes and the Scheduled Tribes as Article 15 (4) and 16 (4) have not fixed such quantum of reservation.

Another important aspect is the concept of ‘Creamy Layer’ propounded by the Supreme Court in Indra Sawhney’s case. This concept of creamy layer is an innovative judicial principle through which the forward people among the backward classes can be prevented from utilizing
the reservation benefits conferred in the Constitution. The very object of reservation policy is to uplift those people who are both socially and educationally backward or the Scheduled Castes and the Scheduled Tribes. But even after 60 years of Independence, with all the Governmental Welfare Programmes, the backward class' socio economic conditions have not been improved. This is because of the fact that, the forward class among the backward class' are eating away the reservation benefits which are conferred to the really needy people or the targeted section of the society. In this connection, the concept of ‘Creamy Layer’ shall be extended even to the Scheduled Castes and the Scheduled Tribes, so that the Constitutionally guaranteed benefits, to these sections of the people, will reach them. This slowly removes the various social and economic disabilities which are being faced by the Scheduled Castes and Scheduled Tribes. In due course the elite or the creams within the Scheduled Castes and Scheduled Tribes community like., children of MLA, MP, IAS, IPS, IFS and other top class officers can be completely eliminated from the purview of the reservation benefits and provide social justice to the needy people as required under the Constitution.

The judicial approaches on the reservation policy, equality and the protection of the interests of the Scheduled Castes and Scheduled Tribes are laudable. This can be seen from Balaji to Madhav’s case. The provision of Abolition of untouchability in Article 17 of the Constitution is also an important one as it secures equality of the status and opportunity to all the Scheduled Castes and Scheduled Tribes and brings about justice to them. The decision of the Supreme Court in Appa Balu Ingale Vs. State of Karnataka is also laudable as it protected the interests of the Scheduled Castes, Scheduled Tribes and curbed the practice of untouchability in any form. The various enactments made by the parliament to punish those persons who perform untouchability in any form is also praise worthy.
Even though the Constitution of India has guaranteed equality of status to all Scheduled Castes and Scheduled Tribes, yet in many villages unequal treatment, discrimination and atrocities have been committing on them only on the ground of caste. Even today in many village members of the Scheduled Castes and Scheduled Tribes are not allowed to enter the Hindu temples for worshipping gods, no access to shops, wells, bathing ghats and etc. This shows that social discrimination is still in practice more in the rural areas than in the urban areas. Therefore, we can say that Constitutional provisions are good enough to secure social justice to Scheduled Castes and Scheduled Tribes, but their implementation by the public servants is at failure. For instance, performance of untouchability in any form is legally abolished but, in many places still it is in practice.

In relation to women, Indian judiciary has shown more positive concern through judicial activism. Indian judiciary has applied the principles of social justice in some areas like, dealing with stridhan, divorce, proprietary rights of women, alimony and also appreciated the protective discrimination in favour of women. Especially, the Supreme Court and the High courts are the protectors of Constitutional and legal rights of women by way of delivering several judgments. Such judgments are very helpful in order to avoid the gender discrimination or gender inequality. Thus, the judiciary has also very much contributed for the implementations of special provisions for women in various spheres through the interpretations.

So for as the empirical study is concerned, it was found that lot of differences are observed from theory to practical problems. The concept of social justice is reflected in the Preamble, the Directive Principles of State policy under part IV and the Fundamental Rights of the Constitution. But it is not found much in reality. If we read the news papers every day we can come to know that governments are introducing such programmes and policies for the upliftment of the weaker section of the society. But in reality
all these slogans and statements are only fake which are quoted in the newspapers and media, as they are doing it only to attract the public and popularize them and for the purpose of their vote bank. Most of the schemes and benefits derived from government are eaten up by middlemen and they won’t reach to all those who are actually in need of those benefits. All the government programmes and policies are good, but they have failed in reaching the real needy persons because of lack of implementation. Majority of the Women, Scheduled Castes and Scheduled Tribes have opined that Constitutional benefits are available only to those who give bribe to the officials and those who have political support.

The study also reveals that, majority of the urban Women are aware of the government welfare programmes through their Streeshakti group and often NGOs. By that they are trying to get the Constitutional benefits and utilizing properly. In rural areas, Women are still socially, economically, educationally, politically backward and hardly know about the government welfare programmes. Though Women belong to minority communities yet they assert their claims for equal opportunity. Even then no significant improvement has taken place in securing equal opportunity. Even though Women are facing the problems like, dowry, widowhood, rape, sexual harassment, exploitation, female infanticide, devadasi etc. no adequate measures are taken by the State to prevent them so far.

The present study also reveals that majority of the SC/ST agricultural labourers, are depending on their landlords for their livelihood. While working in the land belonging to the upper castes they are frequently discriminated by the upper castes, in providing the wage, loan and other benefits. Further, this empirical study also reveals the discriminatory treatment in respect of temple entry, barber shop entry, village community feasts and marriages etc. Many of the Scheduled Caste officers, Dalit leaders, SCs and STs MP’s and MLA’s expressed their view that, though government is launching the various developmental and welfare programmes, yet they are not properly implemented to reach the targeted
people. These facts clearly show that, even after 60 years of Independence and the Constitutional protections conferred, the conditions of the Scheduled Caste, Scheduled Tribes and Women are still deplorable. Even today they are subjected to discrimination, humiliation and injustice by the upper castes in the society.

The issues which are raised in the hypothesis are addressed as mentioned under.

1. The State should take initiative to see that Constitutional benefits to the Women, Scheduled Castes and Scheduled Tribes, as they are not reaching them.

2. In securing the social justice implementing authorities should honestly discharge their duties in implementing the welfare programmes launched by the State, as many programmes are not put into practice.

3. To ensure social justice through reservation the existing laws and Constitutional provisions should strictly be enforced to protect the interests of Women, Scheduled Castes and Scheduled Tribes. The empirical study shows that even today Constitutional equality and justice are not found in the rural areas.

4. We need to take adequate care of the society to maintain equality in all respects, without bias or prejudice of the caste criterion. The study reveals that caste structure still exists in the rural areas leading to discriminations.

5. The role of judiciary in the interpretation of Protective Discrimination clause should be commendable in order to secure social justice to Scheduled Castes and Scheduled Tribes. Good numbers of decisions of the courts are in favour of social justice.

6. We need to educate the Women, Scheduled Castes and Scheduled Tribes and make them aware of the Constitutional benefits and State welfare programmes. Because, even today the targeted groups are suffering from illiteracy and ignorance about their rights.
7. There is a need to establish an egalitarian society by providing social and economic democracy to the Women, Scheduled Castes and Scheduled Tribes, as contemplated under the Constitution of India. Only to a little extent economic and social democracy has been achieved. This is reflected in the field study made to assess the economic and social problems and status of Women, Scheduled Castes and Scheduled Tribes.

**In this regard, the following suggestions have been recommended**

1. Education should be made compulsory for women, Scheduled Castes and Scheduled Tribes. It is considered to be the main accelerator for the progress and the improvement of the status of women, Scheduled Castes and Scheduled Tribes. Education is also linked with mobility and enhancement in social prestige and life style. Especially primary education should be made compulsory not only by law but should be put into practice also. The government should appoint a special committee to conduct survey to identify those who are not getting the primary school education. Providing education is of great relevance for removing their (women, Scheduled Castes/Scheduled Tribes) backwardness. For the purpose of providing the education, residential schools should be established and all facilities should be provided to them, especially in rural areas. Education of women is indispensable to achieve the goal of gender justice. Through education they should be made aware about their political, economic and social rights. There is a need to provide education to these sections of society for their all round development.

2. Awareness should be created among women, Scheduled Castes and Scheduled Tribes regarding their Constitutional and other legal rights. Information regarding the provisions relating to the rights of women, Scheduled Castes and Scheduled Tribes be given wide publicity
through mass medias like, radio, television, newspapers, bulletins and wall posters, etc. Government Hand book relating to policies and programmes for women, Scheduled Castes and Scheduled Tribes should be published by the government and supplied them for free of cost to Grama Panchayats, Zilla Panchayats, Schools, NGO’s, women and members of Scheduled Castes and Scheduled Tribes.

3. Enforcement of laws from the grass root level is essential to improve the conditions of Women, Scheduled Castes and Scheduled Tribes. Special officers should be appointed with special powers to ensure that the discrimination against the women, Scheduled Castes and Scheduled Tribes should not take place. Free legal aid must be available to women, Scheduled Castes and Scheduled Tribes to enable them to fight against the injustice, inequality and exploitation for which they are subjected.

4. The government should relax the procedures to the women, Scheduled Castes and Scheduled Tribes for obtaining loan from various financial institutions such as, Banks and financial institutions. They should provide loans to these sections of the society by liberalizing the procedures and intervention of the middlemen should be avoided.

5. The government should employ women, Scheduled Castes and Scheduled Tribes to hotel industry, both in public and private sectors.

6. The police and law courts should have a special responsibility in dealing with women, Scheduled Castes and Scheduled Tribes' cases and ensuring social justice. Adequate legal protection is very essential to prevent atrocities, assault and injustice done to these sections of the society.
7. A law should be made by the government making the District Magistrate obligatory to review these cases every month and forward the report to the State government. The incident prone areas should be located and preventive steps should be taken well in time to prevent the atrocities on the women, Scheduled Castes and Scheduled Tribes.

8. The policy of reservation should be extended to private sectors, Higher judiciary and Rajyasabha The government should give priorities to these institutions as more number of employments are generated in the public sectors organizations and important decisions of both national and international are taken in judiciary and Rajyasabha.

9. The Government should take serious steps or actions against lapses committed by the enforcement officers and the officers who are required to implement the government welfare schemes to achieve the Constitutional goal.

10. With a view to provide adequate protection and security, the government should construct separate villages for Scheduled Castes and Scheduled Tribes for their settlement.

11. The reality is that more enactments of the legislations are not enough to improve the status of Women, Scheduled Castes and Scheduled Tribes. What is required is that the mind set of the people has to be changed.

12. It is unfortunate that despite the existence of many legislations such as, The protection of Civil Rights Act 1955, The Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989 and The
Constitution of India, even today the problem of untouchability, injustice, inhuman treatment, exploitation on the members of Scheduled Castes and Scheduled Tribes are continuing and the rate of conviction is only less than 2%. There is a need to enforce the laws strictly to show that the above problems faced by the members of the Scheduled Castes and Scheduled Tribes can be minimized if not completely eradicated.