CHAPTER – VIII
CONSTITUTIONAL PROVISIONS AND POSITION OF DALIT RIGHTS

To overcome historical discrimination of Dalits, India has taken several steps to prohibit the practice of untouchability, these steps Constitutional provisions, guarantees, legislative enactments, and policy measures, etc.

8.1 CONSTITUTIONAL PROVISIONS:

The Indian Constitution, in its bill of rights guarantees of all citizens basic civil and political rights and fundamental freedoms. In addition the Constitution has special provisions prohibiting discrimination based on caste. These provisions are found under the right to equality (Article 15, 16 and 17). The Right Against Exploitation (Article 23) cultural and educational rights (Article 29:2) and prohibition against disenfranchisement in elections based on one’s religion, race, caste or sex (Article 325).

Articles 330 and 333 permit Union and State legislature to reserve seats for members of the Scheduled Castes and Scheduled Tribes indigenous (people or adivasi) based on their population in each constituency. Article 338 mandates the creation of a national commission for Scheduled Castes and Scheduled Tribes to monitor safeguards provided to them. Finally, Article 341 makes possible the governmental identification of different subcategories of Scheduled Castes in relation to each State the list of Scheduled Castes or sub groups within the Scheduled Castes. Published by the president through public notification is deemed final. ¹
The Constitution of India aims at the establishment of a just and equitable social order. It has established the supremacy of law. It is itself a fundamental law. The Constitution is full of ideal of liberty, equality and social justice and political matters. Truly speaking, the Constitution of India is an excellent peace of social engineering. It provides special safeguards in favour of Scheduled Castes and Scheduled Tribes with a view to maintain proper balance in the society and guarantee social equilibrium and to serve as an effective instrument of social engineering. The State has been put under obligation to strive hard to promote the welfare of the depressed classes and secure a stable social order in which social, economic and political is provided to them all on equal footing with other sections of society. The rights of the Scheduled Castes and Scheduled Tribes are sought to be preserved first, through the fundamental rights. These rights apply generally to all citizens as well as to Scheduled Castes and Scheduled Tribes but this is not at all. A number of specific provisions have also been incorporated in the Constitution, safeguarding specifically the social economic, educational and political rights of the Scheduled Castes and Scheduled Tribes and for safe guarding various socio-economic interests give that remained backward, exploited, under developed and to protect them from exploitation and atrocities, provisions have been made in the Constitution, giving certain benefits to these communities, to enable them to catch up with the rest of the society in all walks of life.
8.2 LEGISLATIVE ENACTMENTS:

To fulfill the Constitutional provisions pertaining to Scheduled Castes, India has passed various laws to protect their rights these include the protections of Civil Rights (Anti-untouchability) Act (1955), the Bonded Labour (Abolition) Act (1976), the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (1989) and Rules (1995) the Employment of Manual Scavenger and Construction of Dry Latrines (Prohibition) Act (1993) and various land reform lanes to redistribute community land to the landless. Finally, to monitor enforcement of same of these laws, the Central (i.e., federal) government established the national commission for Scheduled Castes and Scheduled Tribes and the national human rights commission in the early 1990s. 2

8.3 IMPLEMENTATION AND ENFORCEMENT OF LAWS:

Land reforms:

Lack of access to agricultural land for cultivation is a major barrier to progress among Dalits. They become economically vulnerable, their dependently is exploited by upper and middle caste land lords, their lack of political politicians. From 1948 to 1970s, 34.9 millions acres were given to farmers of which only 0.5% was given to Dalits and Scheduled Tribes (NCDHR, 2006). The NCDHR report on caste, race and the world conference against racism (WCAR) shows that out of an estimated 30 million hectares of surplus land, only 7.5 million acres have been declared surplus, and only a small portion has been given to Dalits. Large tracts of land are being sold
well below market value to multinational corporations and the World Bank, which has resulted in the displacement of many Dalits and adivasis who were living on the land (NCDHR, 2006). Shah, Meander Thoat Desphande and Baviskar (as cited in NCDHR, 2006) found that Dalits is 21% of the villages surveyed was denied access to common property resources (CPRS), such as lands and finishing ponds. 3

In 2004 – 2005 only one fifth (20%) of all Scheduled Caste house holds were able to cultivate land as independent agricultural workers, where as upper caste households represented twice that amount (Table – 8.1).

### Table – 8.1

**Occupational pattern, Scheduled Caste, Scheduled Tribes, backward castes and other by percentage**

<table>
<thead>
<tr>
<th>Social groups in rural India</th>
<th>SCs</th>
<th>ST</th>
<th>OBC</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Self employed in agriculture</td>
<td>20.2</td>
<td>39.3</td>
<td>38.7</td>
<td>43.3</td>
</tr>
<tr>
<td>Self employed in non-agriculture work</td>
<td>14.1</td>
<td>6.4</td>
<td>17.6</td>
<td>18.6</td>
</tr>
<tr>
<td>Self employed (sub total)</td>
<td>34.2</td>
<td>45.7</td>
<td>56.2</td>
<td>61.4</td>
</tr>
<tr>
<td>Agricultural wage labour</td>
<td>40.5</td>
<td>34.0</td>
<td>22.4</td>
<td>15.6</td>
</tr>
<tr>
<td>Non-agricultural wage labour</td>
<td>15.4</td>
<td>11.3</td>
<td>10.4</td>
<td>7.7</td>
</tr>
<tr>
<td>Rural wage labour sub total</td>
<td>56.0</td>
<td>45.3</td>
<td>32.7</td>
<td>23.3</td>
</tr>
<tr>
<td>Others</td>
<td>09.8</td>
<td>08.9</td>
<td>11.0</td>
<td>15.3</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Social groups in urban India</th>
<th>SCs</th>
<th>ST</th>
<th>OBC</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Self employed</td>
<td>29.3</td>
<td>26.3</td>
<td>40.3</td>
<td>38.6</td>
</tr>
<tr>
<td>Regular wages/salaried</td>
<td>41.1</td>
<td>41.8</td>
<td>36.7</td>
<td>44.8</td>
</tr>
<tr>
<td>Casual labour</td>
<td>21.8</td>
<td>17.3</td>
<td>14.5</td>
<td>06.2</td>
</tr>
<tr>
<td>Other wages</td>
<td>07.7</td>
<td>14.5</td>
<td>08.4</td>
<td>10.3</td>
</tr>
<tr>
<td>All</td>
<td></td>
<td></td>
<td></td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: National sample survey report no. 516 employment, unemployment situation among social groups in India, 2004-2005
The limited access to land and capital due to ongoing discrimination against Dalits has resulted in greater levels of poverty among this group. For example, the level of poverty was reported to be 60% among agricultural labourers, a vast majority of whom are Dalits.

**8.4 SPECIAL PROVISIONS:**

Our Constitution has accepted the ideals of equality and justice both in the social and political field. Accordingly, it abolished any discrimination in any class of persons on the stand of religion, race, or place of birth. It is in pursuance of this ideal that the Constitution has abolished communal representation or reservation of seats in the legislatures or in any public office on the basis of religion.

I. Article 46 of the Directive Principles enjoins the State to take special care in promoting the educational and economic interests of the weaker sections of the people and in particular the Scheduled Castes and Scheduled Tribes and protect them from social injustice. Any such provisions made by the State cannot be challenged on the ground of being discrimination.

II. Part II of the Constitution guaranteeing fundamental rights contains many provisions protecting minority rights.

Article 14 guarantees to every person the right not to be denied equality, before the law or equal protection of laws. Article 15 prohibits discrimination by State on the grounds only of religion, race, caste, etc., with regard to access to public places. Nothing in this Article shall prevent from
making any special provisions for the advancement of socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes. Article 16 guarantees equally of opportunity in matters of public employment. It prohibits discrimination in respect of public employment on grounds only of religion, race, caste etc. But the State can make reservations of appointment of posts in favour of any backward class of citizens not adequately represented in the service under the State Article 17 abolishes untouchability. Article 19(6) authorizes the State to impose reasonable restrictions on the fundamental rights guaranteed by clauses (d) (e) and (f) of Article 19 for the protection of interests of any Scheduled Tribes.  

Articles 330 to 342 makes special provisions for safe-guarding interests of Scheduled Castes and Scheduled Tribes. The Constitution does not define as to who are the persons who belong to Scheduled Castes and Scheduled Tribes Article 341 and 342, however, empower the president to draw up a list of these castes and tribes. Under the Article 341 the president after consultation with governor with respect to the State, specify the castes, races, or tribes of groups within castes, races or tribes for the purposes of their Constitution. If such notification is in respect of a State it can be done after consultation with governor of the State concluded. Any inclusion or exclusion from the presidents as notification of any caste, race, or tribe cause done by the parliament by law.  

238
8.5 NATIONAL COMMISSION FOR SCHEDULED CASTE:

The Amended Article 338 provides for establishment of a national commission for the Scheduled Caste. The commission shall consist of a chairman, vice chairman and three other members. The chairman, vice chairman and members of the commission shall be appointed by the president of India. The conditions of service and tenure of office of the members of commission shall be such as president may by rule determine [Clause (2) and (3)].

8.6 DUTIES OF COMMISSION:

It shall be the duty of the commission:

a) To investigate and monitor all matters relating to the safeguard for SCs and STs under the Constitution and any other law or order of the government and to evaluate the working such safeguards.

b) To inquire into specific complaints with respect to the deprivation of rights and safeguards of SCs and STs.

c) To participate and advice on planning process of socio-economic development of SCs and STs to evaluate the progress of their development under the Union and State.

d) To present to the president reports upon the working of those safeguards annually and at such others times as the commission deem fit.

e) To make recommendations as to the measures that should be taken by the Centre and State for the effective implementation of those
safeguards and other measures for the protection, welfare and socio-economic development of the SCs and STs.

f) To discharge such other junctions for protection, welfare and development and advancement of SCs and STs as the president may, subject to the provisions of any law made by parliament, by rule specify [Clause (5)].

The president shall cause all such reports to be laid before each houses of parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the union. Similar action will be taken by the governor of the State if it is concerned with any matter relating to a cause to a State [Clause (6) and (7)].

While investigating any matter under such Clause (a) and (b) of Clause (5) the commission shall have all the powers of a civil court and in particular in respect of the following matters:

a) Summoning and enforcing the attendance of any person from any part of India and examining him on oath.

b) Requiring the discovery and production of any document.

c) Receiving evidence on affidavit.

d) Requisitioning any public record or copy thereof from any court or office.

e) Issuing commissions for the examination of witnesses and documents.
f) Any other matter which the president may, by rule, determine [Clause (8)].

The Union and State governments shall consult the commission on all major policy matters affecting SCs and STs [Clause (90)]. The commission shall have power to regular its own procedure [Clause (4)].

In this Article reference to the Scheduled Castes shall be construed as including references to such backward classes as the president may, on the report of a commission appointed under Clause (1) of Article 340 by order specify and also to the Anglo-Indian Community (Clause 10).  

8.7 NATIONAL COMMISSION FOR SCHEDULED TRIBES [ARTICLE (338-A)]:

Article 338-A added by the Constitution 89th Amendment, 2003 provides for the establishment of a national commission for the Scheduled Tribes.

8.8 CONSTITUTION OF COMMISSION:

The commission shall consist of a chairman, vice chairman and other three members. The members of the commission shall be appointed by the president. The conditions of services and tenure of the members of commission shall be such as the president may be rule determine for Scheduled Tribes. The duties and power of the commission for Scheduled Tribes are the same as of the commission for the Scheduled Castes under Article 338 of the Constitution.

The president may at any time and shall at the expiration of ten years from the commencement of the Constitution. Appoint a commission to
report on the administration of the scheduled areas and the welfare of the Scheduled Tribes in the State [Article 339 (1)]. The order of the president may define the composition, powers and procedure of the commission and may contain such incidental or ancillary provisions the president may consider necessary or desirable. The culture government is also authorized to give directions to a State as to the drawing up and execution of scheduled specified in the direction to be essential for the welfare of the Scheduled Tribes in the State [Article 339 (2)].

8.9 SPECIAL SAFEGUARDS FOR THE EDUCATIONAL UPLIFT OF DALITS:

Article 15(4) and 46 of the Constitution of India provide special safeguards for the educational uplift of Dalits and enable the State to make special arrangement for their educational advancement. The directions enshrined in the Constitution have been reflected in various five year plans which have sought to raise the level of education among Dalits in the first and second five year plans. The educational schemes introduced for Dalits were the following:

1) Scholarships (pre-matric and post matric)

2) Opening of schools in Dalits localities.

3) Grants of books, hostels fees.

4) Opening of residential schools, balwadis, community centres, etc.

Gradually the scope of programmes for educational development in the various five year plan periods increased. A mid-term appraisal of the fourth plan revealed that nearly half of the backward classes sector
allocation (48 percent) was mainly spent on educational programme alone.
The pattern of educational programmes for the Scheduled Castes of the
government of India and of the State governments is given below.

8.10 UNION GOVERNMENTS PROVISIONS:

1. Post matric scholarships

2. Pre matric scholarships for children of those engaged in unclean
   occupations.

3. Boys and girls hostels.

4. Book banks

5. Upgradation of merits of SC/ST students.

6. Coaching and allied schemes.

7. National overseas scholarship and passed grants for higher studies
   abroad

8. Grants-in-aid to voluntary organizations in additions to these, two
   schemes in the central sector have also been approved, viz.

9. Educational complex in low literacy pockets for development of
   women’s literacy in Dalit areas

10. Special educational development programmes for Scheduled Caste
    girls belonging to very low educational level.

    These programmes are in addition to the special thrust provided to
    the weaker sections in the general programmes for educational development
    like opening of schools, running of non-formal education (NFE) centres and
    adult education centres schemes of operation black board, upgradation of
merit of the Dalit students etc. Except the national overseas scholarship scheme, all others are of the type of 50:50 sharing basis between the centre and the States. 8

8.11 STATE GOVERNMENT’S PROVISIONS:

1. Scholarships and stipends at various levels.

2. Supply of textbooks, stationary, equipment, sports materials.

3. (a) Administration of balwadis, primary schools, middle schools, higher secondary schools.

   (b) Attendance prize to students.

4. Residential schools.

5. Amenities to boards in private hostels and financial assistance for sharing rental accommodations.

6. Hostels and reservations of seats in general hostels.

7. Merit scholarships.


9. Reimbursement of examination fees and tuition fees at different levels of education.

10. Excursions

11. Mid day meals

12. Loans to students for carrying on education

13. Vocational craft classes

15. Coaching and study centres.

16. Awards to teachers

17. Houses for teachers

In addition the ministers of education, labour and agriculture and the University Grants Commission have also been providing various other facilities to Dalit students namely.

1) Reservation of seats in Educational Institution including Engineering and Medical College’s, Technical Institutions, Sainik Schools and Navodaya Vidyalaya Kendriya Vidyarayas.

2) Relaxation scholarships and fellowships.

There is no separate programme for award of scholarships/stipends to the Dalits students under the ministry of education. However, reservations have been made for the Dalit students at pre matric level under the two following schemes of the ministry (now, Ministry of Human Resource Development).  

8.12 POSITION OF DALITS:

Various castes among the Scheduled Caste in different parts of the country and examined with respect to their areas spread and regional concentration. According to 1971 census the Scheduled Caste population of India accounted for 14.6 percent of the total population of the country. However, the Scheduled Caste population is far from being a single homogenous group there are as many as 612 castes, each possessing a high degree of occupational specialization and accordingly enjoying a different
status within Scheduled Caste people. The number of castes varies from a minimum of three in the State of Sikkim and remain territory of Dadra and Nagar Haveli to a maximum of 100 in Karnataka (Table 8.2). It would be interesting to note that a caste performing the same functions is known differently in different States. For instance, those doing the menial job are known as Bhangi in Gujarat, Rajasthan and Delhi, as Rukhi in Maharashtra, Karnataka, Haryana and Chandigarh as Chuhra in Himachal Pradesh, and as Hadi in Orissa and Goa, Daman and Diu. Similarly, the castes engaged in fishing activity are known by different names in West Bengal and Tamil Nadu. In fact, nomenclature of the Scheduled Castes seems to very largely due to the linguistic variety our country possesses. Besides, in some cases, the occurrence of castes may also vary in accordance with the resources of the area of their occupancy. For example, the castes specializing in fishing activity have their concentration in coastal regions only chamars who have traditionally been associated with leather work are found in north western parts of the country, where lives stock plays a significant role in the farm economy and Bansphor kol or Koli traditionally associated with forest work are found in the hilly tracks of the northeast. 10
Table – 8.2
India: Dominant Scheduled Castes, 1971

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Percentage of Scheduled Caste population</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Total</td>
<td>Rural</td>
<td>Urban</td>
</tr>
<tr>
<td>1.</td>
<td>Chamar</td>
<td>25.7</td>
<td>26.7</td>
<td>17.8</td>
</tr>
<tr>
<td>2.</td>
<td>Adi Dravida</td>
<td>3.8</td>
<td>2.2</td>
<td>7.6</td>
</tr>
<tr>
<td>3.</td>
<td>Pasi</td>
<td>3.7</td>
<td>4.0</td>
<td>1.6</td>
</tr>
<tr>
<td>4.</td>
<td>Madiga</td>
<td>3.4</td>
<td>2.0</td>
<td>2.8</td>
</tr>
<tr>
<td>5.</td>
<td>Dusadh</td>
<td>2.8</td>
<td>3.0</td>
<td>1.2</td>
</tr>
<tr>
<td>6.</td>
<td>Mala</td>
<td>2.7</td>
<td>2.7</td>
<td>2.7</td>
</tr>
<tr>
<td>7.</td>
<td>Dhobi</td>
<td>2.7</td>
<td>2.7</td>
<td>2.7</td>
</tr>
<tr>
<td>8.</td>
<td>Paraiyan</td>
<td>2.2</td>
<td>2.5</td>
<td>2.2</td>
</tr>
<tr>
<td>9.</td>
<td>Mahar</td>
<td>1.9</td>
<td>1.8</td>
<td>2.3</td>
</tr>
<tr>
<td>10.</td>
<td>Adi Karnataka</td>
<td>1.8</td>
<td>1.7</td>
<td>2.1</td>
</tr>
</tbody>
</table>

Source: Calculated from Census of India, Special Tables on Scheduled Castes, Registrar General, and Census Commission, India, 1971

Although there are as many as 612 such caste scheduled in different States of the country, yet more than half of the country’s total Scheduled Caste population (50.7 percent) was contributed only by 10 castes including than chamar (25.7 percent), Adi Dravida (3.8 percent), Pasi (3.7 percent), Madiga (3.4 percent), Dusadh Paraiyan (2.2 percent), Mahar (1.9 percent) and Adi Karnataka (1.8 percent).

Thus, about one forth of the total Scheduled Caste population of the country was contributed by chamar alone, while another quarter was contributed together by the nine Scheduled Castes listed above. 11

8.13 GROWTH OF SCHEDULED CASTE POPULATION:

During 1961-1974 the Scheduled Caste population of India increased from about 64 million to about 80 million, implying a growth rate of
(24.1 percent) when compared with the growth rates of general population (24.8 percent) and of non-Scheduled Caste population period, it explodes the population myth that Scheduled Caste population is growing more rapidly than the non-Scheduled Caste population. In fact, the growth rate of Scheduled Caste population is the lowest in comparison to that of general population, non-Scheduled Caste population and Scheduled Tribe population (26.2 percent) where it is true, that because of their social and economic backwardness, the Scheduled Caste population is likely to have high birth rate it is also likely that this segment of Indian society has a relatively high death rate as well. 12

8.14 RURAL URBAN DIFFERENTIAL:

Like the general population, the Scheduled Caste population of the country also exhibited rural – urban differential in its rate of population growth. While the Scheduled Caste population of the country side recorded a growth rate of 22.4 percent, its urban counter part recorded a growth rate of 38.9 percent during 1961 – 1971 (Table – 8.3). Since there is little to differentiate between the national rate of growth of urban and rural population in India, because comparatively low birth as well as death rates in urban areas. 13

<table>
<thead>
<tr>
<th>Area</th>
<th>Scheduled Caste population</th>
<th>General population</th>
<th>Non-Scheduled Caste population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>24.1</td>
<td>24.8</td>
<td>24.9</td>
</tr>
<tr>
<td>Rural</td>
<td>22.4</td>
<td>21.9</td>
<td>21.7</td>
</tr>
<tr>
<td>Urban</td>
<td>38.9</td>
<td>38.2</td>
<td>38.2</td>
</tr>
</tbody>
</table>

Table – 8.3
India: Growth of population 1961 – 1971 (in percent)

8.15 STATUTORY POSITIONS OF DIFFERENT STATES:

Andhra Pradesh:

The government of India (Scheduled Castes) order, 1936. In the district of Anantapur, Chittoar, Cuddapah, East Godavari, Guntur, Krishna, Kurnool, Nellore, Srikakulam, Visakhapatnam and West Godavari.


The Scheduled Castes and Scheduled Tribes Lists (Modification) Order 1956, throughout the State except Hyderabad, Mahbubnagar, Adalabad, Nizambad, Medak, Karimnagar, Warangal, Khammam and Nalgonda districts.


Karnataka:

The Government of India (Scheduled Castes) Order 1936. In the districts of Bellary, Mysore and South Kanara.

The Constitution (Scheduled Castes and Scheduled Tribes) Order, 1950. In the district of Bellary, Mysore and South Kanara. The Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956, throughout
the State except Coorga, Belgaum, Bijapur, Dharwar, North Kanara, Gulbarga, Raichur and Bidar districts.

The Scheduled Castes and Scheduled Tribes Order (Amendment) Act 1976, throughout State. Status of the caste in 1931 census: As depressed classes in the districts of Bellary, Mysore and South Kanara.

**Kerala:**

The government of India (Scheduled Castes) order, 1936: in Malabar district.

The Constitution (Scheduled Castes and Scheduled Tribes Lists) Modification Order, 1956 in Malabar districts.


**Pondicherry:**

The Constitution (Pondicherry) Scheduled Castes Order, 1964: throughout the Union Territory, till 1961, no caste or tribe was notified as Scheduled Castes or Scheduled Tribes in the union territory of Pondicherry under the Presidential Order Act, 1961 census, the list of Tamil Nadu (Madras) was followed in Pondicherry and Karaikal areas, the list of Kerala for mahe and the lists of Andhra Pradesh for yanam were followed.

**Tamil Nadu:**

The Government of India (Scheduled Castes) Order, 1936 throughout the State except Kanyakumari district and Shencottah taluk of Tirunelveli district.
The Constitution (Scheduled Castes and Scheduled Tribes) Order, 1950: throughout the State except Kanyakumari district and Sheneottah taluka of Tirunclvali district.

The Scheduled Castes and Scheduled Tribes Lists (Modification) Order, 1956, throughout the State except Kanyakumari district and Sheneottah taluk of Tirundveli district.

The Scheduled Castes and Scheduled Tribes Order (Amendment) Act, 1976 throughout the State.

Status of the caste in 1931 census: as depressed class throughout the State except Kanyakumari districts and Sheneottah taluk of Tirunelveli district.

8.16 SYNONYMS, SURNAMES, TITLES, ETC.:

Mala, Madiga and Pandrama castes now-a days prefer to call themselves Adi-Andhra in Andhra Pradesh. In Karnataka, the castes like Achhut, Adi – Jambava, Adi Hindu, Chambara, Jambavalu, Muttaranwaru, Panchama and Thotavaduare synonymous whereas in Tamil Nadu, the sweeper and thoti are other names used for them.

8.17 ETHNIC IDENTITY AND ORIGIN:

The caste name Adi Andhra is derived from Adi, meaning ‘from beginning’ or ‘original settler’ and Andhra refers to people from Andhra. Thus, term was coined in the beginning of the twentieth century in order to enhance the status and consolidate the self respect of the ‘untouchables’ in Andhra Pradesh. Around 1920, the Telugu speaking panchanamas in Andhra Pradesh adopted for the first time the name of Adi-Andhra as part
of a revivalist movement in the State and they wanted to be considered separate from the rest of the Hindus. 14

8.18 SOCIAL CHANGE AND MOBILITY:

The members of the caste have established an organization to work for their social upliftment. At the end of the nineteenth century, there was hectic Christian missionary activity among the Madigas and Malas who also identified themselves as Adi Andhras. This was counter availed later by the reform Brahmo samaj movement. Their leaders organized panchama association around 1919. Under the 1919 Act, two one of ten seats reserved for untouchables went to the Malas and Madigas. A change of the community’s name to Adi – Andhra in some what similar in its feature to the Adi – Hindu movement of Swami Achhutananda in north India during the 1920s. Anyway, the members of the Mala and Madiga. Ranchama castes of the Adi-Andhra caste have made considerable progress in the various aspects of their life in the recent decades. Yet, they have along way to go to achieve status similar to the people of other castes and communities in the areas of their habitation.

While these gruesome events reveal the persistence of the occasional, but darkest feature of the situation of the Scheduled Caste daily and routine life of the village registers fair amount of segregation and contentious treatment offered by the people at large. Panchayat members of these caste are “not permitted to sit on cots or carpets a long with their colleagues” a situation which is poignantly similar to that registered in some seventeenth century records hailing from Tamil Nadu. As a result more than 165 million
Dalits are condemned to a life of abuse because of their caste. The Centre for ‘Human Rights’ and Global Justice and Human Rights watch claimed in a report here ‘Prime Minster, Manmohan Singh was rightly composed “untouchability to apartheid” term originated from Afrikaans “separateness” fore surely in force in South Africa in the official system of segregation or discrimination on racial grounds, because there are two forces working in his world i.e., God and mana or mind. Mind always busy with the determination for his own benefits, which is destructive one and created caste, colour and creed for the poor people of the “Nam” as a class struggle theory based on Karl Marx idea i.e., have and have not God is have not, he needs love and affection of the mind, because it is his diet and food. Now, Manmohan Singh must have to turn his words in to action to protect the right of “Dalits”, word Dalit is a Vedic term composed of two wards dal + lit and accord Kalhana dal made with common pulse which cultivated under the name of mung or mudga is the phalus mango. It is not regarded as favourite dish to well to do people. It was common for the poor people which ‘Dal’ or in number called Scheduled Castes and Scheduled Tribes according to the concept of Dr. B. R. Ambedkar traditional Indian life is primarily based on a system of class division called “varna” in Hindu and in English called word (Lit. colour) as mentioned by Dr. Sudhakar Chattopadhyaya, it is past forces of the ‘light’ one must have right it in the present life which means ‘colourless’, ‘casteless’ applied to past society of Asoka or Maurayan period as mentioned by Dr. B. R. Ambedkar in ‘Indian
Constitutional’, which gives life and most the saints of the world called it “inner voice” or “Dalit voice”.  

Brahman cannot touch them, because Brahman is a bad power or black power, believe on the lust of money muscle power not on God. But untouchables are of nature’s race and are so bound with some what similar position of some other classes of the “Nam” or God “That they are best considered together in one context that of the endeavour of salving a ‘casteless’ classless society of the “Nam”, which an ancient idea of Scheduled Castes reflected in the Indian Constitution. As a matter of fact these charities were promoted by the best spirit of positivist social service which recognized it as a form of work ship of Gods’ of god in man (Narawrayana), they were also made available to all travelers without distinction of caste or creed in a spirit of universal brotherhood. They were not limited by sectarian or denominational consideration. But it is an unending dialogue, historians of a latter generation do not look forward to any such prospect. They expect their work to be suppressed again and again. They considered that knowledge of the past has come down through one or more human minds has been processed by them and therefore, cannot consist of element and impersonal atoms, when nothing can alter only word or nam. The exploration seems to the endless, and some impatient scholars take refuge in seeplism or at least in the doctrine that, since all historical truth i.e., Nam or Word or chamar called “Untouchable”, which one cannot touch without the ‘Pure thought i.e., call sudar in Sanskrit in English called sea or samudar’.  

15

16
VARIOUS STIPENDS:

Rural Talent Scholarships Scheme:

The objective of this scheme is aimed at greater equalization of educational opportunities by providing a fillip to the development of potential talents from rural areas by provided to them in good schools. Under this scheme, scholarships are granted to talented students from rural areas from classes VIII to XII. The total number of scholarships available under this scheme at present is 43,000 per year. Out of this 13,000 scholarships are reserved for the SC/ST students. The rates of scholarship range from Rs. 30 to Rs. 100 per month in accordance with the stage at which the student is enrolled and whether he or she is a hosteller or non hosteller. The selection of students under this scheme is done at two parts. In first part selection is made through an examination conducted at Block level. The selected candidates have to appear in a test at district level in the second part. Final selection is made with community development block as unit and the top students in the order of merits are awarded scholarships block wise.

Junior Research Fellowships:

The University Grants Commission organizes a national level test for recruitment to the post of lecturers and for the awarded of Junior Research Fellowship (JRF) to ensure minimum standards of the entrants in the teaching profession and research SC/ST candidate are given relaxation upto 10 percent of marks of the JRF test and all the SC/ST candidates qualifying for the JRF are awarded fellowship. If no vacancy is available for the five
years. Fifty JRFS are awarded every year in science and humanities including social sciences to SC/ST candidates who take the national eligibility test (NET) and qualify the eligibility test for lectureship.

**Research Associateships:**

The UGC awards associateships to carry out research in the field of sciences, humanities, social sciences, engineering and technology and Gandhian studies. The associateship is tenable initially for a period of three years and extendable further for another term not exceeding two years. The total number of awards under this programme is 260 every year out of which 40 positions are reserved for SC/ST candidates. The associateships are awarded in various slabs ranging between Rs. 2800 – Rs. 3000 – Rs. 5000 per month. The award also covers a contingency grant of Rs. 7,500 p.a. and Rs. 1000 pa for humanities and sciences subjects respectively.

**Research Fellowship in Engineering and Technology:**

The UGC awards 60 research fellowships every year in engineering and technology including agricultural technology, to undertake advanced study and research leading to Ph.D. the age limit for this award is 40 years which is relaxable by five years for SC/ST candidates.

**Teacher Fellowship:**

The UGC provides short term teacher fellowship of one year duration to enable teachers in affiliated colleges to do M. Phil. or Ph.D. teachers are given a living expense allowance of Rs. 750 per month and a traveling allowance to and from the Research Centre. A contingency grant of Rs. 5000
per annum for teachers in humanities and social science and Rs. 7500 per annum for teachers in science subjects is also provided under the scheme. Fifty teacher fellowships (20 for Ph.D. and 30 for M. Phil.) are awarded to teachers belonging to SC categories.

**National Talent Search Scheme (NTS):**

The NCERT operates a scheme of National Talent Scholarships identifying and nurturing talent at the post secondary stage. Under this scheme, 750 scholarships are awarded every year to talented students of which 70 scholarships have been reserved for the SC candidates, these are available from class XI onwards up to post graduates level.

**Scholarships in Regional Colleges of Education:**

All the Scheduled Castes students admitted to the course of educational and vocational guidance are awarded scholarships.

**ITIS Scholarships:**

A stipend is awarded to the SC trainers admitted to it. To supplement the government of India stipend. Some State governments like Andhra Pradesh, Himachal Pradesh, Madhya Pradesh, Maharashtra, Orissa, Tamil Nadu, Utter Pradesh, Delhi and Pondicherry have introduced their own schemes for award of scholarships/stipends to the SC students under taking studies in it. The rates of stipends however, differ from State to State.

**Apprentice Training:**

All apprentices received under the Apprenticeship Act, 1961 are paid stipends at the rate mentioned under Rule 7 of the Apprenticeship Rules, 1962. These range from Rs. 400 to Rs. 700 per month. The boards of
apprenticeship training make serious efforts to provide training facilities to all the applicants belonging to the Scheduled Castes even in excess of the quota earmarked for them. The candidates under the Apprenticeship Training Scheme are chosen by the industrial organizational establishments and necessary, guidelines are given to them to ensure selection of all the candidates who apply for training under the scheme. 17

For Study in Agriculture and Veterinary Sciences:

No less than 240 scholarships of Rs. 300 per month with a contingent grant of Rs. 750 per annum are given exclusively to the SC students to study at graduate level in agricultural and veterinary sciences.

Fellowships Awarded by ICAR:

Twenty per cent of scholarships are kept reserved for the SC students in Junior Fellowship, Senior Fellowship and Post Doctoral Fellowship Awarded by the Indian Council of Agricultural Research. These are for masters, Ph.D. and post doctoral courses respectively. 18

Post Matric Scholarships Scheme:

One of the most important centrally sponsored schemes under the backward classes sector in the scheme to award post matric scholarships to SC/ST students under taking their studies in recognized educational high tutors in India. The Elyperumal Committee on untouchability, economic and educational development of the Scheduled Castes regarded the post matric scholarships scheme as the most extensive in coverage and far reaching in significance in the educational advancement of Scheduled Castes.
The objective of this scheme is to provide financial aid to the SC students studying at post matriculation post secondary level so as to enable them to enquire higher education in college/university as well as through correspondence courses including distance and continuing distance and continuing distance and continuing education. This is an open ended scheme under which the number of beneficiaries is not fixed by the plan out lay and all the eligible SC students are given scholarships. The level of expenditure reached at the end of each plan period becomes committed and is hand over to his States. Only the outlays, over and above that level whether because of an increase in the number of scholarships or an increases in their rates, or both, are met by the Central government. Started during 1944, the scheme was meant exclusively for the Scheduled Castes and its implementation limited to the then British Indian provinces only. The scope of the scheme was extended in 1948-49 to benefit the Scheduled Tribes also. During the first year gets implementation 114 Scheduled Caste students got the scholarships and in 1948-49, the number of the Scheduled Castes beneficiaries was 647 and 84 respectively. Till 1958-59 the programme was implemented by the ministry of education, but with the rising number of scholarships and for quick disbursement of scholarships the post matric scholarships scheme is now implemented through the State governments/Union Territory Administrations. In accordance with the regulations framed by the government of India. The scheme was transferred from the ministry of education to the department of social welfare in January 1968 and after
that to the ministry of home affairs and it is now being administered by the ministry of social justice and empowerment which disburses funds to the States/UTS for the operation of the scheme. The post matric scholarships scheme includes maintenance allowance, reader charges for blind students reimbursement of compulsory non-refundable fees, expenditure on approved study tours and prefavation of their dissertation papers and book allowance for students under going correspondence course etc. 19

Central Schools:

Till 1976-77 no reservation of seats for the SC/ST students was available for admissions to Kendriya Vidyalaya. The Kendriya Vidyalaya Sangathan; however, decided to reserve 15 percent and 7.5 percent seats for the SC and the ST candidates respectively in respect of new admissions to Kendirya Vidyalaya with effect from the academic year 1976-77. The reservation quota was to apply to the total number of children given fresh admission in a Kendriya Vidyalaya at the start of a section and not to the fresh admission made in each class. Kendriya Vidyalaya Sangathan issued another institution to all the Kendriya Vidyalaya in August 1978 to make sure that the quota reserved for the SC/ST students was utilized to the maximum extent possible and for that purpose, issued the following guidelines.

1) The conditions of transferability of parents may be relaxed and children of even non transferable SC/ST employees may be admitted, where necessary.
2) If any examination is held for admission to Kendriya Vidyalaya candidate belonging to the SC/ST may be given a concession of five percent marks in the standard fixed for other candidates from the academic session 1979-91.

Following the guidelines of the Central government, almost all the State Government Union Territory Administrations have designed their own schemes for reservation of seats for the Scheduled Castes students in college providing general and professional educational and in technical institutions. In States/UTs like Arunachal Pradesh, Mizoram, Nagaland, Sikkim, Lakshadweep and Dadra and Nagar Haveli having predominantly Scheduled Tribe population and negligible or no population of the Scheduled Castes, no seats have been specially reserved for the SC/ST students. The percentage of seats reserved differs from State to State.

The highest being 20 in Haryana and the lowest two in Manipur in relation to the Scheduled Caste students. This wide variation is due to the fact that different States/UTs have different percent of SC population. In Central government institutions, the percentage is however, fixed and there is no vacation.

Besides the reservation of seats in the educational institution many States/UTs have also relaxed the eligibility extension. In most States/UTs a relaxation of five year percent marks is given. The actual position in respect of reservation of seats in the educational institution as also the relaxation in marks in marks in eligibility criterion for admission is different for each State/UT. 20
Different Scholarships:

Elementary education upto class VIII is free in all the States/LOTs. Opening educational institution is enough to attract students from general mass, but mere provision of schools and free education may not have similar impact on the SC/ST students on the educational front. To attract large number of the SC/ST students to join their studies apart from providing special incentives like supply of free inform, books, mid day meals, the scheme for providing stipend to the SC/ST student at pre matric classes is in vogue is many States/LOTs. The rate of stipend, however, is not uniform and in some States the schemes is meant for the SC girls only. Criteria income has also been linked in some States/UTs some States like Madhya Pradesh, Punjab and Rajasthan claim that these stipends are given to all the eligible SC students. The commission for the SC/ST recommended in his 27th report (1979-81) that this scheme of pre matric stipends should be made an open ended one like the post matric scholarships and all the eligible SC/ST students should be awarded scholarships. The working group on development of Dalits during the seventh five year plan (1985-90) also suggested that there should be provision of scholarships stipend to all children belonging to the Scheduled Castes with 100 percent coverage at all 40 per month. The working group on development and welfare of the Scheduled Castes during the eight five year plan (1990-95) also reiterated that all the Scheduled Castes children studying in pre matric classes should be given scholarships. It also recommended to give Rs. 60 per month for ten month in a year to indigent SC/ST families as an incentive for
sending their girls to the primary schools. Total cost for covering 51.41 lakh children would come to be Rs. 308.47 crore annually. The total requirement of funds under the scheme during the eight five year plan was estimated by working group to be Rs. 1542.37 crore or Rs. 1550.00 crore. 21

In Arunachal Pradesh, scholarships are given to pre university students of Rs. 100 pm for 10 ½ months in a year and Rs. 175 per month for degree course. The parental income ceiling is fixed at Rs. 1000 per month.

In Karnataka, the State government provides scholarships in the range of Rs. 40 to 75 per month to students whose parental income is less than Rs. 10000 per annum. This scholarship is admissible to those who are not eligible for the government of India post matric scholarship.

In Kerala under the post matric scholarship scheme of the State government the SC/ST students are provided a lump sum grant varying from Rs. 80 to Rs. 750 depending upon the course of study, plus a monthly stipend of Rs. 130 to those residing within eight kms and Rs. 150 to those residing beyond eight kms from the educational institutions. There is no income earning attached under this scheme. In case of hostellers, instead of stipend, actual boarding and lodging charges are paid under this scheme.

In Maharashtra, financial aid of Rs. 1000 p.a. is given to backward class students studying in medical and engineering courses. A maintenance allowance of Rs. 1200 p.a. is given to the backward class students residing in hostels attached to professional colleges.
Under the post matric scholarship scheme of the Sikkim government scholarships of Rs. 300 p.m. are awarded to students whose parents income is below Rs. 1000 pm. There is also a general scholarship in which 15 percent of the scholarships are reserved for the SC and 15 percent for the STs.

In Andhra Pradesh merit scholarships are awarded to top the students for post matric studies upto post graduate level based on the marks obtained in the annual examination since SC. Rates vary from Rs. 2000 p.a. to Rs. 6000 p.a. for boys and Rs. 2500 p.a. to Rs. 7000 p.a. for girls.

In Arunachal Pradesh, merit of scholarships of Rs. 50 p.m. are given in classes IX and X to those who figure in first 30 positions in class VII Rs. 75 p.m. in classes XI and XII to those who figures in first 20 position in class X and Rs. 100 p.m. for two years after XII for pursuing higher studies to those who have secured first ten positions in class XII/PUC. The parental income ceiling for this scholarship is fixed at Rs. 1250 pm.

In Haryana, merit scholarships are given the rate of Rs. 40 p.m., Rs. 50 p.m. and Rs. 60 p.m. in classes IX, X and XI respectively to the SC girls.

In Karnataka, the students who secure 60 percent marks and above are given additional scholarships of Rs. 75 p.a. in classes V to VII and Rs. 100 p.a. in classes VIII to X students who secured 50 percent marks and above but less than 60 percent marks are given additional scholarships of Rs. 50 p.a. in classes V to VII and Rs. 75 p.a., in classes VIII to X.

In Orissa, merit prizes are awarded to the SC/ST students based on matriculation examination results. A grant of Rs. 350 p.a. is awarded to Arts
and Commerce students and Rs. 450 p.a. for science students and students studying in diploma and degree course in engineering.

In Rajasthan, merit scholarships are given to one boy and one girls students from each Panchayat Samiti in the tribal sub-plan areas. Scholarship is awarded on the basis of marks obtained in class VIII examination. An amount of Rs. 1000 for the whole season is given to students admitted in selection schools and Rs. 500 to students in other schools. Scholarships in special subjects (Mathematics and Sciences) are also awarded to the students in schools located in the tribal sub plan areas, the rates of scholarships are Rs. 40 p.m. in class IX, Rs. 50 p.m. in class X and Rs. 60 p.m. in class XI.

In West Bengal special merit scholarship of Rs. 400 p.m. and Rs. 500 p.m. is awarded to the day scholars and hostellers studying in class IX and XII respectively.

In Andhra Pradesh scholarships to the SC students studying in convent/residential schools are pegged at the following rates. Class 1 to V @ Rs. 20 p.a. classes VI to VII @ Rs. 25 p.a. and classes IX to XII @ Rs. 30 p.a. The income ceiling is Rs. 12,000 p.a. or Rs. 1000 per month. 22

In Orissa, students admitted to public schools are given scholarships of Rs. 200 per month for ten month in a year.

In Sikkim, there is a general scholarship scheme for students in classes I to XI which four out of every ten scholarships are reserved for the SC/ST students. The rate of scholarship is Rs. 200 p.m. For the award of this scholarship there is an income ceiling of Rs. 1000 p.m.
In Andhra Pradesh, scholarships of Rs. 100 p.m. are paid in addition to the stipend paid by universities or government of India to students in post graduate courses like MD, MS, etc. students pursuing M. Phil., Ph.D. etc., but not in receipt of any other scholarship are given scholarship of Rs. 400 p.m. under this scheme.

In Gujarat, Bengi students studying in medical, BDS and ayurvedic courses and whose parents income is upto Rs. 15,000 p.a. are provided full scholarships from State funds at the rates of the government of India. In Mizoram, Ph.D. students who have completed M.Phil. are granted fellowships of Rs. 700 p.m., with Rs. 3000 p.a. as contingency grant. Those who have taken Ph.D. courses directly and those taking M. Phil. Course are awarded of Rs. 600 p.m. as research fellowship and Rs. 3000 p.a. as contingency grant.

That the enrolment of girls in schools is much below than that of boys was revealed in all the All India Educational surveys, including the six survey (1993). Some State governments have instituted scholarships for girls as an incentive to attract them to attend schools. These scholarships are meant to being the girls of school going age to school and to retain them there. In 1986, only 47,111 (6.40 percent) schools out of the total number of 7,35,771 schools in the country were awarding attendance scholarships to girls. 

23
8.19 CONCLUSION:

India has taken several steps to prohibit these steps constitutional provisions, guarantee, legislative enactments, and policy measures. A numbers specific provisions have been incorporated in the Constitution, safeguarding specifically the social, economic educational and political rights of the Scheduled Castes and Scheduled Tribes, including the protection of Civil Rights Act, 1955 and Prevention of Atrocities Act 1989 and the Employment of Manual Scavenger and Construction of Dry Latrine (Prohibition) Act, 1993 etc., and its national commission.

That the Constitution has abolished communal representation or reservation of seats in the legislative. Article 46 Directive Principles and special call in education and economic interests and the Constitution guaranteeing fundamental rights such provisions protecting minority and Article 14 guarantees to equality before law, or equal protection of laws, and Article 15 prohibits discussion on grounds of religion, race and caste etc., and further that Articles 330 to 342 makes provisions for safeguarding interests of Scheduled Castes and Scheduled Tribes, there are major constitutional safeguards for the Scheduled Castes and Scheduled Tribes.

**Article 15** – Prohibition of discrimination on grounds of religion, race, caste, sex, place of birth.

**Article 15 (4)** – Empowers the State to make special provision for the advancement of any socially and educationally backward classes of citizens or for Scheduled Castes and Scheduled Tribes.
Article 16 – Equality of opportunity in matter public employment but special provision for Scheduled Castes and Scheduled Tribes.

Article 16 (4) – Empowers the State to make any provisions for reservation in appointment of post 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.

Article 17 – “Untouchability” is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of “untouchability” shall be an offence punishable in accordance with law.

Article 19 – Protection of traffic in human beings and forced labour relevant to distances of bounded labour among Scheduled Castes and Scheduled Tribes.


Article 29 – Protection of interests of minorities religion, race, caste, language, no bar to admission in educational institutions.

Article 35 – Legislation to give effect to the provisions relating to fundamental rights.

Article 38 – State to secure a social order for the promotion of welfare of people.

Article 243 – D – Reservation of seats for Scheduled Castes and Scheduled Tribes in panchayats.
**Article 244 and 399** – Administration Scheduled Caste areas and tribal area and control of the union over the administration of Scheduled Castes areas and the welfare of the Scheduled Tribes.

**Article 330** – Provides for reservation of seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha.

**Article 332** – Provides for reservation of seats for Scheduled Castes and Scheduled Tribes in the State Vidhan Sabhas (Legislative Assemblies).

**Article 335** – Claims of Scheduled Castes and Scheduled Tribes to services posts.

**Article 338** – National Commission for Scheduled Castes and Scheduled Tribes.

**Article 341 and 342** – List of Scheduled Castes and Scheduled Tribes.

Each of these sections begins with an introduction so as to highlight some of the issues related to the matter presented there in. We have given presented the major constitutional safeguards for the Scheduled Castes and Scheduled Tribes. This is given them to reiterate the fact that the demand of the Scheduled Castes for special provisions is in line with the directive of the Constitution of India.
REFERENCES:


5. Ibid, p. 663.


15. Ibid, pp. 401-402.


