CHAPTER IX

CONCLUSIONS AND SUGGESTIONS

The practice of untouchability is almost as old as our civilization. Throughout the ages, efforts were made to bridge the gulf between the two classes by educationist social reformers. However, it is wrong to treat the abolition of untouchability as a mere legal or constitutional question to be solved by courts. The task of the eradication of the evil is the responsibility of all sections of the society.

Today the scheduled castes are split up into many subcastes appearing in separate groups and subgroups in many states region and village. Official list of the scheduled castes first published by the government in the early 1930s was revised and reissued by the government of India. Now, there are about 1106 of these castes.
Any civilized, democratic and socialistic pattern of society strives for social equality. The government of India announced a number of welfare measures as part of its object of attaining socialist pattern of society. Various legislations were enacted in this direction in addition to the existing constitutional provisions.

Hence it is decided to test the following hypothesis: "Achievement of social equality and eradication of untouchability are still the ideals despite the incorporation of various provisions relating to social equality in the constitution and enactment of Social legislations and introduction and implementation of educational, economic, political, cultural and religious measures regarding upliftment of the downtrodden".

Against this background an attempt is made to carry out the Socio-legal study on, "constitution, law, social equality and reality in India with reference to untouchability". The study aims at testing the above hypothesis.
The present study assumes greater significance as it deals with two important aspects viz., Social and legal and throws light on the changing shape of the problem over the period.

Recourse is made on primary data and information relating to public opinion on the extent of social equality and practice of untouchability. Interview method is adopted for the purpose of collection of primary data. Another method adopted is collection of secondary data and information regarding social equality and untouchability from the records and publications.

It is felt that there is greater need to study the reality of the social equality and practice of untouchability, in the light of constitutional provisions, Social legislations and introduction and implementation of various welfare measures from time to time.
"Ambiguities and loopholes of the Acts, weak and restrictive interpretation, may result in ineffective implementation of constitutional protections and beneficial legislations. Evaluation of anti-disabilities legislations is not easy in the absence of reliable data of the favourable changes in the life and conditions of untouchables. Compared to rural areas there is reduction in suffering of disabilities of untouchables in urban areas. Mere constitutional provisions and statutory protection by themselves do not eradicate untouchability. Initiative of the local police, sympathy of local Magistrates, legal consciousness of the untouchables to press their claims, availability of organisations and associations to play a dynamic role in the enforcement of laws, and general change of outlook in other sections of the society will facilitate the realisation of goals of the establishment of a new society with equality, justice and liberty as enshrined in our constitution".  

"Indian Society for centuries is suffering from the curse of cancerous castesism sapping the vitality debilitating the vitals of the nation by myriad forms affecting adversely the political, economic and the social dimensions resulting in stagnation and decay of our glorious ancient civilization. The origin of the inflexible caste stratification of our society may be obscure, but the irrational continuation with acceleration of its evil consequences right into the 20th century is a glaring reality. The Harijans or the untouchable or the Scheduled Castes constitute the unfortunate scum, social fall out and also the unwanted and product of the social dynamic and statics operated by the exercise of the prerogatives by the minority of the upper strata of our society".1

"Law, Justice and Society are highly emotive terms for all in spite of the absence of agreement in the determination of the content of their connotation. Though they are different, they are closely related to each other. The continuance of law from times immemorial is a vindication of its necessity for the society. All civilized states believe in the administration of justice according to law. Modern society cannot survive long without law and law becomes an instrument of tyranny and collapses without justice as it's raison'd'être. But the connotation of these terms and their operation are subject to the changes that occur in the life of a community, though an extremely limited core remains unaffected."\(^1\)

Modern societies provide citizens with greater social and political rights, a higher standard of living, more leisure and better vocational opportunities and high

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quality of work life. Like fundamental rights in

general, equality belongs to those concepts that re-
sists standardisation while remaining open to a range
of interpretation. Equality is a derivative value.

It is derived from the supreme value of the develop-
ment of personality in each alike and equally but each
along its own different line and on its own separate
motion. Equality is the beginning and not the end.

All men are naturally in a state of equality. Thus

equality is a word of passion and power. The prin-
ciple of equality means that the state treats all legal
persons as equal in its presence or in the eye of the
law. Legal equality is by its nature something diffe-
rent from general or absolute equality. The state gu-
arantees men equal rights in its polling booths and
courts of law but these rights cannot be effectively
enjoyed on equal terms unless personal capacity is made
more equal by an open system of state education, bring-
ing absolute economic equality and the same level of
social status. Yet more equality in all these res-
pects-personal capacity, economic resources and social
positions - is only a means and can be enforced by the
state in so far as it is a means, to the securing of
effective legal equality.
The Vedas and Smritis have spoken highly of equality and brotherhood. The philosophical implications of this formulations is that the whole world is a family. This is the motto of Vedic civilization. In Bhagavadgita, Lord Krishna too had spoken the equality of all souls. The Vedic age of pre-Manu times was more liberal in its attitude in providing equal status to the people. During Smriti period the central concept emphasized in social order was that of Dharma. The notion of equality therefore is not that everyone should have equal rights but that each one should have the rights of his status in life and perform his duties accordingly. Right from the beginning of 19th century there have been efforts by enlightened Indian philosophers to bring about social reforms. The important among them are Raja Rama Mohan Roy, Tilak, Mahatma Gandhi, Jawaharlal Nehru, Dr. B.R.Ambedkar etc., According to Mahatma Gandhi all must have an equal opportunity, giving the opportunity, every human being has the possibility of spiritual growth. He felt that untouchability is not the sanction of the religion and he wanted to be reborned as an untouchable to experience and share the agony of being an untouchable.
Afterwards Jawaharlal Nehru declared that today politics have ceased to have much meaning and the most vital question is that of social and economic equality. He was of the view that a democracy means equality and democracy can flourish in society based on equality. With the movement of time the notion of equality which was conferred merely to social and political thinking became a matter of legal consideration.

The dimensions of equality include social equality, economic equality, political equality, spiritual equality, natural equality and civil equality.

Social equality denotes the kind of mutual courtesy and respect which men show one another when each feels the others to be as good as himself, a respect which stands between condescension on the one hand and subservience on the others.

Economic equality is not a programme of the prosperity of an individual or some individuals in particular but aims at the improvement of economic position of all the downtrodden.
Political equality consists of the ability and liberty of the individual to share directly or indirectly in the administration of each body or institution serving his needs.

The constitution has abolished inequality based on caste system and there is now complete spiritual equality. A superior caste man has no rights greater than an untouchable.

According to the theory of natural equality all men and women are naturally, substantially and potentially equal in terms of physical and mental abilities. By civil equality is meant legal equality. The possession of equal rights in the sphere of private law by all the members of a given body politic.

The philosophy of social equality and justice is based on humanitarianism, liberation and democracy. Social equality and justice are to be evolved through the rule of law. Social equality leads to social security as it provides employment benefits. Justice means
the harmonious balance of the ego centered nature of the man and the good of the society. Social justice is the harmonisation of the rival claims and interest of different groups and sections of the social structure by means of which alone, it is possible to build-up a welfare state.

The constitutional concept of equality is based with the problems arising out of the balancing of diverging principles relating to equality. There are five articles dealing with the right to equality under the fundamental rights viz., Arts. 14 to 18.

Traditional Hindu society was hierarchical and male dominated. Inequality arises out of some form of domination. It is the social or power relationship characterised by domination by an individual by a group or class over the others.

The inequalities in India are based mostly on the castes. The earliest reference to caste occurs with the Rigveda. According to Purusha Sukta, Brahmin came
from the mouth, the Kshatriya from the arm, the Vysya from the thighs and the Sudra from the feet of the Supreme purusha. The varna order as represented by Manu was widely accepted. The murder of a Brahmin was considered as Mahapataka (Mortal sin). Marriages were classified according to hierarchy of castes. A Brahmin could take not only a Brahmin wife but a Kshatriya, Vysya and Sudra. The varna notion and the classification of marriages propounded by Manu found unquestioned. Apart from varna hierarchy there are groups among Sudras who are condemned as untouchables. In many areas they were regarded as being outside the varna system and designated as parichamas. Untouchability did not exist in Vedic times but the practice itself started during the Smriti period.

The causes for the practice of untouchability are varied. First, the off-spring of a Brahmin woman and Sudra was considered as untouchables. Secondly those engaged in unclean occupations were treated as untouchables. Thirdly, certain persons belonging to different religions were considered as untouchables. Fourthly, persons guilty of certain acts were treated as untouchables.
The practice of untouchability is a unique feature of Hindu social life and it is an assumption that it is a corollary of the institution of caste system in Hindu society. It has proved to be a greater curse than slavery and gave rise to many social injustices and inequalities. Unfortunately it has received religious sanction in India. It is a complex social and cultural phenomena. It is undemocratic and against all concepts of socialism and national integration. Though legally it has been abolished it still prevails and is practiced. It will indeed be a miracle if it could be eradicated totally in a century.

Despite the abolition of untouchability the social disabilities of untouchables have not disappeared. The religious sanction to untouchability forced most of the untouchables to convert themselves into Buddhists, Christians, etc. Dr. Ambedkar, the crusader against untouchability left Hinduism and adopted Buddhism along with large number of untouchables.

Still more alarming problem of the untouchables is their social backwardness. Untouchables cannot be
segregated ethnically, religiously from other social groups. Segregation prevailed over the globe but its magnitude and the causes vary from country to country. The unequal status of Negroes in USA is due to the fact that whites have greater access to economic privileges and political power. But the case is different in India. Despite the fact that studies of the caste system and stratifications have been the most dominant theme for philosophers in India, the varying perspectives in which they have been studied created a lot of confusion.

The PCR Act deals with untouchability, over looking its roots, the caste system. Similarly various studies on social equality and untouchability as mentioned earlier did not study the problem from its right perspective in view of the crucial factor of the caste hierarchy, which is the base for untouchability.

Man-made barriers carved in the name of caste, creed, social status or sex and practised in our society must be erased in free India. Ancient scriptures could not be allowed to be misinterpreted and exploited by a handful or self-seeking priestly clans for their selfish ends.
In view of above it can be said that of all the available strategies for the improvement of the status of the scheduled castes, it is the protest movement by the scheduled castes themselves which has the greatest possibility of success. It is also suggested that the problem of scheduled castes should be viewed in a global context rather than in a parochial cultural context. Whether a Negro, or a scheduled caste, they all share in common the deprivation of privileges and power.

The institution of untouchability is one of the most painful and difficult social problem of the civilized history of mankind. This institution is less than segregation gone mad. The institution dated back to thousands of year and fight against it is also thousands of years old. Ambedkar interpreted the problem of untouchability to the origin of Buddhist religion. The Buddhist reform movement constitutes the earliest stage of fight against untouchability.

The fight against untouchability entered into its second stage when there was most inhuman treatment and intolerable oppression. Sikhism was the most notable out come of this stage.
The reformists movements launched by Brahmo Samaj, Arya Samaj, Ramakrishna Mission and the Bhakti movement launched by Kabir, Ramdas, rebelled against Brahminical supremacy and rejected the inferior status accorded to the untouchables by Hindu scriptures.

The advent of British rule in India caused the emergence of new social classes. It brought the christianity into the Indian religious and social system. Thus the third stage of fight against untouchability began with the arrival of christian missionary.

The last stage constitutes the Gandhi-Congress crusade against untouchability because it is a movement not only for social reformation but also a struggle for national emancipation. Gandhi fought against untouchability as no one had done before. The more important factor was Gandhi not only preached but also acted against untouchability. He led the congress in its fight against untouchability. He declared that "if I was the only person to resist this thing, I will resist with my life". The central purpose of Gandhi's life was to free the untouchable. He was the person who gave them the beautiful and significant name Harijan (Children of God).
Ambedkar also contributed a lot both positively and negatively. Untouchability which has taken such deep roots in Hinduism is altogether irreligious as the so-called untouchables have an equal place in the temples and ashrams with the result of the fight by Gandhi.

The result of the Gandhian movement was enactment of various legislations to enable the Harijans enter into temples in various provinces.

Thus, until the time of Gandhi, the initiative for crusade against untouchability rested with the higher castes. Political in origin, the movements for the eradication of untouchability were genuine and sincere, based on the idea of human equality. These reformatory movements have been historic landmarks in the liberation of the untouchables.

Soon after independence, Gandhiji's ideas were translated into the constitution and other legislative enactments, as he intended to bring some legislation to
lay down the law prohibiting this evil practice. Now the constitution abolishes this practice and the Protection of Civil Rights Act, provides punishment for enforcement of any disability arising out of untouchability. The Scheduled Castes and Scheduled Tribes (prevention of atrocities) Act 1989 is another recent legislation to prevent atrocities on Scheduled Castes and Scheduled Tribes.

Thus, the constitution which came into force in 1950 had abolished the practice of untouchability. The problem of untouchability is dealt in the constitution in two fundamental ways. Firstly, by providing to meet more effectively the social problems of untouchable castes, the evil practice with in the scope of Article 17. Secondly, by providing special privileges and reservations in educational, economic and political fields to scheduled caste and schedule tribes with the intention of uplifting them. The preamble of the constitution of India through its objectives socio, economic, and political justice; liberty; equality of status and opportunity and fraternity inspires the abolition of untouchability.
Article 17 being a provision of fundamental right confers certain privileges to the untouchables. This provision is enforceable at the individual initiative. Now because of the guarantee of this fundamental right, the untouchables can refuse to be subjected to any discriminatory, derogatory or exploitative practices. Article 15 of the constitution strictly prohibits discrimination on grounds of religion, race, caste, sex etc. Article 15(2) provides that any citizen on grounds of religion, race, caste, sex, place of birth or any of them shall not be subjected to any liability, restriction or condition with regard to (a) access to shops, public restaurants, hotels and places of public entertainment and (b) the use of wells, tanks, bathing ghats roads and places of public resort maintained wholly or partly out of state funds or dedicated to the use of the general public.

Under Article 29(2) any citizen shall not be denied admission into any educational institution maintained by the state or receiving aid out of state on
grounds only of religion, race, caste, sex etc., In addition to the above the state has also made special provisions for advancement of schedule caste and schedule tribe.

The Protection of Civil Rights Act makes enforcement of any disability arising out of untouchability an offence and the offences are made cognizable and triable summarily. Despite the various provisions of the protection of Civil Rights Act various atrocities are being committed against the untouchables and their position remained vulnerable. They are denied number of civil rights and subjected to various offences, indignities, humiliations and harassment.

Further the untouchables, in several brutal incidents have been deprived of their life and property. Serious crimes are committed against them for various historical, social and economic reasons.

The existing laws like the Protection of Civil rights Act, 1955 and some provisions of the Indian Penal Code have been found to be inadequate to check these crimes and a special legislations to check and deter crimes
against untouchables (SCs & STs) had been brought into existence viz., The schedule castes and schedule tribes (Prevention of atrocities) Act, 1989. This Act aims to prevent atrocities against Scheduled Castes and Scheduled Tribes, provides for special courts, trial of such offences and relief and rehabilitation of the victims of such offences.

The judiciary has to consider the changing conditions in the society and give validity of the laws for the upliftment of the downtrodden. The important problem with which the judiciary is concerned is about the meaning of untouchability and the scope of its application. The judiciary has to tackle this problem because of absence of definition of untouchability either in the constitutions of India, 1950, The protection of Civil Rights Act, 1955 or the Scheduled Caste and the Scheduled Tribes (Prevention of atrocities) Act, 1989.

A single Judge of the Mysore high court in Devarajayya Vs. Padmanna (A.I.R.1956, Mysore, P.84)
made an attempt to define the meaning and the scope of untouchability. According to the Mysore high court the word untouchability has reference to the practice of untouchability towards those groups of persons, who in the course of historical development, were relegated "beyond the pale of caste system on grounds of birth". By this phrase "the practice of untouchability" the Mysore High Court seems to suggest rather obliquely that the word untouchability has reference to groups of persons found outside the four castes (varnas) of Sanskrit law books.

In people's union for Democratic Rights Vs. union of India (A.I.R.1982, S.C.1473) the Supreme Court held as per the constitution of India Article 17, whenever a fundamental right which is enforceable against private individuals such as for example a fundamental right enacted in Art.17 is being violated, it is the constitutional obligation of the state to take the necessary steps for the purpose of interdicting such violation and ensuring observance of the fundamental right by the private individual who is transgressing the same. Of course the person whose fundamental right
is violated can always approach the court for the purpose of enforcement of his fundamental right, but that cannot obviate the state from its constitutional obligations to see that there is no violation of the fundamental right of such person, particularly when he belonged to the weaker sections and is unable to wage a legal battle against a strong and powerful opponent who is exploiting him.

In Surya Narayana Choudary Vs. State of Rajasthan (A.I.R.1989, Raj.99), the practice of purification of Harijans prior to entry intemple of "Shri Srinathji" near Udaipur, was questioned with reference to Articles, 14,15 & 17 of the constitution of India and the Narathdara Temple Act. It was held by J.S. Verma and Farooq Haran, J.J., that the practice of Harijans being permitted to enter the temple of Srinathji after being purified by requiring them to wear "Kanthimala and Sprinkling" them with "Ganga Jal" (Ganges Water) and giving them thulasidal prior to entry in the temple amounts to preaching untouchability and is also discriminatory.
An analysis of the several cases decided by judiciary confers that the courts are given full powers under the constitution of India. The Protection of civil rights Act and the Scheduled castes and Scheduled tribes (Prevention of atrocities) Act, 1989 to prescribe punishment for preaching and practicing untouchability, for the enforcement of any disability arising out of the practice of untouchability and for commission of any atrocity on untouchables. The judiciary has to play an important contributory role to prohibit the evil practice of untouchability in the present day society.

As stated earlier the untouchables largely belong to the outcastes and further divided into various subcastes. The President may in consultation with the Government of a state by a public notification specify the caste as scheduled castes. Since after the commencement of the constitution, on 26th January, 1950 the President has issued a number of notifications in accordance with the provisions of Art.341 of the constitution. The constitution of India provides for socia-
rning equality of status and opportunity to all citizens. Art. 46 of the constitution of India incorporated in Chapter IV, the Directive Principles of State policy, provides for promotion of educational and economic interest of Scheduled Castes and Scheduled Tribes.

The directive principles of State policy can be enforced by enacting a legislation giving effect to the directive principle enshrined in Chapter IV of the constitution.

Any special provision for advancement of educational and economic interest of scheduled castes cannot be frustrated by Judiciary in opposition to the principles of state policy.

As a result of the First Amendment Act to the constitution seats may be reserved by the State in educational institutions for Scheduled Castes and Scheduled Tribes and backward classes considered by the state to be socially and educationally backward. Consequently various measures were taken to provide encouragement to the untouchables. Seats in educational institutions are
reserved to the candidates belonging to Scheduled Castes and Scheduled Tribes. In addition, various other facilities like pre-matric and post-matric scholarships, free boarding and lodging, pocket money to meet the miscellaneous expenses and special scholarships to pursue higher education, are provided to the Scheduled Caste and Scheduled Tribe Candidates.

Similarly priorities are accorded under National Rural Employment Programme (N.R.E.P.) and Rural Landless Employment Guarantee Programme (R.L.E.G.P.) Construction of school buildings, encouragement for the promising young people residential school including Ashram Schools are the important measures provided to develop untouchables educationally.

The mere provision for facilities is not just adequate for eradication of untouchability. What is important is implementing them more effectively. With this view the data collected for this purpose is analysed. It is observed that the percentage of S.C. students to total at the primary level increased from
13.45 to 15.64 during the period 1978-79 to 1982-83. Similar observations are also made regarding the percentages of S.C. Candidates to total at middle and high school levels.

However it is noted that the enrolment ratios of Scheduled Castes and Scheduled Tribes students in 1983 shows a discouraging trend.

Hence it is suggested that compulsory child education should be made among the untouchable groups. Educational allowance, should be provided in addition to the facilities already given by the Government for untouchables so as to compensate the loss caused to parents in educating their children. The reason for this is that every child of an untouchable family is a working force and assist in maintaining of the family.

The Government with a view to offset the declining trend has provided for a special component plan (SCP) for education of Scheduled Castes and Scheduled Tribes. It is observed that the outlay for SCP was the tune of Rs.6,799.15 lakhs during 1980-85. This
figure for the year 1981-82 was ₹4,947.26 lakhs. These funds are outlaid for university and higher education, adult education, scholarships, physical education, youth services and technical education.

This analysis shows that though the government provided huge resources, the results are not encouraging. This is probably due to leakages in funds or ineffectiveness of the machinery in administering government programmes, in addition, lethargy of untouchables in pursuing higher education. Hence it is suggested the government has to wipeout the lethargy by motivating the untouchables for pursuing higher education in addition to alarming its machinery and sealing the leakages in funds. The government in addition to educational facilities for enabling the untouchables to qualify themselves for employment has also provided a facility of reservations in employment. In addition to reservation of positions, relaxations were also provided in terms of educational qualification, experience, requirement skill, requirement age etc., in order to see that the vacancies
reserved for them would be filled. The government in addition to reservations at the initial stages of appointment have also provided reservations in promotions which caused much frustration among the existing employees of upper castes. This is because of affecting their seniority and promotional chances and lack of administrative insubordination even by junior Scheduled Caste and Scheduled Tribe employees towards their senior employees. Consequently reservation at the stage of promotions were challenged in Supreme court but the court had ruled that reservations can be provided at the promotional stage also.

In pursuance of the Directive principles of state policy the state has the duty to promote with special care the welfare of untouchables.

By virtue of reservations the percentage of Scheduled Castes and Scheduled Tribes in various Central Government increased during the period 1981-82. The percentage of Scheduled Castes employees to total regarding group-A services increased from 1.64 to 5.71 during the period 1965-1983. The figures
relating to Scheduled Tribes increased from 0.27 to 1.41 during the same period. This percentages relating to group-B services increased from 2.26 to 10.16 during the same period. In case of group-C it increased from 8.36 to 14.61 and in case of group-D it increased from 17.75 to 19.58. It is observed that this percentage is much lower compared to the percentage of reservations in case of group-A and Group-B services. This is much lower in case of Scheduled Tribes. The reason for this trend might be lack of required education to these communities and filling of the vacancies from away the reserved communities with the contention that they are not fit to the job etc.

The percentage of Scheduled Caste employees in total in various public sector undertaking increased from 9.9 in 1972 to 18.7 in 1982. Similarly the percentage of Scheduled Tribe employees increased from 3.1 to 8.5 during the period. The percentage of group-A scheduled caste employees in various public sector undertaking increased from 1.19 to 3.93 during the period 1974 to 1984. This percentage in case of
Scheduled Tribe employees increased from 0.26 to 0.89 during the same period. It is further observed that the percentage of group-B employees relating to Scheduled Caste and Scheduled Tribe category was less than their due share during the period. But this percentage in case of group-C scheduled caste employees increased from 13.15 to 18.23 and in case of Scheduled Tribe candidates it increased from 5.30 to 8.65. Further group-D Scheduled Caste and Scheduled Tribe employees were 27.37 and 15.13 respectively in 1984.

The percentage of Scheduled Caste professors in Universities to total was only 0.42 whereas in case of Scheduled Tribe it was 0.12 in the year 1981. But this percentage was higher in case of lecturers and non-teaching staff.

This may be due to lack of higher education in these communities. Hence it is felt that the government measures in developing the untouchables educationally are futile which in turn adversely affect the development of untouchables in securing employ-
ment. Hence it is reiterated that the government should implement the educational programmes sincerely and whole heartedly.

It is further felt that the low percentages of S.C. and S.T. Candidates at the higher level might be due to non-filling of the vacancies from among them as they are not suitable to those positions. It cannot be suggested that these positions should be filled only among them despite their unsuitability. Hence it is suggested that the government should develop them through special training programmes and make them fit to the positions reserved for them.

Further, it is suggested that, to achieve socio-economic equality of the untouchables on par with superior castes reservations should be carried out both in public and private sectors until a balance is maintained.

More seats should be reserved for the untouchables in the legislature. Some may contend that this violates the democratic principle of equality, but the
people who have been deprived of equality for hundreds of years need some privileges inorder to restore them to the general level. Once they become equal to the superior castes, the privileges will no longer be necessary.

The constitution extends political equality to the Scheduled Castes and Scheduled Tribes. The provision for representation on reservation basis in parliament and state legislatures are made in Art 330 and 332. The principle of representation by reservation was accepted initially for 10 years. However it has been maintained by successive constitutional Amendments respectively till expiration of a period of 50 years from the commencement of constitution. In addition to reservations in parliament and various state legislatures, some states have provided reservations in Municipalities, gram panchayats etc.,

But it is felt that the percentage of these reservations is lesser than the Scheduled Caste and Scheduled Tribe population. Hence it is suggested to reserve in parliament, state legislatures and local
bodies more number of seats in order to develop the untouchables politically.

The government with a view to develop the untouchables economically and to meet the expenditure of various programmes had created a special component plan (SCP). It is observed that the percentage of S.C.P. outlay to total plan outlay was highest in case of Tamil Nadu (14.54) followed by Karnataka, Uttar Pradesh and Andhra Pradesh in the year 1982-83. This percentage is highest among all the states and Union territories. But this percentage was highest in case of Andhra Pradesh (15.85) in the year 1984-85. The state of Andhra Pradesh stands first not only in terms of percentage but also in absolute figures. In addition to special component plan outlay of State Government, Central Government also provides special central assistance (SCA) to state governments with a view to enable them to meet the expenditure on SC & ST programmes. The assistance to all state governments increased from ₹12,000 crores to ₹13,000 crores during 1982-83 to 1983-84. The SCP outlay of all
states during the period 1985-86 was ₹1,101,20 crores out of the total plan outlay of ₹12,992,72 crores. It is further observed that the SCP outlay in terms of absolute figures as well as percentage to total has been increasing from year to year. This shows the increasing concern of the government towards the upliftment of untouchables.

It is clear that the flow of funds to Tribal sub plan (TSP) in the year 1985-86 was ₹1,10,4001 lakhs. The percentage of the flow to TSP to total state plan outlay was 9.14 whereas the percentage of S.T. population to total was only 7.76 in the year 1986. This shows the much concern of the government towards the development of scheduled tribes. The special central assistance was released to Integrated Tribal Development Plan (ITDP) for the tune of 11,941 lakhs in the year 1985-86 followed by modified area development approach (MADA). The increasing plan outlay for SC & ST should have resulted in assisting more number of SC & ST families economically. It is observed that 1,96,490 families were assisted economically and they were brought above the poverty line in the year 1985-86.
In addition, the government initiated the formation of Schedule Caste Development Corporation (SCDC) which increased funds from Rs.710.55 lakhs in 1978-79 to Rs.1454.21 lakhs in 1984-85.

This analysis shows that government have been providing huge financial resources to the development of SCs & STs. These outlays in its turn might have helped the government machinery to formulate various programmes to uplift the untouchables.

Though the P.C.R Act, 1955 made practice of untouchability a cognizable offence, it has not been able to remove the practice in any way and the condition of untouchables has only been marginally improved during last four decades, since independence. The inhuman and degrading status of the untouchables still remains as it was. It would be seen that both the classes have an aversion to co-operation, conciliation and compromise. Seeing that the Act had not the desired effect during its fairly pendency, with a view to remove the lacunae found in its implementation, the Act was further amended in
1976, and the penal provisions therein have been made more stringent.

In addition to formulating and administering various financial programmes the government is keen on effective enforcement of the PCR Act (Protection of Civil Rights Act). The enforcement of the Act can be studied through the number of cases registered and number of cases disposed of. It is that the total number of cases registered under the PCR Act marginally increased from 3722 in 1978 to 3753 in 1979 but the number of cases declined from 4082 to 2496 during the period 1982-1985.

It is observed that 17.47% of the total cases are pending with the police, 64.80% of the cases are pending disposal and 67.55% of cases are pending in courts. It shows that the higher percentage of the cases are pending in courts. It is further observed that the number of cases disposed of by police declined from 3847 in 1981 to 2522 in 1984. Similar observations are also made regarding the cases disposed of by the courts. This is probably due to the impact of the enforcement of the PCR Act.
The number of offences against SCs and STs dwindled from 15081 in 1982 to 15017 in 1985. Offence wise breakup of atrocity cases shows that the number of cases relating to murder declined from 514 to 489 and the cases relating to violence came down from 1427 to 1357 but the number of cases related to rape went up from 634 to 674 during the period 1982 to 1985.

It is clear from the above analysis that the government machinery is effective in implementing the PCR Act as the number of cases registered under the Act declined significantly during the period except pending of the cases in the courts. Hence it is suggested that the authorities concerned should take steps for the early disposal of the cases pending in courts so as to enable the government to implement the Act more effectively.

In addition to the above measures the Government have also been taking steps to identify, free and re-habilitate the bonded labour - the lowest in the hierarchy even within the untouchables, who are much back-
ward socially, economically and otherwise. It is observed that 1,20,561 and 1,44,930 bonded labourers were identified and freed in the years 1980 and 1982 respectively. The number of bonded labour rehabilitated declined from 95,457 to 84,269 during 1980 to 1982. This shows that though the government machinery is effective in identifying and freeing the bonded labour, it is ineffective in rehabilitating which is a lynch-pin to them.

An analysis of the tables relating to the efforts of administration shows the government machinery in rehabilitating the bonded labour is not playing an effective role. This might be due to the least importance given to this category of people by the government machinery.

To conclude it is said that though the government have been increasing the flow of funds for welfare of Scheduled Castes and Scheduled Tribes it is criticised that they are not adequate compared to the demand for successful implementation of these programmes.
Similarly it is observed from the above analysis that though the government have been implementing P.C.R. Act and other legislations, it could not completely control the untoward incidents.

Further analysis of the role of the government clears that though the government have taken steps to provide reservation in educational institutions, it seems the machinery of the government is not serious about upliftment of untouchables educationally. It is evident from the fact that the representation of Scheduled Castes and Scheduled Tribes, particularly in higher classes of employment in central government services and public sector has been lesser than what it is supposed to be. One may argue that this may be due to lack of interest in Scheduled Castes and Scheduled Tribes candidates in higher positions. It cannot be the case, when a candidate is qualified to higher position. Hence it is suggested that first the government should whole heartedly implement the existing provisions relating to educational upliftment which in turn gives scope for economic development of untouchables as they can secure decent positions.
However the reality regarding educational and employment development of untouchables can be evaluated after analysing the opinion of untouchables relating to these measures.

As stated earlier the government provided reservation for Scheduled Castes and Scheduled Tribes in elections with a view to develop them in all respects. It is to be evaluated basing on the level of satisfaction the untouchables derive from these benefits.

The overall analysis of efforts of administration clears that the efficiency of the government machinery in enforcing the PCP Act is not clearly evident. Further, though there is an increasing trend in the outlay of government for purposes of Scheduled Castes and Scheduled Tribes, its utility cannot be evaluated just on the basis of either absolute figures or percentages. It can be judged on the basis of degree of benefit derived by the untouchables. Hence an opinion of untouchables is necessary to evaluate the reality from its strict sense.
The fact that untouchables in the country are facing diverse problems is well established. The removal of untouchability has to be based on an integrated approach and not in isolation. As such this problem in the country is tackled by various organs of the government. One need not be enthusiastic in assessing or evaluating the reality of practice of untouchability since the government itself seems to be dedicated in solving the problem. But the problem is intricately involved in various social and religious consideration which are out of the control of the government. Hence it is felt that the public opinion should also be considered before concluding on the reality of the untouchability. It is viewed that many untouchables are not aware of the Art.17 of the constitution, PCR Act, 1955 and the Scheduled Caste and Scheduled Tribe (Prevention of atrocities) Act, 1989. It is also felt that many of the untouchables are also not aware of various educational, economic and political measures of the government for their upliftment.
In view of these observations, an attempt is made to collect and analyse the public opinion regarding various measures of the government and also to study the problem in various dimensions. Opinions are collected from the untouchables and checked by the opinion of touchables which are also collected for the purpose.

The analysis of the socio-economic background of the respondents shows that majority of the touchables and untouchables belong to the age group of 31-40. However the respondents are spread in all the age groups from less than 20 years to 71 and above. The educational background of the respondents shows that majority of them are illiterates but the remaining respondents are spread in all groups from primary education to post graduation. Majority of the untouchables are agricultural labourers where as majority of touchables are agriculturists. But the respondents represent all types of occupations ranging from menial work to professional. Similar observations are also drawn from the analysis of the occupation of the respondents' fathers and grand-fathers.
Average annual income of most of the untouchable respondents is of less than Rs.5,000/- and Rs.5,000/- to 10,000/- where as majority of the touchables earn upto Rs.20,000/- a year.

Regarding exposure and socio-economic interest of untouchables, majority of them are not exposed to radio, newspaper, political activity, social gatherings but they are exposed to movies.

As far as the desirability of practice of untouchability is concerned most of the touchables and untouchables hate it. Same observation is also drawn, regarding untouchability among untouchables. As far as the reasons for untouchability are concerned, majority of the respondents opined caste is sole reason followed by caste combined with poverty and caste combined with rural background. It does mean that the level of untouchability is less among the rich and urban background untouchables.

Hence it is suggested that annihilation of Caste system is also an essential factor for the
removal of untouchability. Actually the caste system is the major cause for the prevalence of untouchability.

Thus the eradication of caste system may contribute to a larger extent for the removal of the archaic practice of untouchability. Even though the Viswa Hindu Parishad Conference held at Tirupati in 1974, and the Janata Party in its resolution in 1977 resolved and recommended for removing prefixes and suffixes to names denoting the castes, no action is taken to put them into practice. They remain as platitudes following the general pattern of wide gap between precept and practice.

The trend of number of instances of experiencing untouchability shows that it was more rampant during 1960 to 1970 compared to 1980s.

The untouchables who experienced it formulated some goals and attained them in order to come out of it. It is observed that majority of the untouchables framed the goal of earning more income followed by direct violence. However most of the respondents did not formulate
any goal as they believed that untouchability is based on Karma principle and formulating and attaining such goals is a sin.

This might be the major reasons for the failure of government machinery in eradicating untouchability. Hence it is suggested that the government, religious clans or priests should educate such type of untouchables to change their outlook and help themselves, if not others.

Though the practice of untouchability is prevailing there are instances of economic transactions between the touchables and untouchables. It is clear from the analysis that untouchables get the loans, finance for education, continuance employment, freed food, medical aid etc., from the touchables. But majority of untouchables feel that the assistance provided by touchables is inadequate and hence they suggested that the touchables should came forward to grant loans without interest, free land for agriculture/subsidy etc., It is clear from this analysis that, the untouchables realised that the government's economic
assistance and economic programmes cannot completely meet the demands of all. They in turn believed that touchables economic assistance is inevitable for their survival.

However as discussed earlier the government have been providing huge financial resources for the economic upliftment of untouchables. But it is viewed that many of the untouchables are not aware of these programmes due to lack of propaganda or advertisement. But this analysis shows that most of the respondents are moderately aware of various economic measures of the government. However it is suggested that the government should take steps to educate the untouchables about its programmes and see that no one should lose the assistance.

It is also suggested that the government should take active steps through speeches, debates, discussions, radio's, T.V.s., newspapers, the press and other means of communication in the propaganda for welfare of untouchables.
The analysis of the previous chapter suggests that the government machinery is not effective in implementing various economic measures. The untouchables also confirmed it. The moderate effectiveness/complete ineffectiveness of the economic measures of the government for welfare of untouchables may be due to leakages in the government funds mostly by revenue officials or lack of end use, and mis-use of funds. Hence it is suggested that the government should root out the corruption which in turn will be an advantageous factor in rooting out the untouchability based on economic backwardness.

In addition to these suggestions it is also suggested by the respondents that there should be equal distribution of land, full employment throughout the year to all untouchables, equal distribution of wealth among all the people in the country may in turn contribute to root out untouchability based on economic reasons.

It is further suggested that the untouchables should be helped in every conceivable way so as to end
economic disabilities, so that social discrimination based on economic condition will disappear.

The Harijans and other lower castes should be provided with land, animals, plants, seeds, manure and agricultural tools for agriculture. Financial assistance for cottage industries should be supplemented by technical training.

Untouchability cannot be rooted out only through economic measures. It needs other measures, like educational measures. As discussed earlier the government have been providing various measures to develop the untouchables educationally. It is observed from the analysis of the secondary data that the educational measures provided by the government are not completely effective in spreading the education among untouchables. Moreover some of the existing facilities are acting as limiting factors rather than advantageous factors. This is opined by majority of the untouchables respondents establishment of separate hostels for untouchable students and discouraging attitude towards untouchables to pursue education. However majority of
the untouchables are aware of the education programmes unlike economic measures. About the adequacy of these measures, majority of the respondents feel that the measures are not at all adequate. Thus, it is clear that the government measures as discussed earlier need to be further improved both in terms of quality and quantity. The dissatisfaction of the untouchables about the educational measures taken altogether a new dimension as they suggested that there should not be any harassment, marks or class should be awarded on par with other communities and there should not be separate hostels or schools for untouchables. The implementation of these suggestions needs the cooperation to all individuals and institutions in the country. The existing legal framework is helpless in mitigating the scope of psychological problem faced by untouchables. It is doubtful to say that even the existing social setup can accept these suggestions. Hence it is viewed that these suggestions require a overhauling change in the attitude of both touchables and untouchables towards each other.
The existing political backwardness is also another reason for untouchability. It is observed that the existing conditions regarding politics towards untouchables are rather exploitative though it seems to be encouraging on its surface. Most of the respondents are not aware of the government measures regarding politics. It implies that the cream of untouchables snatch away the opportunity meant for all. Thus it is rather an exploitative sub-community within the untouchable community. In view of this most of the untouchables feel that the measures are inadequate. It is clear that the urban untouchables are in advantageous position compared to rural untouchables. It is felt this type of exploitation is much more dangerous than the exploitation by touchables. Hence it is suggested that steps should be taken to distribute the facilities equally among all the untouchables based on need. However the untouchable respondents offered the suggestions for improving the existing facilities regarding politics. These suggestions include providing political equality, strict implementation of the measures, consulting all the untouchables and giving-up the use of untouchables as puppets.
The social setup is the most important reason for untouchability. In fact the caste system which is an institution of the social set up is the fundamental reason for untouchability. It is glaringly evident that because of caste-system, separate colonies are meant for Harijans in the rural areas.

It is further suggested that there should be an ever increasing contact between the untouchables and the other higher caste Hindus. At the same time if all the above measures are followed, the old age evil practice of untouchability may be destroyed.

The existing condition relating to social, religious and cultural association shows that still the practices of non entry to temples, discrimination in cultural programmes, absence of eligibility to be the priest or purshit etc., are being continued. It is surprising to note that majority of the untouchables are not aware of their socio-cultural and religious measures provided by the government. However they feel that the existing measures are inadequate. Hence
they offered suggestions for improvement of the social measures like acceptance of absolute social equality by the upper castes, inter caste marriages with untouchables, participation in all religious functions etc.

As discussed earlier the legal measures are part of the government's mission for eradicating untouchability. Surprisingly majority of the respondents are not at all aware of these measures.

Most of the respondents feel that the implementation of the existing legal measures is ineffective and existing provisions are also not adequate and they have suggested that more and more stringent laws should be formulated for effective legal protection of untouchables from being subjected to social disabilities and religious disabilities.

The reason attributed by them for failure of laws is non-cooperation from the upper castes and ineffectivity of the administrative machinery in enforcing the laws. Hence it is suggested that instead of bureaucratic style of functioning decentralisation and popular
enforcement may in turn avoid many hurdles in legal abolition of untouchability.

The respondents in view of the ineffectiveness of the existing administrative measures in enforcement of laws suggested that the law should be implemented with the willing cooperation of upper castes. They also suggested that the government should implement the law whole heartedly but not as a vote catching technique. Further according to them legislation must be simple, create social consciousness and should be conscientiously implemented.

In the light of the entire study and discussions it is finally concluded that the analysis of historical background of untouchability reveals that the caste system is its root cause though the degree of untouchability is diminishing with the increase in income among the untouchables or urbanisation.

Even the social reformatory movements revealed that caste is the basis for untouchability and they see—
declared war against caste system in order to eradicate untouchability. The practice of untouchability deprived untouchables from social, economic and political development on par with touchables. The national resources were concentrated in the hands of touchables since early ages. Hence, Social cruelty and social justice had been the rare commodity for the untouchables.

In view of the ill effects of untouchability Mahatma Gandhi, considered the problem of untouchability not only as a mere social problem but also as a serious national problem. Consequently the government of India since independence have been providing several welfare measures to wipeout untouchability from the direction of effect rather than cause. Hence the government through these measures is struggling to minimise the evil effects of untouchability i.e., social inequality, economic inequality, political inequality and religious inequality instead of fighting against caste system. The government might have thought that fighting against caste system is a very serious and sensitive
issue and so diverted its fight towards ill effects but not the root cause. Hence the chances of abolishing the caste system will be remote. Though the government through its machinery is implementing various programmes to eliminate social inequality and improve the socio-economic conditions of all untouchables, the above analysis shows that the government's bureaucratic style of functioning could not fulfil the aspirations of all the downtrodden. Consequently the cream of the untouchables are benefited out of the various measures reservations in educational institution, in employment and in politics. The net result is that 'social inequality and untouchability' is still in existence among the majority of untouchables.

Thus it can be said that social equality cannot be brought in the existing social set up with paramount consideration of caste. The practice of untouchability can never be rooted out with the existing approach of government fighting against the effect rather than the cause. "Achievement of social equality and eradication of untouchability are still the ideals
despite the incorporation of various provisions relating to Social equality in the constitution and enactment of Social legislations and introduction and implementation of educational, economic, political, cultural and religious measures regarding upliftment of the downtrodden. Thus the hypothesis is tested and proved.

It is clear that the existing measures, and the way of their implementation will further aggravate the problems identified in the study. Hence it is suggested that the government should find out the inbreeding factor of the problem of practice of untouchability and fight against that cause but not the side effect. It is further suggested that the problem of untouchability is multidimensional requiring simultaneous multi-pronged attack to break the evil institutions of our societies and restructure the Indian Society with law as one of the instruments of Social Change.

Though legally untouchability has been abolished, it still prevails and is practiced. It will indeed be a miracle if it could be eradicated totally by the end of this century, atleast.