ABSTRACT

The present thesis is an attempt to examine the status of scheduled caste and scheduled tribes and also try to find out the efficacy of reservation policy and other Constitutional provisions in improving the condition of scheduled castes and scheduled tribes. India has a long history of caste-ridden society. The social relations are based on caste identification. In this social phenomena an integrated society cannot be formed. Moreover due to unequal distribution of educational and economic opportunities, a large portion of population suffered socially and educationally and remain backward. The backwardness, developed either due to economic reasons or was embodied in socio-religious conditions, has proved to be a great stumbling block in the way of nation’s progress and unity.

The evil of caste system has persisted for several thousand years in Hindu society. It is still prevalent in various forms throughout the country in the villages and more particularly in south India. The scheduled caste bridegrooms are not permitted to ride on mares in villages, dalit can not even sit on their own charpoys, when person of others castes pass by. These persons are not being permitted to draw water from the common wells and in some cases even from hand-pumps. In many teashops and dhabas, separate crockery is used for serving these people. Barbers refuse to cut the hair of these people. Often there are also reports of gang rape, public auction of women, urinating in the mouth of women, compelling boys to eat night soil, parading naked women in the villages, mass killing and destroying the houses and properties of scheduled castes and scheduled tribes by the high caste persons. Such instances
are numerous and reflect the deep stated prejudices of caste system still dwelling in the hearts of vested persons. This tendency has alienated dalits and has the potential of turning this hatred into militancy and fissiparous tendencies. No nation can progress if it is divided into countless groups and device equality to all persons.

Roots of reservation policy for scheduled castes in India lay deep in past. To be true, reservation policy as an accepted Constitutional policy are the fruits borne by the tree of Hindu civilization. The hierarchical social order was created over centuries with a view to preserve the monopoly of social status, property and education, by the higher caste Hindu. As a result, property, education, freedom, justice, progress and prosperity was denied to the people of lower caste. Downtrodden in the Hindu society were stripped off the even equitable opportunities for political, social, economic and educational development. The caste system bestowed hierarchically graded privileges on some section of society and inflicted a series of disabilities on the other. Opportunities of growth and development were controlled and usurped by the higher castes with the result that the downtrodden were deprived and discriminated, symbolizing a powerful institutional pattern of exploitation and suppression of the weak by the strong.

All this compelled our wise founding fathers to adopt policy of social justice with an emphasis on compensatory discrimination as an equalizer to those who were too weak socially and economically in the caste ridden Indian society. They took special notice of the downtrodden and obligated the state to promote with special care the educational and economic interests of the weaker
sections of the society i.e. the scheduled castes and scheduled tribes and to protect them from social-injustice and exploitation. The Constitution also provided, that the state should strive to promote the welfare of the people and in particular to minimize the inequalities in income, status, facilities and opportunities, amongst individuals and groups of people, residing in different areas of engaged in different vocations. On these broad principles was based the concept of equality of opportunity in matters of public employment, that no citizen should on grounds only of religion, race, caste, sex, or discriminated against in respect of any employment or office under the state. The state was also directed not to discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. This direction attracted the attention of the Government within 15 months of the inception of the Constitution.

It was apprehended that any special provision for the educational, economic or social advancement of any backward class of citizens in order to implement the mandate of the Constitution might be challenged on the ground of discrimination. Therefore Article 15(4) was added, so as to offset the affect of fundamental rights of citizens, which directed the state not to deny admissions into any educational institution maintained by the state or receiving aid out of the state funds, on grounds only of religion, race, caste, language or any of them. The law now empowered the Government to make special provision for the advancement of socially and educationally backward classes or for scheduled castes and scheduled tribes. The bedrock of the ‘egalitarian
social order’, conceived in the Constitution, became later on the basis of reservations.

The present study is an attempt to see to what extent the beneficiaries of reservation policy have been really benefited. An endeavour is made to assess the impact of various measures adopted for the welfare of the scheduled castes and scheduled tribes. An attempt is also made to examine empirically the political, social, economic and educational impact of the reservations in considerable detail. An attempt is also made to find out the extent of progress which these people have been able to achieve by virtue of Constitutional safeguards in due course of time. The transformation of the traditional caste system and practice of untouchability which have undergone a qualitative changes also been discussed.

A thorough study of the reservation policy has revealed that it has successfully build up a strong political environment and has helped the weaker sections to gain confidence. Secondly, the Government has developed adequate and satisfactory administrative apparatus for the implementation of the Constitutional safeguards in favour of scheduled castes and has achieved a great deal of success in the removal of untouchability and moving towards the goal of a casteless society. Thirdly, the reservation policy has helped the scheduled castes economically and has raised their standard of living and social status. Fourthly the reservation policy has helped these sections educationally enabling them to come at par with other sections of society. Fifthly, this representation in public services has increased considerably and the promise in Article 16(4) to a large extent has been realised. Sixthly, the benefits of
reservation have reached evenly to all scheduled castes in the light of Constitutional ethos and philosophy. Seventhly, the beneficiaries have sufficient awareness about the welfare programmes and Constitutional safeguards designed for them. Lastly, the execution of Constitutional safeguards in favour of scheduled castes has enabled them to come at par with other section of society and hence the time has come to discontinue the reservation policy in the larger interest of the other sections of the society.

To facilitate the present study, the whole work is divided in different chapters to achieve logical conclusion on the basis of systematic study. Chapter first provides an overview of scheduled castes and scheduled tribes. A number of theories have been advanced to explain the origin of caste in India and it is difficult to recognize any particular factor responsible for its origin. A variety of factors have contributed to its emergence. Hindu society was classified into four varnas i.e. Brahmins, Kshatrya, Vaishya and Shudras. These four castes are said to have been born respectively from the mouth, the arms, the thighs and the feet of Lord Brahma, which determine their status. The Brahmins got the place at the apex of the system while the shudras were placed at the bottom. They were subjected to many disabilities, humiliations, condemnation and reduced to a life of degradation. These persons were convinced that untouchability has been ordained by God and human beings have nothing to do it. This practice continued until now in Indian society and the habitual obedience developed with the passage of time among the shudras.

The second chapter is an attempt to analyse the debates of the Constituent Assembly Debates on the issue of reservation for backward classes
in general and scheduled castes in particular. A careful analysis of the Constituent Assembly Debates makes it amply clear that the majority of support given to reservation came from those members including the chairman of Drafting Committee, B.R. Ambedkar, who themselves were from backward classes. On the other hand, the members of Constituent Assembly who opposed the issue of reservation were mostly from the upper classes. As such, the entire Constituent Assembly stood sharply divided on this issue. And it appears crystal clear that this issue caused sufficient rift amongst the members of the Constituent Assembly. The prominent supporters of reservation for scheduled castes and scheduled tribes were B.R. Ambedkar, T.V. Muniswami, Pillai P. Kakkan and T. Channaiah. B.R. Ambedkar heavily relied on the concept of social democracy, equality and fraternity in support of his demand for reservation in favour of socially and educationally backward classes in general and scheduled castes in particular. T.V. Muniswami and P. Kakkan forcefully argued that there was discrimination against Harijans in case of appointments which could be removed only through reservation in favour of Harijans. He also accepted the fact that if merit alone is taken into consideration, Harijans can not come forward. T. Channaiah spoke forcefully in support of reservation taking social and educational disabilities as the basis of backwardness of scheduled castes and scheduled tribes. Then there were also discussions in relation to reservation for minorities in services but the same was opposed vehemently by members like K.M. Munshi and Sardar Patel stating that such reservation will distort the secular character of the country. However, the debates and discussions in the Constituent Assembly finally tilted the balance
in favour of scheduled castes and scheduled tribes as well as other backward classes.

Chapter third examines the various provisions of the Constitution of India. By way of the provisions of Constitution, the first major blow fell upon this age old barbarity. The Constitution makes it impossible to enforce any affirmative legal disabilities on the basis of caste. The Constitution of India has dealt with the problem of untouchability. Firstly through the abolition of untouchability and secondly through promoting the interests of untouchables. The framers of the Constitution desired to have a society of equals. They enacted several provisions of protective discrimination in favour of scheduled castes and scheduled tribes so as to provide them distributive justice. Special provisions like reserving seats in Lok Sabha, State legislature, panchayat, municipalities, educational institutions and in employment were incorporated in the Constitution for the upliftment of these people. Unfortunately these reservational provisions, which were intended to bridge the gap among various castes of Hindus, have, in fact created a wide gap among them.

Chapter fourth deals with the politics of reservation. Indian politics is caste ridden. The caste factor is dominant in every sphere of life. During the freedom struggle, untouchables were neglected by the British, the Congress and the Muslim League and none of the political and social movements have touched the problems of untouchability. Political representation as a means to emancipate the backward sections of Indian society from the age-old disabilities was not given recognition during the nineteenth century. Thus, the Government of India Act of 1858 and the Indian Council Acts of 1861 and
1862 did not recognize the special claims of the depressed classes. Caste in India has been employed as a factor in achieving political power. One consequence of this has been the growth of competition and confrontation among the various castes. Since politics protects caste interests, the caste factor in politics has been solidified irrespective of its growing confrontational and competitive role.

Chapter fifth deals with the judicial response towards weaker sections. Landmark judicial pronouncement regarding the issues like who are the backward classes, what is the criteria of backwardness, what is the limitation of reservation etc. constitute the focus of study of this chapter. Judiciary has not only been lagged behind in removing the atrocities against dalits but has also done a commendable work through its judicial pronouncements for their upliftment. Last chapter is devoted for concluding remarks and suggestions.

The present study reveals that the objectives of social justice through reservation could not be achieved even after the lapse of four decades. The Constitution makers visualizing social justice and equality provided reservations for the downtrodden and the depressed for a period of ten years but it was kept on extending. The political parties saw in reservations an opportunity to given votes on the basis of caste. The competition among political parties to woo these sections became so acute that the apex court had to pronounce that reservations, in any case should not exceed 50 percent. But the study reveals that Government has given scant regard to the courts’ ruling. Restructuring of reservation policy seems to be an urgent imperative. What required is to make the policy judicious and reasonable to spread the benefits of
reservation to wider sections of the society. It is therefore suggested that only one generation should be permitted this reservation and its gains should not at all be covered by a few who are already better off. Beside, the benefit of reservation should be given only once i.e. at the stage of admission or recruitment or promotion and not at every stage of one’s career and in the process merit should not be ignored.

A change in the attitudes of the upper caste Hindus vis-à-vis these sections is equally necessary to generate an atmosphere congenial to social equality and social justice. Social justice is the sheet anchor of the Constitution and the reservations were the means to move in these direction.