CHAPTER III
CHAPTER-III (A)

SCHEDULED CASTES (EXPLAINED)

(i) THE INVENTION OF THE SCHEDULED CASTES:

'Scheduled Castes' is the most recent of a long line of official euphemisms for 'untouchables'. The Scheduled Caste category is intended to comprise those groups isolated and disadvantaged by their 'untouchability' i.e. because of their low status in the traditional Hindu Caste hierarchy which exposed to them ill-treatment severe disabilities, and deprivation of economic, social, cultural and political opportunities. In the early years of the century the "depressed classes" (as they were then called) became an important focus of concern among the reformers. After 1901, fears of diminished Hindu minorities and proposals for special legislative representation for these very classes propelled 'untouchability' into political arena. As concern about these groups grew, the political demands were made on their behalf. On this there was sharp disagreement about the number of persons who belonged in this category.

(ii) DESIGNATION OF SCHEDULED CASTES:

The expression 'Scheduled Caste' was first coined by the Simon Commission and embodied in the Govt. of India Act, 1935. Prior to it, the people belonging to the last 'varnas' viz. 'Shudras' and Avarnas were regarded untouchable castes. 'Avarnas' means one who do not belong to 'Varna' or exterior castes. Here exterior signifies those group of classes who were required to stay out side the village settlement. The worst part of the matter is that the concept of pollution was attached to these set of
classes, as a result of this they were hated and subjected to social and economic inequality for ages. Official figures of 1931 census shows that these untouchable caste were shown as depressed classes in the record of British India. Gandhiji named people of these classes i.e. Shudras and Avarnas as Harijans. It connotes the idea of persons who are dear to Hari. This name was not liked by the people of community and it was hatred by ‘Avarnas’ or untouchables. As a result there was an agitation to the Bill using the word ‘Harijan’ in the Bombay Legislative Assembly. Subsequently in 1938, the word ‘Harijan’ was replaced by the word ‘Scheduled Caste’. Since then this word continued to be used in Government records and notifications issued from time to time. In 1936, the Government for the very first time published a list of Scheduled Castes. This very list was taken into account for providing certain protections and safeguards to these masses.

Scheduled Castes lies at the bottom of social hierarchy and they were considered out side the varna scheme. They were characterised by the convergence of multiple marginalities and commulative inequalities by the upper caste. Economically they are the poorest of the poor who engage themselves in degrading occupations. Socially they were also under privileged because they could not adopt the cultural and religious values of upper caste due to social sanctions. Any attempt of the Scheduled Caste to violate the social norms to change the style of life and to assert for their civil rights was resisted and resented by the upper castes. In a nut shell low rank and exploited conditions of the scheduled castes emanate from commulative inequalities in economic, political and ritual systems.

The leaders of Indian National congress, especially Mahatma Gandhi stood for the gradualist, reconcileatory and cooperative model of political mobilization of untouchables who were named as Harijans (Children of
God). He insisted that Harijans should be treated as Hindus with all religious and political rights of Hindu society. In fact he wanted that they should be integrated into Hindu society and the need for incorporating them in political struggle for independence by abolishing the stigma of untouchability associated with them on the other hand Dr. B.R. Ambedkar organised the Scheduled Castes politically to sharpen their identity as a category in relation to the upper strata so that they could fight for their rights. Due to moderate and militant approaches of Gandhiji and Dr. B.R. Ambedkar, the principle of reservation for the Scheduled Castes was well established into the Government of India Act, 1935, where untouchables come to be known as Scheduled Castes for the purpose of statutory safeguards and other benefits.

In the post independence India, the founding fathers of Indian Constitution look a historic step by abolishing the stigma of untouchability, associated with Scheduled Caste not only by granting them equal rights with other citizens but also by ensuring them special privileges for educational, economic and Cultural upliftment to enable them to catch with those who were ahead of them.

(iii) CONSTITUTIONAL CONCEPT OF SCHEDULED CASTES:

The constitution makers eschewed a connotative definition of untouchability and adopted the same sort of solution as had the British. Lists were to be compiled for each area of those castes which were regarded as needful and deserving preferential treatment rather than provided any standard of selection for those groups beyond the general understanding that they were the ‘untouchables’ the constitution provided only a procedure for designating them. The President is empowered to specify, after consulting with the Governor of the state, those ‘castes, races or tribes or parts of or groups within castes, races and tribes which shall for the
purpose of the constitution be deemed to be scheduled castes in relation to
that state. Once this list is promulgated it can only be changed by the Act
of parliament.

A Scheduled Caste order was promulgated by the President in 1950
which basically re-enacted the 1936 list. The major addition were four
Sikh Caste and the provision for the first time of list for areas which had
non previously. They were Rajasthan, Gwalior and Madhya Bharat.

There were few changes in 1951, but these were in the nature of
adjudgements and elimination of anomalies rather than any basic change in
policy. The 1951 census revealed that the Scheduled Castes contain over
52 million members, but due to more discrepancies, errors, and oversights,
in 1956 the list were revised again. This alteration was made by the
Backward Commission which was formed in 1953. The principal changes
were the addition of about one million persons each in Rajasthan and in
Uttar Pradesh and the inclusion now of all Sikh untouchables. The revised
list contain 55.3 millions including 1951 census figures. In 1971 census, the
Scheduled contained 80 millions (14.6% of the population).

The changes in the list have been more in the nature of removing
anomalies and correcting oversights: moving groups from Scheduled Caste
to Tribe lists sorting out discrepancies and errors, rationalising
administration. There have been no policy departures other than inclusion
of Sikhs. Indeed these had been no further attempt to formulate any
criterion. In the first report, the commissioner for Scheduled Castes and
Tribes observed Hutton’s 1931 census criteria “appear to hold good for
purpose of specifying the Scheduled Castes”. In the late 1950’s the
Commissioner remarked that the criteria for classifying caste as scheduled
were ‘fairly definite’.
Formally, the power to make and change the lists lay with the President (and later with parliament), but it appears that the dominant role was played by the executive, central and state. The lists remained in charge of the Ministry of Home Affairs except for an interval from 1964 to 1973 when this task was housed in the erstwhile Department of social security (later social welfare) \(^8\). Although the role of the state is formally consultative, designation seems in fact to be a two stage process in which center or state proposes and attempts to get consent of the other. Where the state is unwilling, listings favoured by the centre can be held up for years. On the other hand, where states have proposed changes in the list, especially inclusions, these have been rejected for lack of any supporting data \(^9\).

The selection of Scheduled Castes has proceeded without benefit of single cannotative definition. The selection has been done as the basis ‘untouchability’ which was measured by the incidence of social disturbances. This criterion has been combined in varying degrees with economic, occupational, educational, residential and religious tests.

The resulting list designates all of these groups who in the view of parliament require the special protections provided by the constitution : it defines who may stand for reserved seats and enjoy benefits and reservations for the Scheduled Castes. But this does not mean that every person or groups must be included in the groups of untouchables by any conceivable definition. It basically omits some groups which historically suffered disabilities (e.g. Ezhuvas) or which would be untouchables in terms of 1931 census tests. And it excludes Non-Hindus (other than Sikhs) who clearly seem to be untouchables within the judicial test of ‘origin in a groups considered beyond the pale of the caste system’ \(^9\). There is no single
inclusive list of all groups considered untouchable, just as there is no single
criterion for identifying them.

In the absence of a definite criterion the lists have remained stable
for more than 30 years. Some groups continue to petition for inclusion. The
Commissioner observes that 'there has been a tendency of some castes and
communities to use every opportunity for pressing their claims for inclusion
in the list of Scheduled Castes/Scheduled Tribes'. The changes that have
occurred have been rationalized and extensions of existing criteria to
overlooked groups and areas previously omitted, rather than any change in
criteria, beside this there have not been any significant exclusions with the
exceptions of the 'voluntary' departure of converts to Buddhism. There has
been no litigation about inclusion or exclusion of any groups challenging
the untouchability' criterion or its application but there has been litigation
on the religious and residence tests.

With whatever be the other factors, the Scheduled Castes have been
chosen by the criterion of low social and ritual standing. In the selection of
other Backward Classes, the use of social and ritual status as a criterion of
the backwardness of the group has been severely restricted by the courts.
But such criteria have been predominant in the primarily chosen precisely
on the ground of their low status (social & ritual ) in the traditional social
hierarchy. The justification for employing low status and attendant
disabilities as a criterion for preference is that these groups are generally
lowest in income, education, health, cultural resources, and economic
opportunities. These very castes are backward because they are subject to
disabilities which impeded advancement by individual effort and denied
them opportunities for groups social mobility.

This emphasis has endured over the years. In the debate proceeding
passage of the 1976 amendments to the Scheduled Castes Order the view
surfaced that "it is basically the economic and social backwardness of a caste which should entitled it to be categorized as a Scheduled Caste\textsuperscript{12}. But the Home Minister was emphatic in reiterating that the concept of Scheduled Castes is one of backwardness stemming from untouchability. "It is not neglect, it is not mere poverty, it is not mere backwardness that entitles a man to come under the Scheduled Castes\textsuperscript{13}.

However, the legislative prohibition of disabilities and social practice resulted in lessening of disabilities and to the extend that preferential treatment increases educational attainments and economic opportunities, the correlation between low ritual standing and economic and social backwardness will be weakened. If 'untouchability' is a useful criterion for identifying those groups which are at the bottom in terms of economic educational and cultural resources of opportunities, the very success of redistributive measures might lead to a discrepancy between ritual standing and other indica of backwardness. It would seem that parliament's power to designate Scheduled Caste is sufficiently broad to permit the use of standards which would decrease the role of ritual standing and disabilities and increase the emphasis on educational, economic and cultural criteria. There is a room for eventually changing the mix of ritual and other factors in the selection of scheduled castes.

In June 1965, a committee was appointed by the Government to advice on revision of existing lists of Scheduled Castes and Scheduled Tribes under the chairmanship of B.N. Lokur, the law secretary. The Lokur Committee reported promptly on 25 August 1965, it found that in view of the constitutional abolition of untouchability.

The committee noted with satisfaction that untouchability was 'fast disappearing, particularly in cities and towns, and even where it is practiced, it is considerably in diluted form\textsuperscript{14}. They observed that the line
of demarcation between high and low castes which was clearly clear in the past, has tended to become blurred.\(^\text{15}\)

The committee devoted most of its attention to many technical changes in the list, including a number of minor exclusions and inclusions. On major de-scheduling they curiously omitted to utilize any of the fresh and abundant 1961 census data. Instead they cautiously put forward a list of communities adjudged to be 'relatively forward' by several persons who appeared before us including eminent social workers. In addition to 14 tribes, this list included 28 scheduled castes listings, ranging from the insignificant to such numerous groups as the Chamars (Bihar, U.P., and Punjab) and the related Jatav (M.P), the Dhobis (West Bengal, Orissa; Bihar & U.P.; the Maharas (Maharashtra & M.P) ; the Malas (Andhra Pradesh) ; and the Namasudras and Rajbanshis of Bengal. In a kind of dim reflection of the disputes of the early 1930's the proposals would have left the southern scheduled caste virtually intact, but practically halved the scheduled caste population in the north. In addition it would have eliminated about a fifth of the scheduled tribes.

The report was received with angry resistance by Scheduled Caste spokesman. At a tumultuous meeting with the Law Minister (then in charge of the social security portfolio), Scheduled Caste Members of Parliament agreed with the few inclusions but would not countenance any exclusions to have retreated. Scheduled Caste leaders and government officials concurred that the report was dead.

After 1967 elections, the question was raised again with the added dimensions of the impending debate on whether to extend the reserved seats, due to expire in 1970. In the mean time, congress (the principal political beneficiary of reserved seats) had become considerably more dependent on the adherence of the occupants of the reserved seats, who
now supplied its much narrower plurality in the Lok Sabha. The Congress plurality was 38 seats (279/528), Congress held 72 of 114 reserved seats. 

On August 12, 1967, a bill to amend the lists was introduced by the Government; the bill’s proposed list included every one of the groups whose possible deletion has been suggested by Lokur Committee. A Joint Parliamentary Committee establish to review the lists submitted it report in November 1969. Among the amendments proposed by the Joint Committee were the inclusion in scheduled castes of women who married scheduled caste men, the exclusion from scheduled tribes of converts to Christianity and Islam, and elimination of all area restrictions on scheduled caste status. The conversion proposal provoked great controversy, and neither it nor the removal of area restrictions were accepted by the Government, which proposed a host of amendments to the Joint Committee’s version when the bill was taken up in November 1970. Mired in controversy, the bill lapsed with the dissolution of the fourth Lok Sabha in December 1970.

During Emergency Rule in August 1976, a new version eliminated most intra-state area restrictions adding about 2.5 million to the scheduled castes population and over 3 millions to the Scheduled Tribes. Apart from this, the Act maintained a status quo: there were no significant inclusions or exclusions. It did not address any of the touching issues of personal status (of wives, converts or migrants) which had come to surround the application of the lists.

Caste remained the primary basis for designating the Scheduled Castes. Caste plays a dual role in the selection of Scheduled Castes: Castes in the sense of social units are typically the groups which are listed, and it is caste in sense of rank or status in the social religious hierarchy which is the criterion for choosing these groups. But caste is not the only factor in the selection: two other factors are explicitly employed – territory and
religion. Scheduled Castes are designated by the state and sometimes by districts or regions within states. The same caste may be scheduled in one state but not in an adjoining state or one district but not in adjoining district.

The power of the President to specify scheduled castes by districts had been upheld on the ground that the social and educational backwardness of a group may vary in degree in different areas. Specification by states has been held to be constitutionally required. A postal clerk residing and working in Orissa was a member of Konda Kapus, a group listed as a Scheduled Tribes in neighbouring Andhra Pradesh, but not in Orissa. After being appointed to a higher post against a reservation for scheduled tribes, he was reverted on the ground that Konda Kapus was not a Scheduled Tribe in Orissa where he was a permanent resident. He argued that he should be accounted a scheduled tribe anywhere for purposes of central government employment, since central legislation clearly outlawed state residence requirements for central jobs. The High Court turning to the constitutional provisions for designating scheduled tribes (Article 342 (1)) finds that the phrase “shall be deemed to be scheduled tribes in relation to that state” means that in order to get the benefit of being a member of a scheduled caste or a scheduled tribe in the matter of public employment, the person claiming it should be a member of such caste or tribe in relation to the particular area or state where he is residing and where he seeks employment. Thus the court takes a restrictive reading of residence rules to be a constitutional requirement. On number of occasions, officials and political leaders have taken the view that a constitutional amendment could abate these restrictions.

However, there has been some problem in the area limits as to whether they correspond with any exactness to the different deprivations and need. More troubling still are the difficulties presented by cases of
spatially mobile members of scheduled castes and scheduled tribes. According to the Scheduled Caste order caste shall be deemed to be the scheduled castes so far as regards members there of resident in the localities specified in relation to them respectively. The commissioner of Scheduled Castes and Scheduled Tribes in his first report in 1951 observed that the provision was ambiguous 22. If the example of Khatik caste, which is a scheduled caste in Punjab but not in neighbouring Uttar Pradesh. The question arises if U.P. Khatik moves to Punjab where this caste is considered as a Scheduled caste, can be a member of scheduled caste or not or if a Punjab Khatik moves to U.P., no longer remain a member of scheduled caste in relation to Punjab or in relation to concessions granted by the Central Government. The Ministry of Law in a streakingly unhelpful interpretation said that ‘each case will have to be decided on its facts” . But since “residence at time in question” was the “determining factor” they concluded that Punjab Khatik would not be a scheduled caste while residing in U.P. 23.

The commissioner’s example contains a series of puzzles. First, there is the out migration problem. Suppose X leaves a state where X’S are a Scheduled Caste and goes to a state where they are not so listed. Such persons are excluded from any benefits by the prevailing reading of the order. Thus a Dusadh who moved his residence from Bihar (Where this caste was a Scheduled Caste) to Madhya Pradesh (Where it was not ) was not a member of the Scheduled Castes for purposes of making a lower deposit when filling a nomination paper 24. The same rule applies to intra state territorial limitations. A railway worker resident out side the taluks listed for his tribe was held. Properly denied eligibility fpr reservation in promotion 25.
There is a converse problem of in-migration suppose a member of group X migrates from an area in which the X's are not Scheduled to an area in which they are. Here the resident list stressed by the courts and officials would seem to argue for inclusion. But the one court that had addressed it decided the other way. ‘Suryabashi’ was listed as a Scheduled Caste in Jabalpur District. But a Suryabashis migrant to Jabalpur who hailed from an area where Suryabashis were not Scheduled was held ineligible for benefits on the ground that ‘only Suryabashis residing in Jabalpur district’ were declared to be scheduled castes under the Presidential Order. Apparently the court is looking beyond residence to some notion of origin in the designated groups, a test that proved insufficient in the out going migration cases.

These very issues are decided entirely by textual interpretation without consideration of policies which might provide some guidance here. For example, in migration involves the enlargement of the number of beneficiaries, whereas out-migration does not. Again, extension of benefits to in-migrants might induce mobility that was not otherwise economically justified moves.

The logic of these cases points to an even more grotesque result in the case of lateral movement. Suppose a member of group X migrates from state A where the groups is scheduled to state B where it is also scheduled. According to the residence argument of the out-migration, cases, he is no longer entitled to any benefits as an X of state A. Nor according to the origins arguments of the in-migration case, he is entitled to any benefits as an X of state B. One suspects that administrative failure to give full effect to the logic of cases, perhaps augmented by some dissimulation on the part of the migrants, has tempered the effect of these rules and accounts for the infrequency with which these issue have come to court.
The migrant members would lose their scheduled caste benefits remained troublesome. In 1959, the Commissioner raised the matter again, this time in connection with the case of a Dhobi whose family origins are in U.P. (Where Dhobi is Scheduled Caste) but was born, brought up, and employed in Bombay (where Dhobi is not a scheduled caste). He claimed that his ancestral property, house etc. were in U.P. and he has no property or house in Bombay, but lived there only for the sake of his employment. This case was referred to the Law Minister who again read the order so that he was excluded a result that the commissioner found anomalous in view of the fact that.

"such persons may actually continue to suffer from all disabilities resultant from the practice of untouchability as they have to maintain all ties with their relations in the home state."

He recommended that migrant scheduled castes and tribes should be eligible for benefits from the central government and their home state at least for a generation. No relief for inter state migrants has been forthcoming.

In 1965, the Lokur Committee recommended the removal of inter state area limitations on the ground that they inhibit mobility. The Scheduled Castes and Scheduled Tribes Order (Amendment) Bill, 1967, proposed that when a caste is scheduled for one area of state, the members from that area shall continue to be included so long as they reside anywhere in that state. The 1976 amendment of the lists did not contain this provision, but the need for it was largely dispelled by the abandonment of almost all intra-state area restrictions.

The conferring of Scheduled Status on a ground is a monopoly of the centre. The 1950 Scheduled Tribes Order list for Maharashtra included an item for Halba from six specified taluks in three districts. In 1967, the
Government of Maharashtra ordered that the Halba Koshtis of the whole of Vidarbha region be treated as belonging to the scheduled tribes. A Halba railway worker from outside the listed taluks was deleted from a promotion panel on the ground that he was not a member of Scheduled Tribe. His challenge was repulsed by the Bombay High Court, which held that state's pronouncement could have no effect on his status as a scheduled tribe in connection with any of the affairs of the central government. The court left open the question whether the state might treat him as a scheduled tribe in regard to state services.

The issue has never been fully addressed. It must be desirable to allow the state to employ its better - informed judgement about local conditions, there is of course the danger that state use of this power could dilute benefits to those deemed deserving beneficiaries by national policy. The most prominent instance of this is that Maharashtra's treatment of the Buddhists on a par with Scheduled Castes has not been challenged in the court.

Religion was introduced as a qualification into the first scheduled castes order in 1936, which provided that no Indian Christian (nor, in Bengal, those professing Buddhism or a tribal religion) should be deemed a member of a Scheduled Caste. Earlier, it was often recognized that there were comparable depressed groups among Christians and Muslims. But in the disputes leading up to the listing of Scheduled Castes, it was agreed that Muslims and Christians should be excluded. This execution was readily understandable, for the major purpose of the list was to provide for electoral, representation, and Christians and Muslims were the beneficiaries of special electoral treatment as minorities. Inspite of the constitutional ban on religious discrimination, the elimination of separate representation for religious minorities and change in purpose of the list from electoral to
administration of welfare, the religious qualification (or, more properly, disqualification) was retained after Independence. The President's 1950 order provides that "no person professing a religion different from Hinduism shall be deemed a member of a Scheduled Caste". An exception was made for Sikh members of four castes. In 1956 it was broadened to include all Sikh untouchables.

The religious test for scheduled castes is employed, not as a positive test for selecting appropriate groups for inclusion, but as a disqualification of individuals and groups who otherwise meet the criteria, thereby inevitable discouraging conversion. There is a reason to think that this was the least part of its purpose. It does not operate as an encouragement of Hindu orthodoxy, for the legal definition of Hinduism is to broad that few individuals are likely to have difficulty with this test other then those who explicitly convert to a non-Hindu religion. In the case of *Punjabrao V. Meshram*, the Supreme Court rejected the argument that Buddhists were included in the meaning of Hindu. The courts have upheld the inclusion of non-Hindus without reaching the broader question of religious discrimination. Nor have the courts addressed the factual question of the effect of conversion in dissipating the conditions that lead to be listed as Scheduled Castes.

Persistent legislative attempts to include the Buddhists, either by dropping the religious qualification or by specifying that 'Hindu be read to include them' have been unsuccessful – as has a recent attempt to extend the religious qualification to the Scheduled Tribes.

In examining the impact of the courts on the working of the policy of 'compensatory discrimination', the role of the courts in the process of designating the Scheduled Castes has been a very minor one. The search for a uniform criterion that could be employed throughout India to distinguish
untouchables from other Hindus proceeded without any assistance from the courts. Although Scheduled Castes were selected on the basis of the disabilities they suffered, the jurisprudence of disabilities was too spotty and too enmeshed with local variations. Although untouchables could be readily identified with the lower end of the Varna scale, the traditional jurisprudence of Varna standing was of little assistance in identifying the groups which were supposedly untouchable. Modern "untouchability" bore little correspondence to the Chandala category of classical law. In reference to determinations of customary rights, courts had sometimes employed Varna categories. Untouchables had sometimes, particularly in South India, has been referred to as a fifth Varna, below the Shudras. But in other places they were regarded as Shudras, albeit "unclean" ones. For purposes of applying Hindu personal law, the courts had never attempted to distinguish untouchables from Shudras, all Hindus other than the twice-born were lumped together as Shudras. Even where untouchables were popularly regarded as Shudras, they could not be equaled with them, since there were non-untouchable groups belonging to this category. Thus the tests used for distinguishing Sudras from the twice-born could not be used as a satisfactory measure of untouchability.

It might seem that identification of "untouchables" groups would proceed from the definition of "untouchability" in order to select those who suffer from it. The contemporary legal treatment of untouchability has derived from the listing of these groups (which in turn as chosen, with at least one eye to an ill defined notion of untouchability). The term "untouchability" had no technical meaning before the constitution abolished it. The few judicial encounters with the concept have not succeeded in defining it in a way that would be useful in identifying untouchable groups.
The courts have indicated that untouchability does not include all instances in which a person is treated as ritually unclean and a source of pollution. It does not include such temporary and expiable states of pollution as those suffered by women at child birth, menstruating women, mourners persons with contagious diseases, persons who eat forbidden food or violate prescribed states of cleanliness. Nor does it include that "untouchability" which arises from incidents of personal history. Nor does it refer to situational or relative impurity, such as that between ordinary worshipper and priest or temple attendant. "It does not include every instance in which a person is stigmatized as unclean, polluting, or inferior because of his origin or membership in a particular group – i.e. where he is subjected to invidious treatment because of difference in religion or membership of a lower or different caste" 43. The term ‘untouchability’ with which Article 17, is concerned is that which “refers to those regarded as untouchables in the course of historical development and which is related to the relegation of persons ‘beyond the pale of the caste system……. On the ground of birth in certain classes 44.

Thus, the word ‘untouchable’ is confined to disabilities imposed upon the groups commonly regarded as ‘untouchable’. Its meaning is determined by reference to those who have traditionally been considered untouchables. But it is not always easier to define untouchables than to define untouchability. “Beyond the pale of caste system” is a misleading and unworkable formulation. Even the lowest castes are within the traditional system of reciprocal rights and duties. Their disabilities and prerogatives are articulated to those of other castes. Beside this Varna test is not also workable because it continues to crop up in discussions of untouchability. Thus the court have not still developed any learning an
untouchability that is suitable and could be employed in the criteria of
selection of scheduled castes.

REFERENCES:
1. Article 341 (2).
2. Article 342(2).
5. The Scheduled Castes and Scheduled Tribes order (Amendment)
6. RCSCST (1951), at pp. 10-11. (RCSCST = Reports of the
   Commissioner for SC and STs. These reports are designated by the
   period covered by the report rather than by the report number or by
   date of publication) at pp 10-11.
10. RCSCST 1957-58 : I. Petitions for inclusions are still made.
11. M.N. Srinivas (1956 : 377) observes that ‘the barrier of
    untouchability” cuts off untouchables from the opportunities for
    groups social mobility that do exist within the caste system.
12. Shri Santosh Kumar, RSD Vol. 97, No. 18 Col 35 (3 Sept., 1976).
13. Shri K. Bhrahamananda Reddy, LSD (5th Series), Vol. 64, No. 16 :
    Col. 125 (2 Sept., 1976).
15. Id., at 6.
17. Scheduled Castes and Scheduled Tribes (Amendment) Act, 1976
20. K. Appa Rao V. Director of posts and Telegraphs, AIR 1969 Or. 220, at 221.
21. E.g., the Lokur Committee (Department of social security 1965: 14); the Commissioner for Scheduled Castes and Scheduled Tribes (RCSCST 1971-2/1972-3: 242-43) and the Home Minister (LSD (5th Series), Vol. 64 No. 16: Col. 166 (3 Sept. 1976).
22. RCSCST 1951: 8
23. Id., at 8-9.
25. Wasudeo V. Union of India, 1973 Mh. L.J. 994. Residence is equated with ‘permanent abode’ rather than place of origin or ancestral home (id., at 998).
27. RCSCST 1958-59: I II.
28. Id.
29. Id., the Backward Classes commission had earlier recommended that migrating members should be treated as other Backward Classes (I: 155). In 1963 the Commissioner noted that the Government of India had still not taken decision on this issue, (1962-63: I, 12).
33. The Government of India (Scheduled Castes) order, 1936, 53.
34. Thus Hutton's note to the Indian Franchise Committee Observes that it was decided to omit Christians and Muslims (Indian Franchise Committee 1932 : I, III).

35. For the composition of the legislative bodies under the Government of India Act, 1935, see the 1st and Vth Schedules to that act.


41. Atmaram V. King Emperor, A.I.R. 1924 Nag. 121.

42. Muthusami V. Masilmani, I.L.R. 33 Mod. 342 (1909); Manickari V. Poongavanammal, A.I.R. 1934 Mod. 323.

43. An attempt to attach this meaning by amending Article 17 to read 'no one shall, an account of his religion or caste be treated or regarded as 'untouchable', was defeated in the Constituent Assembly (C.A.D. Vol. VII 665, 669).

44. Devarajiah V. Padmanna, A.I.R. 1958 Mys. 84 at 85.
CHAPTER-III (B)
DR. AMBEDKAR’S CONTRIBUTION FOR THE UPLIFTMENT AND REPRESENTATION OF THE SCHEDULED CASTES

Dr. B.R. Ambedkar, one of the illustrious son of India struggled for the upliftment of Scheduled Castes by carrying out a life long struggle to safeguard effectively the rights of Dalits. He wanted that his people should lead the life of dignity, meaning and self-respect. He tried his best to bring about a radical transformation in the living conditions of millions of his community who were condemned for many centuries to live degraded and dehumanised lives by performing the most defiling, dirty, impure and menial task. He also willed to guarantee the Dalits protection from the atrocities of the upper caste.

Mahatma Gandhi and Dr. B.R. Ambedkar were two important champions who fought bravely for the cause of Dalits in India. But both of them had different views in every aspect, right from the term to refer to the Scheduled Castes to the measures to be adopted for changing this status. Gandhiji coined and popularised a term, Harijan (Children/ men of God) to refer to Dalits, whereas Ambedkar preferred to call them “untouchables” which, in the latter’s view, throws light on the actual situation. Gandhiji view untouchability from a religious perspective and according to him the problem of eradication of untouchability could be tackled through self introspection and change of heart of the upper castes. On the other hand, Ambedkar viewed the problem as a political and economic one, according to him untouchability is a product of the caste system by which the upper castes exploited the Dalits financially by extracting unpaid labour. He wanted a transformation at the social structural levels, in order to bring a change in the caste-biased discrimination. He also highlighted the role of
the state in bringing about societal change through legislative measures. Dr. Ambedkar initiated as the Chief Architect of the Indian Constitution that the numerous safeguards to the untouchables and other weaker sections were enshrined in the constitution.

Having born as an untouchable, Dr. Ambedkar suffered many social disabilities in his life inspite of his higher education. To realise his vision of a casteless society by liberating the Dalits from their centuries old enslavement and ostracism. He also advocated inter caste marriages and religious conversion. On Buddha Jayanti day in 1956, he embraced Buddhism along with five lakh followers from the Hindu fold. This marked the culmination of his frustration with the tenacity of Hinduism in rejecting the untouchables a comfortable niche in the Hindu Society.

(i) STATUS OF SCHEDULED CASTES:

The Scheduled Caste are not at the lowest group in the Hindu caste system. Their conditions has not undergone any significant change even after the four decades of political independence. Of course, there were several Reform Movements before independence, various constitutional safeguards, Dalit bodies and voluntary agencies which have highlighted the problem of these groups with out much fruits. The constitutional safeguards only helped to create a class among these very sections, they have not yielded any change in respect to others who continue to be exploited deprived and depressed in all aspects of life.

The upward mobility of the Scheduled Castes is not always smooth or easy. This is due to the conflicting demands of status and power while large sections of Dalits remains untouched and unchanged, those little sections which moved up the scale of mobility in spheres other than caste are increasingly facing many problems of adjustment, strains and counteractions by the rest of the society in various forms of threat,
coercion, humiliation, torture, rape and other kind of violence. The Scheduled Castes who were also called Harijans constitute an important stratum not because they form 15 percent of India's population but they occupy a unique position as untouchables. The economic position relating to landholdings further highlight the differences. While 82.8% of land is owned by other communities, the SC's possess only 7%. Of them nearly 70% have less than one hectare. In employment, the quotas of higher posts for them are rarely filled. Most often posts meant for SC's are deserved and filled by others for want of suitably qualified candidates.

The remarks of the commissioner of Scheduled Castes and Scheduled Tribes, a constitutionally appointed authority to monitor the working of the safeguards for the SC's and ST's reported over a decade ago are most appropriate. But still willing smile on many a hamlet and slum of the SC's is yet to be bestowed. They continue to submit to the decree of fate rather than have the benefits of the decrees of our basic laws. Liberty, equality and fraternity so richly enshrined in the constitution of our country have still to acquire a meaningful preposition for them.... There are many areas where the SC's are denied even common sources of drinking water."^1 Today despite of declaration of Article 17 of the constitution which prohibits untouchability and its practice very little changes has taken place and the conditions of Dalits remains in their previous positions.

The condition of the Dalits in the rural area is worst. Untouchability is still practiced there. They continue to live separately from the village. In the public functions, festivals and ceremonies, they are usually kept at a distance. The untouchables are given tea in mud cups whereas others are given in tumblers. They are made to sit in corner, away from those of other castes. The converted Harijan Christians also suffer many humiliations just as their ex-counterpart.
The constitution of India of course made untouchability a penal offence. But the law is seldom used. Even when used the police and other authorities ensures that no convictions take place. Beside this, the atrocities on the Scheduled Castes have gone up so sharply and continuously that the Government has been forced to enact a new sharp law providing for more stringent punishments and effective implementation of safeguards by penalizing officers who act with indifference.

(ii) AMBEDKAR'S THOUGHT IN BACKWARD CLASSES:

The backward classes form a major portion of the Hindu Society. According to Mandal Commission Report they form 52.10% of the total population. Of the total Backward Classes population 43.70% were Hindus and 8.40% were the non-Hindus. In addition to the Backward classes population, the Scheduled Castes were 15.05% and the Scheduled Tribes were 7.51% of the total population. Total of these categories would be 22.56% of the total. Thus, the Backward Classes 52.10% plus Scheduled Castes and Scheduled Tribes 22.56% would be 74.66% of the total population. The backward classes are nothing but a collection of certain castes which are socially and educationally backward. In the Hindu religious order they are called Shudras and treated as lower among the “Chaturvarna”.

Dr. B.R. Ambedkar had great sympathy for these backward classes. The Manusmiriti has maliciously imposed several inhuman penalties and indignities on them. Therefore they remained backward in all respects. His vision of an integrated society based on liberty, equality and fraternity makes him to think for them and to strive to improve their condition.
Mahatma Phule (1827-1890), the first real social reformer, who belong to Shudra Caste, tried his best to improve the condition of Dalits by bringing to them socio-political awareness. Dr. Babasaheb Ambedkar regarded him as one of the three preceptors. Dr. Baba Sahedb Ambedkar wrote a treatise on the Shudras in 1946, under the caption of “who were the Shudras?”. He very categorically states that the shudras of the Indo-Aryan society are absolutely indifferent in race from the Shudras of the Hindu Society. The Shudras of the Hindu Society are not the racial descendents of the Indo-Aryans society. The word Shudra, as used in the Hindu society, is not a proper name at all. It is an epithet for a low uncultured class of people. It is a general cognomen of a miscellaneous and heterogenous collection of tribes and groups, who have nothing in common except they happen to be on a lower plane of culture. It is wrong to call them by the name Shudras. They have very little to do with their namesakes of the Aryan society, who had offended the Brahmins. It is a pity that these innocent and backward people of later days have been rolled up with the original Shudras and subjected to the same penalties for which they had given no cause. According, the Shudras among the Indo-Aryan community and Shudra castes among the Hindu society come under the blanket nomenclature of backward classes.

Under the constitution of India, the credit of framing of which goes to Dr. Ambedkar, the backward classes are those which are necessarily socially and educationally backward. Accordingly, the backward classes are those lower caste Hindus as well as the groups under other religions which are socially and educationally backward as compared to forward classes.

The Backward classes were subjected to indignities and social distance in accordance with the code of Manu. The Manusmiti very
ruthlessly imposed several restrictions, prohibitions and discriminations on the Shudras. However, the Shudras could not raise their protect against those prohibitions as they were presumably sanctioned by the religion. Moreover, they lacked education. He said that “The Executive and Administration is entirely monopolised by higher classes. They are monopolising it by reason of the fact that they have been able to get the highest education. The Backward Class man’s son cannot get even the primary education.

In order to uplift the backward classes to the level of high castes he proposed in the manifesto of the Independent party labour founded by himself that the economic conditions of the farmers and the labourers would be improved by nationalising the big industries, by liberating the agricultural tenants from the clutches of the land lords by increasing employment opportunities, by financing promising entrepreneurs; by implementing the scheme of free and compulsory education etc. When Dr. Ambedkar became Labour Minister in the Viceroy’s Executive Council he undertook several schemes for the welfare of the labourers.

It should be borne in mind that he advised the backward classes to “forge a united front” with the Scheduled Castes “in order to wrest political power from the higher classes”. He very categorically said, “the scheduled castes and backward classes form majority of the population of the country. There is no reason why they should not rule this country. All that is necessary is to organise for purpose of capturing political power which is your own”. Dr. Ambedkar very rightly thought that they need only unity of purpose and sufficient courage to strive for power. Thus he proposed political solution to the socio-economic problem of both the classes.

He was also aware of the fact that ‘The Backward Classes did not like to associate themselves with the Scheduled Castes because they were
afraid that such an association will bring themselves down to the level of the scheduled castes.  

Various provisions are made in the constitution to safeguard the interest of backward classes. The constitution however provide various safeguards for Backward classes in Article 15(4), 16(4), 19(1)(g), 46, 340(1), 340(2) etc. which are discussed in detail in coming chapters. Thus the constitution sincerely contemplates to improve the condition of the Backward Classes. Thus Baba Saheb Ambedkar genuinely tried to raise the socio-economic condition of the Backward Classes in India. However it seems that no due cognizance of his effort has been taken by the concerned. The Backward Classes need to follow him for their own improvement and integrity of the society as a whole.

(iii) AMBEDKAR’S THOUGHT ON REPRESENTATION OF SCHEDULED CASTES:

Dr. Baba Saheb Ambedkar, however put forth his demand of separate electorate for the Depressed Classes firstly in 1919 while giving evidence before the South Borough Franchise Committee. In his report submitted to the Simon Commission in 1929, he recommended for adult franchise, and joint-electorates with reserved seats for almost all the communities except the Europeans. While giving evidence before the Simon Commission in 1928, he replied to a question, “if there is no adult franchise ?” saying that, “ then we would ask for separate electorate” 13. During first and second Round table conferences Baba Saheb Ambedkar demanded separate electorates for the Depressed Classes. The British Government, however conceded the demand of separate electorate under the coomunal award, but due to antajonistic attitude of Mahatma Gandhi in that respect, he had to relinquish it and accept joint electorates with reserved seats under the Poona Pact 1932.
The obvious purpose of the separate electorate is to secure adequate and effective representation to a minority in order to thwart any probable attempt to impose tyranny by communal majority over the communal minority. Dr. B.R. Ambedkar also thought that the best method of securing true representation of Dalits is the demand for separate electorate in order to protect their interests. Dr. Ambedkar demanded separate electorate because he thought that the problem of the Depressed Classes was the problem of one-fifth of the total population of India. They form ‘a group’ by themselves which was distinct and separate from the Muslims and Hindus. They suffer from untouchability and invidious discriminations based on it. They are politically suppressed, socially oppressed, economically exploited and religiously degraded. He thought that they were more suppressed than the serfs and slaves.

Dr. Ambedkar visualised the problem of Depressed Classes from the political point of view since the very beginning. According to him the problem of the Depressed Classes was “eminently political problem and must be treated as such” 14. His distinctive and unique approach made him think that ‘the problem of the Depressed Classes will never be solved unless they get political power in their own hands’ 15.

Dr. Ambedkar lost all his hopes when he saw that the British Government was having indifferent attitude towards the problem of Dalits. He very boldly said in the Round Table Conference that, “No share of this political power can evidently came to us as long as the British Government remains as it is” 16. It is only in ‘Swaraj’ these groups might be able to protect their interests. He however thought that political power would be possible to them only through their real representatives, as they would be real only when they are elected by the Depressed Classes themselves through separate electorate.
Dr. Ambedkar observed that the Depressed Classes from minority for ever which is based on birth. Moreover in the Hindu Social system their status is low and despicable. There are various communities in India which require political recognition, it has to be understood that minorities are not on the same plane, that they differ from each other in the social standing which each minority occupies, vis-à-vis the majority community” 17. The economic condition of the Depressed Classes is vulnerable. They for petty reason suffer the agony of social boycott. The Hindus do not treat them equally. Hence he very explicitly said that that “we have been called Hindus for political purposes, but we have never been acknowledged socially by the Hindus as their brethren18.

At the time when Baba Saheb Ambedkar was pleading the case for separate electorate at the Round Table Conferences, the franchise was very much restricted. Possession of landed property or huge income being necessary qualification for becoming a voter, the Depressed Classes were naturally deprived of being voters. They could not contest the elections. On the other hand the great disqualification they had was of untouchability. Therefore if somebody was qualified to contest the election, it was impossible for him to get elected. Therefore there was no other alternative except to demand, separate electorate for Depressed Classes. Dr. Ambedkar thought that their past continues in the present and it may continue in future also. Therefore he very correctly thought that “instead of their leaving the untouchables to the mercy of higher castes, the wiser policy would be to give power to the untouchables themselves who are anxious, not like others, to usurp power but only to assert their natural place in the society19.

Ultimately Dr. Baba Saheb Ambedkar demanded, inter alia separate electorate for the depressed classes through a memorandum submitted to the Round Table Conference jointly by himself and R.B.R. Srinivasan. The
main purpose of Dr. Baba Saheb Ambedkar in demanding separate electorate to the Depressed Classes was “to destroy monopoly in every shape and form” enjoyed by the so called high castes. “our aim is, he stated “to realise in practice our ideal of one man one value in all walks of life, political, economic and social. It is because representative government is one means to that end that the Depressed Classes attach to it as great a value and it is because of its value to us that I have urged upon you the necessity of making your declaration subject to its fulfilment\(^{20}\).

In order to foil the efforts of Dr. Baba Saheb Ambedkar in demanding separate electorate, Gandhiji played some foul tactics. He argued that almost all the delegates to the Round Table Conference was not elected by the parties or groups whom they were to represent; but they were nominated by the government\(^{21}\). Hence they were not properly authorised by their respective parties. On the other hand, he argued that “The Congress claims to represent the whole nation.”\(^{22}\) Thus he vainly tried to demoralise all the delegates and tried to create an impression that only congress delegates represent the whole nation. Dr. B.R. Ambedkar, however ably said, ‘I am a nominee or not, I fully, claims of my community’\(^{23}\). Regarding the claim of congress to be representative of whole nation, he said that, ‘I can only say that it is one of the false claims which irresponsible people keep on making although the persons concerned with regard to those claims have been invariably denying them\(^{24}\). The British Government neglected the argument of Gandhiji and continued the proceedings of the Round Table Conference uninterrupted. It was Gandhiji’s conviction that Depressed Classes do not need political rights at all, what is most important is that they need protection from social and religious prosecution\(^{25}\). In the words of Dr. Ambedkar, ‘Mr. Gandhi
planned to buy out the Musalmans by giving to the Musalmans their 14 demands, which Mr. Gandhi was not in the beginning prepared to agree. When Mr. Gandhi found that Musalmans were lending their support to the untouchables he agreed to them their 14-points on condition that withdrew their support from the untouchables. However, due to non-cooperation of Muslims the plan of Mahatma Gandhi failed. On 8th October 1931. He further met Agha Khan and asked the Muslim leader to withdraw their support to the Depressed Classes, but in vain.

When the British Government realised that there was no compromise on the majority problem, he asked all the members of minorities committee to authorise him to settle the problem at his own. Mahatma Gandhi signed the pledge to agree with the Premier. Dr. Ambedkar however did not sign the pledge as he believe in the justice of his demands. Mahatma Gandhi began his epic fast unto death in Yewade Jail, Pune on 20th September, 1932 in protest against the separate electorate for the Depressed Classes provided under the communal award. The political situation in the country became grim and tense. Dr. Ambedkar categorically said that, “I shall not deter from my pious duty, and betray the just and legitimate interests of my people even if you hang me on the nearest lamp-post in the street.

Eventually, Sir Tej Bahadur evolved a scheme of Primary and Secondary elections for the reserved seats in place of separate electorate. Dr. Ambedkar however expressed his willingness to accepted the proposal provided the number of seats was increased. It was acceptable to the Hindu leaders. In the negotiations the Hindu leaders accepted to allot 148 seats to the Depressed Classes in the Provincial Assemblies. In the central legislatures 18% of the seats allotted to the general electorate were to be reserved for them. Gandhiji consented to the agreement. The agreement was signed on 24th September, 1932 at Poona, as such it is known as ‘Poona
Pact'. Dr. Baba Saheb Ambedkar has rightly observed that "Poona Pact has completely disfranchised the Scheduled Castes." Mahatma Gandhi and the Hindu leaders agreed to joint electorate only because it was to serve their interests in a better way. They must have thought that they would be able to impose Hinducracy on the Scheduled Castes, that too with the easy consent of the 'Stooges' of their community. Dr. Ambedkar was fully aware of this fact, so he tried his best for separate electorate for the scheduled castes since 1919 itself. He was fully aware of the inter-relationship between separate electorate, representation, political power and welfare of the Scheduled Castes. He said very categorically that Poona Pact was 'fraught with mischief'. It was accepted because of the coercive fast of Mr. Gandhi and also assurance was given at the time that Hindus will not interfere in the election of the scheduled castes.

When his party was fully routed in the elections held in 1946, he prepared a memorandum on behalf of the Scheduled Castes Federation to be submitted to the Constituent Assembly, later on published under the caption of 'States and Minorities' where he vehemently demanded separate electorate.

Later Dr. B.R. Ambedkar was elected as Chairman of the Drafting Committee of the Constituent Assembly on 29 August, 1947. He however, could not raise the issue of separate electorate in the Constituent Assembly because by raising this issue some distressing implications would arise. Therefore Ambedkar who believed in the politics of power, principle and possibility in a given situation kept strategic silence over the matter.

Ultimately, Baba Saheb Ambedkar became successful in his fight for securing human rights for the scheduled castes. The constitution, the credit of framing of which is graciously given to him, is the monumental evidence to this fact. The main provisions under the constitution of India in respect
of the welfare of the Scheduled Castes are given in Articles 15(4), 16(4), 46, 164, 330(1) and 338(1) which are discussed in detail in coming chapters.

Thus Dr. Ambedkar demanded separate electorate as the best method of securing adequate and effective representation of the Scheduled Castes in the legislature. He contemplated that by this way the Scheduled Castes would have got able leadership which could have tried selflessly to uplift their brethren and integrate them with the main stream. However due to strong opposition based on misunderstanding of the fact, he had to reluctantly withdraw his demand and accept joint electorate with reserved seats. This agreement is known as 'Poona Pact' and it went down in history as an important document of the Constitutional evolution of India. It seems that the Constituent Assembly also directly or indirectly agreed to be bound by the Poona Pact, 1932 and provided the same system of joint electorates with reserved seats and certain special safeguards for the welfare of the Scheduled Castes.

However during the first few years of working of the constitution he found that the representatives of the Scheduled Castes did not prove to be good in protecting the interests of their brethren. The Congress naturally nominated such Scheduled Castes on the reserved seats who were loyal to the party rather than to their brethren; and got them elected on the strength of caste majority. Though, the Government, as he said, was different towards the problem of the Scheduled Castes, their representatives, by and large were meak on their own problem. Therefore the working committee of the Scheduled Castes Federation under the leadership of B.R. Ambedkar passed the resolution, on 27th August, 1955, in favour of abolition of reservation of seats for Scheduled Castes in the Central and State legislatures.
Thus Dr. B.R. Ambedkar was very keenly interested in the adequate and effective representation of the Scheduled Castes, no matter by which way. He, however, though that such representation must be able to protect the interest of the Scheduled Castes as a part of the society as a whole.

(iv) DR. AMBEDKAR AS AN EMANCIPATOR OF THE SCHEDULED CASTES:

Dr. Ambedkar had liberated the Scheduled Castes who were subjected to invidious discrimination on the ground of untouchability for centuries together. Untouchability was deeply rooted in the Hindu Society and due to this untouchables were treated like chattels. It was none but Dr. Ambedkar who rightly diagnosed the problems of Scheduled Castes and successfully solved it.

The type of strategy which Baba Saheb Ambedkar had applied for the emancipation of the Scheduled Castes who formed a significant majority in our country. His mission, however, was to emancipate the so-called untouchables from political persecution, social suppression, religious repression, economic exploitation and cultural degradation perpetrated by the Brahminism. His love and concern for his brethren was the result of his motto to uplift them to the level of so called upper castes and integrate with them once for all. He was determined to liberate the untouchables as an integral part of the liberation of the nation as a whole.

His diagnosis of the problem of the Scheduled Caste was unique and exact. He emphatically told “that the problem of the depressed classes is a social problem and that its solution lies else where than in politics. We take strong exception to this view. We told that the problem of the depressed classes will never be solved unless they get political power in their own
hands. According to him untouchability was the outcome of hatred, jealousy and contempt for the Buddhists and it was a deliberate malicious act connived by the Brahmins in order to suppress the former for imposing the latter’s supremacy over all the people including Buddhists. Many contemporary leaders among the touchables and untouchable tried to find the solution in social reforms and moral appeal to the Hindus. But Baba Saheb’s diagnosis was more accurate, touching to the truth and utilitarian in producing better results.

Primarily Dr. Ambedkar tried his best to prepare the tradition bound untouchable’s mind psychologically more receptive to new thoughts in his paper ‘Mook Nayak’ , Dr. Ambedkar in the very first issue wrote that “India is the home of inequality”. “In order to save the depressed classes from perpetual slavery, poverty and ignorance, herculean efforts must be made”. He gave the slogan in order to awaken the untouchables. “Tell the slave he is a slave and he will revolt”. Then he launched the famous Mahad Satyagraha in 1927 and Kalaram Temple entry Satyagraha in 1930. He vigorously exhorted that ‘the real remedy is to destroy the belief in the sanctity of the Shastras’ for destroying the Hindu social structure which was responsible for ruining of the Depressed Classes. Although he could not be successful in those Satyagrahas, he could create “dissatisfaction” amongst the Scheduled Castes, against Hinduism, and he “disillusioned untouchables” hope that they could get rid of their disabilities with the frame work of Hinduism.

Before his advent, the untouchables were groping in the dark having no idea of their future. He made them aware that their future lies in politics. They should leave ‘aloofness’ exercise unfailingly their voting rights, act as balance of power and win power. He was also fully knowing that ‘in a Swaraj Constitution that we stand any chance of getting the political power
into our own hands, without which we cannot bring salvation to our peoples.\textsuperscript{38}

Dr. Ambedkar was of the opinion that the principles of “self help” and ‘self respect’ should be observed in the real spirit. He said that, you must rely on your own strength, shake off the notion that you in any way inferior to any community.”\textsuperscript{39} He categorically said that, ‘the sooner you remove the foolish belief that your meseries were preordained, then better. The thought “that your poverty is an inevitably, and is inborn and inseparable is entirely erroneous. Abandon this line of thought of considering yourselves to be slaves.\textsuperscript{40}

Dr. Ambedkar established ‘Bahishkrit HitKarini Sabha’ on March 9, 1924 in order to promote the spread of education among the Depressed Classes by opening hostels or by employing such other means.\textsuperscript{41} He established the “Depressed Classes Education Society”\textsuperscript{42} to organise the School Education of his community on June 14, 1928. He also founded the People Education Society which has been working for the spread of education amongst the weaker sections since 1946. He asked them to ‘educate, agitate and organize’ for getting their fundamental rights. He has categorically stated that the untouchables would not get anything by begging. They have to manifest their strength and vigour.\textsuperscript{43}

While trying to raise the level of receptivity of the depressed classes, he tried simultaneously to make the mind of Hindus more responsive to the new awakening. He tried to disclose the hollowness of their Shastras and religion. His attacks were rational but piercing. He attempted to awaken them throught Satyagrahs which were launched at Mahad (1927) and Nasik (1930). He said that his community wants social and religious equality and tried to persuade them to adopt a righteous course for their neglected and deprived brothers. While awakening them he said explicitly that “this
religion and this social order has ruined us”. But this is not going to stop here. This would ruin the Hindus themselves and ultimately India.

When Dr. Ambedkar did not get healthy response from the caste Hindus to his persuasive tactics, he threatened to convert to other religion as early as 1929 in a conference held at Jalgaon. Again in 25th September 1932 he reminded of “a great danger of their succeeding from Hindu Society”. “I beg to you to bear that in mind and hope that you will do the needful in the matter”. He again reiterated in the conference at Yeola on October 13, 1935, that “I solemnly assure you that I will not die a Hindu”. Seeing his work even Mahatma Gandhi had to admit that, Dr. Ambedkar is not the man to allow himself to be forgotten...... Dr. Ambedkar is a challenge to Hinduism.

Slowly and gradually Mahatma Gandhi was successful in establishing Harijan Sevak Sangh in 1932 to serve the course of the untouchables. One Sri Ranga Iyer presented the untouchability Bill in 1933 in the Central Legislature but in vain. Beside this Anti untouchability Acts were passed by several Provinces and states during 1934 to 1946. This shows that the Baba Saheb’s strategy became useful to a greater extent.

Apart from all this he tried to build up a strong organisation of the Scheduled Castes. Dr. Ambedkar said that, “we cannot have any position in the politics of the country if we do not have a strong organisation”. He viewed strong organisation as a instrument of acquiring political power. As a result he formed Bahishkrit Hitkarini Sabha in 1924. Independent Labour Party in 1936, Scheduled Castes Federation in 1942. The organisations formed by Dr. Ambedkar served as a training centre of politics for the Scheduled Castes. Apart from political activities they had to work for social reforms also. Through these organisations the Scheduled Castes were able
to maintain their self-identity and emerge as a third political force to be reckoned with in the politics of India.

Dr. Ambedkar’s whole life was full of confrontation, conciliation and cooperation. A close look at his life mission reveals that whenever the welfare of the Scheduled Castes was at stake he was constrained to confront and the confrontation was to eventually culminate into conciliation and cooperation in the wider interests of nation. Therefore he signed the Poona Pact showing his community’s interest could be honourably adjusted with national interests. He could operate then during 1942 to 1946 as the Labour Member in the Viceroy’s Executive Council and during 1946 to 1952 as a member and Chairman of the Constituent Assembly and as a Law Minister respectively.

In the politics of emancipation of the Scheduled Castes he adhered to the principle, ‘Politics is not a game of realising the ideal. Politics is the game of possible’⁵⁰. Although he wanted to get separate electorate for the Scheduled Castes, he had to be contended with joint electorate. Although he wanted reservations to continue till the complete eradication of untouchability, he accepted it up to ten years only in the Constituent Assembly. He said to the caste Hindus that, “the responsibility is entirely yours. You must make your effort to uproot caste, if not in my way then in your way”⁵¹. His attitude was to mould the public opinion if it is adverse, but not to oppose it outsightly in defiance of democratic principle.

Dr. Ambedkar tried to maintain separate identity for the Scheduled Castes for safeguarding their political interest. He said that, ‘Where ever I may be, in whatever company. I may find myself, I would never loose my separate identity. If any body asks for my cooperation. I would gladly give it for a worthy cause. I cooperated with the Congress Government for four yours with all my might, and with all the sincerity in the service of my
motherland. But during all these years I did not allow myself to merge into the Congress Organisation. The problem of the Scheduled Castes was specifically identifiable as a distinct problem from other weaker sections of the society as the former were suffering from social as well as economic inequality whereas the latter were suffering from mere economic inequality. He could not make the common cause with others. Therefore it was reasonable on the part of Baba Saheb Ambedkar to maintain separate identity of the Scheduled Castes. While maintaining separate identity of the Scheduled Castes he did not find any racial difference between touchables and untouchables. His main aim and strategy was to maintain a separate identity of the Scheduled Castes without damaging the integrity of the nation. On the contrary, Mahatma Gandhi's assertion that the Scheduled Castes were inseparable parts of Hindu Society was fallacious. Baba Saheb Ambedkar's defeat in the elections of 1952 and 1954 could be attributed to the caste minded separatist mentality of the majority caste Hindus. His defeat in a way has disproved the Gandhian theory of unity of then Scheduled Castes and caste Hindus even by his own caste men. Baba Saheb's stand in this respect was of course, right.

Dr. Baba Saheb Ambedkar had shown an unflinching courage and intellectual power when he eloquently spoke before the Round Table Conference (1930-32) on the problem of Scheduled castes and its solution. The mighty British Government accepted the separate electorate with reserved seats for the scheduled caste. He asked before the British that "We were in the loathsome condition due to our untouchability and the government has done nothing to improve their conditions. He concluded that "only in swaraj constitution that we stand any chance of getting the political power into our hands with out with we cannot spare the towering
personalities of those days like Mahatma Gandhi, Barrister Jinnah, Pandit Nehru and many others.

He was clever enough to understand the probable foul tactics of splitting the Brahminic of Scheduled castes community by the Brahminic forces on the ground of ideological or cast or sub caste ground. He warned the community that “The Scheduled castes people should guard against being split by congress. At the same time you should not become complacent. You should ever remain vigilant.”

Dr. Ambedkar denounced and discarded the prevailing old Hindu minded leadership amongst the Scheduled Castes and gave rise to the new one. He was expedient enough to bonfire the Manu Smriti as a matter of strategy at the hands of S.G. Sahatrabuddha, a Brahmin liberal on 25th December, 1927 at Mahad. He was a pragmatic political thinker having faith in constitutional means. Therefore his leadership was dynamic and his suspension of the struggle for Mahar Watan Bill due to possibility of violence, his discarding Satyagraha as a means to get social justice, his acceptance of joint electorate in place of separate electorate, his declaration of conversion and its postponement for more than 20 years, his criticism on and cooperation with the congress, his views on linguistic states, and the policy of reservations etc. exemplify the dynamic and pragmatic nature of his leadership.

Whenever Dr. Ambedkar got any opportunity, his strategy was to exploit it for the betterment of the Scheduled Castes. When he became Labour Member in the Viceroy’s Executive Committee, he got the sanction of Scholarship and reservation in the services for the Scheduled Castes. He made use of slogans like “I have no Motherland”, “I am born as a Hindu, But will not die as a Hindu”, Dynamite the Shastras”, “I will make India Buddhist country”. These very slogans exerted same influence over the
caste Hindus. Thus he adopted “shock technic” to cure the illness of Hindu Society.

He tried to put the problem of Scheduled Castes before the world community so as to arouse and attract their conscience favourably. He put the problem of the “castes in India” before the Anthropology Seminar at Columbia University, New York as early as 1916. He represented the Scheduled Castes at the Round Table Conferences held at London during 1930-32 and successfully argued for the political rights of the Scheduled Castes. He wrote a paper on the problem of the scheduled castes in response to the invitation by the Pacific Relations Committee for its conference in December 1942. This paper was later on published in book form under the caption “Mr. Gandhi and the Emancipation of the Untouchables”. He was of the opinion that the problem of untouchability was a problem before the humanity at large. He states that, “the socio-religious disabilities have dehumanised the untouchables and their interests at stake are therefore the interests of humanity.55

Dr. Baba Saheb Ambedkar had resorted to legal measure for the abolition of untouchability and protection of the socio-political and economic interests of the Scheduled Castes. His work on the floor of the Bombay Legislative Council during 1937-39, his role as the Labour Member in the Viceroy’s Executive Council and his role as the Chairman of the Drafting Committee of the Constitution in the Constituent Assembly and as a Union Law Minister and as a Member of Rajya Sabha reveal his faith in legal measures. He was of the opinion that, the Depressed Classes “will get no share of power unless the political machinery for the new Constitution is of a special make. In order to secure the rights and interests of the Scheduled Castes under the Constitution, he submitted a Memorandum, published as “State and Minorities” to the Constituent
Assembly. In this Memorandum he expressed his views as to how the nature and structure of the future constitution should be for securing socio and economic justice. Thus he thought that statutory provisions are necessary as a ‘guarantee’ to secure the rights of the minority like scheduled caste.

Dr. Ambedkar adopted Buddhism with his brethren on October 14, 1956 at Nagpur. He has shown his courage, conviction and rational attitude in the choice of Buddhism. He wanted to embrace that religion which would satisfy same tests of good religion; viz. It should be based on liberty, equality and fraternity, it should be able to accept the challenge of modern science and communism; it should be based on pure rationalism and it should not sanctify or ennable poverty. According to his Buddhism would satisfy all those tests, Moreover it was Indian religion which is spread in other Asian Countries also. According to Bhagwan Das his “adoption of Buddhism was not a political stunt. It was an inner urge in search of a way”.

Conclusively speaking Dr. Baba Saheb Ambedkar was primarily meant for the emancipation of the scheduled castes from the age old bondage of untouchability imposed by Brahminism. His adopted brilliant strategy. His mission was based as certain principles and high moral values. Although he was a vociferous critic of Hindu society infested with many evils, his criticisms were always constructive and reformative in nature. While serving the cause of his brethren he had not done any disservice to the nation. He tried to reconcile both the interests very nicely. There lies his skill, strategy, ability and integrity by which he was able to solve the problem of the Depressed Classes to a greater extent.

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2. Chatur Varna or Four Varnas are Brahmin, Kshatriya, Vaishya and Shudra. They are presumed to have been created by the Purusha or God himself. Purush Sookta (Veda), 13.

3. Manu Smriti or the code of Manu is believed to have been written by Mani in the period of Pushyanittra Sung who revolted against Brihadrat of Maurya dynasty in the year 185 B.C. and reigned up to 73 B.C.


6. G. Buhler; The laws of Manu, Motilal Banarsidas, Jawahar Nagar (Delhi, 1964)


10. Ibid., at p.87

11. Ibid., at p.87

12. Dr. Ambedkar and Parliamentary Democracy, Edited by M.P. Mangudkar, Mrs. Mangudkar, Sadashiv Peth (Poona, 1976) at p.17


14. Ibid., at P.506

15. Ibid., at p. 506

16. Ibid., at p. 505

17. Ibid., at p.529

18. Ibid., at p. 533

19. Mangudkar M.P. (Ed) : Dr. Ambedkar and Parliamentary, Democracy at p.32.
21. Ibid., at p.660
22. Ibid., at p.660
23. Ibid., at p.661
24. Ibid., at p.661
25. Ibid., at p.661
26. Ambedkar B.R. What Congress and Gandhi have Done to the Untouchables at p.72.
27. Keer Dhananjay: Dr. B.R. Ambedkar: Life and Mission, at p.194
28. Ibid., at p.190
29. Ibid., at p.209
31. Ibid., at p.76
32. Keer Dhananjay: Dr. Ambedkar: Life and Mission, Popular Prakshan (Bombay, 1971) at p.487
34. Keer Dhananjay: Dr. Ambedkar: Life and Mission, at p.41.
35. Ibid., at p.60.
39. Ibid., at p.78
41. Ibid., at p.55
42. Ibid., at p.124
44. Bhagwan Das: Thus spoke Ambedkar, Vol.II, at p.153
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46. Bhagwan Das: Thus spoke Ambedkar, Vol.I, at p.42
47. Keer Dhananjay: Dr. Ambedkar – Life and Mission, at p.253
48. Dr. Baba Saheb Ambedkar: Writings and Speeches, Vol.I, at p.81
49. Bhagwan Das: Thus spoke Ambedkar, Vol.II, at p.41
50. Ibid., at p.31
51. Dr. Baba Saheb Ambedkar: Writings and Speeches, Vol.I, at p.80
52. Bhagwan Das: Thus spoke Ambedkar, Vol.II, at p.34
53. Bhagwan Das: Thus spoke Ambedkar, Vol.I at pp.20-23
54. Bhagwan Das: Thus spoke Ambedkar, Vol.II at p.40
56. Bhagwan Das (Ed): Thus spoke Ambedkar Vol.I at p.23