CHAPTER - VIII

SUMMARY AND CONCLUSIONS

Social discrimination has prevailed in India since long past. Certain sections of the society were deprived of basic conditions of life and placed at the bottom of the Hindu social organisation. These subjugations continued for many centuries. Higher castes had vested interest in keeping low caste people under their control. But after gaining independence our national leaders and constitutional experts aimed at creating an egalitarian society for the removal of social disabilities of untouchabilities of untouchables and depressed class citizens of the society. Accordingly, innumerable constitutional remedies were incorporated.

It was felt that the key factor leading to social mobility among untouchables and Other Backward Classes of citizens is active participation in politics by them on democratic planes. Recently, every political party, in its party manifesto has incorporated the ideology pertaining to the upliftment of scheduled castes, scheduled tribes and Other Backward Classes. This development led to an awareness among the group. But top
leaders of almost all political parties belonging to upper castes do not allow leaders and leadership to emerge from the low castes. Upper caste political leaders accommodate only 'Yes Sir', "show boy", and the like submissive persons as their subordinate low caste leaders and avoid assertive, articulate, powerful, highly educated scheduled castes and scheduled tribes leaders from being associated in the field of governance as every class or a segment of class in rural India or in urban area is tempted to form its own political party with a view to control Governmental power and public resources.  

The protective discrimination policy has confronted and stalled by negative motive of execution in the actual practice in implementation of the policy. Because executive officers in the Government services are high caste touchable Hindus who nurse caste hatred and jealousy. At the most in case of reservation in services they appoint scheduled castes, scheduled tribes and Other Backward Classes of citizens to subordinate posts and rarely for class I and class II posts within the framework of reservation pool at the pressures of constitutional unavoidabilities and they are within the limited quota from recent times.

Scheduled caste, scheduled tribe and other backward class elites also do not wish to identify themselves with their own depressed classes. As a result alienation process is taking place. Ultimately they suffer from an identity crisis.

The reservation policy in case of services provides scope for individual achievement and mobility by enhancing the beneficiaries' capability to improve one's own standard and quality of life. The reservation policy in political field, i.e., reserved seats in legislature and Parliament has a more wider impact on these groups. Since these benefits create scope for extension of power, more and more people get the benefit. In a sense this is self-perpetuating in nature.

Even among the beneficiaries of reservation policy, the distribution of benefits are uneven. Its benefits are pocketed by upper, more educated, politically articulate sections and the lowest rung within the category are deprived of them. It may be summarised as 'development at the top and stagnation or gross neglect at the bottom'. With the help of protective discrimination certain individuals, belonging to scheduled castes, scheduled tribes and Other Backward Classes have secured entry into the elite class in urban areas. In
These people have accessibility to the benefits and avail of them. But the bulk of untouchables and tribals who are illiterate or ignorant of such benefits remain excluded or isolated and oppressed.

Beneficiaries of protective discrimination from the untouchables and tribals suffer due to inferiority complexes and encounter caste hatred by the touchable high caste people from Hindu society. Members of previously victimised groups in the process of claiming reservation benefits face biased expectations, under-valuation of their performance and cultural bias in selection devices.

The amount of facility provided to scheduled castes and scheduled tribes is unfairly over-estimated. There is always scope for exaggerated presentation about the quantum of these benefits. This would lead to mis-understanding, and jealousy among other groups. These feelings stem from two sources of mis-understanding.

There is heavy over-estimation and over-statement of the impact of protective discrimination. But in reality the large chunk of reserved posts of highly cherished portions are not filled up on the pretext of non-availability of candidates.
belonging to the particular categories; if at all filled up may be on the basis of merit. It is also perceived as 'benefits to scheduled castes and tribes as deprivation to a much larger other groups'.

The source of mis-understanding is, the general public's attention is not sharp enough to differentiate between various reservations to different groups. Their perception blurs while distinguishing between measures for scheduled castes, scheduled tribes and Other Backward Classes of citizens. The main discredit is attached to the more modest measures for scheduled castes and scheduled tribes, overlooking the reality of pocketing lion's share of reservation benefits by the so called economically and educationally backward classes who in the past dominated the spheres of social arena and want to perpetuate the trend as the untouchables, that is the scheduled castes and scheduled tribes are left at the last in social gradation to sustain every high graded ascending castes in caste hierarchy in Hindu society.

In fact reservation policy has produced significant results in the process of redistribution of benefits. At the same time it is difficult to suggest exactly the costs and benefits of this
policy because measurement of performance is difficult, and its impact becomes very complex since it is associated with innumerable other factors of human behavioural aspects.

Through the policy of reservation a substantial oppressed, deprived population gets into the purview of legislature and Parliament the flow of patronage increases. Of course the reservation of jobs in services provides to a sizeable population of the beneficiaries a sense of security, economic stability, and patronage. With considerable wastage we can also notice there has been a redistribution of educational opportunities to such groups which shall work as a guiding torch to the downtrodden people in the system of auto-suggestion in selecting the way of life.

To answer the question of whether protective discrimination policy undermines the national goal of egalitarian society, we have to see the concept of secularism in this setting more than the separation of religion and state. It connotes the elimination of caste and religious groups as categories of public policy and participants in politics.

The policy of reservation for socially, economically, educationally and politically backward classes of citizens
in Karnataka State in the areas of recruitment to government services and for admission in educational institutions has been in practice for the last four decades and even earlier to that.

The fact the reservation policy is a legacy of the erstwhile princely state of Mysore. There were considerable activities in the movement of backward classes. Backward Classes Commission were constituted. But for political profit, almost all government departments in Karnataka State give more grounds than was even warranted by the outrageous clamours of vested interests which have survived on the 'Politics of Backwardness, and caste politics on the major groups of Brahmin and non-Brahmin broadly. This was more pronounced in case of all the party governments in Karnataka State. The Chief Ministers of Karnataka proved themselves more "tricky" than "shrewd" in favour of politically dominant castes like Vokkaligas and Lingayats, with a major share in political administration with "here and there" few of other high caste politicians like Brahmins and Jains for name sake followed by the fixed quota of 14.5 and 3.5 percentage for the scheduled castes, scheduled tribes on the constitutional and unconstitutional way of reservation system in the name of democracy. And the Other

Backward Class of citizens get the benefits according to the proportionate existence of their population in the state on the basis of caste.

Focussing on the judicial trend, it appears deprivation in one field leads to deprivation in the field of judiciary also. It is apparently true that protective discrimination policy is designed to redistribute scarce resources and opportunities to those people who are deprived of them. It also presupposes that these proposed beneficiaries of policy are deprived of rights, equality and liberty to their fullest, in the field of equitable distribution of justice in the field of wealth, education, politics and status but also less capacity as users of legal remedies. This supposition seems confirmed by the pattern of litigation in this area. The beneficiaries of reservation policy are less successful than the upper caste, non-backward in challenges in the judiciary in the legal battle and they are unable to use litigation affirmatively to improve the implementation of these policies.

The Indian citizens have not been enjoying the right of citizenship fully nor are they enjoying the equality before law as has been guaranteed under the law of the land nor are they fully
able to acquire the equal protection of the laws because
the untouchability exists vigorously in the Indian villages
even now.¹ It is true that if protective discrimination persists
for a longer period, it leads to handicaps, dependence and
subjugation of the low status groups further by the upper strata
and high caste touchable people at all stages in the society.
And there is the possibility of using reservation policy as a
tool by the ruling upper touchable caste and class groups to
keep the untouchable castes, tribals and such other lower castes
under their mercy. Hence the only way out is Dr. B.R. Ambedkar's
famous remedy "Study, Organise, and Agitate ...." which is feasible
for the emancipation of historically oppressed groups in the
State of Karnataka. The politics of reservation has the motive
behind the legislation as a policy, and this had been
definitely an instrument to gain and exercise power by the
elites at all levels on the caste basis,¹ and the lower strata
of caste groups being unenlightened just follow at the fingers
and the dictums of the high caste touchable feudals, which
helps the high caste people more. Thus the protective
discrimination has become a mechanism of social control² in

¹ C.P. Bhambri: Politics in India (1947-1987), Vikas
² Lelah Dushkin: "Scheduled Castes Politics", in: Untouchables
in Contemporary India (ed.), J. Michael Mahar, Arizona
which there has been a political intent of gaining votes by including various castes and tribes through the Commissions appointed by the Government and thus by enlisting these numerous castes and tribes, backed by the caste oriented class of elites who get their political gains enhanced and derive benefits in all walks of life. And the lowest of the low who really need the help on the principle of socio-political-natural justice, have remained still far away behind. With a few politically motivated safeguards reserved for the scheduled castes and scheduled tribes, the touchable high caste people, who have got the sanction from the religiously fanaticised hold over the lower graded castes of the people, the perpetuation of the pitiable condition cannot come to an end easily. In this connection an incident in which Redmond wanted to negotiate for United Irland with Carson, is worth recalling here. Redmond said to Carson, "Ask any safeguards you like for the Protestant minority of Ulster, I am prepared to give them; but let us have a United Irland under one Constitution," to which Carson said without asking even a movement of time to consider the offer, "Damn your safeguards, I do not want to be ruled by you." Such a resolution must spring out from the minds of the untouchables, tribals and other such lowly castes of poverty-sticken population in the society determined and pledged
to uprise with self-efforts and self-reliance to come up in life so that the higher cluster, strata or touchable caste elite groups of people will have no ground to demand the benefits. On their fake plea even when they have the social safeguards of their relative high grades of caste they belong to; and even when they have the gates of the society opened for a free social mobility, as the freedom and an authoritative movement is the means through which the citizens would be in a position to instal the desired benefits in life. But so long as the national wealth and nation's natural resources are not equally distributed among the people irrespective of their caste, creed and religion, the idea of democracy will not have an atmosphere to grow and branch out itself in all walks of economic and socio-political juristic spheres of life. Hence the economic backwardness alone cannot be acceptable as a criteria but also it stands condemnable in the interests of social justice if the government adopts only the economic standard as the means test as a criteria while identifying and classifying the Other Backward Class of citizens without taking into consideration of the castes, creeds, and religions in parallel to the educational and economic backwardness together with that of social backwardness because caste is the product of Hindu religion which cannot be discarded. Further the Indian society is politically planned on the foundations of the mental science
and social psychology with innumerable branched out religious sub-sects within Hinduism. And the social backwardness is the effect of the economic backwardness, whereas the economic backwardness is the effect of educational backwardness. And the educational backwardness is the effect of political motives of the caste rivalries in their action with relative counter reactions in the religiously finatised Indian society. Therefore, the educational backwardness is the sole cause of general backwardness because the educational backwardness breeds exploitation. And thus social backwardness is the effect of all such effective factors taken together and all these effects are responsible to the caste system of the society in Hindu religion which stratifies society on the basis of the individuality in the degree of perfection of mind, in relation to the other individual's reservoir of mental perfection and its responsiveness in the form of reaction and affinity in social behavioural relativity. Hence the system of reservation as such has been more and more a political instrument and intent in the society as the phenomenon of reservation carries with it the lesser degree of legitimacy in social contract and relative mobility, but it portrays more and more of the sympathy towards the poor, ailing, weak, downtrodden, depressed, oppressed and suppressed and the phenomenon of sympathy though it emerges
out of divine consciences of human beings, it is rationed out by the rich and the socially higher ones to the lower by retaining the social superiority with the rich and the higher castes themselves, because it is mostly the social status the lower ones aspire for to equate themselves with high caste people by domination or subordination even by risking the whole life in the science of socio-political movement and mobility for an uprise through retaliation as a last resort by the ailing ones. And the distribution of scarce benefits to the large volume of beneficiaries from all castes, creed and religions has been inequitable in the general context in the unequal and complex society in which the gulf between the have and have nots is in an increasing trend. And that requires to be balanced by the legislature and executive together through joint co-ordination. There is needed a correspondence between the Natural Equality and Social Equality. The absence of harmony in the correspondence of individual relations in the society always lead to the imbalance of social justice. The correspondence is dictated by the individual mind of the citizens. And the social harmony lies in restricting the behaviour of citizens in the society reasonably through sincere judicial administration. Because the degree of realisation of happiness in the society through social justice making itself prevail is the test of progress in life of generation not only
over a period of time but also for all times in eternity which requires the politicians and the bureaucrats to have convictions in their mind for noble cause of social justice which also presupposes the reasonable constitutional restrictions be imposed on the fundamental rights of those even who are better economically from among the scheduled castes and scheduled tribes and such Other Backward Class of citizens and make ways to the weakest among the weak and such weakest class of citizens from among the other religious denomination also for the equitable distribution of natural justice in the society. Gladstone warned many years ago and said, "...as Natural Injustice is a surest downfall, the task of the policy makers and the executors is to make justice a reality, make social justice the wellspring of power. Because, justice without power is inefficient, power without justice is tyranny, justice without power is opposed because there are always wicked men. Power without justice is soon questioned. Justice and power must therefore be brought together, so that whatever is just may be powerful, and whatever is powerful may be just (Blaise Pascal)."