ABSTRACT

India has a long history of caste ridden society. The social relations are based on caste identification. In this social phenomena an integrated society cannot be formed. Moreover due to unequal distribution of educational and economic opportunities, a large portion of population suffered socially and educationally and remain backward. The backwardness, developed either due to economic causes or was embodied in socio-relegious conditions, has proved to be a great stumbling block in the way of nation's progress and unity.

Roots of reservation policy for scheduled castes in India lay deep in past. To be true, reservation policy as an accepted constitutional policy are the fruits borne by the tree of Hindu civilization. The hierarchical social order was created over centuries with a view to preserve the monopoly of social status, property and education by the higher caste Hindus. As a result, property, education, freedom, justice, progress and prosperity was denied to the people of lower castes. Downtrodden in the Hindu society were stripped off the even equitable opportunities for political social, economic and educational development. The caste system bestowed hierarchically graded privileges on some section of society and inflicted a series of disabilities to the generation. Opportunities of growth and development were controlled and usurped by the higher castes with the result that the downtrodden were deprived and discriminated, symbolising a powerful institutional pattern of exploitation and suppression of the weak by the strong. In the Indian stratification of society, the scheduled castes constitute an important stratum, not because they form about 15 percent of India's population, but because they occupy a unique position as
untouchables. Thus the resurrection of the people who were known compendiously as the scheduled castes an treated hither to as 'casteless', 'out castes' and untouchables', oppressed by and subject to every manner of deprivation and discrimination for centuries after centuries, by a unique system of social and economic segregation, 'graded inequality', 'gradation and degration' and 'gigantic cold blooded repression' and prevented even from protesting their plight.

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

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

However, though the Government got a free hand to advance the cause of Scheduled Castes and Scheduled Tribes, it had in its way the mandate of 'Check and balance', conceived in Article 335 of the constitution. This provision remained always the source of defence of the privileged to brow-beat the under-privileged. The reservation of seats for Scheduled Castes and Scheduled Tribes were also made in the parliament and state legislatures. It is however the matter of great dissatisfaction that period of reservation has been repeatedly extended four times but still these classes are at the same position where there were two hundred years ago bearing a few who have monopolised all the benefits designed for these poor brethren. The general opinion is that the benefits of reservation policy by and large have been snatched away by the top creamy layer of the Scheduled Castes, thus keeping the weaker of the weak always weak and leaving the fortunate layers to consume the whole cake.

In the view of the above background the present study is an attempt to see to what extent the beneficiaries of reservation policy
have been benefitted in the light of constitutional commitment. An
dependence is made to assess the impact of various measures adopted
for the welfare of the Scheduled Castes. An attempt is also made to
examine empirically the political, social, economic and educational
impact in considerable detail. An earnest attempt is also made to find
out the extent of progress which these people have been able to
achieve by the virtue of constitutional safeguards in due course of
time. A special attention has been given to see how for the traditional
caste system and practice of untouchability have undergone a
qualitative change.

For the purpose of conducting the present empirical study the
following hypothesis have been raised. Firstly the reservation policy
has build up a sound political environment that scheduled caste
people have enabled them selves to regain their confidence to shore
their political power on equal footing with other secti-ns of society
at village, state and national levels. Secondly, the government has
adequate and satisfactory administrative apparatus for the
implementation of the constitutional safeguards to Scheduled Castes
and has achieved a great deal of success in removal of untouchability
and healthy environment of casteless society. Thirdly the reservation
policy has enabled the Scheduled Castes to change their standard of
living and sunken status. Fourthly the reservation policy has
generated an educational environment by which they are able to
equip themselves with other sections of society on equal footing in
various walks of their life. Fifthly, the claims of Scheduled Castes in
matter of public employment have been given due considera tion
while making appointments in service with the result that they are
now adequately represented in the service sector in accordance with
the spirit of Article 16(4). Sixthly, the benefits of reservation have
reached evenly to all Scheduled Castes in the light of constitutional philosophy. Seventhy the beneficiaries have sufficient awareness about the welfare programmes and constitutional safeguards designed for them. Lastly the execution of constitutional safeguard in favour of scheduled castes has enabled them to come at par with the other sections of society and hence the time has come to discontinue the reservation policy in the larger interest of the other sections of the society.

The present study has been restricted to Aligarh, Agra and Rampur districts of Uttar Pradesh. The reason to confine the present study to these districts is that these districts are densely populated with the Scheduled Castes and the field survey was very easily taken.

In order to find the answers of the hypothesis. A carefully structured questionnaire was prepared. A list of respondents in the five rural and urban areas in the three districts was prepared and a number was allotted to each of them. A random table was used to select the respondents from each district. The main features of the study and the method of completing the questionnaire was explained to them. An interview diary was also maintained which was used during group discussions with different respondents. This method proved to be useful and meaningful wherever the questionnaire method did not work in getting a clearer and broader prospective of the problem.

The data obtained from the questionnaire were transferred to a mastersheet after carefully edited it. Simple statistical root like percentage was used. Group discussions and personal interviews were analysed qualitatively.

In the process of present study and research the Doctrinal Research Methodology was also adopted relying on the material
available in the library, the same cannot be completed because in order to evaluate the working of central legislation applicable to scheduled castes and scheduled tribes the decisional work in three districts was relied on.

To facilitate the present study the whole work is divided in different chapter's to achieve logical conclusion on the basis of systematic study. Chapter-I deals with the historical background of Hindu caste system. An indepth study is made for the analysis of Hindu caste system from its origin till date and about its relevance and fatility. Dr. Ambedkar's ideology on Hindu caste system is discussed in detail in which he argued for a cohesive society which would certainly eradicate the evils of caste system and bring the downtrodden classes into the mainstream of natural life.

Chapter II covers the definitions, constitutional concept and scope of social justice. This chapter also deals with the social frame work of social justice and egalitarian ideology of Dr. B.R. Ambedkar. He was the man who played a major role in the quest for constitutional rights and social justice in the Constituent Assembly.

Chapter III deals with the definition and the constitutional concept of scheduled caste Dr. Ambedkar's struggle for the upliftment of Scheduled Castes and his attempt to maintain separate identity for Scheduled Castes has been discussed in detail in this chapter.

Chapter IV deals with the concept of Reservation and its purpose for the upliftment of traditionally neglected sections. Socially and economically. The chapter also includes the fixation of quotas in legislative bodies, in educational institutions and in public employment. Second part of the Chapter deals with the speeches of Dr. B.R. Ambedkar in the constituent Assembly where he was
remembered as a Principal architect of the constitution for his valuable contributions for the depressed classes.

Chapter V of the instant work deals with the provisions for reservation in the constitution of India. Land mark judicial pronouncement regarding the issues like who are the backward classes, what is the criteria of backwardness, what is the limitation of reservation and can a balance be maintained among competing equalities.

Chapter VI deals with the special provisions relating to reservation of seats in different houses of parliament and in state legislature. Articles provided for the appointment of special officer and their functions are discussed in detail in this chapter.

Chapter VII deals with the Data Analysis. It includes method of selection of respondents from the required three districts of Uttar Pradesh. Responses obtained through the questionnaire and the comparative analysis of the data of three districts is done in this chapter and finally the summary of findings are also discussed and explained through Pie Charts and Bar Graphs.

The outcome and suggestion of the present research work is available under the caption 'conclusion and suggestions'.

After analysing critically the case law related to reservation in detail, it is felt that no doubt the constitution of India expressly authorises reservations but the questions are who should be included among the backward classes and what should be the criteria for backwardness. As the constitution nowhere contains the definition of backwardness, the matter has been left to the state governments to spell out its in term. The pointer to this effect can be found in the constituent Assembly Debate which has set out that 'A backward
class is a class or community which is backward in the opinion of the Government. The judiciary has over the years made numerous attempts to evolve a secular, scientific and rational formula for adjudging backwardness, yet the judicial attempts in this direction have not resulted in concretising any well-defined principle that could find application in every case. The problem has not yet been solved from Balaji v. State of Mysore, A.I.R. 1967 S.C. 49 till today as the criterion adopted by the state in most of the cases were found to be based on caste which is a prohibited criterion. The constitution also aims that such identification must not be based upon caste so that the vice of perpetuating caste may be abolished. That is why in Article 15(4) and 16(4) word class have been used instead of 'caste'. Caste system generates feeling of separatism - a sense of superiority on religious grounds. It widens the gap in human relations and crushes the idea of fraternity and social integration and hence caste criterion is not only constitutionally prohibited but sociologically undesirable. The 'poverty' criterion as was indicated by the Balaji Court was accepted in Janaki Prasad v. State of J&K, A.I.R. 1973 S.C. 931. On the reasoning that social backwardness was associated with economic backwardness but the court refrained from adopting this criterion as it would make a very large proportion of population as Backward. This criterion may pose problem when applied as the adoption of 'education' as the basis of classification would include a vast number of illiterates. Education as a basis to determine the socially backwardness could be suitable criteria as the evil of casteism could be eliminated and simple formula for the application of protective discrimination. Education would not only bring the downtrodden to the level of the society but enable every individual to rationalise other social and religious practices. The old rigid norms might be broken by the impact of education. The
Supreme Court in its ambiguous interpretative process (in Mandal Case) has further confused the concept of caste based backwardness and the backward classes. The Mandal judgement fractured the nation and disregards the basic structure of the Constitution. The decision had revitalized casteism, cleared the whole nation into forward and backward classes and opened up chances for conflicts.

It seems that no single test can be sufficient for delineating backwardness. Article 340 makes it clear that commissions can be appointed for investigating who are the backward classes.

The scrutiny of responses obtained from 300 respondents collected from the three districts of Uttar Pradesh (Aligarh, Agra and Rampur) has enabled us to came to the following findings. Firstly the execution of political safeguards in favour of Scheduled Castes had really made the positive impact on the political life of the Scheduled Castes and they have been able to share political power in the light of constitutional philosophy enshrined in Articles 330 and 332 of the Indian constitution. It is very unfortunate that despite of all this they have not been able to win any general seat in Lok Sabha and Rajya Sabha. Thus it has been stressed that the reservation of seats in legislative bodies must be continued forever. Secondly inspite of various adequate administrative measures and constitutional safeguards for Scheduled Castes they have been humiliated by Upper castes and police department on account of their untouchability. As a result Atrocities on the Scheduled Castes is on rise. Thirdly the Scheduled Castes are struggling hard to change their standard of living. Their standard of living in still very low because majority of the respondents have stated that have not been benefitted by the various schemes initiated by the government for their upliftment and no effort has been made by the government to remove their poverty.
Fourthly the government of Uttar Pradesh is trying is best to generate healthy educational environment in the state but still the majority feels that there is no facility of higher education for their childrens. The truth is that the literacy rate among the scheduled castes is still very low. Fifthly, that inspite of offering benefits in the form of relaxation of required experience, fee concession, pre examination coaching, separate interviews etc. in government and public sector undertakings the majority of respondents family members are not in government jobs. This is because the benefit of reservation in employment is being hijacked by the creamy layer of Scheduled Castes. Sixthly, the Scheduled Caste respondents are actively conscious to vindicate their rights and reap the benefits available to them under various welfare legislations. Lastly the majority of the respondents asserted that there is no improvement in the condition of the Scheduled Castes by the governmental policies in contrast to the past and they are not ready to forego the policy of reservation and they strongly asserted that the reservation policy must be continued forever.

After analysing critically the case law and Empirical data it is therefore suggested that poverty, education, caste, occupation, geographical placements and other factors must all be considered to evolve a coherent and rational basis for backwardness. Further no caste should be allowed to have vested interest in being called as backward. There is urgent need to identify the beneficiaries of the reservation policy; otherwise the great edifice of our democracy might suffer a jolt and crumble to pieces under the sheer weight of its own contradictions. The benefits of reservation policy should not be given to the undeserving people. Even if a class or section of people is found to be backward today, the courts or legislatures should not act on the presumption that class would continue to
remain backward for all times to come. Social scientists and the
lawyers would have to conduct empirical studies periodically to
assess the attainments of the members of that class in different walks
of life. If such studies reveal that backwardness of a class has ceased
to exist, then that class should be removed from the orbit of
backwardness. It must be remembered that a stage must reach when
even without claiming protection of backwardness an individual may
be able to get non-discriminatory treatment and equality of justice.

The present study reveals that the objectives of social justice
through reservation could not be achieved after the lapse of four
decades. The constitution makers visualised that social justice should
be done to the scheduled castes by reservations for number of years.
We have failed to uplift these backward classes due to the reason of
electoral polities. The purely electoral motives of the government is
proved by the fact that the reports which forms the basis of their
decisions were lying among dead files and were ressurected only few
weeks before either general elections. Assembly elections or major
elections were announced. The apex court had clearly laid down in
explicit term that in no case reservation for all categories should
extend 50 percent so that half of the seats should be available to
general candidates. But the study reveals that government has given
scant regard to the courts' ruling. Thus reservation policy requires
urgent restructuring. What is required to make the policy judicious
and reasonable to spread the benefits of reservation to wider sections
of the society. It is therefore suggested that only one generation
should be permitted this reservation and its gains should not at all be
covered by a few who are already better off. Beside this the benefit
of reservation should be given only once i.e. at the stage of
admission or recruitment or promotion and not at every stage of one's
career. It should not be below merit standard. The constitution should
be amended that all extensions or prolongations of reservation should be done by the act of legislature and not by executive wing. If the act is based on any report it should be released to press at least three months before the bill is introduced in the legislature. Finally it is necessary to reform the society. This can only be done if the educated dalits should make it a habit to contribute at least one percent of their earnings for their society.

Finally the study reveals that social justice is the sheet anchor of the constitution and the reservations were the means to achieve it. Reservations should not mar efficiency and it should not be given as charity. If such suggestions are achieved to some extent practically then this shall be the real tribute to the great social reformer and messiah of depressed classes Dr. Bhim Rao Ambedkar.