

## Social Justice and Scheduled Castes in India

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### ABSTRACT

*This paper is an attempt to investigate the socio-economic condition of Scheduled Castes in India. After independence, the government of India and the governments of different states have made a number of schemes (including Five Year Plans) and programmes, in accordance to the directions made by the constitution of India. In the paper, the Five Year Plans documents and annual reports of the Ministry of Social Justice and Empowerment, have been examined and analysed. These documents and reports do not present a good picture at all. It has been found that after six decades of independence the socio-economic condition of the scheduled castes is still very poor, especially in rural areas. The findings of this paper questions, not only the relevance of these schemes and programmes, but also the will of the governments either central or state. The author believes that it may not be necessary to change the policy (Niti), but the change in mindset (Neeyat) is strongly desirable. The author also found that the reservation policy for the scheduled castes is irrational, as it does not differentiate between different economic sections within the scheduled caste community itself. Thus, the author strongly suggests changing this policy immediately and creating the provision of creamy layer in reservation so that very idea of SOCIAL JUSTICE can be established within the scheduled caste community too.*

*“The first condition which I think is a condition precedent for the successful working of a democracy is that there must be no glaring inequalities in the society. There must not be an oppressed class. There must not be a class which has got all the privileges and a class which has got all the burdens to carry... ”*

**Dr. B.R. Ambedkar**

Social justice is a comprehensive term. Different people use this term in different contexts and for quite different purposes. However, the central idea of this term remains more or less same in all contexts, i.e. removing all inequalities and providing equal opportunities to all citizens in social as well as economic affairs. Social justice takes within its compass millions of people living a life of want and it destroys inequalities of race, sex, power, position, wealth and brings about equal distribution of social, political and material resources of the community. Simply defined, social justice is a balance between social rights and social control. Social justice, as a special form of justice, broadly means what is socially just; and what is socially just, varies with time and space because social change is ever-going process.

Indian society historically had a rigid, occupation-based, hierarchical caste system in which the relative place of a caste in the social hierarchy was determined largely by its traditional occupation. In particular, those performing ‘unclean’ or supposedly ‘polluting’ tasks came to be regarded not merely as ‘low’ castes but as ‘untouchables’. These ‘untouchables’ were barred from entering temples, drawing water from upper-caste wells, and all social interaction with upper-caste Hindus. These rules were strictly imposed and violators were severely punished; some were even killed. The practice of ‘untouchability’ resulted in great injustice to the members of the concerned castes because they were discriminated against in every respect, and denied ownership of productive assets like land, as well as basic rights like education and equality, which resulted in perpetuation of their extreme socio-economic deprivation.ss

The 1931 Census, for the first time, systematically categorized certain castes as 'Depressed Classes'. Thereafter, the Government of India Act, 1935, for the first time, provided for notification of socially disadvantaged castes as 'Scheduled Castes', and a list of such castes was accordingly notified in the Government of India (Scheduled Caste) Order, 1936. As defined in Article 366(24) of the Constitution of India, "scheduled Caste" means such castes, races or tribes or parts or groups within such castes, races or tribes as are deemed under article 341 to be Scheduled Castes for the purpose of the Constitution.

According to Census 2001, Scheduled Caste, commonly known as 'Dalits', 'Shudras', 'Down-trodden', etc. constitute about 16.23 percent of the total population of India with a lot of spatio-temporal variations ranging from almost negligible to as high as 28.85 percent of the total population of the states. More than half of the Scheduled Caste population is concentrated in the five states of Uttar Pradesh (35.1 million), West Bengal (18.4 million), Bihar (13.0 million), Andhra Pradesh (12.3 million) and Tamilnadu (11.8 million). Prior to independence and even later, they had been the poorest of the poor, and socially and economically most backward castes of the country.

After independence, India has adopted the strategy of planned development through democratic framework for social transformation and economic emancipation of its citizens especially the deprived communities. The need for providing protective discrimination or positive discrimination was felt by the framers of Indian constitution. Consequently, the relevant provisions have been made in the constitution of India under various articles. For example, the constitution of India guarantees protection from social injustice and all form of exploitation (Art.46). It guarantees equality before law (Art.14), and enjoins upon the state not to discriminate against any citizen on grounds of caste (Art.15(1)). Untouchability is abolished and its practice in any form is forbidden (Art.17). The constitution mandates that no citizen shall, on grounds only of caste or race, be subjected to any disability and restriction (Art. 15(2)). It empowers the state to make provisions for reservation in educational institutions (Art. 15(4) and (5)), and in appointments for posts in favour of Scheduled Castes (Art. 16(4), 16(4A), 16(4B) and Art. 335). Reservation of seats for Scheduled Castes in the Lok Sabha is provided under Article 330, in the State Assemblies under Article 332 and in the Local Self-Governments bodies under Article 243D and 340T. In addition to the above, the Parliament has enacted the Untouchability (Offences) Act 1955, renamed as Protection of Civil Rights Act, in 1976. To check and deter atrocities against Scheduled Castes, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 has also been enacted.

Since independence, various schemes and programmes, including Five Year Plans, have been formulated and implemented, in which the allocation of funds for the welfare of the deprived communities have given a priority. Special Component Plan (recently renamed the Scheduled Caste Sub Plan (SCSP)) and Special Central Assistance (SCA) were introduced in planning process in 1979-80. A centrally sponsored scheme for participating in the equity share of the Scheduled Castes Development Corporation (SCDCs) in the ratio of 49:51 was introduced in 1979. At present, SCDCs are functioning in 27 states. The government of India in 1989 under Companies Act, 1956, set up the National Scheduled Castes Finance & Development Corporation (NSFDC). Its objective is to provide central financial aid and assistance in form of concessional loans to all the scheduled castes families living below double the poverty line for their economic development, upliftment and economic empowerment through various schemes. In 1990 the National Commission for Scheduled Castes and Scheduled Tribes was set up under Article 338 of the Constitution which is responsible for monitoring the safeguards provided for Scheduled Castes and also to review issues concerning their welfare. Apart from these, the government of India is providing various scholarships/ Fellowships to the students of Scheduled castes for their educational development. The members of Scheduled Castes have also been given reservation in education and public employment. Almost similar

measures have been and being taken by the governments of different states for welfare and development of the Scheduled Castes.

In spite of many socio-economic securities provided to them in the constitution and by the government, they are still comparatively backward and in dilemma of privilege and exploitation. In terms of residence, housing and health condition the situation of the scheduled castes is precarious. First, there are many people belonging to scheduled castes who are too poor to own any property and, therefore, have to live and build their dwelling on land belonging to large landowners who engage them as agricultural labourers. Nearly 70 percent of Scheduled Caste households either do not own land or have very small landholdings of less than 0.4 hectare. The scenario of land ownership among scheduled castes is even grimmer in Bihar, Haryana, Kerala and Punjab, where more than 90 percent of scheduled caste households possess negligible or no land. This makes it difficult for them to change their jobs or the district in which they live, or both. Secondly, members of scheduled castes still suffer segregation with regard to place of residence and housing, which gives rise to 'Dalit Ghettos' in the town and villages. The scheduled caste households, living in these 'Dalit Ghettos', generally, do not avail basic civic amenities such as *pucca* houses, water supply, toilet facilities, drainage, electricity, banking services and telephone facilities, etc.

Literacy rate among the members of the scheduled Castes is also very low as compared to that of the others (non SC/ST). Although the literacy rate of Scheduled Castes has increased considerably, from 10.3% in 1961 to 54.7% in 2001, till recently the gap between literacy rates of the general and Scheduled Caste population had not reduced. However, the Census in 2001 showed a distinct reduction in this literacy gap.

**Table 1. literacy Rate of General Population and SC Population, 1961-2001**

Year	General			SC		
	Male	Female	Total	Male	Female	Total
1961	34.44	12.95	24.02	16.96	3.29	10.27
1971	39.45	18.70	29.45	22.36	6.44	14.67
1981	46.89	24.82	36.23	31.12	10.93	21.38
1991	64.1	39.3	52.2	49.91	23.76	37.41
2001	75.3	53.7	64.8	66.64	41.90	54.69

Source: Eleventh Five Year Plan (2007-12), Inclusive Growth, Part-1 Planning Commission, Govt. of India, 2008, P.105

The school dropout rate is crucial indicator of lack of educational development and these rates for Scheduled Caste children are still very high.

In the area of higher education, also, there is a gap between the Scheduled Castes and general population. The gross enrolment ratio for the country as a whole in 2000 was about 10 percent. For the Scheduled Castes, however, it was significantly lower at 6.4 percent.

Disparities between the Scheduled Castes and others (non-SC/ST) are also reflects in the unemployment rate. In 2000, the unemployment rate based on current daily status for Scheduled Castes was about 5 percent as compared to about 3.5 percent for other workers in rural and urban areas. About

**Table 2. Dropout Rates, 2004-05 SC (Provisional)**

Category	Classes I-V			Classes I-VIII			Classes I-X		
	All	Boys	Girls	All	Boys	Girls	All	Boys	Girls
General	31.47	33.74	28.57	52.32	51.85	52.92	62.69	60.98	64.92
SC	32.7	36.1	34.2	55.2	60.0	57.3	69.1	74.2	71.3

Source: Eleventh Five Year Plan (2007-12), Inclusive Growth, Part-1 Planning Commission, Govt. of India, 2008, P.105

60 percent of Scheduled Caste households still have to depend on wage labour, compared to one-fourth for the others. Employment rates and wages earnings among Scheduled Castes have also tended to be low.

Available empirical evidence suggests discrimination against Scheduled Castes in employment, wages, credit, and so on. These factors have acted as constraints to their occupational mobility. In urban areas, too, there is prevalence of discrimination by caste; particularly discrimination in employment, which operates at least in part through traditional mechanism; Scheduled Castes are disproportionately represented in poorly paid, dead-end jobs. Further, there is flawed, preconceived notion that they lack merit and are unsuitable for formal employment.

The representation of Scheduled Castes in government services is also inadequate. The table given below shows a marginal improvement in the percentage of overall Scheduled Caste representation in group A, B and C categories of all central government services from 1994 to 2004, while there was a substantial decline in group D category.

**Table 3. SC Representation in Central Government Services in 1994, 1999 and 2004 (as on 1.1.2004)**

Group	1994			1999			2004		
	Total	SCs	%Total	Total	SCs	%Total	Total	SCs	%Total
A	59016	6046	10.25	93520	10558	11.29	80011	9744	12.2
B	103198	12442	12.06	104963	13306	12.68	135409	19602	14.5
C	1281613	374758	15.73	2396426	378115	15.78	2049970	344865	16.9
D	1023285	209423	20.47	949353	189761	19.99	802116	147212	18.4
Total	3567112	602670	16.9	3544262	591740	16.7	3058506	521423	17.05

Source: Eleventh Five Year Plan (2007-12), Inclusive Growth, Part-1 Planning Commission, Govt. of India, 2008, P.105

Due to the lack of access to fixed sources of income and high incidence of wage labour associated with high rate of under-employment and low wages, Scheduled Caste households are often faced with low incomes and high incidence of poverty. In 2004-05, about 36.80 percent of Scheduled Caste persons were BPL in rural areas as compared to only 28.30 percent for others. In urban areas, the gap was slightly larger; 39.20 percent of Scheduled Caste households were BPL compared to 25.70 percent among other households.

The members of Scheduled Castes are still being oppressed by upper castes. As per the National Crime Records Bureau Report 2005, despite various constitutional provisions and protective legislations, atrocities and crimes on members of Scheduled Castes, especially the women, continue to occur in all parts of the country in varying degrees.

**Table 4. Comparative Incident of Crime against Scheduled Castes**

S. No	Crime-Head	Years					% Variation in 2005 over 2004
		2001	2002	2003	2004	2005	
1.	Murder	263	739	581	654	669	2.3
2.	Rape	1316	1331	1089	1157	1172	1.3
3.	Kidnapping & Abduction	400	319	232	253	258	2.0
4.	Dacoity	41	29	24	26	26	0.0
5.	Robbery	133	105	70	72	80	11.1
6.	Arson	354	322	204	211	210	-0.5
7.	Hurt	4547	4491	3969	3824	3847	0.6
8.	Protection of Civil Rights Act	633	1018	634	364	291	-20.0
9.	SC/ST (Prevention of Atrocities ) Act	13113	10770	8048	8891	8497	-4.4
10	Others	12201	14383	11401	11435	11077	-3.1
	Total	33501	33507	26252	26887	26127	-2.8

Source: Eleventh Five Year Plan (2007-12), Inclusive Growth, Part-1 Planning Commission, Govt. of India, 2008, P.103

However, there are many spatio-temporal variations in the mode of socio-economic change among them and their standard of living with regard to structural relationship among sub-castes and social contacts with other castes of the region of their habitation. The Scheduled castes residing in the urban areas or in urban fringe or even in immediate surrounding urban villages are more dynamic in their social change in comparison to their own counterpart living in remote, distant and rural areas. Educationally they are forward and politically aware of their rights and privileges provided in the constitution of India for the welfare of their community. Socially they are adopting modernity and now they believe more in adult marriage, remarriage and even in freedom of women. But the rural scheduled castes are in slow process of moving out from the grip of old and traditional bound social values. Though the social parameters of these Scheduled castes are changing and are taking a new shape, yet conservatism is still prevalent in their society. Hence, their social change is slow as compared to that of urban scheduled castes.

It has also been observed that there is no uniformity in appropriating the benefits of protectionism among the various scheduled Castes. Within these groups, the benefits do not accrue to the most oppressed but benefit those who are relatively better placed. For example, Chamars of Uttar Pradesh, Vankars of Gujarat, Mahars of Maharashtra have attained more benefits of the policy than the Valmikis, Bhangis and Mangs of respective states. The variations in economic status of the members of the Scheduled Castes have also led to intra-caste divisions. The members of Scheduled Castes, who are better placed in terms of income, wealth and status, have formed an elite class within the Scheduled Caste community. This elite class includes persons holding higher constitutional offices, members of Parliament, members of state legislative assemblies and councils, members of All India Services, members of Group A services of central

and State governments, Professors and lecturers of universities and colleges, renowned businessmen, etc. The question arises here that do the kith and kin of the members of this elite class require protection in form of reservation any more? Should the members of this elite class and the real downtrodden scheduled caste persons, be treated equally?

An aggressive exploitation of benefits by dominant and fractions among the Scheduled Castes has given rise to a serious debate. Actually, the constitution makers clubbed various castes into a single group named as Scheduled Castes based on their identical ascriptive status, occupational pattern and educational backwardness. Though the intention of constitution makers was honest in treating the Scheduled Castes as homogeneous group for designing the protective discrimination policy, it resulted in making the marginalized castes more marginal among them. Undoubtedly, the provision of reservation in public employment is a way towards providing social justice to the scheduled castes so that they may be brought at par with other sections of the society but unfortunately, it has not been able to give expected results.

From the above discussion, it is clear that there is a need to reconsider the policy as a whole, to uplift the real downtrodden. In this regard, some suggestions, that may be followed, are as under:

- The policy of reservation for Scheduled Castes should be continued till the discriminatory caste system, in our society, prevails.
- The policy of reservation must be used to achieve the goal of social justice and not merely to get votes in caste-based politics.
- There may be provision of Creamy Layer in reservation for Scheduled Castes in order to confine the benefits only to the deserving members.
- All policies and programmes, for the welfare of the Scheduled Castes, should be reviewed after every ten years and the list of the beneficiaries should be changed simultaneously.
- Governments of all level must pay high attention to the education of the Scheduled Castes and should try to reduce school dropout rate through parents awareness.
- The members of elite class within the Scheduled Castes should play their role to uplift the backward members of their own community. In words of Dr. Ambedkar, they should pay back to their community.
- The governments must be serious about the cases of atrocities against Scheduled Castes. It should be noted that such cases occurs only with those members who are economically weak. The governments should, therefore, try to strengthen their economic status.
- The cases of atrocities against Scheduled Castes should be tried in Fast Track Courts.

It could be concluded that the policy of protective discrimination do not helped poorest of the poor among the Scheduled Castes so far. The socio-economic condition of this larger fraction of Scheduled Castes is still a matter of serious concern.

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