

Genesis of Scheduled Castes and Constitutional Safeguards for Them

Sidhartha Sankar Laha and Anil Bhuimali

ABSTRACT

Indian society is based on the institution of castes. Caste system in India is not a new phenomenon the root of which can be found in the traditional Hindu society. The British government used the term “depressed class” to identify so-called untouchable castes experiencing social, economic and cultural discriminations at the hands of the upper caste people. In 1931, Ambedkar submitted a memorandum at the Second Round Table Conference to change the term “depressed class” into “scheduled caste”. Our constitution has offered some social, economic and political safeguard to the depressed sections of the society. The object of the present study is to give an overview of genesis of scheduled castes in India and constitutional safeguards provided to them since independent. This is, in fact, the review based on the available literature and all the analysis is primarily relied on the information/ data collected from the secondary sources.

Introduction

The scheduled castes are the people who belong to the last ‘Varna’ namely the Shudra or Avarna or Antyaja. The expression “scheduled castes” was first used by the Simon Commission and embodied in the Government of India Act of 1935. Before 1935 they were known as untouchables or exterior castes or depressed castes. They were, in fact, outside the caste (Varna) system. They were external in the sense that they were not allowed to live within the village settlement where people other than these group of people did live. Naturally they lived outside the village settlement. Mahatma Gandhi termed this caste ‘Harijans’ meaning people of God (*Hari* means God and *Jans* means people). They are being deprived socially, economically and politically for generations. In the traditional Indian society the deprivation of one section of people to another gave rise to social inequality. This still persists in our society and economy. The worst victims or sufferers are the scheduled castes or the dalits. The Constitution of India guarantees some of the

Sidhartha Sankar Laha, Senior Research Fellow Department of Economics, Po. North Bengal University Dt. Darjeeling, 734430 West Bengal, India.

Anil Bhuimali, Department of Economics, Po. North Bengal University Dt. Darjeeling, 734430 West Bengal, India.

privileges to this section which are also received by other citizens. The privileges include, among others, justice, social, economic and political liberty of thought, expression, belief, faith and worship and equality of status and opportunity. Some additional privileges in respect of education, employment and political participation are provided to the people belonging to the scheduled caste community.

The objective of the present article is to give an overview of genesis of scheduled castes in India and the constitutional safeguards provided to them since independence. This is, in fact, the review based on existing literature and all the analysis is primarily relied on the information/ data collected from the secondary sources.

Origin of Castes

Indian society is based on the institution of castes. Caste system in India is not a new phenomenon. Caste system in India was found in the traditional Hindu society. The institution of caste has survived in India in a far better form than any other country of the world. It is not an isolated phenomenon in the rest of the world. It is found in Egypt, in Polynesia, in Melanesia, in Fiji, in Somalia, in Rwanda and in many other countries. In ancient Greece and Rome too caste system was noticed in a comparable form. Traces of caste can also be found in Western Asia, China, Japan, America, Rome and tribal India.

A great diversity is found in the composition of the population of India. Variation exists in creeds, customs and colours. These variations among different sections of people have formed a multiple society which is barely found in the rest of the world. The racial elements in India have been divided into six different parts. These divisions are Negritos, Proto-Australoids (Pre-Dravidians), Dravidians (Mediterranean) Round-heads (Brachycephals-Alpenoid), Indo-Aryans (Nordic-Caucasoids) and Mongoloids. Negritos are not found in India. They are generally found in Malaya, the Philippines and in the Andaman and Nicobar islands. In India they are rarely found among the Kadar tribe of the Cochin forest and among the tribes of the Rajmahal Hills, Bihar. They are also found in Burma. A small number of Negritos are found among the Naga tribes living especially in the Assam frontier. Proto-Australoids are aborigines of Australia. They are spread widely all over India.

Dravidians are a branch of the Mediterranean race (Smith) who came to India somewhere from East Africa. They came into India via Arabic and South Persia even before the stone age. There still exists a great debate in relation to their place of origin. Roundheads are also outsiders who came to India from the southern steppes of Russia through Iran. Most of the Roundheads settled in the Tamil and Telenga-speaking areas. Indo-Aryans are also outsiders who came to India for more than three thousand years back and settled in Punjab. The Mongolians occupied

the higher mountains along the northern fringe of India. The Negritos, Pre-Dravidians, Dravidians, Roundheads, Indo-Aryans and Mongolians constitute the racial elements in the Indian population.

Genesis of Scheduled Castes

The word 'caste' comes from Portuguese word 'casta'. This means breed, race or kind. Broadly speaking, a caste in India, signifies, total system of social stratification. The alternative words of 'caste' is 'Varna'. In India 'varna' represents four-fold division of society, i.e., Brahmin, Kshatriya, Vaishya and Sudra. This four-fold division of society was based on certain approved code of quality and action. The first three categories are also called dwija or born twice and the last category i.e., Sudra is called 'ekaja' meaning one born. Scheduled caste is a group of people who do not belong to the above mentioned sub-divisions. The British government used the term 'depressed class' to identify so-called untouchable castes experiencing socio-economic-cultural discriminations at the hands of the upper caste people. In 1908 the then Viceroy of India Lord Minto advised to make a division of the Hindu population into three distinct categories, namely, Hindus, Tribals and the Depressed classes. In 1931, Ambedkar submitted a memorandum at the second Round Table Conference to change the term 'depressed class' into 'scheduled caste'. This was due to the fact that the erstwhile untouchables objected to the 'depressed class' term. The term 'scheduled caste' was adopted in 1935 to provide some social, economic and political safeguard to the section of people who were being deprived socially, politically and economically at the hands of the upper caste people. The constitution of India has also provided some safeguards to the scheduled castes and tribal population. Article 17 (see Appendix A) of the Constitution of India abolished the practice of untouchability and provided a legal basis for action against the practice of untouchability in the public life. The Untouchability (Offences) Act was passed in 1955 (see Appendix B) and it was amended in 1976.

Scheduled Castes in Different States

Our Constitution has offered some social, economic and political safeguards to the section of people who belong to scheduled caste category. In this section we have tried to represent the list of scheduled castes in ten states and seven other North-Eastern states of India. Tables 1 to 11 show lists of scheduled castes of 10 states e.g., West Bengal, Bihar, Orissa, Gujarat, Rajasthan, Madhya Pradesh, Uttar Pradesh, Tamil Nadu, Karnataka and Kerala. Table 11 below gives an expression of scheduled castes in six sisters of North-Eastern states (Assam, Manipur, Mizoram, Nagaland, Tripura and Arunachal Pradesh) and lone brother Sikkim (the Hilly State). At present some 578 different castes have been enlisted in the category of scheduled castes.

Table 1
List of Scheduled Castes in the State of West Bengal

<i>State</i>	<i>Name of Scheduled Castes</i>	<i>Total</i>
West Bengal	Badi /Badhi, Bahelia / Baheliya, Baiti, Bauri, Beldar, Bhangi, Bhogta, Bhumali / Bhuinmali, Bhuiya, Bin / Bind, Muchia / Muchi, Damai (Nepali), Dhoba/Dhupi/Dhobi, Doai, Doom, Doomna/Dumna, Dosadh, Dusad / Dusadh, Ghasi/Ghasiya, Gonrhi, Hari, Jalia kaibartta/jalia kaibarta/ jalia, Jhalo Malo/ Jhalo – Malo, Kandra, Kandara, Kondara, Kaora/Keora, Karenga/Karanga, Keot, Khaira, Khatik, Konai, Kotal, Lalbegi, Lohar, Mahar, Mal, Mundapotta, Namasudra, Nat, Nuniya, Paliya, pan, Pasi, Patni, Pod, Rajbanshi, Rajwar, Sarki (Nepali), Sunri (excluding Saha), Tiyar/Titar/Tiyor, Turi.	48

Table 2
List of Scheduled Castes in the State of Karnataka

<i>State</i>	<i>Name of Scheduled Castes</i>	<i>Total</i>
Karnataka	Adi Andhra, Adi Karnataka, Adiya, Ager, Baira, Bakad, Bakharia, Bandi, Bangara, Lambani/ Laban/ Lambana, Bathada, Bedajangan/ Budga, Jangam, Bellara, Bhambi, Asadaree, Bhambi, Machigac/Machegar, Bhovi, Byagara, Chalavadi/ Chalvadi, Chenna Dasac/ Dardiga Dasar, Dakka/Dakkaliga/ Dakkala, Dhor, Dom, Dombara/Dombar, Gantichore/ Gantichore, Godda, Halsar, Hulasvar/ Hulsaver, Handi Jogis, Holaya/ Holey, Holaya/ Holey, Kembatti, Holey Dasari, Kondara, Kosama, Kunchi Kosava, Kotgar, Kuravan/ Sithanar, Madiga, Mahar, Mahyavanshi Varkar, Mang, Mehtar, Mour, Mukri, Nalkadaya/ Nalkadeya, Nav Buddhist, Pole, Pambada, parabar, Raneyar, Samabara, Sillekayathas/ Sillekayatha, Sudugadu Siddha.	48

Table 3
List of Scheduled Castes in the State of Kerala

<i>State</i>	<i>Name of Scheduled Castes</i>	<i>Total</i>
Kerala	Arunthathiyar/Arunthatiyar, Ayyanavar, Baira, Bakharia, Boyan, Cheruman, Dom/Dombara, Domb; Dombar,Holaya/ Holey, Kadaiyan, Kakkalan, kalladi, Kanakkan, Karimpalan, Kavara, Kootan/Koodan, Kuravan/Sidhanar, Maila, Malayan, Mannan, Mavilan, Nalkadaya/ Nalkadeya, Nayadi, Padannan, Pallan, Palluvan/Pulluvan, Pambada, Panan, Paravan, Pathiyar, Pulayar, Samagara, Semman/ Chemman, Jhandar, Valluvan/Valluvar, Vavuri/Bavuri, Velan, Churambu Velan, Veppur parayan, Vettiyan	38

Table 4
List of Scheduled Castes in the State of Tamil Nadu

<i>State</i>	<i>Name of Scheduled Castes</i>	<i>Total</i>
Tamil Nadu	Adi Andhra, Adidravida, Adikarnataka, Arunthatiyar/ Arunthatiya/ Arunthathiyar/ Arunthatiyar, Ayyanavar, Bandi, Bhanumati, Chakkiliyan, Cheruman, Deverdrakulathan, Dom/ Dombara/ Domb, Domban, Godda, Holaya/ Holeya, Jambuvulu/ Jambavulu, Kadaiyan, Koliyan, Kudumbar, Kurariar/ kureri, Madgi, Mala, Munjhi, Mavilan, Paky;Thoti, Panan Pannadi, Panniandi, Paraiyar/ Parayan, paraiyan/ Parayan, Veppur Parayan, Paravan, Pulayan, Pullavan, Samban, Semman/ Chemman, Thandan, Valluvan/ Valluvar, Vettiyan.	37

Table 5
List of Scheduled Castes in the State of Orissa.

<i>State</i>	<i>Name of Scheduled Castes</i>	<i>Total</i>
Orissa	Adi andhar, Amant/ Amat, Badaik/ Baraik, Bagbi, Banjara, Lambani/ Laban/ bambana, Bariki, Bauri, Bauti, Bedia, Chakli/ Chakkoli, Chamar, mochi/ muchia/ muchi, Chandala, Chandhai Maru/ charaimar, Cherua/ Chhelia, Dandasi, Dewar, Dhamwar, Dhoba/ Dhubi/ Dhobi, Dom, Dombo, Seddha Dombo, Dona, Duria/ Duria Dom, Dom, Sikharia, Gardu, Ghantaghada Ghantra, Ghogia, Ghusuria, Godra, Gokho, Haddi/ Hadi, Irika, Jaggali, Kandhera, katia, Kelanalua/ naluakela, Kela, Sapua/ Sapuakela, Kodalo/ Khodalo, kori/ koli, Kumonari/ kummeri, Kurunga, Mahuria, Murdapotta, Namasudra, Pan, Pano, Panka, Pap, Patial, Patratanti/ Patratantia, Sabakhia, Samasi Sanei, Sauntia, Sinduria/ Sindhuria, Siyar, Tamta, Tanudia, Tiya/ Tiar/ Toyar, Turi, Turi betra, Ujla, Valamiki/ Valmiki.	58

Table 6
List of Scheduled Castes in the State of Rajasthan

<i>State</i>	<i>Name of Scheduled Castes</i>	<i>Total</i>
Rajasthan	Aheri/ Aheria, Badhik, Bagri, Bairwa/ Berwa, Balahi/ Balai, Bansphor, Baori, Baori, Bargi, Bowaria/ Bauria/ Bawariya, Bhambi, Rohit, Bhand, Chamar, Jatava, Jatava Chamar, Jatav chamar/ Jatav, Chamar, Regar, Regarh, Dabgar, Dhanuk/ Dhanak, Dhoba/ Dhupi/ Dhobi, Garodo, Garo, Gavaria, Gingar, Kalbelia, Daliwal/ Daliwal Kalbelia, Kalbelia, Mewara/Mewara kalbelia, Kamad, Kanjar, Kapadia sansi, Khangar, Khatik, Kori/ Koli, Madari, Mazhabi, Meghval, Mehar, Rawal, Saharya, Sansi, Santia, Sargura, Singiwala, Thori, nayak, Tirgor	38

Table 7
List of Scheduled Castes in the State of MP

<i>State</i>	<i>Name of Scheduled Castes</i>	<i>Total</i>
MP	Audheliya, Bagheti, Balahi/ Balai, Bangali, Bansphor, Bargunda, Basor, Bawaria/ Bauria, Bedia, Bedia, Bhuyiar, Boria, Chakali/ Chakkoli, Chamar, Kuril, Chamar, Rohidas, Chidar, Dahait, Dewar, Dharkar, Dohor, Domar, Ghasi/Ghasiya, Gond, Habura, Hela/ Hehtar, Holiya/ Holia, Katia, Khairaha, Kharwar, Kol, Kori/ Koli, Kuch bandia, Kumhar/ Kumbhar, Mahar, Majhwar, Mang, Moghia, Parahiya, Patari, Rujjar	46

Table 8
List of Scheduled Castes in the State of Uttar Pradesh

<i>State</i>	<i>Name of Scheduled Castes</i>	<i>Total</i>
Uttar Pradesh	Agariya/ Agaria, Badhi/ Badi, Bahalia/ Baheliya, Baiswar, Bajaniya/ Bajania Nat, Bajgi, Balahar, Balahi/ Balai, Bandi, Bansphor, Barwar, Basor, Bawaria/ Bauria/ Bawariya, Bedia/ Beriya, Bhantu, Bhuiya Boria, Chamar/ Chambhar/ Chamar or Ramdasia, Chamar, Jatava, Jatav chamar/ Jatav, Chero, Chura/ Chuhra/ Chuhre, Dabgar, Dhanuk/ Dhanak, Dharkar, Dhoba/ Dhupi/ Dhobi, Dom/ Doom/ Dumar/ Dun/ Doom or Mahasha, Domar, Dosadh, Dusad/ Dusadh, Ghasi/ Ghasiya, Gond, Habura, Hela/ Mehtar, Kandra, Kandara/ Kondara, Kapariya/ Kaparia, Karimpalan, Khawar, Kol, Korama, Kunchi korava, Kori/Koli, Korwa, Lalbegi, Majhwar/ Manjhi, Mushahar, Neo Buddhist, Pankha/ Panika, Parahiya, Pasi, Saharya/ Saharia	49

Table 9
List of Scheduled Castes in the State of Gujarat

<i>State</i>	<i>Name of Scheduled Castes</i>	<i>Total</i>
Gujarat	Bhambi, Khalpa, Bhanbi, Rohit, Bhangi, Chamar/ Chambhar/ Chamar or Randasia, Dangashia, Gardi, Garoda, Garo, Megh, Nadia, Neo Buddhist/ Nav Buddhist, Thoria, Turi	12

Table 10
List of Scheduled Castes in the State of Bihar

<i>State</i>	<i>Name of Scheduled Castes</i>	<i>Total</i>
Bihar	Bauri, Bhogta, Chamar/ Chambhar/ Chamar or Randasia, Chaupal/ Choupal, Dom/ Dombara/ Dom, Domban/ Dom or Mahasha, Dusadh, Dhari, Gharrami/ Gharami, Kanjar, Mundapotta, Nat, Pan, Sawasi, Pasi, Turi.	13

Table 11
List of Scheduled Caste in the North Eastern States

<i>State</i>	<i>Name of Scheduled Castes</i>	<i>Total</i>
Assam	Bansphor, Bhangi, Bhuinmali, mali, Brittial Bania/ Bania, Dhoba/ Dhupi/ Dhobi, Hesi, jalkeot, Jhalomalo/Jhalo – malo, Kaibarta, Namasudra, Patni, Sutadhar.	12
Sikkim	Damai, Kami, Sarki.	3
Manipur	Dhupi, Dhobi, Dugla or Dholi, Jalkeot, Yaithibi.	4
Mizoram	Bhuinmali or Mali, Bania, Dhupi, Dhobi, Dugla or Dholi, Jalkeot, Mehtar, Munchi or Rishi, Hira.	8
Arunachal Pradesh	Bansphor, Bhinmali or mali, Dhor, Dugla or Dholi, Ghasi, Haddi, Hira, Jalkeot Jhalo, malo, Patni, Sutradhar.	1
Tripura	Bhuimali, Dhoba/Dhupi/Dhobi, Gour, Jalia kaibarta/jalia Kaibarta/Jalia, Kahar, Kanda, keori, Koch, Kol, Mahisyadas, Mali/Malakar, Mundapotta, Namasudra, Patni, Sabar.	15
Meghalaya	People under this category were not found	NIL

Table 12
List of Scheduled Castes in Major States (India)

<i>Sl. No.</i>	<i>Name of States</i>	<i>No. of Scheduled Castes</i>
1.	West Bengal	48
2.	Karnataka	48
3.	Kerala	38
4.	Tamil Nadu	37
5.	Orissa	58
6.	Rajasthan	38
7.	Madhya Pradesh	46
8.	Uttar Pradesh	49
9.	Gujarat	12
10.	Bihar	13
	Total	387

Source: Table 1 to 12 compiled from Singh, K. S. (1999) : *The scheduled caste, Revised edition, National Series Vol. II, Oxford University Press.*

The list of scheduled castes represented in tables 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 show the population who enjoy constitutional safeguards in social, economic and political spheres. But many recent study (Bhuimali & Biswas, 2004) show that most of the benefits are enjoyed by the well-to-do scheduled caste families. The scheduled caste people, particularly living below the poverty line cannot utilise modern benefits of education, health, nutrition and other amenities. Naturally they are not in a position to reap the fruits of reservation policy. Tables 1 to 12

represent the scheduled castes above a population of 10,000. There are at least twelve communities in a few states and one union territory who are not in a position to enjoy the benefits provided by the central and state governments. Table 13 below show these different twelve communities belonging to scheduled castes category, their respective states whose major components were studied elsewhere.

Table 13
Communities Whose Major Components Were Studied Elsewhere.

<i>Sl. No.</i>	<i>Community</i>	<i>State/ Union Territory</i>	<i>Total number</i>
1.	Ad Dharmi	Himachal Pradesh	15,098
2.	Adi Andhra	Andhra Pradesh	698,857
3.	Barahar, Basod	Madhya Pradesh	60,789
4.	Bhangi	Delhi	21,752
5.	Chakkiliyan	Kerala	29,001
6.	Holaya	Maharashtra	14,927
7.	Kabir Panthi	Haryana	31,503
8.	Madari	Tamil Nadu	346,899
9.	Mala	Maharashtra	11,890
10.	Mallah	West Bengal	38,101
11.	Moger	Kerala	19,665
12.	Pallan	Tamil Nadu	993,070

Source: *Compiled from the Census of India, 1981.*

A Comment on Constitutional Safeguards

In order to make the Indian society more egalitarian the government of India since independence has been implementing various policies (see Appendix C) for the development of scheduled castes and scheduled tribes and other backward castes. The main object of such policies is to raise the social and economic conditions for the privileged section of the population of India. All the plans and programmes for the development of underprivileged people aim at improving the level of education, enhancing employment opportunities and after all raising their well-being. To provide educational opportunities among the scheduled caste population various facilities such as stipends, scholarships, tuition fees, book grants, etc. are being offered to them. Also there are provisions of reservation of seats in educational institutions (general courses and technical courses like medical, engineering institutes). Educated members in the scheduled caste community are provided job opportunities. The overall objective of such a policy is to improve educational conditions and the level of income of the people belonging to the scheduled castes community. Many studies show that literacy among

scheduled caste population (along with scheduled tribes) has been rising steadily. But the rate of growth of literacy is not even in all the states and union territories. The literacy among the scheduled caste women are worse than the scheduled caste men especially in some states like Bihar, Rajasthan and Uttar Pradesh. To spread education among the scheduled caste community the central and the state governments have undertaken a number of strategies (in addition to those provided for them) such as Operation Blackboard, District Primary Education Programme, Shramik Vidyapeeth, Mahila Shiksha Kendra, Mahila Samakshya, Siksha Karmis, and many other non-formal education centres. To enhance the level of literacy two important steps, among others, have been taken. These are to increase the number of functioning schools and teachers and to ensure that the teachers really teach. To improve the level of income, employment opportunities are provided to the educated scheduled castes by way of reserving seats to government sector, educational institutes and other non-government sectors. The reservation policy in job has created ample scope of enhancing their income level. A development effort has been made to improve the economic lot of the scheduled caste community especially since 1978 through the announcement of a policy known as special component plan (SCP). This policy aims at securing the rapid socio-economic development of the scheduled caste population. It was designed to channelise the plan outlays and benefits in the areas of social and economic activity including agriculture, animal husbandry, poultry, provision for drinking water, electrification in the scheduled caste dominated areas, sericulture, irrigation. There is also provision for plan outlays under the scheme in housing, link roads, self-employment schemes, social forestry, allotment of shops and stalls in public places.

Conclusions

The Constitutional safeguards (see Appendix D) provided to scheduled castes have been based on the values of equality, human dignity and social justice. But the measures adopted so far by the central and state governments are not sufficient enough to overcome the continued subordination of most deprived section of the society. In India the scheduled caste community lies at the bottom of the socio-economic ladder. The people in this category are virtually being bypassed from the market mechanism.

In the globalised market condition one thing is obvious: The rich becomes richer and the poor becomes poorer. Under the circumstances the scheduled caste community may be provided more protection. This needs a variety of positive interventions. This may assist the poor by way of a lot of interventions such as wage interventions and price interventions and creation of opportunities like employment creation, equitable share in socio-economic programmes etc.

APPENDIX – A
Abolition of the Practice of Untouchability
(Article 17 of the Constitution of India)

“Untouchability” is abolished and its Practice in any form is forbidden. The enforcement of any disability arising out of “Untouchability” shall be an offence punishable in accordance with law.

The main points under this section may be as follows :

- (i) The removal of any disability, liability, restriction or condition with regard to access to shop, public restaurants, hotels and places of public entertainments, the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly, out of State funds or dedicated to the use of the general public.
- (ii) The throwing open the Hindu religious institutions of a public character to all classes and sections of Hindus.
- (iii) The forbidding of any denial of admission to educational institutions maintained by the State or receiving aid out of State fund.
- (iv) The setting up of advisory councils and separate departments in the State and the appointment of a special official at the Centre to promote their welfare safeguards their interests; and special provision for the administration and control of scheduled areas.
- (v) Special representation in the parliament and the State legislatures for a period of twenty years.
- (vi) The obligation of the State to consider their claims in the making of appointments to public services and reservation for them in case of inadequate representation.

Source: Bakshi, P. M. (2004). The Constitution of India, Universal Law Publishing Co. Ltd. Fifth Edition.

APPENDIX – B
The Untouchability (Offence) Act of 1955

“(i) Committing any kind of social injustice, such as denying access to any shop, restaurant, public hospital, educational institution or any place of public entertainment. (ii) Preventing a person, on the grounds of untouchability, from entering a place of worship and offering prayers or from drinking water from a public well or spring, (iii) Refusal to sell goods or render services to a person on the grounds of untouchability is an offence punishable with imprisonment for six months or a fine upto Rs. 500 or both. (iv) Enforcing occupational, professional, trade disabilities in the matter of enjoyment of any benefit under a charitable trust, etc.”

A criticism was raised regarding the purpose of the Act for which it was enacted. For wider applicability of this Act an amendment was made in the name of the Protection of Civil Rights Act which came into force with effect from 19th November 1976. The main features of the amended Act are as under :

- (i) Punishment for untouchability offences has been considerably enhanced, and both imprisonment and fine are simultaneously awarded for such offences.
- (ii) Untouchability offences have been made non-compoundable.
- (iii) Every offence, except where it is punishable with imprisonment for a minimum term exceeding three months, may be tried summarily.

- (iv) Direct or indirect preaching of untouchability or its justification on historical, philosophical, religious or traditional grounds has been made an offence punishable under the Act.
- (v) State Governments have been empowered to impose collective fines on the inhabitants of any area where such inhabitants are concerned in or abetting the commission of untouchability offences.
- (vi) A public servant who willfully neglects the investigation of any offence punishable under this Act, shall be deemed to have abetted an offence punishable under the Act.
- (vii) State Governments are required to take necessary measures to ensure that the rights accruing from the abolition of 'Untouchability' are made available to, and are availed of, by the persons subjected to any disability arising out of 'Untouchability'.

In sub-section (2) of section 15A of the Act, the State Governments have been directed to undertake *inter-alia* the following measures:

- (i) Provision of adequate facilities, including legal aid, to the persons subjected to any disability arising out of 'untouchability' to enable them to avail themselves of such rights.
- (ii) Appointment of officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of the Act.
- (iii) Setting up of special courts for the trial of offences under the Act.
- (iv) Setting up of Committees at such appropriate levels as the State Government may think fit to assist the State Government, in formulating and implementing such measures.
- (v) Provision for a periodic survey of the working of the , provisions of the Act with a view to suggesting measures for the better implementation of the provisions of the Act.
- (vi) Identification of the areas where persons are under any disability arising out of 'untouchability' and adoption of such measures as would ensure the removal of such disability from such areas.

Source: Upadhyay, H. C. [1991]. "Reservation for Scheduled Castes and Scheduled Tribes", Anmol Publication, New Delhi.

APPENDIX – C

Policies Adopted for the Development of Privileged Class.

There are a number of laws, both Central and State, which provide for safeguards to SCs/ STs. Some of these emanate list of such laws in given below :-

- (i) The Protection of Civil Rights Acts, 1955.
- (ii) The scheduled castes and the scheduled tribes (Prevention of Atrocities) Act, 1989.
- (iii) The Bonded Labour System (Abolition) Act, 1976.
- (iv) The child labour (Prohibition and Regulation) Act, 1986.
- (v) Act and regulation in force in different States to Prevent alienation of land belonging to SCs/ STs. In some States such provision exists in the Land Remote Code.
- (vi) Act in different States for restoration of alienated land to SCs / STs.

Source: Government of India.

APPENDIX – D
Constitutional Safeguards for the Development of Weaker Section.

-
- (i) The abolition of ‘untouchability’ and the forbidding of its practice in any form (Art. 17);
 - (ii) The promotion of their educational and economic interests and their protection from social injustice and all forms of exploitation (Art. 46);
 - (iii) The throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus (Art.25);
 - (iv) The removal of any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels and places of public entertainment, use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public (Art. 15);
 - (v) The right to practise any profession or carry on any occupation, trade or business (Art. 19);
 - (vi) The forbidding of any denial of admission to educational institutions maintained by the States or receiving aid out of State funds. (Art. 29);
 - (vii) The obligation of the State to consider their claims in the making of appointments to public services and reservation for them in case of inadequate representation (Arts. 16 and 335);
 - (viii) Special representation in Parliament and the State Legislatures for a period of twenty years (Arts. 330, 332 and 334);
 - (ix) The setting up of advisory councils and separate departments in the State and the appointment of a Special Official at the Centre to promote their welfare and safeguard their interests (Arts. 164, 338 and Fifth Schedule); and
 - (x) Special provision for the administration and control of schedule and tribal areas Art. 2 and Fifth and sixth schedules).

Source: Upadhyay, H. C. [1991]. “Reservation for Scheduled Castes and Scheduled Tribes”, Anmol Publication, New Delhi.

APPENDIX – E
Protection of Civil Rights - Amendment Act, 1976.

The salient features of 1976 Amendment Act, are :

- (i) Imprisonment of not less than one month and not more than six months and also a fine ranging from rupees 100 to rupees 500 for all offences under the Act except for the unlawful compulsory labour where the imprisonment shall be from three to six months and also fine ranging from rupees one hundred to five hundred.
- (ii) Employment in any job cannot be refused on grounds of untouchability.
- (iii) No person shall be compelled on grounds of untouchability to do any scavenging or sweeping or remove carcass or to flay any animal or to remove the umbilical cord or to do any job of a similar nature.
- (iv) No person shall be compelled to do acts mentioned in para (iii) above on the threat of his social or economic boycott.
- (v) No public officer shall willfully neglect the investigation of any offence punishable under the Act.

- (vi) There shall be enhanced penalty for subsequent conviction for example, for a second offence the imprisonment may run from six months to one year and a fine of rupees two hundred to five hundred; for a third subsequent to the third offence, the imprisonment would be from one year to two years and also a fine of rupees five hundred to rupees one thousand.
- (vii) Imposition of collective fine.
- (viii) No application of the probation of Offenders Act. 1958 shall be available against conviction under this Act.
- (ix) Duties of State Government: The Act enjoins on the State governments certain duties relating to the enforcement and effectiveness of the Act. The duties may be summarized as under :
 - (a) Provision of adequate facilities including legal aid to the persons subjected to any disability arising out of untouchability.
 - (b) Appointment of officers for initiating or exercising supervision over prosecution for the contravention of the provisions of the Act.
 - (c) Setting up of special courts for the trial of offences under the Act.
 - (d) Setting up of committees at appropriate levels to assist the State governments in formulating and implementing such measures as are for the furtherance of the Act.
 - (e) Periodic survey of the working of the Act.
 - (f) Identification of the areas, localities, and habitants where persons are, under such disabilities as are mentioned in the Act.
 - (g) Adoption of such measures as would ensure the removal of disabilities mentioned in the Act.
- (x) The office, which was compounded under the 1955 Act, shall no more be compoundable after the 1976 amended Act.
Where the minimum imprisonment is less than three months. The offence shall be summarily triable.
- (xi) Insulting or attempting to insult a member of a Scheduled Caste on the ground of Untouchability.
- (xii) Commission of any offence against the person or property of any individual as a reprisal or revenge for his having exercised any right accruing to him by reason of the abolition of 'untouchability'.

Source: Upadhyay, H. C. [1991]. "Reservation for Scheduled Castes and Scheduled Tribes", Anmol Publication, New Delhi.

REFERENCES

- Abbasayalu, Y.B. (1972). "Scheduled Caste Elite", Hyderabad, Department of Sociology, Osmania University.
- Aikara, J. (1980). "Scheduled Caste and Higher Education : A Study of College Students in Bombay, Poona", Distance.
- Bakshi, P. M. [2004]. "The Constitution of India", Universal Law Publishing Co. Pvt. Ltd., Fifth Edition.
- Basu K., P. Pattanaik and K. Suzumura (Ed.) [1995]. "Choice, Welfare and Development", Oxford, Clarendon.

- Berremen, Gerald D. [1979]. "Caste and other inequalities : Essays on inequality", Meerut Folklore Institute.
- Beteille, A. (1983). "The Idea of Natural and Other Essays", Delhi, Oxford University Press.
- Beteille, A. (1991). "Distributive Justice and Institutional Well Being," *Economic and Political Weekly*, (Annual Number), March.
- Beteille, A. (1992). "Society and Politics in India, Essays in a Comparative Perspective", Delhi, Oxford University Press.
- Bhumi, A. (2000). "In Search of an Appropriate Reservation Policy for the Under-Privileged People of India", Lecture delivered at the UGC National Seminar on "Development, Deprivation and the Roots of Inequality" at University of North Bengal on 29-30 January.
- Chakraborty G. [2000]. "Development of SCs and STs : The Success so far", *Social Changes*, Vol. 30, Nos. 3 & 4., Sept – Dec.
- Chakraborty, Gurupada [2000]. "Development of SCs and STs : The success so far", *Social Changes*, Vol. 30, No 3 & 4, September – December.
- Chalam, K. S. (1998). "Caste and Economic Reforms", *Seminar* 471–November, New Delhi.
- Choudhary, K. (1988). "The Policy of Reservation : Need to Continue and Transcend." *Social Action*, Vol. 48.
- Daniwale S. M. [2003]. "The Political Mobilization of Backward Classes in India", *Man and Development*, September.
- Dave, M. (1985). 'Backward Classes and Reservation' in Haroobhi Mehta and Hasmukh Patel (eds.), *Dynamics of Reservation Policy*, New Delhi.
- Dreze, J. (1998). "Squaring the Circle", *Seminar*, 464.
- Dreze, Jean and Amartya Sen [1995]. "Basic Education as a Political Issue", *Journal of Educational Planning and Administration*, vol. 9, No. 1, 1995.
- Eighth Five Year Plan (1992), *Planning Commission*, Government of India, Vol. II.
- Foster J., J. Greer and E. Thorbecke [1984]. "A class o Decomposable Poverty Measures", *Econometrica*.
- Ghurye, G.S. (1994). "Caste and Race in India", Popular Prakashan, Bombay.
- Government of India (1980). "Reports of the Backward Classes Commission", First Part (Vols. 1 & 2).
- Government of India (1990). "B. R. Ambedkar, Castes in India", Speeches and Writings of Dr. Babasaheb Ambedkar, Vol. I.
- Government of West Bengal (1999). "Annual Report of the Development of Higher Education", 1998-99.
- Gupta, D. (1998). "A Question of Quotas", *Seminar* 471, November.
- Judge Pranjit S. [2002]. "Religion, Caste and Communalism in Punjab" *Sociological Bulletin*, 51(2), September.
- Kabra, G.D. (1984). "Development of Weaker Sections : Organisational Alternatives", Inter-India Publications, New Delhi.
- Kamble, R. (1998). "Dalit Interpretations of Society", *Seminar* 471, November.
- Mahapatra L. K. [1991]. "Development for Whom? Depriving the Dispossessed Tribals", *Social Action*, vol. 41, No. 3, pp. 271-287.

- Mathew Zachariah [1972]. "Positive Discrimination in Education for India's Schedule Caste : A Review of the Problem 1950-70", *Comparative Education Review*, 16 (1).
- Nancharaiah, G. [1988]. "Land and Caste", Himalaya Publishing House, Bombay.
- Narayan, S.S. (1998). "Gender Equality Through Reservation in Decision-Making Bodies", *Social Action*, Vol. 48 April.
- Nayak Vijoy and Shailaja Prasad [1984]. "On levels of living of schedule castes and schedule tribes", *Economic and Political Weekly*, July, 28.
- Panini, M.N. (1999). "M.N. Srinivas and Sociology", *Economic and Political Weekly*, January 22.
- Pathy, Jagannath [1982]. "Politics of Tribal Welfare : Some Reflections", *The Eastern Anthropologist*, vol. 35, No. 4, pp. 285-300.
- Patil, S. (1979). "Dialectics of Caste and Class Conflicts", *Economic and Political Weekly*, Annual Number, February.
- Patnaik N. [1972]. "Tribes and their Development : A Study of two Tribal Development Blocks in Orissa", National Institute of Community Development, Hyderabad.
- Premi Kusum K. [1977]. "Privileges Given to the Schedule Castes in Education : A Critical Analysis", Paper Presented at Workshop on Alternative Educational Features, New Delhi, NCERT.
- Puri, Harish K. and Pranjit S. Judge [2000]. "Social and Political Movements : A reader on Punjab" Jaipur, Rawat Publications,.
- Rao, C. Shankar [2003]. "Sociology Primary Principles", [3rd Revised and Enlarged Edition], S. Chand & Co. Ltd., New Delhi.
- Roy, A. (1979). "Caste and Class : An Inter-linked View". *Economic and Political Weekly*, Annual Number, February.
- Saggar Mridul and Pan Indranil [1994]. "SCs and STs in Eastern India, Inequality and Poverty Estimate" *Economic and Political Weekly*, March 5.
- Sankaram S. R. [2000]. "Welfare of Scheduled Caste and Scheduled Tribes in Independent India—An Overview of State Policies and programmes" *Journal of Rural Development*, Vol. 19(4), pp. 507-533.
- Sau, R. (1999). "Human Development Index in View of Caste, Census 2001", *Economic and Political Weekly*, December 18.
- Sen, A. (1987). "Commodities and Capabilities", Oxford University Press.
- Shah, G. (1987). "Middle Class Politics : Case of Anti-Reservation Agitation in Gujarat", *Economic and Political Weekly*, (Annual Number), May.
- Sheth, D.L. (1987). "Reservations Policy Revisited", *Economic and Political Weekly*.
- Singh Harbans (ed) [1996]. "The Encyclopedia of Sikhism", Patiala, Panjab University.
- Singh, K. S. [1991]. "The Scheduled Castes", Revised Edition, National Series Vol. II, Oxford University Press.
- Srinivas M. N. [1966]. "Social changes in modern India", Bombay, Allied Publishers.
- Srinivas M.N. [1987]. "The Dominant Caste and other Essays", New Delhi, Oxford University Press.
- Srinivas, M.N. (1966). "Social Change in Modern India", Allied Publishers, Bombay.

- Srinivas, M.N. and S. Sessaiah (1977). "Dimensions of Social Change in India", Allied Publishers, New Delhi.
- Srinivash M. N. [1982]. "Caste in India and Other Essays", Bombay, Asia Publishing Co.
- Sudarshan, R.M. (1998). "Where Are We At ?", Seminar 464.
- The world Bank [1997]. "Primary Education in India", Monohar Publications, New Delhi.
- Upadhyay, H. C. [1991]. "Reservation for Scheduled Castes and Scheduled Tribes", Anmol Publication, New Delhi.
- Van Ginneken W. [1980]. "Some Method of Poverty Analysis, An Application to Iranian Data – 1975-70" World Development.
- Wankhede, G.S. (1999). "Social and Educational Problems of Scheduled Castes : Some Critical Insights", *The Indian Journal of Social Work*, Volume 60, Issue 3.



This document was created with the Win2PDF "print to PDF" printer available at <http://www.win2pdf.com>

This version of Win2PDF 10 is for evaluation and non-commercial use only.

This page will not be added after purchasing Win2PDF.

<http://www.win2pdf.com/purchase/>