



Indian constitution and Development of Dalits

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Abstract

India is passing through a testing time in view of increasing threats to national security, fraternity, unity and integration. Social tensions, caste conflicts and communalism are continuously on the increase. Dr.Ambedkar was one of the most outstanding sons of India who has left an indelible mark on the history of mankind. There is a vital need to preserve the thoughts of the noble son of India which are highly relevant in the present times. Ambedkar emerged as a great scholar with series of efforts and struggles and was appointed as the Chairman of the drafting committee of Indian Constitution. Ambedkar waged a relentless war against all oppressive characteristics and elements of Indian society throughout his life. Ambedkar wanted to secure national independence which was based on social and economic equity and justice. He wanted to create a new social and economic order in India which would ensure meaningful political democracy. Ambedkar provided a new dimension to social philosophy in India. He strongly advocated that untouchability is not a religious system but an economic system which is worse than slavery. He had a distinctive approach to the oppression of women and weaker sections in India. Ambedkar's conception of emancipatory politics proceeded beyond a comprehensive delegitimation of slavery which is another name of untouchability. India can never be truly free until the last Indian segment of Scheduled Castes and Scheduled Tribes are free. Ambedkar wanted Dalits, backwards, minorities and women to look back to their history and re-establish their supremacy by defeating the counter-revolutionary forces led by the champions of Brahminism. The vision of Ambedkar for the social upliftment of Dalits and other weaker sections of India can be understood by his monumental writings and speeches in various occasions. Ambedkar's observations in relation to social, economic, political and cultural issues and developments are becoming true. There is a vital need to preserve the multi-faceted thoughts of the noble son of India which are

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highly relevant in the present times. Ambedkar shines in the history of modern India as the symbol of revolt against all oppressive features of the Hindu Society.

Preamble

India is passing through a testing time in view of increasing threats to national security, fraternity, unity and integration. Social tensions, caste conflicts and communalism are continuously on the increase. Dr. Ambedkar was one of the most outstanding sons of India who has left an indelible mark on the history of mankind. There is a vital need to preserve the thoughts of the noble son of India which are highly relevant in the present times. Ambedkar emerged as a great scholar with series of efforts and struggles and was appointed as the Chairman of the drafting committee of Indian Constitution. Ambedkar waged a relentless war against all oppressive characteristics and elements of Indian society throughout his life. Ambedkar wanted to secure national independence which was based on social and economic equity and justice. He wanted to create a new social and economic order in India which would ensure meaningful political democracy. Ambedkar provided a new dimension to social philosophy in India. He strongly advocated that untouchability is not a religious system but an economic system which is worse than slavery. He had a distinctive approach to the oppression of women and weaker sections in India. Ambedkar's conception of emancipatory politics proceeded beyond a comprehensive delegitimation of slavery which is another name of untouchability. India can never be truly free until the last Indian segment of Scheduled Castes and Scheduled Tribes are free. Ambedkar wanted Dalits, backwards, minorities and women to look back to their history and re-establish their supremacy by defeating the counter-revolutionary forces led by the champions of Brahminism. The vision of Ambedkar for the social upliftment of Dalits and other weaker sections of India can be understood by his monumental writings and speeches in various occasions. Ambedkar's observations in relation to social, economic, political and cultural issues and developments are becoming true. There is a vital need to preserve the multi-faceted thoughts of the noble son of India which are highly relevant in the present times. Ambedkar shines in the history of modern India as the symbol of revolt against all oppressive features of the Hindu Society.

Ambedkar's Social Struggles

Ambedkar submitted several memorandums to the British authorities demanding social justice and equality for the oppressed Indians. He argued that Home Ruled should ensure the social equality to the lower and depressed classes who belonged to the same Hindu religion, followed the same customs, lived with the same borders and shared the same

aspirations for liberty and Home Rule. He observed that Home Ruled was as much the birthright of a Brahmin as that of a Mahar. The first duty, therefore, of the advanced classes was to educate, enlighten and elevate them. Unless and until that attitude was adopted, the day on which India would have Home Rule was distant. Ambedkar had firmly believed that social inequality would jeopardize political freedom and democracy. He was very much in favour of annihilating caste as the basis for establishing liberty, equality and fraternity in India.

Ambedkar started 'Mook Nayak' (Leader of the Dumb) on January 31, 1920 which served as the voice of the Depressed Classes. He brilliantly propounded the need for social equality. He wrote: "India was a home of inequality. Hindu society, he observed, was just like a tower which had several storey's without a ladder or an entrance. One was to die in the storey in which one was born. Hindu society, he continued, consisted of three parts: the Brahmins, the non-Brahmins and the untouchables. He pitied the souls of those persons who said that according to their philosophy there existed God in animals as well as in animate things and yet treated their co-religionists as untouchables. He lamented that not the spread of knowledge and literacy but accumulation and monopoly was the aim of the Brahmins. In his view the backwardness of the non-Brahmins was due to lack of education and power. In order

Constitutional Safeguards

The list of Scheduled Castes was notified by the President of India in accordance with the provisions in Articles 341 of the Indian Constitution in 1950. In order to belong to a Scheduled Caste, a person must profess either a Hindu or a Sikh or a Buddhist religion. The list of Scheduled Tribes was notified by the President of India in accordance with the provisions in Article 342 of the Indian Constitution. Religion is not a bar in the case of Scheduled Tribes.

The constitutional safeguards for the members of the Scheduled Castes and Scheduled Tribes relate to the removal of the disabilities as well as positive measures to enable them to acquire a dignified position in the national life. The Constitution of India came into effect on January 26, 1950. An important part of the Constitution and of great significance to the women and weaker sections is the Directive Principles of State Policy which are fundamental in the governance of the country (Chandra and Singh, 2003:05).

Article 14 of the Constitution guarantees equality before the law and equal protection of rights. Article 15 prohibits discrimination on the grounds of religion, caste, sex or place of birth as well as disabilities in regard to access to public places and also specifically lay down

that nothing shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or Dalits. Article 16 provides for equality of opportunity in the matter of public employment with specific provision for reservation of appointments or posts in respect of any backward class of citizens. Article 17 abolishes untouchability forbidding its practice in any form and making the enforcement of any disability arising out of untouchability a punishable wrong. Article 23 prohibits traffic in human beings and forced labour. Article 24 bars the employment of children below 14 years in any factory or mine or hazardous occupations. Article 38 envisages a social order and justice in social, economic and political spheres of national life.

All the constitutional safeguards have, apparently been provided to facilitate the implementation of the Directive Principles of State Policy contained in Article 46 of the Constitution. It reads: “The State shall promote with special care the educational and economic interests of the weaker sections of the people and in particular, of the Scheduled Castes and Scheduled Tribes and shall protect them from social injustice and all forms of exploitation”. The Indian Constitution is unique in that it designates violation of these human rights of Scheduled Castes and Scheduled Tribes as offences created by the Constitution itself and casts a constitutional duty on Parliament to enact legislations, regardless of federal distribution of legislative powers provided in the Constitution (Thorat, 2000:11).

These constitutional safeguards protect the interest of about 25 crore Scheduled Castes and Scheduled Tribes people who form 24.56 percent of the total population in the country. The various safeguards for Dalits in the Constitution are classified under four head namely, social, educational, political and other safeguards (Srivastava, 2000:10). A large number of Dalits belong to below the poverty line even in the new millennium. A small proportion of them have secured employment in government sector and crossed the poverty line. There is no proper monitoring and evaluation of welfare programmes implemented by the government for the betterment of the status of Dalits (Chakraborty, 2000:04). In spite of several constitutional safeguards, reservation benefits and welfare programmes during the last 65 years, a wide gap exists in the conditions of Dalits in Indian society (Goswami, 2003:105). There has been a disjunction between the constitutional safeguards and hierarchical values which continue to govern the Indian society.

Reservation Benefits

The founding fathers of Indian Constitution formulated and implemented reservation policy in order to provide institutional support for the progress of the Dalits and other weaker

sections of the society. Reservation is a special regulative policy adopted by the Central, State Governments and Union Territories to ensure institutional support for the development of these deprived sections of the society.

Reservation has been rightly viewed as a protective discrimination which represents affirmative State action to redress the wounds of disabilities and disadvantages among the weaker sections of India. It is primarily intended to reduce the sufferings of the segregated and excluded weaker sections of Indian society. It also fundamentally seeks to compensate the so called natural inferiors for past privations and is wedded to off-set the inherited disadvantages of weak social capital endowments.

The reservation policy had originated in the form of Montague-Chelmsford Reforms in 1919. The British Government decided to earmark certain quota in government jobs for minority communities in 1925. The British Government also issued necessary instructions in 1934 to reserve a definite percentage of vacancies for the depressed classes (described in the Government of India Act of 1935 as Scheduled Castes). This policy was review in 1942 and it was found that representation of Dalits in public services was not substantial. The Government issued orders in August, 1943, reserving 8.5 per cent of vacancies for them and proposed to consider the question of raising this percentage as soon as a sufficient number of qualified candidates from the Scheduled Castes were available. In June, 1946, however, the percentage of vacancies reserved in favour of Scheduled Castes was raised from 8.5 per cent to 12.5 per cent. The reservation of 12.5 percent for Scheduled Castes and 5 percent for Scheduled Tribes continued after the coming into force of the Constitution of India. These percentages were subsequently enhanced in 1970 to 15 per cent for Scheduled Castes and 7.5 per cent for the Scheduled Tribes. Presently, there is a reservation of 15 per cent for Scheduled Castes, 7.5 per cent for Scheduled Tribes and 27 per cent for Other Backward Classes in all the posts under the control of Central Government and Central Public Undertakings. Similar reservations have also been provided in the posts and services under the State Governments/ Union territories. The percentage of such reservations which has been kept in the proportion to the population of these communities varies from state to state. The UPA government had planned to implement reservation policy in respect of promotion of Dalits. The reservation benefits can be classified into educational, employment and political categories. The Article 335 of the Constitution states that the claims of the Dalits shall be taken into consideration while making appointments. This article also provides for relaxation

of age limits, reduction in examination fees for entry into government services, lowering down of educational and other qualifications and provision of pre-examination coaching.

Articles 330, 332 and 334 provide for reservation of seats for Scheduled Castes and Scheduled Tribes in the Lok Sabha and the State Assemblies. The number of seats result for them shall bear the same proportion to the total number of seats allotted to that State or Union Territory in the House of people as the population of the Scheduled Castes and Scheduled Tribes based on the preceding census. Accordingly, 106 out of 545 seats are reserved for the members of SC/ST communities. A similar reservation of seats has been provided in the State Assemblies under Article 332. Initially, preservation was provided for a period of 10 years but subsequently the time has been extended after the expiry of every 10 years.

Reservation along with order measures of protection and upliftment of the weaker sections of society, should be viewed as an instrument of larger social policy of the State addressed to a long term goal of creating a civil society through extending effective citizenship right to the vast sections of the population who have been historically deprived and marginalized (Sheth, 1987:09). The primary objective of the reservation policy is to eradicate the social, educational, economic and political inequalities which have existed from time immemorial in different social segments of Indian society (Brahme, 2001:03).

Reservation policy is an embodiment of Constitutional priorities of the independent of India to the goals of social and economic equality. Ultimately, the reservation policy seeks to lift to the socially and economically deprived sections of society from a situation of backwardness (Bhat, 2005:02).

Even after 69 years of independence, a majority of Scheduled Castes and Scheduled Tribes in India could not enjoy the benefit of primary education. A negligible percentage of them receive higher education in the present times according to the latest statistics. The implementation of the policy of reservation in employment has not been satisfactory since a majority of them are not able to reach the prescribed percentage of reservation mainly due to poverty, lack of education, professional experience and specialization. The political reservation has not really benefitted the weaker sections in India since the true representatives of Dalits and angle guardians of social justice are least preferred by the political parties which are headed by dominant sections of Indian society. In the age of globalization, reservation policy has become irrelevant. Dalits have also demanded the implementation of reservation policy in the private sector in the age of economic liberalization.

Empowerment of Dalits in Karnataka

Karnataka state sustains the legacy of Basava, Nalvadi Krishna Raja Vodeyar, Devaraj Urs, Basavalingappa, Ramakrishna Hegde, Abdul Nazeer Sab, Siddaramaiah and other champions of social justice and economic equity. Several progressive movements were launched by highly committed social reformers and activists in the state. These progressive movements include – peasant movement, workers movement, women's movement, student's movement, youth movement, Dalit movement, tribal movement and progressive literary movement. Karnataka state had established the Department of Social Welfare in 1959 to implement various programmes for the welfare and progress of SC/ST population in the state of Karnataka. Social Welfare Department is the nodle department which undertakes the development of Dalits. It receives funds from central government, state government and corporate houses for the implementation of various programmes. Social Welfare Department is primarily responsible for the transformation and progress of Dalits in Karnataka. It provides educational facilities, training opportunities and other services to the young generation of Dalits in Karnataka state. The department also provides civic amenities and infrastructural facilities to improve the standard of living of people in the state. Dr.B.R. Ambedkar Development Corporation, Karnataka Thanda Development Corporation, Dr.Babu Jagajivan Ram Leather Industries Development Corporation and Karnataka Residential Education Institutional Society implement several development programmes for the benefit of Scheduled Caste population.

Status of Dalits in India

Several policies and programmes were formulated and implemented in the post-independence era to facilitate the empowerment of Dalits who have remained as excluded sections of Indian society historically and structurally. The policy makers, administrators and other stakeholders are sensitized about the development of Dalits in India.

Series of welfare measures for the educational, social and economic development of Dalits have been undertaken since the First Five Year Plan in accordance with the constitutional provisions. Until Fourth Five Year Plan, the special programmes for Dalits were undertaken under the 'Backward Classes Sector'. The new strategy for the integrated development of Dalits was adopted in the name of Special Component Plan, Special Central Assistance and the Scheduled Caste Development Corporations which were adopted during the Fifth and Sixth Five Year Plan (Chaurasia, 1990:06).

During the last six decades of planned development, India's economy has registered commendable progress in a number of sectors of national development. Despite launching of special schemes / programmes for Dalits in the post – independence era, they are still trailing behind in comparison to other sections of society economically and otherwise (Arles, 2001:01)

The statistics reveal that while the outlays for Scheduled Castes and Scheduled Tribes have been around 3 percent till the Fifth Plan. The plan outlays shot upto 3.41 percent in the Six Plan and 4.02 per cent in the Seventh plan. Undisputedly, the two special plans have been responsible raising the earlier depressingly low level of investment for the two scheduled communities.

The economic planning in India started in 1951 with First Five Year Plan. In the First Five Year Plan schemes were largely confined to education and allotment of agricultural land. The same policy continued in Second Five Year Plan. In the Third Five Year Plan, education received high priority with additional emphasis on technical and vocational training and education. Among the schemes for economic development, stress was laid on the allotment of agricultural land, special financial support to Scheduled Caste farmers, village artisans, traditional craft and small scale industries. In the Fourth and Fifth Five Year Plans emphasis on economic and educational programmes continued. In the Sixth Five Year Plan significant modification was made in the strategy and methodology in the development of Scheduled Castes and Tribes. Special component plan was adopted to provide beneficiary – oriented developmental support. In the Seventh and Eighth Five Year Plans, emphasis remained on beneficiary – oriented programmes of socio-economic development. In Ninth Five Year Plan, emphasis was placed on empowering the landless rural SC families and providing legislative support for ownership of land. These measures thus intend to provide some source of income and also to build the human resource capabilities of Scheduled Caste persons (Thorat, 2000:11).

The Tenth Five Year Plan (2002-2007) and Eleventh Five Year Plan (2007-2012) also continued the empowerment – oriented programmes for Scheduled Castes and Scheduled Tribes. However, the outlay for the empowerment of Dalits is not in accordance with their population and magnitude of poverty and under-privileged status. The prominent programmes which have been implemented in the post-independence era for the development of Dalits include Million Wells Scheme, Indira Awas Yojana, Ambedkar Chikitsa Yojana, Ambedkar Samajik Samata Kendra Yojana, national scholarship scheme for Dalit students,

financial assistance to Dalits students, establishment of Ambedkar centers, centrally sponsored scheme of hostels for SC/ST boys and girls, scheme of upgradation of merit of SC/ST students, residential schools for SC/ST students, provision of loans to SC/ST people under micro finance scheme, provision of loans to family of Safai Karmachari on low interest rate, national scheme of liberation and rehabilitation of scavengers and their dependence and so on.

From the very dawn of the independence, the governments have been taking certain remedial steps for the upliftment of the socio-economic status of Dalits in India. The state has put in place laws, policies and programmes without which even the modest progress in the overall situation would not have been possible. However, these welfare measures are quite inadequate and have to be more effectively implemented in order to enable the Dalits to overcome the continued subordination, exclusion and exploitation in India society.

The extreme economic backwardness, social retardation and virtual stagnation have aggravated the situation for ages and pushed the Scheduled Castes and Scheduled Tribes to large scale exploitation. Proper social and economic status is very vital to progress in a caste – ridden society like ours. It is because of this that the Scheduled Castes and Scheduled Tribes have no major say in the politico – ritual activities. Caste plays an important role in Indian society at every stage. Caste is also taken into consideration at every stage of human life and almost all activities revolve round the pivot of caste (Chaurasia, 1990:06).

A very large section of Scheduled Castes are engaged in rural and urban informal or unorganized sector. High incidence of landless and near landless households among the Scheduled Castes has created an enormously high level of manual wage labour among them. With high incidence of wage labour associated with high unemployment, under-employment rates, the Scheduled Castes are suffering more from low income, low consumption and high incidence of poverty. This comparative account of the economic position of the Scheduled Castes and others does provide convincing evidence on the continuing economic inequalities associated with castes. It is thus beyond doubt that the historical impact of traditional caste based restrictions on the ownership of property, employment of occupation are still visible to significant extent. The protection against economic discrimination that the Scheduled Castes received in government and public sector is nearly absent in private organized or unorganized sectors. Hence, the extension of protection in the form reservation in jobs or other forms in agriculture and urban industrial sector is necessary (Thorat, 2000:11).

12th Five Year Plan Initiatives

The 12th five year plan aims at achieving the overall improvement in the socio-economic conditions of the weaker sections including the Scheduled Castes. The principal goal for the 12th Plan (2012) towards empowerment of the Scheduled Castes lays emphasis on:

- To ensure the security and dignity of all persons belonging to the Scheduled Castes, especially women and put a complete end to all forms of ‘untouchability’ and discrimination against them.
- To bring members of the Scheduled Castes both men and women at par, to the maximum possible extent, with their non SC/ST counterparts, in terms of all developmental indices viz. education, health, nutrition, housing, income generation and employability.
- To empower Scheduled Castes to participate in society and in nation building, on an equal basis with others.
- To effectively implement SCSP as the essential instrument for accomplishing inclusive growth.

In the 12th plan, a tentative Gross Budgetary support of Rs.32.684 crore has been earmarked for the Ministry of Social Justice and Empowerment for the welfare and development of SCs, OBCs, DNTs, PWDs and other vulnerable groups. In addition to this, social welfare programmes also receive plan financial support from the state sector as well.

Educational Development

The Government of India has planned to enhance the access and participation of Scheduled Castes students. Special efforts are required to promote educational development through scholarships, hostel facilities, high quality education, trained manpower, residential schools and allied measures. The pre-metric scholarship, post-metric scholarship, Rajiv Gandhi National Fellowship, National Overseas Scholarship and other provisions are created to empower the Scheduled Castes educationally. The state governments are also called upon to upgrade the schools, libraries, hostels and other infrastructural facilities. The percentage of SCs in various residential schools should be at least 50%. Thus, special provisions are made for the up gradation of the educational status of Scheduled Castes in the 12th plan.

Economic Development

The 12th plan lays special emphasis on the employment and income generation programmes for Scheduled Castes across the country. The National Scheduled Caste Finance and Development Corporation, National Safai Karmacharis Finance and Development

Corporation and other agencies are set up for promoting the economic development of Scheduled Castes. Skill development programmes, entrepreneurship development programmes, leadership development programmes and other initiatives are needed to empower the Scheduled Castes economically. The plan document also highlights the need for distribution of surplus government land to landless SC agricultural laborers in order to improve their economic status. The government also wants to showcase and market the products manufactured by SC artisans and entrepreneurs through various fairs and exhibitions.

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Conclusion

The outlay for the empowerment of Scheduled Castes is not in accordance with their population and magnitude of poverty and under-privileged status. Empirical studies have reported that delay in the implementation of welfare measures has adversely affected the developmental status of Scheduled Castes in India. The elected representatives of Scheduled Castes have not lived up to the expectations of their people mainly due to their loyalty to political affinity and high command. The representatives of Scheduled Castes are not adequately found in the process of implementation of various developmental projects meant for the empowerment of Scheduled Castes in the country. Strict punitive measures are not adopted to punish the erring officials who are responsible for non-implementation of welfare measures and developmental projects. The National Commission for Scheduled Castes is not equipped with necessary powers and privileges to ensure strict implementation of various developmental initiatives in the country.

Social activists and intellectuals have strongly advocated a paradigm shift from post-facto to pro-active planning for the empowerment of Scheduled Castes. The 12th plan proposes a set of key implementation measures to empower the Scheduled Castes such as earmarking of SCSP funds from the total plan outlays well in advance of the commencement of the financial year, preparation of pro-active planning documents as sub-plans, an appraisal and approval mechanism for the sub-plans so formulated and a robust mechanism for monitoring and evaluation of outcomes. At the state level an apex body headed by the Chief Minister will appraise the sub plan for the development of Scheduled Castes in the states concern. The Ministry of Social Justice and Empowerment is required to monitor the progress and ensure strict implementation of various special provisions for Scheduled Castes.

Even in the new millennium, the Scheduled Castes and Scheduled Tribes who constitute approximately 25% of the total population of India suffer from varying degrees of slavery, indignity, poverty, illiteracy, unemployment, ill-health, malnutrition, discrimination, exploitation and so on. The Dalits continue to remain at the bottom of the Indian society in wealth, social status, education, health and overall living conditions. In spite of various constitutional provisions, reservation benefits and welfare measures to improve the socio-economic conditions of the Scheduled Castes and Scheduled Tribes, they remain excluded, marginalized and oppressed in Indian society. The development of Dalits is thus a part of a continued quest for educational progress, social justice, economic equity and political empowerment.

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