



PROTECTIVE DISCRIMINATION OF SCHEDULED CASTES AND SCHEDULED TRIBES

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Abstract

Scheduled Castes are the castes listed in the Government of India's Scheduled Castes order, which was issued in August 1950. As a result, a person is regarded a member of a Scheduled Caste if he or she belongs to a caste that has been proclaimed a Scheduled Caste for the territory in which he or she resides under the constitution. After the United States and China, India has the world's third biggest higher education system. According to an MHRD all-India study on higher education, the enrollment of OBC students in higher educational institutions in India increased to 27% (male 27.3 percent and female 26.8%) in 2010-11, although it remained low for Scheduled Caste and Scheduled Tribe students.

Keywords: *Scheduled Castes, Scheduled Tribes*

Introduction

'Caste' is derived from the Portuguese term 'casta,' which means 'kind, race, or type.' The name was first used indiscriminately to the different social and occupational groupings found on the subcontinent by the Portuguese in the eleventh century, and it has been used ever since. On the one hand, the phrase is used to refer to the whole system of social stratification in India; on the other hand, it is used to refer to three or four more or less different parts of that system, namely varna, jati, and gotra.

Scheduled Castes are the castes listed in the Government of India's Scheduled Castes order, which was issued in August 1950. As a result, a person is regarded a member of a Scheduled Caste if he or she belongs to a caste that has been proclaimed a Scheduled Caste for the territory in which he or she resides under the constitution. Only the President of India may designate a caste as a Scheduled Caste, and only an act of parliament can add or remove a caste from the list after it has been designated. As a result, "Scheduled Caste" is a constitutional idea rather than a social one.



Ex-untouchables who continue to practise Hinduism are classified as Scheduled Castes. The phrase "Scheduled Castes" appeared in the Government of India Act of 1935 for the first time. The goal of classifying castes as Scheduled Castes is to protect the interests of individuals who are subjected to caste prejudice and to grant specific exemptions to assist them in catching up with the rest of the population in the development process. The following criteria must be met for a caste to be classified as Scheduled Castes: 1) they have a low social status in Hindu society, 2) they are educationally backward, 3) they have insufficient representation in government service and 4) in the fields of trade, commerce, and industry, and 5) they are socially and physically isolated from the rest of the population.

The Scheduled Castes are a set of castes with unique cultural, occupational, and religious traits. They are separated into around 900 sub-castes and are sparsely spread among India's 600,000 villages. Scheduled Castes make up around 90% of India's population and account for 15% of the country's population.

The Scheduled Castes are backward because of their mostly rural character, illiteracy, reliance on agricultural labour or other low-wage industries, and centuries of injustice, exploitation, and persecution they have endured from others. The Scheduled Castes have three societal handicaps: 1) untouchability; 2) atrocity, which is an act of severe brutality perpetrated against them; and 3) discrimination.

Bonded labour.

The then-provincial administration of Bengal presented the term "Scheduled Castes" to the Indian Franchise Committee in 1932. As a result, for the first time in the Government of India Act, 1935, a schedule comprising a list of these groups was inserted. They had previously been labelled as the 'Depressed Classes.' The President of India is authorised under Article 341 of the Indian Constitution to identify castes to be notified as SCs. The President of India, in conjunction with the Governor of the relevant state, declares a caste to be a Scheduled Caste, and Parliament enacts legislation to include the caste in the schedule. From 1950 to 1978, different Presidential orders announced, changed, and altered statutory listings of the SCs in various parts of the nation (at present, 1,231 castes are listed as SCs in the Schedule).

The effort to categorise the SCs in the Constitution began with an item in the Draft Constitution of India dealing with interpretations, definitions, and so on. Unless the context indicates otherwise, the following terms in the Constitution have specific meanings ascribed to them. A Schedule to the Constitution is referred to as a 'Schedule.' 'Scheduled Castes' refers to castes, races, tribes, or sections of or groups within castes, races, or tribes that are declared Scheduled Castes for the purposes of the Constitution under Article 341 of the Constitution.



It is evident that this rule does not provide a clear description of the scheduled group's distinguishing characteristics. This exercise, however, was carried out under the Government of India Act, 1935. The grounds for selection and admission of a caste into the Schedule were based on its social, educational, and economic backwardness, which stemmed from historic untouchability practises. These categories of deprivation, notably social and economic deprivation, were defined by the Government of India Act, 1935, on the basis that

- They have a low social status in Hindu society;
- They have insufficient representation in government services;
- They have insufficient representation in trade, commerce, and industry;
- They are socially and physically isolated from the rest of the community; and
- There is a general lack of educational development among the majority of this community.

Objectives

- To find out the discrimination met to scheduled caste population in India which is being analysed in terms of their socio economic status, occupation, education, health and nutrition,
- To identify the factors responsible for the present situation of SCs, and Constitutional definition of SCs/STs. The terms "Scheduled Castes" and "Scheduled Tribes" shall have the meanings ascribed to them in Article 366, clauses (24) and (25) of the Indian Constitution, respectively. Scheduled Castes are defined as follows in Article 366 (24) of the Indian Constitution: "Scheduled Castes" means "such castes, races, or tribes, or sections of or groups within such castes, races, or tribes, as are regarded to be Scheduled Castes for the purposes of this Constitution under article 341." Scheduled Tribes are defined as follows in Article 366 (25) of the Indian Constitution: "Scheduled Tribes" means "such tribes or tribal communities, or parts of or groups within such tribes or tribal communities, as are deemed to be Scheduled Tribes for the purposes of this Constitution under article 342."



Article 341 and 342 of Indian Constitution

Scheduled Castes (Article 341): "(1) The President may, in relation to any State or Union Territory, and in the case of a State, after consultation with the Governor, specify the castes, races, or tribes, or parts of or groups within castes, races, or tribes, which shall be deemed to be Scheduled Castes for the purposes of this Constitution in relation to that State or Union Territory, as the case may be, by public notification. (2) Parliament may include or exclude any caste, race, tribe, or part of or group within any caste, race, or tribe from the list of Scheduled Castes specified in a notification issued under clause (1) by law, but a notification issued under the said clause shall not be varied by any subsequent notification, except as aforesaid."

Scheduled Tribe: - Article-342 "(1) After consulting with the Governor of that State or Union Territory, the President may, by public notification, specify the tribes or tribal communities, or parts of or groups within tribes or tribal communities, that shall be deemed to be Scheduled Tribes for the purposes of this Constitution in relation to that State or Union Territory, as the case may be. (2) Parliament may include or exclude any tribes or tribal communities, or parts of or groups within tribes or tribal communities, from the list of Scheduled Tribes specified in a notification issued under clause (1) by law, but a notification issued under the said clause shall not be varied by any subsequent notification, except as aforesaid."

The Scheduled Castes in India

SCs have always been seen as one of the weaker groups in Indian society. Untouchables, harijans, dalits, panchamans, atisudras, avarnas, and antyajas are only few of the names given to them. The phrase "depressed classes" refers to castes that are at the bottom of the Hindu caste structure and are deemed polluting by caste Hindus when they come into contact with them. The term Dalits refers to those who are poor and oppressed. The term 'slavish classes' was used to describe their servile working relationships with upper castes and the degraded nature of the job they did, such as scavenging and sweeping. Saint Narsimha Mehta termed the Scheduled Castes Harijans, and Mahatma Gandhi popularised the term. The Harijans are people who live in a subhuman social environment, are impoverished, are exploited economically, and have a subculture of submission and political helplessness.



The SCs were formerly Hinduism's untouchable classes. Apart from the four conventional castes, there existed a group of people known as untouchables even in the early days of Chaturvarnya because they were of darker colour and worked in dirty activities. These persons were socially rejected by caste Hindus because they were outcasts. The untouchables, being the lowest caste in society, comprised the fifth Varna Panchamas/ Chandals or 5th caste. They were given a place that was far lower than that of the Sudras. Street sweeping, scavenging, weaving, tanning, flaying, and other jobs were passed down through the generations. They were supposed to do all of society's unclean chores, which others were forbidden to undertake. And this group was denied the privilege to visit temples and worship with other Hindus, to get education, to wear clothing and jewellery that would identify them as members of the higher caste, to draw water from public wells, and to better their economic and educational circumstances.

They were forced to live in segregation on the edges of villages and towns, in dirty and deplorable circumstances, and they were ill-equipped and undernourished. Even today, they are unable to access the streets or alleys utilised by caste Hindus in many locations. Apart from touch pollution, distance pollution was also discovered in India's southern areas. Untouchables were required to maintain certain distances from various degrees of the higher caste.

Much more than the work of missionaries, it was the British government's education and social reforms that paved the way for the alleviation of SCs' social misery. The drastic overhaul of Hindu society did not pique the British's attention. Their educational system, on the other hand, produced a new generation of liberal thinkers and reformers. The founding of the Brahma Samaj and Arya Samaj, as well as the teachings of Raja Ram Mohan Roy, Kesav Chandra Sen, Sreeramakrishna, Swami Vivekananda, Vagbhadananda, and Aagamananda, and the social works of Thanthei Periyor, Sri Narayana Guru, and Ayyankali, all had the same goal of purifying Hinduism of caste evils. Furthermore, the Indian National Congress, which crystallised the social thinking of the time, took up the task of lifting the downtrodden on a national scale.

Constitutional provisions for Scheduled Caste (SC)

X Articles 330, 332, 335, 338 through 342 of the Constitution, as well as the whole Fifth and Sixth Schedules, deal with particular measures for achieving the goals set out in Article 46. These measures must be effectively exploited for the benefit of our society's weakest members.



Higher Education System in India

After the United States and China, India has the world's third biggest higher education system. The University Grants Commission is the principal governing authority at the tertiary level. There are 42 central universities, 275 state universities, 130 deemed universities, 90 private universities, 5 institutes created and operating under the State Act, and 33 Institutes of National Importance, according to the UGC (2012). Under the umbrella of these universities and institutes, there are 33,000 colleges, including 1800 exclusive women's colleges.

Enrolment of SC and STs in Higher Education

However, due to a variety of restrictions and socioeconomic circumstances, the advantages of expanding educational facilities have not reached all populations, particularly those belonging to the Scheduled Castes (SC) and Scheduled Tribes (ST) (ST). According to an MHRD all-India study on higher education, the enrollment of OBC students in higher educational institutions in India increased to 27% (male 27.3 percent and female 26.8%) in 2010-11, although it remained low for Scheduled Caste and Scheduled Tribe students. The enrollment percentage for Scheduled Caste and Scheduled Tribe students was 15 percent in 2009-10 and 18.8 percent in 2010-11. During 2009-10, the enrollment ratio for Scheduled Caste and Scheduled Tribe women students was 12.7 percent (men students' enrolment ratio was 17.1 percent), while it was 16.5 percent in 2010-11. (men students enrolment ratio was 20.9 percent). In the academic year 2010-11, fewer than eleven students from Scheduled Caste and less than five from Scheduled Tribe were accepted into Higher Educational Institutions. Enrollment of Scheduled Caste students was 10.2 percent, while enrolment of Scheduled Tribe students was 4.4 percent, including enrolment via Distance Mode.

Exclusionary trends in education, particularly in higher education and professional education, are a result of a variety of factors, including an increase in students' private costs, the growth of self-financing or student-financed institutions, and the poor quality of education in government and aided schools, as well as the strengthening of non-financial entry barriers and inadequate attention to the problems of disadvantaged groups.

Constitutional Mechanism for Uplift of Scheduled Castes,

The extensive constitutional structure put up for the elevation of the Scheduled Castes, Scheduled Tribes, and Other Backward Classes reflects the genuine concern of the Constitution's founders for their advancement. Untouchability is abolished under Article 17. Article 46 of the Constitution mandates the government to "advance with special care the educational and economic interests of the weaker parts of the population, especially the Scheduled Castes and Scheduled Tribes, and to safeguard them from social injustice and all kinds of exploitation." In making appointments to services and positions in connection with the operations of the Union or a State, Article 335 states that the claims of members of the



Scheduled Castes and Scheduled Tribes should be taken into account, commensurate with the preservation of administrative efficiency. The particular arrangements for their progress are mentioned in Article 15(4). "Reservation in issues of promotion to any class or classes of positions in the State services in favour of SCs/STs, who are not properly represented in the State services," according to Article 16(4A). Article 338 establishes a National Commission for Scheduled Castes and Scheduled Tribes, tasked with investigating and monitoring all matters relating to safeguards provided for them, investigating specific complaints, and participating in and advising on the socio-economic development planning process, among other things. Articles 330 and 332 of the Constitution, respectively, allow for reservations of seats in the House of People and the legislative assemblies of the States for Scheduled Castes and Scheduled Tribes. Reservation for Scheduled Castes and Scheduled Tribes in local bodies has been foreseen and given under Part IX of the Constitution related to Panchayats and Part IXA of the Constitution relating to Municipalities.

Parts IX and IXA of the Constitution allow a state's legislature to create provisions for backward-class persons to be given seats in panchayats and municipalities, respectively. Article 340* of the Constitution establishes a Commission to study the plight of the backward classes. Articles 16(4) and 16(4A) provide for the reserve of appointments or postings, as well as promotions, in favour of backward classes who are underrepresented in the state's services. Article 15(4) empowers the government to make exceptional provisions for citizens who are socially or educationally disadvantaged. Other constitutional measures for the welfare and socio-economic empowerment of Scheduled Castes, Scheduled Tribes, and other backward groups exist in addition to these.

The Scheduled Caste and the Scheduled Tribe: Some Facts

Even fifty years after untouchability was banned by the Constitution, atrocities against Scheduled Castes and Scheduled Tribes continue unabated.

Landlessness is becoming more common among the Scheduled Castes and Tribes. The number of farmers among them is decreasing, while the number of agricultural labourers is expanding.

Over the years, funding for the development and welfare of the Scheduled Castes and Scheduled Tribes has been insufficient, and in recent years, it has decreased.

In the Central Government, the representation of Scheduled Castes and Scheduled Tribes in Group 'A' and Group 'B' jobs is still insufficient. Even in Group 'C' and Group 'D' postings, ST deficiency occurs.



Despite these efforts, crimes against Scheduled Castes and Scheduled Tribes continue to occur (as they do regrettably against other vulnerable parts of society), and significant gaps between policy announcements and ground realities exist. There are a variety of reasons for this, including historical and cultural, economic and social, political and administrative considerations, to mention a few.

The following excerpts from the Dalit Manifesto¹ reflect the sentiments of the Scheduled Castes, Scheduled Tribes, and Backward Classes on the amount to which certain government initiatives have benefited them and the extent to which they have been deprived.

"In the half-century since India's independence, the nation has progressed in a number of directions, but the Scheduled Castes (SCs), Scheduled Tribes (STs), and Backward Classes (BCs), as well as those who work with and for them, believe that the benefits of the nation's progress have, in some respects, not become available to them at all, and, in other respects, have become available to them in a very inadequate measure or truncated.

While agricultural productivity has increased, the majority of SC families remain agricultural wage-labourers, as they have for many decades, relying on their oppressors and exploiters for their livelihood. A considerable portion of the country's agricultural land has been irrigated, while the SCs' holdings are nearly entirely unirrigated, requiring even small farmers to rely on agricultural wage labour. Acts relating to land ceilings and re-distribution have been observed more often than not. The 1978 Special Component Plan for SCs has been standardised and trivialised. SCs are still confined to the most deplorable rural bastis and urban hovels. A considerable number of them were still obliged to do "safai" (scavenging) work. The bound labour system is still in full swing, with the SCs accounting for almost two-thirds of all bonded labourers in the nation. In many sections of the nation, untouchability still exists. Whenever they strive to achieve even a little portion of their rights, they are subjected to atrocities. Untouchability and atrocity legislation is worded poorly and applied half-heartedly. Through the mechanisms of scholarship, hostels, and reservation in jobs and appointments, only a limited percentage of SCs, roughly 2% of SC households, have been able to gain work in Government, PSUs, and other similar public organisations. Only a tiny percentage of SCs, STs, and BCs have crossed the "initial capital line of economic freedom" and the "initial capital line of self-respect" demarking lines that are most significant to them. Because of inadequate implementation by both the federal and state governments, the advantages of reserve have not reached the SCs in full.

STs, once proud owners of their ancestral region, are gradually losing their land and, in many instances, have been reduced to minority in their own homes. The lands that remain with them are poorly developed, rarely irrigated, and unintegrated or poorly integrated with the market, leaving the field open to exploiters and middlemen from outside, a historical process that has been going on for centuries and has gained greater momentum in the decades leading up to Independence. Irrigation projects undertaken by governments in tribal areas are



typically programmes for building dams in tribal areas, submerging tribal lands, scattering tribal settlements and people to the winds, and providing water to non-tribals outside tribal areas; the plan expenditure incurred on such projects is gratuitously and unabashedly shown as part of the Tribal sub-Plan, which has also been routinized and trivialised. It's no surprise that a growing number of STs are being driven into agricultural wage labour, with the percentage of STs among agricultural wage labourers rising in recent decades. Traditional tribal rights in forests, which they had been enjoying as a result of a traditional symbiotic relationship between tribes and forests, were unilaterally abrogated and abridged by the colonial government, an abrogation and abridgement that continued even after Independence, leaving the STs completely reliant on others for their basic needs and survival. Tribals are exploited both by private commerce and by cooperatives/corporations set up by governments in the trading of Minor Forest Produce (MFP), in the collecting of which tribals are specialised. The availability of MFP, which is the primary or secondary source of income for a huge majority of STs, is rapidly dwindling.

Historically, developmental assistance has been inconsistent, fragmented, brief, and inadequate. Even so, due to the presence of egalitarians in large numbers and in key positions in both political and administrative governance, as well as the persecution and marginalisation of those in the country's administrative structure who are Egalitarians and believe in the Constitutional principle of Socio-Economic Justice from the decades following Independence to the present day, these are poorly implemented. ... The organised market, as well as restrictions on access to Relevant Technology, finance, and credit, are jeopardising and restricting prospects and profits in traditional occupations, to which they (the backward classes) are mostly confined. As a consequence, many of them have been compelled to work as farm labourers or even bonded labourers. Almost all bound labourers who are neither SCs nor STs are BCs. The fate of SCs and STs who rely on traditional occupations is similar to that of BCs who participate in traditional activities. The involvement of BCs in organised modern government and quasi-governmental organisations is relatively limited due to the refusal of their constitutional right to be recognised and provided reservation and other facilities until 1990-93 at the Centre and in a number of States. In the Central Sector, their other rights, such as educational reservation, remain unfulfilled.

As a consequence, as seen above, all three classes, who together make for the vast majority of India's people, lack economic freedom. As a consequence, the "Lines of Economic Freedom" and "Lines of Self-Respect" are crossed by practically everyone. Dr. Babasahab Ambedkar emphasised the need of education as a tool for development, but it has not been made available in adequate quantity or quality to them. They are not on an equal footing with the dominant affluent minority in terms of education. In actuality, the quality gap between the educational options accessible to this majority and the ruling elite minority has been significantly widening over the last one or two decades. As a consequence, they are not afforded equal opportunities. The Indian government, at both the national and state levels,



has not yet fully committed itself to policies that would guarantee economic freedom, educational equality, and true equality of opportunity to SCs, STs, and BCs in a comprehensive and integrated manner. The bulk of development assistance has been and continues to be sporadic, patchy, rushed, and inadequate."

The Concept of Social Exclusion

The term "social exclusion" refers to a group (or groups) of persons who are excluded from society's usual activities in a variety of ways. Social exclusion is the denial of equal opportunities by some segments of society to others, resulting in an individual's incapacity to participate in society's essential political, economic, and social functions. Despite the fact that the notion originated in Europe, it is increasingly being applied to underdeveloped nations. While definitions vary, social exclusion is defined as exclusion from social, political, and economic institutions as a result of a complex and dynamic set of processes and relationships that prevent individuals or groups from accessing resources, participating in society, and asserting their rights.

Historically, the caste system in India categorised individuals based on their work and social rank. In the economic, social, and civic aspects of human existence, the caste system demonstrates basic prejudice. Each caste had a distinct position in the social order. Caste is an organisation that has been defining and preserving power relations among various groups for ages, and it strives to justify these power connections by systematically distributing a combination of economic and cultural assets/opportunities and deprivations to different populations. The caste system's unequal ranking and hierarchical character are linked to the rewards and rights. The caste system's distinctiveness also reflects a social hierarchy in society; the higher the status, the greater the social rewards, and vice versa. Throughout India, castes that have historically faced discrimination based on untouchability have been recognised, catalogued, and put into the Constitution's "schedule." The oppressed groups are subsequently formally recognised as Scheduled Castes (SCs). The SC group includes communities from three distinct religions: Hinduism, Sikhism, and Buddhism, all of which have historically had untouchable populations. The phrase Dalit (meaning "downtrodden or persecuted") is a widely used name for the "exuntouchables," which correlates to Scheduled Castes, which, as previously stated, refers to the legal states defined by the Constitution. There is widespread agreement that the Scheduled Caste (SC) and Scheduled Tribe (ST) populations should be referred to as Dalits. Dalits are the lowest caste in the caste system, and they face not just poverty but also prejudice, violence, and exclusion from economic, social, and political life.

Conclusion

According to the findings of this research, Dalits in rural India are an economically and socially depressed population, with most developmental indicators such as kind of



occupation/livelihood, employment rates, poverty rates, and literacy rates being lower than those of non-SCs/STs. In India's rural sector, the majority of Scheduled Castes and Scheduled Tribes work in agricultural and non-agricultural labour activities. Basic education curriculum must be adapted to this reality and include examples and real-life scenarios that relate to it. The capacities approach describes education as the process of allowing people to perform many activities in their interpersonal, social, political, and economic lives that are required for a self-sufficient existence. It is patently obvious that more than half a century of positive discrimination has failed to alleviate the disadvantages that plague the great majority of SCs and STs. The fact that weak human development indices remain is obvious evidence that more possibilities for voice have not resulted in substantive progress. Those on the periphery of society or at the bottom of the ritual order continue to bear numerous costs of denial and deprivation. The ingrained social structures that underpin the upper castes' and upper classes' stronghold on Indian society are likely to blame for this failure.

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