

# Constitutional Provisions for Upliftment of Scheduled Castes in India

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## Introduction :

Castes are the building blocks of the Hindu society has been divided into numerous groups arranged in a hierarchical order. In the process of division of society various castes groups have been assigned high or low positions of the occupation and descendance. The namely the Brahmins, Kashtriyas, Vaisyas and Sudra orders who have been assigned different roles in Hindu society. The scheduled castes or the Harijan as they called by Gandhi Jee are said to be outside the pale of the Hindu "Varna" systems. For ages these castes were considered to be polluting even by touch and sight and therefore were considered untouchables. Untouchability had been not only a stigma but also a curse for these as well as for the Hindu society as a whole abolition of untouchability and the provision to make it practice in form of penal offence is one of the most important developments towards. The social emancipation of these oppressed communities. Due to the oppression of centuries the scheduled castes have remained backward in all respects and have come to occupy the lowest place in the society. Poverty, illiteracy and unemployment are the major problems facing the communities. The sufferings of these castes have after led to social tension and unrest. It is impossible to ensure all round development of the country without ameliorating the condition of these communities.

According to the latest census 2011 Bihar has a scheduled caste population of about 1, 65,67325 which accounts for 16.21% of the state total population of 10,38,04,637. The percentage of the schedule caste population of the state of the total scheduled caste population of the country is 9.10 percent which is third largest in the country after Uttar Pradesh 21.8% and West Bengal 11.62% about 92% of the scheduled

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castes in Bihar live in rural areas, which is higher than the all India figure of 84%, most of their earn their livelihood as agriculture labourers. Nearly 73% compared to the all India figure of 48% only. In Bihar the scheduled cases are unable to get employment round the year at reasonable wage levels. Thus most of them manage to get seasonal and low paid employment, very few of them own land as a small and marginal farmers.

On the basis of concentration of scheduled caste population, the state government has identified 116 Blocks which have been 20% scheduled caste population. On the basis of such analysis it has been found the Nawada District has higher number of such blocks numbering 20 followed by Gaya, Aurangabad, Arwal, Nalanda, Rohtas, Patna, Jehanabad; however the majority of the scheduled caste live outside this area in north Bihar, while formulation plans for development of scheduled castes the state government places higher priority on these areas constitutional provisions for upliftment of scheduled castes. in India The preamble of the Indian constitution resolved to secure justice, social, economic and political to all citizens and proclaims as one of its own the promotion among them of fraternity assuring the dignity of the individual and unity and integrity of the nation.

## Constitutional Provisions for upliftment :

Article 14 made "Equality" a fundamental right but the principle of "Equality" is a double edged weapon. It places the strong and the handicapped on the same footing in the race of life. To treat unseals as equals as to perpetuate in equality. The humanness of a society is determined by the degree of protection it provides to its weaker, handicapped and less gifted members. It was in view of this that our constitution makers made special provisions in Article 15 (4) Article 16 (4) and article 46 to scheduled castes.

Article 341 and 342 provide a mechanism of declaring communities as scheduled castes. In these two Articles the president after consultation with the Governor by the public notification specify the castes, races or tribes or parts of within castes, races or tribes which shall for the purpose of this constitution be deemed to be scheduled castes or specify the tribes or tribes communities or parts of its as scheduled tribes respectively. The scheduled castes have been specified by fifteen presidential orders issued under these provisions.

Article 338 empowers the president to appoint a special officer for the scheduled castes to enquire into their conditions. Article 164 provide that in the state of united Bihar, M.P. and Orissa there shall be a minister in charge of scheduled castes welfare.

Article 15 "The state shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them" Clauses (4) of Article 15 which was added by the constitution (First Amendment) says "Nothing in the article or in clause (2) of Article 29 shall prevent the state from making any special provisions for the advancement of any socially and educationally backward classes of citizens or for the scheduled castes and scheduled tribes. Article 29 (2) provided "No citizen shall be denied admission into any educational Institution maintained by the state or receiving aid out of the state funds on grounds only of religion race, caste, language or any of them.

Article 16 gives equal opportunity to all citizens in matters relating to employment or appointment to any office under the state without discriminating on grounds of race, caste, sex, etc. Clause (4) of Article 16 specially states that "Nothing in this state shall prevent the state from making any provision of the reservation of appointment or posts in favour of any backward classes of citizens which, in the services under the state "Article 320 makes it the duty of union and state public service commission to conduct examinations for appointments to the services in the union and status bout clause (4) of Article 320 specifies that it shall not be required for the public service commission to be consulted as respects the manner in which any provision referred to in clause (4) of Article 16 may be made or as respects the manner in which effect may be made or as respects the manner in which effect given to the provisions of Article 335.

Article 17 say "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. Article 25 (b) provides for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus. Article 46 of the directive principles of state policy directs that state to promote with special care the educational and economic interests of the weaker sections of the people, in particular the scheduled castes.

Article 330 deal with reservation of seats for scheduled castes and scheduled tribes in the house of people.

Article 332 providing for reservation of seats of scheduled castes and scheduled tribes in the legislative assemblies of the slates.

Under Article 335 "The claims of the members of the scheduled castes and the scheduled tribes shall be taken into consideration consistently with the maintenance of efficiency of administration, in the making of appointments of services and posts in connection with the affairs of the union and states.

As per the constitutional provisions contained in the Article 16 (4) and 335 the Government of Bihar introduced reservation for the scheduled castes and scheduled tribes on the basis of the percentage of population of these categories according to the census report. On the basis of 1951 census the state government by an order in 1953 introduced 12½ % of the vacancies in favour of scheduled castes. Again on the basis of 1961 census the percentage of scheduled castes was raised from 12½ % to 14% on the basis of 1971 census the reservation for scheduled castes remained unchanged at 14% since then the percentage of reservation of scheduled castes continues at 14% since then the percentage of reservation of scheduled castes continues at 14% for appointment made directly at state level.

#### **Reservation of seats in legislature**

In order to create a politically homogenous society, the framers of the Constitution rejected the system of communal representation and separate electorate and instead opted for universal adult franchise and joint electorate. The Constitution provided reservation of seats in legislature for the reason that the Scheduled Castes were in the disadvantageous position and they could not have competed with the advanced section of the society on the footing of the equality. They had neither the resources nor the experience for entering into an open competition for participation in the political process. Therefore, they have been given guaranteed representation because they suffered social handicaps.

Article 330 and 332 provide for the reservation of seats for Scheduled Castes and Scheduled Tribes in the house of people and the legislative assemblies of the States. Article 334 as amended by the 62nd Amendment, 1989, provides that the reservations under Articles 330 and 332 would continue upto 25th January, 2000. The Constitution

(Seventy Ninth Amendment) Act, 2000, has extended it up 25th January, 2010. It may be noted that the seats reserved under Article 330 and 332 shall be in addition to any general seats which the SC/STs may contest. Thus Article 330 do not debar these classes from contesting on general seats.

**Conclusion :**

The true aim of providing constitutional safeguards is to bring a societal balance between the enhancement of status of dalits and general social good. It embodies the philosophy of distributive justice with a strong determination to build up a new and independent nation which will ensure the triumph of justice, liberty, equality and fraternity. A duty has been caste on the state to strive hard to promote the welfare of people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life. To be brief, one of the main concern of the founding fathers of Indian co institution was to create and egalitarian society wherein justice, social, economic and political prevail and equality of status and of opportunity are made available to all.

**References :**

1. Shamsi, Nayar, Human Rights in New World Order, Anmol Publications, New Delhi, 2004.
2. Jacob, J.G. & P. Bandhu The Dalits Situation in South Tamil Nadu, Nesa Publications, Bangalore-2002.
3. Prabhati Mukerjee, Beyond the Four Walls the untouchables in India. Indian Institute of Advanced studies Shimla, Motilal Banarsidas, New Delhi (1989).
4. Mart, Glanter, Competing equalities : Law and the Backward classes in India. Oxford University Press, Delhi (1984), p. 14.
5. Charnjit Lal Chaudhary V/S Union of India. AIR 1951. SC. p. 41 Prohibition of Discrimination against Citizens (Article- 15).
6. B.Shiv Rao, The Fraining of India's Constitution-A Study. 1968, p. 183.
7. S.S. Jaswal, Reservation Policy and the Law- myth and Reality of Constitutional Safeguard to Scheduled Castes. Deep and Deep Publication Pvt. Ltd., New Delhi 2000, pp. 54.111.
8. N.T.R. University of Health Services V/s G. Babu Rajinder Prashad. AIR 2000 SC.

9. Pimpley Sharma, Struggle for Studies B.R. Publishing Corporation, Delhi, 1988, p 180.
10. Sailendra Nath Ghosh, Fundamental Flaws in the Present Day Panchayati System and the Cure, Mainstream 16th Aug, 2003, Vol. XLI No. 35, p. 31.
11. Shail Singh, Reservation Policy and Social Justice. Y.K. Publishers, Agra, 2002, p. 19. Y.K. Publishers, Agra, 2000, p. 19.

