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## **Dalit Problems in India: Is Reservation A True Solution?**

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### **Abstract**

The term 'Dalit' is increasingly being used by the activist sections of the former 'untouchables' in preference to 'Harijans' and 'Scheduled Caste'. The framers of the Indian Constitution incorporated several protective measures in the Constitution to secure life of dignity to the Dalits and to ensure social justice and equality to the backward classes. Despite the Constitutional safeguards and various efforts made by the Government, specifically the reservation policy to uplift the Dalits not much changes have taken in their position in social, economic and political life. They still continue to suffer from poverty, illiteracy, oppression, exploitation, bondage, untouchability, atrocities, torture and other inhuman treatment. Only a small section of Dalits belonging to the elite class among SC has benefited from the policy of reservation. Rather this policy has increased division and corruption in society. In fact social and economic backwardness should be the main determining factor for consideration in the field of reservation, not the birth identity.

### **Introduction**

The category 'Dalits' includes the castes who fall outside the Varna system. They are also called by various names; such as 'outcastes', 'untouchables' or 'achuts'. They are marginalized sections of society whose major source of frustration relates to individual behavior, norms of the society and state apparatus.

The term 'Dalit' literally means 'oppressed' or 'broken to pieces'. Thus a person who has been broken to pieces by others deliberately is described as 'Dalit'. As the Dalits have faced various kinds of social, economic and political exploitations and oppressions for long, they have demanded equality in educational, economic and political fields.

In view of the prevailing inequalities in the social systems, economic institutions and political organizations, particularly in relation to certain vulnerable sections of the society, namely the 'Dalits', the framers of the Indian Constitution incorporated several protective measures in the constitution to secure life of dignity to the 'Dalits' and to ensure social justice and equality to the backward classes. The constitution of India provides for reservation of seats in Lok Sabha and State Legislative Assemblies for Scheduled Castes and Scheduled Tribes (Article 330 & 332). There is also a provision for special reservation in the form of positive discrimination for SCs and STs in the field of education [ Article 15(4) & 29(B)] and employment under the control of Central and State Government (Article 335). In August 1990, the decision of 27% reservation of government service for the socially and educationally backward classes was declared in both the houses of Parliament.

But despite the constitutional safeguards and the reservation policy taken by the government to uplift the Dalits, not much changes have been noticed in their position in social, economic and political life. They still continue to suffer

from poverty, illiteracy, oppression, exploitation, bondage, untouchability, atrocities, torture and other inhuman treatment. Only a small section of Dalits belonging to the elite class among SC has benefited from the policy of reservation. The reservation policy has not been able to make possible any real significant development of the SC and ST or Other Backward classes. Rather this policy has increased division and corruption in society. But because of this fact, it will be unjustified to say that the reservation system is unnecessary. In fact, social and economic backwardness should be the main determining factor for consideration in the field of reservation, not the birth identity. The aim of the reservation policy should be to establish the socially and economically backward classes in the equal position with the advanced and developed classes. The real purpose of reservation policy may be successful as an effective solution to the emerging Dalit problems only when the Dalits will become truly independent and they will not remain dependent on reservation for their development.

### **Who are Dalits?**

India's caste system assigns individual a certain hierarchical status according to Hindu beliefs. Traditionally, there are four principal castes (Brahman, Kshatriya, Vaishya, Shudra) and one category of people who fall outside the caste system are known as the 'Dalits'. As members of the lowest rank of Indian society, Dalits face discrimination at almost every level: from access to education and medical facilities to restrictions on where they can live and what jobs they can have. As a result, many Dalits are impoverished, uneducated, and illiterate. They have been oppressed, culturally subjugated and politically marginalized. The word Dalit - literally translating to "oppressed" or "broken to pieces" - is generally used to refer to people who were once known as "untouchables", those belonging to castes outside the fourfold Hindu Varna System.

Untouchability is a direct product of the caste system. It is not merely the inability to touch a human being of a certain caste or sub-caste. It is an attitude on the part of a whole group of people that relates to a deeper psychological process of thought and belief, invisible to the naked eye, translated into various physical acts and behaviours, norms and practices. Untouchability is prompted by the spirit of social aggression and the belief in "purity and pollution" that characterises casteism. It is generally taken for granted that Dalits are considered polluted people at the lowest end of the Caste order. The jobs considered polluting and impure are reserved for Dalits, and in many cases Dalits are prevented from engaging in any other work.

Thus the principles of "untouchability" and "purity and pollution" dictate what Dalits are and are not allowed to do; where they are and are not allowed to live, go, or sit; who they can and cannot give water to, eat with, or marry; extending into the minutia of all aspects of daily life.

### **Constitutional Safeguards (Provisions) for Dalits: Caste- based reservation system in India**

The framers of the Indian Constitution incorporated specific safeguards and several protective measures in the Constitution to secure life of dignity to the Dalits and to ensure social justice and equality to the backward classes. Accordingly, the framers of the Indian Constitution provided for equality before the law and the equal protection of laws (Article 14); prohibited discrimination based on grounds of religion, race, caste, sex or place of birth (Article 15); gave equality of opportunity in employment under the State (Article 16) and also prohibited untouchability (Article 17) and 'begar' or forced labour (Article 23).

It provides for specific representation in the form of positive discrimination through reservation of seats for the SCs and the STs in the Parliament (Article 330) and in the State Legislative Assemblies (Article 332), as well as, in appointment to Government service and posts, in both the Federal and State Governments (Articles 16(4),330(4) and 335) .

There is also a clear directive in the Constitution that the state shall promote the educational and economic interests of the SCs and STs and protect them from social injustice and all forms of exploitations (Article 46).

#### **Article 15(4) and 16(4) of the Indian Constitution**

enabled both the Central and State Governments to reserve seats in public services for the members of the SC and ST, thereby, enshrining impartiality of opportunity in matters of civic service.

**Article 15(4) states that:** Nothing in this Article shall prevent the state from making any provision for the reservation of appointments or posts in favour of any backward class or citizens, which, in the opinion of the state, is not adequately represented in the services under the State". This Article also states that "All citizens shall have equal opportunities of receiving education. Nothing herein contained shall preclude the State from providing special facilities for educationally backward sections of the population."

**Article 16(4A) states that:** "Nothing in this Article shall prevent the state from making any provisions for reservation in the matter of promotion to any class or classes of posts in the services under the State in favour of SCs and STs which in the opinion of the State are not adequately represented under the state" (Constitutional 77<sup>th</sup> Amendment Act, 1995).

**Article 16(4B) states that:** "Nothing in this Article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty percent reservation on total number of vacancies of that year." (Constitutional 81st Amendment-Act, 2000).

The Indian Constitution has also specified 15% and 7.5% of vacancies in public service and government- aided educational institutes as a quota reserved for the SC and ST candidates respectively. In 1990, Prime Minister V.P, Singh announced that 27% of government positions would be set aside for OBCs in addition to the 22.5% already set aside for the SCs and STs. Besides, the 65th Amendment Act, 1990 provided for National Commission for SCs and STs. Apart from these constitutional safeguards or provisions, there are some legal enactments in favour of Dalits. For example, Untouchability Offences Act 1955, Protection of Civil Rights Act 1957, SC and ST (Prevention of Atrocities) Act 1989 etc may be referred to herein this context.

### **Reservation Debate**

Ever since, the Union Ministry of Human Resource Development announced that the government is likely to provide 27% reservation to Other Backward Classes(OBCs) including the Indian Institutes of Technology(IITs) and medical colleges, Indian Institutes of Management(IIMs), a debate on reservation has been emerged. The following merits and demerits of reservation policy may be referred to in this context:

**Merits:-** (i) Development of innovative technologies and evolution of non- discriminatory management systems in all spheres of life do not depend on marks- centered merit. They depend on social connectivity, socially relevant knowledge and good institutional training. The SC/ST /OBC youth are better suited for that kind of a transformational role and reservation may be helpful in playing their role.

(ii) Reservations and nation- building are not antagonistic.

Because reservation increases the scope of national innovativeness. The merit of a scientific or technological community does not lie in mere adoption of the developments in science and technology invented/innovated by other countries, but in indigenous inventions/innovations that are then adopted elsewhere in the world.

(iii) If the democratic and rational course/path evolved by Dr.

B. R. Ambedkar is not allowed to achieve that goal, an anarchist trend is bound to set in among the SC/ST/OBCs and reservation may be a better course for the progressive transformation of this nation.

### **Demerits:-**

(i) Caste based reservation perpetuates the caste system instead of eliminating it.

(ii) Caste based policies are anti- secular because they promote differences in society.

(iii) Caste based reservation is a policy of appeasement of the masses and a chance to promote vote bank politics.

(iv) The "Creamy Layer" takes on the benefits of caste based reservation, the latter therefore promotes further inequalities instead of removing them.

### **Dalit Problems in India: Is Reservation a true solution?**

Despite the various Constitutional safeguards (or constitutional provisions) and the reservation policy taken by the Government to uplift the Dalits, not much changes have been noticed in their position in social, economic and political life. They still continue to suffer from different material as well as psychological disadvantages like poverty, illiteracy, oppression, exploitation and bondage. Though untouchability has been formally banned, it continues to be widely practiced specially in village areas. Still the Dalits are victims of atrocities, torture and inhuman treatment by the caste Hindus. In fact most of the bonded labours in India are drawn from the scheduled castes and scheduled tribes. Only a small section of Dalits belonging to the elite class among scheduled castes has benefited from the policy of reservation, but majority of the Dalits, specially those living in the villages are still deprived of civil rights and human rights.

The Constitution of India legally abolishes the practice of 'untouchability', and there are constitutional reservations in both educational institutions and public services for Dalits. But unfortunately, these measures have not changed the reality of daily life for most Dalits, as till now they are compelled to tolerate untouchability, oppression and caste-based discrimination. The practice of untouchability against Dalits is present in nearly every sphere of life and it is practiced in an infinite number of forms.

Dalits usually live in separate areas away from the caste Hindu communities, and they are often forbidden to access public wells. In many areas, when Dalits eat in public restaurants, they must use a special glass for drinking tea or coffee to prevent sharing between Dalits and caste Hindus. Dalits in different parts of India cannot enter Hindu temples, and many religious and caste leaders forbid inter-caste marriages.

If a Dalit breaks one of these rules, frequently the entire Dalit community will be punished for the perceived individual transgression. Punishment often takes the form of denial of access to land or employment, physical attacks on Dalit women, the burning down of Dalit homes, assaulting, physically injuring or murdering Dalits, forcing Dalits to leave their house, village, or other place of residence, interfering with Dalit's legal rights to land, water, electricity, compelling Dalits to do "begar" or similar forms of forced or bonded labour, intentionally insulting Dalits with the intent to humiliate them.

Thus the Dalits face different forms of atrocities and violence in their life. Despite a clear record of violence against the Dalits, there are numerous reports that police officials have refused to register complaints about violations of the law or to prosecute those responsible for the crimes. With little knowledge of their rights, limited access to lawyers and financial inability for hearings or bail, the Dalits are easily become victims of human rights violation.

Even at schools, Dalits Children are often forced to sit separately from the rest of the students during the mid-day meal and are the only ones asked to clean toilets in the schools. As a result of this caste - based discrimination in schools, Dalits are often less educated than the rest of the community. Due to these low levels of education, the majority (78%) of Dalits are labour workers. They have limited opportunities for upward mobility and remain economically backward.

To evaluate the impact of reservation policy on employment and education or to justify that how far the strategy of reservation policy have been truly effective and helpful to induct the Dalits ( SC,ST,OBC ) into public sector employment and educational institutions and to solve their various socio-economic problems, the following data may be examined.

According to the 2001 census, there are approximately 167 million Dalits (referred to in the census as "Scheduled Castes" ) in India, constituting 16.2% of the total Indian population. But their control over resources of the country is marginal-less than 5%.

**The following socio -economic indicators show the present conditions and position of Dalits in India:**

**Reservations:-**15% and 7.5% of central government posts are reserved for SCs and STs respectively. For SCs, in Group- A, only 10.15% posts were filled, in Group- B it was 12.67%, in Group- C it was 16.15%, and in Group -D it was 21.26%. The figures for STs were even lower, at 2.89%, 2.68%, 5.69% and 6.48% for the four Groups respectively. Of the 544 judges in the high courts, only 13 were SC and 4 were ST. among school teachers all over the country, only 6.7% were SC/STs, while among college and University teachers, only 2.6% were SC/STs.

**Employment:-**In 2000, the unemployment rate was 5% for SCs as compared to 3.5% for others (non-SC/ST) in rural and urban areas. The wage labour house holds accounted for 61.4% of all SC households in rural areas and 26% in urban areas, as compared to 25.5% and 7.45% for other households.

**Per Capita Income :-** In 2000, as against the national average of Rs. 4485, the per capital income of SCs was RS.3237.The average weekly wage earning of an SC worker was Rs.174.50 compared to Rs.197.05 for other non SC/ST workers.

**Poverty:-** In 2000, 35.4% of the SC population was below the poverty line in rural areas as against 21% among others; in urban areas the gap was larger- 39%of SC as against only 15% among others. Among the Dalits, most of those engaged in agricultural work are landless or nearly landless agricultural laborers.

**Child Labour:-**It is reported that out of the 60 million child labour in India, 40% come from Dalit(SC/ST) families.

**Education :-** In 2001, the literacy rate among SCs was 54.7% and among STs it was 47.1%, as against 68.8% for others.

Thus, despite reservation policy, the Dalits still remain victims of poverty, illiteracy and are deprived of proper education and employment. In fact, it cannot be denied that, just as poverty is one of the main reasons behind illiteracy, likewise lack of proper education and unemployment become responsible for further poverty and miserable conditions among Dalits.

Reservation did not provide equal opportunities within each group/community to all beneficiaries. Consequently, different castes and tribes within a group/community have not benefited from reservation equally. Almost in all categories of beneficiaries among scheduled Castes, scheduled tribes or others backward classed and minorities, there is a growing sense of deprivation amongst different categories, which is leading to internal dissention. For example, in Punjab, the 'Valmiki Samaj' is asking for a separate quota of reservations on the ground that 'Ramadasis' and 'Mazbis' have monopolistic acquisition of the benefits. Likewise, 'Chamars' in Uttar Pradesh and 'Mahars' in

Maharashtra are said to have benefited from the reservations more than other castes identified in the schedule from these regions. Besides, there are 'Ezhavas' in Kerala, 'Yadavs' and 'Kurmis' in Bihar and Uttar Pradesh and 'Jats' in Rajasthan, which, despite their economically and politically dominant status, have acquainted themselves as backward classes eligible for benefits under reservations. For these reasons, reservation has become a contentious issue today.

In fact, the reservation policy or system has not been able to make possible any real significant development of the SCs and STs or other Backward classes. Rather this policy has increased division and corruption in society. More than 68 years after gaining independence, India is still very much afflicted by the cancer of the caste system. Dalits remain the most vulnerable, marginalized and brutalized community in the country.

But because of this fact, it will be unjustified to say that the reservation system is unnecessary. Rather the real purposes of the reservation policy or system have to be succeeded by eliminating its drawbacks, preventing its misuse and thereby making it conducive to the development of the Dalits. It is also necessary to give the careful attention to the matter of reservation system, so that the social division may not be increased and also the backward classes people may not become dependent as a consequence of reservation policy.

The aim of the reservation policy should be to establish the socially and economically backward classes in the equal position with the advanced and developed classes. The major purpose of the reservation policy must be the improvement of the economical, social and mental standard of Dalits (SC/ST/Other Backward Classes of people). Therefore, in order to make successful the main purpose of reservation, it is necessary to make the Dalits capable, independent and self-confident by providing special training and suitable opportunity for the Dalits.

It should be ensured that the reservation system may not be converted into birth right. In fact, social and economical backwardness should be the main determining factor for consideration in the field of reservation, not the birth or hereditary identity, Therefore, instead of caste based reservation system, a completely temporary reservation system policy based on socio-economic conditions should be introduced for the development of the poor, economically backward, undeveloped, deprived and disadvantaged sections of the society and only this type of reservation system may be used as an instrument to eradicate social inequality.

### **Future of Dalits in India**

In fact, Dalit is not only the 'Oppressed', but also it is a 'language of protest', it is an identity issue, which is concerned with the acquisition of their human rights and the occupation of their proper and suitable position in society, economy and politics. Therefore, proper awareness and consciousness about their human rights have to be developed in the mentality of the Dalits. In this context, the most significant and central issue is the aspect of the dignity and respect of Dalits, that cannot be determined by material benefits. In order to ensure that the Dalits may live life with dignity and respect, mere constitutional safeguards, legal enactments and reservation policy are not enough.

Indeed, it is inevitable to bring about necessary changes in the orientation of society, state and government towards

Dalits and significant reforms in the socio - economic and political system or structure to improve the position of Dalits in social, economic and political life.

For this purpose, the Hindu Caste System of Indian society has to be broken down, because it is itself anti - rights of Dalits. Since 1990's, as an impact of Globalization and Neo-liberalism, there has been attempt at deregulation, disinvestment and privatization in India economy. As a consequence, the scope and ambit of welfare programmes and measures of the state have been narrowed down. Therefore, the scope of the social developmental functions of the government has to be extended and the government should formulate and implement suitable policy for the welfare of people, especially Dalits. Besides, the policy - makers should concentrate on the proper utilization of suitable socio - economic infrastructure and resource consciously for the effective realization of reservation policy to solve the Dalit problems.

In most of the cases ,the issue of Dalit politics or caste politics is used by the political parties to strengthen their vote bank or to fulfil their other political interests. So, in order to solve the Dalit problems and to promote the rights and interests of the Dalits, the political parties should take proper steps to organize the Dalits avoiding their narrow political interests. Also, the mass - media, civil - society and judiciary have to play an important role to express and solve the Dalit problems. The Information Communication Technology (ICT) may also be used as an effective instrument for the empowerment of the Dalits.

### **Conclusion**

From the above analysis, it may be concluded that, for the solution of Dalit problems, not only the constitutional safeguards, Constitutional amendments and the reservation policy, but also actual political will, administrative support & cooperation, suitable socio - economic structure and above all, the consciousness of Dalits about their rights are specially necessary. In fact, all of these factors are complementary to each others. The real purpose of reservation policy may be successful as an effective solution to the emerging Dalit problems only when the Dalits will become truly independent and self - help and they will not remain dependent on reservation for their development.

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