

Re- Evaluation of Political-Legal Dimensions of Norms Curbing Commission of Atrocities on Scheduled Castes

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Abstract

Political history of nineteenth and twentieth century shows the beginning of the movements for the improvement of the quality of life of the depressed classes, Harijans and/or Dalits, now known as scheduled castes. A development is always directed to accelerate the process of empowerment and entitlement making the individual self-reliant, skilled and having a dignified life. There had been a direction for making depressed classes empowered, namely, reformative movement and Alternative movement. The Bhakti movement was led by devotional Saints who propagated spiritual and human equality. This movement comprised of Prarthana Samaj, Arya Samaj and Brahma Samaj. Powerful exponent of this school of thought was Gandhiji. The main thrust of this movement was that the people belonging to depressed classes were part and parcel of extended Hindu society. The Hindu social structure was deformed by attaching the notion of untouchability in relation to social contracts with Shudra making their life difficult to live in a dignified way due to social disabilities and atrocities.

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Introduction

Political history of nineteenth and twentieth century shows the beginning of the movements for the improvement of the quality of life of the depressed classes, *Harijans* and/or *Dalits*, now known as scheduled castes. A development is always directed to accelerate the process of empowerment and entitlement making the individual self-reliant, skilled and having a dignified life. There had been a direction for making depressed classes empowered, namely, reformatory movement and Alternative movement. The Bhakti movement was led by devotional Saints who propagated spiritual and human equality. This movement comprised of Prarthana Samaj, Arya Samaj and Brahmo Samaj. Powerful exponent of this school of thought was Gandhiji. The main thrust of this movement was that the people belonging to depressed classes were part and parcel of extended Hindu society. The Hindu social structure was deformed by attaching the notion of untouchability in relation to social contracts with *Shudra* making their life difficult to live in a dignified way due to social disabilities and atrocities. This reformatory school of thought emphasized that Hindu social structures be reformed so that every Hindu of any caste find place of respect and honour. On the other hand, alternative movement, led by Dr. B. R. Ambedkar, totally rejected the reformatory line of thought and advocated alternative model for the social revolution to eradicate the monstrous evil of defilement by the mere touch or shadow of an individual. Ambedkar pleaded for removing miseries, exploitation, oppression and distress inflicted on the so called untouchables through the change of religion, occupation and dwelling place. Though he laid stress on revolutionary change and coined the slogan "Educate, organise and agitate", inciting the people of depressed classes to put off the yoke of exploitative Brahmanic social order as its structure and functions had been responsible for the debacle of them. Though, motto of both of the movements was to introduce social change to bring social development which would lead to liberation from dependency and oppression, but both differ in their modus operandi to attain this noble cause. The third approach to make this dream reality was constitutional and legal. It is the historical need and political compulsion that compelled the constitutional expert to incorporate both the civil and the political rights institutionalizing a reformatory social revolution in the country by removing undemocratic social order and feudalistic agrarian economic system.

It is claimed that the Constitution has rejected the principle of caste hierarchy and inherited inequality but it is a moot point to examine as to whether its aim to evolve and establish a casteless society has been attained. It is a fact that caste still remain

the stubborn barrier in the progress of social-political interchange. Moreover, we notice that the worst thing among the scheduled caste is that they practice the principle of superior and lower among themselves. Therefore, we intend to be explore the level of rigidity of caste prevailing among scheduled caste and the role of legal norms to uproot the evil of exclusiveness, peculiar feature of caste, from the caste oriented behaviour gaining ground among scheduled castes? It will be our endeavour to probe the level of infliction of atrocities on scheduled in the light of constitutional and legal mechanism. The concept of social justice had been held pivotal in removing social inequality, economic disparity, and wiping out social disabilities. Our political leadership from the days of pre-independence is committed to attain all these goals of attaining equality and fraternity particularly in area of feminine injustice. We shall try to analyse the political notions and legal provisions directed to enhance the social position of *dalit* women as she had been debased from the long-period. She had been "denied civil rights, fundamental and basic for the dignified life like 'right to take education and right to take self-fulfilment and self progress without interference and prohibition by others.'"¹ The women folk is still violently attacked, bully and injured for minor fault and social mistakes and errors.

Though, we find "*Dalit* literature, *Dalit* art and *Dalit* culture", to highlight the miseries of life of this section. Yet we noticed the occurrence of atrocities against them. In political arena, one may take note of "objective and subjective divisions of political developments". Both lines of thought worked for the acceptability of values stressing equality, justice, self-respect, sense of personal pride, emancipation and development.

The Constitution of India is a path breaking document giving political power and security to weaker sections of Indian society incorporating Gandhian principle of non-violence for socio- economic transformation. It provides opportunity to enhance self-confidence and efficacy through political participation and entering into decision making orbit. This impel one to find out the answers of a query, to what extent the constitutional and legal redressing system is functional and guarantying self confidence among scheduled castes, victims, of violent attacks? The purpose of this paper is to explore the efficiency of political struggle as a device to contest and combat the shameful social ailment of atrocities inflicted on scheduled castes. The issue raised in this paper is to examine various steps enshrined in the Constitution and enunciated in the legal mechanism to provide opportunities to enhance attainment of violence free social setup lessening the commission of atrocities on scheduled castes.

Evaluative Perspective of Political Framework

Political repercussions of the establishment of British Raj in India was the emergence of political stability. With the political stabilization and consolidation of political regime and introduction of an education system importing the ideals of equality, liberty and individual dignity; produced many structural changes; hierarchical caste structure was main to be dealt with. This hierarchical caste structure had been the consequence of “inhuman social heritage.” The emphasis of British rule was upon the egalitarian system, opening the gate of social democracy though in rudimentary way. The propagation of equality, liberty and fraternity gave rise to social reform movements aiming at elimination of disabilities laying foundation of humanization of Indian society.

The advent of British rule and liberal western thoughts exerted influence on many scholars and thinkers of India. From Jyotiba Phoolé to Dayanand Saraswati, Vivekananda, Gandhi and Ambedkar were determined to liberate Indian society from exploitative structural and functional norms of dehumanization and servitude of human. The emergence of human-spirited movements was the great contribution of British rule. Prarthana Samaj stood for spread of education among depressed classes and removal of indignity attached to the life of them. Swami Dayanand abhorred the practice of purity and pollution continued in Hindu society. The Arya Samaj did not recognise the caste system professing untouchability and disabilities arising out of this undesirable dogma of Hindu social order. Vivekananda proffered the humanised face of the Hinduism and condemned cast-ridden customary code of conduct. Brahmo Samaj tried in its own way to liberate masses from the clutches of inequality and the custom of superiority and inferiority present in Hindu social system, in structural edifice and functional tendencies. These movements prepared the ground for struggle for social-political empowerment of depressed classes arresting the ideological escalation of supremacy in the name of caste hierarchy and ascending of certain castes on the basis of birth.

The political perspective to look into the vagaries of caste-system, untouchability, disabilities and atrocities with reference to *Dalits* incline one to go in depth, the controversial endeavours made by Mahatma Gandhi and Dr. B.R. Ambedkar. Gandhiji preferred and advocated reformatory programme. He was of the view that Hindu society is elastic and it could integrate the *dalits* into its fold.² He was against the divisive tactics of his companion advocating revolutionary devices to fight social stigma of untouchability and social disabilities.

Political history of national movement reveals that Gandhiji was against the modus operandi suggested by Ambedkar. Gandhiji was against the separate electorate system meant for the political upliftment of depressed classes to whom he called Harijan. The famous Poona-pact emerged as conciliatory solution. Gandhiji yielded to the demand of Ambedkar for the protection of scheduled castes through reservation of seats within joint electorate. Praful Bidwai³ succinctly depicted the difference between these two champions of welfare of the depressed castes. He opined that “Gandhiji was largely against the caste-system and appalled by the practice of untouchability; secondly he supported *varna*, although he was often ambivalent about its meaning and relationship with caste. Thirdly, he favoured reform of Hindu society and upliftment of *dalits*.”⁴ Gandhiji regarded caste as a distorted version of *varna*. It was his belief that *varna* system would ‘resurrected’ after the demise of castes and its sad and hurtful ingredients.

Ambedkar was revolutionary rationalist who always advocated to adopt humane and progressive standards⁵ for the mobilization of depressed classes. He was against “Brahminical Hinduism.” Ambedkar declared that “we do not wish to live as *shudra* in the four fold *varna* structure.”⁶ Ambedkar presented alternative framework and opposed reformist movement. He asked his followers to adopt three pronged way to liberate themselves from the status of “painful slavery or full or semichattelism.”⁷ He asked *dalits* to leave their religion, change traditional occupation and change the place of living. He held Hindu religion for their “degraded status, loss of political power and unprivileged economic and social existence as a part of their *Karma*.”⁸ Ambedkar propagated change of religion revolt to attain graceful status based on equality, liberty and free from exploitation and expropriation.

On close examination we found that Gandhiji stood for unity of Indian society. He was proponent of evolutionary mechanism to uproot the age old evil practice of untouchability and stigma attached thereto. Gandhian approach was “gradualist, reconciliatory and cooperative.”⁹ He opposed disintegration of Hindus. Due to moderate and militant approaches of Gandhiji and Ambedkar respectively, the principle of reservation was well established into the Government of India Act 1935.

These political endeavours had been directed towards humanisation of the *dalits* and making the way for the upliftment and empowerment of them through the process of “corrective justice and promotive justice”¹⁰ removing historical exploitative and tyrannical stigma.

Constitutional Parameters against Atrocities

The pre-independence national movement strove to unite the Indian society

and also uproot inequality from caste ridden socio-political order. Political legacy set the agenda for making of the constitution. The firm determination of political leadership led to make the Constitution for the nation and society enshrining a programme for reconstruction and transformation of a medieval hierarchical society emphasising inequality into a modern egalitarian society based on individual achievement and equal opportunity for all regardless of one's caste, race or religion.¹¹ The principle of hierarchy had divided the society since long time. This had given disunity to Indian social structure. The Constitution of India aimed to bring socio-political unity and integrity in Indian society¹². The opening words of the Constitution, i.e., "we the people of India...reveals that the Indian nation, state and society have spoken in term of unison and unification encircling every Indian belonging to any caste, race or religion". It provides protection to scheduled castes as an integral part of the Indian society equally entitled to obtain justice, liberty, equality and fraternity. The Constitution explicitly lays down that "justice is not only political but economic and social as well. Equality is not only of opportunities but also of status."¹³ The attainment of objectives like justice and equality as defined in the preamble "cut the very roots of our caste." The constitutional approach gives rise to the goal of social justice and welfare state. The public policy enjoined by the Constitution of India in order to restructure the undemocratic social order into a democratic social order¹⁴ is embodied in the notion of social justice directed to lessen the miseries of weaker sections of the society. The Constitution of India - as a policy document for social justice "aims at radical social evolution in the country."¹⁵

Apart from general protective umbrella, the Constitution makes room of specific safeguards for the people belonging to scheduled castes. It prescribed the precepts and rules for humanizing the life of low castes. The first and foremost safeguard has been provided by declaring untouchability a crime. The untouchability is abolished and incidents thereto are reckoned with social disabilities declaring them as "offences punishable by law."¹⁶ The practice of untouchability and pollution by touch debased the individual and dehumanise human personality. The abolition of this condemnable custom is a radical safeguard for these people clearing the way for intermingling of the communities. The removal of social stigma as a main product of untouchability has been indulged in the social regeneration and social liberalization enhancing the feeling of dignity and sense of pride. Though untouchability is abolished and its practice is forbidden in very strong terms. The Constitution did not provide definition of untouchability under the clear and mandatory injunction of latter part of Article 17, The Untouchability (Offences) Act, 1955 was passed to punish enforcement

of any disability arising out of untouchability.”¹⁷ The constitution “seeks to give necessary adventitious aids to the underprivileged so that they may have the equal opportunity with the more advanced in the race of life.”¹⁸ Under the Constitution “very principle of equality establishing egalitarian social order appears just and fair, but its emphasizes is on equality among equals. So the very objective of this policy is obviously economic as well as social upliftment.”¹⁹ The Constitution not only provides rights but “it is a preserver of other rights.”²⁰ The Constitution of India adopted the doctrine of protective discrimination and preferential treatment to confer special rights on the scheduled caste people. Some disabilities were in currency at the advent of the Constitution of India. These include- unsocialability, unseatability, and inapproachability etc. Another important safeguards was “the removal of any disability, liability and restriction or condition with regard to access to shops, public restaurants, hotels and places of public entertainment or the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partially out of state funds or dedicated to the use of the general public.”²¹ The people of scheduled castes have been given safeguard against untouchability. The Constitution put an end to the supremacy of upper castes at the public places.”²² It has taken care of economic interests of the underprivileged sections of the society. It gives impetus to the promotion of their educational interest and their protection from social injustice and all forms of exploitation.²³ The constitutional imperatives make inroads to compel throwing open the gate of Hindu religious institutions of a public character to all classes and sections of Hindus.²⁴ The fundamental constitutional end is to empower scheduled castes through education, welfare scheme of financial assistance in the form of scholarship and special loans. The educational institutions maintained by the States or receiving aid out of State funds cannot deny admission to scheduled caste students solely on the basis of caste.²⁵ Article 16 permits the State to make reservations for educationally and socially backwards in public services in case of inadequate representation and this article asked the State to consider the claims of the scheduled castes and scheduled tribes in making appointment to public services.

The scheduled castes have been given reservation of seats in the Lok Sabha and Vidhan Sabha under Article 330 and 332 of the Constitution of India. This reservation has been given for the enhancement of political stature of them.

The enforcement and operation of the constitutional provisions brought somenoticeable change among the scheduled caste population. These people have benefited by relatively more safeguards against disabilities and atrocities and availed better social status in urban and rural population of scheduled castes. The existing social structural in rural India has not yet changed according, in fact some socio-

economic changes occurred in villages. Therefore, it was felt necessary to enact some stringent legislation to translate, the constitutional policy and scheme for prevention of disabilities and atrocities, into reality to erase these social ailments from the society. Therefore, the Government of India adopted policy of involving regulatory measures which ensure adoption of various provisions to protect their rights and interest are adequately implemented and enforced.

Legislative Equipments against Atrocities

As the dictum goes that legal system is the subsystem of the system. Our society is complex one involving pluralistic parameters. In such a socio-economic setup restitutive measures are required to give justice. But to prevent violence acts, in the name of caste-hierarchy, repressive sanctions also play pivotal role to eliminate the prevalence of atrocities against the suppressed segments. The spirit behind the legal framework combating atrocities is to defend the victim and correcting the offender. The intention of the lawmakers is to eliminate the offence of atrocities, not eliminating the perpetrator from the social scene.

The Constitution of India laid the foundation for legislating law to punish offenders of untouchability. It has not only abolished the satanic practice of untouchability but made its enforcement obligatory upon the legislatures and administrative machinery. With the intention to eliminate it, the central government procured the enactment of the Untouchability (Offences) Act, 1955. This statutory step was designed to enforce the abolition of untouchability. It was the consequence of mandatory injunction of the constitution.²⁶ The effect of The Untouchability (Offences) Act has been to render 21 state laws ineffective²⁷, to some extent. One year after legislating this statute of 1955, some States passed the Temple Entry Laws in 1956²⁸ to give concrete shape to the intention embodied in Untouchability (Offences) Act. This was meant to make ineffective, the disability arising out of the practice prohibiting depressed classes to enter certain temples for the purposes of worship.²⁹

The Untouchability (Offences) Act, 1955 was amended by the Parliament and renamed it as the Protection of Civil Rights Act, 1955. This amendment was needed to take cognition of the lack of convictions under the previous Act. The Protection of Civil Rights Act explained the connotation of civil rights and makes the offences relating to caste disability and untouchability punishable, prescribing physical imprisonment for certain period and/or penalty in financial terms as fine.

The significant aspect of this Act is that it enumerated certain social behaviours as social disabilities and atrocities committed by superior classes.³⁰ Under

the revised Act, the practice of untouchability was made both cognizable and non-compoundable and stricter punishment was provided for the offenders.³¹ It contained provisions for monetary relief/ rehabilitation of victim and setting up special courts for speedy trial of cases³². With the passage of time, the abuse against scheduled castes were not limited to name-calling and denial of common facilities or denial of entry into public place, they take the shape of “collective violence.” It becomes the defining characteristic of the abuse and atrocities inflicted on scheduled castes and weaker sections. To pluck the holes in this legislation and cleared the grey areas, the Parliament enacted another piece of Statute, namely, The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. This Act deals with elimination of the atrocities inflicted only on the Scheduled Caste people and not by Scheduled Caste persons. Thus, this Act was called as caste-legislation, but it is a legislation containing offences arising from the practice of untouchability and punishment prescribed for them.” When this type of legislation is made, caste polarization is bound to be there because offence arising from untouchability are committed by a section against another section of the society.”³³ This was held as special legislation for the benefit of weaker section of the society or to save those people from the exploitation of the vested interests.³⁴

Though, it is the Constitution which ultimately eliminate the stigma of untouchability, disabilities arising out of the practice of untouchability and atrocities inflicted, but the fact is that some States legislations were enacted before independence. The Hyderabad State made two set of regulations in 1358 F (1950) for the removal of social disabilities and giving permission to Harijan to enter into temples.³⁵ The Bihar Harijan (Removal of Civil Disabilities) Act, 1949 came into existence. The Madras government, in 1949 brought to statute book two Acts for eliminating the social evil of disability.³⁶ Similar Acts were passed by the province of U.P. in 1947, Mysore state in 1943 and 1948.³⁷ The Orissa state passed three statutes to provide safeguards to the marginalised section of the society; these had been for removal of civil disabilities, abolition of debt, bondage and temple entry authorisation.³⁸ The U.P. State and West Bengal State also made laws for the removal of caste-disabilities.³⁹ It was Travancore-Cochin State which had taken steps at very early stage to fight the problem of untouchability and consequently social disabilities. It was in 1925, this State took initiative and passed, the Travancore-Cochin Removal of Disabilities Act, 1925.

This pre-independence history shows that the Indian people had been aware much before the attainment of freedom and made endeavours for the enhancement of social status of the depressed castes by removing exploitation, oppression and

suppression. But after independence, the Constitution of India made it a policy to enforce the implementation of the constitutional dogma against untouchability and the Parliament repealed all the regional statutes by enacting the Untouchability(Offences) Act, 1955. This has taken the form of parental guide in making the way for removal of this dehumanized social practice from the Indian soil.

It will be within the ambit of this study to examine the social position of scavengers. This segment of most backward scheduled caste is acute victim of all sorts of indignities and all forms of untouchability. They are consistently economically exploited and paid less than others compounding the dual discrimination of caste and occupation and deemed to be too polluting and filthy. They are called manual scavengers and exist under different caste names throughout the country like *Bhangi* better known as *Valmikis*. In different States they are called by different names. They had been indulged to “clear faeces from public and private latrines and dispose of dead animals.”⁴⁰ Though this practice has been outlawed, this manual scavenging continues in most rural areas of some of the states. To ameliorate the social conditions of this marginalized segment, who is part of Hindu community, the government procured a statute, namely, The Employment of Manual Scavengers and Construction of Dry Latrines Act, 1993. This law regulates the occupational conditions and prohibits the employment of scavengers. In case of violation of the provisions of this Act, the violator is deemed as offender and can be sent to jail for the period extending to one year and/or a fine. Offenders are also liable for prosecution under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Battle against the Bonded Labour System

The men and women belonging to scheduled castes had been indulged in the profession and occupation where they were “given insignificant amount of remuneration in manual scavenging, agriculture labour and other fields of *Dalit* employment.”⁴¹ Consequently, the *Dalit* families borrowed money from their upper cast neighbours and went to bondage.⁴² These bonded labourers had been working in slave like conditions in order to pay off a debt. They accepted servitude without any resistance and remained servile and subservient. The bonded labourers were/and are, belonged to the lowest segment who lived in extremely poor conditions. On the other hand the money lenders and creditors were or are of high caste and powerful group. For the liberation from the atrocities inflicted on the bonded labourer belonging to the scheduled castes and other poor classes, the government brought a social welfare and economic emancipation regulatory law into existence, i.e., The Bonded

Labour (Abolition) Act, 1975. The policy and scheme under this statute was made to liberate the people engaged in slavish working conditions. The law abolishes all agreements and obligations arising out of the bonded labour system. It cancelled any outstanding debt, prohibits creation of new bondage agreements. The rehabilitation of the liberated bonded labourers had been made obligatory on the state.

It is beyond doubt that law is regulator of human conduct, but it is difficult to achieve noticeable social revolution through law only. The role of State and its administrative machinery is very essential to enforce and implement the political will of the society. "The laws are openly flouted while state complicity in attacks on the *Dalit* communities to reflect a well documented pattern."⁴³ The laws are there, but there is a clear lack of will on the part of law enforcement officers to take action owing to caste- prejudices is on their part or difference shown to higher cast perpetrators."⁴⁴

The fact and reality is that various governments have successfully enforced the constitutional safeguards and national statutes providing enacting banning caste based discrimination. Though sufficient has been done but "more is to be done." Condemnation by elite class alone is insufficient, social activists must come forward to lift the veil from the faces of demagogues.

Adherence to Caste-autonomy

Infliction of atrocities on scheduled caste might be examined in the background of social stagnation and lack of caste-mobilisation. The salient feature of caste-hierarchy is its exclusiveness. In predominantly agrarian economic order and limited market orientation of agriculture produce, there was limited the scope of changes in the society. At that time caste rigidity was the norm of social and caste control. There was no caste mobilization. Nowadays caste is losing its vigour and one can adopt any caste of his choice. The fact is that judiciary permitted and recognised caste mobilization with certain riders.⁴⁵ The judgement of the Supreme Court prescribed a three-fold test to determine and recognise caste-mobilization for social acceptance. It requires evidence of individual's clear intention to renounce old caste; evidence of rejection by old caste; and also evidence of acceptance by the new caste. It can be said that this change may happen where there is no "continuing dependence on *varnas* in social and religious matters."⁴⁶ In this case the dissenting opinion one of the judges held that "if one wants to remove the yoke of old caste to enter in *dwije* one, he has to lose reservation facility",⁴⁷ given to him in the name of scheduled caste. However, judicial trend was that in religious matters, the caste-management must be left free to operate. Therefore, the judiciary bifurcated the

caste traditions into social along with the stigma of purity and pollution, and the religious rites and avoided to interfere in the spiritual aspect of caste to attain religious merit and salvation. It is clear that the judiciary adopted the doctrine of “caste-autonomy” in religious matters.⁴⁸

The politicians tried to erode the judicial attitude of upholding caste-autonomy in religious matters. The TamilNadu legislature unanimously resolved to request for a constitutional amendment to enable Harijans to be Temple priest, and it was acceded by the Parliament. An act of Tamil Nadu State providing for “Archana” in Tamil language only and forbidding it in Sanskrit. Its constitutionality was challenged in the apex court but Tamil Nadu government gave “an assurance to the Supreme Court that they did not seek to impose Tamil only for “Archana” but wanted merely that Archana should be conducted in Tamil if so desired by devotee.”⁴⁹ These measures to uplift and enhance the social position of *Dravids* had not been “guided by the reform motive,” because the party in power at that time did not believe in temple worship. The leadership acclaimed to be atheists. Therefore, these efforts were regarded as destroying the feeling of sanctity of temples.⁵⁰ Social effects of these actions were seen as to humiliate the upper castes. Therefore these were not aimed at restoring the dignity of the individual but to destroy caste equilibrium. Political activist and forces of social change adopted religious symbols and religious ideas in order to galvanize the caste identity. They did not think to annihilate the caste and life based on caste, they only perpetuate the caste providing dominant political role to one caste humiliating the other. In the name of removing atrocities, the political leadership politicise the aim of restricting the social discourse. They combined the notions of liberalisation and victimization in the name of empowerment of expropriated and suppressed people.

Conclusion

It is crystal clear that political devices, constitutional norms and legal equipments have helped lessening the occurrence of the act of collective violence against the people of scheduled caste. Because of social reform movements and post-independence policies and determination of political leadership, the socio-economic life of the scheduled castes populace underwent a noticeable transformation. The modernisation, reforms and firm determination of collective leadership inculcate a desire among *dalits* to avail the constitutional and legal norms creating opportunities facilitating the upward socio-economic mobility. It ultimately resulted in the reduction in the occurrence of violent vengeance and mitigating the recurrence of exploitative attitude of general castes towards *dalits*. The political vision and mission always

remain to uproot social evils, disparities, publicly humiliation and disgrace meted out to the marginalised groups of Indian society.

However, the atrocities are still inflicted upon *dalits*, though the patterns have altered. It has been seen that the atrocities are inflicted more on those who are socially and politically mobile, and assert for their rights, self pride and respectable status, rather on those who compromise with the persisting status-quo. The elite section from amongst men of scheduled caste has adopted proud and boastful socio-political behaviour which generated envy and jealousy; angst and bitterness in the people of general castes. The “superiors of inferiors” are inviting discrimination such as making disparaging remarks and taunting. One also, finds that scheduled caste educated youths resent the customary subordination and acts of servitude. In rural areas, people of well-off castes insist for the traditional pattern of behaviour commanding respect from lower castes. These tendencies are giving rise to tension and atrocities. A word of caution for the men of scheduled castes; they should adopt a pragmatic and rationalize approach to solve the deep rooted and age-old socio-political problems avoiding the attitude and tendencies of radicalism. The individuals belonging to and associations of Scheduled Castes must introduce reforms in their ranks to avoid counterproductive and reactionary social discourse.

Footnotes

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- ³ PrafulBidwai, ‘Relevance of Ambedkar- Modernity and Pseudo Gandhians’ Published in Times of India New Delhi Edition.
- ⁴ *Ibid.*
- ⁵ N. G. Ranga, ‘Dr. Ambedkar – A Scholar , Revolutionary and Statesman’, in *Social Justice and Political Safeguards for Depressed*, edited by K.L Chanchreek&Saroj Prasad , New Delhi, Shree Publishing House, 1991 p. (iii).
- ⁶ As quoted by PrafulBidwai *op. cit.*
- ⁷ *Supra* Note 4 p. vii
- ⁸ *Ibid.*

- ⁹ KiranPreetKaur , Reservation Policy and Scheduled Caste: A Profile , in S. Bhatnagar, R.N Soni& Raj Kumar *Social Justice and Equality in India*, (ed.) New Delhi ESS Publication, 1987, p. 117.
- ¹⁰ Supra Note 2 p. 147-148.
- ¹¹ Parmanand Singh, *Equality, Reservation and Discrimination in India*, New Delhi, Deep and Deep publishing house,1982, p.9.
- ¹² Preamble, Constitution of India.
- ¹³ K.S. Paddy & Jaya Shree Mahapatra, *The Reservation Policy in India*, New Delhi, Ashish Publishing House, 1988. P.25
- ¹⁴ Supra Note 13.
- ¹⁵ *Ibid.*
- ¹⁶ Article 17 of Constitution of India.
- ¹⁷ G.S. Sharma,*Legislation and Cases on Untouchability and Scheduled Castes in India*, New Delhi, Allied Publishers, 1975, p.3
- ¹⁸ K. SubbaRao, *Social Justice and Law*, (New Delhi) as quoted by Padhy and Mahapatra op. cit. P.28.
- ¹⁹ Supra Note 13. P.18.
- ²⁰ Supra Note 18.
- ²¹ O.P. Ralhan, (ed) *The Depressed Classes in India*, New Delhi, Gitanjali Publishing House, 1986, p. vii
- ²² Article 15(2) of Constitution of India.
- ²³ Supra Note 21.
- ²⁴ Article 46 of Constitution of India.
- ²⁵ Article 29 of Constitution of India.
- ²⁶ G.S. Sharma, *op. cit.* at p.3.
- ²⁷ *Ibid.*
- ²⁸ The Bombay Hindu Places of Worship (Entry Authorization) Act, 1956.
- ²⁹ Section 3 of the Bombay Act, 1956.
- ³⁰ In an interview the commissioner of police admitted that until, 1973 there was no conviction , the whims of the police were deciding factors.
- ³¹ Rakesh Kumar Singh,'The Schedule Caste and Tribes (Prevention of Atrocities) Act', 1989: An Analysis', IIMT Law Journal, p.173.
- ³² *Ibid.*

- ³³ Human Rights Watch, Bombay, Feb 5, 1998 :This view being expressed in *Mata SewakUpadhyaye v. State of U.P.* 1996(1) Easter C.97 at p.111.
- ³⁴ *Kamal Narsari v. State of Bihar*, 1995(2) B.L.J.R 10205 at p.1023.
- ³⁵ The Hyderabad Harijan (Removal of Social Disabilities) Regulation 1358F, and The Hyderabad Harijan Temple Entry Regulation 1358F.
- ³⁶ The Madras Removal of Caste Disabilities Act, 1938, and The Madras Temple Entry Authorisation Act, 1947.
- ³⁷ The Mysore Removal of Civil Disabilities Act, 1943 & The Mysore Temple Entry Authorisation Act, 1948.
- ³⁸ In 1944 and 1948.
- ³⁹ The Uttar Pradesh Removal of Social Disabilities Act, 1947 and West Bengal Hindu Social Disabilities Act, 1948.
- ⁴⁰ R.K. Bakshi, *Dalit Human Rights*, New Delhi, Akhand Publishing House, p.119.
- ⁴¹ *Id.* at 120.
- ⁴² *Ibid.*
- ⁴³ *Id.* at 121.
- ⁴⁴ As quoted by R.K. Bakshi, *op. cit.* p.55.
- ⁴⁵ The majority decision of Justice Gajendragadkar in *V.V. Giri v. D.S. Dora* , A.I.R, 1656, S.C. 1318.
- ⁴⁶ G.S. Sharma ,*op. cit.*, p.5.
- ⁴⁷ Justice Kapur was not in favour of allowing the benefits of reservation in such situation, refer to *V.V. Giri v. D.S. Dora*
- ⁴⁸ Significant cases are: *His holiness Sri Sukratendra Thirtha Swami of Kasimuttv. Prabhu*, AIR 1923 Mad. 587, *Saifuddin Saheb v. State of Bombay*, AIR 1962 S.C. 853.
- ⁴⁹ G.S. Sharma, *op. cit.* at p.7.
- ⁵⁰ *Ibid.*