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# **ANALYSIS OF RESERVATION TO SCHEDULED CASTES AND TRIBE**

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## **Abstract :**

The Scheduled Castes in India and recognizes the factors that are causing dismal performance of the Scheduled Castes despite reservation policies. The paper first discusses the condition of Scheduled Castes based on the parameters of social, economic, education, and political representation. It then provides a brief overview of the current reservation percentages allocated to Scheduled Castes in various sectors. Moreover, the paper explores the causes for the dismal performance of Scheduled Castes despite the existence of reservation policies. In order to improve the condition of Scheduled Castes, the paper proposes a multifaceted approach, including the consideration of socio-economic criteria for recognizing castes in the list of Scheduled Castes, dis reservation of affluent Scheduled Caste families, preferential appointment of Scheduled Castes in administrative positions within Scheduled Areas, and reforms within the National Commission for Scheduled Castes. The paper also emphasizes the importance of periodic evaluations of socioeconomic conditions, talent identification, and grassroots awareness campaigns as strategies to uplift the Scheduled Castes.

## **Introduction :**

India's unique society is characterized by its long history and diverse population, encompassing various religions, ethnicities, cultures, languages, and more. This diversity brings both challenges and opportunities. Over the centuries, India has been a melting pot of immigrants and invaders, contributing to a rich tapestry of cultures. During the colonial period, the British administration sought to understand the complexities of the caste system for efficient governance, leading to regular censuses starting in 1881. The Government of India Act of 1935 provided legal recognition to certain castes and tribes, creating the category of 'Scheduled Castes.' This term emerged from the inclusion of formerly considered 'untouchable' castes during the second Round Table Conference. Dr. B.R. Ambedkar initially demanded a separate electorate for the depressed

classes but later, due to differences with Mahatma Gandhi, accepted the Poona Pact in 1932. This pact reserved 147 legislative seats for the depressed classes, extended representation in public services, and allocated a significant portion of educational grants to uplift these communities.

After India gained independence, the Constitution of India specifically addressed the welfare of Scheduled Castes. Articles 341 and 342 of the Constitution empower the President, in consultation with the state's Governor, to recognize certain castes as Scheduled Castes. This recognition is based on the social, educational, and economic backwardness experienced by these communities. Once a caste is added to the Scheduled Castes list, its members are entitled to reservation benefits in educational institutions, government jobs, and legislative bodies.

Furthermore, Article 17 of the Indian Constitution abolishes untouchability and establishes it as a fundamental right that can be enforced in the constitution if violated. Article 46 also places a responsibility on the State to promote the educational and economic interests of the weaker sections of society, with special emphasis on the Scheduled Castes and Scheduled Tribes. It is also aimed at protecting them from social injustice and all forms of exploitation.

The Constitution of India emphasizes this by declaring India a 'secular' state. India's population is incredibly diverse, consisting of people from various religious, cultural, and linguistic backgrounds, including Hindus, Muslims, Christians, Parsis, Sikhs, Buddhists, Jains, and others. These diverse cultures and traditions vary from region to region and religion to religion.

Additionally, India's population is divided into linguistic groups, and there are sections of society belonging to Scheduled Castes (SC), Scheduled Tribes (ST), and Other Backward Castes (OBC) who historically needed protection from exploitation by the 'upper' castes. Even before India gained independence, there was a recognition of the need for laws and provisions to offer privileges and facilities to these marginalized sections of society to promote social welfare.

However, the effectiveness of these privileges and provisions in promoting the welfare of society is a matter of debate and may not always meet their intended objectives in the present context.

Reservation in India is the outcome of various laws, guidelines, and administrative measures implemented by different levels of government. It encompasses the allocation of reserved or exclusive access to seats in various legislative bodies, government job positions, and enrollment in higher education institutions. Reservation is a form of affirmative action designed to allocate a percentage of seats to socially and economically backward classes of citizens in Parliament, State Legislatures, Central and State Services, as well as educational institutions.

The Constitution of India contains provisions that support caste-based reservation as a means to address historical inequalities and promote the welfare of disadvantaged and marginalized

sections of society.

### **Reservation in Services:**

- i. Article 16(4) vests a discretion on the state to make reservation of appointment or posts in favour of any 'backward class'<sup>1</sup> of citizens which, in the opinion of the state, is not adequately represented in the public services under the state.
- ii. Article 16(4A) provides that the state can make provisions for reservation in matters of promotion with 'consequential seniority' of any class or classes of posts in the services of the state in favour of the Scheduled Castes and the Scheduled Tribes which in the opinion of the state, are not adequately represented in the services under the state.<sup>2</sup>
- iii. Proviso to Article 335 empowers the Government to make any provision in favour of SCs/STs for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters of promotion to any class or classes of services or posts in connection with the affairs of the Union or the State.<sup>3</sup>

### **Reservation in Education:**

- i. In India, most of the scholarships or student aid is available only to SCs, STs, BCs, OBCs, women, Muslims, and other minorities. Only about 0.7% of scholarships or student aid in India is based on merit.<sup>4</sup>
- ii. The University Grants Commission (UGC) provides financial assistance to universities for the establishment of Special Cells for SC/STs. The cells help universities implement the reservation policy in student admission and staff recruitment processes for teaching and non-teaching jobs.

### **Reservation in Elections:**

- i. In parliament, caste and tribe based reservations are provided to make it more representative. Today, out of 543 seats in India's parliament, 84 (15.47%) are reserved for SC/Dalits and 47 (8.66%) for ST/Tribes.<sup>5</sup>

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<sup>1</sup> According to CHANDRACHUD, C.J., two tests should be conjunctively applied for identifying backward classes: one, they should be comparable to the SCs and STs in the matter of their backwardness; and, two, they should satisfy the test of economic backwardness laid down by the State Government in the context of the prevailing economic conditions. M.p. Jain, Indian Constitutional Law, Sixth Edition 2010, LexisNexis Butterworths Wadhwa, Nagpur (p. 1051)

<sup>2</sup> As modified by the Constitutional (Eighty-Fifth Amendment) Act, 2001

<sup>3</sup> As added by the 82nd Constitutional (Amendment) Act, 2000

<sup>4</sup> [https://en.wikipedia.org/wiki/Reservation\\_in\\_India#cite\\_note-sawhney-14](https://en.wikipedia.org/wiki/Reservation_in_India#cite_note-sawhney-14) (Accessed on Sept. 20, 2016)

<sup>5</sup> [https://en.wikipedia.org/wiki/Reservation\\_in\\_India#cite\\_note-sawhney-14](https://en.wikipedia.org/wiki/Reservation_in_India#cite_note-sawhney-14) (Accessed on Sept. 20, 2016)

- ii. Allocation of seats for Scheduled Castes and Tribes in the Lok Sabha are made on the basis of proportion of Scheduled Castes and Tribes in the State concerned to that of the total population.
- iii. A similar percentage of exclusive seats has been provided for members of designated castes and tribes in each state legislature. Local self-governments have caste, tribe and gender based reservation system in place. Thus, the classes of people belonging to Scheduled Castes, Scheduled Tribes and Other backward castes enjoy reservation in almost every field.

### **Socio-Economic Status :**

These issues reflect ongoing socioeconomic disparities, discrimination, and a lack of progress in improving the living conditions and opportunities for SC communities. The UN report indicates that the poverty rate among Scheduled Castes has been on the rise. This suggests that economic development and poverty reduction efforts may not have effectively reached these communities. The data shows that a significant proportion of multidimensionally poor people in India belong to lower tribes or castes. This indicates that poverty among SCs is not just about income but also involves multiple dimensions, such as education, health, and living conditions. Poverty rates among SCs are higher in rural areas compared to urban areas. The lack of infrastructure, including job opportunities and educational institutions, in rural regions contributes to this disparity. The income gap between SCs in rural and urban areas is significant, which further exacerbates socioeconomic disparities. SCs in rural areas face additional challenges related to employment opportunities and access to education.

SCs have a disproportionately lower share in food-related industries. This may be attributed to discrimination, particularly in rural areas, despite the constitutional prohibition of untouchability. The National Crime Records Bureau (NCRB) report indicates that SCs have the lowest relative share among self-employed workers. This could be due to limited access to resources and opportunities. The increase in atrocities and crimes against Scheduled Castes in 2021 is alarming. This suggests that discrimination and violence against SCs continue to be a serious issue.

legal protections and constitutional provisions aimed at promoting social and economic equality for SCs, there are persistent challenges, including increasing poverty rates, income inequality, lack of economic opportunities, and discrimination. These issues highlight the need for continued efforts to address these disparities, promote social inclusion, and ensure the rights and well-being of Scheduled Castes in India.

### **Educational Attainment :**

the educational disparities and discrimination faced by Scheduled Castes in India are indeed significant and have historical roots. Historically, Scheduled Castes in India were subjected to discrimination and segregation based on their caste status. This often denied them access to education and other social opportunities, contributing to their disadvantaged status. Discrimination against Scheduled Castes persists in educational institutions. This discrimination can take various forms, such as being forced to sit separately from other students, being denied the opportunity to share meals, and even experiencing a biased or hostile attitude from teachers and peers. Discrimination and unequal treatment can have severe mental health consequences for students belonging to Scheduled Castes. It creates an environment where they may experience a lack of self-esteem, stress, and depression. The lower literacy rates among Scheduled Castes, particularly among women, are indicative of the ongoing challenges they face in accessing quality education. These disparities can perpetuate a cycle of poverty and social disadvantage. The Indian government has introduced reservation policies in both government and private educational institutions to provide affirmative action for Scheduled Castes. However, as you mentioned, these policies have not fully addressed the disparities. The underrepresentation of Scheduled Castes in higher education institutions, including Ph.D. programs, reflects a persistent gap in access to quality education. Tragic incidents like the suicide of a Scheduled Caste student at IIT Bombay highlight that even in prestigious institutions, caste-based discrimination can persist, leading to severe consequences. Efforts to address these issues involve a multi-faceted approach, including improved implementation of affirmative action policies, greater social awareness and sensitivity, and a commitment to eradicating caste-based discrimination from educational institutions. These challenges are part of a broader societal issue in India, and addressing them requires continued attention, policy changes, and social change efforts.

### **Political Representation of Scheduled Castes :**

To empower and improve the condition of Scheduled Castes in the country, there is a need to increase their political representation and include them in the nation. The decision-making process will result in a boost in their self-confidence, and they can formulate effective policies for their welfare as per their issues and problems. As per the order issued by the Delimitation Commission in 2008, 84 seats were reserved for Scheduled Castes in the lower house of The Parliament (Ministry of External Affairs, n.d.). The history of reservation for Scheduled Castes in national politics can be traced to colonial times when Dr Ambedkar wanted a separate electorate for depressed classes, but due to differences with Gandhi, separate electorate demand was refused by Ambedkar on some conditions, which were to increase the percentage of

reservation in council for depressed classes after attaining independence. The constitution of India adopted a democratic form of government that provided reservations for Scheduled Castes. Further reservation quotas have also been extended in state-level politics, where seats are reserved in the state legislative assembly depending on the percentage of the Scheduled Castes population in the state, as mentioned in Article 332 of The Constitution of India.<sup>6</sup>

### **Constitution Provisions :**

Every [Constitution](#) has philosophy of its own. The Preamble of our [Constitution](#) proclaims the resolution of people of India to constitute India into a Sovereign, Socialist, Secular and Democratic Republic and to secure to all its citizens Justice, social, economic and political Liberty of thought, expression, belief, faith and worship; Equality of status and opportunity; and to promote among them all ; Fraternity assuring the dignity of the individual and the unity and integrity of the Nation. The word 'social justice' in the Preamble implies recognition of greater good to a larger number without deprivation of legal rights of anybody. The concept of equality, enshrined in the Preamble has also found expression as a fundamental right in [Article 14 to 16](#), which we shall discuss in the next section.

Right To Equality- The [Article 14](#) of the [Constitution](#) is one of the fundamental rights of the [Constitution](#) of India. Let us now know about this [Article](#). [Article 14](#) of the [Constitution](#) reads: "The state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India" What do the two phrases in this [Article](#) namely "equality before the law" and "equal protection of law" mean? On the face of it the two phrases may seem to be identical, but in fact, they mean different things. While "Equality before the law" is negative concept; "equal protection of laws" is positive one. The former declares that every one is equal before law, that no one can claim privileges and that all classes are equally subject to the ordinary law of the land. "Equal protection of Law", on the other hand means that among equals, the law should be equal and equally administered. That like should be treated as like. Or in other words, persons differently circumstanced need not be treated in the same manner. For example „Equal protection of Law“ does not mean that every person shall be taxed equally, but that persons under the same category should be taxed by the same standard. The guarantee of "equal protection" thus is a guarantee of equal treatment of persons in "equal circumstances" permitting differentiation in different circumstances. If there were a reasonable basis for classification, the legislature would be entitled to make different treatment. Thus, the legislature

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<sup>6</sup> <https://doi.org/10.20944/preprints202310.0028.v1>

may (i) exempt certain classes of property from taxation at all, such as charities, libraries etc; (ii) impose different specific taxes upon different trades and profession.

The Constitution of India states in Article 15(4): "All citizens shall have equal opportunities of receiving education. Nothing here in contained shall preclude the State from providing special facilities for educationally backward sections (not "communities") of the population." Emphasis and parentheses added. It also states that "The State shall promote with special care the educational and economic interests of the weaker sections of society (in particular, of the scheduled castes and aboriginal tribes), and shall protect them from social "injustice" and all forms of exploitation." The Article further states that nothing in Article 15(4) will prevent the nation from helping SCs and STs for their betterment up to the level enjoyed by the average member of other communities. (Laskar, Mehbubul Hassan 2011) In 1982, the Constitution specified 15% and 7.5% of vacancies in public sector and government-aided educational institutes as a quota reserved for the SC and ST candidates respectively for a period of five years, after which the quota system would be reviewed. This period was routinely extended by the succeeding governments.

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."

Article 16(4 A) 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 77th Amendment, - Act, 1995)

Article 16 (4 B) 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 Constitution prohibits discrimination (Article 15) of any citizen on grounds of religion, race, caste, etc.; untouchability (Article 17); and forced labour (Article 23). It provides for specific representation 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 Government and public sector jobs, in both the federal and state Governments (Articles 16(4),

330(4) and 335). (Sukhadeo Thorat and Chittaranjan Senapati 2006)

### **The Present Status:**

After introducing the provision for reservation once, it got related to vote bank politics and the following governments and the Indian Parliament routinely extended this period, without any free and fair revisions. Later, reservations were introduced for other sections as well. The Supreme Court ruling that reservations cannot exceed 50% (which it judged would violate equal access guaranteed by the Constitution) has put a cap on reservations. The central government of India reserves 27% of higher education, and individual states may legislate further reservations. Reservation in most states is at 50%, but certain Indian states like Rajasthan have proposed a 68% reservation that includes a 14% reservation for forward castes in services and education. However, there are states laws that exceed this 50% limit and these are under litigation in the Supreme Court. For example, the caste-based reservation fraction stands at 69% and is applicable to about 87% of the population in the state of Tamil Nadu.

### **Methods to Improve the Condition of Scheduled Castes in Country :**

Currently, the recognition of scheduled castes is mainly done on the basis of the caste instead of solely deciding on a single basis; it should include some social and economic criteria, and there is a need to analyse the socio-economic condition of a particular caste and then only it should be added to the list of scheduled castes to benefit from reservation and other welfare schemes. Dis-reservation should be done by some scheduled castes who belong to families of public officials of a certain rank — IAS, IPS, other Central and State civil services, present or former MLAs, MPs, other senior politicians — certain high-income professionals such as physicians, chartered accountants, managers above a certain rank in the private sector, and businessmen and others above a certain income, it will help to reduce inequality between the scheduled castes people as the really needed scheduled castes will get benefit of reservation; it will also reduce the competition among scheduled castes to get better educational and government job facilities. In the Scheduled areas there is need to prefer, that posts of IAS, IPS and other important positions should held by the Scheduled caste person as he/she will be better able to understand the issues of the Scheduled castes further people will also not hesitate to address their grievances and they are comfortable because the administrator belongs to their caste category, by this approach we will get double win first is to provide good governance in the scheduled areas second is that we are posting the person belonging to Scheduled castes on high position in the administration this will encourage other people also to work hard so as to become part of administration There is a need to reform the National Commission of Schedule Castes as the recommendations of the

commission are not binding on the government, so sometimes the government totally ignores the commission's report. The recommendation of the commission should make further binding to the government. Scheduled castes are not aware that the commission functioning there is a need to spread awareness among scheduled castes that they can approach the National Commission of Schedule Caste if their rights are infringed for this helpline number can be started as we have for women in the police department, which will empower the scheduled castes to report for any atrocities against them.<sup>7</sup>

Periodic evaluation of social and economic condition of the scheduled castes should be done and it is required that if any caste has not shown improvement in its socio economic criteria despite of reservation and other welfare schemes then some special steps to be taken for empowerment of that caste secondly, if any caste has been improved in its socio economic condition and is found that the caste can maintain its progress without reservation then these castes should be dis-reserved so that the really needed people can get benefit of reservation There is need to identify talent among the boys and girls belonging to Scheduled caste category and then provide free training to them in special talent schools in their relevant interest it will help them to compete with the rest of the society in equal manner The use of panchayat-level officials to spread awareness among the scheduled castes regarding the various welfare schemes launched by the government should be given responsibility by central and state governments to ensure the participation of the scheduled castes in the country development process.

### **Conclusion :**

the challenges faced by Scheduled Castes in India and the need for a multifaceted approach to address these challenges is accurate. Recognizing and acknowledging the historical injustices faced by Scheduled Castes is a crucial first step in addressing their issues. These historical injustices have resulted in a significant socio-economic gap that needs to be bridged. The challenges faced by Scheduled Castes include discrimination, limited access to educational opportunities, and economic disparities. These challenges create barriers to their social and economic progress. Reservation policies in India have been implemented to address the inequalities and disadvantages faced by Scheduled Castes. While these policies have made some positive impact, there is room for improvement in their effectiveness. To make reservation policies more effective, it's essential to focus on their efficient and equitable implementation. This may involve addressing issues related to loopholes, transparency, and preventing misuse. Providing economic opportunities and financial inclusion for Scheduled Castes is essential. This could include access to credit,

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<sup>7</sup> <https://doi.org/10.20944/preprints202310.0028.v1>

entrepreneurship programs, and skill development initiatives to enhance their economic well-being. Improving the quality of education and ensuring that Scheduled Castes have equal access to educational opportunities is critical. This includes addressing issues like discrimination within educational institutions and providing support for students. Enhancing political representation for Scheduled Castes can give them a voice in decision-making processes and policies that affect their lives. Periodic evaluation of the impact of policies and programs targeted at Scheduled Castes is necessary to ensure they are achieving their intended goals and to make necessary adjustments. It's important to ensure that reservation benefits reach those who need them the most. This may involve periodic reviews and considering disreservation for those who have made significant progress. Addressing the challenges faced by Scheduled Castes requires a comprehensive approach that combines various strategies to empower them and bridge the socio-economic gap.

India's commitment to addressing these challenges and empowering Scheduled Castes is essential for harnessing the full potential of its diverse population and promoting a more equitable and inclusive society. This ongoing effort involves a combination of policies, social awareness, and collective action.

