

## Scheduled Castes Discrimination in India: A Retrospect

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### Abstract

In the heterogeneous society of India, its heterogeneity is marked by caste, language, religion, class and gender. The four *varnas* system of India consisting almost 3000 castes (*jatis*), these *jatis* also includes untouchables, each one challenging those that are ranked above it, and being in turn, challenged by those below. Indian Constitution ensured justice to each religion and each caste. It is based upon the ideals of liberty, equality and fraternity, and ensures social, economic and political justice. But, the rulers have not implemented the Constitution properly, and consequently, we could not achieve the desired results. There are many forces that are anti-national and anti-constitutional jeopardising the unity and integrity of the nation in the name of caste and hampering inclusive development. This paper is about diachronic and synchronic study of space Scheduled Castes have in Indian society. It illustrates discrimination, deprivation and violence against them in the contemporary India.

**Key Words:** Caste, Scheduled Castes, Dalits, Discrimination, India

### Introduction

Caste in India has been very crucial, as it maintains unequal power relations, affects and determines all kinds of relations – social, economic and political. The phenomenon of caste has been approached differently by different sections of society and their perceptions regarding caste vary greatly and are sometimes diametrically opposite. Despite various measures taken in the Constitution of India to abolish caste and its concomitant thereof, caste related discriminations resurface every now and then. So the attempts made by the architects of the Constitution to annihilate caste are undermined. In the present context, it seems that it is not going to disappear, because both the high castes and the low castes

strongly tend to maintain it for their own vested interests, although they address this issue differently. Hence it is necessary to understand the views of some intellectuals, scholars, activists and reformers on the phenomenon of caste which is peculiar to Indian society.

Ambedkar, said that caste in India meant an artificial chopping off of the population into fixed and definite units, each one prevented from fusing into another through the practice of endogamy. He thus concluded that endogamy was the primary characteristic that was peculiar to caste. He agrees with Marx to the extent that society is composed of classes and disagrees with him saying that there is not necessarily a class conflict. In an essay, “Caste in India”, he says that class and caste are next door neighbours and it is

only a span that separates the two...“a caste is an enclosed Class” (BAWS 1989a: 14). Ambedkar affirmed that the caste system is a social construct, and it is the brainchild of a perverse section of the caste Hindu who was superior in social status. This evil system, according to him completely disorganised and demoralised the Hindus. So Hindus are divided among themselves along caste lines. One caste in Hindus does not feel for other castes, albeit they come together on certain occasions. Ambedkar said that “the Caste System prevents common activity and by preventing common activity and it has prevented the Hindus from becoming a society with a unified life and a consciousness of its own being (BAWS 1989b: 51).

Gandhi, on the other hand, affirmed that there was no such thing as untouchability by birth in *Shastras*. He held the practice of untouchability to be a sin and the greatest blot on Hinduism. He acknowledged that if untouchability lived, Hinduism would die. In a speech delivered at Suppressed Classes Conference in Ahmedabad, in April 1921, which was later published in *Young India*. Gandhi (1924: 473) accepted that, “...Hinduism has sinned in giving sanction to untouchability. It has degraded us, made us the pariahs of the Empire. Even the Mussulmans caught the sinful contagion from us, and in S[outh] Africa, and in E[ast] Africa and in Canada, the Mussulmans no less than Hindus came to be regarded as pariahs. All this evil has resulted from the sin of untouchability”.

Ram Manohar Lohia ascribed the degradation of women, *Adivasis*, *Sudras*, *Harijans* and backward classes among Muslims to the caste system. For him the

caste system placed a very large section of society under perpetual disabilities (Sheth 2008:108-133). Sheth (2008:125) states “90 per cent of the country’s population and its natural abilities in all spheres have become atrophied and paralysed. The process of shrinking of ability and opportunity once started went on indefinitely; as a result, certain privileged sub-castes among Brahmins or *Kayasthas* acquired more privileges while the vast majority was continuously deprived and becoming less able. Caste means depriving the people of their abilities and that is the most important reason why the Indian people are so backward and so often have been enslaved”. Marx had predicted that: “caste system in India based on division of labour determined by birth has been the only obstacle in the way of development, and such birth based division of labour will be destroyed by the network of railways” (qtd. in Kasabe 2006: 357). Marx’s understanding of caste phenomenon in India seems to be very superficial and simplistic. Partha Chatterjee (1993:175) points out that most Marxists in India argue that caste is a feature of the superstructure of Indian society and ought to be understood in terms of its efficacy as an ideological system which reflects the basic structure of material relations, the latter of course being characterised in terms of class relations. While others argue that caste is in fact the specifically Indian form of material relations at the base with its own historical dynamic; caste in other words, is the form in which classes appear in Indian society. He argues that neither approach has enabled the Marxist to reach a satisfactory understanding of the immediate phenomena related to caste as presented in historical

evidence or in contemporary events. However, Sitaram Yechuri, the Politburo member of Communist Party of India (Marxist) calls for paying greater attention to caste factor as well while understanding the Western paradigm of base and superstructure.

### **Scheduled Caste Discriminations in Contemporary India**

According to *Brahminical Varna* system there are primarily four *varnas*, viz. Brahmin, Kshatriya, Vaishya, and Shudra. This Varna system does not include Dalits (Scheduled Caste) into its hierarchical social matrix. Hence Dalits form even lower than the lowest section of Varna system, and have been subjected to utter discrimination, tyranny, cruelty and humiliation over thousands of years. They were segregated from other four *varnas* and were called untouchables. After independence, the untouchables divided into numerous *jatis* (castes) are brought together by the government of India under one umbrella term Scheduled Castes for administrative purpose. They have lagged far behind in all spheres of life due to age-old discrimination, deprivation, and exploitation on the part of high castes. Although the people in general do not support caste discrimination, they prefer to be silent at the occurrence of such events. Many people today argue that caste does not exist, especially in the cities. Most of them think so, because they associate caste with hierarchical *Varna system* which no longer exists today. However, they ignore changing forms of discrimination. In an attempt to build India into a secular, democratic State, the makers of the Constitution thought about this issue seriously, and ensured incorporation of the

provisions to safeguard the interest of backward castes, including scheduled castes. However, things have not changed as per expectations. Despite various provisions in the Constitution and various welfare programmes initiated by the government, the evils of the caste system still loom large.

Although, Article 17 of the Indian Constitution provides the abolition of untouchability, Dalit students in some States even today are frequently made to sit on the back benches or in the corner of the class rooms and often made to perform most degrading tasks like sweeping the ground, cleaning toilets, etc. The television programme “Satya Mev Jayate” (2012, 9 January) has highlighted such cases. Not only the children but also highly qualified teachers are discriminated against. The story of Prof. Kaushal Pawar, testifies to this fact: “Even in Delhi University, things have not yet changed, just forms of discrimination have changed.” She recounted how she was discriminated against by her roommate – a high caste girl, while she was in the hostel at Jawaharlal Nehru University. In the same episode of the programme, an IAS officer Mr. Balwant Singh, cobbler by caste, told the viewer’s how he had to resign his job due to caste discrimination. Mr. Stalin K Padma, an activist-cum-documentary film maker affirmed that both, in the villages and cities, caste still prevails. He, however, agreed that the forms of caste discrimination have changed over the time. His documentary Untouched India shows that caste discrimination exists not only in Hinduism, but also in Indian Christians, Muslims and Sikhs. The caste system in Indian Christianity, Islam and Sikhism is the result of the impact of Hinduism over them.

India has made tremendous progress in science and technology, and aspires to become a superpower by 2020. The slogans like “India Shining” and “Incredible India” are being aired. Amidst such development, a significant portion of Dalits are still engaged in degrading occupations such as manual scavenging which is traditionally a caste profession. Today, whether they engage in scavenging or not, they still have to bear the stigma of that profession. Ambedkar rightly said, “In India man is not a scavenger because of his work, he is a scavenger because of his birth” (qtd. in Ramchandran 2011:3). As per the Socio-Economic and Caste Census, 2011 there were 182,505 manual scavengers in India. As per the 2011 Census, in over 182,505 households, human excreta are removed by hand which has been outlawed by Manual Scavenger and their Rehabilitation Act, 2013. Despite the existence of this Act manual scavenging continue to exist due to apathy of general public and lack of proper implementation of the law by the authorities. The government either Central or State does not provide real figures. There are about 26 lakh Dry Latrines, and there is no other way than cleaning them by the manual scavengers. And this is going to continue as long as dry latrines remains in existence, the scavengers to clean the same will also remain. Thousands of people are reported dead while cleaning such latrines. This is not just a stigma on Dalits who carry out such dehumanising work, but on the whole so called “civilised society”. There have been many protests against this practice, but one in Karnataka was most shocking, when a group of *bhangi* community smeared human excreta to protest against Karnataka

government’s half-hearted attempt at abolishing such dehumanising practice of manual scavenging. Ramchandran (2011) perceives it as a political opposition to mainstream India’s stereotypes on scavenging which has, along with the government, always shown some vague reformist intent with regard to the scavenging profession.

According to government of India report (2011) Dalits form nearly 60 per cent of the sweepers in central government compared to only 18 per cent of other class D workers. Although, the share of Scheduled Caste employees has increased, yet there is still a shortfall in Group A and B. According to the Department of Personnel and Training (government of India), in 2013-14 the share of Scheduled Castes in Group A is 12.06 percent while the share of others is 74.48 per cent; and in Group B is 15.73 per cent while share other in the same Group is 68.25 per cent. The share of Scheduled Caste in Group A and B is 12.06 and 15.73 respectively as against the reservation of 15 per cent. In Group A in particular SC is underrepresented, whiles other, excluding ST and OBC, are over represented in group A and B positions in administration.

At the very top level of the government bureaucracy, out of a total of 149 secretary level officer, there were no SC officers while there were 4 ST officers, as of March 2011, according to reply given by MoS in the Prime Minister’s office. At the next rung of additional secretary, out of 108 officers, there just two each from SC and ST. further down, out of 477 joint secretaries, 31 belonged to SC (6.5 per cent) and 15 belonged to ST (3.1 per cent). And out of 590 directors, 17 belonged to SC (2.9 per

cent) while 7 belonged to ST (1.2 per cent). It is to be noted that there is no reservation for these posts.

Even in the most sought after civil services IAS, IPS and IFS, the proportion of SC, ST and OBC was below the mandated quotas. Out of out of 3,251 directly recruited IAS officers, SC officers made up 13.9 per cent, ST Officers 7.3 per cent and OBCs just 12.9 per cent, this information was stated by MoS in Lok Sabha in 2011. According to the Ministry of Personnel and Public Grievances, Government of India, as of 2017 January, 28,713; posts belonging to SC, ST, and OBC are lying vacant in various departments of government of India. At least there is some representation in government sectors due to the policy of reservation. It is hoped that in near future their representation would rise to the level of their quotas in government jobs. But the condition of SC and ST is abysmal in private sectors, as reservation does not apply to these sectors. Hence, there is necessity of reservation for these most disadvantaged communities.

It is observed that private employers often discriminate against Dalits in hiring and in the payment of the wages. This discrimination is felt even further by Dalit women. The Untouchability in Rural India Survey revealed that in 36 percent of villages studied, Dalits were denied wage-paid labour on the grounds that upper caste community members did not want Dalits to pollute their homes. In 25 per cent of the villages, Dalits received less than the market wage rate for their labour (CHRGJ 2007: 60). Caste has been a system of exclusion and exploitation. It has blocked their access to material resources and has hampered their upward mobility, hence there is wide

economic disparity between the upper castes and lower castes, and this disparity is even wider in respect of Dalits, the former “untouchables” who form the lowest rung in society. Not only is there disparity, there is discrimination as well even today. There is clear cut connection between occupation and income. Thorat has established this link in his well-acclaimed research. He pointed out that even highly qualified members of the lower caste confront social and economic discrimination that results in inequality of outcome (Thorat and Newman: 2010). In the past, it was prescribed that all *varnas* in the *Varna* system should pursue their respective occupations only. Thus they had barred the lower castes that came under *Shudras* and *Atishudras*, from having access to opportunities that ensured higher material prospects. This system still has indirect bearing on the lower castes. The distinction between inequality of opportunity and that of outcome is not straightforward; inequality of outcome in one generation may lead to inequality of opportunity in the next, but this distinction remains important from a public policy perspective (Desai and Dubey 2011: 41). Thorat and Newman (2010: 48) conclude that caste favoritism and the social exclusion of Dalits and Muslims occur in private enterprises even in the most dynamic modern sector of the Indian economy.

Caste continues to be one of the biggest factors that determine a person’s occupation. Occupations traditionally considered as ‘lowly’, like sweeping and leather work, continue to be dominated by scheduled castes in general, more so by the specific castes associated with such work. And the jobs at the top are almost entirely in the grip of those who are not from scheduled castes

are tribes. Among coveted jobs at the top, those entirely in the private sector – corporate managers and business professionals – have the worst representation of SCs and STs. About 93 per cent of corporate manager jobs are held by other than SC and ST people.

There is a strong link between social and economic status and educational backwardness. The educational backwardness of Dalits renders them unemployable in government as well as private sectors. The low standard of education does not empower Dalits with capabilities and skill required for getting access to better sources of income. Thus, they are not able to break the cycle of poverty and distress. 90 per cent of Dalit students come from government school that lack basic infrastructure, classrooms, teachers and teaching aids. On the contrary, non-Dalits, especially, upper caste students come from very well equipped private schools and have access to tutoring, As a result, the education gap between Dalit and other students widens, and this cripples the former and privileges the latter.

The millennium-old caste prejudice did not come to an end even after independence, despite Constitutional safeguards for the weaker sections of society. The discrimination and violence against Dalits still persists. The government has enacted SC/ST Prevention of Atrocity Act in 1989 for checking violence against Dalits and *Adivasis*; however, there has not been decline in the incidence of atrocities. Rather such incidences are increasing with each passing year. National Crime Records Bureau (2017) shows that there is an increase in crimes under the Prevention of

Atrocity Act in the entire country with 4.7 per cent rise in crime or atrocities against the SCs people in 2016 over 2015. Compared to 2015 which witnessed 38,670 crimes against the SCs, the year 2016 recorded 40,801 cases; while 10,914 cases of crime or atrocities against STs are registered in the year 2016. 6772 case of trafficking of tribals are also registered in the same year. In addition, there are the cases of crime against tribal women like assault, outrage of modesty, sexual harassment and use of criminal force with intent to disrobe tribal women. Uttar Pradesh reported highest number of cases of atrocities against Scheduled Castes, accounting for 25.6 per cent followed by Bihar with 14 per cent and Rajasthan 12.6 per cent in 2016; while atrocities/crime against Scheduled Tribes have increased by 4.7 per cent in 2016 over 2015. Rajasthan reported the highest number of cases of atrocities against Scheduled Tribes, accounting for 27.8 per cent, Madhya Pradesh with 18.2 per cent and Odisha with 10.4 per cent followed by Odisha and Telangana and Maharashtra during 2016.

Former Justice A. S. Anand (2004: vii) in his foreword to Report on Prevention of Atrocities against Scheduled Castes acknowledges the fact: “Despite elaborate provisions in the Constitution and other laws, it is an unfortunate reality that social injustice and exploitation of SCs and STs and other weaker sections persist. There are reports in the press about atrocities against persons belonging to these groups and the frequency with which they occur is a cause for disquiet. The humiliation which...Dalits suffer even today, more than half a century after India proclaimed itself to be a

Republic, is a matter of shame". Even assertion of one's right is looked upon as a challenge by the upper caste, and in many cases we find that there are organised acts of atrocities against Dalits. Legal arrangements like PoA have failed to protect the fundamental rights of Dalits. Though the government enacted various laws, it lacks the will regarding the implementation of such laws. State governments have made no serious efforts to identify areas where the practice of untouchability is prevalent, and have done very little to survey the effective implementation of such Acts. In addition to it, Supreme Court of India by its order on diluted SC and ST Prevention of Atrocity Act, 1989, The National Human Rights Commission (NHRC) concluded that there is virtually no monitoring of the implementation of the Acts at any level. Political leaders have also played a significant role in hindering the implementation of the Prevention of Atrocity Act (CHRGJ 2007: 34). The state machinery – the police, also help directly or indirectly to protect the perpetrators of the crime. Anand Teltumbde (2008:144) states that, "the hegemony of the caste Hindus in rural India subsumes the local state machinery, mainly represented by the police. The police work as an instrument of tyranny to maintain the status quo. The police too find it far more profitable to maintain the order. This translates into the police becoming accomplices in crimes normally committed against assertive Dalits and Adivasis".

Teltumbde (2008) claims that earlier the atrocity was committed by an individual, now it is more organised, where a group of upper caste people is involved in committing

such a heinous act. For instance, on 29<sup>th</sup> September, 2006, a group of caste Hindus killed four members of *Bhotmange* family in a small village named *Khairlanji* in Vidarbha region of Maharashtra State. Mother and daughter were stripped, paraded naked and then were repeatedly raped and then were killed. The sons were tortured to death and their bodies were thrown in a canal. They celebrated their heinous crime, drew a procession of victory in a village. The whole village was witness to that gruesome act; they all kept mum as if they tacitly approved of the killings of the innocent Dalits. This is just an epitome of national phenomenon. In Haryana, which is a predominantly Hindu State, in just one month, i.e. September 2012, 19 cases of gang rapes of Dalit girls have been reported. On 9<sup>th</sup> September 2012, a 16- year-old Dalit girl was gang-raped by upper caste men in Darbha village of Hisar district. This is one incident among many others. Anand Teltumbde (2012:02) pointed out the increase of rape cases of Dalit girls/women by 167 per cent in Haryana as against the national figure of 15 per cent increase. Chitrlekha from Kannur a district in Kerala married a high caste Thiyya man. Her marriage with high caste man made high caste people furious. She took up driving auto rickshaw in Payyannur town to support her family; she became the first woman to drive auto rickshaw in 2005. However upper caste people took her occupation as a challenge to them. One day they set her auto rickshaw ablaze. The district collector gave her a new auto rickshaw in June 2014, but on March 4, 2016, it was destroyed again. She believes that she is the victim of deep rooted caste discrimination: "My house was

ransacked by Nair men (upper caste). My son was humiliated and forced to drop out of school after eighth grade when stories started doing the rounds that I was a woman of loose morals” (Haritha, 2015). On July 11, 2016, four Dalit youths were flogged in Una, a town in the Gir Somnath District of Gujarat. On that fateful day, a group of cow vigilantes barged into the house of Balu Sarvaiya, a Dalit, whose primary occupation was skinning dead cattle. The cow vigilantes assaulted seven members of Sarvaiya family. Later some members of the family were tied to a car, and were stripped, flogged and marched half naked for about twenty five kilometres. These are just snapshots of innumerable instances of atrocities on Dalits in India.

It is very well-known facts that in the States like Bihar, where the private armies like Ranvir Sena are still maintained by the upper caste landowners to extract labour and services from the subordinated low caste Dalits. Any resistance on the part of the Dalits is met by violence by such private armies kept by the landlords. So the strife between the low caste and the private armies is termed by a distinguished historian Mridu Rai as “caste war-fare,” which is even more horrible than caste violence. Sometimes such genocide is committed with connivance of the State. Rai (2013) says that caste has not disappeared, no matter what the Indian Constitution says, no matter how those messages are carried by high minded civil servants as they conduct the business of the State at the level of small district and village, it has not disappeared and it won't disappear. India even in 21<sup>st</sup> century is beset by the nightmare of caste violence.

### **Conclusion**

Caste and discrimination on its basis do exist even today, albeit in different forms and magnitude. Caste atrocities are increasing and even more organised than before affecting all spheres of life of the victims. Despite several provisions in the Constitution and PoA Acts, caste discrimination and caste atrocities continue. Thorat (2009:152) in his book *Dalits in India* concludes that, “the SCs continue to suffer from untouchability and atrocities. On an average, about 23,000 cases of human rights violations and atrocities are registered by the SCs with the police annually. Such statistics, therefore, indicates that there is still a long way to go before the SCs can imagine of some degree of respectability, a dignified life and sustainable livelihood.” All attempts to abolish caste seem futile, as victims and victimizers both seek to maintain caste for their own vested interest. People are growing more aware of their castes and are polarised along the caste lines. Both victims and victimizers try to maintain caste, although for different reasons. The victims maintain it to be more organised and keep united to fight the oppression perpetrated by the victimisers, and to create some space in the political arena so that they could influence the policy of the government in their favour, to play a vital part in polity and politics, and to be the masters of their own. However, some politicians mislead the people in the name of caste for their own personal interest. The victimisers maintain caste not only to retain privileges enjoyed by them for ages, but also to reinforce their claim to superiority. Caste is so crucial that while giving away election tickets, all political parties without exception, ensure that the candidate belongs



to the dominant community in the constituency. Now a days Caste proved as an engine that drives Indian politics. As long as there continues politicisation of caste and

unless and until caste is annihilated from the society, there cannot be an atmosphere of fraternity that is required for fostering 'unity in diversity'.

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