

Legislative Action To Uphold And Secure The Interests Of The Scheduled Castes Community

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This paper seeks to analyze the enactment of legislation for the protection of the Scheduled Castes (SCs) in India. It begins by defining essential concepts such as caste, Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs), thereby establishing a conceptual framework for further discussion. The study first reviews the condition of the SCs before the adoption of the Indian Constitution and highlights the constitutional safeguards introduced to secure the rights of this historically marginalized community. It emphasizes the historical background and social realities that necessitated such protective measures.

The paper further evaluates the post-constitutional position of SCs, assessing the effectiveness of constitutional and legislative safeguards in improving their socio-economic and legal status. It critically analyzes the persistent challenges encountered by SCs in achieving justice, dignity, and equality. Special emphasis is placed on the legislative measures enacted exclusively for the protection and advancement of SCs, underscoring their role in addressing the unique vulnerabilities and needs of this community. The study outlines key statutory provisions and examines their impact on the empowerment and social inclusion of SCs.

In addition, the paper explores the role of statutory Commissions constituted to oversee the implementation of constitutional protections for disadvantaged groups. It assesses both their contributions and limitations in advancing social justice and equality for SCs. By examining these dimensions, the paper contributes to the discourse on legislative mechanisms for the protection of Scheduled Castes, highlighting the need for comprehensive, enforceable, and proactive strategies to redress historical injustices and bridge existing social inequalities.

Keywords: Scheduled Castes, Scheduled Tribes, Other Backward Classes, Indian Constitution, Constitutional Safeguards, Social Justice, Equality, Protective Legislation, Empowerment, Commissions.

INTRODUCTION

The most marginalized sections of Indian society are the Dalits (legally termed Scheduled Castes) and the Tribals (legally termed Scheduled Tribes). For centuries, these communities have suffered systemic oppression and exploitation. To address such injustices, the Scheduled

Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was enacted to protect them against discrimination, atrocities, and social exclusion.

Despite its intent, debates continue regarding the effectiveness and misuse of this legislation. Concerns have been raised about its alleged exploitation to harass innocent individuals. In fact, the Supreme Court of India has observed that, in certain cases, the Act has been misused as a tool of “blackmail” or “vengeance.”

This paper examines the reasons that necessitated the enactment of the 1989 Act, its objectives, and the Parliamentary intent behind it. It also considers the 2018 Amendment, the 1995 Rules, and judicial interpretations, particularly the courts’ efforts to balance the rights of victims with the protection of individuals from false accusations.

BRIEF BACKGROUND

To appreciate the rationale for enacting protective legislation for Scheduled Castes and Tribes, it is important to understand certain foundational concepts. The primary aim of law is to ensure equality, justice, and equal opportunities for all groups in society. However, justice cannot be experienced uniformly across different strata, as social and economic hierarchies affect access to rights and protections.

The Scheduled Castes (Dalits) and Scheduled Tribes (Adivasis), along with Other Backward Classes (OBCs), have historically faced systemic disadvantages. Merely granting them equal legal status is inadequate; special safeguards are required to address the unequal levels of exploitation and vulnerability faced by these groups compared to dominant communities.

A deeper understanding requires examining the Varna system. Ancient Indian society was divided into four categories: Brahmins (priests), Kshatriyas (rulers/warriors), Vaishyas (traders/farmers), and Shudras (laborers/servants). This system was hierarchical, with Brahmins occupying the highest position.

It is important to distinguish between Varna and caste. While Varna was originally associated with an individual’s merit and qualities, caste evolved as a rigid, birth-based system. Unlike Varna, caste became hereditary and determined by social status, reinforced by restrictions on inter-caste marriages. Moreover, caste hierarchy was tied to notions of purity and pollution, relegating Scheduled Castes to occupations deemed “impure” and branding them as untouchables.

In short, Varna was flexible and merit-based, while caste became rigid and birth-based. Understanding this distinction helps explain why special constitutional and legislative measures became necessary to protect the Scheduled Castes community.

WHO ARE SCHEDULED CASTES, SCHEDULED TRIBES, AND BACKWARD CLASSES

There is no precise definition of Scheduled Castes, but the term generally includes communities historically regarded as untouchables. The Simon Commission (1935) introduced the term, and it was formally adopted in the Constitution (1950). Mahatma Gandhi referred to these groups as Harijans (“children of God”), while the term Dalit became more popular in later decades.

Dr. Majumdar described Scheduled Castes as communities subjected to entrenched social, political, and economic disabilities. Similarly, Scheduled Tribes (Adivasis) are communities with distinct cultural traditions, often living in remote or forested areas. Recognition as a Scheduled Tribe generally depends on factors like geographical isolation, distinct customs, and primitive living, although not all conditions need to be met.

The category of Backward Classes is broader, encompassing socially, economically, and educationally disadvantaged groups. The Constitution does not define SCs, STs, or OBCs but empowers the President of India to appoint commissions to identify them.

PRE-CONSTITUTIONAL ERA

Before colonial rule, the caste panchayats determined the social status of communities. However, the British introduced a uniform legal system, thereby transferring such powers to civil courts. Laws such as the Caste Disabilities Removal Act and Special Marriage Act sought to reduce caste-based discrimination by allowing inter-caste marriages and widow remarriage.

Although British reforms addressed some caste disabilities, they were largely motivated by administrative convenience rather than genuine social reform. After independence, the Indian Constitution took up the task of dismantling caste-based discrimination and ensuring equality.

CONSTITUTIONAL SAFEGUARDS

The Constitution adopted a three-pronged strategy:

1. Fundamental Rights – Article 14 guarantees equality before law, Article 15 prohibits caste-based discrimination, and Article 17 abolishes untouchability.
2. Compensatory Discrimination – Special provisions for reservations in education, employment, and politics ensure representation of SCs/STs.
3. Developmental Measures – Allocation of resources for their welfare and socio-economic advancement.

Other significant provisions include:

- **Article 46:** Directive to promote educational and economic interests of weaker sections.
- **Articles 341 & 342:** Identification of SCs and STs.
- **Article 335:** Relaxation of qualifying marks for SC/ST candidates.
- **Articles 32 & 226:** Remedies for violation of rights.
- **Reservation of seats** in Parliament, state legislatures, and local bodies.

The Constitution thus enshrines both protection from discrimination and positive action to uplift SCs and STs.

LEGISLATIONS

In addition to constitutional provisions, several laws were enacted. The Untouchability Offences Act, 1955 (later renamed the Protection of Civil Rights Act, 1976) criminalized untouchability and provided penalties for practices such as denial of entry to temples, social exclusion, refusal of services, and forced engagement in degrading occupations.

Key features include:

- Cognizable offences.
- Investigation only by senior police officials.
- Trials before special courts.
- No requirement of mens rea (intention).

The Act thus sought to enforce Article 17 of the Constitution.

THE SC/ST (PREVENTION OF ATROCITIES) ACT, 1989

The 1989 Act was a more comprehensive attempt to curb atrocities against SCs/STs. Its key aspects include:

- Creation of new offences not covered by IPC.
- Listing 37 specific atrocities (e.g., denial of access to public resources, social and economic boycotts, exploitation by public servants).
- Stricter penalties, especially for public officials.
- Provisions for attachment of property and preventive measures.
- Establishment of **Special Courts** for speedy trials.

NATIONAL COMMISSIONS

To safeguard these communities, the National Commission for SCs and STs was established, later bifurcated into separate commissions for SCs and STs. These bodies possess quasi-judicial powers to investigate complaints and monitor government schemes.

The National Commission for Backward Classes (1993) was set up following the Mandal Commission's recommendations to address OBC issues. Additionally, most states have their own commissions to address concerns specific to their regions.

Together, these commissions function as watchdogs to ensure the implementation of constitutional and legislative protections.

CONCLUSION

The enactment of protective legislation for SCs and STs marks a significant step in addressing historical injustices. From pre-constitutional caste practices to colonial-era reforms and finally the constitutional safeguards of independent India, the journey reflects a gradual shift toward social justice.

Laws such as the Protection of Civil Rights Act, 1955 and the SC/ST (Prevention of Atrocities) Act, 1989 provide crucial legal remedies, while national and state commissions oversee their enforcement.

Despite these measures, challenges remain. Misuse of the Act, continued caste-based violence, and deep-rooted discrimination indicate that legal provisions alone are insufficient. Stronger implementation, social reforms, and awareness are essential to achieve the vision of true equality.

Thus, while legislation and constitutional protections have laid the foundation for justice, sustained effort is required to eradicate caste-based inequalities and ensure dignity for all citizens.

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