

**CASTE, RELIGION AND RESERVATION: A STUDY
OF DALIT MUSLIMS AND DALIT CHRISTIANS IN
PUNJAB**

Thesis Submitted For the Award of the Degree of

DOCTOR OF PHILOSOPHY

in

Political Science

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2022

DECLARATION

I, hereby declare that the present work in the thesis entitled "**Caste, Religion and Reservation: A Study of Dalit Muslims and Dalit Christians in Punjab**" in fulfilment of the degree of **Doctor of Philosophy (Ph. D.)** is the outcome of research work carried out by me under the supervision of Dr. Javeed Ahmad Bhat, working as Assistant Professor in the Department of Political Science of Lovely Professional University, Punjab, India. In keeping with the general practice of reporting scientific observations, due acknowledgements have been made whenever the work described here has been based on the findings of another investigator. This work has not been submitted in part or full to any other University or Institute for the award of any degree.

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CERTIFICATE

This is to certify that the work reported in the Ph. D. thesis entitled "**Caste, Religion and Reservation: A Study of Dalit Muslims and Dalit Christians in Punjab**" submitted in fulfilment of the requirement for the reward of degree of **Doctor of Philosophy (Ph. D.)** in the Department of Political Science, is a research work carried out by Joginder Singh, Registration No. 41800590. It is a bonafide record of his original work carried out under my supervision and that no part of thesis has been submitted for any other degree, diploma or equivalent course.

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ABSTRACT

India is a land of diversities and divisions. People recognise themselves as divided based on religion, caste, language etc. Efforts to secure public participation in the governance of country during the British rule have led to the emergence of a demand for guaranteed representation in governing institutions by different communities. The demand was first raised by the Muslim community. The British also realized that the only practicable method of representation of Indians was the representation of communities and interests. The Muslim community was granted a reservation of seats under the Indian Councils Act, 1909, and this reservation was to be provided through "separate electorates", meaning separate constituencies, and separate voting lists for the community. The development of political consciousness has also led to class consciousness in the country. Different communities have started to raise demands for reservations. Fulfilment of demands for reservations in favour of different communities had remained the greatest challenge before the government during every step of constitutional reforms during British rule.

Areas of reservation

Initially, the focus of communities was centred around securing representation in representative bodies. After the first quarter of the twentieth century, the demand for reservations in services also began to increase. In 1925 a provision for reservations in services was made in favour of the Muslim community. In the course of time, the provision was extended in favour of some of the other communities also. In the fifth decade of the twentieth century, it was realized that some of the communities were not able to harness their share of government jobs due to weaker academic levels. It has led to reservations in educational institutions. Now there are reservations in:

1. Democratic institutions;
2. Services under the State; and,
3. Admission to educational institutions.

Beneficiary Groups

Initially, the beneficiary groups for the reservations were the "communities and interests". The British government had provided reservations to different sections on the basis of separate identities. This separate identity might have been based on several factors, i.e., religion, race, occupation, level of human development, gender etc. This reservation was mainly based on community identities, to name it as "communal reservation". Religion-based minority status was the major and primary basis of communal identities.

Framing of Constitution and Reservations

While the framing of the Constitution was under process, the issue of reservations has found a detailed discussion. The Advisory Committee on Fundamental Rights and Minorities was constituted to recommend safeguards and guarantees for minorities. These safeguards and guarantees were to be recommended in the form of fundamental rights and reservations. The Committee has recommended the continuance of reservations in favour of minorities, with some modifications. The recommendations were accepted by the Constituent Assembly and the provisions for reservations were included in the "Draft Constitution". But, in due course of time, the Advisory Committee decided to review the decision, and the minority reservations were withdrawn, except for the Scheduled Castes due to social, economic, and political deprivations enforced upon the community for thousands of years. This legal category was created for the purposes of reservations and other safeguards for the weakest section of society, which has witnessed not only deprivations but "untouchability" also. This group was given different names at different times. They were called Depressed Classes, Outcastes, Harijans, and Dalits. Most of the reformers, belonging to the community itself have preferred the term Dalit, over the other terms. This term expresses the deprived status of the community, and an assertion for a due share in society, politics, and economy.

Identification of Scheduled Castes

The Scheduled Castes were not listed in the Constitution. The President of India was authorised to identify such castes. The Constitution (SC) Order, 1950 was issued

by the President, containing lists of castes, races, or tribes, which were to be regarded as Scheduled Castes for the purposes of the Constitution. These lists were state specific. But there was a general provision in paragraph 3 of the Order, which restricted the Scheduled Caste status only to Hindus and 4 Sikh castes. In 1956 the SC status was extended to all Dalit Sikhs. In 1990, the SC status was extended to Dalit Buddhists also. Consequently, now the Dalit Hindus, Dalit Sikhs, and Dalit Buddhists are included in the legal category of Scheduled Castes, while the Dalits professing other religions are still outside this legal category.

Exclusion from the SC category leads to exclusion from several benefits

A number of affirmative action measures are offered in favour of the persons belonging to Scheduled Castes. But such benefits are not available to non-SC Dalits. Such non-SC Dalits are usually included in the legal category of "Other Backward Classes" (OBCs). The OBC category forms the middle order of society in respect of capital assets and human development indicators. So, the Dalits who are included in the OBC category remain at the bottom of the legal category in which they have been placed, and they are unable to compete with the comparatively more advanced section of society for the meagre benefits earmarked in favour of this category. Dalit Muslims and Dalit Christians are specific communities, that are non-SCs and are raising the demand for SC status. A lot of data is collected and analysed with respect to the social, economic, and political conditions of Scheduled Castes. But there is no sufficient data on the needs of non-SC Dalits.

This study has collected and analysed the data on the social, economic, educational, and political conditions of two non-SC Dalit communities in the State of Punjab, which are the DMs and the DCs. During the field survey, it was found that the DMs and DCs have been living in conditions like those of DHs and DSs, both included in the SC category. In some of the cases, the conditions of non-SC Dalits were found to be even worse than the SC Dalits. Because the non-SC Dalits were not able to compete for the seats reserved in favour of OBCs and were not considered for other benefits like subsidies etc.

A historical analysis of the history of reservations in India, reports of various committees and commissions, and legislations etc. have indicated that the reservations in India were started as a measure to ensure the presence of all the communities in the legislatures. In the course of time, the scope of reservations was extended to reservations in public sector employment also. After independence, this objective witnessed a fundamental shift. The post-independence reservation system is aimed at providing accelerated opportunities to the weaker sections. The Scheduled Castes were identified as the weakest section, having faced centuries of deprivations and discrimination. The analysis of field survey data has proved that the DMs and DCs were living in socio-economic conditions which were not better than the DHs and DSs. Educationally and economically the DMs were the most deprived community. Politically the DCs were found to be the most deprived community. While analysing these facts on the basis of twin principles of justice and equality, both the major pillars of the philosophy of the Constitution of India, it is observed that there was a need to make the SC status religion-neutral. All Dalits should be included in this category, irrespective of their religious affiliations. It will uphold the freedom of religion of the Dalits. After the inclusion of all the Dalits into the SC category, there will be a slight increase in the overall SC population in the State. Considering this fact, it will be judicious to increase the quantum of reservations in favour of the SC category. Muslim and Christian communities are microscopic minorities in Punjab. The inclusion of the Dalits belonging to these communities in the category of Scheduled Castes will result in minor variations in the proportion of the SC population and reservations in favour of this category. But it will be helpful to uphold the principles of justice and equality. It will help to portray the image of India as a truly secular state.

ACKNOWLEDGEMENT

I have selected the topic of the present study on the call of my conscience. I have a special interest in studies related to the Constitution of India. During these studies, I noticed that the Scheduled Caste status was restricted to the Dalits, professing some particular religions, while the Dalits professing other religions were deprived of it. I felt that this provision was not in conformity with the principles of the Constitution. I decided to undertake the study on the real-life conditions of non-SC Dalits, to sensitise the academia on the issues of these communities, and to make suggestions to the policy makers on their issues.

Reservation is a wide issue having a history of more than one hundred years in India. A lot of literature is available on this issue by scholars, jurists, politicians, judiciary, various committees and commissions etc. I am highly thankful to my supervisor Dr. Javeed Ahmad Bhat for his valuable guidance throughout the process of the present work. He has always been available to me to guide on all aspects and on all the stages of this work.

I am thankful to Dr. Kirandeep Singh, Head of the Department of Social Science for his valuable guidance and support. I am thankful to the entire faculty of the Department of Political Science of Lovely Professional University for their valuable suggestions and guidance from time to time. I am highly thankful to Dr. Inderjeet Singh Sethi, former head of the department of Political Science, Punjabi University Patiala for providing his valuable support and guidance, throughout the process of this exercise. I am thankful to Management, Principal, and entire staff of Akal Degree College Mastuana (S), for sparing me from extra-curricular duties, whenever the time was required for the completion of the present research work.

No words can express my gratitude to my parents Smt. Amar Kaur, and Lt. Sh.

Sadhu Singh, who have taught me to work hard, and to raise a voice in favour of the weaker. I am highly thankful to my life partner Mrs. Rajwinder Kaur Khatra for sparing me from all the family responsibilities. I am thankful to my son Maheep Singh Khatra, and daughter Amreen Kaur Khatra for their continuous encouragement and for providing IT-related technical support. This thesis is dedicated to the sweet memory of my beloved father, Lt. Sh. Sadhu Singh, who has provided me all the possible opportunities of education.

Joginder Singh

December 24, 2022

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LIST OF ABBREVIATIONS

AIBMM	All-India Backward Muslim Morcha
AIPMM	All India Pasmada Muslim Mahaz
AIR	All India Reporter
BAMS	Bachelor of Ayurvedic Medicine and Surgery
BC	Backward Class
BCC	Backward Classes Commission
BDS	Bachelor of Dental Surgery
BJP	Bharatiya Janata Party
BMS	Balmikis & Mazhabi Sikhs
CA	Civil Appeal
CAD	Constituent Assembly Debate
CERD	Committee on the Elimination of Racial Discrimination
COI	Constitution of India
CP	Central Province
CTA	Criminal Tribes Act
CW	Civil Writ
DB	Dalit Buddhist
DC	Dalit Christian
DCLM	Dalit Christian Liberation Movement
DH	Dalit Hindu
DM	Dalit Muslim
DS	Dalit Sikh
ECI	Election Commission of India
ERD	Egoistic Relative Deprivation
EWS	Economically Weaker Section
FIR	First Information Report
FRD	Fraternal Relative Deprivation
GER	Gross Enrolment Ratio
GOEP	Government of East Punjab

GOI	Government of India
GOIA	Government of India Act
GOP	Government of Punjab
HA	Hierarchy-Attenuating
HA-LM	Hierarchy Attenuating-legitimizing myth
HE	Hierarchy-Enhancing
HE-LM	Hierarchy Enhancing-legitimizing myth
HM	Home Maker
HT	Hindustan Times
IAS	Indian Administrative Service
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
IFS	Indian Foreign Service
IIPS	International Institute of Population Studies
IPS	Indian Police Service
IT	Information Technology
LA	Legislative Assembly
LAC	Legislative Assembly Constituency
LGI	Local Government Institution
LM	legitimizing myth
LPG	Liquefied Petroleum Gas
MBBS	Bachelor of Medicine and Bachelor of Surgery
MLA	Member of Legislative Assembly
MP	Member of Parliament
MS	Microsoft
NA	Not Applicable
NCBC	National Commission for Backward Classes
NCRB	National Crime Record Bureau
NCRLM	National Commission for Religious and Linguistic Minorities
NCSC	National Commission for Scheduled Castes

n.p.	no page
NSFDC	National Scheduled Castes Finance and Development Corporation
NSLRS	National Scheme for Liberation and Rehabilitation of Scavengers
NSS	National Sample Survey
NSSO	National Sample Survey Organisation
NWFP	North West Frontier Province
O.M.	Office Memorandum
OBC	Other Backward Class
ORG	Organisation
p.	page
PCR	Protection of Civil Rights
PCRA	Protection of Civil Rights Act
PEPSU	Patiala and East Punjab States Union
PM	Prime Minister
PMA	Punjab Municipal Act
PMC	Punjab Municipal Corporation
PMS-SC	Post Matric Scholarship Scheme for Scheduled Castes
PMT	Pre-Medical Test
POAA	Prevention of Atrocities Act
POCRA	Prevention of Civil Rights Act
pp	pages
PPRA	Punjab Panchayati Raj Act
PRI	Panchayati Raj Institution
PSU	Public Sector Undertaking
RC	Reservation Cell
RD	Relative Deprivation
RDT	Relative Deprivation Theory
RTC	Round Table Conference
SC	Scheduled Caste

SCDB	Scheduled Castes Development Bureau
SCPPHR	Sub-Commission on the Promotion and Protection of Human Rights
SCR	Simon Commission Report
SCSP	Scheduled Castes Sub Plan
SDO	Social Dominance Orientation
SDT	Social Dominance Theory
SEBC	Socially and Educationally Backward Classes
SFC	Southborough Franchise Committee
SGPC	Shiromani Gurdwara Parbandhak Committee
SJ&E	Social Justice and Empowerment
SOR	Statement of Objects and Reasons
ST	Scheduled Tribe
SW	Social Welfare
UK	United Kingdom
UN	United Nations
UN/CERD	United Nations Committee on the Elimination of Racial Discrimination
UOA	Untouchability (Offences) Act, 1955,
UOI	Union of India
UP	Uttar Pradesh
UPA	United Progressive Alliance
USA	United States of America
UT	Union Territory
VJ	Vimukta Jati
WCAR	World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance
WG	Welfare-General (a department in Punjab Government)
WP	Writ Petition

Chapter: 1 Introduction

1.1 Introduction

Provision for reservations or quotas for different sections of society was first introduced in Malta (Das, 2000). In India, it had taken a start from some Princely States, i.e., Mysore, Baroda, and Kolhapur etc. in the late nineteenth century. When the Indians started to get public employment under the British, the social classes having a hold on education started the reaping maximum benefits. But politics and administration are not the matters, only to be regulated by the advanced groups of society. Providing opportunities of participation in the decision-making processes to the historically excluded groups is necessary to ensure the inclusiveness and fairness of public institutions and to enable the excluded communities to raise their concerns in such institutions (Hasan, 2011, p. 2).

In the year 1906, while the Minto-Morley reforms were being drafted, a Muslim delegation visited the Governor-General of India to demand political safeguards (Jensenius, 2015). Lord Minto, the Governor General of India had assured the delegation to provide appropriate political safeguards for them. In a letter to Lord Morley (Secretary of State for India), Lord Minto had recommended that the representation of communities was the best practicable option for Indian society. This opinion has found its physical manifestation in The Indian Councils Act, 1909, which have had granted separate representation to the Muslims and the Landlords (Report on Indian Constitutional Reforms, 1918, p. 147).

Separate representation or reservation of seats for some sections of the society in the legislative organs of Government at the Provincial as well as at the Central level had aroused similar demands from other sections of society. In the first month of 1919, Dr. B. R. Ambedkar had met Southborough Franchise Committee, which was appointed to examine the issue of representations and the electoral process in India. He argued that as the Depressed Classes were kept as *untouchables* for centuries, hence, there was no possibility of their being chosen as representatives from the

general quota. G. A. Gawai, another person from the Mahar caste in Bombay has made a strong plea for reservation of seats in favour of Depressed Classes (Chakrabarty, 2016; see also Jensenius, 2015). On the demand of Dr. Ambedkar, the Government of India Act, 1919 has extended the benefits of separate representation to the Depressed Classes also by nominating a few persons from the community (Mitra, 1921, pp. 201, 211, 219, 234, & 238).

During the third decade of the twentieth century claims and counter-claims for securing representation in the legislatures were raised by different communities in India. To solve the constitutional and communal issues of India, British Prime Minister Ramsay MacDonald organised a series of conferences from November 1930 to March 1933, popularly known as Round Table conferences (RTCs). Delegates from the British Government, the British Indian Government, Indian States, and different sections of Indian society have taken part in these conferences. Congress had boycotted the first and the third RTCs. In the Second RTC, where Mahatma Gandhi had represented the Congress, he had opposed the demand of Dr. Ambedkar for separate electorates in favour of the Depressed Classes. As various parties could not reach a consensus on the representation of communities, the British PM put forth his own scheme in the form of the Communal Award on August 17, 1932 (Chakrabarty, 2016). It had continued the reservations and separate electorates for different sections and had extended the same to certain other communities also. The Award was announced well before the introduction of a proposed constitutional scheme under the Government of India Act, 1935 (GOIA, 1935) and it was promised that in case of any mutual agreement between different communities, the required changes were to be made in the new constitutional scheme. In the British Indian Provinces, Muslims were given 453 (31%) separate seats and the Depressed Classes were given 71 (5%) separate seats. Mahatma Gandhi was seriously against the provision of a separate electorate in favour of Depressed Classes. He had started his *fast-unto-death* on 20th September 1932. On 24th September 1932, an agreement was reached between Mahatma Gandhi and Dr. B. R. Ambedkar in the Yerawada Jail of Poona. It is known as the "Poona Pact". In this agreement, Dr. Ambedkar had denounced his claim of separate electorates for the Depressed Classes. The Pact provided for the reservation

of 148 seats of Provincial Legislatures in favour of Scheduled Castes. These seats were reserved out of general seats. The SCs have got more seats, but at the cost of the facility of Communal Electorates, promised under the Communal Award. Similarly, 18 per cent of Central Legislature General Seats were reserved for the SCs. On September 26 Mahatma Gandhi had broken his fast when the Central Government declared that the Poona Pact provisions have been accepted by the British Cabinet (Kumar, 1985).

1.2 Constituent Assembly and the issue of reservations

As the Britishers decided to leave India, the Constituent Assembly was formed for the Dominion of India under the Cabinet Mission Plan, 1946. The Assembly had constituted the “Advisory Committee” to deal with the issues like the minorities and the fundamental rights of the citizens etc.

1.2.1 Continuance of reservations in favour of minorities

The Advisory Committee submitted its report to the Assembly on August 8, 1947, and the Assembly has discussed the same on August 27, 1947. The report recommended that there should be neither the separate electorates nor the "statutory reservations" in cabinets for the minorities. But it recommended the "reservations" (not in the form of separate electorates, but reservations in form of joint electorates) of legislative seats for the minorities in proportion to their population. Reservation in public services was also recommended for the minorities (CAD 2014, vol. 5, pp. 243-251). While placing the report before the Constituent Assembly, the Chairman of the Committee, Sardar Vallabhbhai Patel told the House, that the Report was prepared with the agreements both of minorities and the majority.

Report on the Minority Rights was submitted to the Constituent Assembly on August 8, 1947. This report recommended that "In the all-India and Provincial Services, the claims of all the minorities shall be kept in view in making appointments to these services consistently with the consideration of the efficiency of administration (CAD, 2014, Vol. 5, p. 249)". The inclusion of appropriate provisions

in the Constitution was also recommended in the Report (CAD, 2014, Vol. 5, p. 249). This clause was accepted by the Constituent Assembly on August 28, 1947 (CAD, 2014, Vol. 5, pp. 278-279). Accordingly, Draft Constitution, Article 10 (article 16 of the Constitution, as enacted) had provided that “There shall be equality of opportunity for all citizens in matters of employment under the State (clause 2)”, and “No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, or any of them, be ineligible for any office under the State (clause 2)”. In order to accommodate the provision for reservation for the minorities, this article also allowed reservations in favour of any community. But, in due course of time the words *any class of citizens* were replaced with the words *any backward class of citizens* (Draft Constitution, footnote to Art. 10). There was a long debate on the proposed article as it has provided both for equality of opportunity as well as the authority of the State to reserve certain posts in favour of certain communities. While replying to the debate Dr. Ambedkar claimed that the proposed article has provided the best possible formula for the different views held by the members of the Assembly. He held that the word *backward* was inserted as a qualifying condition for any community in favour of which the reservations are to be made. This is not for the minorities, as there was a specific provision for them under Article 296 of the Draft Constitution (CAD, 2014, Vol. 7, pp. 700-702).

1.2.2 Withdrawal of minority reservations

Due to the mass violence in Punjab, the partition of Punjab and Bengal Provinces, and the large-scale cross border migrations, etc. the issues related to the East Punjab¹ and West Bengal were discussed neither in the Advisory Committee Report nor in the Constituent Assembly. A special Sub-Committee² was appointed by the Advisory Committee under the chairmanship of Sardar Patel to consider the question of the rights of minorities in East Punjab. The report of this Special Sub-Committee was discussed in the Assembly on the 25th of May, 1949. With the Report

¹ immediately after independence State of Punjab (India) was known as East Punjab.

² 1: Sardar Vallabhbhai Patel, 2: Pt. Jawaharlal Nehru, 3: Dr. Rajendra Prasad, 4: Shri K. M. Munshi, 5: Dr. B. R. Ambedkar.

of this Special Sub-Committee, the Advisory Committee reopened the issues decided earlier. Moving the Report, Sardar Patel reminded the members that certain decisions as to the political safeguards for the minorities were arrived at, but the *circumstances have changed* [emphasis added] after that. He said that the members of the Assembly belonging to minorities were not unanimous on the issue of reservations. Some of the “nationalistic leaders” belonging to minorities have vehemently opposed the idea of reservations. Sardar Patel has also told that the Advisory Committee adopted a resolution in May, 1949 to extinguish reservations for all the minorities, except for the Scheduled Castes. He argued that since the previous decisions of the Assembly, giving reservations to minorities were arrived at on the recommendations of the Advisory Committee; hence, the Assembly should revise the same on the revised recommendations of the Advisory Committee (CAD 2014, vol. 8, p. 271). President of the Assembly, Dr. Rajendra Prasad had made it clear to the House that in case of acceptance of the motion, the corresponding part of the Draft Constitution has to be redrafted in the light of the decisions arrived at in the House.

There was a long debate in the Assembly over the issue of the withdrawal of reservations from minorities. While some members have supported the move, others have objected to it (CAD, 2014, Vol. 8, pp. 269-355). Finally, Sardar Vallabhbhai Patel had stood to answer the debate on the motion. He had expressed his apprehensions that reservations will permanently exclude the minorities from the share in the governance, because in a democratic system they will never be able to form ministries. So, their interest lies in integration with the majority (CAD, 2014, Vol. 8, pp. 349-354).

With respect to the reservations in services, Article 335 (numbered as Art. 296 in the Draft Constitution) had provided that "the claims of all minority communities shall be taken into consideration, consistently with the maintenance of efficiency of Administration". But Dr. Ambedkar had moved an amendment to replace this article with a new one, in which the *minorities* were replaced by the *Scheduled Castes and the Scheduled Tribes*. As a result of this amendment, the concession of reservation in

appointments in State services was restricted only to the SCs and STs, other minorities being deprived of it.

Sardar Bhopinder Singh Man from East Punjab had reminded the House that the minorities were assured of reservations in services and in the legislatures. During the discussion on 25-26th May 1949 the reservations in legislatures have been withdrawn, while other rights were allowed to remain intact. But in the article under consideration, no account was taken of the minorities and the benefit was restricted only to the STs and SCs (CAD, 2014, Vol. 10, pp. 229-230). Mr. Naziruddin Ahmad had also raised similar objections. President Dr. Rajendra Prasad had ruled that according to the Rules of Procedure of the Assembly, any matter can be reopened if 1/4 of the Members of the Assembly were in favour of it. Mr. President had put the question before the House, and the House had approved the reopening of the question of reservation in services in favour of minorities (CAD, 2014, Vol. 10, pp. 231-232). Sardar Hukam Singh had tried by an amendment to restore the original position, which was rejected by the Assembly. Sardar Hukam Singh further alleged that the original proposal to add a Schedule to the Constitution (Schedule X, containing a list of castes in different States, to be considered as Scheduled Castes) was also replaced with a new scheme, that the SCs in different States were now to be recognised as such by the President on recommendations of the Governors of States. He apprehended that it will bring the Sikhs at the mercy of the Governor (CAD, 2014, Vol. 10, pp. 232-236). But he had failed to convince the Assembly. As the Assembly had adopted the amendment moved by Dr. Ambedkar, the reservations for minorities in services were also withdrawn (CAD, 2014, Vol. 10, pp. 239 & 251).

1.3 Secularism under the Constitution of India

On the issue of the nature of the Indian State, the Constituent Assembly was almost unanimous in making it a secular State. Article 26 of the Constitution (numbered as article 19 in the Draft Constitution) has provided that “all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion (clause 1)”. This article has laid down the foundation of a truly

secular State. Some of the members of the Assembly like Mr. Misra have raised the objections against the right to propagation of religion. But an overwhelming majority of the members have supported this article. Members like Pandit Lakshami Kanta Maitra, Shri L. Krishnaswami Bharathi, Shri K. Santhanam, Shri. T. T. Krishnamachari and Shri K. M. Munshi etc., all have supported the article providing a right not only to practise religion but also to propagate religion (CAD, 2014, Vol. 7, pp. 817-840).

1.4 Power to identify Scheduled Castes: Constitution or Executive?

The Draft Constitution has contained a Schedule (Eighth Schedule) having listed all the tribes declared as Scheduled Tribes. As per the original scheme of things, on similar lines another Schedule (Schedule X) was to be added to it, having listed there the castes declared as "Scheduled Castes" (CAD, 2014, Vol. 10, pp. 232-236). Later, the idea to add a schedule to the Constitution, containing the list of SCs was dropped; instead, the President was empowered to issue a Constitutional Order on Scheduled Castes after the commencement of the Constitution (COI, article 341). The President had issued such an order which restricted the Scheduled Caste status only for the Hindu Dalits (Constitution [SC] Order 1950, para. 3). Later on, the Sikh Dalits (SC & ST Orders [Amendment] Act, 1956, Schedule 1) and then the Buddhist Dalits were also included in Scheduled Castes (Constitution [SC] Orders [Amendment] Act, 1990). But the Muslim Dalits and Christian Dalits are not eligible for SC status, imposing deprivations on such Dalits with respect to benefits of reservations and other affirmative action policies of the State.

Under the GOIA, 1935, provisions were made for reservations in favour of the Scheduled Castes, Anglo Indians, Muslims, Sikhs, Europeans, Indian Christians, representatives of landholders, commerce and industry, representatives of labour, and Women etc. The Scheduled Castes have had no separate quota; seats were reserved for them out of the General seats as per the provisions of Poona Pact, i.e., 19 seats out of 105 general seats in the Federal Assembly (GOI Act, 1935, Schedule 1) and 151 seats out of 808 general seats in the Provincial Legislative Assemblies (GOI Act,

1935, Schedule 5). To implement the provisions related to reservations for the Scheduled Castes, various castes, races, and tribes were declared as Scheduled Castes under "The Government of India (Scheduled Castes) Order, 1936". Under this Order, the Indian Christians were not included in the Scheduled Castes, but they were given a separate reserved quota of seats, i.e., 8 Federal Assembly seats, and 20 seats in Provincial Legislative Assemblies.

1.5 Statement of the Problem

In the State of Punjab, persons belonging to castes like Chuhra, Deha, Doom, Julaha, Kabirpanthi, Khatik, Megh, and Mochi etc. are included in the SC list where those are professing Hinduism, Sikhism or Buddhism. Persons belonging to the same castes are included in the list of OBCs if those are professing a religion different from those, as mentioned above. The OBC category is also covered under reservation, but the quantum of this reservation is not proportional to the population included in this category. Further, the reservation benefits are captured by the advanced sections of OBCs as the Dalits included in this category are not able to compete with other communities of the category which have not suffered similar deprivations and consequential backwardness. Depriving the persons professing a religion other than Hinduism, Sikhism or Buddhism from SC reservation and other benefits, is a policy of exclusion based on religion which is a negation of the right to equality and freedom of religion of the citizens. It is also antithetical to the secular character of India. The present research work is an attempt to investigate the social, educational, economic, and political conditions of non-SC Dalits, to compare their conditions with those of SC Dalits, to raise a voice in against communal discrimination against the DMs and DCs, and to provide research-based inputs to the policymakers.

1.6 Theoretical framework

Theoretical basis and the philosophical underpinning of the present study lies in the principles of justice and equality, both sanctified in the Preamble of the Constitution. This section deals with the theoretical explanation of major terms used

in the present research work, principles of analysis, and the theories explaining the bases and manners of institutionalised discrimination against the marginalised groups.

1.6.1 Caste

Caste is the hierarchical division of society into mutually exclusive social categories based on birth. The term *caste* is derived from the Spanish word "casta" used to refer to race. In the context of India, the word was first used in the fifteenth century by the Portuguese (Jodhka, 2012, p. 2). Caste-like divisions has been witnessed in ancient times Egyptians and the Jews of Palestine etc. But caste divisions in India have some peculiar features. Caste in India "is indissolubly blended with the social life of the Hindu, and is as much a necessity to him as food to eat, as raiment to wear, and as a house to live in (Sherring, 1881, p. 217)". Caste membership is attained by birth, and cannot be changed. But a caste can excommunicate a person of its membership for violation of caste rules (Galanter, 1984, pp. 8-9). The Hindus are believed to be divided into four *varnas* or categories of Brahmins, Kshatriyas, Vaishyas, and Shudras, with the Untouchables as outside this four-fold varna division. But it is merely the ideological view of the caste. Practically, in India, the caste has successfully survived in non-Hindu religions like the Muslims, Sikhs, Christians, and Buddhists. Further, the features of caste are not uniform; significant variations are observed in the caste practices and caste relations in different regions of the country (Jodhka, 2012, pp. 2-4). Hough has observed the division of Indians into four general classes, known as *castes*, said to be created by "Brhmah" or the creator God. These castes were assigned different duties by the creator. In the course of time, these four castes have divided themselves into several sub-divisions. The Brahmins have sub-divided themselves on the bases of holiness and skill in their occupation. Other castes have sub-divided themselves on the bases of the occupations adopted by different groups. Apart from these four broad classes, sub-divided into several castes, there is a class which is known as *outcaste* or *Chandalas*, or *Parriahs* (1845, Vol 1, Book 7, pp. 41-43). According to most of the scholars on Indian society, these outcastes have remained outside the Hindu Varna system, and have suffered inhuman practices like *Untouchability*.

Ordinarily, caste is justified as an institution for the maintenance of cleanliness, order, and a bond of union. But the degradation of a large part of society to sub-humane conditions, and enforcing intolerable deprivations on them for the achievement of unity and order is not justifiable. Laws and customs are framed for collective welfare to promote the collective happiness and enjoyment. But caste rules serve the admiration of a particular community at the cost of others. Due to the discriminatory and inhuman practices attached to it, the "Caste is sworn enemy of human happiness (Sherring, 1881, p. 274)". Caste stereotypes the thinking, and is an enemy of intellectual freedom. It bounds *hand and foot* the intelligentsia of society with the rituals and customs framed thousands of years ago. Caste is the enemy of social progress, social improvement, and social change, making its adherents "to be a laughing stock to the whole world (Sherring, 1881, p. 275)".

Some of the scholars consider the caste system as a form of division of labour. The actual Indian word for caste is "jati". Literal meaning of jati is "something into which one is born" (Ghurye, 2016, p. 92; Hiwrale, 2020). According to this view the journey of Indian society from *Varna* division to *jati* based divisions is a result of changes in the production methods. The *Varna* scheme was in consonance with the primitive way of life, when the division of labour was quite simple. With the growth of metallurgy, the state has grouped the artisans and peasants into different *srenis* (guilds), providing different services to it (Gupta, 1980). The functional differentiation has led to the formation of numerous occupational groups. Each group has its specific common interests. The groups tend to become hereditary (Ghurye, 2016, p. 93). These hereditary occupational groups are now *jatis* or castes.

1.6.2 Religion

Religion is the set of rules, which guides the life of an individual. Its functioning starts before the birth and continues till after the death of a person. Several cultural institutions are working in the life of an individual, which acts as regulators of his behaviour, and provide solution to his problems. Some of the scholars consider religion as a cultural institution. But it is different from other

cultural institutions. While the ordinary cultural institutions provide a limited solution to the problems of life, religion is believed to have "infinite and absolute" capabilities, called by Kishimoto as "ultimate" capability (1961). Defining this nature of religion, Kishimoto has defined it as;

Religion is an aspect of culture centered upon activities which are taken by those who participate in them to elucidate the ultimate meaning of life and to be related to the ultimate solution of its problems. Many religious systems contain the notion of deity and/or holiness in relation with such activities. (1961, p. 240)

Religion is known for its spiritual, social, and psychological role in the life of an individual. Psychological studies have proved that an individual should believe that his life has a meaning. When a person has a strong sense of purpose, has personally valued goals to pursue, and has a clear value system to guide the behaviour, he or she is believed to a "Meaning in Life" (Hicks, Trent, Davis, & King, 2012). It acts as a strong motivation to life (Frankl, 1946/1992, p. 105).

Religion is a tool to provide Meaning in life for an individual, which in turn is positively associated with mental health. Hence, there is a positive correlation between religion and mental health. Researchers have found that "meaning in life that was explicitly tied to religious faith was positively related to life satisfaction, self-esteem, and optimism (Galek, Flannelly, Ellison, & Siltan, 2015, p. 3)".

Religion has not static meaning. It may have different meanings for different persons. For some persons it may be an inner experience to harmonize his life with the "Beyond". It's also defined as "man's response to the major problems of life and the meaning of life (Clark, 1958, p. 144)". It's also defined as a set of value systems, shared by a group of people (Clark, 1958). Sociologists have defined it as a means of social control, and some of those have defined it as a "relationship between God and man (Clark, 1958, p. 145)".

Sociologists, psychologists, anthropologists, philosophers have defined religion in their own ways, like as a vehicle for union with God, union with the other world, providing meaning to life, providing shelter during emotional breakdowns etc. Religion may be appreciated as a remedy for good mental health, emotional support, providing meaning to life, ensuring an implementation of common values, and following the ethics.

1.6.3 Religion, caste, and discrimination

Unlike caste, religion is not hereditary. A person may change his religion at any stage of his life. The right to propagate the religion among others is a fundamental right of the citizens of India (Art. 25). Change of religious belief does not "compensate" against the discriminations enforced upon a group of people.

1.6.4 Reservation

Reservation is the tool of dividing the scarce resources and opportunities between the different sections of society. Reservations have a history of more than one hundred years in India. In the words of Haynes and Alagaraja;

Reservation can be defined as an attempt to address discrimination against out-groups. These groups include scheduled castes (SCs), scheduled tribes (STs), and other so-called backward classes (OBCs) through the setting aside of local council and parliamentary seats, as well as positions in government services, enterprises, and higher education. (2015, p. 6)

Reservation is the division of positions to different communities. During the British rule in India, the reservations were provided to different communities so that all the communities can get representation in the legislatures. In the third decade of twentieth century, the reservations were extended to appointments in services also (Gwyer & Appadorai, 1957, Vol. 1, p. 116). In the course of time the reservations were extended to other communities also. Under the Constitution of India, the

community-based reservations were withdrawn, and were allowed only for the weaker sections.

Under the Indian Constitution the reservations in representative institutions like the House of the People and Legislative Assemblies of States were for a fixed duration; though the period has been extended several times. These reservations were originally for the ten years from the commencement of the Constitution. In the course of time the duration was extended for another ten years several times, and according to the current position, the reservations will continue till January 25, 2030 (COI, art. 334). Reservations in local government bodies were started with the 73rd and 74th constitutional amendments and were made coterminous with the reservations in House of the People and in Legislative Assemblies (COI, articles 243D & 243T). These reservations are for the Scheduled Castes and Scheduled Tribes.

Under the British rule political reservations were provided through various methods, like separate electorates, reservation of seats in common electorates, and through nominations etc. After Independence these reservations were provided through "multi-member constituencies". This system was abolished in 1961 (Two-Member Constituencies [Abolition] Act, 1961) and now reservations are provided through reservation of certain constituencies, but with common electorates.

Constitution has not expressly provided reservations in matters of admissions to educational institutions and services. But it has authorised the Government to make such provisions in favour of SCs, STs, and OBCs. Constitution (103rd amendment Act, 2019) has further provided that reservations in admissions to educational institutions and in services under the state may be provided in favour of any "Economically Weaker Sections (EWS)" of citizens (Articles 15[6] & 16[6]). No time period is specified in the Constitution for which reservations in admissions to educational institutions and in services will continue, and it has been left to the discretion of the Government. Reservations in promotions are also allowed in favour of Scheduled Castes and Scheduled Tribes (Art. 16[4A]).

In brief, reservations in India are provided or allowed in favour of SCs, STs, OBCs, and EWSs. These reservations are provided in political institutions and are allowed in admissions to educational institutions and in public sector employment.

1.6.5 Equality

Equality is not a fact of human relations, as no society has existed with complete equality. But an equal society is an ideal before the humanity. During the most of the period of human existence, there was a trend for religious and academic support and justification of the existing social order, having unequal access to material resources and social status.

Equality does not mean only the equality of opportunities, until all the individuals, and all the groups of the individuals have equal access to the resources of the community; which can be visualised only as a dream in any human society. Equality demands that “Equals should be treated equally, unequals unequally and the respect in which they are considered equal must be relevant to the differences in treatment that we purpose” (Benn & Peters, 1975, p. 114). Here, equality does not mean a formal equality, but an equality having a social meaning according to the requirements of society at any given time. Such an equality is “substantive” in nature and has a perfect combination with “distributive justice”, where the state is not a mute spectator, rather owns a duty to promote equality through positive measures like the justness in the allocation of resources (Fredman, 2005). If the persons belonging to a particular race, gender, or ethnicity continue to be affected by past discrimination, it means that such a group is still deprived of the equal opportunities. The substantive equality is fundamentally different from the neutrality of the state, where the state is considered as a potential threat to liberty and equality, and the individuals are conferred certain rights against the possibility of state intrusion: The substantive equality requires a positive intervention by the state to secure protection against undeserved want (Fredman, 2005).

1.6.6 Justice

"Justice is the first virtue of social institutions, as truth is of systems of thought... Being first virtues of human activities, truth and justice are uncompromising (Rawls, 1999, 3-4)". A particular policy of a government may put preference on equality, or on liberty or on security and so on. The final test to judge the legitimacy of any such policy is the "yardstick of justice". If a policy is "just", it may be accepted despite the restrictions it has brought. If a policy is "unjust" it can not be legitimised despite the inherent benefits. Underscoring the importance of justice in a political system, Aristotle has commended that, "it is a peculiarity of men that they possess a sense of the just and unjust and that their sharing a common understanding of justice makes a polis (in Rawls, 1999, p. 214)".

What is justice? This question has witnessed a number of answers based on the level of civilisational development of humanity. As the issues before the society have remained dynamic at different stages, the meaning of justice has also remained dynamic. John Rawls (1921-2002), a great political philosopher of twentieth century has prescribed three requirements for a just society:

- Equality of personal liberties and political status;
- Equality of opportunity to compete for those social and economic advantages, which are generally not equally distributed in a free society;
- A system to make the least advantaged sections as well off as possible.

Rawls says that a society will be unjust to the extent, to which it is farther from these ideal conditions (Nagel, 2003). Rawls has identified society as a cooperative body of persons, who recognise certain rules of conduct for its members. Mutual advantage is the objective of a society. Relations of its members are based on the binary principles of cooperation and conflict. Cooperation to maximise the mutual benefits and a competition to have maximum share of those benefits. A society needs a set of principles to regulate the distribution of benefits between different sections. "These principles are the principles of social justice (Rawls, 1999, 4)". A society is considered as a well-ordered society in which such principles are known and

recognised by all of its members, and its institutions work for achievement of such principles. The problem with the fixation of such fundamental principles is that what constitutes justice and what injustice is interpreted by everyone according to his own personal interest. This personal interest is attached with one's being rich or poor, level of intelligence, strength and other capabilities. Those who have a capacity to influence the decision-making process are usually able to tilt the bargaining process in their favour. Rawls holds that these principles must be framed from the *original position* of equality (a hypothetical position before the beginning of social life, where all persons were equal), where the participants will deliberate from behind the *veil of ignorance*. Means they are unaware of their socio-economic position and their natural abilities. In such a condition everyone will have the risk of being a poor or weak person in the society, so while framing the principles of justice:

persons in the initial situation would choose two rather different principles: the first requires equality in the assignment of basic rights and duties, while the second holds that social and economic inequalities, for example inequalities of wealth and authority, are just only if they result in compensating benefits for everyone, and in particular for the least advantaged members of society. (Rawls, 1999, p. 13)

There will be no chances that someone will press for depriving a section of persons of the fair opportunities in life, simply to increase the opportunities in the life of any other person. Dalits in India have been suffering from social, economic, and political deprivations since thousands of years. To ensure the appropriate representation of Dalits in democratic institutions and public services and to raise their level of human development, they are provided reservations, by clubbing them under the official category of Scheduled Castes. Reservation as an issue has always remained core issue in India from the beginning of the twentieth century. Its legitimacy can be judged from its "justness".

In India, though the Untouchability is abolished legally, but the ill-effects of this institution which have had remained in practice for thousands of years, have put the hurdles in the achievement of an ideal society based on the fundamental constitutional concepts of equality and justice. Reservation system is a tool to correct the deeply ingrained inequalities not only in political and economic sectors, but also in social sector. Because holding of an office under the State does not provide only a means of livelihood, it also brings a social status to the incumbent. Reservations provide equality of opportunity to compete for unequally distributed economic, political, and social benefits. Hence, in a society having large scale inter-group differences based on certain ascriptive traits, provisions of corrective tools like reservations and preferences act as remedial measures. Reservations have helped in the removal of injustice imposed on Dalits and for the establishment of a society based on "justice- social, economic, and political", an objective enshrined in the Preamble of Indian Constitution.

1.6.7 Social Dominance Theory

In order to understand and analyse the social, economic, and political inequalities in India and reservation policy to mitigate such inequalities, the present study is guided by the *Social Dominance Theory* (SDT). This theory is based on a basic statement that “all human societies tend to be structured as systems of *group-based social hierarchies* (Sidanius & Pratto, 1999, p. 31)”. Accordingly, all societies have group divisions; where one group is “dominant group”, having control over material resources and moral values, and another group is “subordinate group”, having poverty, poor health, lower social status etc. “African-Americans in the United States, Koreans in Japan, Turks in Germany and Sweden, Untouchables in India, Indians in Brazil and much of Latin America, blacks in South Africa, Pygmies in Central Africa (Sidanius, Liu, Shaw, & Pratto, 1994, p. 339)”, all are the examples of subordinate groups. This grouping does not mean that there are no individual differences, but such differences are not completely independent of their social identities (Sidanius & Pratto, 1999, p. 32).

Bases of stratification in a society

SDT divides the social stratification into three categories:

- (a) *age system*: children in subordinate position, adults in dominant position.
- (b) *gender system*- females in subordinate position, males in dominant position.
- (c) *arbitrary-set system*- one social group (based on race, nationality, religion, or other distinction) is dominant over the others.

In the age system stratification, an individual rises from the lower social status of a child to a higher social status of an adult. But such a progress is very difficult and rare in gender system and arbitrary-set system, where the dominant and subordinate positions are comparatively fixed for the life-time (Sidanius & Pratto, 1999, p. 33). Degrees of violence and oppression are more severe in arbitrary-set system than the other systems. Adults never group themselves to harm the children, and the males never group themselves to harm the females living in society. But the twentieth century has witnessed several incidences of violence based on arbitrary set systems, i.e., the massacres of Kurds by Turkey (1924), slaughter of Kulaks by Stalin (1929), ethnic cleansing of Muslims in former Yugoslavia (1990's) etc. Like the age and gender systems, the arbitrary-set system also has stability, which is proved by the existence of caste system in India for 3000 years.

Basic Assumptions of SDT

SDT have three basic assumptions, which are as followings:

1. The arbitrary-set system can exist only in the societies, capable of producing sustainable economic surplus. But the age system and gender system can exist in all societies, including the food hunter-gatherer societies.
2. Almost all the group-based conflicts and oppressions are different forms of same human tendency to form group-based hierarchies.
3. Social systems are subject to two contradictory types of influences: *hierarchy-enhancing* (HE) forces, and *hierarchy-attenuating* (HA) forces. Ideologies or institutions supporting the existing social inequalities and hierarchies are

known as HE forces, and ideologies or institutions challenging the existing social inequalities and hierarchies are known as HA forces.

According to SDT the group-based hierarchy is continuously maintained by:

“aggregated individual discrimination, aggregated institutional discrimination, and behavioural asymmetry (Sidanius & Pratto, 1999, p. 39)”

Aggregated individual discrimination

An example of *aggregated individual discrimination* is hiring or not hiring by an employer from a particular community, lack of interest in a real estate agent to sell a property to a person from the subordinate group, etc. all are the examples of individual discrimination (Pratto, Sidanius, & Levin, 2006).

Aggregated institutional discrimination

Examples of *aggregated institutional discrimination* may be found in the "rules, procedures, and actions of social institutions (Sidanius & Pratto, 1999, p. 41)". Instances of discrimination by hospitals, lending institutions, schools etc. are few examples of aggregated institutional discrimination. The dominant groups used three forms of *systematic terror* against the subordinates:

1. *official terror*

official terror means the terror having sanctions of law. Such a terror finds its manifestation in the activities of security forces and justice system, which includes the frequent use of power, and inflicting disproportionately severe punishments on the subordinate groups (Sidanius & Pratto, 1999, p. 206). Security forces and judiciary are the most effective HE institutions. That is why the “subordinates are over-represented in prison cells, torture chambers, and execution chambers across many different societies, even after accounting for differential rates of criminality between groups (Pratto et al. 2006, p. 276)”.

2. *semi-official terror*

Semi-official terror has no legal sanctions, but it is carried out by the state agencies like police and secret police etc. (Sidanius & Pratto, 1999, p. 206).

3. *unofficial terror*

Unofficial terror is neither legally sanctioned, nor the state agencies are involved in it. It is carried out by the individuals belonging to the dominant groups, and is directed against the persons belonging to the subordinate groups. This type of violence has a tactical state support (Sidanius & Pratto, 1999, p. 206-7).

Institutional discrimination is more effective than the individual discrimination. Because institutions have a coordination in the activities, they continue to work for generations, and they provide individual exemptions to the members for the acts done in the performance of their duties (Pratto et al., 2006).

Behavioural Asymmetry

Behavioural asymmetry is the ideological justification of oppression by dominant groups through socialisation, legitimizing ideologies, psychological biases, stereotyping etc. SDT regards the oppression as a cooperative game, in which even the subordinate group also works as an agency of their own oppression (Sidanius & Pratto, 1999, pp. 39-45). Any kind of behaviour may be beneficial or harmful for the person practising it. The dominants are more prone to behave in the ways beneficial to them, i.e., gaining education, skills etc., while the subordinates are more prone to behave in the ways which are harmful to them, i.e., drug abuse, prison sentences, and death sentences (Sidanius & Pratto, 1999, p. 227; Sidanius et al., 1994; Pratto et al., 2006).

Means of maintaining domination

Dominant groups use two types of means to maintain their domination:

1. exercise of naked force or threat thereof; and
2. control over ideology and discourse

Use of ideology and discourse are preferred over the use of naked force, as the later impairs the economic usefulness of domination, and may result in resistance and resentment among the subordinate groups (Sidanius & Pratto, 1999, p. 103). So ordinarily the ideological tools of dominance are preferred over the force related tools. The ideological tools provide legitimacy to the existing inequalities and dominance of one section by the other, giving those the name of *Legitimizing Myths* in the SDT terminology.

Legitimizing Myths

Group-based social hierarchy is maintained by *legitimizing myths (LMs)*. “Legitimising myths are consensually held values, attitudes, beliefs, stereotypes, and cultural ideologies (Pratto et al., 2006, p. 275)”. The function of LMs is to provide ideological support to hierarchical social order. LMs can be classified on the basis of *functions* and *potency*. Functionally the LMs supporting the hierarchical social order are known as *hierarchy-enhancing (HE) LMs*, while those challenging this hierarchy and raising a demand for egalitarianism are known as *hierarchy-attenuating (HA) LMs*. LMs can also be divided on the basis of *potency*, which stood for the capability of an LM to support or to challenge the hierarchical social order (Sidanius & Pratto, 1999, p. 104; Pratto et al. 2006). Criminal-justice system and police departments are the most important and most effective *HE* social institutions. Criminal-justice system inflicts heavier punishments on the subordinate groups and mild punishments on the dominant groups. Maintenance of social hierarchy among the endogamous groups is one of the “duties” of the police department. It recruits the persons having *HE LMs*, and their training consolidates their “Social Dominance Orientation” (Sidanius et al., 1994).

Social Dominance Orientation

Social Dominance Orientation (SDO) is the intensity or degree of support to the group-based hierarchy. SDO helps to justify the relative upper and lower positions of different groups based on deservedness (Pratto et al., 2006). SDO is affected by the factors like membership in the dominant group, socialisation, empathy, and gender

etc. Empirical researches have proved that the level of SDO was found to be greater among the persons from the dominant groups (Sidanius & Pratto, 1999, pp. 61-100; Pratto et al., 2006). SDO provides help in the “internalisation” of anti-egalitarian, and dominance-oriented thoughts within the members of a society (Sidanius et al., 1994).

Discrimination in housing

Housing discrimination means that the subordinate groups are compelled to live in localities having lack of public utilities and more prone to dangers (Sidanius & Pratto, 1999, p. 131). In Europe and America, the Asians, Arabs, and Africans are more prone to such a discrimination. Subordinate groups have to bear several direct and indirect costs due to housing discrimination. Direct costs include extra time and efforts to have a successful deal. Indirect costs include the lack of employment opportunities, inferior schooling opportunities for the children in the area (Sidanius & Pratto, 1999, p. 145), and a neighbourhood with higher crime rate (Sidanius & Pratto, 1999, p. 149).

Social Dominance Theory and Caste system in India

Caste system in Indian society has been analysed by some of the scholars through the lens of SDT. Cotterill, Sidanius, Bhardwaj, and Kumar (2014) have analysed the theory of “karma” as *HE* myth. Theory of karma legitimises the inequalities as the results of one’s conduct in the previous birth. Higher social status, well paid jobs, good health care opportunities are considered as *rewards* for the good deeds during the previous birth, and the negative socio-economic conditions, bad health etc. are considered as punishments for the wrongdoings during the previous birth. Similarly, the caste status in the present life is also justified as a result of the deeds in previous life; hence, according to *karma* ideology the “current caste status is deserved and legitimate (Cotterill et al., 2014, p. 101)”.

1.6.8 Relative Deprivation Theory (RDT)

Ted R. Gurr holds that conflict and violence are directly related with “Relative Deprivation” (RD). According to Gurr, every individual as a member of society, or as

a social actor sets some goals and tries to achieve the same. But, when the members of a social group find discrepancies between their expectations and capabilities in the prevalent system, they develop RD, leading to frustration and social unrest (Firestone, 1974)

In the words of Walker and Pettigrew "persons may feel deprived of some desirable thing *relative* to their own past, another person, persons, group, ideal, or some other social category (1984, p. 302)." Relative deprivation may be felt in relation to members of same group as well as members of other groups. Scholars like Runciman and Tajfel have applied the RD theory at group level. According to them when the deprivations or negative outcomes are felt at individual level, it is called as 'egoistic' or 'intragroup' RD, and when the same is felt at group level, the phenomena is termed as "fraternal" or "intergroup" RD (Tripathi & Srivastava, 1981; Walker & Pettigrew, 1984). In India Scheduled Castes are those "castes, races, or tribes" which are specified as such in the state specific lists prepared under various SC Orders issued by the President from time to time. Races, castes, and tribes included in the SC lists are given preferential treatment in the form of reservations in representative bodies, educational institutions, and in services under the State. Inclusion of Dalits professing Sikhism, Buddhism, and Hinduism in the Scheduled Castes, and exclusion of Dalit Muslims (DMs) and Dalit Christians (DCs) from the SC status is a case of RD at group level, i.e., Fraternalistic Relative Deprivation (FRD).

1.7 Present discourse on the issue

Reservation system of India has always remained an area of interest in the political, legal, and academic circles. Dushkin (1967) has critically analysed the history of reservation system, together with the basis of reservations. Jenkins (2001) has analysed the demands of the Muslim and Christian communities for reservations. Sikand (2001) has brought to the notice the caste divisions among the Muslims, and different strands taken by the elite Muslims and the poor Muslims. Nature of caste system has also come under the scanner of international human rights bodies (Waughray, 2010). The human rights bodies have held the opinion, that caste-based

discrimination is nothing, but a form of “discrimination based on work and descent”, and is a type of racial discrimination.

Scholars like Fazal (2017) have analysed the question of SC status based on views of framers of the Constitution. The critical analysis has challenged the religion-based inclusion of communities in the SC category. Fazal has also conducted a critical analysis of various judicial decisions on the issue of SC status.

This research is an attempt to continue the academic discourse on the issue of SC status, and to examine the claims and counter-claims based on empirical data.

1.8 Research Objectives

1. To study the purposes of reservation system of India.
2. To examine the social, economic, and educational conditions of Dalit Muslims and Dalit Christians in the State of Punjab.
3. To understand and analyse the political representation of Dalit Muslims and Dalit Christians in elected bodies in Punjab.
4. To examine the proportion of Dalit Muslims and Dalit Christians of Punjab in Public Sector employment.
5. To compare the socio-economic conditions of Dalit Muslims and Dalit Christians with Dalit Hindus and Dalit Sikhs.
6. To suggest the measures to make the affirmative action of the state just, bias free and equal for all sections of downtrodden.

1.9 Research Questions:

1. Are the Dalit Muslims and Dalit Christians equally backward in education as the Dalit Hindus and Dalit Sikhs in the State of Punjab or not?
2. Whether the Dalit Muslims and Dalit Christians are economically equally weaker, as the Dalit Hindus and Dalit Sikhs in the State of Punjab or not?
3. Is the political representation of the Dalit Muslims and Dalit Christians in elected representative bodies proportional to their respective populations or not?

4. Whether the representation of Dalit Muslims and Dalit Christians in the public sector employment in Punjab is in proportion to their respective populations or not?
5. Is the deprivation of Dalit Muslims and Dalit Christians from the Scheduled Caste status legitimate?
6. Are the affirmative action policies in India in consonance with its secular character?
7. Do the Dalit Muslims and Dalit Christians needs to be included in the Scheduled Castes?

1.10 Parameters of analysis

Following parameters of analysis of social, economic and educational conditions of Dalit Muslims and Dalit Christians and their inclusion in representative bodies in the State of Punjab were used to complete the study:

1. Social status of Dalit Muslims and Dalit Christians in social order of Punjab.
2. Economic conditions of Dalit Muslims and Dalit Christians.
3. Probability of presence of representation of Dalit Muslims and Dalit Christians in the public sector employment.
4. Proportion of representation of Dalit Muslims and Dalit Christians in the representative bodies.
5. Comparison of social, economic, educational, public sector employment and political representation of Dalit Muslims and Dalit Christians with Dalit Hindus and Dalit Sikhs.
6. To analyse the harmonisation of reservation policies with the objectives and principles of reservation, the data collected from field was evaluated on the basis of objectives and principles of reservation, which was constructed from the analysis of history of reservations, deliberations of the Constituent Assembly while the reservation provisions were under consideration, and other scholastic works on the reservations.

1.11 Scope of the Study

The proposed study has examined the objectives of affirmative action policies in India. Empirical research was conducted in the State of Punjab to measure the impact of SC reservations on the beneficiary groups (Hindu and Sikh Dalits) and to compare such groups with their counterparts in other religions (Christianity and Islam). On the basis of field research and data analysis the study has tried to suggest some changes in the identification of castes and communities for inclusion in the SC category. The parameters for inclusion in the beneficial groups were also examined in detail. Justification of the demands of various left-over sections of population for inclusion into the SC category was examined on the basis of empirical data.

1.12 Relevance of study

Reservation is one of the most controversial and sensitive issues in India; hence, it deserves to be held with utmost care. It helps the State to prioritise its policies in favour of disadvantaged sections of society. It regulates the criteria for distribution of services, goods, and representation in the representative institutions. It is directly related with all the sections of society, as giving priority to a group of people is bound to result in shrinkage of opportunities for the others. Even than reservation in favour of marginalised sections is accepted as a corrective measure by the statesmanship and by the intellectual class. But, as the policy of reservations has a direct relation with the availability of opportunities in education and in employment (both being in severe scarcity), utmost care should be taken while selecting the beneficiary sections for the purpose of reservations. Any policy which is politically motivated or communally biased might deprive the deserving sections of the people of the appropriate opportunities. This study has helped to bring forth the lacunas in the selection of the sections of the people for grant of benefits of affirmative action policies.

Conclusion

The reservations were started in India to ensure the representation of all the sections of society. This “section division” was based on different grounds, i.e., religion, race, gender, occupation, and caste etc. Continuation of reservations was allowed under the Constitution of India, but were restricted only to the lowest strata of society, i.e., the Dalits, clubbed under a legal category called as the Scheduled Castes. The reservations in favour of minorities were withdrawn and even the Dalits belonging to these communities were deprived of the SC status. This is a form of majority dominance. This research is an attempt to explore the real-life conditions of Dalits belonging to Muslim and Christian communities, and to analyse their claims for the SC status.

Chapter: 2 Review of Literature

Introduction

A vast literature is available, throwing a light on the history and genesis of caste system in India, caste-based discriminations, and the steps taken by the State to assuage the effects of caste-based discrimination etc. Most important step in this direction is the reservation of seats in the legislatures, in services, and then in the admissions to educational institutions. In this Chapter, the author has discussed the available literature on the various aspects of the research problem.

2.1 Studies related with theories of deprivation

No society in the world can claim to be fully egalitarian. Inequality is present in every society in one form or the other. Following are the studies related with the theoretical explanation of the inequalities, discriminations, and deprivations:

Relative Deprivation Theory

Firestone (1974) has analysed the Relative Deprivation Theory (RDT) expounded by Ted R. Gurr and others. Gurr holds that in a society conflict and violence are directly related with Relative Deprivation (RD). In a society every individual has some goals, and he/she tries to achieve those goals. If the members of a group find it impossible to achieve those goals in the present social order, the group develops RD, leading to frustration and social unrest.

Walker and Pettigrew (1984) have held that a person may feel deprivation from some desired thing. This deprivation is relative; it may be in relation to the members of other groups, in relation to members of own group, or in relation to one's own past. When the deprivation is felt at individual level, it is known as Egoistic Relative Deprivation (ERD), and when it's felt at group level its known as Fraternal Relative Deprivation (FRD).

Some of the scholars have tried to explain the causes of communal tensions in Indian society by the application of RDT. One of the causes of communal hostilities is the feeling of fraternal deprivation among the members of the Muslim community in the matters of job opportunities, political freedom, and support from the security forces (Singh, Pandey J., Tiwari, Pandey K, & Maurya, 2009).

Liberation Model

Massy (2013) has analysed the policy of reservation from the ethical perspective. Using the "liberation paradigm" author has tried to find the tools of oppression used against subalterns at different times of history. According to this research, thousands of years ago, caste was created as the major tool of oppression. It was backed by the religious principles, having support of the political power. Through literary sources it was propagated that the castes have come into being as a divine order. Later, the birth in a lower caste was declared as a result of conduct of an individual during the previous birth. Lower castes were "dehumanized" by comparing the outcaste womb with that of the womb of a swine or the womb of a dog.

The political power has lent a strong support to the caste ideology. Chopping off the head of Samvuka by lord Rama and chopping off the right-hand thumb of Ekalavya are few examples how the Adivasis and outcastes were restricted from art and spiritualism. Caste-based divisions were justified in religious scriptures and codified by smritis. Muslim and British rulers have not introduced any caste reforms, as it might amount to be an interference in the social life of the natives. But in the beginning of twentieth century the British have started to identify the Untouchables and with the efforts of reformers like Dr. Ambedkar they were offered separate electorates. But it was not acceptable to the politically dominant group, so Dr. Ambedkar was compelled to a compromise of leaving his claim of separate electorates. The policy of dominance has continued after Independence when the Constitution (SC) Order 1950 was issued, imposing a condition that the Untouchables will continue to be in the fold of Hinduism, if they want any benefits from the reservation policy. According to author, right from the beginning of caste system

religion and political power are continuously being used by the dominant group to maintain their dominance and control on the subalterns, and reservation is also a tool of that dominance.

Social Dominance Theory

Sidanius, Liu, Shaw, and Pratto (1994) have analysed the differences of levels of Social Dominance Orientation (SDO) between the persons engaged in different social roles. SDO is the level of faith in the justness of hierarchy. It was found that the persons engaged in *HE* roles, i.e., the police officers have higher SDO than the persons engaged in *HA* roles, i.e., the public defenders, and the general public. Persons engaged in *HA* roles have lower SDO than the general public, and the persons belonging to the dominant ethnic groups have higher SDO than the persons from subordinate ethnic groups.

Sidanius and Pratto (1999) hold that all societies are based on group based social-hierarchies. These hierarchies are based on three systems- age system, gender system, and arbitrary-set system. In every society the dominant group controls the material and ideological resources of the community. Under the age system elders dominate children, in gender system males dominate females, in arbitrary set system one social group dominates the another. This grouping may be on any of the bases like religion, caste, race, or nationality etc. Domination is maintained through terror and ideological support to domination, known as *legitimizing myths*.

Pratto, Sidanius, and Levin (2006) have reviewed the SDT and have tried to answer some controversies in this regard. Authors have noted that progress in civil rights has not remained successful to get rid of intergroup discrimination, genocide, and violence against women and minorities. Authors have briefly discussed the basic assumptions of theory and their application in society, like the *legitimizing myths*, *individual discrimination*, *institutional discrimination*, and *ideological asymmetry* etc. Causes responsible for lower SDO in a dominant group, and higher in a subordinate group are also discussed in the local context of different societies. Authors have

discussed the research conducted through the prism of SDT and have raised some questions for further research.

Cotterill, Sidanius, Bhardwaj, and Kumar (2014) have analysed the application of SDT to the Indian caste system. Authors have studied the conceptualisation of *karma* in Hinduism, which functions as a *HE-LM* to support the caste-based hierarchies. Concept of karma provides legitimacy for being in lower or upper class, as according to this theory birth in an upper caste is a reward for good deeds done during the previous birth, and birth in a lower caste is a punishment for the bad deeds done during the previous birth. In this manner the karma theory holds that birth in a lower or upper caste is based on the deservedness of a person on the basis of his/her conduct during the previous birth; hence, caste based hierarchical order is legitimate.

Straume (2015) has conducted research on the experiences of discrimination by the Dalit Christians in Andhra Pradesh. He had applied SDT, according to which the dominance is based on three pillars of *gender-set system*, *age-set system*, and *arbitrary-set system*. The study has shown that *gender-set system* based discriminations were there among the DCs as the church leadership was in the hands of males, and there were instances of domestic violence against women on their conversion to Christianity. The *age-set system* discriminations do not exist among the members of the community. But there was found a severe *arbitrary-set system* discrimination against the DCs. This is the type of discrimination where the dominant groups control the behaviour of subordinate groups. In the form of caste-based hierarchy, roots of this type of discrimination were thousands of years old and were supported by LMs like the laws of Manu. Such LMs falls in the category of HE-LMs. Communal forces in the country have created such HE-LMs that conversion by Dalits to a foreign religion like Christianity is propagated as an anti-national act.

The State has taken certain steps to protect and promote the interests of the Dalits, with the Hierarchy-Attenuating (HA) purposes. But the state has imposed a condition of religion, making it impossible for the minorities like the Muslims and Christians to get any benefits under these HA measures. While the DCs have been

living with other Dalits and in similar conditions, they are excluded from the SC category; hence, deprived from the reservations and protection of the laws like POAA, 1989. DCs can not contest election from a Dalit majority constituency, as such constituencies are reserved for the SCs. In some cases, they are living with dual identity; one as a DH, and other as a DC to retain the benefits of SC reservations and other benefits. DCs have been subjected to violence by the communal organisations, but they are unable to get the protection of laws like POAA. Author has called upon the DCs to unite themselves and to struggle for their legitimate rights.

2.2 Studies related with history of the caste

Ghurye (1932/2016) has conducted in-depth research on the genesis, growth, and features of the caste system by Indological method. The research is based on the studies of ancient scriptures in Sanskrit and other vernaculars. Author has found that the earliest literature has mentioned only three *Varnas* of Brahmin, Kshatriya, and Vaishya. Fourth varna of Shudra is mentioned only in the later literature. Vedic literature has also mentioned few other castes like *Chandala* and *Nishada*. These castes were offspring of inter-caste marriages.

Mendelsohn and Vicziany (1998) have analysed the grouping of a vast Untouchable population into the single category of Scheduled Castes. They have refuted the view that caste was installed by the scholars and missionaries under the British patronage. The Untouchability has been crystalising at least since the second century. The in-depth study of the authors shows that the Untouchables have been known by different names at different times like the *Dalits*, *Untouchables*, *Depressed Castes*, *Outcastes*, *Exterior Castes*, *Harijans*, and *Scheduled Castes*. These people have been divided into different castes, engaged in low paying, and unclean occupations. Consequently, they are marked by poverty, exclusion, and exploitation. The British cannot be blamed for the creation of Untouchability, but only be held responsible for the creation of suitable conditions for self-consciousness and assertion of rights by the Dalits. They have created a single class of the fragmented and crushed castes.

Muthaiah (2004) has on the basis of study of ancient scriptures observed that the caste system was in existence from thousands of years. Analysis of scriptures shows that the Dalits or Chandalas were the aborigines of the Indian sub-continent. The Aryans and Dalits have fought wars for economic benefits and existence, in which the Aryans have defeated the Dalits and have subjugated them.

Rao (2011) has analysed the nature of caste system in India, caste-based deprivations imposed on lower castes, discriminatory reservation policies, and ad hoc steps taken to mitigate the effects of discrimination against Dalit Christians. Author has observed that *Varna Dharma* is the colour-based division of society into four groups, where the Brahmins were placed at the top and the Shudras at the bottom of the social hierarchy. The Dravidians were classified as "Avarna" people, means having no place in the varna system. When the Aryans have invaded Indian sub-continent, the Dravidians were compelled to move towards the southern part and towards the forests. They were "de-historicized, de-culturized, de-economized and above all de-humanized (p. 41)". The upper castes have framed the social rules for all sections. The lower castes were not supposed to choose their profession; only the menial and polluting jobs were earmarked for them. Since the beginning of twentieth century, the Avarnas or Dalits have been assigned different identities like the Depressed Classes, Harijans, and the Dalits.

2.3 Studies related with nature of caste

Risley (1915) has analysed the nature of caste on the basis of ethnography and historical developments in India. He has analysed the physical features like head, nose, and height of the persons of different castes and living in different regions of India. Risley had concluded that the people in India belongs to the following 7 racial categories:

- I). The Dravidian (original inhabitants of India)
- II). The Indo-Aryans (foreign origin)
- III). The Mongoloid (foreign origin)
- IV). The Turko-Iranian (foreign origin)

- V). The Aryo-Dravidian (mixture of Aryans and Dravidians)
- VI). The Mongolo-Dravidian (mixture of Mongols and Dravidians)
- VII). The Scytho-Dravidian (mixture of Scythians and Dravidians)

Risley claims that in almost all of the British Indian Provinces, physical characteristics of different castes are different as there are different proportions of bloods of different races. According to him, there are three tribal groups and seven caste groups, which are further divided into a number of endogamous sub-divisions. Several tribes have merged into Aryan race by changing themselves into castes. Social status of a caste is based on the proportion of different racial elements in its blood. Risley holds that the Shudras were the original Dravidians, who were incorporated into the social structure of the conquering race, or the Aryans (1915, p. 76).

Based on anthropological data, Risley has explained the social rankings of different castes. According to him the Aryans have long head, finely cut nose and long statures, while the Dravidians have medium head, broad nose, and low stature. If a scale of Dravidian to Aryan features is prepared and people of different castes are put into that scale according to their average head form, nasal index, and height, it will be nearly according to the social status assigned by the caste system from lower status to upper status. Finally, one can conclude that Risley has considered the caste system and caste based social stratification as of racial origin.

Ghurye (1932/2016), an Indological scholar on the caste system has constructed the nature of caste system, having following principal characteristics:

- I). Society is divided into compartments
- II). Various social groups are assigned orders of precedence
- III). Restrictions are imposed on social intercourse and feeding
- IV). Disabilities are imposed and privileges are conferred on different groups
- V). Occupation choice is restricted
- VI). Caste endogamy (pp. 1-15)

Author has opined that the caste-based distinctions were soft during the vedic period. These distinctions were strengthened by the rules and regulations framed during the *Post-Vedic* period with the addition of concept of *defilement*.

Berreman (1960) has compared the caste system of India with the problem of racialism in Southern United States. He had explored several unique features in the caste system which have similarities with Negro-White relations in USA. In both the societies urbanisation, and socio-economic changes have similar effects on intergroup relations. Rules of avoidance are observed in both societies and certain types of contacts are regarded as "contaminating". Social hierarchies find support in ideological, philosophical, and cultural traditions in both cases. In the occupational structures, dwellings, worship places and cultural practices similar dissimilarities are found both in India and USA. Membership of lower or upper groups is determined by birth, not by the personal traits of individuals in both the societies. Whites and upper castes have maintained their superior positions with the exercise of powerful sanctions. White-Negro has similar economic interdependence as found in touchables and untouchables. The White men have sexual access to white as well as non-white women, as is the case with upper caste men in India. But the Negroes and untouchables have access to black and untouchable women only. In both the societies an attitude of tolerance is observed in case of relationship between an upper group male and a female belonging to lower group. But an attitude of severe sanctions is observed against a lower caste man having a relationship with upper caste woman both in India and USA. The author has concluded that there is a wide range of similarities between Indian caste relations and American race relations.

Rita Izsák has studied the minority issues, and has found that the discriminations based on caste and similar systems of social stratification have similar characteristics to those of minorities. Author has observed that such systems are hereditary in nature, where an individual's position is fixed by birth. It imposes restrictions on occupational choices, with the "polluting" occupations assigned to the lower castes. Thirdly caste system involves the issue of untouchability, and fourthly a

strict endogamy is enforced. Any attempt to challenge these practices results in violence against the lower castes (2016, para 28).

2.4 Studies related with caste-based discriminations

Ghurye (1932/2016) has analysed history of caste and caste-based discriminations from the Indological view. Based on the study of ancient literature, author has concluded that in the course of time, role of the ritualism and sacrifices has increased. It requires a number of rules of conduct, which were framed by the Brahmin. While framing these rules and laws, the Brahmin has conferred on himself strongest protections and slightest punishments, which were reverse in case of Shudras. It has increased the power and prestige of the Brahmin, and the Shudra was pushed towards the periphery of the social, economic, and political system. Post-Vedic period has systematically constructed the idea of defilement by the touch or even by the near approach of a Shudra. Lower caste people were disqualified from having any engagement with spiritual and knowledge pursuits.

Hutton (1946/1963) has used the word “exterior castes” for the group of those castes who were regarded as Untouchables. Author has observed that in some of the Hindu temples there was a practice to admit even Christians and Muslims, but the Hindu Untouchables were not allowed to do so. An *Iruva* in Malabar was instructed to stay 325 feet away from curtain wall of the temple of Guruvayur. Even the public roads falling within the *pollution distance* of a temple were not open for the untouchables. Commenting on the role of Indian leadership, the author has said that, “In regard to the matter of the right to enter Hindu temples, the exterior castes were advised by Mr. Gandhi not to attempt to gain entry, as God resided in their breasts (1963, p. 201)”. The *Ande Koragas* of Mangalore must carry a *spittoon* around their neck, because their expectoration was considered as a pollutant for the road. In Tinnevely district, the *Purada Vannans* were considered as “unseeables”, compelling them to remain inside their homes during the day time. The author has also observed that the untouchables were not allowed to use public water sources, and in the schools, they have to sit outside the classrooms.

Mendelsohn and Vicziany (1998) have analysed the caste-based discriminations against the Dalits. The authors have observed the continued resistance to such discriminations. "Bhakti (devotional) Movement" is an example of opposition to caste based social stratification. Exponents of this movement like Kabir and Ravidas have rejected the pro caste theology and Brahmanical superiority. The resistance has resurfaced in the form of *Sanskritisation* in the nineteenth century and an opposition to Untouchability in the beginning of twentieth century with the efforts of leaders like Dr. Ambedkar. In the later part of the twentieth century the resistance has expressed itself in the form of assertive political behaviour under the leaders like Kanshi Ram who has formed a coalition government in Uttar Pradesh, with a Brahmanical party BJP.

Authors have observed that Untouchability was still in practice in different forms. The affirmative policies have provided opportunities, but have failed to provide for the judicious distribution of resources and to remove poverty. The structural discriminations have continued to affect the economic conditions of Untouchables. When they were agricultural labourers, the submission was also accompanied by patronage, which has eroded with their transformation to industrial labour. The assertiveness has witnessed reaction from the upper castes in the form of violence against the Untouchables.

Barman (2010) has conducted a sociological research on the caste-based violence in Indian society. Author has observed that the caste system was brought to India by the Aryan invaders. According to their classification the Brahmin was at the top of the social order. Several protest movements have arisen against the Brahmanical domination, and the religions like Buddhism and Jainism are offshoots of such movements. But these religious movements remained unable to eradicate casteism. During the medieval period some egalitarian religions like Islam and Christianity have entered India. Dalits, the most deprived section under the casteism have adopted these religions in the hope of upward social mobility. But these religions have also failed to eradicate casteism. Consequently, all the religions in India- Buddhism, Jainism, Islam, and Christianity have adopted Indian caste system.

The Dalits are most prone to the caste-based violence, which includes the SCs, STs, DMs, the DCs. This "tradition" of violence is a chronic disease of Indian society. The Dalits have successfully created a common identity during the colonial period under the name of Depressed Classes. They were given certain benefits in the form of reservations. Constitution of Independent India contains several provisions for the protection and special care of the Dalits. But even then, they have continued to suffer the caste-based violence.

Rao (2011) has studied the genesis and nature of the caste system, along with the discriminations enforced against the Dalits since the advent of the Aryans. Author has observed that even after Independence, the Dalits have remained subjected to several kinds of social restrictions and atrocities. They are supposed to provide free services at the time of death, marriage, and collective social functions.

Waughray (2011) has depicted the role of caste in political, educational, economic, and employment sectors in India. Author has noted that the caste was a dominant factor in society even after the Constitution of India has guaranteed equal rights to all the citizens. Though the study is limited to India only, but the author has noted that the caste system exists in whole of the South Asian region which also includes Pakistan, Nepal, Sri Lanka, Bangladesh, and even the diaspora communities of these countries around the world. The caste system discriminates against the Dalits, who were regarded as untouchables from thousands of years. The lower social status was assigned to Dalits due to their unclean jobs, but paradoxically engagement in a non-polluting work, attainment of higher education, or attainment of a higher economic status has failed to bring an upward mobility of the individuals belonging to such castes. Due to upper caste monopoly over land and learning, the Dalits have always remained on economic periphery.

Jodhka (2012) has on the basis of his sociological studies found that irrespective of constitutional abolition of Untouchability, caste still matters in the Indian society. Dalits have little or no lands in rural areas; they form a large share of casual labour in urban areas. The public sector which provides job opportunities to

SCs has shrunk and in private sector they face discriminations on the pretext of family background or lack of communication skills in English as most of them can afford only government school education which does not provide opportunities in soft skills. Business in India is also run on the wheels of kinship ties, so it is very difficult for a Dalit entrepreneur to compete with dominant business caste groups. The author has concluded that even today for the people coming from lower end of traditional hierarchy, caste is a source of deprivation, denial, and discrimination (p. 176).

Jose and Varghese (2013) have tried to quantify the discrimination against the DCs. Authors have observed that no religion in India was free from the institution of caste, and the Christianity has also failed to provide equality to the DCs. It has been found that the DCs in Catholic Church were being discriminated by the caste Christians in the places of worship, residence, and even cemeteries. There were separate seats for the DCs within the Church. During the religious and social functions of community, and the DCs were assigned the lower-class duties like digging of graves, burning of clothes of the dead, and cleaning of tables at marriages.

It has been observed by the authors that the DCs have been facing discrimination, but it is influenced by several factors. Increase in age leads to increase in discrimination, while the factors like education and better employment have helped to reduce the perceived discrimination against the DCs. Women among the DCs were found to be more vulnerable to discrimination than their male counterpart.

Jose, Sadath, and Varghese (2013) have analysed the discriminations against the DCs in the Tamil Nadu State of India. It has been observed by the researchers that the Dalit identity is responsible for "a substantially high level of personalization of stigma on account of Dalit social identity (p. 166)". The DCs were found to be subjected to a high degree of social discrimination. The DCs have developed a negative self image due to their caste status, particularly in rural areas. The data has shown a high degree of social discrimination against the DCs in the schools, job attainment, housing facilities, access to financial resources, use of public utilities, and even in health care. The severest form of discrimination was found in job attainment.

The data has also shown that the major reason behind the discrimination was their social identity as Dalits, and engagement in menial jobs have contributed little in discrimination. Authors have concluded that the lower caste identities have the effect of psychological and social exclusion, and it continues throughout the life of an individual. Caste structure and hierarchy is so rigid that a person is unable to get rid of it even after upward economic mobility.

2.5 Studies related with caste-based reservations

In the Indological analysis of caste system of India, Ghurye (2016/1932) has opined that the caste system and the caste-based discriminations have a history of thousands of years. The British have chosen not to interfere in the social structure of the Indian people. Initially they have developed an interest in the caste system only as academic frenzy and it was based on the administrative prudence. Just before this publication in 1932, some of the Provincial Governments have issued regulations for the recruitment against a fixed percentage of vacancies from non-Brahmin castes, which really means the middle order castes (p. 148).

Srinivas (1957) has analysed the changing role of caste in modern India. The author has observed that there were considerable changes in the caste role after the advent of the British, after the inclusion of Indians in the administrative affairs, and particularly after the country got Independence in 1947. Before the British period the country had been divided into several small states, and population of one state was isolated from the population of other states. So, the caste-based ties were limited to smaller areas. The British have constructed the roads and railways, and have introduced posts and telegraphs to facilitate the movement of ideas and persons. It has resulted in frequent caste-based deliberations and conferences, consequently extending the caste ties at the larger level. The British rule has given new economic opportunities to the low castes, new commercial opportunities to the Vaishyas, and new official and professional positions to the previous privileged castes. They have started preferential treatment to the lower castes on humanitarian grounds, and as a political strategy.

Western ideologies have given birth to lower castes movements, particularly in Southern parts of the country. On their demands the British have made special provisions for representation of these castes in services etc. Reservations in favour of lower castes have continued under the new Constitution of India. The author has analysed the Indian politics during the first decade of the republican constitution. He has found that universal adult franchise has intensified caste activism throughout the country and some of the communities have framed their demands regarding reorganisation of States on the caste basis. The author has observed that people's participation in administration and politics had increased with the establishment of British rule, and has reached its peak after the commencement of republican constitution, and "the power and activity of caste has increased in proportion as political power passed increasingly to the people from the rulers (p. 535)".

Galanter (1984) has explained the issue of quota reservations from the very beginning. Author has explained that initially the British were reluctant to interfere in social issues of India. Consequently, most of the avenues they have generated in the form of state services were harvested by the classes having better access to education. With the efforts of social reformers like Jyotirao Phule and Dr. B. R. Ambedkar a separate quota in the legislatures was announced by the Government. It has compelled the previously indifferent Hindu leaders to condemn the institution of untouchability. Further he explained that during the British regime the demand for upliftment of the Depressed Classes was divided into two strands of thought- "evangelical" approach and the "secular" approach. Evangelical approach was advocated by leaders like M. K. Gandhi, while Dr. Ambedkar became the champion of the secular approach. The evangelical approach had urged the Hindus to penance for the sinful acts of untouchability and had urged the untouchables to observe cleaner habits. The secular approach of Dr. Ambedkar had stressed on the legal guarantees by the Government for the upliftment of the untouchables. The Communal Award (17th August, 1932) issued by the British Government has accepted the demand of secularists to provide separate electorates in favour of SCs. Mahatma Gandhi had opposed it, and had goes on "fast unto death" in the Yerawada Jail of Poona. An agreement was reached between Mahatma Gandhi and Dr. Ambedkar on September 28, 1932 (Poona Pact) in

which the Congress has ensured 148 seats to the Depressed Classes from the General Seats.

Hardgrave (1993) has observed that the institution of caste, and caste-based reservations are amongst the major challenges before the Indian democracy, others being the communalism and regionalism. Caste based reservations were initially provided in favour of Dalit castes and STs. But later, these reservations were extended to “Other Backward Classes” (OBCs) also. Such steps have intensified the class divisions, while the benefits of “compensatory discrimination” or “reverse discriminations” have not reached all the untouchables. Author has suggested that India needs a balanced approach to address individual needs and merit on individual basis, not on the group basis.

Kooiman (1995) has conducted a case-study on communal reservations in Travancore State of India in 1930's. The study has shown that communal reservations in the Travancore State were started with good motives, but it had failed to uplift the weaker sections. The favoured communities have had developed elite classes or the creamy layers within themselves to swallow all the benefits of concerned communities.

Suri (1995) has conducted a comprehensive study on reservation system of India and has concluded that reservation system needs a close re-examination from the following points of view-

- a. Why reservations?
- b. What should be the basis of reservations?
- c. What should be the scope of reservations?
- d. For how long the reservations should be continued?

In response to the above said questions he had opined that the affirmative action in favour of SCs is proposed, demanded, and justified on account of thousands of years of discriminations and deprivations imposed against them. Caste should act as one of the major bases for selection of beneficiaries, but it should not be considered as the only basis for that purpose. It should be qualified by economic criteria also

when the reserved category candidates are more than number of reserved seats. Making answer to the third question, author has opined that the size of the distributive pool should be limited to a minority of seats, as advocated by Dr. Ambedkar. So, the rule of 50% ceiling on reservations should be followed. On the question of duration of reservations, the author has expressed the opinion that such castes and groups which have achieved the level of parity with general class should not be allowed to remain in the list of beneficiary class. But the reservations should continue till the objective of equality is achieved.

The author has studied several aspects relating to reservations. He has also opposed the decision of the Andhra Pradesh Government to include the Muslims under the beneficiary class as it has provided a communal basis to the policy. But exclusion of some communities from the benefit of reservations is not discussed in the article.

Das (2000) has carried a research work on the history of reservations in India. The author has denied the common allegation that reservation was a colonial tool to "divide and rule" over India. He held that the actual creator of this policy was the Brahman class which has divided the Indian society into so many compartments. Some Princely States like Baroda, Kolhapur and Mysore have started reservations for weaker sections even before the British India. The British have under the Communal Award offered separate electorates for the SCs. But Mahatma Gandhi had seen it as a danger to Hinduism and had pressurised Dr. Ambedkar to accept a compromised formula in the form of Poona Pact. Author has also discussed various constitutional provisions in respect of reservations.

Policy design in affirmative action needs to be modelled on an evidence-based approach. All the dimensions having negative or positive impact on the conditions of a community should be taken into consideration. As per the available data, caste/community, economic status, gender, and region of residence (urban/rural) of a person are the prominent factors having effect on chances of getting higher education by a person. All these factors should be given weightage according to their capacity to

have effect on chances of higher education of a person. It will be a complicated method, full of calculations, but the benefits will exceed the costs (Deshpande & Yadav, 2006).

Desai (2008) has observed that the Constitution of India is a blend of several traditions which have guided the country during its struggle against foreign rule. It includes the Western Liberal tradition, Social Democratic tradition, Gandhian tradition, and Subaltern tradition. The Constitution has accommodated these traditions despite inherent contradiction in them. "Equal society" is merely an ideal and the Indian society has also massive inequalities of income and status. India has adopted a triple approach to remove these inequalities in the form of universal adult franchise, abolition of untouchability, and economic reforms. But the efforts look like going into vain without any substantial results. It has led to the development of "Mandal approach" to the problem of inequality. Mandal approach also has three-pronged strategy, i.e., weak economic growth, apathy to social backwardness, and creation of a large group of various castes, having a great political value.

Author has observed certain contradictions in the Mandal approach. The reservations are provided on the basis of caste, making it difficult for the non-Hindu communities to get the benefits. It is against the liberal principles of equality and secularism. There may be a relationship between caste and poverty, but it is not a perfect relationship. A Brahmin may be a poor man and a Dalit can be a rich man. Further the reservations in higher educations and employment create the development of creamy layer in the weaker communities, as the benefits can be harvested only by those who have successfully completed the elementary education. The poorest among the poor are more prone to withdraw from education at the earlier stages. Author has suggested that in order to bridge the vast economic gaps, the policy should be framed to target the elementary education, and to provide reservations on the basis of economic factors.

Duflo (2005) found that though all have equal right to contest in India, but the weaker sections like women, SCs and STs are not able to get adequate representations

in the representative bodies. Reservations increase the chances of adequate representation of weaker sections. Sometimes the inexperienced are elected to the reserved offices. Such persons act as "shadows" of the influential persons. But the entry of such inexperienced persons did not affect the quality of decision making. Sometimes such persons particularly the women are less prone to corruption. As the result of increase in the number of members of weaker sections in political institutions, allocation of public goods has shifted in the favour of disadvantaged.

Chowdhuri (2009) has conducted a research work on representation of OBCs in government services and in educational institutions. The author has compared the impact of reservation policy for OBCs in Uttar Pradesh and West Bengal States. Affirmative action in India is also compared with other countries, where it is in practice. The author has concluded that with respect to the UP State, the implementation of Mandal Commission Report was not satisfactory as in the year 2001 the representation of OBCs in services was much below their population, particularly in the Group A jobs in which they have only 6.25 per cent share. According to Sachar Committee Report (2006) the Muslims have 18.5 per cent population share while their representation in Group A services was merely 4.6 per cent. West Bengal State has reserved 7 per cent seats in recruitment and in admission into educational institutions for the OBCs. But the OBCs and Muslims have lesser share in educational institutions and in the services as compared to their population ratio. The study is limited only to the States of Uttar Pradesh and West Bengal, and it has the targeted only the reservations for the OBCs, not for other categories.

Alam (2010) has provided a new insight into the problem of group-based deprivations and solutions. He has used the NSS data (2006), Census of India data (2001), and findings of the Sachar Committee Report (2006). The author has observed the glaring disparities between the socio-economic conditions of Hindus and Muslims, with the Muslim community standing on the periphery. The wider disparities require the state intervention to bring an improvement in the conditions of Muslims. But the method of state intervention should be planned in such a manner that the legitimate claims of other communities should not suffer. After Partition,

Indian leadership have chosen to create a secular state, having protective measures for the minorities. But, the actual working of Indian democracy seems like evading this responsibility. Author has advocated affirmative action in favour of Muslim community, but not in the form of reservations. Author has suggested the “geographical approach” for this purpose, according to which the areas with low developmental level and having considerable Muslim population should be identified, and should be selected for special investments in education, employment, and health etc. It would benefit all the people living in such areas, and will also help for the development of the Muslim community.

Singer (2012) has studied the importance of presence of different elements in the legislatures and role of reservations in India to provide the opportunities of presence to the weaker sections in the legislatures. It has been observed that the SC and ST representatives have raised the voice of their communities at the times when the interests of the community were at stake. While the issue of reservations for the SC and ST communities was under discussion in the Constituent Assembly of India, most forceful arguments were presented by the members representing these communities like Mr. Jaipal Singh. The reservations in democratic institutions were for the period of 10 years from the coming into force of the Constitution, and the term is revised every tenth year to extend it for another ten years. During the debates on extension of period of reservations forceful arguments are raised by the representatives of these communities in favour of need of reservations. Author has called it the benefit of "seat at the table", means that representation of a community at deliberating bodies ensures a voice for the protection of its interests.

When the bill for "The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006" was under consideration in the Parliament, an ST activist Bajju Ban Riyan has taken assurance from the government that all the tribe are covered under the provisions of the Act, though officially they are not recognised as the STs in a particular State. The author has concluded that the reservations in legislatures provide the opportunities to the communities to raise their concerns from these democratic platforms.

Jensenius (2015) has applied the "path-dependence theory" to examine the provision of electoral quotas in India. Author has discussed that the reserved quotas in India have had started as early as in 1909 with the enactment of Morley-Minto Reforms. Initially such quotas were provided only for the religious minorities. During the second decade of twentieth century, Dr. Ambedkar has raised the demand for reservation in favour of untouchables in the form of separate electorates. The British Government has accepted the demand, and they were promised separate quotas under Communal Award. But Mahatma Gandhi had started his fast unto death and Dr. Ambedkar was made to arrive at a compromise with him in the form of Poona Pact. The Constitution Drafting Committee has turned down the idea of separate electorates and reservations for minorities. Only the Scheduled Castes were allowed to retain the reserved quotas. Initially the reservations were provided for ten years, and this period was further extended several times. The author has concluded that India has mired in the reservation system to an extent, that there is no possibility of coming out of it. Reservations has been extended to other sectors like admission into educational institutions, and other classes of society i.e., the OBCs. A discussion is going on to provide reservations in legislatures for women and for the Muslim community. The agenda of reservations was set by colonial rulers and the Indian politicians are unable to find other alternate forms of affirmative actions. Rather they are trying to further extend the quotas.

Deshpande (2019) has analysed the implications of 103rd Amendment to the Constitution of India. This Amendment has amended Article 15 and Article 16 of the COI. Under Article 15, the State has been empowered to reserve up to 10 % of seats in educational institutions for the "economically weaker sections" (EWS) other than those belonging to SC, ST or OBC categories. Under Article 16, similar power has been given to the State in relation to employment in public sector. The author has raised the legal and political questions on the desirability of creating a new section of the people on the grounds of poor economic conditions, and excluding the ST, SC, and OBC poor from this section. He held that the Amendment was enacted to provide reservation to upper caste Hindus. The secular Constitution of India has reluctance to deal with the identities like caste directly, so the caste identities were transformed into

legal identities like SCs, OBCs, and STs. Similarly, 103rd Constitutional Amendment has created a new identity for higher caste Hindus in the name of "any economically weaker sections of citizens other than the SCs, STs and OBCs".

Kumar, Pratap, and Aggarwal (2019) have held that a government job provides a service security and comparatively more economic benefits than a private job. So, the government jobs are most inspired for by the individuals. But there is a hard competition to get such jobs, and a number of factors have their impact in the attainment of a government job. The authors have analysed the Indian Human Development Survey (2011-2012) data to calculate the impact of various factors in attainment of a government job. Such factors included the sex, family assets, level of education, fluency in English language, and caste category. A *logit model* analysis was applied to the data, and it was found that being a female, having a higher education, having a fluency in English language etc. all have a positive impact on the chances for selection in public sector. As regards the social categories, the analysis has shown that the groups covered under reservation policies have more chances of getting a government job than the general category. Among those groups, the ST category has "significantly" higher chances of representation in government jobs with a coefficient of 1.280, followed by the SC category with a coefficient of 0.718. OBC category has "insignificant" higher chances of representation in government jobs with a coefficient of only 0.310 (only 0.177 in case of OBCs residing in rural areas). The study has shown that OBC reservation has little impact on the chances of getting a government job as compared to ST and SC reservations.

2.6 Studies related with identification of Scheduled Castes

Dushkin (1967) has analysed the process and basis of "scheduling" of certain castes for the purpose of clubbing them in a single legal category and circumstances responsible for it, and characteristics of safeguards and benefits provided for this category. The author has observed that the affirmative action program of India was unique in the world. There was no example of such a large scale protective discriminatory program in favour of weaker sections. The Scheduled Castes were

previously termed as the Depressed Classes when the British have recognised them as a separate social category to provide representation in legislative bodies. The Scheduled Castes constitutes all the "untouchables, now sometimes called 'ex-Untouchables' because of the legal abolition of untouchability (p. 627)". It is claimed that the safeguards and other benefits are meant for the removal of untouchability, but the historical logic does not support this claim. Caste and group based protective discrimination policies were developed by the British for the minorities and special interests. First of all, the Muslims were given separate representations in the first decade of twentieth century. The demands for such representations and safeguards have continued to increase by other sections also with every step of devolution of powers by the British.

The GOIA, 1919 has provided for the representation of Depressed Classes by nominations. Hutton, the Census Commissioner had introduced the nine-point criteria for the identification of Depressed Classes. These points include both the secular and religious indicators, probably "on analogy with the other communal minorities receiving safeguards, and these were religious minorities (p. 631)". Communal Award had declared separate communal seats for the Depressed Classes. Mahatma Gandhi had opposed the proposal and the provision was withdrawn by the British as a result of Gandhi-Ambedkar agreement (Poona Pact, 1932).

The Scheduled Caste category is created on the basis of untouchability, but not because of untouchability. All the protective discrimination program is based on the assumption that the Untouchables as a group suffers from severe poverty and exploitation. Author has observed two problems in this policy. First, that most of the converts to Buddhism belonged to Scheduled Castes, and they have to lost their Scheduled Caste status after conversion (SC status was allowed to Buddhists in 1990). Second, that the removal of untouchability should not be sole objective of the affirmative action policy, but a part of secular welfare of Scheduled Castes. As the specific measures are temporary, adoption of secular objectives like literacy, occupation, and income level etc. will help to "deschedule" the castes which have acquired sufficient level in terms of educational, occupational, and economic indices.

Jenkins (2001) has examined the reservation system of India with respect to the official recognition and unofficial identities of social classes in India. He has found that the Muslim community was disqualified for SC status. Now the community was pressing its demand for backward status, but all of its sections are not unanimous on the nature of the demand. Some of them demand for the backward status for the whole community, while others are pressing for reservation benefits only for its downtrodden sections. Christians have also been disqualified for SC status in India. Those who have converted to Christianity were not able to raise their social or economic status. But they have lost the opportunity to get the benefits of preferential policies of the Government. They have raised a demand for their inclusion into the list of SCs or creation of a new list of Dalit Christians.

In this article the author has discussed the nature of preferential policies and official recognition of social categories in India. The impact of this artificial recognition of social categories, and the impact of religious conversion on the economic status of a person has not been discussed in the article.

Sikand (2001) has analysed the brief history and objectives of formation of All-India Backward Muslim Morcha (AIBMM). Author opines that several caste groups were regarded as "polluting" by the caste Hindus, and were degraded to the sub humane social status. This hierarchical order was sanctioned by Hinduism, so when they came to the contact of other religions, several people from such polluting or Untouchable caste groups have had converted to such religions, like Buddhism, Islam, Sikhism, and Christianity. So, today a large proportion of the followers of these religions are "descendants of Dalits and other 'low' caste converts (p. 287)". Hitherto the Dalits from all communities have had been regarded as "passive vote banks" by the political parties, but now they have been asserting their separate identity. Muslims in India are not a homogeneous community. Those who claim to be the descendants of Arabian, Central Asian, and Iranian settlers, and those, who have converted from upper caste Hindu strata during the Muslim rule to have share in the power structure and to save their estates, constitutes a different class known as *ashrafs* which means

noble. Those who have had converted from lower caste Hindus are called as *ajlaf*s which means having lower social status.

Caste identities do exist among the Muslims. But the leadership of the community has remained in the hands of upper caste Muslims, and in order to fulfil their own interests they have never accepted this social fact. They have always given priority to the symbolic issues like demand for a separate state of Pakistan, Babri Masjid issue, status of Urdu, and Muslim Personal Law etc. The real issues before the Dalit Muslims were related with their temporal conditions and fulfilment of basic needs, which have always been ignored by the upper caste Muslim leadership. The AIBMM is a movement that calls upon the Dalit Muslims to construct its own identity, provide leadership from the lower caste Muslims, raise the demands before the state for their upliftment, and finally to integrate in the national mainstream of India. The author has observed that the most important demand of this movement is to extend the SC status to the DMs, and it regards their exclusion under the present law as *unconstitutional*, as the Constitution of India contains clear commands against the discrimination on the grounds of religion, and also provides the rights related with freedom of religion. The present law relating to SC status has anti-secular character, as it discriminates against the Dalit Muslims and is a conspiracy of the upper caste Hindus and Muslims to divide the Dalits on the grounds of religion. AIBMM is a voice against this discrimination and is working to bring the Constitutional (SC) Orders into conformity with the philosophy and provisions of the Constitution.

Waughray (2010) has studied the caste system and caste based protective discrimination measures in India. Author holds that various bodies like the UN Committee on Racial Discrimination regards the casteism as a form of descent and work based racial discrimination. On the other hand, Indian law does not recognise it as such. According to Indian legal framework, casteism and untouchability are sanctioned only in Hinduism, so only those persons are eligible to get any benefit from the affirmative action policies who profess Hindu religion (later extended to the Sikh and Buddhist religions also). But the Dalits professing Islam and Christianity are also affected from casteism and caste-based discriminations. So, on the basis of these

facts several commissions and committees appointed in India and at world level have recommended that the SC status in India should be extended to all Dalits irrespective of their religious affiliations.

Fazal (2017) has analysed the provisions of Constitution (SC) Order, 1950, deliberations of the Constituent Assembly relating to the issue of reservations, debates in Parliament on the issue of DMs and DCs, and various judicial decisions of higher judiciary on the question of SC status and religion. First, the author has questioned the rationale behind the communally selective inclusion in the SC category. He has asked that if the inclusion in the SC category is on the sole basis of untouchability, having sanctioned only in Hinduism, then what are the grounds for extension of the SC status to the Sikh and Buddhist Dalits, as both religions have emerged as the rebellions against the Brahminical hierarchical order. The author has observed that Untouchability in Punjab was not like in the other states. In this state *Chuhras*, and only those *Chamars* who skins dead cattle are deemed as polluting.

In the Constituent Assembly, some Dalit leaders have blamed the caste Hindus for the practice of untouchability and some of them have claimed a distinct identity as the original inhabitants of the country. Such a rebellion attitude of some Dalit members has had created fears in the nationalist leaders. By an amendment to the Draft Constitution, the Scheduled Castes were removed from list of minorities. Finally, the reservations were restricted to only the SC community, and the minorities were excluded from it. Sikh members have pressed their demand for inclusion of DSs in the SCs, and have successfully got it.

Fazal has also analysed the deliberations in Parliament related with the issue of SC status and religion. He has observed that a private member bill for the removal of condition of religion from SC status was rejected by the Lok Sabha and the opponents have apprehended that it will promote conversions. Finally based on analysis of CADs, case law, and Parliamentary proceedings, the author has observed that the Constitution (SC) Order suffers from three anomalies; one, it is not in conformity with the principle of secularism and second, judicial interpretations seem

to be justification of "gharwapasi" (reconversion to Hinduism) of converts, and thirdly, it promotes the pan-Hindu identity of Indic religions.

2.7 Studies related with caste among non-Hindus

Risley (1915) has analysed the caste system and caste based hierarchical social order from the anthropological view. He has concluded that the caste based social system in India was based on certain racial traits; hence, it was not confined to Hinduism. Muslims have also castes like *Julaha*, *Kalu*, *Barber*, and *Patwa* etc. Such castes observe strict endogamy.

Hutton³ (1963) has analysed the Indian caste system based on 1931 Census data. Author has opined that the institution of caste has successfully stood the egalitarianism introduced by religions and social reformers. Islam does not recognise the institution of caste, but, in actual practice the Muslims were divided on the caste lines like the Hindus. Among the Hindus, if a reforming body tries to liquidate caste, it fails, and in the course of time becomes a caste in itself. Impact of Hindu social order was so strong, that even the foreigner invaders, who have settled in India have developed caste like social stratifications. There were several tribes, which have changed themselves into castes, like the "Koli" which was actually a tribe, has changed itself into a caste. Caste and religious identities overlap in certain cases, like in the case of Punjab, *Jat* and *Khatri* castes are found in Hindu, Sikh, and Muslim religions. With the change of religion caste does not disappear; but there may be a change in the nomenclature. In the Province of Punjab, a person belonging to the "Chuhra" caste in Hinduism is known as "Mazhabi" on conversion to Sikhism and a "Masauli" on conversion to Islam. But there was no change in the social status of the converts. Hutton has observed that the caste was prevalent also among the Christians, and the Indian Christians in Madras Presidency were firmer adherents of caste than the Hindus (p. 121).

³ John Henry Hutton (1885-1968) was the Census Commissioner of India during 1931 Census.

Kooiman (1993) has, based on a case study on the communal reservations in the Travancore State of India in 1930's observed that the Christian community in the State was internally divided almost on Hindu lines. Christian society also has its own *depressed class* which constitutes the native converts from lowest rungs of Hindu society or the Untouchables. The newly emerged class amongst the depressed classes has failed to provide any protection or guidance to these sections. The study has proved that the Christian society was not free from casteism.

Mitra (1993) has examined the theoretical aspect of caste. He has tried to solve the puzzle of “survival” of caste in modern India. Author has rejected the “essentialist view” of caste, which hold that varna system of Hinduism was responsible for caste system in India. He holds that essentialist view projects the caste as a Hindu institution and Hinduism as a religion based on casteism. Author rejects this perspective, as an “outsiders” view about Indian society, taken by Portuguese and then by the Britishers. The historical research of caste, as well as its fieldwork studies conducted in the later half of the twentieth century show that the caste system was not confined to Hindus only. Sikhs, Christians, Muslims, all have caste divisions, because most of those have come from Hinduism.

Engineer (2002) has examined the socio-economic position of Indian Muslims. He has opined that despite strong bonding force of religion, no community was homogeneous. Among the Muslims there were the *Ashrafs* (upper caste Muslims) and the *Ajlafs* (lower caste Muslims). Among Hindus also there were Dalits and upper caste Hindus. Pakistan was created for upper class Muslims, and most of those have migrated to that country. In India had remained only the lower caste Muslims. Socio-economic conditions of Muslims can only be compared to the SCs. They are far behind the upper caste Hindus in education and in economy. The author has stressed the need that the intellectual class of Dalits, Muslims and other weaker sections should guide these communities to develop healthy relations among themselves for mutual growth. The author has examined the relative position of Indian Muslims. But the impact of constitutional safeguards on the living conditions of SCs and STs, and

results of deprivations imposed on Dalit Muslims from such safeguards have not been examined.

Muthaiah (2004) has analysed the history of the religious affiliations of the Dalits in India. According to him the question came to prominence when the British have had introduced representative institutions in India. Every religious group had started to increase its numbers to get the maximum seats in legislatures. While the Hindus have stressed the inclusion of Dalits into their fold, others want to consider the Dalits as a separate class. When the Muslims were granted separate electorates, Dr. Ambedkar had also raised the demand of separate electorates for the Dalits. These developments have politicised the issue of Dalits. In the game of numbers of different communities all the Dalits were considered as a community, which can increase the proportion of any community to a considerable extent.

Several organisations, particularly Hindu Mahasabha had started campaigns to include the Dalits into their community. The British have accepted the demand of separate electorates for the Dalits, which was vehemently opposed by the Mahatma Gandhi, and Dalit leader Dr. Ambedkar was compelled to arrive at a compromise of renunciation of separate electorates. Dalits have also had realised their political weight, and have asserted their separate identity as “Ad Dharmis”. The converts to Christianity were not included by the British into the category of Scheduled Castes, as separate facilities were provided to them. During the framing of the Constitution, the DCs were excluded from the SC category for the purpose of providing various facilities for their development. Christians were represented in the Constituent Assembly only by upper castes; hence they have not raised any demand for DCs, rather have declared to give up all the special privileges meant for the Christians. After the commencement of Constitution President had issued the SC Order under article 341. Pre Independence position was utilised to deprive the DCs from SC status. It has helped the majority to attach the Dalits permanently with Hinduism and to divide the Dalits on communal lines. Author has opined that the DCs were facing the deprivations like other Dalits, so they should be included in the Scheduled Castes.

Ahmad (2007) has analysed the case of eligibility of Muslim Castes for their inclusion into the Scheduled Castes. Author holds that there are two views about the conversions to Islam. According to one view the conversions have taken place due to the pressure built by the Muslim rulers against the non-Muslims, and according to the other view the spiritual calls by the Sufi Saints have resulted in conversions. Demographically the Muslims have three broad categories: the *ashraf* (high caste, foreign immigrants), the *ajlaf* (artisan, peasant, and menial castes), and the *arzal* (those comparable to Untouchable castes in Hinduism). Earlier social and political leadership of Muslims have not raised any objections against the continuance of institution of caste among the converts, rather it was rationalized and legitimised. But the Muslims used to deny the existence of caste within the community. Some of those designate the social stratification in the community as based on *biradari* or *zat*, while others deny the very existence of caste.

Author has observed that the Muslim sociologists were also reluctant to accept the existence of caste among the Muslims. They admitted the existence of elements of caste at the behaviour level, but they used to apply the term *caste* with a disclaimer that it was being used in a "loose sense". It might be because the empirical conditions were not in consonance with the egalitarianism propagated by Islam, and the Muslim scholars, while doing their duty as sociologists were also trying to fulfil their religious obligation to uphold the Islamic view. Author holds that Islamic spiritual text does not deny the existence of social stratification, it only "stands for egalitarianism as an absolute value (p. 102)", just as the Constitution of India proclaims egalitarianism as an ideal, it does not declare that castes have never existed in the country.

Alam (2007) has analysed the Islamic claim of being an egalitarian faith. It has been observed in the study that there are three types of groups among the Muslims who have been raising demand for reservations. One group claims that the Muslims as a group were a backward community and they require state support to come out of this backwardness. The other group of organisations is raising the demand for reservations in favour of all the lower caste Muslims. The third group opines that there are certain castes among the Muslims, which are similar to the Dalit Hindus, so

such castes should be included in the SCs. All India Pasmada Muslim Mahaz (AIPMM) is one of such organisations, which accepts that the Muslims community of India was broadly divided into three categories of *Ashrafs*, *Ajlafs*, and *Arzals*. The *Ashrafs* have the highest social status, and they claim to be the descendants of migrants from the Central Asian and Arabian countries. *Ajlafs* are the middle-class castes like Ansaris, Kalals, Raeens, and Quraishis etc. The *Arzals* are at the lowest ebb of Muslim social strata, and includes the castes like Lalbegi, Halalkhor, Dhobi, and Machuara etc.

The socio-economic conditions of lower-class Muslims or Dalit Muslims are worse than the other Dalits, because they are not considered as SCs for the purpose of reservations and other welfare programmes. The AIPMM is raising the demand that the Muslims belonging to such castes should be included in the SCs. Author has observed that the fact of a caste-free Muslim society is claimed by only those organisations which are in the control of upper caste Muslim leadership. A caste-free Muslim society may be claimed *Islamically*, but not *sociologically*. Sociologically the society is divided first into three broad categories, each of which is further subdivided into castes. Based on movements for mobilisation of lower castes Muslims, author has concluded that "caste is one of the important operative categories within Indian Muslim society (p. 130)".

Louis (2007) has analysed the economic and social conditions of DCs and has found that they are not considerably different from other Dalits. After conversion to Christianity, they have continued to be referred to by their caste names. Studies have revealed that religious conversion has no impact on the social conditions of Dalits in Punjab, rather the converts are subjected to dual atrocities. Author has referred an incidence of massacre of 12 Dalit Christians by Reddys in Andhra Pradesh on a petty issue. Educationally they have not progressed at par with other groups. Even in Christian educational institutions, they have little presence, particularly in higher education.

Socially the Dalit Christians continued to remain in subjugated position at the places of worship. There are incidences of separate seating arrangements for Dalit and other Christians in the Church. Though the Dalits formed majority of Christians in India, but their representation in the priesthood and decision-making bodies of Church is very low. In Tamil Nadu they have formed “Dalit Christian Liberation Movement” (DCLM) for equality of status. The demand charter presented by the DCLM to Tamil Nadu Bishop Conference make it clear that the Dalits have no equal status in the Church, even untouchability was in practice, and they have little presence in its decision-making bodies. The DCs have similar occupational pattern as the Hindu Dalits. Studies on the Dalit Christians of North-West part of the country have shown that three-fourths of them were working as labourers, and most of those were working in unorganised sector. Some of those were engaged in unclean and inhumane occupations like manual scavenging.

Barman (2010) has on the basis of his sociological research observed that caste was not restricted to Hinduism only. Dalits were not limited to Hinduism; all the major religious communities have Dalit followers. The non-Hindu Dalits are subjected to various forms of violence and the special benefits for the Dalits are not available to them. Finally, the author has concluded that the caste-based violence is a great threat to the social, cultural, economic, and political life of India.

Jodhka and Shah (2010) have analysed the empirical studies conducted in four South Asian countries during 2007-08. The countries studied were Nepal, Bangladesh, Pakistan, and Sri Lanka. The studies have shown that castes were in existence in all the four countries, cut across the religions. Further, the castes in these countries have hierarchical gradations like in India. Lower castes people were found to be regarded as untouchables, and were facing discriminations in educational institutions, health services, and in some cases even barber services were denied to them. In all the countries, specially in Bangladesh and Pakistan, lower status occupations were assigned to the Dalits. They were found to be known with the name of their caste or traditional occupation. In the urban areas Dalits were found to be living in separate colonies, mostly in slums, having no civic amenities. In Three

countries- Pakistan, Bangladesh and Nepal the Gandhian term *Harijan* was being used to denote the Dalits. While doing the field work, the researchers did not find any difficulty to differentiate between non-Dalits and the Dalits. In all the countries, the Dalits were found to be suffering from social exclusion, financial deprivation and living a life of humiliation.

Waughray (2010) has compared the legal categorisation of social groups for the objective of special benefits in the domestic law of India and the International Law. He opined that heredity based social stratification was prevalent throughout the South Asian region. Though only Hinduism has doctrinal sanction to casteism, but no religion was free from this practice in the region. Dalits professing egalitarian religions like Islam and Christianity were also affected from casteism, exploitation, exclusion from opportunities, and endogamy etc.

Ali (2012) has observed that the Muslims in India have also had developed a caste based social structure which was evident from the Census records of 1901, 1911, 1921, and 1931. Ali further explains that "These lower caste Muslims were mainly converted from the Hindu lower strata belonging to various occupational groups. Conversions did not affect their social and economic status and their poverty and neglect continued" (p. 75).

Jodhka (2012) holds that caste-like divisions were present among the Hindus, Muslims, Christians, Sikhs, and even Buddhists living in India. The Orientalists, who have studied caste on the basis of classical Hindu texts believes that caste was a peculiar Hindu tradition, which divides the society into four hierarchical groups- Brahmin, Kshatriya, Vaisha, and Shudra. Untouchables were kept out of this varna system. After the middle of the twentieth century, some of the social scientists have adopted the empirical methods to understand this feature of Indian society. A village is considered as a model of pure Indian society, so such scholars have conducted their studies in villages, mostly by the method of observation. These studies point out that caste system was prevalent in whole of India, but the differences were noted in different localities with respect to hierarchical order of various castes. Brahmins were

at the top of this order only in those areas where they were the landowners and have nearness to power. The author has referred M. N. Srinivas according to whom numerical superiority, access to economic resources and political power, and having a larger proportion of educated persons in a caste makes it a "dominant caste". Formal ritual status was not the sole determinant of dominance, but it was surely an important dimension of dominance of a caste. Like in case of Punjab, the landowning Jats (agricultural community) were dominant in rural areas while Khatri and Aroras (trading communities) have established superiority in urban areas. In 1960s a number of regional political parties have emerged in the leadership of dominant social groups in different states. These middle-class groups have shaken the political dominance of the so-called upper classes. During the 1980s the caste groups below the "pollution line", or the erstwhile untouchables have given birth to the idea of Dalit politics.

Several movements have been initiated to remove the caste-based divisions. Buddhism may be regarded as the first such attempt, which recognise the principle of equality of all. Saint poets like Kabir, Ravidas, and Nanak have challenged the supremacy of Brahmins. In the modern era, Arya Samaj has started "shuddhi" movement to remove untouchability. Ad Dharam movement in Punjab has tried to assert a status of different *qaum* for the Dalits. Dr. Ambedkar has struggled for the cause of Dalits by obtaining a separate identity for them, raising a demand for separate electorates for them, ensuring reservations for them under the Constitution of India, and finally leaving the Hinduism in favour of Buddhism in 1956. Some of the Dalit groups like the Dalit Panthers have raised the Dalit issues at the international level and they compare themselves with other people who have been suffering from similar discriminations based on their descent, colour, or race etc.

Based on secondary data, various official reports, and researches by scholars, Mandal (2012) has held that the institution of caste was present in all the religious groups in India. Though Islam and Christianity stood for human equality, but Muslims and Christians in India were divided on caste lines. These castes were strictly endogamous groups like those in Hinduism. Muslim castes were classified into three

broad categories of Ashrafs, Ajlafs, and Arzals. This classification was similar to the corresponding Hindu classification in upper caste, OBC, and SC categories.

Singer (2012) has studied the importance of presence of communities in the legislatures. The reservations in India are dynamic, and different social groups are seeking the expansion of reservations for themselves. Women, OBCs, Dalit Muslims and Dalit Christians are among these groups. Elites among the Muslims and Christians are continuously denying the existence of caste in their communities. In order to address the problems of these communities there is a need for the acknowledgement of inequality and discrimination in these communities.

Varghese (2012) has examined the theological marginalisation of Dalit Christians in the Catholic Church of India, and the emerging Dalit theology since the 1980's. According to the author Christianity has failed to improve the social and economic conditions of Dalit converts, and they have continued to suffer from poverty, alienation, and discriminations. They have continued to be stigmatised even within the Catholic institutions. They have continued to suffer from lower caste identity, resulting in the formation of inferiority complex. Caste based discriminations have entered the Catholic Church having manifestation in the prayer halls, dwellings, and even cemeteries.

Theology is the reflection of experiences of the followers. In India while a majority of Christians are Dalits, they have remained absent from the Christian theology, which was dominated by upper caste converts. Several Catholic missionaries have accepted the continuance of some Hindu social practices into the Christianity, including the casteism. Some of those have adopted the “Sanskritic” way of life to impress the upper castes. They have assumed that the Indian people follow the Brahmins, so conversions of Brahmins will have a deep effect on other sections also. Consequently, the converts were allowed to bring their caste identities within the new faith. They have done so, and have maintained not only caste identities, but also other features of caste system, i.e., endogamy and caste based social hierarchies. Notion of caste-based purity and pollution is also present among the Indian

Christians. In the Church the Dalits are not allowed to have full participation in the social functions and they have continued to perform duties like digging graves for the dead, and cleaning of tables in the marriages.

Introduction of western ideologies of liberty, equality, and fraternity have resulted in emergence of reform movements in India. Dalit theology was one of such movements that has emerged as reaction against the discriminations and oppressions imposed on the Dalit Christians. It provides a spiritual foundation to the DCs to integrate and empower themselves. It was aimed at for the removal of social slavery of Dalits. The Dalit theology can be expressed as the theology about the Dalits, for the Dalits, and from the Dalits. It was a sign of self assertion of Dalits, for their inclusion in the theological approach. The author has called upon the Church to depart from the Brahmanical approach in favour of this alternate approach "representing the spiritual aspirations and needs of the majority of Indian Christians of Dalit Origin (Varghese, 2012, p. 60)".

Jose, Sadath, and Varghese (2013) have conducted an empirical study on the caste-based division of society, having theological sanctions under Hinduism. In such a society the lower castes have remained subject to marginalisation from the unknown period of history. In order to get rid of this dehumanizing identity several Dalits have converted from Hinduism to other religions. But caste divisions have continued to haunt the Dalits in the form of strict endogamy and discriminations even after conversions.

Dinesha (2016) holds that Muslims community in India was backward as a whole. This was due to the lack of attention towards the problem by various institutions, and most importantly the government. Muslims were not a homogenous community; they have impact of social gradations prevalent in the Indian society. They may be divided into four categories: those who claims to be the descendants of foreign migrants, and converts respectively from the upper, middle, and lower caste groups.

Rita Izsák (2016), the Special Rapporteur on minority issues, appointed by the Commission on Human Rights has observed that the caste system was initially linked with the South Asia, where Hinduism has provided a religious sanction to this practice. But, at present the caste system was not restricted to religious or regional boundaries. It was found in different religions, different geographical areas, including the diaspora communities (paras 26-27).

Hermit (2016) has analysed the caste system of India with reference to Dalit Christians. Author has observed that the casteism was so deeply rooted in Indian social structure that even the deprivations and discriminations based on it were still in existence despite the constitutional abolition of untouchability. The change of religions has no effect on the caste identities. After conversion to Christianity the upper caste and lower caste divisions have been in practice as like in Hinduism. The Dalits constitutes the two-thirds of Christian population in India, but due to caste-based restrictions they have little presence in the spiritual and temporal bodies of Church. DCs were not provided parity in religious and social ceremonies of Church. The Christian educational institutions prefer the high caste Hindu students than the lower caste Christians, as they were not able to afford the expenses.

Mallampalli (2018) holds that the egalitarianism in Christianity in India was merely normative, not empirical. The empirical studies have witnessed the existence of caste residues among the converts. The Dalit Christians have had continued to face discrimination within their new community, and within the wider society. Difficulties in access to schools, wells, medical facilities, and employment continued to haunt the Dalits after conversion. Rather the dual discriminations have been observed against the DCs; being as Dalits and being as Christians. The census and electoral rolls under the colonial state has grouped the Indians on communal grounds. Hinduism was portrayed as a caste-based religion and others as casteless. But the studies have denied this sharp distinction among the subaltern communities, as most of those have a mixed culture.

Mathai (2018) has analysed the conditions of Dalit Christians in India and has found that there was no positive change in their economic and social conditions after conversion to this egalitarian faith. They were living in small houses with other Dalit communities, usually at the outskirts of villages. They were suffering from scarcities of daily needs like the other Dalits. They were at the bottom of literacy rate, due to poor educational services in their localities and compulsion on the part of children to work at the earlier stages of life. Most of those were engaged in agriculture sector as daily wage labourers. There were instances of compelling them to perform the caste related menial jobs like beating of drums and removal of dead animals etc.

Panigrah (2018) has studied the human rights violations of the DCs in India. Author has observed that caste was antagonistic to human rights, and this institution exists in all the religions in India like Sikhism, Islam, and Christianity. Caste and kinship ties were more important for the Dalits professing Christianity, than their religious identity. They suffer from similar disabilities as their counterparts professing other religions.

Mosse (2020) has analysed the claims of exclusiveness of caste to the territory of India and to the Hinduism. With respect to the territorial exclusiveness, author has observed that the empirical facts were not in consonance with these claims, as the institution of caste do also exist in the Indian diaspora residing in countries like UK. Regarding the second claim of exclusiveness of caste to Hinduism, author has concluded based on his ethnographic and historical research that religion was not the basis of caste. Caste divisions were found to be present among the Christians also. If the caste was not restricted to India and Hinduism, why it was claimed that it is an institution unique to Hinduism and India? Two cases have been analysed in the research.

First case is the imposition of “castelessness” on the non-Hindus in India. Under this policy DCs and DMs were excluded from the legal category of Scheduled Castes, consequently depriving them from special welfare measures and legal safeguards provided to the SC Dalits. Dalit Christians were supposed to be casteless

on their conversion, irrespective of the contrary factual evidence found in empirical studies. Misra Commission (2007) has reported the continuance of caste and caste related deprivations among the Dalits professing Christianity and Islam. The Commission has also recommended the inclusion of all the Dalits, irrespective of their religion in the category of Scheduled Castes. But the recommendation was rejected by the Government in 2015. Based on historical studies, author has concluded that even the Hindu identity was enforced on the Dalits in the late nineteenth and early twentieth century. They were only Dalits before their entry into Hinduism.

Author has observed that caste exist in UK, with the slightly modified identities, like Ravidasias and Valmikis etc. together with the caste-based discrimination. The Government has initiated steps towards elimination of such discriminations based on expert reports. But the Hindu organisations in UK have denied the existence of caste in the country. They have opposed the anti-discrimination legislation as "an act of anti-Hindu racial and religious violence (p. 15)". They have expressed the fear that the legislation will be used to suppress the religious freedom of Hindus and will be harmful for South Asian employers.

2.8 Studies related with discrimination against DMs and DCs

Galanter (1984) has analysed the communal and discriminatory character of the protective discriminatory measures in India. In the Constitution, several safeguards were provided for the upliftment of the previously untouchable classes, particularly in the form of reservations. As regards the membership in the beneficiary groups, author has noted the instances of communal discrimination. The disadvantaged castes tend to convert from Hinduism to other religions having egalitarian principles. But their conversion to any non-Hindu religion disqualifies them from affirmative action policies. Galanter remarks that such a provision acts like a heavy price-tag on the freedom of religion, has a suspected constitutionality, and conflicts with the objectives of the policy of welfare for the disadvantaged (p. 325).

Constitution of Independent India is, beyond any doubt, secular in character, where freedom of religion is guaranteed. But under the Presidential (SC) Order, 1950,

profession of Hinduism was imposed as a qualification to get the benefits of preferential treatment (p. 305). This Hinduism test was applied neither in the first Scheduled Castes Order, 1936 (though Christians were excluded), nor in the Constitution of India (p. 322). After the commencement of the Constitution, untouchability and imposition of caste disabilities have been abolished. Now the preferential treatment is aimed at to alleviate historical disadvantages. So, depriving the converts from the benefits of affirmative action policies on the pretext of becoming "casteless" is questionable (pp. 324-326).

Wyatt (1998) has observed that the Indian Christians were the second largest minority in India, constituting about 2.5 per cent of its population, nearly two-thirds of whom falls within the Dalit identity. They were suffering discrimination by their co-religionists and by the outside society. The Dalit Christians were one of the most backward sections of Indian society. Constitution of India does not recognise Christian and Muslim Untouchables as the Scheduled Castes, an official category for the objective of positive discrimination in their favour. Dalit Christians, facing dual burden of untouchability, and an exclusion from affirmative action were feeling frustrated. They have evolved their own Dalit theology and their own interpretation of Bible, describing Jesus himself as a Dalit as he suffered similar social conditions in his own time.

Lobo (2002) has studied the issue of minorities, particularly the Christian minority in India. Based on his extensive research on lower castes, indigenous people, and minorities, the author has observed that the minorities were being targeted from different angles in India. "Hindutva" forces have adopted the violent measures against the minorities. The state was shirking from its primary duty of protection of the minorities. Policy of the state to exclude the Dalit Christians from the benefits of reservations, and granting the same on reconversion to Hinduism was acting as a supporting measure for the anti-minority forces. Dalit Sikhs and Dalit Buddhists were included in the SC category, making them eligible for the benefits earmarked for this category, while the Dalit Muslims and Dalit Christians were still excluded, making the policy a discriminatory policy.

The author has observed that the Christians were a miniscule minority of 2.4 per cent, and contributing disproportionately in the fields like voluntary service, education, and health etc. These services were open to all communities, and the persons taking part in anti-Christian movements were also among the beneficiaries. Author has analysed that during the last four years the incidences of communal violence against the Christians have witnessed a sharp rise. They are frequently blamed as anti-nationals and having extra-territorial loyalties. It has tarnished the image of India as a secular state. The author has called upon that in the interest of the unity of India, there was a dire need to identify the real anti-national elements, and to ensure a safe environment for the people of all the communities.

Ahmad (2007) has observed that though Islam does not recognise casteism, the practical conditions are not similar. Empirical studies have demonstrated the existence of caste-based restrictions like sociality, endogamy, and commensality among the Muslims. Public policies should not be based on ideologies, those should be based on objective realities. Secularism requires that the groups of people living in similar conditions should be dealt with by similar policies. Inclusion of a caste into the Scheduled Castes should be based on the test of exclusion and stigmatisation faced by it, irrespective of the religion of its members.

Louis (2007) has analysed the economic and social conditions of DCs and has found that they were not considerably different from other Dalits. Apart from continuance of social discriminations, the DCs were also deprived of the Scheduled Caste status, consequently a Dalit has to loss all the SC category benefits on conversion. Even the protection of "Protection of Civil Rights Act, 1976" was not be applicable to a convert. This discrimination was violation of the Constitution, which guarantees the protection against discrimination based on the grounds of religion, race, caste, sex, or place of birth (Art. 15). The fact of existence of caste among all the religious communities has been reported by the Mandal Commission and commissions constituted by various state governments. But the attempts to include all the Dalits in the Scheduled Castes have failed due to political calculations.

Hasan (2011) has observed that India has failed to include the minorities in its political and administrative structure. Among the minorities, the Muslim community was particularly lagging all the religious communities. Dalit Christians have been raising their voice since the establishment of the Republic, and the similar voice was also being raised by the Muslims since the last decade of the twentieth century. Both of these groups have been excluded from the SC status, and are included only in OBCs. It has led to the deprivations of both groups from the affirmative action benefits, as they are kept in a category, which is comparatively more advanced from these groups. During the colonial period they were excluded from the SC category, because they were given separate quota of reservations as religious minorities. When the reservation for minorities have been terminated, these groups are deprived from the benefits from both sides. Some of the political parties have shown concern for to the demands of DCs and DMs, but have always shown reluctance to act in the direction. On the other hand, some of the parties like BJP are strictly against this demand. Finally, the author has concluded that the affirmative action policies in India were not in tune with the objectives of social justice for the society as a whole, and need to be extended to all the groups which were facing discrimination and were at a disadvantageous position.

Rao (2011) has studied the discriminatory nature of the reservation policies at India level, and has also analysed some alternative steps taken by some State Governments. He has pointed that after the commencement of Constitution, the President had issued an order specifying the castes which were to be considered as Scheduled Castes. But that Order has restricted the SC status only to the Hindu Dalits, which was later extended to Sikh Dalits, and then to the Buddhist Dalits. But the Dalit Christians are not eligible for SC status, and the corresponding reservations. They have to face dual discrimination, first for being the Dalits, and second for being the Christians. The Dalits are subjected to severe atrocities by the upper caste, and the law enforcing agencies and even judiciary have tendencies to do injustice to them.

Author has discussed some positive steps taken by the Andhra Pradesh Government to include the DCs into the Scheduled Castes. The case was sent to the

Central Government for its consideration. As an ad hoc measure the State Government has established a Finance Corporation to provide aid to the DCs for education, vocational training and employment. The author has observed that such steps are helpful to mitigate the discriminations against the DCs until their demand for SC status is accepted.

Waughray (2011) has studied the caste system and protective discrimination measures in India. Author has observed that Constitution of India has guaranteed several protective measures in favour of those communities which have remained subject to discrimination. These communities have been divided into three broad categories of Scheduled Castes (Dalits), Scheduled Tribes and Other Backward Classes. The protective measures were in the form of protective legislation and reservation in representative bodies, public employment and in admissions to educational institutions. Article 341 of the Constitution of India has authorised the President to notify the castes, which were to be known as Scheduled Castes with respect to different states. Once notified, the list can be amended only by Parliament. The President has issued "The Constitutional (Scheduled Castes) Order, 1950", which has restricted the SC status only to the persons professing Hindu, Sikh, and Buddhist religions. Dalit Muslims and Dalit Christians have been deprived of the SC benefits. Various Commissions and Committees appointed to look into the matter have reported that caste discrimination does exist in all the communities in India; hence, all the Dalits, irrespective of their religious affiliations should be included in the Scheduled Castes.

Ali (2012) has on the basis of the analysis of the Census records of 1901 to 1931, observed that the caste divisions do exist among the Muslims. So, the policy of reservations was extended to the Dalit Muslims along with Hindu Dalits under the Government of India Act, 1935. But the Constitution (Scheduled Castes) Order, 1950 has restricted the reservations only to the Hindu Dalits. The report of Advisory Committee on Minorities have recommended the reservation of seats in legislatures and in services for the minorities. But all the concessions had been withdrawn from the minorities in the course of events while finalising the Constitution.

The Muslim organisations struggling for the benefit of reservations were not unanimous on their demand. The Upper caste Muslims claims that there was no room for casteism in Islam, so the whole community should be included in the OBCs. On the other hand, the "Pasmada"⁴ leaders were demanding that the reservations should be extended only to lower class Muslims. The right-wing organisations like Bharatiya Janata Party have apprehensions that the extension of reservation benefits to minorities will expedite the conversions from Hinduism to other religions.

Jose and Varghese (2013) have observed that the DCs were facing discrimination not only within their own community, they were also subjected to discrimination by the State. After Independence, Constitution (SC) Order, 1950, issued in pursuance of Article 341 of the Constitution had restricted the SC status only to the Hindu Dalits, which was later extended to Sikh Dalits and Buddhist Dalits. Hence, the DCs were facing the double discrimination: By exclusion from SC category due to their religion, and by excluding from equal status in the Church by the caste Christians. The study provides an empirical support in favour of a need of providing constitutional protection to DCs at par with the Dalits professing Hindu, Sikh, and Buddhist religions.

Raj (2014) has analysed the social, economic, and educational conditions of DCs, in Tamil Nadu. Author has concluded that the Dalits have continued to suffer from casteism and caste-based atrocities even after conversion to Christianity. But they can not avail the protection of laws like POA, Act 1989, and PCR Act 1976, because they are not considered as Scheduled Castes. Any demand by DCs for inclusion in SC category is vehemently opposed by other Dalits, as they fear of erosion of their share of reservations. Author has called upon the Church to take effective steps to improve the socio-economic conditions of DCs. Author holds that the denial of SC status by the state to the DCs was a denial of right to religious freedom to Dalits.

⁴ Pasmada Muslim Mahaz or 'Marginal Muslim Front' is an organisation of lower-class Muslims.

Chadha (2015), on the basis of her study of constitutional provisions, judicial decisions, and reports of various national and international level bodies and committees has bring to the notice the discrimination against some minority communities in India. Minorities like the Christians and Muslims are being discriminated in the matters related to reservations. Author has conducted an in-depth study of history of communal reservations in the country. These communal reservations were started during the colonial period and the continuance of policy was accepted by the Advisory Committee on Minorities and Fundamental Rights. But, in the course of time the Advisory Committee has withdrawn this proposal and the reservations were restricted only to the "backward classes". Sikhs were successful in extending the SC status initially for few Dalit Sikh castes. Constitution (SC) Order was issued by the President in 1950. It has restricted the SC status only to the persons professing the Hindu religion, and to four Sikh castes.

In 1956 the Sikhs have successfully got the SC status extended to all the persons, who have got converted from Untouchable castes. Then the SC status was extended to the Buddhist Dalits. But the other minorities like the Christians and the Muslims are still excluded from the SC category. Constitution of India contains several provisions prohibiting the discriminations based on religion. From time-to-time various committees and commission have been appointed by the Government of India to investigate the conditions of backward classes and minorities. These commissions and committees have pointed out that no religion in India was free from casteism. Lower castes suffer from poverty and social discrimination in all the religious communities. Further the Muslim community was found to be backward as a whole in education, economy, and social scales. There are little chances for the Muslims and Christians having representation in democratic institutions in accordance with their proportions. Author has suggested to create an institutional mechanism to ensure equality of opportunities, extension of reservations to the backward classes among the Christian and Muslim communities, and shifting the basis of reservation from caste and religion to economic conditions.

Dinesha (2016) has analysed the discrimination against the DMs. Author has observed that the Constitution has provided several safeguards for the weaker sections, particularly the erstwhile untouchable castes. But the SC Order, 1950 has identified the Scheduled Castes on the basis of religion, excluding the Muslim Dalits. The ST Order 1950 is religion neutral so few Muslim tribes are included in the STs.

The Ranganath Misra Report has officially brought to the notice of the decision makers that the Muslims as a whole were backward from all fronts of development. It has recommended the inclusion of DMs and DCs into the Scheduled Castes. The Sachar Committee has also noted the backwardness of Muslims. Author has stressed the need of state intervention to promote the level of development of the Muslims.

Hermit (2016) has analysed the dual discrimination against the DCs. According to the author the DCs are not only discriminated against by their co-religionists, but also by the society at large, and even by the state. A person or a section of persons committing atrocities against Dalits does not make any distinction between the Christian Dalits and Hindu Dalits. Rather the DCs seems to be suffering from double discrimination; as Dalits and as Christians. The state has excluded the DCs from the protection of PCR Act and POA Act, because they are not considered as Scheduled Castes. Because the Constitution (SC) Order, 1950 had restricted the SC status only for the Dalit Hindus. Later on, it was extended to the Dalit Sikhs and then to the Dalit Buddhists. As a result, the DCs are also deprived of the benefits of SC reservations. To avoid this deprivation several DCs are reported to conceal their Christian identity. Author has called upon the Church to contribute towards the socio-economic upliftment of the DCs.

Samarendra (2016b) has analysed the decision of the Supreme Court in Mohammad Sadique v. Darbara Singh Guru case, where the election of Mohammad Sadique from and SC reserved seat of Punjab Legislative Assembly was declared as valid, as Mr. Sadique has claimed that though born in a Muslim family, he has converted to Sikh religion five years before contesting the election. The apex court

has accepted that he belonged to Doom caste, which was a Scheduled Caste in Punjab. So, he has fulfilled the condition of caste. On conversion to Sikhism, he has also fulfilled the condition of religion for getting an SC status.

Author observes the Constitution (SC) Order has conferred the SC status only on Hindus, which was later extended to Sikhs and Buddhists also. It has been held by the author that the condition of religion was based on the assumption that the castes mentioned in the list were suffering from several deprivations under Hindu social order. Prior to the judicial case under study, the courts have held that caste continue to exist even after conversion to an egalitarian religion, and on reconversion to Hinduism a person can regain SC status for himself. But as regards the case under study, Mohammad Sadique was a born Muslim and remained so for more than six decades of his life. His religion does not allow him to get SC status. But on conversion to Sikhism his claim to SC status was accepted by the court. Author has called it a "dangerous dimension" of relationship between caste and religion. It is a signal to the Muslims of Dhobi, Doom, Julaha, and Mochi castes etc. that they can get SC status and inherent benefits "provided they agree to convert to Hinduism, Sikhism or Buddhism (p. 15)". Author has called upon to review the question of relationship of religion with SC status, but has no hope for such a step from the BJP led ruling combine in the Centre. He has called upon the judiciary to at least "address the dichotomies in its own judgements (p. 16)".

Fazal (2017) has analysed the provisions of Constitution (SC) Order, 1950, deliberations of the Constituent Assembly relating to the issue of reservations, debates in Parliament on the issue of DMs and DCs, and various judicial decisions of higher judiciary on the question of Scheduled Caste status and religion. First of all, the author has questioned the rationale behind the communally selective inclusion in the SC category. He asks that if the inclusion in the SC category is on the sole basis of untouchability, which was sanctioned only in Hinduism, then what were the grounds for the extension of SC status to the Sikh and Buddhist Dalits, as both of these religions have emerged as rebellions against the Brahminical hierarchical order. The author has observed that Untouchability in Punjab was not like in the other states. In

this state *Chuhras*, and only those *Chamars* who skins dead cattle were deemed as polluting.

In the Constituent Assembly, some Dalit leaders have blamed the caste Hindus for the practice of untouchability and some of them have claimed a distinct identity as the original inhabitants of the country. Such a rebellion attitude of some Dalit members has had created fears in the nationalist leaders. By an amendment to the Draft Constitution, the Scheduled Castes were removed from list of minorities. Finally, the reservations were restricted to only the SC community, and the minorities were excluded from it. Sikh members have pressed their demand for inclusion of Sikh Dalits in the Scheduled Castes, and have successfully got it.

Varikoti-Jetty (2017) has studied the deprivations imposed on the Dalits, efforts of Christian Missionaries for their upliftment, and the discrimination by the state with the Dalits taking shelter of Christianity. As a result of the restrictions imposed on Dalits for thousands of years, they have lost hope of any social mobilisation. When they came into contact with Missionaries, they have found an alternate path to humane life. With the efforts of missionaries there were signs of improvement in their social, economic, and cultural life. Certain sections of society have viewed the conversions as a set back to the supremacy of Hinduism. When the British have provided community-based representation, the Indian Christians were also provided separate electorates.

When the Constitution of India was being framed the Christians representatives, all of whom were from upper castes, "sacrificed" the interests of Dalit Christians in the race of expressing faith on the goodwill of majority community. Consequently, no reservations were provided in favour of Indian Christians. In 1950 President has issued the Constitutional (SC) Order, in pursuance of Article 341 of the Constitution. The Schedule contain the lists of castes, races, or tribes, which were to be deemed as Scheduled Castes with respect to different States. But the Order has imposed the condition of professing Hindu, Sikh, or Buddhist religion for the eligibility of SC status. It has deprived the DCs from SC status and the Dalits were

divided into SCs and Non SCs. While the Constitution confers right to freedom of religion on all the citizens, the right was denied to the Scheduled Casts, as they were required to surrender the benefits under SC category on conversion to any religion other than Hindu, Sikh, or, Buddhist. Efforts by missionaries for the progress of Dalits were restricted by depriving the converts of the SC status, which was available to them in case of non-Christian religion. Now the DCs are "twice deprived", for being a Dalit and for being a Dalit Christian. Author has called for the elimination of communal discriminations in the light of secular spirit of the Constitution.

Mallampalli (2018) holds the opinion that the question of caste in Christianity cannot be understood in the absence of an observation of a long history of the issue. In the earlier phase of Company rule the British have had adopted the policy of governing the Indians according to native civil laws. Hindus laws were applied to the Hindus, and Muslim laws to the Muslims. According to Hindu law "Converts from Hinduism to Christianity underwent a 'civil death' whereby they forfeited inheritance and other familial rights (p. 30)". Civil death is the excommunication from the community and becoming an outcaste. The British have had passed "The Caste Disabilities Removal Act, 1850" providing that the Muslim and Hindu laws providing exclusion from rights or property shall not be applicable to a person who has renounced these religions. The Act "treated converts as though they were still Hindu with respect to their civil or familial rights (p. 31)". This provision was similar to the demand of the Dalit Christians, regarding the amendment of Constitution (SC) Order, 1950, so that they can continue to get SC benefits.

Mallampalli holds that castelessness of the Christianity was advocated by the missionaries and the colonial state. But the post colonial state has appropriated the idea of castelessness among the Christians to deny the affirmative action benefits to Dalit Christians.

Mathai (2018) has observed that the DCs were facing discrimination from the state. As the SC status was restricted only for Dalit Hindus, Dalit Sikhs, and the Dalit Buddhists. Consequently, the DCs were not eligible for SC reservations. They were

also experiencing discrimination in Church, as the upper caste Christians does not recognise them as equal. Christian institutions like the schools are under the control of upper caste Christians. Though the DCs constitutes the 70 per cent of Christian population, their representation among the clergy is nominal. DCs face discrimination and intolerance from their fellow Dalits also. Any demand by the DCs for SC status or reservations is severely opposed by other Dalits. DCs are also subjected to atrocities, like other Dalits, but they cannot avail the protection under POA Act, 1989 and PCR Act, 1976. They are in the triangle of discriminations by society, state, and Church.

Panigrah (2018) has studied the violation of human rights of the Dalits professing Christianity in India. The study has assumed that the human rights are birth rights of a person and it is the duty of the state to protect the human rights of all the people. In India Dalits have remained backward in all spheres due to the caste-based deprivations enforced upon them since thousands of years. In order to bring the Dalits (officially called as the Scheduled Castes) at par with the forward sections, the Constitution has provided for reservations in their favour. After the commencement of the Constitution, a Scheduled Caste Order was issued by the Union Government, which was applicable only to Hindu Dalits. Later, Sikh Dalits (1956), and Buddhist Dalits (1990) were also included in the Scheduled Castes by amending the Order. Muslim and Christian Dalits are still not eligible for SC status, making the SC Order discriminatory and violative of freedom of religion. All the Dalits have caste based common communities, and have experienced common sufferings. Denying the benefits to the Dalits professing a particular religion is not in line with the principles of secularism as enshrined in the Constitution.

Kesalu and Srinivasulu (2019) have analysed the contradictions between the principles of secularism as enshrined in the Constitution of India, and the religious restrictions imposed on the Dalits. The Constitution ensures secularism through various provisions like the freedom of religion. The ideal of secularism was expressly spell out through the 42nd Amendment. This is the ideal having world wide recognition as a basic human right under the Universal Declaration of Human Rights, and under the International Covenant on Civil and Political Rights.

Caste hierarchy has enforced social exclusion on Dalits since a long time, leading to their trapping into poor skills, poverty, poor housing, higher crime rate and weaker health. They were considered as outside the Hindu caste system, or outcastes. They have been assigned unclean occupations. Constitution has clubbed them under the category of Scheduled Castes for protective and developmental measures. It has also ensured freedom of religion under various express provisions. But on the contrary several States in India have enacted anti-conversion laws. The SC status is restricted only to Hindus, which was later extended to Sikhs and Buddhists. Hence, the Dalits who have converted to Islam or Christianity are not considered as SCs and all the benefits in the form of reservations are withdrawn from them. Since the closing years of twentieth century the incidences of communal violence against the Christians, majority of whom are Dalits, have increased at an alarming speed. The fact was referred to by National Commission for Minorities, and National Integration Council of India. The Dalit Christians have been suffering from communal violence and state sponsored discrimination in reservations.

2.9 Studies related with social, economic, and educational conditions of DMs and DCs

Borooh and Iyer (2005) have argued that the education, religion, and caste were closely interlinked in India. The study was based on a survey conducted by National Council of Applied Economic Research for the year 1993-94. It reveals that the literacy rate does not depend only on the availability of educational institutions; it also depends on certain socio-economic factors. According to this study the enrolment rate for Hindu boys was 84 per cent, for the Muslim boys it was 68 per cent, and for the SC boys it was 70 per cent. In case of girls the enrolment rate was 68 per cent for Hindu girls, 57 per cent for Muslim girls, and 55 per cent for SC girls. The article has also examined the impact of education of parents on enrolment of children. It has found that the impact of community traits on enrolment of children was maximum in case of illiterate parents and it comes down with increase in the education level of parents particularly of mothers.

The authors have examined the impact of community traits on the opportunities of education to the children. But the impact of reservations on SC communities and a comparative deprivation to the Muslim Dalits were not examined in the article.

Borooah, Dubey, and Iyer (2007) have analysed the employment data from 55th round of NSS. They have found that Muslims belonging to OBC category were far behind the other groups in the education field. They have been lagging even of the SCs. The non-OBC Muslims were also found to be backward in education.

Raj (2014) has analysed the socio-economic conditions of DCs in Tirunelveli District of Tamil Nadu. According to the author the Dalits have converted to Christianity to get liberation from caste ridden Hindu social order. Dr. Ambedkar has called upon the Dalits to convert to the egalitarian religions. But the institution of caste has penetrated so deeply in the Indian society that no religion is free from casteism, and Christianity has also failed to improve the conditions of Dalits. After conversion to Christianity, they are known as DCs. They are socially backward, and the caste endogamy is maintained by Christians as strictly, as in Hinduism. Christians have established institutions of quality education, but mostly the children of DCs have to left such institutions before seventh class, as they can not afford fees.

Economically the DCs have remained poor and deprived. Church has no program for their economic development, as the decision-making bodies are in the control of upper caste Christians. Untouchability has continued to haunt the DCs both within the Church and the society in general. There are separate sitting arrangements in the prayer halls, they cannot take communion before the high caste Christians, there are dividing walls between the burial spaces for DCs and high caste Christians.

2.10 Studies related with Political Representation of Muslim and Christians

Nahar (2005) has carried a study on the Christians in Punjab. The study has found out that most of the Christians in Punjab were converts from lower strata of the

society. They have converted to find a release from the stigma of lower social status in Hindu society, but even after conversion they were living miserable lives. They have not adequate political participation, they have continued to suffer from discrimination as before conversion, and they were not included in the lists of Scheduled Castes as like their counterparts in Hindu and Sikh religions. The study has also examined the slogans raised by the Sangh Parivar during the BJP Government in the Centre. Most of these slogans were targeted against the Christians i.e. "One nation, one culture and one people" etc.

Hasan (2011) has comparatively analysed the different approaches adopted by the Indian State to ameliorate the living conditions of different sections of deprived population in the country. Author has observed that Indian society was marked with the greatest level of inequality in the world, having caste, gender, and religion etc. as the bases of such inequalities. There was a near consensus on the affirmative action policies in favour of the SCs, and STs, and same have been extended for the OBCs with minor reluctance. But, as it came to the affirmative action in favour of religious minorities, the state has always expressed reluctance to extend the benefits to them. Minority rights are recognised only under the freedom of religion and culture, not in the form of reservations. As a result, India has witnessed a considerable success for the inclusion of deprived sections, but has failed to include the minorities in its political and administrative structure. Muslim community is particularly lagging in all aspects of human development, and the fact is recognised by the national level committees appointed since 1980's. Author has noted that the proportion of Muslim members of Lok Sabha has never reached the level of proportion of the population of the community.

Nahar (2016) has analysed the problems of Christian minority in India, with special reference to the state of Punjab. India is a secular state where the Constitution has assured the rights for the minorities to preserve and protect their culture and religion. But the Constitution has not defined the term "minority", so the issue has come before the judiciary on several occasions, which has ruled that the minorities should be identified according to the law in question. Where the law is made by the

legislature of the State, the minorities should be identified on the basis of demography of the State; and, where the law in question is made by the Parliament, the minorities should be identified on all India basis.

Christians are a microscopic minority in India as well as in Punjab. Despite the constitutional provisions ensuring the protection of rights of all communities, the Christians are subject to several discriminations. While extending the SC status to the Dalit Buddhists, it was stated by the Minister of Social Welfare that "change of religion does not alter social and economic conditions" (p. 116), but in case of DCs the demand for SC status was rejected. Anti-minority riots are common in India, making a mockery of right to life enshrined in the Constitution. The government has enacted the laws like PCR Act, 1976, and POA Act, 1989 for the Scheduled Castes. But due to non inclusion in the Scheduled Castes, the DCs are deprived of the specific protections under these laws. Constitution has ensured the right to freedom of religion, which also includes right to propagate religion, but various state governments have enacted anti-conversion laws, and attempts have been made to enact such law at Central level.

In Punjab the Christians are mainly converts from lower castes. Most of those are from rural areas. DCs are landless and mostly engaged in menial jobs. Illiteracy is widespread among the DCs. They are living in miserable conditions, but even than they are not eligible for welfare schemes of the government, which are restricted only for the SCs. No Christian has ever been elected to the Legislative Assembly of State. In a nutshell the Christians in Punjab, most of whom are Dalits, have no representation in politics, economy, and culture etc.

Majid (2017) has conducted a case study on the violations of human rights of the Muslim community in India. Lower representation of the Muslims in the House of the People has been taken as a sign of oppression. Using the figures of representation of Muslims from first (1952) to fourteenth (2004) House of the People, it can be calculated that the maximum representation of the community was in the seventh

House of the People, constituted in 1980 (9.3%). At an average it was merely 6 per cent during the entire period.

2.11 Studies related with the Employment conditions of DMs and DCs

Borooh, Dubey, and Iyer (2007) have on the basis of the analysis of 55th round of NSS data, observed that the Muslims were found to be in greater employment deficit. The authors have concluded that reservations have helped the weaker sections to improve employment-friendly attributes and then in getting jobs. But such policies have discriminated against the Muslims. If the job reservation is to be extended beyond SC and ST, then the Muslims have a strong and judicious claim to such reservations.

Robinson (2007) has analysed the social, economic, and political conditions of Muslim in India. The analysis is based on the Sachar Committee Report. It has been found in the study that the Muslim have highest total fertility rate and the community was most backward in education in all the religious groups, and has slightly better position than the SC and ST categories, though the community is in favour of providing formal modern education to their children. In employment sector, their proportion is more in unorganised sector. In self-employment proportion of Muslims is more than the proportion of their population. A large number of those were found to be working as street vendors, hence, more exposed to disruptions and urban violence. Their share in regular salaried wage employment was very low.

Muslims have poor representation in public sector employment. Their share in the forces like police is 6-7 per cent, leading to the biased attitude of such forces in case of disputes and communal riots. Their presence in defence forces is merely 4 per cent, while they constitute the 14 per cent of the population. In democratic representative bodies their representation was far behind their population. Premier services of the country like IAS and IFS have Muslim representation of 3 per cent and 1.8 per cent respectively. Author has concluded that the Muslims are lagging from other communities in all sectors of development. Muslim OBCs were unable to

compete with the more advanced sections of this category. Those Muslim castes which were at par with Scheduled Castes should be included in the SC lists. When the Constitution (SC) Order, 1950 is amended to accommodate the Dalit Sikhs (1956) and Dalit Buddhists (1990), there is no logic why the DMs and DCs were deprived from the SC status.

Ito (2009) has studied the data collected by Living Standard Measurement Study survey conducted in the States of Uttar Pradesh and Bihar to examine whether there was any caste discrimination in employment opportunities and wages. He has found that people from backward classes do face disadvantages in finding regular jobs. The data shows that backward Muslims and SCs have almost similar education opportunities. Further there was no significant difference between the employment opportunities for the SCs and for the Backward Muslims.

Mandal (2012) has analysed the prevalence of caste in the Muslim community, and the overall backwardness of the community in public sector employment. Author has held that the Muslim were divided in endogamous groups like in the Hinduism. But The Constitution (SC) Order, 1950 has restricted the SC status only for the Hindu Dalits. Most of the Muslims in India are descendants of lower caste converts. But they are excluded from the SC category. Various reports and researches have concluded that Muslims as a whole are a backward community. They are backward both in economy and education. Their presence in higher education is lower even than the Scheduled Castes. In the elite educational institutions, their representation is less than 2 per cent. In the public services Muslim share is far behind the proportion of their population. Their representation in House of the People has never reached at the proportion of their population. Muslim representation in Armed Forces is merely 2 per cent. Based on backwardness of the community, a demand is rising in favour of reservations in their favour. But the reservations for the whole community will not be in consonance of the provisions of the Constitution. Specific provisions are allowed for weaker sections, which are already provided to the weaker sections of Hindus, Sikhs, and Buddhists. Such provisions should also be extended to the weaker sections of Muslims. Apart from education other affirmative measures should also be taken in

the favour of Muslim community. Providing opportunities of education will be the most important measure in this regard.

2.12 Studies related with the commissions and committees related with DCs and DMs and their analysis

Banerjee (1997) had dealt with the deprivation enforced on the Dalit Christians in India. He has mentioned the reports of various committees and commissions which have concluded that a change over from Hinduism to Christianity does not results in socio-economic upliftment of the Dalits. They really deserve the benefit being given to their counterparts in the Hindu, Sikh, and Buddhist religions. Deprivation of benefits to Dalit Christians is a violation of their human rights and the philosophy of the Constitution of India.

Sachar Report (2006) has highlighted that Indian Muslims were having a burden of proving that they are not anti-nationals or terrorists. They have been suffering from instances of social boycott by others. They feel safe in some specific localities, but such Muslim localities have few schools above the primary level. The Committee has noted that in several cases the Muslim majority assembly constituencies are declared as reserved for SCs, and at the same time the Dalits among the Muslims have been deprived of SC status. Educational level of Muslim population is very low. In the premier colleges there were 4 per cent Muslims in under graduate and merely 2 per cent Muslims in post graduate courses. Participation of Muslims in regular job in urban areas is lower even than the SCs and STs. The Committee has recommended to maintain education, employment, and economy related data for different socio-religious communities so that corrective measures can be adopted for weaker communities.

The National Commission for Religious and Linguistic Minorities (NCRLM, 2007), Also known as "Misra Commission" after the name of its Chairman- Justice Ranganath Misra was constituted by the Government of India to suggest measures for identification and upliftment of backward classes among the minorities. The Commission was also asked to suggest necessary constitutional and legal modalities

to implement its suggestions. Later, its terms of reference were extended to examine the position of para 3 of the Constitution (Scheduled Castes) Order, 1950. The Commission has concluded that the caste system was prevalent in all of the religious communities in India. It has recommended the deletion of para 3 of the Constitutional Order and to extend the Scheduled Castes status to Dalits of all the religious communities. With respect to the modalities, the Commission has explained that no constitutional amendment is required to make the SC status religion neutral, as the Constitution has nowhere restricted it to Hinduism only.

Deshpande and Bapna (2008) have prepared a status report on the socio-economic conditions of Dalit Christians and the Dalit Muslims. The authors have used the 61st Round NSSO data for statistical analysis. The authors have found that the Dalits amongst the Christians and the Muslims have similar plights as their counterparts in the Hinduism. Sociologically they have to face the caste-based restrictions like endogamy, and economically they are far behind their co-religionists. The authors have recommended that on the lines of Sikhs and Buddhists the Dalits in the Christianity and in Islam should be included in the category of Scheduled Castes in the interests of natural justice and philosophy of the Constitution.

Ali (2013) has investigated the "post Sachar politics" with respect to the Muslim community. He has found that in the first decade of twenty-first century, two commissions were formed to investigate into the conditions of minority communities—the Sachar Committee and the Mishra [*sic*] Commission. The Sachar Committee has brought to the notice the hardships and the Ranganath Mishra [*sic*] Commission has made recommendations for the removal of such hardships. Most of the political parties have paid only lip service to the cause of minorities. Muslims, the largest minority in the country have lost faith from such political parties, and resultantly several Muslim political parties have emerged to secure the interests of the community. The UPA Government at the Centre has declared 4.5 per cent sub-quota for minorities out of the existing OBC quota of 27 per cent. Such moves are not going to benefit the Muslims as they will have competitors from more advance communities like the Sikhs and the Christians. Further, such an order will not withstand the judicial

test, as similar move of the Andhra Pradesh Government has been set aside by the court.

Author has observed that the political parties like Congress rely on the upper caste Muslim leadership. View point of *Ashraf* leadership is considered as the Muslim view, which was not true. The Government is not serious about the implementation of the Sachar Committee Report. He has called upon the Government to refrain from such tricks and to take some substantial steps to improve the conditions of backward Muslim communities. He has suggested to provide a sub-quota for Muslim OBCs and to bring the DMs into the SC category

National Sample Survey Organisation (66th Round, 2013, Report no. 552) has collected data on employment and education level among the major religious groups in India. With respect to the State of Punjab the data shows that the Muslim and Christians were at the lowest levels of education. Regular salaried wage employment is the main objective of the reservations. This class mainly resides in cities. NSS data shows that at the all-India level the regular salaried wage employment rate in Christians was slightly more than the Hindus. But it was very low in the Muslims.

2.13 Studies related with the Case law on SC status

In *Soosai v. Union of India* (1985) case the Supreme Court has accepted that caste was prevalent in Christianity. But it was not satisfied with the claim of the petitioner that the lower castes amongst the Christians were facing handicaps as their counterparts in the Hinduism. The Court has imposed the burden of proof on the affected communities. The decadal Census operations does not collect any data on Dalits, but only on the SCs. NSSO also have little data related to the Dalits professing Christianity and Islam due to their being out of the SC category.

The question of religion of Mohammad. Sadique was raised before the Punjab and Haryana High Court (*Darbara Singh Guru v. Mohammad Sadique*, 2015) in the form of an election petition. In this case election of Mohammad Sadique to Punjab Legislative Assembly from Bhadaur constituency was challenged on grounds of caste

cum communal basis. In the Legislative Assembly elections, 2012, the Bhadaur constituency was reserved for the Scheduled Castes. Mohammad Sadique has won the seat. Darbara Singh Guru, another contestant from the seat has filed an election petition before the Punjab and Haryana High Court based on eligibility of Mohammad Sadique to contest a seat reserved for the Scheduled Castes. He argued that Mohammad Sadique, being a Muslim cannot claim to be a Scheduled Caste person. Mohammad Sadique was born in a Muslim family and he belonged to *Doom* caste. This caste was included in the list of Scheduled Castes for the State of Punjab, but such a status cannot be claimed by a Muslim. Mohammad Sadique claimed that he has converted to Sikhism. But he has failed to convince the Court, and his election to the seat reserved for the Scheduled Castes was set aside on grounds of ineligibility.

In this case no question was raised as to the caste of the respondent. What was under consideration was the religion of the person. Mohammad Sadique was unable to defend his claim that he has converted to Sikhism, so his election was set aside by the Court.

Mohammad Sadique had filed an appeal before the Supreme Court (Mohammad Sadique v. Darbara Singh Guru, 2016). While considering the appeal the Court was satisfied that Mohammad Sadique has converted to Sikhism. The Court has also observed that conversion was a personal matter for a person and it need not to be made by the whole family. It was also not required to make a corresponding change in the name by the person converting to another religion. So, the case of conversion of Mohammad Sadique to Sikhism was considered as genuine and his appeal was allowed to the effect of reverting the decision of Punjab and Haryana High Court (AIR, 2016. Supreme Court, pp. 2054-2064).

In the appeal made by Mohammad Sadique before the Supreme Court the question raised was that of religion and not of caste. It was beyond any doubt that Mohammad Sadique belongs to *Doom* caste. The Supreme Court has accepted his claim that he has converted to Sikhism and consequently decided in his favour. But the reservations were provided to promote the interests of the weaker sections. How

conversion to Islam has the effect of empowerment of a person that he does not require any special safeguards and how his reconversion to Hinduism or Sikhism has again lowered his social and economic status that he becomes eligible to get the benefit of affirmative action again is a matter of further enquiry.

Samarendra (2016a) has analysed the decisions of Supreme Court as to the continuance of caste after conversions and reconversions. He has found that in the caste ridden society of India, there were few castes which were regarded as "impure" and "polluting" and were denied access to places of worship. During the 1911 Census, these castes were identified on the grounds of religious disabilities as access to temples and to be served by Brahmin. Such castes have been commonly known as the Depressed Castes. The basis of identification of Depressed Castes have witnessed a shift during the 1931 Census, when the approach was secularised. Access to civic amenities like wells, roads, and schools were added as additional indicators. After the commencement of Government of India Act, 1935 this group of castes was named as Scheduled Castes. But the Constitution (SC) Order, 1950 has again restricted the SC status on the basis of religion. Religion became the pre-condition for a person to be a Scheduled Caste. Initially it was restricted only to Hinduism, but gradually extended to Sikhism (1956), and Buddhism (1990).

The SC status brings certain affirmative action benefits to the members of a caste in the form of reservations in legislatures, public services, and admissions to educational institutions etc. So, several cases have appeared before the courts regarding the SC status of certain persons after conversions and reconversions. The analysis includes the cases where a person has converted to Christianity, and then reconverted to Hinduism. There were also cases where a person was born in the family of Christian converts, and has "reconverted" to Hinduism. Author has noticed three stages in the judicial interpretations of the relationship of caste with religion. In *S. Rajagopal v. C. M. Arumugam* (1968) case the Supreme Court has maintained that Rajgopal has lost the membership of his caste after conversion to Christianity, as caste has no recognition in this religion. Both parties have again appeared before the apex court (with minor changes in spellings of names, as *C. M. Arumugam v. S. Rajgopal*)

in 1975. Here the Court held that loss of caste membership cannot be uniformly applied to all cases of conversion from Hinduism to Christianity. It depends upon the members of that caste whether to expel such person or not. In *S. Anbalagan v. B. Devarajan* (1983) case, the Supreme Court has justified the recovery of caste by the next generation of a convert. The Court held that "it may be more accurate to say that he never lost his caste in the first instance when he embraced another religion". Hence, at this point the caste was separated from religion. In a recent case (*K. P. Manu v. Chairman, Scrutiny Committee*, 2008) the Supreme Court has accepted the claim of the appellant to get the caste status even of his grandparents, who have had converted two generations ago.

Apart from above mentioned cases where it was held that caste survives independent of religion, the author has analysed another case (*Soosai v. Union of India*, 1983). In 1983 Tamil Nadu Government has started a scheme for allotment of free bunks to the Scheduled Caste cobblers. Mr. Soosai, who has converted to Christianity was denied this benefit, for not being a member of Scheduled Castes. He has claimed that he has even after conversion continued to be an Adi Dravida, a Scheduled Caste in the State. But the Supreme Court did not give importance to the claim of continuation of caste after conversion, but said that it was not proved that he continued to face the disabilities and deprivations in the new religion. Author has highlighted the inconsistency in judicial interpretations of continuation of caste in different cases. The author has also pointed out that if the Scheduled Castes are to be identified only on the grounds of purity and pollution, then what is the ground of extending the SC status to Sikh and Buddhist Dalits, because untouchability is not sanctioned in these religions.

Fazal (2017) has analysed the case law on SC status issue. In some of the cases the courts have held that conversion to Christianity or Islam results in expulsion from caste, while in some of the other cases the courts have allowed the revival of caste and consequently of SC status on reconversion to Hinduism. Both interpretations seem to be paradoxical. The caste of a Hindu is said to be in "eclipse" on conversion to Islam or Christianity, because these religions does not recognise

casteism, but it does not get eclipsed on conversion to a Hindu sect having no belief in casteism like Arya Samaj.

Fazal has also analysed the deliberations in Parliament related with the issue of SC status and religion. He has observed that a private member bill for the removal of condition of religion from SC status was rejected by the Lok Sabha and the opponents have apprehended that it will promote conversions. Finally on the basis of analysis of Constituent Assembly Debates, case law, and Parliamentary proceedings, the author has observed that the Constitution (SC) Order suffers from three anomalies; one, it is not in conformity with the principle of secularism and second, judicial interpretations seem to be like the justification of "gharwapasi" (reconversion to Hinduism) of converts, and thirdly, it promotes the pan-Hindu identity of Indic religions.

2.14 Studies related with the International Human Rights Law on caste and protective discrimination in India

Sub-Commission on the Promotion and Protection of Human Rights (an expert body of UN Commission on Human Rights) has in 2000 declared that the prohibition of international human rights law was also applicable to the "discrimination based on work and descent". The Sub-Commission has entrusted Mr. R. K. W. Goonesekere, to prepare a working paper as to the identification of affected communities, legal measures taken by the governments, and to suggest more proposals for the elimination of this type of discrimination. In the report submitted to the Sub commission (Goonesekere, 2000), it was noted that the discrimination based on work and descent was prevalent in many parts of the world, having manifested in caste or tribe identities. It has its severest manifestation in the countries like India, Pakistan, Nepal, Sri Lanka, and Japan. Dalits in India are subjected to this discrimination, where several constitutional and legal provisions did exist to eradicate the evil. In Sri Lanka the Sinhalese have a milder, but the Tamils have a severe caste system including a temple entry prohibition on lower caste people. Nepal has a caste system like India where Dalits are regarded as untouchables. In Japan Buraku people

are living under restrictions almost similar to untouchability. In Pakistan certain people, who are mainly Dalits from India, are living under debt bondage for the generations. The author has concluded that the people suffering from the discrimination based on work and descent were a "race of broken people", and this discrimination was a serious human rights issue before the world community.

India is a signatory to the “International Convention on the Elimination of All Forms of Racial Discrimination” (ICERD) since 1968. Defining the term racial discrimination, it has been said in the Convention that it “shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin”. But the “Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals... in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms” is excluded from the scope of the term (Article 1, ICERD, 1965). It means that any preferential policy against the weaker sections is an act of racial discrimination, but any preferential policy in the favour of such sections is not covered under the definition of racial discrimination.

Government of India in its 10th to 14th periodic reports (1996) submitted to ICERD has held that the term *descent* used in Article 1 of the ICERD does not include caste, as the institution of caste was peculiar to India, having emerged out of functional division of society (paras 6-7). Considering the report of India, Committee on Elimination of Racial Discrimination (CERD) has reiterated that *descent* in ICERD also includes caste (UN/CERD 49th Session, 1996, para 14).

In 2002 the CERD has issued “general recommendation 29” to make it clear that the term *descent* in Article 1 of the ICERD includes all the grounds of prohibited discrimination, like caste etc. It means that any discrimination based on caste within the states party to the Convention was open to international scrutiny.

Considering the 15-19th periodic reports of India, UN Committee on the Elimination of Racial Discrimination (CERD) has made the concluding observations that the institution of Caste is included in the definition of racial discrimination under

international law. Caste based discrimination is declared a form of discrimination based on work and descent time and again by the United Nations bodies, human rights activists and special Rapporteurs appointed in that behalf. But India has never accepted that position. It always has claimed that the caste-based discrimination is a social problem peculiar to Indian society and the Governments have taken several measures in the form of affirmative action policies for the welfare of the people suffering disabilities from untouchability. In the concluding remarks on the report of India, the CERD has expressed its concern that the Dalits who have converted to Christianity or Islam have been deprived of the benefits provided under the affirmative action programmes (CERD/C/Ind/CO/19, para 21). India always claims that the words *caste* and *race* are mentioned separately in the Constitution of India; hence have different meanings in Indian context. So, the international treaties or conferences on elimination of racialism cannot cover the casteism prevalent in India. The CERD, and other special rapporteurs have opposed the policy of deprivation of Muslim and Christian Dalits from the benefits of affirmative action programmes of the State in India.

The United Nations Sub-Commission on the Promotion and Protection of Human Rights has appointed two special rapporteurs- Yozo Yokota and Chin-Sung Chung to prepare a report on the issue of discrimination based on work and descent. In the Report of the Special Rapporteurs the *discrimination based on work and descent* was defined as "any distinction, exclusion, restriction, or preference based on inherited status such as caste, community or social origin, name, birth place, place of residence, dialect and accent" etc. This definition clearly includes the *caste-based discrimination* in the *discrimination based on work and descent* (United Nations Human Rights Council, 2009). But still, Indian Government is affirmed on its stand that caste-based discrimination cannot be included in discrimination based on work and descent; and as such was not a form of racial discrimination. If the definition of discrimination based on work and descent is accepted by India, it has to restructure its affirmative action policy on the basis of work and descent rather than on religion.

Mehta (2013) has conducted a study on the Dalit Activist persons and organisations, which have been working to raise the Dalit issues at the international level, and making it a global issue. Dr. Ambedkar has felt that it was not possible to bring changes in the caste system of Indian society, as it was not only on inequality, but also on the graded inequality, where every section or caste was placed at certain level. No group of persons was ready to shed its superiority in relation to the groups inferior to it. But the Dalit activists have succeeded in developing a unity with the people living in other parts of the world who have been subjected to similar disabilities. Author has found that it was Dr. Ambedkar himself who has explored the possibility of submitting a petition to the United Nations, and in this direction has made a correspondence with W. E. B. Dubois of USA. In the second half of the twentieth century, the Dalit Panthers have also tried to build an international solidarity of the people suffering from socio-cultural disabilities and restrictions. In the last decade of the previous century various human rights bodies of world level have started to recognise the issues of human rights of the Dalits. Dalit Activists' efforts have met a success in 2000, when the "discrimination based on work and descent" was declared as a form of discrimination prohibited under international human rights law. They have tried to raise the Dalit issue at the World Conference Against Racism, Racial Discrimination, Xenophobia, and Related Intolerance (WCAR), held in 2001. But it was vehemently opposed by the Government of India, and the Dalit activists were dubbed as "antinationals".

Waughray (2013) has conducted a theoretical research on caste system and human rights laws against caste discrimination. He has observed that India was the biggest caste discrimination affected country in the world, but it did exist in whole of the South Asian region amongst all the religious communities. The element of caste was also present even in South Asian diaspora throughout the world. International human rights laws have regarded caste discrimination as included in discrimination based on work and descent, which was declared as a form of racial discrimination. But some of the caste ridden countries, particularly India and Japan are opposed to the international scrutiny of caste discrimination and branding it as a part of racial discrimination. The study is mainly focused on the existence of caste discrimination

in UK, where under the "Equality Act, 2010" discrimination based on race is prohibited. Section 9(a) of the Act authorises the Government to include caste within the meaning of race by an order. But no such order has been issued so far instead of a demand from the Dalit rights organisations in the country. Waughray has suggested that capturing caste through the categories like *discrimination based on work and descent* was being denied by certain countries due to vested interests. In order to make the international law more effective against the caste discrimination, caste should be specifically declared as a prohibited ground of discrimination as was done in case of gender discrimination.

Rita Izsák (2016), has observed that caste-based problems were similar to those of minorities, having a non-dominant and marginalised position, and stigma attached to their social status. The author believes that “minority rights approach” can provide an effective protection to caste affected communities. Discriminations based on caste and other similar systems do exist in several countries. Caste discriminations were different forms of discrimination based on work and descent, prohibited under Article 1 of ICERD. Author has recommended in-depth studies of the communities affected from caste-based discrimination, sensitisation of younger generation against such discriminations, and promotion of draft UN Principles and Guidelines by the States.

Mosse (2020) has observed that caste was restricted neither to Hinduism, nor to India. The Dalits, in their struggle for justice have been working to internationalize the issue of caste. On the other hand, GOI has been making stringent efforts to "protect" caste from international law and human rights bodies, and the Hindu organisations have been making efforts to insulate this institution from legal framework in UK. Author has concluded that the efforts of the GOI were aimed at to insulate the institution of caste from consideration under international human rights law, and the efforts of Hindu organisations in UK were aimed at to insulate the caste discrimination from public policy and law in that country.

2.15 Studies related with the profile of Dalits in Punjab

Ram (2004a) has analysed the *Ad Dharm* movement of Punjab as a precursor to the Dalit struggle against caste-based domination. Mangoo Ram was its main exponent in the State. During the third and fourth decades of twentieth century, when several communal organisations were making claims over the religious loyalty of Dalits, Ad Dharm movement was a sign of independent religious identity by the Dalits. Dalit assertion for a separate religious identity has witnessed a violent opposition from Hindu, Sikh, and Muslim fundamentalists. Despite this opposition, the *Ad Dharmis* have successfully got included it as a separate religion at the 1931 census. The movement has contributed in the social recognition of the Dalits through cultural transformation and spiritual regeneration.

Ram (2004b) has analysed the caste hierarchy in Punjab, which is different from rest of India. In this hierarchy, it is not the *Brahmin*, rather the *Jats* who considers themselves to be superior. Punjab is also different from religious point of view, where the Sikhs are in majority. Sikh principles do not recognise casteism, but practically Sikh society is divided on caste lines like the Hindu society. Dalits in Sikhism are divided into two major segments- those engaged in scavenging and cleaning are called as Mazhbi Sikhs and those who are engaged in leather work are known as Ravidasia Sikhs. Caste based discrimination and violence have continued against Dalits. Dalit assertion having its roots in Ad Dharm movement and then political consciousness is challenging the caste-based subordination of the community.

Ram (2009) has held that the institution of caste was a central point of political identity and lower classes assertion in Punjab. Caste based divisions in Punjab were not as rigid as in other parts India, but the state cannot be said to be caste free. A big portion of Dalits in Punjab, particularly those engaged in leather business have made considerable economic progress. For the social progress they have looked towards establishment of “deras” resulting in caste clashes with the dominant castes. The author holds that Guru Ravidas is the supreme spiritual authority for the followers of

these deras, along with the worship of Guru Granth Sahib (the holy Sikh book). Upper caste Sikhs have objected certain practices of these deras as against the Sikh code of conduct, leading to violent clashes on several times. Author holds that in the census records the Ravidasias are bracketed with the *chamar* caste of Hindus. But Ravidasias are different both from Hindus and the Sikhs.

Kaur (2016) has analysed the internal grouping of Dalits of Punjab. According to this study the Dalits were divided into two broad categories. One category includes the Balmikis and Mazhabi Sikhs (BMS) and the other category includes the castes like Ravidasi, Ramdasi, Raigar, and Ad Dharmi. There is a wide difference in the level of development between both categories. The category of BMS is at the lowest level of development among the Dalits in education and economic field. Most of the members of this community are engaged in unorganised sector like agriculture labour and construction labour etc. The other main category of Dalits, also collectively known as "chamars" is mainly engaged in the occupations related with leather, and are comparatively more developed in social, economic, and educational sectors.

Kaur explains that the specific affirmative measures were initiated for the Dalits, like reservations in Union, State, and Local level democratic institutions, and in services etc. But due to better economic resources most of the posts and seats reserved for the Scheduled Castes were cornered by the *chamar* category. On the demand of the BMSs, one-half of the posts reserved for the Scheduled Castes were further reserved as first priority for these castes in 1974. This policy was challenged by the *chamar* category, and court has held it as unconstitutional. Legislature of Punjab has enacted this provision in an Act in 2006, and the matter is still before the judiciary. Kaur has called upon the Dalits belonging to all caste groups to unite against the common challenges which all of them were facing in the present circumstances.

Ram (2017) holds that the State of Punjab has highest percentage of SC population in India (31.94%). But they have failed to build this strength into political power, because of their internal social divisions. 39 castes have been declared as

Scheduled Castes in Punjab. Most of the SC population belongs to two "caste clusters" representing sweeper and leather worker castes. "These two umbrella castes are generally referred to as two distinct clusters of *Chamar* and *Chuhra* castes (Ram, 2017, p. 55)". Both social groups are divided on the issues like reservation within the reservations for the BMS communities and a comparative advanced position of *Ad-Dharmi* and *Chamar* communities.

Summary of Literature Review

Most of the literature on reservation system of India has an in-principle support for this form of affirmative action. Some of the scholars have concluded that the caste alone should not be criteria of backwardness. Some of those have concluded that the manner of inclusion of a caste into the category of backward classes was arbitrary. Some articles have supported the demand of Muslims or Christians for their inclusion in the Scheduled Castes. Academic studies like Nahar (2005) have found that most of the Christian in Punjab belongs to lower strata of the society. Studies like Nahar (2016) has found that minorities in India like the Christians are prone to anti-minority riots, but they could not get protection under PCR Act, 1976, and POA Act, 1989. They are severely underrepresented in representative institutions. Majid (2017) has found similar underrepresentation of the Muslim community as a whole. Expert bodies like the Sachar Committee (2006) has find a lower representation of Muslims in the higher education institutions of India. NCRLM (2007) has recommended the extension of SC status to all the Dalits, irrespective of their religious affiliations. Deshpande and Bapna (2008) have found that the DMs and DCs were living in similar life conditions as the DHs. They have recommended the inclusion of DMs and DCs in the SC category. Judicial stance on the issue is still guided by the decision of the apex court in *Soosai v. Union of India* (1985) case, where the court has held that there was no authoritative study related with the conditions of the Christian society (AIR, 1986, SC, p. 733, para. 8). Such an interpretation of law is just like the justification of "gharwipasi" (reconversion to Hinduism) of lower caste converts (Fazal, 2017).

This research is an attempt to explore the real-life conditions of DMs and DCs in Punjab, so that data based inputs can be provided to policy makers.

2.16 Research gap

The term Scheduled Caste (SC) is an artificial construction for the purpose of affirmative action in favour of the downtrodden section of the society, also known as the *Dalits* or *Untouchables*. The Constitution (Scheduled Castes) Order, 1950 has restricted the SC status to only those Dalits who were professing Hinduism (later extended to Sikh and Buddhist Dalits). Non-SC Dalits are deprived from certain affirmative action schemes of the Governments. A demand for inclusion of all Dalits in the legal category of SCs is being raised from certain quarters. Several committees and commissions appointed to investigate the matter have recommended the inclusion of all Dalits into the SC category irrespective of their religious beliefs. But no official data is available for non-SC Dalits in respect of their educational, social, and economic conditions, their representation in public sector employment, and in elected representative bodies. With respect to the State of Punjab no empirical study is available either to support or to refute the demand of Muslim Dalits and Christian Dalits for their inclusion in the SC category.

Conclusion

Reservation system of India is an unparalleled in scale and dimension in Human history (Hasan, 2011, p. 65)". It has been studied and analysed worldwide. A lot of literature is available on the issue of reservations in India. It has remained the major issue in several court cases in higher judiciary of India. Issues related to inclusion of all the Dalits in the SC category have been raised on different platforms, i.e., the judiciary and human rights bodies. The present study is an attempt to analyse the conditions of two non-SC Dalit communities in Punjab, i.e., the Dalit Muslims and the Dalit Christians.

Chapter: 3 Research Methodology

Introduction

This chapter deals with the research methodology adopted for completion of this study. This chapter is divided into the following sections:

- Units of analysis
- Constructs of analysis
- Objectives of study
- Research questions.
- Variables
- Universe of study
- Research design.
- Sample collection
- Data analysis

3.1 Units of analysis

Identification of units of analysis is one of the important steps in any research. These units of analysis may be "person, collective, or object that is the target of the investigation (Bhattacharjee, 2012, p. 9)". The objective of the present study is to analyse the social, economic, educational, and political conditions of different social groups. So, the units of analysis are the groups of persons, which are as followings:

1. Dalit Hindus
2. Dalit Sikhs
3. Dalit Muslims
4. Dalit Christians

All these four units are based on the twin parameters of caste and religion. Dalit identity is based on caste, which is hereditary in nature, and the religious identity is based on the religious affiliations of a person.

3.2 Constructs of analysis

To analyse the living conditions of Dalits professing different religions, following constructs have been framed:

1. Economic conditions

Economic conditions of a group can be measured on the basis of certain parameters like the ownership of agricultural land, ownership of house (IIPS and ORG Macro International 2007, p. 8). Both of these are the basic indicators to know the economic status of an individual. Possession of house hold utilities like the scooter, car, tractor, TV, telephone, refrigerator etc. have also remained in use by scholars to analyse the economic conditions (Ram, Mohanty, & Ram, 2009). In this study the author has used these indicators to know about the economic conditions of the respondents.

2. Social conditions

Social conditions of a person can be analysed based on how the others treat him. A person may be called as living in social equality if others treat him equal. In the caste ridden society of Punjab, the equality was eroded by casteism, caste-based discriminations in social and public spheres, assignment of menial jobs to Dalit communities, and ghettoization. Socially the Dalits have remained on "the very bottom of elements of Indian Society (Mendelsohn & Vicziany, 1998, p. 1)". A Dalit was born with a lower social status, and there was no option to improve it through industriousness or intelligence (Sherring, 1881, pp. 251-252). After Independence, the Constitution of India has abolished the Untouchability (art. 17), and practising any act of Untouchability is declared as an offence (PCR Act, 1955). Democratic practices have helped to bring social equality. In this study the respondents have been asked the questions about their social position, any discriminations they faced, and their neighbourhood to measure the level of ghettoization enforced upon them.

3. Level of education

Dalits have historically remained deprived of education. Manusmriti has instructed the traditional teachers to not to recite a hymn in the presence of Sudra (Müller, 1886, p. 144, [Manusmriti, 4.99]). The British have not enforced educational deprivation on Dalits, but they have failed to bring equality of opportunities of education for them due to a strong upper caste pressure (Nambissan, 1996). In the present age of privatisation, the communication skills, particularly a command over English language also acts as an important factor for job attainment. In this computer age, IT literacy is also a positive factor for job attainment. In this study, the questions regarding level of education, command over English language and IT literacy have been included to know about the quantity and quality of education of the respondents.

4. Probability of being in public employment

Attaining a public sector job is regarded as the most aspired for means of livelihood by the common people in India (Borooah, Dubey & Iyer, 2007). Traditionally the public sector employment has remained beyond the reach of the Dalits. Public employment being directly linked with education, maximum opportunities were utilised by the communities having hold on education. In the Madras Presidency, there was a time when 80 per cent of the public sector jobs were held by the Brahmins, who constitute only 3 per cent of the population of the Presidency (Das, 2000). Reservations in jobs have helped the SC Dalits to have due share in the services (Borooah, Dubey, and Iyer, 2007). In the questionnaire some questions have been included to know the employment status of the respondents. It has helped to know the probability of being in public employment of the SC Dalits as well as the non-SC Dalits.

5. Political representation

Political representation of a community ensures opportunities to raise the concerns of the community in the democratic institutions. This fact has been proved in India by the Dalit members in the Constituent Assembly of India during the framing

of the Constitution, and by the ST members in the Parliament when the forest rights of the tribals were under discussion (Robinson, 2012). In India, the Dalits have been kept out of the political institutions, as they were supposed to serve others only (Galanter, 1984, pp. 25-26). During the British period, their presence in the legislatures was lower than their population proportions (Simon Commission Report, Vol. 1, pp. 40, 144-145). Constitution of India has provided reservation of seats in favour of Scheduled Castes in the House of the People, Legislative Assemblies of States, and in the local government institutions (LGIs). This reservation has to be in proportion to the population of the SC community. This provision has ensured the proportional representation of SC Dalits in the representative bodies. In this study the questions were asked to the respondents about the religion and category of their representatives at local government level, and about their own attempt to contest elections and the number of years for which they have served as a representative in the local government or as a head thereof.

These are the main constructs, on the basis of which the data was collected and analysed. This analysis has paved the way to reach at certain conclusions and to suggest some corrective measures to make the reservation just and bias free.

3.3 Operational Definitions

A scientific research is based on the precise definitions of units of analysis and constructs. Followings are the operational definitions of various terms used in this study:

Punjab Province

During the British rule in India, Punjab was a Province of British India. It was directly under the control of the British Indian Government, or was a part of “British India”. It had contained 99,265 square miles area, which was 72.5 per cent of the total area of Punjab. For administrative purposes it was divided into 29 districts. It shared boundaries with Balochistan and North West Frontier Province in the north-west, and

United Province in the southern-east Census of India, 1931, Vol. 17, [Punjab, Part 1], pp. 1-3).

Punjab States

The area of Punjab which was not annexed by the British, remained under the governance of native rulers. 37,699 square miles area was a part of the native states of Punjab. During the last decades of British rule, there were 17 such States (Census of India, 1931, Vol. 17, [Punjab, Part 1], p. 3).

Punjab State

After Independence, Punjab is one of the states of Union of India (COI, Schedule 1). During the partition of the country, most of the area of Punjab Province has gone to Pakistan, constituting West Punjab, and some of the area remained in India, initially known as East Punjab. The native states were grouped together to form viable unites of Union of India. Most of the Punjabi speaking such States were grouped in Punjab and East Punjab States Union (PEPSU). After reorganisation of States in 1956, the political map of India was redrawn and PEPSU area was merged with the Punjab State. Punjab was again reorganised in 1966, and some of its territories were transferred to other States. After this reorganisation the State of Punjab consists 50,362 square Kilometers or 19,445 Square miles.

Dalit

A person belonging to a caste, which has suffered untouchability is known as Dalit. Etymological meaning of the term "Dalit" is oppressed, crushed, or broken. A large proportion of Indian population was kept outside the centres of power, resources, and prestige. Any contact with them was considered to be polluting, giving birth to Untouchability. They were assigned menial, low paying, and unclean jobs (Hough, 1845, Vol. 1, Book 7, p. 43; Mendelsohn & Vicziany, 1998, p. 1; Sherring 1881, pp. 251-52). At different stages of history, they have been given different names by religious leaders, social reformers, and the administrators. But they have chosen to call themselves as Dalits. This term indicates that their miserable conditions

were not their own making, but were imposed upon them by others. It denotes their self assertion; and that they will fight for their rights (Webster, 2001). People belonging to all the *ex Untouchable* castes belongs to Dalit category (Sunder, 2015). Dalit is not an official, but a social category, being used by the members of community itself like Jotirao Phule (Waughray, 2013, p. 19). To uplift the socio-economic conditions and for their political empowerment, the colonial government of India has officially recognised them as *Depressed Classes*, and then as the *Scheduled Castes*. After Independence, the Constitution of India has allowed certain kinds of reservations and other preferences for these communities. These communities were clubbed into a legal category *Scheduled Castes* to provide preferential benefits. Thirty-nine castes of Punjab are included in this list. To remain more precise all the 39 castes of Punjab which are included in the Scheduled Castes Order are regarded as Dalits irrespective of their religious affiliations. So, there is a slight difference between SC and Dalit. Dalits belonging to Hindu, Sikh, and Buddhist religions are also SCs, while the Dalits professing any religion other than these three are Dalits, but not SCs.

Scheduled Caste

Scheduled Caste is a legal category of persons belonging to Untouchable castes. This category is mainly constructed on the basis of caste, but the constitutional definition also includes the “races” and “tribes” also as the basis of this category. The Constitution of India has defined the Scheduled Castes as “such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 to be Scheduled Castes for the purposes of this Constitution (Art. 366[24])”. It means that the Constitution has not identified or declared any castes to be Scheduled Castes; it has authorised the President to declare certain castes, races, or tribes to be Scheduled Castes. The President has issued “The Constitution (Scheduled Castes) Order, 1950” which contains State specific lists of the castes, races or tribes which are to be regarded as Scheduled Castes. Consequently, any caste, which is mentioned in this Order with respect to a State or UT, is Scheduled Caste in that State/UT.

Dalit Hindu

A person professing Hinduism, and belonging to any of the 39 castes of Punjab, which are declared as Scheduled Castes with respect to the State, is considered as a Dalit Hindu (DH).

Dalit Sikh

A person professing Sikhism, and belonging to any of the 39 castes of Punjab, which are declared as Scheduled Castes with respect to the State, is considered as a Dalit Sikh (DS).

Dalit Muslim

A person professing Muslim religion, and belonging to any of the 39 castes of Punjab, which are declared as Scheduled Castes with respect to the State, is considered as Dalit Muslim (DM). According to one view, the Muslim society in India is free from casteism, because Islam is an egalitarian religion. But this is an ideological argument, not empirical. Principles may be different from real conditions. Take the example of the Constitution of India, according to which India is a casteless and classless society, but it does not deny the existence of caste system and caste-based discriminations. "This is true also of Islam. It proclaims social equality to be an ideal, but recognizes that social inequalities exist in society (Ahmad, 2009, p. 75)". Islam does not support social gradations, but it is not just to assume that gradations could not exist in Islam. The empirical studies have shown that there is a category in the Muslims, known as *Arzal*. People from this category have all the characteristics like other Dalits. They follow strict endogamy, live in separate localities, they are engaged in lowly paid and unclean occupations like scavenging, and they have bodies like caste panchayats (Ahmad, 2009, p. 65). The DMs are living in similar life conditions as the Dalits professing Hinduism and Sikhism.

Caste identities are hereditary, while religion is based on human conscience. Caste is a group phenomenon, while religion is a personal matter. So, the caste and religious identities may overlap. In Punjab there are several Dalit castes, members of

which profess different religions. Khatik is one of such castes. Its members were found in Hindu religion and in Muslim religion. Traditionally this caste is associated with slaughter of animals and dying the skin of animals for use in leather market. Most of the Hindu Khatiks have left their traditional occupation and are trying to enter the clean occupations like tailoring and petty businesses. They have recognised the importance of education and their younger generation was found to be shifting towards service sector. As regards the Muslim Khatiks, some of those also have left their traditional occupation, but some of them are still doing the work of leather tanning. This is considered as an "unclean" occupation. The process of leather tanning includes the cleaning of skin of dead animal, removal of hair from that skin, processing it through traditional methods, and dying it. The Hindu Khatik is included in the list of Scheduled Castes in Punjab, while the Muslim Khatik is not eligible for this status.

Kabirpanthi and Julaha castes are also found at least in three religions- Hindu, Sikh, and Muslim. Traditional occupation of this caste was weaving, but most of the Julahas and Kabirpanthis have left it not for the sake of upliftment, but due to inability of the hand-woven cloths to compete in the market. They are mostly engaged in agricultural labour in villages and in other forms of labour in cities. They maintain strong caste identities and follow strict endogamy. Some of the families in this caste group were found where the members were following different religions.

Dumna, Mahasha, and Doom caste group was also found in Hindus, in Sikhs, and in Muslims. The traditional occupation of the community was basket making. Now most of the members of the community has left this occupation and are engaged in different professions, usually in those requiring little capital (observation during field survey). Members of this community are still migrating from one religion to another, a famous case in this regard is that of Mohammad Sadique, sitting MP from Faridkot. He belongs to Doom caste, which is a Scheduled Caste in Punjab. When he was an MLA, his election was challenged on grounds of his ineligibility to contest from an SC reserved seat due to his religious affiliations with Islam. His election was set aside by the Punjab and Haryana High Court. He has appealed to the Supreme

Court, with one of the grounds of the appeal that he has adopted Sikhism; hence, eligible to contest from an SC seat (AIR, 2016. Supreme Court, pp. 2054-2064). Based on his conversion to Sikhism he was able to save his seat.

These are the examples of few castes which are eligible for SC status if professing Hindu or Sikh religion, and ineligible if professing Muslim religion. Scheduled Caste is a legal category, which may be changed on the basis of religion. But being a Dalit is a social fact. The Dalit identity is based on the exploitation and deprivations since thousands of years. A person continues to be a Dalit even after conversion to any religion, if he/she belongs to a caste previously considered as Untouchable.

Dalit Christian

Persons professing Christianity, and belonging to any of the 39 castes of Punjab, which are declared as Scheduled Castes with respect to the State are considered as Dalit Christians (DCs).

As already discussed, the term Dalit denotes a person who is exploited and crushed. Religion does not affect Dalit identity. When the Christian missionaries have started preaching in Punjab, the most deprived and exploited section of Dalits was first to respond positively. In the last quarter of nineteenth century, when Ditt Singh belonging to *Chuhra* caste has converted to Christianity, thousands of others have followed him (Webster, 2016). This had happened in Sialkot district (now in Pakistan), but the similar incidences had occurred in Gurdaspur district also. In Punjab the Christians are mostly from this caste group which is also known as Mazhabi Sikh (if professing Sikhism) and Balmiki (if professing Hinduism). This group is one of the most deprived groups even among the Dalits. Consequently, most of the Christians in Punjab belongs to the most deprived section of society. The higher degree of deprivation of this caste group is officially recognised by the Government of Punjab by earmarking 50 per cent of SC reserved seats in educational admissions and jobs for this group.

Another caste group embracing Christianity is the *Bazigar*. This is a "Denotified" caste, which was declared a criminal tribe by the British. Members of this caste were found professing Hinduism, Sikhism, and Christianity. Most of the members of this community are working as labourers, hawkers dealing in fruits and vegetables, and purchasing discarded articles from house holds.

These are the few examples of DCs. After conversion to Christianity, they have not lost their Dalit identity. During the field survey, several cases have been observed where there are multiple religions in a single family. Legally members of such a family may be divided into SCs and non-SCs, but socially all of them belongs to one class- the Dalit class.

Other Backward Classes (OBCs) and Backward Classes (BCs)

After the birth of the Republic of India, several steps have been taken to identify the backward classes, which are backward from social, economic, and educational aspects, but does not fall under the category of Scheduled Castes, which is a legal category of Dalit castes. This is the group of "middle order" castes in the society, which have not suffered untouchability, but due to poverty, lower social status, and weaker educational position requires a special treatment from the state. As far as the identification of this group is concerned, "The Constitution left the matter with the executive at the state level with an option for the Centre to unify it (Galanter, 1978, p. 1821)". Union Government has always expressed reluctance to identify this class on the basis of caste, until the Mandal Commission Report was accepted in 1990. Till that time the states were asked to prepare their own lists of backward classes. Sociologists like Beteille hold that in the real sense of the word, these are not the "classes", but, the "groups of communities (1965, p. 3)". Because the membership of a class is open for all, while the membership of these groups can only be acquired by birth. So, till date there may be separate lists in a state, one prepared by the state and other by the Union, with slightly different names. In the State of Punjab there are two such lists, which are as followings:

Backward Classes (BCs)

Backward class is the list of tribes, races, or castes. In the State of Punjab, it was first prepared in 1953, having two parts. The first part contains a list of 14 communities, which were declared as *Backward Classes*, irrespective of their religion; and, the second part contains a list of 30 castes which were to be regarded as *Backward classes*, if professing a non-Hindu religion, because in case of being Hindus they were already declared as Scheduled Castes by the President (GOP, W/G, 6961-WG-53/62307, dt. 21-08-1953). This list has been amended from time to time, and the present list contains 69 castes, races, or tribes, which are declared as BCs in the State of Punjab. In this study the term *Backward Class* has been used to denote those castes, which are so notified by the Government of Punjab.

Other Backward Classes (OBCs)

Mandal Commission has recommended that 83 castes in the State of Punjab should be considered as OBCs (Mandal Commission Report, part 2, p. 202). Government of Punjab has already prepared a list of backward classes. Union Government has decided that for the purpose of providing reservations, a new list of OBCs will be prepared, which shall consist of those castes or groups which are common to both the State list and the Mandal Commission list. This criterion has provided a list of 64 castes/groups, which were declared as OBCs in the State of Punjab (GOI, Ministry of Social Welfare, 12011/68/93-BCC[C], dt. 10.9.1993). Similar method was adopted for the other states also. In this work OBC is used for those castes, races, or tribes, which are declared as such by the Union Government. These lists have been revised from time to time, and in case of Punjab, the OBC list contains 69 castes, races, or groups. In the nutshell, the OBCs are the backward classes for the purpose of the Union Government.

Computer literacy

Ability of a person to use computers for educational and professional purposes is the determinant of his/her computer literacy level.

Political representation

Political representation of a community is measured through two methods; what is the probability that the person representing his/her ward in the LGI, and the head of the LGI belongs to his/her own community; and the probability of one's chances of serving himself/herself as a representative at any level in the democratic institutions.

Public sector employment

Jobs under Central Government, State Government, Public Sector Undertakings, Corporations, Boards, and Municipalities, where the reservations of seats are applicable, are considered as public sector employment. As the research is related with reservations, the jobs in institutions like the government-aided schools and colleges, having no reservations in appointments were not included in the definition of public sector employment.

3.4 Objectives of study

This study is aimed at to analyse the justification of the existence of paragraph 3 of the Constitution (SC) Order, 1950 and supplementary orders issued from time to time to identify the Scheduled Castes. Through this study the researcher wants to find the differences between social, economic, educational, and political conditions of Dalits professing different religions. The objectives are as following:

1. To study the purposes of reservation system of India.

The reservations in India were started during the British rule. Some princely states have also taken the initiative. The reservations were based on several factors like religion, caste, and occupation etc. The Constitution of India has discontinued the communal reservations, but caste-based reservations were allowed. During this research a detailed study of the literature on reservations have been done to explore the purposes of reservation system in India.

2. To examine the social, economic, and educational conditions of Dalit Muslims and Dalit Christians in the State of Punjab.

The Constituent Assembly has discontinued the communal reservations or the reservations based on religion. After the commencement of the Constitution, the Dalits of minority communities were also deprived of SC status, as it was restricted only to DHs and four Sikh castes. Subsequently, all the DSs and DBs were included in the SCs. But DMs and DCs are still out of the definition of SCs. They are Dalits, but not Scheduled Castes. Under this study the social, economic, and educational conditions of both of these communities were analysed.

3. To understand and analyse the political representation of Dalit Muslims and Dalit Christians in elected bodies in Punjab.

Due to overall backwardness the Dalits have little chances of having representation in the elected bodies. Reservation of seats in favour of SC Dalits have helped them to have seats in the legislatures and LGIs. But non-SC Dalits are still under-represented in the political institutions. In this study an attempt has been made to measure the representation of DMs and DCs in the democratic institutions.

4. To examine the proportion of Dalit Muslims and Dalit Christians of Punjab in Public Sector employment.

Non-SC Dalits are included in the OBC category. But they are not able to compete with the more advanced communities in this category. Hence, they have little chances of being selected for public employment. During this study, the chances of being selected in public sector employment of the DMs and DCs have been analysed.

5. To compare the socio-economic conditions of Dalit Muslims and Dalit Christians with Dalit Hindus and Dalit Sikhs.

The Dalits are dividing into two categories- SC Dalits and non-SC Dalits. The SC-Dalits are given benefits of reservations in political institutions, public sector employment, and education etc. These reservations are in proportion to their

population. The non-SC Dalits are also offered certain reservations under the category of OBCs. Benefits to this category are not equal to the benefits offered to SC Dalits. In this study the socio-economic conditions of SC Dalits have been compared with the non-SC Dalits.

6. To suggest the measures to make the affirmative action of the state just, bias free and equal for all sections of downtrodden.

During this study the purposes of reservation system of India have been studied and the social, economic, educational, occupational, and political conditions of SC and non-SC Dalits have been analysed from the primary data. On the basis of this analysis the author has suggested some measures to make the reservation system just and bias free.

3.5 Research Questions

Some research questions were framed to guide the study.

1. Are the Dalit Muslims and Dalit Christians equally backward in education as the Dalit Hindus and Dalit Sikhs in the State of Punjab or not?
2. Whether the Dalit Muslims and Dalit Christians are economically equally weaker, as the Dalit Hindus and Dalit Sikhs in the State of Punjab or not?
3. Is the political representation of the Dalit Muslims and Dalit Christians in elected representative bodies proportional to their respective populations or not?
4. Whether the representation of Dalit Muslims and Dalit Christians in the public sector employment in Punjab is in proportion to their respective populations or not?
5. Is the deprivation of Dalit Muslims and Dalit Christians from the Scheduled Caste status legitimate?
6. Are the affirmative action policies in India in consonance with its secular character?
7. Do the Dalit Muslims and Dalit Christians need to be included in the Scheduled Castes?

3.6 Variables of study

The analysis in the present study is based on the following variables:



Figure 3-1: Various types of variables

Independent Variables

Independent Variables are those variables which explains the other variables (Bhattacharjee, 2012, p. 12). Other variables have no effect on such variables. Followings are the Independent Variable in this study:

- i). Religion
- ii). Social identity (Dalit/non-Dalit)

Dependent Variables

Variables which are explained by other variables are called as Dependent Variables (Bhattacharjee, 2012, p. 12). Followings are the Dependent Variable in this study:

- iii). Public employment
- iv). Political representation

Mediating Variables

Variables which are effected by other variables and which also effect the other variables are called as Mediating Variables (Bhattacharjee, 2012, p. 12). In this study followings are determined as Mediating Variables:

- v). Economic conditions
- vi). Education
- vii). Employability skills

3.7 Research Design

To complete this study a mixed method was adopted. Because there are different ways to see and hear a particular research problem. "Multiple ways are visible in everyday life, and mixed methods research provides multiple ways to address a research problem (Creswell & Clark, 2018, Chapter 1, n.p.)". **Mixed Method Research Design** was used to complete the present study. First and sixth objectives are qualitative in nature. These objectives were achieved through the "**content analysis**" of the documents, reports, theories, and legal provisions regarding reservations in India. Second, third, fourth, and fifth objectives are achieved through analysis of the data, collected through "**field survey non-experimental method**". Under this survey method, the data was collected from the field, but there was no manipulation of the variables. It was a "**cross-sectional survey**", in which all the variables were measured at the same time.

To complete this study, following methodology was be used-

3.7.1 Types of data sources

Both Primary as well as secondary data was used. The primary data includes the information collected from field survey. A questionnaire was used to collect data. The secondary sources include the literature on quota system initiated by the Britishers, Constitutional Assembly Debates, Constitutional provisions, Constitutional

orders, various legislations, reports of backward commissions, reports released by Office of Registrar General and Census Commissioner of India, reports of various committees and commissions appointed for minorities, research work carried by various institutions and committees etc.

3.7.2 Tools of data collection

3.7.2.1 Library

A lot of data and information about the reservation system of India, the social, economic, educational, and political conditions of various categories of Dalits is available in the libraries. Such information was studied and analysed by visiting several libraries.

3.7.2.2 Internet

Several reports and news are available on internet sites of various news papers and governmental bodies. Trusted sources of information on internet were used as secondary data source.

3.7.2.3 Questionnaire

A Questionnaire was prepared to gather information on the socio-economic conditions and political participation of different social groups from different areas of Punjab.

3.8 Sample design:

Sample was selected by the method of Multistage Systematic Random Sampling Design in the following manner-

3.8.1 Population of study

"A target population is the specific collection of elements we will study (Neuman, 2014, p. 252)". The Dalits having completed the age of 18 years and

professing Hindu, Sikh, Muslim, and Christian religions in the State of Punjab were the population of the study. Data was collected about the social, economic, political, and occupational conditions of Dalits belonging to these groups.



Figure 3-2: Map of Punjab with administrative divisions

3.8.2 Sampling Frame

A sampling frame is "a list of cases in a population, or the best approximation of them (Neuman, 2014, p. 252)". Election Commission of India maintains and regularly updates the record of all the voters (persons having attained the age of 18

years) of the State of Punjab in the form of electoral rolls. There is a separate electoral roll for each of the polling stations. During the latest Legislative Assembly general elections held in 2017, the total number of voters registered in the State of Punjab was 2,00,29,646, who were divided into 22,615 polling stations (ECI, Elector Data Summary Report on Punjab elections, 2017). Each of the polling station has a separate electoral roll, containing mean 886 votes.

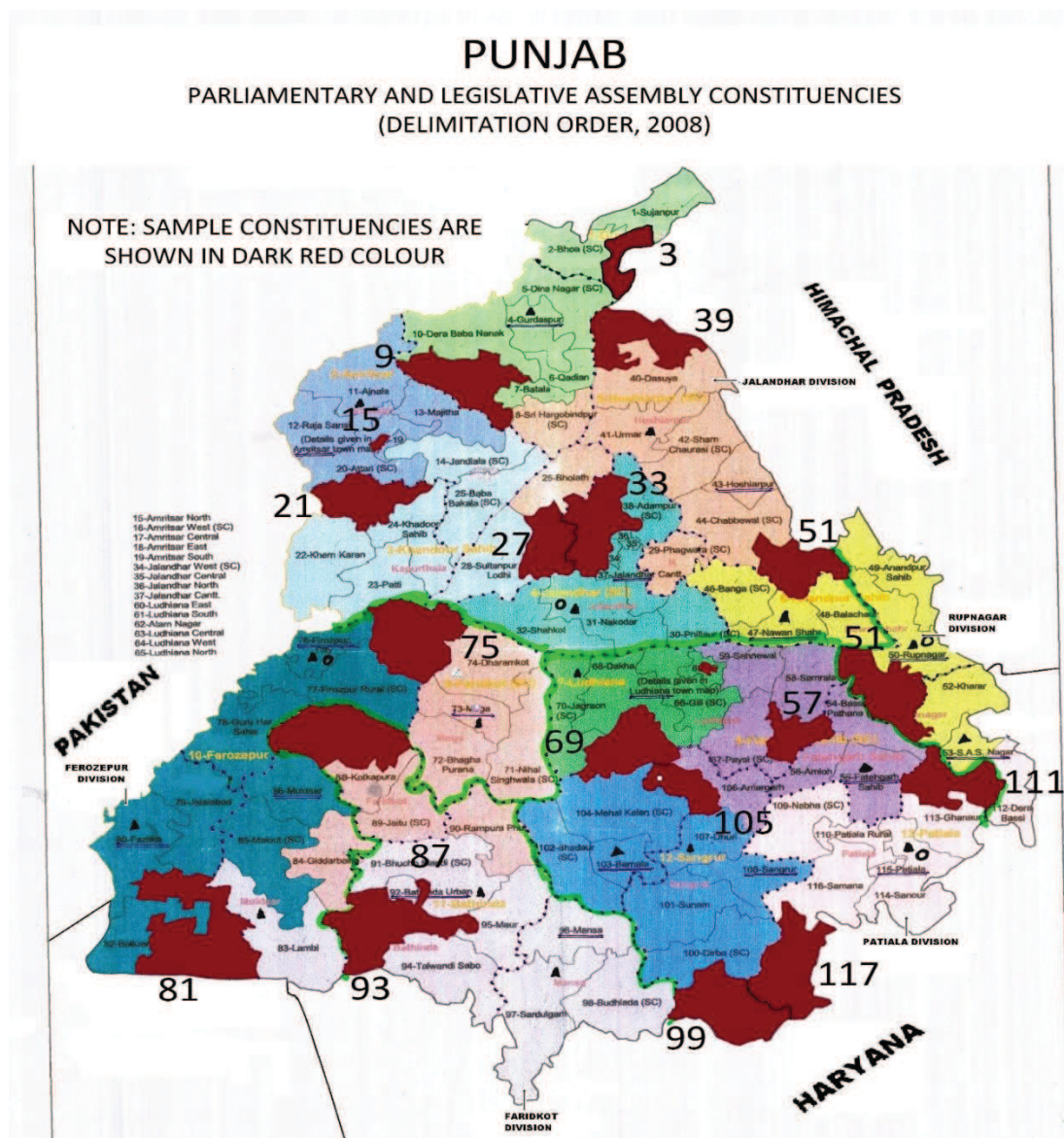


Figure 3-3: Map of Punjab with electoral divisions

Source for original map: ECI website: <https://www.ceopunjab.gov.in/pcacmap> (retrieved on 15.03.2022)

3.8.3 Sampling technique

Multistage Systematic Random Sampling Design was used to identify the respondents. This design comprises three stages, which are described below:

Three Stages of Sample Selection

1. Selection of 20 Legislative Assembly Constituencies.
2. Selection of Polling Station numbered as 100th from every selected Constituency.
3. Taking 40 respondents (10 each from DHs, DSs, DMs, and DCs) from each of the selected Polling Stations.
4. In case of non availability of the required number of respondents in any selected Polling Station, the order of preference for next Polling Stations was in the order of 101, 99, 102, 98...

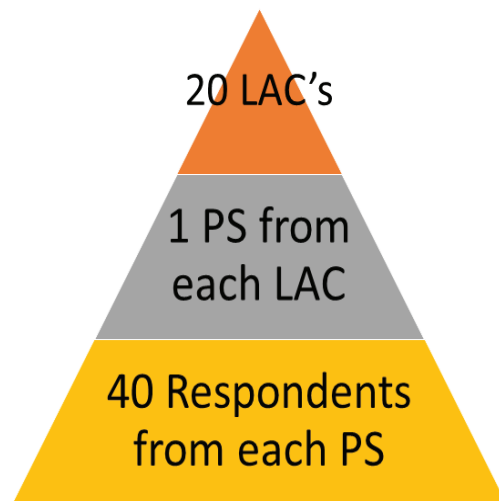


Figure 3-4: Three stages of sample selection

3.8.3.1 First Stage

Punjab has been divided into 117 territorial Legislative Assembly Constituencies (LACs). These constituencies have more uniformity than the administrative units, i.e., the districts and tehsils. Most of these constituencies falls within the range of 1.5 lac to 2 lac adult population. During the latest Legislative Assembly elections held in the year 2017, the most populated constituency was Dera Bassi containing 2,39,885 votes and the least populated constituency was Bholath containing 1,30,808 votes (ECI, Punjab Elections 2017, Constituency Data Summary). Further, every constituency is assigned a particular number by the Election Commission of India from 1 to 117. During this research 20 constituencies were selected on systematic random sampling basis, in which every k th case is

selected for sampling (Neuman, 2014, p. 258). LAC 3 was selected a random starting point, and after that every 6th LAC was included in the sample. In this way the following 20 LACs were selected in the sample:

Table 1: Sample Frame Legislative Assembly Constituencies

S. No.	LAC No.	LAC Name
1	3	Pathankot
2	9	Fatehgarh Churian
3	15	Amritsar North
4	21	Tarn Taran
5	27	Kapurthala
6	33	Kartarpur
7	39	Mukerian
8	45	Garhshankar
9	51	Chamkaur Sahib
10	57	Khanna
11	63	Ludhiana Central
12	69	Raikot
13	75	Zira
14	81	Abohar
15	87	Faridkot
16	93	Bathinda Rural
17	99	Lehra
18	105	Malerkotla
19	111	Rajpura
20	117	Shutrana

3.8.3.2 Second Stage

Every LAC contains nearly 200 polling stations. During the latest LA elections held in 2017, Gill constituency has maximum number of polling stations i.e., 280 and Amritsar Central constituency has minimum number of polling stations i.e., 135 (ECI, Pb. Elections 2017, Constituency Data Summary). By the method of systematic random sampling the polling station numbered as 100th, from each of the selected constituencies was included in the sample.

3.8.3.3 Third Stage

This research has required data mainly in respect of DMs and DCs. Muslims and Christians combined together have a population share of 3.19 per cent in the state of Punjab. No official data is available on the number of Dalits among the Muslims and the Christians. The populations of Hindu, Sikh and Buddhist religions contain 33.16 per cent Dalits, but the similar figures are not available in case of DMs and DCs. Based on their proportional population share these communities comes under the category of "rare populations" (Kalton & Anderson, 1986). From every sample frame polling station (numbered as 100th) first 10 adult Dalit Hindus, first 10 adult Dalit Sikhs, first 10 adult Dalit Muslims, first 10 adult Dalit Christians were included in the final sample. In case of non availability of a particular community in the sample frame polling station, polling stations numbered as 101, 99, 102, 98... were explored for availability of persons of such a community. In most of the polling stations required number of respondents from all the communities were not available, making it necessary to explore the other polling stations. Maximum number of polling stations (15) were visited in Abohar LAC to collect data of all the four communities.

3.9 Sample size

The total sample contains 800 adult Dalit Persons, representing following categories-

Table 2: Sample size

Dalit Hindus	Dalit Sikhs	Dalit Muslims	Dalit Christians	Total Sample
200	200	200	200	800

3.10 Data Collection

Data was collected from the respondents through a questionnaire. The questionnaire contains 49 questions, out of which initial 4 questions were demographical. The questionnaire was discussed with the research experts for validity.

3.10.1 Pilot Study

After the approval of the questionnaire by the experts, pilot study was conducted in the field. Pilot study is an important step in any social research, as "It helps to detect potential problems in your research design and/or instrumentation (Bhattacharjee, 2012, p. 23)". Most of the social science research experts have recommended a sample size of 10-30 for a good pilot study (Johanson & Brooks, 2009). This research design is based on four different religious groups; hence, the data about 50 respondents was collected to ensure the presence of at least 12 respondents from each category. Cronbach's coefficient alpha, the most commonly used measure of internal consistency (Johanson & Brooks, 2009) was used to analyse the pilot study data. The demographical questions were excluded from the reliability test. The Cronbach's alpha score was .800, which certifies the reliability of the questionnaire.

3.10.2 Data Collection

Data collection was started by the researcher from 20 different locations in Punjab, selected on the basis of Multistage Systematic Random Sampling Design. Data was collected through a questionnaire. The researcher has personally visited all the localities selected for sample. Some of the respondents were less than matriculation, and were unable to fill the questionnaire. In such cases the responses were entered by the researcher himself.

Data Collection Points

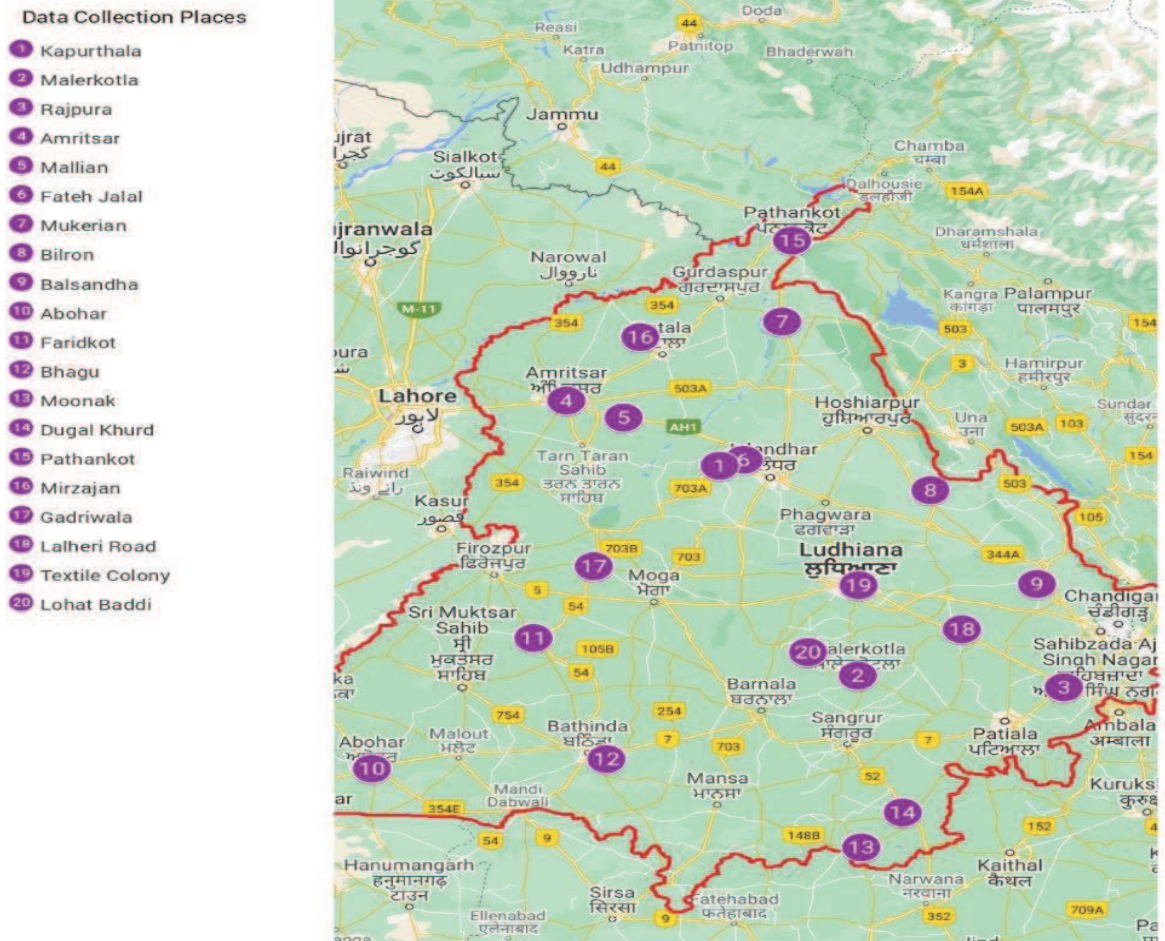


Figure -3-5: Sample collection locations in the State of Punjab

3.11 Types of analysis

Content analysis was conducted with respect to various legislations, rules and regulations, and court cases on the matter of reservations. The primary data was analysed with statistical tools like descriptive statistics. Following is objective wise summary of analytical techniques:

3.11.1 To study the purposes of reservation system of India.

The purposes of reservation system can be identified from the historical study of literature and reports on reservation system. A detailed content analysis of the literature on the reservation system was conducted. Objectives of the reservation system were discussed with experts in Law, Political Science, and in Research Methods.

3.11.2 To examine the social, economic, and educational conditions of Dalit Muslims and Dalit Christians.

The social, educational, and economic conditions of DMs and DCs were examined through the analysis of primary data collected through survey method. Descriptive statistics like frequencies and percentages were used to arrive at conclusions.

3.11.3 To understand and analyse the political representation of Dalit Muslims and Dalit Christians in elected bodies in Punjab.

The levels of political representation of the DMs and DCs were analysed through the analysis of primary and secondary data. Political representation in local government bodies was analysed from the primary data with the help of descriptive statistics, like frequencies and percentages.

3.11.4 To examine the proportion of Dalit Muslims and Dalit Christians of Punjab in Public Sector Employment.

The proportion of DMs and DCs in the public sector employment was measured using descriptive statistics like frequencies and percentages.

3.11.5 To compare the socio-economic conditions of Dalit Muslims and Dalit Christians with Dalit Hindus and Dalit Sikhs.

The socio-economic conditions of DMs and DCs were compared with the socio-economic conditions of DHs and DSs, or of the non-SC Dalits with those of SC

Dalits. Statistical tools like frequencies and percentages were used to arrive at conclusions.

3.11.6 To suggest the measures to make the affirmative action of the state just, bias free and equal for all sections of downtrodden.

On the basis of the analysis of the objectives of reservation system of India and the conditions of Dalits professing different religions, the author has arrived at the conclusion that the present policy of the identification of Scheduled Castes on the communal basis is not in consonance with the principles of reservation system. Some measures are suggested on the basis of principles of equality and natural justice to make the reservation system just, bias free and equal for all the sections of downtrodden.

Conclusion

The present research work is based on the theoretical study of reservation related policy documents and field survey. The policy documents were accessed from libraries and internet etc. Primary data was collected by using the multi-stage stratified random sampling design. The data was analysed through statistical methods and suggestions have been offered on the basis of analysis of real conditions of Dalits professing different religions.

Chapter: 4 : Caste, and History of Reservations in India

Introduction

Reservations in India have a history of more than one hundred years. In the course of this long history, the reservations have undergone several changes. After independence, caste has become the main basis for the identification of beneficiary groups. But caste has a history of thousands of years, with different interpretations about its nature. This Chapter is dedicated for the history and nature of caste and history of reservations in India.

4.1 Caste in India

As discussed previously, the caste is a basis of division of society as well as gradation of people. Ideologically the Hindu society was divided into four varnas but practically it is divided into thousands of castes (Jodhka, 2012, pp. 2-4). Caste has remained a basis for division of society and discriminations against the so-called lower castes. Caste rules have had placed some groups in the permanent subordination of some other groups (Sherring, 1881, p. 274).

4.1.1 Varna

Indian society is known for its historical division into four Varnas. Literal meaning of Varna is colour (Ghurye, 2016, p. 24). The anthropologists believe that the fair coloured Aryans, who were originally Europeans, entered India around 1750 B.C. They have conquered the dark coloured indigenous population. To maintain their racial superiority, they have devised means to keep themselves at a distance from the indigenous people, also called as *Dasa Varna* in the *Rig Veda*. But the contemporary economy does not permit Aryans to maintain a permanent distance from the non-Aryans. Brahmins have framed myths and rituals to project the Aryan supremacy and to make the Non-Aryans to accept it. But the Aryans themselves were divided into

commoners (vis or Vaishya) and elites (Brahmin-Kshatriya duo). The *Dasas* were included into the Aryan fold as the lowest *Varna* or the *Shudras*. Varna system was consolidated by addition of *Purusasukta* hymn in Rigveda which claims that Brahmin, Kshatriya, Vaishya and Shudra were created respectively from mouth, limbs, abdomen and feet of the great creator. This divine creation myth has conferred different social status to different Varnas. As the civilisation had transformed from pastoral to agricultural, there was an increase in the production of grains. The Vaishya was made to provide grains and the Shudra to provide menial services to the Kshatriya and Brahmin. The advent of iron has conferred a peasant-artisan dual role on the Vaishyas (Gupta, 1980).

Mendelsohn & Vicziany (1998) does not believe that the *varnas* can be truly called as *castes*. *Untouchability* seems to be developed during the second century, while the *varnas* have been in existence from one thousand years ago. They have observed that *jati*, not the *varna* was the operational form of castes in the rural India (pp. 5-6).

Varna and *Caste* are inter-related, but not synonyms. There are some fundamental differences between both institutions. Comparing the nature of these institutions, Srinivas has found that internal differences had led to the creation of several castes in each of the Varna, except the Brahmin. Rigidity of Varna is not found in caste, which is rather dynamic in nature (Judge, 2015).

4.1.2 Caste: Indian or South Asian or a World problem

Caste is usually considered as a problem of Indian society. But the empirical studies have proved that caste distinctions, along with caste discrimination and untouchability were present in several South Asian countries. In Nepal certain castes are known with such derogatory terms like *achhoot* (Untouchables) and *paninachalne* (one who pollutes water) etc. In Bangladesh the lower castes people are called with their caste names and are similar in occupations and status hierarchy as in India. Pakistan also has Hindu lower caste population, known as SCs, (without any

affirmative policy for their upliftment). In Sri Lanka also a part of population is known as Untouchables (Jodhka & Shah, 2010)⁵.

caste is found not only in the South Asian region, but its diaspora also (Waughray, 2010). International human rights bodies have not had dealt with this problem till the last decade of previous century, as most of the people except those from caste affected states were not aware of the problem. Dalit activists have called the attention of the United Nations to include the caste-based discrimination under the category of racial discrimination (Bob, 2007). It was in 1996 that the CERD has stated that caste-based discrimination is a form of racial discrimination. Three expert committees were appointed in 2001, 2003 and 2004 to look into the matter of existence of caste-based discrimination. All the committees have identified the worldwide existence of such discriminations (Waughray, 2010). United Kingdom has 2.3 million people of South Asian origin, most of whom belongs to India, Pakistan, and Bangladesh. These people have had migrated with their local culture and traditions, including caste identities. Caste based tensions do exist in the South Asian diaspora communities of UK. Dalits have faced discriminations even at the places of worship, so they have established separate temples for themselves (Waughray, 2013). While the Dalits in UK have been making efforts to bring the caste-based discriminations within the purview of law and public debate, the Hindu organisations have been working in the counter direction (Mosse, 2020).

4.1.3 Historical origin of Caste:

Caste seems to be originated nearly 3000-4000 years ago. Census Report 1931 has recorded that the caste system cannot be equated with the Aryan immigration, because the essential elements leading to the growth of caste system were present even in the pre-Aryan society. Otherwise, caste system would have its strongest manifestation in North India, especially in the Punjab having strongest Aryan racial

⁵ This paper is based on empirical study of four countries- Pakistan, Bangladesh, Nepal, and Sri Lanka, conducted in 2007-08. The study was coordinated by Indian Institute of Dalit Studies New Delhi, and funded by International Dalit Solidarity Network, Denmark.

element (Olcott, 1944). Bayly has estimated it as nearly 3000 years old institution (Waughray, 2013).

Caste is an institution which is thousands of years old. It has stood the tests of reform movements and religious movements, propagating the principles of equality (Hutton, 1963, p. 2). In the modern India caste is becoming more active institution. Caste activism has increased in proportion to the increase in the participation by the people in administration, and has culminated with the commencement of the republican Constitution, providing universal adult franchise (Srinivas, 1957).

4.1.4 Theories of origin and nature of caste

In the absence any concrete historical evidence regarding the origin of caste system, few theories are prevalent to explain the mystery.

4.1.4.1 Divine origin theory

Rigveda contains a hymn known as "Purusha Sukta"⁶. In this hymn "Purusha" is depicted as an immortal being, from which whole of the universe was created. Brahman was created from his mouth, Kshatriya (Rajanyas) from his arms, Vaishya from his thighs, and Shudra from his feet. The creation of different Varnas from different parts of the body of that "great man" assigns corresponding social status to these Varnas. The Brahmin, created from his mouth is at the top of this social order. The Rajanyas represents strength, as they were created from arms, the signs of strength. The Vaishyas represents appetite, as they were created from abdominal part representing receptor of food. Shudra is created from feet, so he is duty bound to serve others (Ghurye, 2016, p. 23). It is the duty of every person to perform the duties assigned to his *Varna*, which is known as "Varna Ashrama Dharma" (Ghurye, 2016, p. 29). This Purusha Sukta theory is also upheld by *Manusmriti*⁷.

This *Purusha hymn* has provided an ideological basis to the hierarchical social order which is hereditary in nature. Pointing to the effect of this hymn Doniger has

⁶ Rigveda, mandal 10, hymn 90 (Purusha Sukta)

⁷ Manusmriti, Chapter 1, verse (shaloka) 31.

noted that it subordinates the royal power to the Brahmin, while on the other hand the king is at the top according to the Buddhist literature (Waughray, 2013).

4.1.4.2 Essentialist or idealist theory

The essentialist theory of caste is based on the belief that caste is intrinsic to social life of India (Mitra, 1993). Taking the idealist view of study, Dumont has depicted some characteristics of caste system in India, which are different from classes in other parts of the world. Kolenda (2006) has noted that Dumont has explained that castes in India were ranked in a hierarchical order, where a high caste person is assumed to be polluted by the touch of a lower caste person. The caste hierarchies are based on religion, rather than wealth or power. So, the first rank is assigned to the Brahmin and second to the king. This hierarchical order is sanctioned by Hindu ideology. Srinivas (1984) has noted that according to Dumont the source of material suppression and exploitation of Untouchables was their "overwhelming religious inferiority". The modern supporters of this theory acknowledge the divisive character of the caste, but also insist that the caste has held the Hindu society together, and has helped to preserve its central values. The essentialists holds that the negative features of castes like hierarchical gradations, and closed memberships may be removed, and thus utilised even in modern times in the form of voluntary organisations (Mitra, 1993).

4.1.4.3 Secular or materialist theories

The secularist or materialist view of caste views it as a sign of underdevelopment, hierarchy and partial in the favour of certain groups (Mitra, 1993).

4.1.4.4 Post Dumontian Model of Caste

Lindt (2013) has given a new dimension to the theory of caste. He opines that the existing theories of caste have failed to explain the true nature of caste; hence, are unable to explain its existence in the modern society. Author has opined that the caste has following three "elements", which have been made the basis of the different theories. These elements are as followings:

- **Economic element:** Caste provides a division of labour. Where one caste has adopted a particular occupation, it became unable to remain an independent economic entity. It needs more castes performing other functions. It differentiates the caste from a tribal organisation, which are at least theoretically self-sustaining economic units.
- **Biological element:** Caste membership is hereditary. No caste recruits its members by means other than birth. This element has made the case of caste unique from the classes, existing in all parts of the globe. The biological element can be maintained by endogamy. To maintain the biological element of caste women of the reproductive age are considered as most valuable and vulnerable part of the group, and are kept under strict restrictions.
- **Rational element:** The existence of caste needs some ideational explanation, which is provided by *Brahminic tradition*. It starts from the Rig Veda and finds an elaborate justification and codification of caste rules in Manusmriti.

Lindt explains that all the models or theories of caste were based on the above-mentioned elements, the difference lies in their emphasis on a particular element. For the classical interpreters like Dumont, the Rational element was the central, while the Biological element is subsidiary. He has ignored the Economic element. According to this view the caste is primarily a purity-pollution phenomena started and regulated by Hinduism. The *Subaltern* interpretation developed by B. R. Ambedkar considers Economic element as responsible for division of labour, with the Biological element giving it a hereditary character. Last comes the Rational element; religion providing justification to this hereditary division of labour. The modern re-interpretation of caste considers Biological element as the surviving bond for caste, supported by Rational element. According to this view the caste is the extension of a family; hence, irrespective of erosion of religious sanctity and economic relevance of caste, matrimonial alliances are made within the caste invoking family traditions. But this interpretation equates the caste with other ethnic or quasi-ethnic groups, which is not true about the caste.

Lindt claims that neither of the existing interpretations of caste were able to explain the existence of caste in modern times. Caste did exist and does not seem to be disappearing in the near future. He has provided his own interpretation on all the three elements. Economically in the absence of public welfare system the family acts as the principal economic institution. It provides business linkages, leading to solidarity with other members of the caste. As far as Rational element is concerned, it has weakened, particularly in the newly emerging middle class. Purity-pollution divisions have eroded to a large extent. But the Biological element is still active "As long as 94 per cent marriages in India take place within the caste" (Desai & Andrist, 2010). Socio-economic benefits associated with caste discourage the members from abandoning it. In this manner this new interpretation of caste by Lindt provides explanation of existence of caste in modern times.

4.1.4.5 Colonialist theories

The British scholars have studied and "projected" the caste as per the administrative expediencies of colonial government. Though the caste identities had existed in the Indian society since the centuries, such identities were "expanded and sharpened" by the colonial government, and caste was promoted from social structures to the structures of government (Waughray, 2013, p. 44). The colonial government has created the "Indian tradition" which also includes the caste structure having peculiar features. Kings were never inferior to the Brahmins, but the colonial construction of caste has made the crown "hollow" and imposed the notion of supremacy of Brahmin (Dirks, 1999).⁸

4.1.4.6 Racial origin theories

In the late eighteenth century Sir William Jones has find some racial differences between the northern and southern population, as well as between the high and low caste populations. In 1820's some of the British Officers have started to conduct ethnic categorisation of the Indian people, primarily to locate the criminal tribes (Bates, 1995). H. H. Risley, the Commissioner of 1901 Census has supported

⁸ Dirks p. 44-45.

the idea of racial origin of caste. He had equated the anthropometric characteristics with the caste based social rankings (Risley, 1915 p. 29) Risley believed that the dark coloured Dravidians were the original inhabitants of Indian peninsula, but in the course of time were conquered by the fair coloured Aryans. The Aryans have developed the caste system to preserve their racial purity (Waughray, 2013)⁹. In the beginning of twentieth century the Non-Brahmins of south have founded "Justice Party" and had pleaded before the government for a proportional share for the non-Brahmins in the affairs of the government. They have argued that they have a race and culture which was different from the Brahmins (Beteille, 1967)¹⁰.

4.1.5 Who are Dalits?

Term Dalit has its origin in the Marathi language, which means "broken" or "reduced to pieces". In the nineteenth century, the social reformer Phule had used the term to denote the caste-based oppressions. The term was adopted by the community itself; hence, denotes a sense of assertion. Dalits includes all the people who have had been subjected to Untouchability by the others from thousands of years, giving another name to the members of the community- the Untouchables. Another recognition adopted by the community is "Adi" which means the *original inhabitants* of the land, as apart from the immigrant Aryans. Terms "Adi-Andhra", "Ad-Dharam", "Adi-Dravida" and "Adi-Karnataka" are still used by the community as a sign of assertion (Mendelsohn & Vicziany, 1998, pp. 2-3). An analysis of ancient literature supports the Dalit's claims as the original inhabitants of the land. Rigveda had called them as "dasyu", who were at the primitive stage of civilizational development. The Aryans have had subjugated them after the tribal wars. Later Brahmanical literature has imposed the most possible degraded status on them (Muthaiah, 2004). Values system was given the Aryan interpretation. Those persons whose conduct was not in conformity with this value system were "predicted" to be born in a *stinking womb* in their next birth. The *Chandogya Upanishad* has provided the examples of a stinking womb that those of dog, swine, or outcaste (Hume, 1921, p. 233).

⁹ p. 45-46.

¹⁰ p. 458.

The British official records have assigned different names to this community. The Southborough Committee has called the community as the Depressed Classes (Franchise Committee, 1919, para. 24). But the term itself seems to be *depressing* and *insulting*. The Census Superintendent of Assam has suggested the use of term *Exterior Castes*. Hutton, the Census Commissioner of India, 1931 had accepted the suggestion and the term *Exterior Castes* was used in the 1931 Census (Hutton, 1963, p. 192). Mahatma Gandhi has given a new name to the Untouchable communities- *Harijan*, which means "children of god". But this word itself seems to be insulting and a sign of acceptance of inferiority of self (Mendelsohn & Vicziany, 1998, p. 3). The Untouchable community was not happy with this name imposed by Mr. Gandhi. Dr. Ambedkar has called it only an attempt to promote *Vaishnavism*, as there was no positive change in the conditions of Untouchables. Denying the false consciousness of being the *children of god*, along with continuance of untouchability, he held:

It is better for the patient to know what he is suffering from. It is better for the wrong doer that the wrong is still there to be redressed. Any concealment will give a false sense of both as to existing facts. (Ambedkar, 1989, Vol. 5, p. 363)

Finally, the Government of India Act, 1935 has used the term *Scheduled Castes* for the castes, races, or tribes, previously known as *Depressed Classes*, and His Majesty in Council was authorised to recognise such classes of persons (GOI, 1935, Sch. 1, part 1[26]). Such an Order-in-Council can be issued by His Majesty only after the Secretary of State for India has laid the draft of the Order before the Parliament (GOI, 1935, §. 309). "The Government of India (Scheduled Castes) Order, 1936" was issued on April 30, 1936. The *Schedule* appended to the Order has contained the lists of certain castes, races, or tribes with respect to different Provinces, which were declared as the *Scheduled Castes* within the respective Provinces or parts thereof (GOI [SC] Order, 1936, para. 2). The term *Scheduled Caste* is morally neutral and has a legal character. It has created a legal class of persons for the purpose of affirmative action benefits (Mendelsohn & Vicziany, 1998, p. 4). Constitution of

India has also adopted this term for legal categorisation of the members of the community.

In this research the word *Dalit* has been used with preference over other names. The name is adopted by the members of the community as the most suitable one, and it is free from state categorisation under the name of *Scheduled Castes*. There are Dalits who are not included in the Scheduled Castes because of their religion. Such Dalits are included in the present study, so this term is preferably used to denote the castes, races, or tribes which have remained subjected to *untouchability*. Term Dalit has political connotations and is regarded as a sign of assertion by the members of community (Mendelsohn & Vicziany, 1998, p. 4).

4.2 Marginalisation

Caste in India is not only the division of society into different categories, it also provides gradation to different castes. As per the rules of gradation each caste is placed at a certain level, with the Brahmin at the top. Caste system has also assigned different occupations to different castes, and had imposed several restrictions on different castes in occupational choices. The caste system had led to the marginalisation of Untouchable castes, which has social, economic, political, and cultural aspects. When the British have started population enumerations by census operations, they were puzzled over the religious identity of Untouchables. High caste Hindu supervisors have objected to record Untouchable's identity as Hindus, and in several instances their caste was repeated in the column for religion, such as Chandal or Dher etc. (Mendelsohn & Vicziany, 1998, p. 27). Till the later nineteenth century, the Dalits were never considered as Hindus. They were taken into "Hindu fold" as a reaction to their assertion for political rights in the form of separate electorates (Mosse, 2020). Two centuries ago, Hough has observed that the Indian society was divided into four broad classes, each of which was sub-divided into smaller groups or castes. The Dalits were outside of this caste system; hence, were considered as *outcastes* (1845, Vol. 1, Book 7, p. 43).

4.2.1 Social marginalisation

Indian Caste system had evolved countless rules for regulation of social behaviour of different castes. These rules were particularly discriminatory against the Dalits. Such discriminatory rules have had imposed the notion of *untouchability* on the lower castes. Upward social mobility was not allowed in the caste system. Nearly one and a half century ago, Sherring has observed that no praiseworthy conduct of the members of a caste, like handsomeness, industriousness, intelligence etc. was able to improve its social position (1881, pp. 251-252). Outcastes were regarded as "vilest men". Taking water or any eatables, or even touching of such persons by the caste Hindus was considered as a heinous offence, leading to loss of caste, unless "expiated by strict penance, together with troublesome and expensive ceremonies (Hough, 1845, Vol. 1, Book 7, p. 43)". Socially, the Dalits have remained "the very bottom elements of Indian Society (Mendelsohn & Vicziany, 1998, p. 1)". Social marginalisation of Dalits has following facets:

4.2.1.1 Food restrictions

Food was divided into two categories; "Pakka food" and "Kachcha food". Any food cooked in water was classed as *Kachcha food* and the food cooked in *Ghee* (purified butter) was classed as *Pakka food*. Ghurye has observed that the society was divided into five classes-

- The twice-born; and
- Castes from whose hands the *twice-born* can take *pakka food*; and
- Castes from whose hands the *twice-born* cannot take any food, but water only; and
- Castes from whose hands the *twice-born* cannot take even water, but are not Untouchables; and
- Castes from whom no water or food can be accepted by the *twice born* and whose touch defiles a *twice-born*, or who are Untouchable classes (2016, p. 4).

These food restrictions are not specific to Hinduism, but are found in all the major religious communities of India. The high caste Christians are known for celebrating feasts separately from the Dalit Christians (Varghese, 2012).

4.2.1.2 Untouchability

With the passing of time the concept of *Pollution* has entered caste system. It implies that the persons of certain castes are *polluted*, they will spread *pollution* to others by their touch. In some cases, even the shadow of an Untouchable was considered as *polluting*. The Untouchables were denied access to common village wells, as drawing water by them was supposed to be an act of defilement of the well. They have no access to general village service providers like washerman and barber etc. In Madras Province certain castes were required to keep a prescribed distance from the Brahmin¹¹ (Ghurye, 2016, p. 5). Taking special attention to the purity of Brahmin, Manusmriti has provided that, "A Candala [Untouchable] and a boar, a cock and also a dog, and a woman in her courses and an eunuch, may not see the Brahmin eating (Mendelsohn & Vicziany, 1998, p. 7)". It was not only the Dalits, but the social reformers within the upper castes, who have tried to break the caste restrictions. Strict disciplinary actions were taken against such reformers. Legal apathy to the institution of caste deprived the reformers to take the shelter of law courts (Galanter, 1969). The Upper Castes used the "self help" tool to maintain their superior status, like by excommunicating the defaulting reformers and by boycotting the lower castes (Galanter, 1969). The lower caste persons have to remain at the degraded social position throughout their life irrespective of "their moral excellence, their abilities, or wealth (Hough, 1845, Vol. 1, Book 7, p 44)". Untouchability does not act as a tool of separation of the communities, it has been used only as a tool of exploitation and degradation only. An untouchable can be touched, but only for exploitation. For example, an "Untouchable woman was never so degraded or ritually polluted as to be sexually unapproachable (Mendelsohn & Vicziany, 1998, p. 11)".

¹¹ In Madras a Shanar must keep a distance of more than 24 paces, and a Tiyan has to keep a distance of 36 steps and, a Pulayan has to keep a distance of 96 paces from a Brahmin.

4.2.2 Cultural marginalisation

The Sudras were known as "Ekajati" (born once) and other three castes as "Davija" (twice-born). The Sudra was having only one birth, that is, the biological birth from his mother. The Davijas were regarded as having born twice- first the biological birth from mother and second the spiritual birth after the "initiation" (upanayana) ceremony (Müller, 1886, p. 42, [Manusmriti, 2.68]). The Sudras were instructed to show submissiveness in all walks of life. A Sudra child has had to be named which does not show happiness or self respect, but only humiliation and service (Müller, 1886, p. 35, [Manusmriti, 2.31-2.32]). Using any symbols of twice born was a crime for a Sudra, and Manu has advised the king to inflict corporal punishment for such an act (Müller, 1886, p. 63 [Manusmriti, 9.224]).

The Untouchables were deprived from the right to study sacred literature of Hindus. They were not allowed to enter temples (Ghurye, 2016, p. 8). The British were astonished by the fact that in some of the temples like Hajo Temple in Assam, Kalarama Temple Nasik, and Parbati Temple Poona, "it has been in the past the practice to admit non-Hindus, such as Christians and Muslims to a point to which the untouchable Hindus were never admitted at all (Census of India, 1931, Vol. 1, Part 1, p. 482)". There were temple entry movements in 1920's by the Dalits. As the British Government has accepted the demand for the separate electorate to the Depressed Classes, a sudden sensitisation towards the removal of untouchability had emerged. Mahatma Gandhi had started to lead the temple entry movement. He opined that the views of all should be respected, including those who were not in favour of temple entry rights of Dalits. So, a temple could prepare a roaster, assigning a fixed time when the temple entry to the Dalits will be allowed, and the temple may be "purified" after that (Mendelsohn & Vicziany, 1998, p. 106). Prohibition of temple entry has acted as a bar against the Untouchables from participating in cultural life also. In this context the term temple includes the buildings like *namgarhs* which also served as community halls. Prohibition on entry in such buildings automatically leads to deprivation from participation in community life (Census of India, 1931, Vol. 1, part 1, p. 482).

Even in higher institutions of learning, there is a tendency to assign the Dalit students to Dalit guides. It acts as a demoralising practice both for the teacher and for the students (Guru, 2000). If the statue of a Dalit has to be installed in a public place, a remote corner of street or hall is chosen (Guru, 2000). Indian cinema has never raised the Dalit issues seriously (Guru, 2000). Hindi film industry is politically and religiously dedicated to a typical way of life showing a joint, upper class, male dominated family as an ideal Indian family. It has played a reactionary role on all the social issues. Hero may be a poor man, but he will be a fair, upper caste north Indian man. His caste status is usually expressed in terms of his surname (Deshpande, 2007).

4.2.3 Economic marginalisation

4.2.3.1 Economic marginalisation in ancient India

Dalits have been facing severe structural discrimination against themselves from the centuries. Ritually unclean occupations were assigned to the Dalits, who have practically little occupational choices. Religious literature was created to frame laws for different *varnas*. Most important literature in this regard was the *Manusmriti* or the Law Code of Manu, written nearly two centuries before the Christ. This law code has provided the occupational division of the society. As per this division Brahmin was given the responsibility of studying Vedas, Kshatriya was given the responsibility to protect the people, Vaishya was given the responsibility of daily business, and Sudra was given the responsibility to serve the other classes (Müller, 1886, p. 478, [Manusmriti, 11.236]). Sudra was prohibited from collection of any wealth, irrespective of his ability to do so, as this act was declared as painful for the Brahmins (Müller, 1886, p. 430, [Manusmriti, 10.129]). A Sudra was not authorised to have any property, and in case of a Sudra having any property, his master, the Brahmin was authorised to seize it (Müller, 1886, p. 327, [Manusmriti, 8.417]). This law code has controlled the socio-economic relations of people of India nearly for two thousand years; hence, depriving the Sudras from access to basic necessities of life.

4.2.3.2 Economic marginalisation during British India

The British have adopted a policy of social non-interference in India. In civil matters they have applied the personal laws of communities. In civil matters of Hindus and Muslims, their own tribunals were allowed, and if such a case had come to a court, it has to adjudicate it according to the personal law of the community. Hindu *pundits* and Muslim *moulavis* were appointed as "law officers" to interpret the relevant laws for the English judges (Galanter, 1968). So, the ages old discrimination in civil matters continued even during the British period. Due to lack of education Dalits were not able to compete for the public services under the British Government. The Government had accepted the demand of Untouchables to consider them a separate community. But the proposal was opposed by leaders like Mahatma Gandhi and the Dalit leader Dr. Ambedkar was pressurised to compromise with him. Under this compromise (Poona Pact) the Dalits were able to get more legislative seats than under the Communal Award, but has lost the opportunity of getting a separate community status. This compromise has an adverse effect on the Dalit claim for a fixed quota of reservations in public services (Das, 2000).

4.2.3.3 Economic marginalisation in Republican India

After the Independence of India, and commencement of the republican Constitution, it was hoped that all the sections of society will enjoy the equal rights and equal access to the means of livelihood. In the public sector provisions of reservations in favour of SCs and STs has shown some positive results. But despite the Constitutional guarantees to equality, prohibition of discrimination, abolition of untouchability, the Dalits have continued to suffer discriminations in jobs. In the last decade of 20th century, the shift in favour of liberalisation, privatisation and globalisation has blown a severe setback to the inclusive policies and had limited the space for affirmative action measures (George, 2013). In the post-liberalisation era, most of the employment opportunities are in the private sector. But in this sector, the Dalits and Muslims face a discrimination at the hands of employers. Before calling for interview the employers shows favouritism towards those candidates whose names

indicates that they belong to upper caste Hindus, as compared to those candidates whose names indicates them to be Dalits or the Muslims (Thorat & Attewell, 2007).

4.2.4 Health deprivation

Health is an integral element of human development as recognised by UN bodies. But the caste system has imposed a caste based social exclusion, which results in health deprivation to excluded caste groups (Jungari & Bomble, 2013). They have no equal access to the nutritional food. Markets have developed a "time hierarchy" which is based on economic hierarchies, which itself are the mirror images of social hierarchies. At the time of opening of markets, prices for articles like fruits, vegetables and fish etc. are higher which are beyond the buying capacity of Dalits. They prefer to purchase these items at the closing time of the market, when the vendors want to sell these perishable items on reduced rates (Guru, 2000).

4.2.5 Educational marginalisation

4.2.5.1 Educational marginalisation in ancient India

Dalits have been inflicted severe educational deprivations since thousands of years. In the four-fold division of society it was only the Sudras who was prohibited from study. Profession of teaching was a monopoly of Brahmin, who was instructed not to teach a Sudra, and not even to recite a hymn in the presence of Sudra (Müller, 1886, p. 144, [Manusmriti, 4.99]). Listening of recitation of Vedas without permission was an offence of "stealing the Veda" (Müller, 1886, p. 119, [Manusmriti, 2.116]). Brahmin was prohibited from giving any advice to Sudra or to explain him the sacred law (Müller, 1886, p. 141, [Manusmriti, 4.80]). In the traditional system of education where the temple buildings were also serving as educational institutions, the prohibition on temple entry for Untouchables has acted not only as a religious disability, but also the disability of taking education (Census of India, 1931, Vol. 1, Part 1, p. 482).

4.2.5.2 Educational marginalisation during British India

The British rule has brought the notion of secular education, mainly aimed at personality development and an increase in the chances of public sector employment. Several local socio-religious societies have also started their schools. But the Depressed Classes people were practically denied any access to such schools. In the words of Parulekar:

On the whole, it may be definitely stated that in the indigenous system of education prevailing before the Missionaries and the British administration started their own institution, the depressed (or untouchable) classes had no access to schooling. They were, as a rule, not allowed to attend the indigenous schools whatever might be the caste or creed of the teacher. Tradition held them back with in iron hand, allowing no exception under any circumstances whatever. In this prohibition all castes joined hands and the Brahmin was only one of them. (1945, LVI)

The British have not had a clear policy towards the universal education. As a policy the Dalits were allowed to get admission into the government schools but practically the upper caste pressure was successful to debar them (Nambissan, 1996). Whenever a regulation for securing access of all the castes to the educational institutions was framed, it was to face a severe opposition from the upper castes. The official reports during the British rule have accepted that the opposition to admission of untouchables to the schools was so severe that the administration finds it difficult to do anything substantial in the matter (Galanter, 1984, p. 21). Census Commissioner 1931 has noted that despite the official instructions to the schools for admission of all sections, there were practical difficulties in providing the facilities of education to the Untouchables. The few students belonging to these castes were to face indirect pressure, so they preferred to sit outside the school instead of facing boycott by upper caste students (Census of India 1931, Vol. 1, Part 1, p. 483). Government has

established special schools for Dalits, but such schools were facing shortage of teachers as higher caste teachers were not ready to serve in such schools and the Dalits have no sufficient qualified persons to act as teachers in such schools (Nambissan, 1996). Even where the Dalit students got themselves admitted to a school, they have to face discrimination. They usually sit outside the school, because sitting with upper caste students results in their boycott and a pressure to leave the school (Hutton, 1963, p. 201). In 1930s merely 1.9% Dalits were literate, while the literacy rate among the general population was 9.5% (Nambissan, 1996).

4.2.5.3 Educational marginalisation in Republican India

The Constitution of Independent India has authorised the State to make special provisions for advancement of socially and educationally backward classes (Art. 15[4]). Despite several steps taken by the Government in the form of affirmative action in favour of Dalit communities, their level of education attainment is lower than the other categories. They have to face several structural impediments in education attainment. General habitations have more physical proximity to primary and middle schools than the Dalit habitations (Nambissan, 1996). Dalits have also been subjected to "cultural deprivation" in school curriculums. Upper caste Hindu teachers have lack of faith on the competence of Dalit students. Some of such teachers regards the Dalit students as "uneducable" (Nambissan, 1996). In an extreme case of intolerance two Brahmin students of Motinath Sanskrit Mahavidyalya, Delhi had murdered an SC student as they were unable to accept a lower caste boy studying a Sanskrit course (Acharaya) with them (The Statesman, 1986). The National Sample Survey reveals that in the age group of 5-14 years 85.2% SCs were attending schools, while the figures for same age group of general category was 90.3%. The Survey further shows that in the age group of 15-24 years 31.15% Scheduled Caste persons were attending any educational institution, while the figure was 45.7% in case of general category (NSS Report 543, A-21). The figures show that the Scheduled Caste persons are lagging in educational attainment, and the gap goes wider in the higher levels of education.

As regards the DMs and DCs, the education levels are comparable to Dalits in other religions. NSSO 61st Round data shows that 47.9% Rural Dalits are illiterate, and the figures are 48.53% for DMs and 38.42% for DCs. 1.45% Rural Dalits are having a Diploma or Graduation and above qualifications, and the figures for DMs are 1.53%, and for DCs 1.52%. In Urban India DMs have highest rate of illiteracy (Deshpande & Bapna, 2008, pp. 57-59).

4.2.6 Political marginalisation

The Dalits had been deprived of political power since the very inception of caste system. They were supposed to be restricted to the service of other castes. The idea of political participation of Dalits have taken birth in the beginning of the twentieth century when the Muslims were provided separate electorates under Minto-Morley reforms and the Commissioner for 1911 Census has introduced the idea of enumeration of Untouchables as a separate group from Hindus (Galanter, 1984. pp. 25-26).

4.2.6.1 Pre-Independence political marginalisation:

The Dalits had been deprived from political power since the centuries. Exercise of political power or the duty to protect the people was declared as a monopoly of Kshatriya and the duty to serve the other castes was enforced on the Sudra (Müller, 1886, p. 478, [Manusmriti, 11.235]). A king was warned against giving important positions to Sudra, as such a kingdom was sure to degenerate (Müller, 1886, p. 256, [Manusmriti, 8.21]). A Brahmin was prohibited from living in a country having Sudra rulers (Müller, 1886, p. 138, [Manusmriti, 4.61]). *Yajnavalkya Smiriti* prohibits the selection of Sudras as Ministers (Jaswal, 2000, p. 23).

During the British regime the Dalits were initially distinguished as Depressed Classes. The Simon Commission has recorded their underrepresentation in legislative bodies. Till that time the term *Depressed Classes* was in the condition of vagueness, and no official list was prepared to demarcate any castes which falls under this

category. Taking guidance from various sources the Commission has projected the following estimates of Depressed Classes population in British Indian Provinces-

Table 3: Proportion of Depressed Classes populations and their representation in the legislatures in later 1920's

S. No.	Province	%age of Depressed Classes population ¹² (app.)	Legislative Council Seats (Other than Executive Councillors and nominated members)	Reserved for Depressed Classes ¹³	%age of representation (app.)
1	Madras	15.5	109	10	9.2
2	Bombay	8	94	2	2
3	Bengal	24.5	118	1	0.8
4	United Province	26.5	103	1	1
5	Punjab	13.5	76	0	0
6	Bihar & Orissa	14.5	85	2	2.4
7	Central Provinces	24	62	4	6.5
8	Assam	13	41	0	0
Total of Governor's Provinces (excluding Burma)		19	688	20	2.9
Source: Simon Commission Report, Vol. 1.					

In the Province of Madras they constitute the 15.5% of total population, while having only 4.1% votes and 9.2% seats. In the Bombay Province the Depressed Classes have 2% votes, while having a population of 8% (SCR, Vol. 2, pp. 64-65). In all Provinces (excluding Burma) 20 seats were reserved for Depressed Classes, out of

¹² SCR, Vol. 1, p. 40.

¹³ SCR Vol. 1, p. 144-145

688 seats representing various communities either by election or by nominations, which was less than 3% of the total seats¹⁴.

Taking into consideration of these figures, the Commission has ruled out the possibility of getting their own representative out of general constituencies. Their representation only by nominations was considered as unable to provide them any political training. To secure their representation by such persons who command the confidence of their own community, *Separate Electorate* was considered as the best option (SCR, Vol. 2, p. 65). But till that date the term Depressed Classes was in vagueness, and there was no list of those castes or tribes declared as Depressed Classes. A clear-cut demarcation of these Depressed Classes was a pre-condition for separate electorates. To avoid the procedural difficulties, the Commission recommended the reservation of seats for the Depressed Classes in place of separate electorates. These seats were recommended to be reserved out of non-Mohammedan seats. The Commission was apprehensive about the availability of sufficient number of persons available to represent the community, so it recommended the reservation at the rate of 75% of proportion of their population (SCR, Vol. 2, p. 67).

Due to the absence of any agreement between different communities on the question of communal representation, the Simon Commission has not made any recommendations in this regard. Only suggestions were extended to guide the future discussions. It was hoped that the question will be solved at the Conference going to be held in London (SCR Vol. 2, p. 59). But even the three Conferences (commonly known as Round Table Conferences or RTCs) were unable to find any solution to the communal issues of India. The British Prime Minister issued his "Communal Award" under which the Depressed Classes were recognised as a separate community for the purpose of representation in legislative bodies and were offered 71 seats in the Provincial Legislatures. It was objected by Mahatma Gandhi who had started his "fast unto death" as a protest. Finally, Poona Pact was reached between Mahatma Gandhi and Dr. Ambedkar and the Depressed Classes were provided 148 seats out of general

¹⁴ Executive Councillors and Nominated members (other than those nominated to represent specific classes or interests) are excluded from these figures of 688. With the addition of those the total figures will become 832.

seats (Das, 2000). The Depressed Classes were given more seats under Poona Pact than under the Communal Award, but they have had to pay a heavy price for this increase of seats. On the terms of agreement Das has commented:

However, untouchables lost the right to elect their own representatives and this right was transferred to Hindus. The result was that those who were elected remained faithful to the parties and leaders who adopted them as candidates and funded their elections. (2000, pp. 3832-3833)

4.2.6.2 Post-Independence political marginalisation:

Even after the dawn of Independence and a universal adult franchise, the Dalits have continued to suffer political marginalisation. There is a provision for reservation of seats in the House of the People and in the Legislative Assemblies of States. But the Dalit members are deprived from the important portfolios. They are assigned only the unimportant portfolios like social welfare. "This marginalisation or the mis-recognition of Dalit abilities has existed from the days of Ambedkar, who was competent enough to handle the finance ministry, but was given law (Guru, 2000, p. 111)".

4.3 Caste and Religion

Ordinarily the caste is known as a social institution of Hindu religion. Doctrinal sanction of caste divisions and hierarchies is found only in Hindu religious scriptures. Social and economic exploitation of Dalits is justified and institutionalised by the Hindu scriptures. When the Dalits have come to the contact of some new religions based on egalitarian principles, some of them have adopted these religions in the hope of coming out of sub-humane social status imposed in Hinduism. "Consequently, a considerable majority of India's Muslims, Buddhists, Christians and Sikhs today consist of descendants of Dalit and other 'low' caste converts (Sikand, 2001, p. 287)". But caste is so engraved on the minds of people in India that practically no religion is free from casteism. Caste and similar schemes of social

stratifications, along with the element of untouchability are found in all the major religions in India like the Sikhism, Christianity, and Islam (Panigrah, 2018). Buddhism is generally regarded as an egalitarian religion, but it does recognise the social stratification on basis of *kula* (descent), *kamma* (occupation), and *sippa* (craft). Buddhist text divides the individuals into low descent and higher descent. Occupations are also categorised according to certain parameters, i.e., skill required for work, working for himself or serving other, manual and non-manual work etc. (Chakravarti, 1985). Sikhism does not recognise caste or class hierarchies. For Guru Nanak Dev Ji (first Sikh Guru) salvation lies in union with God, and divine element was present in every soul: So everyone was eligible for salvation irrespective of his/her caste. Guru Arjun Dev Ji (fifth Sikh Guru), has while compiling the *Holy Granth* (The Adi Granth) included the writings of some of the saints belonging to Dalit communities, like Guru Ravidas Ji, Bhagat Sadhana Ji, and Bhagat Sain Ji etc. But casteism is prevalent both in Buddhist and Sikh societies. Casteism in Sikhism and Buddhism has been officially recognised by the Government of India, as the Sikh Dalits (SCs and STs Orders [Amendment] Act, 1956) and the Buddhist Dalits (Constitution [SCs], Orders [Amendment] Act, 1990) have been included in the SC category. Caste among the Sikhs, particularly the upper caste and lower caste differences and ritual purity have been proved by the empirical studies by scholars like I. P. Singh in late 1950s, Joyce Pettigrew in 1970s, and Hershman in 1980s (Jodhka, 2004).

Christianity is considered as an egalitarian religion, having no belief in caste like social divisions. Historians like Webster and Kooiman have argued that the Dalits have embraced Christianity as an alternative religious ideology to achieve equality of status at least in non-material domain (Wyatt, 1998). But Dalits have been facing the immediate problems relating to bread earning, poverty, and injustice. They have created a *Dalit Theology* based on practical life conditions of Dalits by a new interpretation of Bible. This theology identifies Jesus Christ himself as a Dalit as he had suffered similar social conditions as the Dalits in India (Wyatt, 1998). The Dalits constitute a big proportion of the Christian population in India, but they have not adequate representation in the decision-making bodies of Church (Varghese, 2012).

Food restrictions and the idea of pollution, both are present among the Christians. Lower castes converts to Christianity have suffered discrimination even in Churches, leading to construction of separate Churches for them (Mitra, 1993). Dalit Christians are not supposed to take part in the feasts organised by the caste Christians. The practice is justified by not collecting financial contributions from them. Dalits continue to perform menial jobs like digging of graves for the dead, and cleaning of tables during the marriage celebrations (Varghese, 2012). Caste marks of Dalits does not erode after their conversion to Christianity. They continued to be subjected to internal as well as external deprivations and atrocities. Within this egalitarian faith, practices like untouchability continued to haunt their daily lives. They have little representation among the clergy and decision-making bodies of Church. Externally they have to suffer severe atrocities on petty grounds (Louis, 2007). Deshpande Report (2008, pp. 9-10) has also pointed out that Dalit Christians have been facing social restrictions like endogamy, like their counterpart in the Hinduism. Kooiman (1993) has witnessed the caste based social stratification among the Indian Christians.

Islam does not grant doctrinal support to casteism. But practically those converted from lower caste Hindu society are still facing social restrictions in Islam. Denial of existence of caste among the Muslims in India is like the denying of actual social facts for the sake of abstract ideological principles (Ahmad, 2007). Mitra (1993), Engineer (2002), Waughray (2010), and Ali (2012) have found the caste based discriminations against the lower caste Muslims. Caste based discriminations are not restricted to the territory of India, but have been felt amongst the Indian diaspora also. Empirical studies have proved the existence of such discriminations in the UK, where the Dalits have been raising the demand for legal protection against such discriminations, while the Hindu organisations have been making efforts to the contrary (Mosse, 2020). A new consciousness is emerging within the Dalit Muslims to raise the demands for the protection of their rights. Organisations like All-India Backward Muslim Morcha (AIBMM) are leading the DMs to raise the demands related with basic human necessities with priority, rather than the symbolic issues like Babri Masjid and Urdu language. Major issue in this regard is the inclusion of DMs

into the Scheduled Castes, so that they can have access to the benefits available to DHs, DHs, and DBs (Sikand, 2001).

Caste among the Christians and Muslims has also been recognised by the State. But such Dalits have been included only in the lists of OBCs due to the effect of Constitution (SC) Order, 1950, and not in the SC lists (Hasan, 2011, p. 181). The Central List of Other Backward Classes for the State of Punjab has included it the following Dalit castes:

1. Weaver, Jullaha or Julaha (including Kabirpanthi Julaha excluding those who are Scheduled Castes)¹⁵
2. Mochi (other than Scheduled Castes)¹⁶
3. Mirasi¹⁷
4. Christians (converted from Scheduled Castes)¹⁸

4.4 Caste and State

Caste is a social institution, affecting all walks of life including the aspects like economic, political, educational, and social etc. Following is the brief history of reaction of the State to the caste in different periods:

4.4.1 pre-Independence period

Pre-Independence period has witnessed an unwillingness on the part of rulers to interfere in the social affairs. In the last half of the nineteenth century, reformers like Jyotiba Phule have raised the demand for representation of backward classes in the services, and it was Shahu Chatrapati, the ruler of Kolhapur state who responded positively in 1902 (Maharashtra Ordinance no. 13 of 1902, p. 2). Under this order, fifty per cent of the seats in public employment in the State were reserved for the non-Brahmins (Mendelsohn & Vicziany, 1998, p. 129). The issue of protection of interests of weaker sections started to rise in other parts of the country, and it was in the

¹⁵ Entry 17

¹⁶ Entry 52

¹⁷ Entry 53

¹⁸ Entry 63

beginning of twentieth century that some of the other progressive princely states have taken steps to spread the education among their people. The states like Mysore, Baroda, and Kolhapur have framed policies for advancement of minorities and deprived sections. As per the available records, these states have taken a lead to initiate the reservation policies in India (Das, 2000).

Initially the British have also had adopted the policy indifference towards social issues of India. But the society could not escape the impact of British mode of governance. Means of communication, introduction of English as the official language, a legal system based on equality of all classes and castes; all have helped to develop the social relations on new patterns. Those groups which have started trade with the British, or have acquired the skills required for employment under the Government were able to explore new opportunities (Galanter, 1984, p. 17). The opportunities of new avenues were not available to all sections on equal footings. Social groups having hold on education have started to reap maximum benefits out of these opportunities. There was a time when in Madras Presidency 80 per cent of the government posts were held by the Brahmins, who were merely 3 per cent of the total population of the Presidency (Das, 2000). Initially the British India Government had started to appoint the natives on *uncovenanted services*¹⁹. The disproportionality of the posts held by the upper Hindu castes, were noticed by the Public Service Commission appointed in 1886, which is presented in the following table:

¹⁹ Uncovenanted Services includes the holders of those executive and judicial offices, which were not reserved by Statute for the members of Covenanted Civil Services.

Table 4: Proportions of populations, and uncovenanted posts held by Brahmins to posts held by all Hindus

Proportions of populations, and uncovenanted posts held by Brahmins to posts held by all Hindus					
S. No.	Province	Posts held by all the Hindus	Posts held by Brahmins	Population proportion of Brahmins to total Hindu population	Proportion of posts held by Brahmins to posts held by all Hindus
1	Madras	297	202	3.8	68
2	Bombay & Sind	328	211	5.5	64
3	Bengal	522	178	6.1	34
4	NWFP & Oudh	262	89	12.2	34
5	Punjab	161	41	11.3	25
6	Central Provinces	182	124	4.3	68
7	Hyderabad assigned districts	58	38	3.1	65
8	Assam	56	21	3.9	37
	Total British India	1866	904	7-8	48.4

Source: Aitchison Commission (1887) Report, pp. 39-41.

The selection for public services on the sole basis of merit is desirable, and practised in most of the systems of recruitment throughout the world. But the presence of historically excluded groups in the decision-making bodies is also necessary for their representative character, to ensure fair opportunities to the deprived groups to raise their issues in the public institutions (Hasan, 2011, p. 2).

4.4.1.1 Reservations in political representation

Regarding political representation in India, the British have formed a general opinion that the only practicable method was to provide representation to *interests*

and communities. Lord Dufferin²⁰ had expressed this view in 1888 and Lord Lansdowne²¹ had reiterated it in 1892 (Montagu-Chelmsford Report, 1918, p. 147). On October 1, 1906 a seventy members Deputation of Muslims had visited the Viceroy, Lord Minto in Shimla. The Deputation has presented a memorandum to the Viceroy, which demands that in any system of representation, at any level, the Muslim community should have appropriate representation. Apprehensions were raised that in the absence of any special provisions, most of the electoral bodies will be without the representation of the Muslims. If any Muslim be elected to such bodies, he will be able to do so only by sacrificing the interest of his own community in favour of majority community. Acknowledging the view of the Deputation the Viceroy has said:

I am entirely in accord with you... that any electoral representation in India would be doomed to mischievous failure which aimed at granting a personal enfranchisement, regardless of the beliefs and traditions of the communities composing the population of this continent. (quoted in Minto, 1934, p. 47)

The Viceroy has assured the Deputation to take care of the interests of the Muslim community in any administrative re-organisation. His viewpoint was fully endorsed by Lord Morley, the Secretary of State for India (Minto, 1934, p. 48). The promise had found its physical manifestation in the Indian Councils Act, 1909, which provided for the reservation of 6 seats for the Muslim community in the Central Legislative Council. This separate representation to Muslims has aroused similar demands from other sections also. Separate representations have sparked a consciousness of numbers. Commissioner for 1911 Census had introduced the suggestion of enumeration of Untouchables separately from the Hindus, reducing the ratio of Hindu population. These developments have brought the issue of Untouchability and caste to a prominent place in Indian politics (Galanter, 1984, p. 26). The Report on Indian Constitutional Reforms (known as Montagu Report) has

²⁰ Lord Dufferin was the Viceroy of India from 1884 to 88.

²¹ Lord Lansdowne was the Viceroy of India from 1888-94.

reported that considering the availability of material at its disposal, it can not make recommendations for the composition of proposed legislature. It noted that in order to make a sound beginning, a special committee should be appointed to measure the number of persons in different parts of the country on which voting rights can be conferred (1918, p. 146). But the Montagu Committee has issued some general instructions to be taken into account by the new committee while making detailed recommendations for composition of legislature. Montagu Committee has a strong opinion against the class-based representation. But the Muslims have already secured separate electorates, and they regard it as a settled fact. The Committee have thought it expedient to continue the separate electorates for the Muslims (Montagu Report, 1918, p. 149). Similar demands for separate electorates were raised by Sikhs in Punjab, non-Brahmins in Madras, Indian Christians, Anglo-Indians, Europeans, and the Lingayat community in Bombay (Mendelsohn & Vicziany, 1998, p. 99). But the Committee has recommended the extension of communal electorates only to the Sikhs, as a mark of recognition to their contribution in supplying a gallant and valuable element to the Indian Army. It recommended that if any representation is required for any other community, it should be through nominations, not through separate electorates (Montagu Report, 1918, p. 150).

Lord Montagu, the Secretary of State for India has appointed a special committee to investigate the conditions and to devise the means and methods for representation in legislatures (Franchise Committee [also known as Southborough Franchise Committee/SFC after the name of its President, Southborough], 1918-19). This Committee had toured the Presidencies and Provinces to have a first-hand knowledge of local conditions (SFC, 1918-19, p. 2).

In January 1919, Dr. B. R. Ambedkar had appeared before the SFC to put the case of Depressed Classes, that they were not able to get representation without special provisions in that behalf (Jensenius, 2015). Dr. Ambedkar had claimed a separate identity for the Untouchables, and had raised a demand before the Franchise Committee for separate electorates for the community (Kumar, 1985; Muthaiah, 2004). Dr. Ambedkar had claimed that there was a clear-cut division of Hindu society

into two group- the "Touchable Hindus" and "Untouchable Hindus" (Ambedkar: Writings and Speeches, Vol. 1, p. 250). The interests of *Untouchable Hindus* can not be represented by *Touchable Hindus* (Ambedkar: Writings and Speeches, Vol. 1, p. 256). He said that the Untouchables were deprived from acquiring wealth through the activities like trade, industry, or service because no Hindu will buy from an Untouchable (Ambedkar: Writings and Speeches, Vol. 1, p. 261). He has asked the Committee to lower the property qualifications for enfranchisement of Untouchables (Ambedkar: Writings and Speeches, Vol. 1, p. 262). On the basis of difference in the interests, Dr. Ambedkar had demanded for 8 seats in the Bombay Presidency which were in proportion to their population in the Presidency. Dr. Ambedkar had demanded this representation on the basis of communal representation in the form of "an exceptional remedy to meet an exceptional situation" (Ambedkar: Writings and Speeches, Vol. 1, p. 266).

The Franchise Committee had not accepted the demand of Dr. Ambedkar to lower the franchise qualifications for Untouchables and their representation through communal electorates. It had recommended the representation of Depressed Classes and the aborigines through nominations (SFC, 1918-19, p. 6). Continuance of communal representation was recommended for Muslims, as it was directed by the Montagu Committee and agreed to between Hindu and Muslim communities (SFC, 1918-19, p. 9). As directed by the Montagu Committee, the communal representation was also extended to the Sikhs (SFC, 1918-19, p. 10). Mr. Montagu had authorised the Franchise Committee to also devise the means for the representation of Indian Christians, Europeans, and Anglo-Indians; the Committee has recommended for extension of communal representation to these communities in the few Provinces (SFC, 1918-19, p. 10). As for the Depressed Classes were concerned, the Committee had found that it was not possible to provide them representation by any "satisfactory system of franchise". So, their representation was recommended to be made by nominations (SFC, 1918-19, p. 15)

The Government of India Act, 1919 has increased the total number of members in the Indian Legislature (Sections 63A & 63B), and in the Provincial

Legislative Councils (Schedule 1). There was a provision for nomination of some members in the Provincial Legislative Councils and the Indian Legislature. The Governor General of India was authorised to make rules for certain matters, including to make rules as to the nominations. While exercising this power the Governor General has provided for the nominations of Depressed Classes in the following manner:

Table 5: Distribution of seats of the Provincial Legislative Councils under GOI, 1919.

Table: Distribution of seats of the Provincial Legislative Councils under GOI, 1919.										
		Madras	Bombay	Bengal	UP	Punjab	Bihar & Orissa	CP	Assam	Total
T1	<i>Executive Councillors (ex-officio members of Legislative Councils)</i>	4	4	4	2	2	2	2	2	22
Elected	General	37	39	44	61	22	47	28	21	299
	Non-Brahmins	28								28
	Maharatta		7							7
	Sikhs					10				10
	Muslims	13	27	38	29	29	18	4	12	170
	Anglo-Indians	1		3						4
	Europeans	1	2	6	1		1			11
	Indian Christians	5								5
	Commerce & Industry	5	7	15	3	2		1	1	34
	Land Holders	6	3	5	3	4	5	2		28
	University	1	1	1	1	1	1	1		7
	Labour			2						2
	Mining						2	1		3
Plantation	1					1		5	7	

	Berar election based							17*		17
<i>T2</i>	<i>Elected Total</i>	98	86	114	98	68	75	54	39	632
Nominated	Labour		1				1		1	3
	Zamindar's estates declared as Backward Tracks							1		1
	Mandla Dist.							1		1
	Officials	19	16	16	16	14	18	8	7	114
	Aborigines						2			2
	Depressed Classes	5	1	1	1		2	2		12
	Industry						1			1
	Bengali's Domiciled in Province						1			1
	Backward Track	1							1	2
	Anglo-Indians		1		1	2	1	1		6
	Europeans									0
	Indian Christians		1	1	1	1	1			5
	Cotton Trade		1							1
	His Majesty's Forces						1			1
<i>T3</i>	<i>Nominated Total</i>	25	21	18	19	18	27	13	9	150
<i>Grand Total (T1+T2+T3)</i>		127	111	136	119	88	104	69	50	804
Source: Rules made under Government of India Act, 1919										

Depressed Classes were given the reservations in Provincial Legislatures, but not by elections, but by nominating few members of the community (Mitra, 1921, pp. 202, 211, 219, 234, & 238). In whole of British India only 12 seats were allocated for

* Members nominated on the basis of elections held in Berar were deemed to be elected members of CP, Sec. 72A, GOI, 1919.

nominations from the Depressed Classes. Further this scheme of division of seats into different categories was not in the form of *affirmative action*, but *to provide representation in the legislatures to different communities*, because in the British opinion India was not prepared for territorial representation.

The Government of India Act, 1919 had come into operation in the beginning of 1921. Muddiman Committee was appointed by the Governor-General to investigate the difficulties and inherent defects in the Act, and also to suggest remedial measures. The Committee had found that the representation of Depressed Classes was not adequate. It had recommended the expansion of their representation by nominations (Muddiman Committee, 1924, pp. 55-56)

The Government of India Act, 1919 had required the appointment of a Statutory Commission for the purpose of enquiring into the growth of education and working of representative institutions in British India (GOI, 1919 § 84A). The Statutory Commission was appointed under the chairmanship of Sir John Simon on November 26, 1927. The most ticklish problem before the Commission was of communal representation (SCR, Vol 2, p. 56). The Provincial Governments were in favour of *status quo* or minor modifications and none of those have proposed for abolition of communal representations. The Nehru Report²² has proposed the joint electorates with the reservation of seats for the Muslims. But the Muslims were not ready to accept any alternative scheme of representation other than the separate electorates. Moderate Hindus were also of the opinion that Muslims must not be deprived of separate electorates against their will (SCR, Vol 2, p. 59). The Commission has recommended that communal representation to the Muslims should be continued whether by separate electorates or by reservation of seats in joint constituencies, and in the absence of any mutual agreement between Hindu and Muslim communities the separate electorates should be continued. Sikh deputation

²² Simon Commission has no Indian member. The British declined the demand to include any Indian member based on a lack of consensus in the Indian parties and communities. It was taken as a challenge by the Indian National Congress, it has an all-party meeting, where a committee (Nehru Committee) was appointed to prepare a draft Constitution of India. The report of the Committee is known as Nehru Report.

from Punjab had met the Commission to increase the proportion of seats allotted to them, while the other communities have pressed for the contrary (SCR, Vol 2, p. 63).

Under the existing election rules, representation of Depressed Classes was to be secured through nominations. When the Commission has conducted an enquiry following was the number of representatives of Depressed Classes in different legislatures (SCR, Vol. 1, pp. 144-45):

1.	Madras	10
2.	Central Province	4
3.	Bombay	2
4.	Bihar & Orissa	2
5.	Bengal	1
6.	United Province	1

In the exercise of his power of making nominations, Governor-General has nominated one Depressed Classes member to the Legislative Assembly (the lower house of central legislature). Only in case of Madras nine communities were specified from amongst whom the Depressed Classes representatives were to be nominated. In all of the other Provinces the Governors were authorised to nominate members from such communities as were in their opinion Depressed Classes. Simon Commission was in favour of representation of Depressed Classes based on elections for the sake of political education. But due to property holding, education, and income related conditions on enfranchisement, the number of electorates belonging to these classes was as low as, making it almost impossible for the success of candidates belonging to this community from general constituencies (SCR, Vol, 2, p. 65). Most of the Depressed Classes' associations have put a case for separate electorates in proportion to their population (SCR, Vol 2, p. 65). During the third decade of the twentieth century different sections of population have different objectives as to the identity of Dalits.

British Government wants to segregate the Dalit Christians from the Hindu fold. The Dalit organisations were working for securing an independent identity for themselves as *Ad-Dharmis* or *Ad-Hindus*, while the *Hindu Mahasabha* was working

for taking them into the Hindu fold. Leaders like Dr. Ambedkar were in favour of maintaining a separate identity like the "Protestant Hindus" (Census of India Report Vol. 1, Part 3, p. 488; Muthaiah, 2004).

The Simon Commission has opined that any move for separate electorates for the Depressed Classes will first require a precise definition as to who belongs to this class. Further, on record declaration of someone belonging to this class will have the effect of "stigmatising" the person. The Commission has recommended the representation of the community through elections with the reservation of some seats for it in non-Muhammadan constituencies (SCR, Vol 2, p. 66).

As regards the other minorities, the Commission has recommended that separate electorates must be continued for the Europeans. Separate Electorates were also recommended for Anglo-Indians. Indian Christian's deputations have raised a demand for separate electorate in some Provinces and in some of the cases they have offered to merge in the general electorate in the interest of promoting a sense of common citizenship; but the offer was made on the condition of reciprocity from other communities. The Commission has favoured the reservation for the community with slight increase in the numbers of representatives, taking in view the increased size of the Legislative Councils (SCR, Vol 2, p. 68).

Simon Commission had failed to bring the different communities on an agreed formula of representation. It had recommended some general principles. The proportions of seats and in some cases methods of representation were left to be decided by the communities in the forthcoming Conference, going to be held in London (SCR, Vol 2, p. 59).

Three Round Table Conferences (RTCs) were held in London to solve the issue of representation of different communities of India. British Prime Minister, Mr. MacDonald, who was also the Chairman of the Minorities Committee, had given a chance to Mahatma Gandhi to solve the communal issue through informal discussions with the leaders of various communities. But the communities were unable to reach any solution. In the final session Mr. MacDonald had declared that in case of absence of any agreed settlement by the communities, the British Government will be

compelled to apply a provisional scheme for representation of communities and the checks and balances to protect minorities from tyrannical use of democratic power by majorities (H. L. 1932).

Communal Award, 1932

British Prime Minister had issued the "Communal Award" on August 16, 1932. It had provided for retention of separate electorates for the Muslims and Sikhs and had also extended it to Depressed Classes. Because Secretary of State for India Mr. Hoare has held the opinion that the Depressed Classes could be brought to the mainstream of political life of India only by separate electorates, not by reservation of seats in general electorates as recommended by Simon Commission (Nugent, 1979). Seats earmarked for the Muslims were in excess of their population proportion in all the Provinces where they were in minority, and less than their population proportion where they were in majority (Communal Award, 1932). The Depressed Classes were given the facility of separate electorates for 20 years, along with a right to vote in general Hindu constituencies. 78 seats of provincial legislatures were reserved for them to be filled by separate electorates (Ambedkar: Writing & Speeches, Vol 9, p. 90). The Communal Award has conferred a "double vote" on the Untouchables, considerably increasing the political weight of the community (Muthaiah, 2004). The Award had declared that the British Government will not become a party to any negotiations for the settlement of communal question, nor shall consider any representation aimed at to make any modification in the proposed scheme. But, any mutual agreement on an alternate scheme between concerned communities will be taken into consideration (Communal Award, 1932, cl. 4).

The plan of separate electorates to the Depressed Classes was opposed by Mahatma Gandhi and he had started his *fast unto death* on September 20, 1932 in the Yerawada Central Jail, Poona. Dr. Ambedkar had found himself in a dilemma as save the political rights of the Depressed Classes or the life of Mahatma Gandhi, and finally he decided in favour of later (Ambedkar: Writings & Speeches, Vol. 9, p. 88).

Poona Pact, 1932

A compromise was reached between Dr. Ambedkar as the leader of Depressed Classes and Mahatma Gandhi as the spokesman for rest of the Hindus on September 24, 1932, known as Poona Pact. As per the provisions of the Pact the Depressed Classes have abandoned their claim of separate electorates and 148 provincial legislature seats²³ were reserved for them out of general seats. Only such Depressed Classes persons were to be eligible to contest a seat reserved for them who have been elected by the Depressed Class voters of a constituency. For one seat four members were to be elected in primaries. 18 per cent of the general electorate's seats were to be reserved for the Depressed Classes. According to the terms of the Pact, the system of primaries was to continue for next 10 years, and the system of reservation of seats was to continue until discontinued by mutual agreement of concerned communities (Poona Pact, Cl. 6). The British Government has made corresponding changes in the Communal Award.

Table 6: Comparison of Seats offered to SCs under Communal Award, and under the Poona Pact:

Province	Seats reserved for the Depressed Classes	
	Communal Award	Poona Pact
Madras	18	30
Bombay (including Sind)	10	15
Bengal	*Waiting for figures of population	30
UP	12	20
Punjab	0	8
Bihar & Orissa	7	18
CP (including Berar)	10	20
Assam	4	7
NWFP	0	0
Total Seats	78	148

Sources: Communal Award and Poona Pact

²³ The no. of seats was increased to 151, due to readjustment after separation of Orissa.

* After obtaining the estimates of population, 17 seats were reserved in Bengal under Communal Award.

After the reorganisation of Provinces, number of seats reserved for all communities, including the provisions of Poona Pact had been revised. In these revisions and adjustments number of seats reserved for the Depressed Classes (Scheduled Castes under GOI, 1935) has rose to 151. Following was the distribution of seats for different interests and communities under the Government of India Act, 1935:

Table 7: Distribution of seats in Provincial Legislative Assemblies under GOI, 1935:

Category		Province											
		Madras	Bombay	Bengal	UP	Punjab	Bihar	CP & Berar	Assam	NWFP	Orissa	Sind	Total
General	Non-SC	116	99	48	120	34	71	64	40	9	38	18	657
	SC	30	15	30	20	8	15	20	7	0	6	0	151
BW Areas & Tribes		1	1	-	-	-	7	1	9	-	5	-	24
Sikhs		-	-	-	-	31	-	-	-	3	-	-	34
Muslims		28	29	117	64	84	39	14	34	36	4	33	482
Anglo-Indians		2	2	3	1	1	1	1	-	-	-	-	11
Europeans		3	3	11	2	1	2	1	1	-	-	2	26
Indian Christians		8	3	2	2	2	1	-	1	-	1	-	20
Commerce & Industry		6	7	19	3	1	4	2	11	0	1	2	56
Land holders		6	2	5	6	5	4	3	0	2	2	2	37
Universities		1	1	2	1	1	1	1	-	-	-	-	8
Labour		6	7	8	3	3	3	2	4	0	1	1	38
Women	General	6	5	2	4	1	3	3	1	0	2	1	28
	Sikh	-	-	-	-	1	-	-	-	-	-	-	1
	Muslim	1	1	2	2	2	1	-	-	-	-	1	10
	Anglo-Indians	-	-	1	-	-	-	-	-	-	-	-	1
	Indian Christians	1	-	-	-	-	-	-	-	-	-	-	1
Total		215	175	250	228	175	152	112	108	50	60	60	1585

Source: GOI, 1935, Fifth Schedule.

Scheduled Castes Order

The Government of India Act, 1935 had authorised His Majesty-in-Council to declare the castes, races, or tribes to be the Scheduled Castes (First, fifth and sixth Schedules). Exercising this power, the British Government had on April 30, 1936 issued *The Government of India (Scheduled Castes) Order 1936*. The Order had contained the lists of castes, races, tribes in respect to the different Provinces, which were to be regarded as the Scheduled Castes within the respective Provinces (SC Order, 1936, para. 2). Persons included in the category of Indian Christian were not eligible for inclusion in the category of Scheduled Castes throughout India, and the persons professing Buddhism and tribal religion were not eligible for inclusion in Scheduled Castes in the Bengal Province (SC Order, 1936, para. 3). These communities were not included in the Scheduled Castes "to avoid double reservations for them as SCs and as minority groups (Hasan, 2011, pp. 199-200)", because they were given separate reservations on the basis their minority status.

4.4.1.2 Reservations in services

Caste based discriminations have created sharp distinctions between the members of different castes as to education and other elements of human development. With the increase in the functions of state, importance of representation in the services under the state has also increased correspondingly. But due to large scale differences in traits required to fill such posts, most of the benefits had gone to the upper castes. Social reformers like Jyotiba Phule have raised a demand for fairness in representation of backward classes in services. Shahu Chatrapati, the ruler of Kolhapur state is known for the first initiative taken in this direction in 1902, who had issued two notifications (first on July 2 and second on August 2) for reservation of seats for the backward classes (Maharashtra Ordinance no. 13 of 2014, p. 2). Reservations in British India have been provided as a response to the communal inequalities in services and specific requirements of certain communities. Followings were declared as main grounds of the reservations by the British Indian Government:

1. The Government had found that the Muslim community was lagging in public sector employment. Policies of reservations for Muslim community were being followed since 1925, but in the absence of reservation of a fixed percentage of vacancies in their favour, the policies have had failed to bring the desired results.
2. By reason of large-scale employment in public services, the Anglo-Indian community and the domiciled Europeans have become financially dependent on public sector employment.
3. To secure a fair representation of Depressed Classes in the public services.
4. Minorities other than those mentioned above also needs fair share in representation in services (Gwyer & Appadorai, 1957, pp. 116-17).

For the recruitments on all India basis, the percentage shares of posts assigned to Muslims and other minorities were the minimum shares. In case of open competition recruitment, if Muslim or other minorities were not able to have their share of posts, the remaining posts of the community were to be filled through nominations. In case of Muslim candidates securing more posts than 25 per cent, it was not to affect the share of other minorities, and in case of other minorities securing more posts than $8\frac{1}{3}$ per cent, the Muslims share was not to be affected. Under the rules, the persons belonging to Depressed Classes were eligible for appointment to a post without any competition on the ground only of having required qualifications (Galanter, 1984, p. 86).

In case of local recruitments to the Central Services, the shares of Muslims and other minorities were to be adjusted on the basis of population proportions of these communities in the concerned area, subject to the maintenance of proportions of 25 percent and $8\frac{1}{3}$ per cent at all India level. Apart from these rules special provisions were made for the Anglo-Indians and domiciled Europeans in departments of Railways and Posts (Gwyer & Appadorai, 1957, pp. 118-19). No definite quota was fixed exclusively for the Scheduled Castes, as the Government believed that the availability of qualified persons from this category might not be available (Gwyer & Appadorai, 1957, p. 117). But the instructions were issued by Government of India

not to deprive the qualified Scheduled Caste candidates on account of their inability to compete in open competition (Commissioner for SCs & STs Report, 1951, p. 28). In March 1941 during the discussion on Budget Demands, Rao Saheb Sivaraj had moved a cut motion, asking for a definite proportion of Scheduled Castes in the services under Government of India. He had raised a demand for a fixed percentage of reserved seats for the community, as was given to the Muslim community (Indian Annual Register 1941, Vol. 1, p. 187). Sharing sympathy with the underlying cause, Home Minister, Mr. Reginald Maxwell had told that taking into account the number of qualified persons in the community, no useful purpose was to be served with the fixed number of posts. So, the motion was withdrawn (Indian Annual Register 1941, Vol. 1, p. 188). Despite the instructions by the Government, the representation of the Scheduled Castes in the services had remained abysmally low. Idea of boosting the morale of Scheduled Castes youth to acquire the required qualifications by fixing a definite quota for them was recognised in 1943. Population of the SC category was 12.75 per cent, but due to lack of qualified candidates, initially a quota of $8\frac{1}{3}$ per cent seats was reserved for this category (Commissioner for SCs & STs Report, 1951, p. 28). Politically, the efforts of Dr. Ambedkar are well recognised for the fixation of reserved quota in favour of the community (Chalam, 1990). Reservations in favour of Scheduled Castes were again revised in June 1946, making it proportional to the population of the community, i.e., 12.75 per cent (Commissioner for SCs & STs Report, 1951, p. 28). This quota of reservations was fixed with respect to Classes I and II of Central Services. Posts requiring high technical and special qualifications were exempted from this quota. The SC candidates were given relaxations in upper age limits and in the amount of application fee for posts (Commissioner for SCs & STs Report, 1951, p. 28).

4.4.2 Independence and Reservations: A fundamental shift from communal representation to affirmative action

India got its Independence from the colonial rule on August 15, 1947. The Constituent Assembly was already working on the framing of the Constitution for Independent India from December 9, 1946. During the colonial period the

reservations were provided to different communities based on their population in the country, with certain weightages to minorities (Communal Award, 1932). Following were the main features of reservations during colonial rule:

4.4.2.1 Stress on political representations v Reservations in services and in admission to educational institutions

During the colonial period the main focus of the reservations was on the representation of different communities in the legislatures at different levels. In the first instance, the Muslims were assigned a separate quota of such reservations under the Indian Councils Act, 1909. With the growth of representative bodies, demands for separate representations by different communities have developed simultaneously. Before the enactment of Government of India Act, 1919, various communities have raised their voice for separate electorates. Acknowledging such demands, the Act has extended reservations for other communities also. Non-Brahmins in Madras, Maharattas in Bombay, Sikhs in Punjab, Muslims in all the Provinces, Anglo-Indians in Bengal and Madras, Europeans in 5 Provinces, and the Indian Christians in Madras were provided the rights of separate electorates. Some of the communities were provided the representations through nominations, i.e., the Aborigines in Orrisa, Indian Christians in 5 Provinces, and the Depressed Classes in all the Provinces, except Punjab and Assam (Rules made under GOIA, 1919).

With the increase of the participation of Indians in the legislature, demands for separate representations have also witnessed a corresponding strength. When the Simon Commission has visited India, most of the organisations representing the Depressed Classes have stressed for separate electorates for the community. The Commission was reluctant to accept this demand due to problem of a precise definition of Depressed Classes, and its stigmatising effect on the members of the community (SCR, Vol 2, p. 65). After the failure of Simon Commission to resolve the issue of communal representation, it has proposed a conference in London of all the stake holders, including the British Government (SCR, Vol. 2, p. 59). Three Round Table Conferences have been held, but all of those have also failed to resolve the

issue. British Prime Minister, MacDonald had issued the Communal Award, imposing the decision of the British Government on the Indian Communities. Under this Award the Depressed Classes were given the separate electorates for initial twenty years, but not according to proportion of their population. But they were given a double voting right, one to cast for the Depressed Classes reserved seat, and another to cast in joint electorate together with other Hindus.

Poona Pact

Mahatma Gandhi was not in favour of separate electorates to the Depressed Classes. He has written letters to the Secretary of State for India, and to the British Prime Minister to withdraw the separate electorates, with a threat to "resist the decision with his life". But the British Government had refused to revise the scheme, and the British PM has replied:

you propose to adopt the extreme course of starving yourself to death not in order to secure that the Depressed Classes should have joint electorates with other Hindus, because that is already provided, nor to maintain the unity of Hindus, which is also provided, but solely to prevent the Depressed Classes, who admittedly suffer from terrible disabilities today, from being able to secure a limited number of representatives of their own choosing to speak on their behalf... (Ambedkar, Writings & Speeches, Vol. 5, 1989, pp. 338-339)

Mahatma Gandhi has started his *fast unto death* in the Yerawada Jail of Poona on 20th September 1932. British Government has declared that it will not make any revision of the Award on its own, but can do so with the mutual agreement of the communities. Dr. Ambedkar, who had represented the Depressed Classes during the RTCs has found himself in a dilemma over the issue, whether to prefer the humanitarian duty to save the life of Mahatma Gandhi, or to protect the rights of Untouchables. Finally, he has chosen to prefer his humanitarian duty, and both have signed the Poona Pact on 24th September, 1932 (Ambedkar, Writings & Speeches,

Vol. 5, 1989, pp. 340-341). Under the Pact the Depressed Classes were given reservation of 148 seats²⁴, out of general seats in the Provincial Legislatures (Ambedkar, Writings & Speeches, Vol. 9, 1991, pp. 88-89). As a result of the provisions of this Award, and Poona Pact reached at between the Depressed Classes leader, Dr. B. R. Ambedkar and Mahatma Gandhi, the representation of different communities was included in the Government of India Act, 1935. The representation of Depressed Classes (named as Scheduled Castes) was changed from nominations to elections, through reservation of seats for the community out of the General Seats (GOI, 1935, Sch. 5).

During the Colonial period issue of reservations in government services has entered debate comparatively at the later stage, and has remained on the back-burner. After independence, the main focus of reservations has shifted to non-political aspects, i.e., reservations in services and reservations in admissions to educational institutions. Because the number of beneficiaries far exceeds under these reservations than the political reservations. Several cases, involving interpretation of the Constitution have appeared before the judiciary regarding reservations in educational institutions, appointments, and in promotions. In most of the cases the grounds of challenge to reservation policies were prohibition of discrimination provided under Article 15, and equality of opportunities in public employment, provided under Article 16 of the Constitution. Consequently, both articles have undergone frequent amendments to maintain a balance between *equality* and *protective discrimination*.

4.4.2.2 Reservations as representation of communities and interests v. reservations as part of affirmative action

During the colonial era, the reservations were provided on the basis of the idea that "in a country like India no principle of representation other than by interests is practically possible (M. C. Report, 1918, p. 147)". When the British have decided to introduce native element within the law-making bodies, different communities have raised their demands to have a share in representation. Franchise was based on certain

²⁴ Number of seats was increased to 151 as a result of readjustments of seats in some of the Provinces.

qualifications, which also included property holdings. Due to economic backwardness, the Muslims have apprehended the under-representation of the community (Kooiman, 1995). They have approached the Viceroy, Lord Minto to secure appropriate representation (Jensenius 2015). Lord Minto has acknowledged the issue raised by the Muslim delegation, and has also expressed the similar views (Minto 1934, p. 47). Consequently, the Muslim community was provided separate electorates under the Indian Councils Act, 1909.

Once the special provisions were made in the favour of a particular community, similar demands were raised by others also (Ryland, 1973). Authors of Montagu-Chelmsford Report (1918) were not in favour of stereotyping the social identities. But, withdrawing the concessions from the Muslim community would have proved to be an unwise political decision. On the other hand, it was impossible to deny the similar demand from the Sikhs due to their ruling legacy and contribution to Indian Army (Montagu-Chelmsford Report, 1918, p. 150). Depressed Classes leader Dr. B. R. Ambedkar has raised a demand for reservation of seats for the community. The Government of India Act 1919 has provided the same through the method of nominations (Mitra 1921, pp. 186, 202, 211, 219, 234, 238).

Every time when the British have proposed any constitutional reforms, there was a race among the different communities of India to secure maximum representation for themselves. Before the passing of Government of India Act, 1935, the issue of representation of communities became the most complicated one. Neither the Simon Commission, nor the three RTCs were able to resolve the issue. In the absence of any mutual compromise between the communities, British PM, Ramsay MacDonald has put forth his own scheme in the form of Communal Award. It has provided for the distribution of seats in the Legislatures for different communities. Demand of Dr. Ambedkar for separate electorates for the Depressed Classes (category was renamed as “Scheduled Castes”) was also accepted. In this manner, it can be concluded that during the British rule in India, the reservations of seats were provided to secure the representation of different communities.

The Constituent Assembly of India has also accepted the proposal of its Advisory Committee to provide reservation of seats to different communities. But, in the course of time the decision was revised and the reservations for minority communities were withdrawn. Reservations were restricted only to the SC and ST communities because of their social, economic, and political backwardness. In this way the objective of reservations has shifted from “representation of communities” to “representation to weaker sections”.

4.4.2.3 Separate electorates v. reservations through joint electorates

During the British rule several techniques were adopted to provide reservations to different communities and interests. Larger and politically important communities were provided reservations through *communal electorates*, smaller communities like the SCs were initially given the reservations through nominations and then through joint electorates with the general category. Under the Constitution of the Republic of India, the reservations were provided only through joint electorates.

4.4.3 Constituent Assembly and Reservations

4.4.3.1 Reservations in Political Representation

Constituent Assembly had framed the Constitution for the Independent India from December 9, 1946 to November 26, 1949. Throughout the process of framing of the Constitution, reservations and other safeguards for minorities have remained a burning issue before the Assembly. Advisory Committee on minorities and fundamental rights of citizens etc. had submitted its report to the Assembly on August 8, 1947, which was discussed there on August 27, 1947. The minorities had been classified based on their population. Group 'A' constituting microscopic minorities, having population of less than 0.5 per cent. This group includes the Anglo-Indians, Parsees, and Plains' tribesmen in Assam. Group 'B' constitutes the minorities having population between 0.5 to 1.5 per cent, including the Indian Christians and Sikhs. Group 'C' constitute the bigger minorities having population of more than 1.5 per cent.

Muslims and Scheduled Castes were kept in this group (CAD, 2014, Vol 5, pp. 243-251).

Separation of Scheduled Castes from other minorities

The Advisory Committee has listed the Scheduled Castes as a minority community. But some of the members have claimed that the Scheduled Castes were not a minority on any of the bases like race, languages, or religion. They were “mischievously” declared a minority by the colonial government. Mr. K. M. Munshi and Mr. Shibbanlal Saksena have moved some amendments to the effect of declaring the SC community as "The section of the Hindu community referred to as Scheduled Castes (CAD, 2014, Vol 5, p. 227, 234)". The amendments were adopted by the Assembly, and the identification of Scheduled Castes was changed.

Recommendations of Advisory Committee

The Committee has recommended for the substitution of separate electorates with the "reservation" of seats for the minorities in proportion to their population (CAD, 2014, Vol. 5, 243-51). Article 10 of the Draft Constitution had provided that "there shall be equality of opportunity for all citizens in matters of employment under the State (Draft Constitution, Art. 10)". It had prohibited any discrimination on the basis of religion, race, caste, sex, descent, or place of birth. In order to accommodate the provision for reservation in favour of minorities, reservations in favour of any minority community were allowed.

Partition of the country had led to a large-scale violence in Punjab and Bengal Provinces coupled with mass migrations. So, the issues related with the East Punjab and West Bengal²⁵ were not considered until the restoration of peace. The Advisory Committee has appointed a Special Sub-Committee under the Chairmanship of Sardar Patel to investigate the questions of minority rights in East Punjab. The Sub-

²⁵ Punjab and Bengal Provinces were divided. East Punjab and West Bengal have remained Indian Provinces, while West Punjab and East Bengal have gone to Pakistan.

Committee has on November 23, 1948 recommended that the arrangements approved for the other Provinces should also be extended to these Provinces.

Review of recommendations by Advisory Committee

In the meanwhile, the political atmosphere had changed. During the pre-partition period reservations for the minorities have been recommended by the Advisory Committee on Minorities and Fundamental Rights, and same have been accepted by the Constituent Assembly. But, after the communal carnage "neither were Hindu representatives willing to continue this concession nor were the remaining Muslim committee members, such as Tajmul Husain of Patna and Begum Aizaz Rasul of Lucknow, prepared to press for it (Wright, 1997)". Report of the sub-committee was discussed in the Assembly on May 25, 1949. Moving the report Sardar Patel has asked the Assembly to "reconsider" the question of minority rights, due to "changed circumstances". He had told the House that the Advisory Committee has recently adopted a resolution for extinguishment of reservations for all the minorities, except the Scheduled Castes. He had argued that the Constituent Assembly had arrived at certain decisions to provide reservations to minorities only on the recommendations of the Advisory Committee; so, as the Advisory Committee has changed its recommendations, the Constituent Assembly must also make corresponding changes in the decisions previously arrived at (CAD 2014, Vol 8, p. 271). A long debate took place on the issue of withdrawal of reservations from the minorities. Some of the members, mainly the Sikhs and Muslims have objected to it, most of the others have supported the withdrawal. Making a reply to the debate, Sardar Patel has apprehended that the reservations will make the minorities permanently dependent on the majority, as they will never be able to form a ministry. So, their interest lies in the integration with the majority (CAD, 2014, Vol 8, p. 351). Mr. B. Pocker Sahib has held that the abolition of reservations for minorities will restrict the chances of minorities to enter the legislature, so alternately the issue of separate electorates should be considered for them (CAD, 2014, Vol. 8, p. 274). Mr. Mohamed Ismail Sahib has moved an amendment to protect the reservations for Muslims and other minorities (CAD, 2014, Vol. 8, p. 275). He had admitted the

change in circumstances, role of the Muslims in the defence of the country, and erosion of mutual suspicions. He opined that after such a change the minorities deserves "better and real safeguards", instead of "abolishing even the niggardly safeguards (CAD, 2014, Vol. 8, p. 277)". Mr. Z. H. Lari has moved an amendment for proportional representation through the method of cumulative voting in multi-member constituencies, so that the minorities have chances of being elected (CAD, 2014 Vol. 8, p. 283). Mr. S. Nagappa has defended the reservations for Scheduled Castes with all the vehemence at his disposal (CAD, 2014, Vol. 8, pp. 291-295). Mr. Naziruddin Ahmad has expressed his "wholehearted agreement" with the decision of withdrawal of reservations from minorities (CAD, 2014, Vol. 8, pp. 295-298). Pandit Thakur Das Bhargava has moved an amendment to restrict the reservations for ten years, which was accepted by the House. The proposal to restrict the reservations only for the Scheduled Castes was adopted by the Assembly after a long debate of two days on May 26, 1949.

Impact of withdrawal of minority reservations

The minorities were asked to maintain faith on the majority, but the post independence elections do not justify this claim of the national leadership gathered in the Constituent Assembly. From 1951 general elections to the House of the People, the Muslims have never been able to get the seats in proportion to their population. Maximum number of seats won by Muslim candidates were in 1980, when 46 of them have reached the House of the People. Otherwise from the general elections conducted in 1951 to 2004, their share has mostly remained within the range of 4-6 percent seats (Hasan, 2011, p. 257). Sometimes the SC reservations were used as a game plan to restrict the chances of Muslims from get elected. Sachar Committee has observed that in certain cases the constituencies having Muslim majority were reserved for the SCs, whereas the seats with SC majority population were available for the same (Sachar Committee Report, 2006, p. 25).

4.4.3.2 Reservations in Services

The Draft Constitution had allowed the reservations for minorities in services under the State. It had provided:

Subject to the provisions of the next succeeding article the claims of all minority communities shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State for the time being specified in Part I of the First Schedule. (Draft Constitution, Article 296)

But, on October 14, 1949, Dr. Ambedkar had moved an amendment to replace this article with a new one, in which the *minorities* were replaced by the *Scheduled Castes and the Scheduled Tribes* (CAD, 2014, Vol. 10, p. 229). As a result of this amendment the concession of reservation in appointments in State services was restricted only to the Scheduled Castes and the Scheduled Tribes, other minorities being deprived of it. Sardar Bhopinder Singh Man had objected to the unilateral withdrawal of reservations from minorities, as the decision taken on May 25, 1949 was only in respect of reservations in political representation of minorities (CAD, 2014, Vol. 10, p. 230). Mr. Naziruddin Ahmad had also raised a point of order on the ground of making alterations in the decisions already arrived at by the Assembly (CAD, 2014, Vol. 10, p. 231). Dr. Rajendra Prasad, the Chairman had ruled that a matter can be reopened only, if at least one-fourth of members of the House present and voting are in favour of reopening. He had obtained the opinion of the House, and the issue was reopened through verbal votes of the members.

Sardar Hukam Singh has tried by an amendment (CAD 2014, Vol. 10, p. 232) to restore the original position, which was rejected by the Assembly. Sardar Hukam Singh further alleged that the original proposal to add a Schedule to the Constitution (Schedule X, containing list of castes in different States, to be considered as

Scheduled Castes) has also been replaced with a new scheme, that the Scheduled Castes in different States shall be recognised as such by the President on recommendations of the Governors of States. He apprehended that it will bring the Sikhs at the mercy of the Governor (CAD 2014, Vol. 10, p. 235). But he has failed to convince the Assembly. As the Assembly had adopted the amendment moved by Dr. Ambedkar, the reservations for minorities in services were also withdrawn. The Christians members of the Assembly have never raised the issue of the plight of Dalits within the community. They have made efforts only to secure the rights relating to religious freedom. On the completion of framing of the Constitution, on November 23, 1949 the Christian members have for the first time raised the issue of deprivation of Dalit Christians from educational scholarships, which was too late to deserve a meaningful consideration (Robinson, 2014).

All these developments during the framing of the Constitution shows a pre-determined trend towards depriving the minorities of the safeguards which they were having under the British rule. As a result of all these developments, safeguards were restricted only to the Scheduled Castes, the Scheduled Tribes, and as a special case for the Anglo-Indians. President was empowered to determine the castes, races or tribes which can be included in the *Schedules* in respect of different States. Dr. Ambedkar, who was appointed as law minister in the Central Government and then as the Chairman of Drafting Committee has played a role of prominence for securing the reservations in favour of SCs (Hasan, 2011, p. 33).

4.4.4 Welfare measures in Republican India: Reservations, economic benefits, and protective measures

Constitution of Independent India has come into force on January 26, 1950. India became a Republic and it was time to make the provisions of the Constitution applicable through laws and orders, where required. The Constitution has authorised the President to notify the castes, races or tribes as the Scheduled Castes and the Scheduled Tribes after consultation with the Governors. These lists were to be State or UT specific. A caste or tribe may be declared as a Scheduled Caste in respect of a

State or UT, while not in respect of others. Once notified, the lists can not be modified by the President. Only the Parliament can include into or exclude from such lists any race, caste, or tribe (COI, Art. 341).

Several welfare measures have been initiated by Government of India, as well as the Governments of States for the welfare of the persons belonging to the Scheduled Castes. Affirmative action in India is "perhaps without parallel in scale and dimension in human history (Hasan, 2011, p. 65)". Such welfare measures can be categorised as followings:

4.4.4.1 Reservations

Reservations are the most important tool for the upliftment of the Scheduled Castes and to bring them at par with the advanced sections of society. The Constitution of India provides or authorise the State to provide following types of reservations:

Reservations in Political Representations

The Constitution has provided for the reservations in favour of Scheduled Castes in the political representation at all the three levels of democratic institutions. Articles 330 and 332 of the Constitution have provided that in each State or Union Territory, seats shall be reserved for the Scheduled Castes in the same proportion, as nearly as may be the proportion of the Scheduled Castes population to the total population of the State or Union Territory. There are no separate electorates, as were the provisions for certain communities in British India. Seats are reserved for the SC community in a State/UT, but with common electoral rolls. Initially where a seat was reserved, multi-member constituencies were created for the purpose, where one seat was to be reserved for SC community, the other seat was kept a general seat (Gazette of India, Extraordinary, 1951, P.II, Sec.3 S.R.O. 696-706F). Two-member constituencies contains nearly double number of voters than the single-member constituencies. For the First General Elections to the House of the People, the country was divided into 401 territorial constituencies, of which 314 were single member

constituencies, 86 double member constituencies and 1 triple member constituency²⁶ (Statistical Report on General Elections to Lok Sabha, 1951, p. 4). For the Second General Elections to the House of the People, the country was divided into 403 territorial constituencies, of which 312 were single member constituencies, and 91 were double member constituencies (Statistical Report on General Elections to Lok Sabha, 1957, p. 4)

But the double-member constituencies were inconvenient and administratively cumbersome (S. O. R., Two-Member Constituencies [Abolition] Act, 1961). The Parliament has passed a law in 1961 for the abolition of two-member constituencies. Now the reservation of seats in the House of the People and in the Legislative Assemblies of States are provided in single member constituencies. The figures of population are revised, with a consequential revision of number of reserved seats after each Census. Revision of seats is revised by the Delimitation Commission, along with revision of allocation of total number of seats for each State or UT in the House of the People. The number of seats of the House of the People reserved for the Scheduled Castes was 72/489 in first general election, 76/494 in second general election, 79/494 in third general election, 77/520 in fourth general election, 76/518 in 1971, 78/542 in 1977, 79/542 in 1980. The revision of allocation of total seats to a State was frozen first by the forty-second Amendment²⁷ and further by the eighty-fourth²⁸ amendment to the Constitution, until the publication of figures of the first Census, taken after 2026. But in order to rationalise the population of the constituencies "within" the States, and reservation of seats in favour of SCs and STs, eighty-fourth amendment had allowed the partial delimitation (changing the boundaries of constituencies, without any alterations in number of seats allotted to each State) on the basis of 1991 Census, and later, on the basis of 2001 Census (eighty-eighth Amendment, 2003). Consequently, the number of seats of the House of the People, reserved for the Scheduled Castes has rose to 84/543 from 79 seats previously (Delimitation Order, 2008, pp. 4-5).

²⁶ General seat- 1, SC seat-1, ST seat-1; total 3 seats.

²⁷ In the year 1976, allocation of seats to the States/UTs in the House of the People was frozen up to the 2001 census

²⁸ In the year 2001, the freezing extended up to the first Census taken after the year 2026.

Reservations in Services under the State

The Constitution has guaranteed the equality of opportunity to all citizens in matters of public employment (COI, Art. 16[1]) and has prohibited the discrimination on grounds only of religion, race, caste, sex, or place of birth in matters of public employment (COI, Art. 16[2]). But it has allowed the State to make special provisions for reservations of certain posts in favour of any backward class of citizens (COI, Art. 16[4]). The Constitution has also provided that the claims of Scheduled Castes shall be taken into account, together with maintenance of efficiency of administration, but for the purpose of promotion of members of the community, the State is authorised to lower the evaluation standards (COI, Art. 335). Reservations in favour of SCs and STs were provided by the Central Government and the Governments of various states immediately after obtaining independence in 1947 (Brochure on reservation, Dept. of Personnel & Trg., 2014, p. 6). On the recommendations of Mandal Commission, the Central Government has in August 1990, declared the reservations in services for the Other Backward Classes (Hasan, 2011, p. 78). OBC reservations have helped to provide opportunities in government services to the persons belonging to this category (Hasan, 2011, p. 95).

Reservations in Admissions to Educational Institutions

It is one of the Fundamental Rights of the citizens, that the State can not discriminate against any of them on grounds only of religion, race, caste, sex, or place of birth (COI, Art. 15[1]). They also have a right against denial for admission on grounds of religion, race, caste, or language, to public sector educational institutions, and to such other educational institutions, which are taking financial support from the public funds (COI, Art. 29[2]). But considering the educational backwardness of the Scheduled Castes, Scheduled Tribes and other socially and educationally backward classes, the State is authorised to make reservations in favour of such classes (COI, Art. 15[4]). This power of the State has been extended to private educational institutions, including the self financing private educational institutions by the ninety-third amendment to the Constitution (COI, Art. 15[5]).

After Independence, on September 21, 1947, the Government of India has issued instructions for 12^{1/2} per cent reservations in favour of SCs in all vacancies, going to be filled by open competition. In cases other than open competition, this proportion was 16^{2/3} per cent (GOI, Dept. of Personnel & Trg., Brochure on reservation, 2014, p. 6). Quantum of reservations have undergone changes with the result of various decisions of the Government. Now at all India level 15 percent posts are reserved for the persons belonging to the Scheduled Castes in direct recruitment. Reservations can also be made in promotions also (COI, Art. 16 [4A]). Exercising this authority, the Union Government has prescribed for 15 per cent reservations in favour of the community, where the direct recruitment is less than 75 per cent (GOI, Dept. of P. & T., 36012/17/88-Estt.[SCT], dt. 25.4.1989). This quantum of reservation is maintained by excluding those candidates of SC community, who have got selected on their own merit. As a result of reservations in appointments, the share of the persons belonging to SC category is continuously increasing in public employment, particularly in higher level posts. In the beginning of year 1965 SC category has 13.17 per cent share in Central services, having merely 1.64 per cent share in Group A services. In the year 2008 the overall share has increased to 17.51 per cent, having 12.5 per cent share in Group A services (GOI, Dept. of P & T, Reservation Brochure, 2014, pp. 9-10).

Persons belonging to Scheduled Castes are given some relaxations in appointments. In case of direct recruitment SC candidates are given 5 years of age relaxation. In cases, where maximum age is fixed for the promotion, the SC candidates are given 5 years of age relaxation, except in para-military bodies. While applying for any competitive examination, the SC candidates are exempted from the any application fee.

4.4.4.2 Economic Benefits

The Scheduled Castes generally suffers from economic constraints. The Constitution has directed the State to take special care of the educational and economic interests of the community along with other backward sections of society

(Art. 46). The Social Justice and Empowerment Ministry of Indian Government works as an umbrella organisation for the Scheduled Castes welfare activities. Under the Ministry, the Scheduled Castes Development Bureau (SCDB) works for removal financial obstacles by undertaking capacity building measures. To reduce the drop out rate among the SC students, Pre-Matric Scholarships are provided. Post-Matric Scholarships are provided to facilitate education of SC students at graduate and post-graduate levels. During the financial year 2015-16 Rs. 2213.88 crore were issued by the Union Government to the States to provide Post-Matric Scholarships to 64,59,938 students. National Fellowships are provided to the SC students to pursue research degree programs like M. Phil and Ph. D.

National Scheduled Castes Finance and Development Corporation (NSFDC) is a financial institution exclusively for the Scheduled Castes. It provides loans for income generation activities, skill development activities and to develop entrepreneurship among the members of the community. Various State Governments have also been running several welfare programs for the community. Subsidised food grains, subsidised electricity, free/subsidized LPG cylinder, financial assistance on marriage of girls are the major schemes for economic development of the community. Union Government has initiated the scheme of "Scheduled Castes Sub Plan (SCSP)" to ensure the participation of Scheduled Castes population in the economy of the country. Under this scheme the State Governments prepare specific plans for the SC community within the general plans of different departments, ensuring that the expenditure for the community is at least in proportion to its population in the State. All the expenditure on SCSP is financed by the Union Government (GOP, SCSP, 2020-21, p. 13). Funds allocated under SCSP are strictly non-divertible. Such funds can not be diverted for any other purpose, except by a committee headed by Secretary of Welfare Department (GOP, WD, RO (SCSP)- 76/2014/ 712, dt. 10-2.2014).

4.4.4.3 Protection of Civil Rights

The Dalits have been suffering from violation of human rights since the centuries. These violations were mainly by-products of untouchability. The

Constitution has unequivocally declared the abolition of untouchability and its practice in any form is a punishable offence (COI, Art. 17). While the fundamental right declaring abolition of Untouchability was under consider in the Constituent Assembly, some of the members have expressed concern over the legal meaning of the term. Mr. Naziruddin Ahmad had moved an amendment to specify, that the Untouchability going to be prohibited by the Constitution is the "Untouchability arising out of religion or caste of a person". It will not apply to the cases of untouchability in other matters like in case of an epidemic or a contagious disease (CAD, 2014, Vol, 7, p. 665). Prof. K. T. Shah had also expressed similar views that untouchability has a number of causes, so women in certain periods, and the persons having attended funeral rites are regarded as untouchables for few days (CAD, 2014, Vol. 7, p. 668). Untouchability has not been defined in the Constitution or a law. Dushkin has observed that in the common parlance, untouchability covers two inter-related aspects:

"First, untouchability is the stigma attached to certain people because of the pollution they convey... In the second sense, 'untouchability' refers to the set of practices engaged in it by the rest of society to protect itself from the pollution conveyed by the Untouchables and to symbolize their inferior status". (1967, pp. 627-628)

Though the Untouchability has not been defined in Constitution and law, but everyone in India is aware about it and it has been explained well in judicial interpretations. Explaining the meaning of the term in Indian parlance and from its use in the Constitution Mysore High has held that the term "Untouchability" is placed within inverted commas in Article 17 of the Constitution, so here its meaning can not be constructed from the literal meaning of the term, but from the practice, historically developed in India (Devarajiah v. Padmanna, 1957). Parliament is empowered to make law for prescription of punishments for this offence (COI, Art. 35). Exercising this power, the Parliament had passed the "Untouchability [Offences] Act, 1955",

which came into force from June 1, 1955 (Gazette of India, E. O., Notification S. R. O. 1109, dt. 23-5-1955). This Act has provided that no restrictions can be imposed on any person with respect to entry into any place of public worship and offering prayers therein, if other persons belonging to same religion are allowed to do so (UOA, §. 3). The Act has forbidden the imposition of disabilities with respect to utilisation of the services like hotels, shops, and places of public entertainment, use of public sources of water, and burial grounds etc. (UOA, §. 4). Access to medical services was ensured for all, and any instance of discrimination in a hospital or dispensary was declared as an offence (UOA, §. 5). Violation of any of the above said directives is declared as an offence, punishable with a fine of up to rupees five hundreds and imprisonment up to six months. Persons belonging to Scheduled Castes are given a special protection under this Act, by providing that imposition of any of the disabilities on a Scheduled Caste person shall be deemed by the court as a disability imposed on ground of Untouchability, placing burden of proof on the offender (UOA, §. 12). Offences under this Act are declared as *cognizable*, empowering the police officer to arrest the accused without warrants (UOA, §. 15).

The Untouchability (Offences) Act, 1955 was amended, and renamed as "The Protection of Civil Rights Act (POCRA), 1955" in 1976. The Act was amended to make it more effective. Compelling any person for scavenging or sweeping was added as an act of practice of Untouchability (POCRA, 1955, §. 7A). A wilful neglect by an official to investigate any offence of Untouchability is declared as an act of "abetment" of offence, punishable at par with the commission of the offence (POCRA, 1955, §. 10). In case of collective act of abetting the practice of Untouchability, the State Government was empowered to impose collective fine on the residents of an area (POCRA, 1955, §. 10A). The amended Act has authorised the Central Government to make rules to give effect to its provisions. Exercising these powers, the Central Government has framed certain rules regarding the manner of enquiry and sending of reports by the State Governments to the Central Government (Protection of Civil Rights Rules, 1977).

Parliament has passed "The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989" (hereinafter mentioned as POA Act, 1989/POAA, 1989), to impose a strict check on the offences against these communities. This Act provides for speedy trials, strict punishments for convicts and the persons abetting the offences against SC and ST categories. Most of the provisions of this Act are applicable only in those cases, where the victim belongs to SC or ST category and the accused does not belong to either of these categories (§. 3). The Act has provided for the establishments of Special Courts and Exclusive Special Courts for time bound disposal of cases, registered under the Act (§. 4). In 2018, the Act was made more stringent by adding a provision that no preliminary enquiry is required for registration of FIR, and no approval shall be required for the arrest of the accused (§. 18A).

Traditionally the Dalits were assigned "unclean" professions, which results into a lower social status. "Manual Scavenging" has remained one of such inhuman duties enforced on Dalit communities. In 1992 the Government of India has launched a scheme (National Scheme for Liberation and Rehabilitation of Scavengers/NSLRS) for providing alternate occupations for the persons engaged in this activity. Construction and maintenance of "dry latrines" was also prohibited legally (Employment of Manual Scavengers and Construction of Dry Latrines [Prohibition] Act, 1993). A more effective law was framed in 2013 (Prohibition of Employment as Manual Scavengers and their Rehabilitation Act). The Act aims at to convert the dry latrines into sanitary latrines and to provide alternate occupations for the persons employed in this activity. Persons identified as Manual Scavengers are provided a one-time assistance of Rupees 40,000, and are also offered a concessional loan of up to 15 lacs to start a self employment project.

Apart from making laws, the Central Government continuously monitor the steps taken by various States and UTs to ensure the effectiveness of these laws and rules made thereunder. Ministry of Justice and Social Empowerment of the Union Government acts as nodal agency to coordinate and monitor the activities of various bodies. It has reported that 4 States have Special Police Stations, 24 States and 5 UTs

have Special Courts, and 23 States and 4 UTs have Vigilance and Monitoring Committees for the implementation of the PCRA, 1955 (GOI, Ministry of SJ & E, Annual Report, 2018-19, p. 215).

4.5 Improvements in social, economic, and political status due to welfare and special measures for weaker sections

The state has taken several affirmative action measures for the upliftment of the tribal, previously untouchable castes, and other backward classes. Whatsoever are the shortcomings in these measures, but those have helped the weaker sections to be the active participants in political, economic, and educational sectors. Assessment of the affirmative action measures can be measured only with the comparison of representation of weaker sections in corporate sector having no reservations, with the public sector having reservations (George, 2013).

4.5.1 Improvement in social conditions

After Independence the Government has adopted the policy of positive intervention to abolish the practices related with Untouchability and other practices, which were derogatory for the human dignity. Acts and Rules have been made for the disposal of cases of atrocities and practices based on untouchability. National Crime Record Bureau (NCRB) has reported that during the year 2016, the total number of cases with the Police was 78, out of which, in 43 cases charge sheets were filed in the courts and 26 cases were pending at the end of the year (GOI, Dept. of SJ & E, 2018, Annual Report, p. 216). Another important legislation against the SC and ST categories is POA Act, 1989. In 2016 the number of cases registered under POA Act was 40,774 (GOI, Dept. of SJ & E, 2018, Annual Report, pp. 222-223). Registration of such a huge number of cases for social injustice is not a sign of increase in the number of crimes, it is a sign of growing awareness among the Dalits for their rights.

4.5.2 Improvement in Economic Conditions

Dalits have historically remained at the lowest level of economic development of country. Since Independence there is a decrease in the percentage of SC population living below poverty line. Though there is a large population belonging to the community, which is still living in miserable conditions, but it can also not be denied that the proportion of the persons living Below the Poverty Line has been on a decrease. Panagariya and Mukim (2014) have analysed the NSSO data collected in quinquennial surveys from 1983 to 2009-10 (excluding 1999-2000 due to its non comparability because of a different sample design). The researchers have analysed this data for different social groups. Their comparisons have shown that there was a decrease in the proportion of the persons living Below the Poverty Line during each quinquennial survey. The rate of decrease in the number of poor was more among the groups having proportionally a greater number of poor. If the proportions of poor among the SC community are greater than the total population, the rate of decrease in the proportions is also higher in this community than the total population. The researchers have also noted that during the periods of highest growth of economy (2003-2010 in case of India), there was a sharp fall in the number of poor amongst all the social groups, which means that the benefits of economic growth have benefitted all sections.

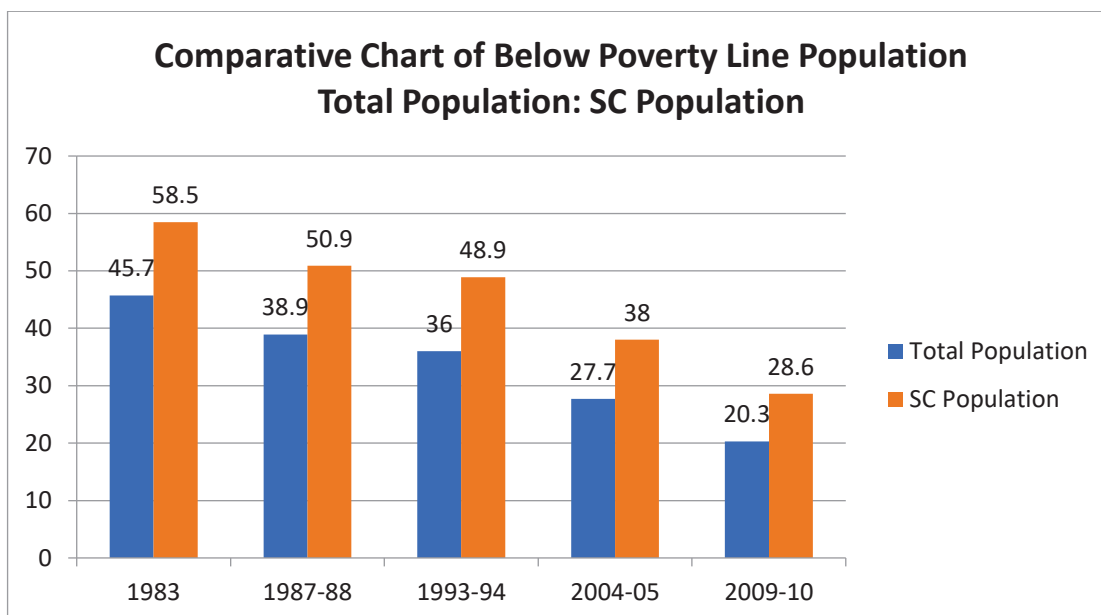


Figure 4-1: National Poverty Rates For all population and SC population by the method provided by Prof. D. T. Lakdawala (official method to calculate poverty lines up to 2004-05, and then switched to the recommendations of Tendulkar Committee)

Source: Panagariya and Mukim (2014), analysis bases on NSSO quinquennial surveys 1983 to 2009-10 (except 1999-2000).

4.5.3 Growth in Political Representation

The Constitution has provided for the reservation of seats for the Scheduled Castes in the House of the People (Art. 330) and in the Legislative Assemblies of States (Art. 332) in proportion to the population of the community in each State. These seats have been reserved from the constituencies common to all voters. The system of separate electorates has been abolished. At present 84 seats in the House of the People are reserved for the SC community (Delimitation Order, 2008, Sch. 1). In case of a seat for the House of the People, which is reserved for the SC community, no person is eligible to contest the election unless "he is a member of any of the Scheduled Castes, whether of that State or of any other State" (Representation of People Act, 1951, § 4 [a]). According to this Delimitation Order, 607 seats (excluding

7 seats in Jammu & Kashmir) in the Legislative Assemblies of States/UTs have been reserved for the SC community (Delimitation Order, 2008, Sch. 2). In case of an SC reserve seat of the Legislative Assembly of a State a person can contest only if he belongs to any Scheduled Caste of that State (Representation of People Act, 1951, § 5 [a]). But the reverse restriction is not applicable in case of general seats. A person belonging to a Scheduled Caste is eligible to contest election for a seat which is unreserved or general seat (Representation of People Act, 1951, § 55). The Sixteenth House of the People have only 1 member belonging to SC community, Sher Singh Ghubaya of Akali Dal from Punjab, who had won a general seat. The Seventeenth House of the People, constituted in May, 2019 has 86 Scheduled Caste MPs (The Economic Times, May 25, 2019). The political parties are generally criticised for "ghettoization" of SC candidates only from SC reserved seats, all of the other tickets being given to high caste politicians only (The Economic Times, May 25, 2019). But as a result of the constitutional mandate for reservation of seats, the Scheduled Castes are able to have the representatives at least in proportion to their population in each State. 73rd and 74th Constitutional amendments have extended the scope of political reservations to the local government institutions (LGIs) also, both for urban, and the rural areas. Article 243D has provided for the reservation of seats for the SC and ST communities at each level of Panchayats according to the proportion of these communities in population of the Panchayat area. As per this formula, the Scheduled Castes have such number of seats of members and chairpersons reserved for it in proportion to its population. Members of this community can also contest from general seats in LGI elections. As per the provisions of Article 243T, each Municipality has such number of seats reserved for SC candidates as the proportion of the population of the community in the municipal area. In urban areas also, an SC candidate has a right to contest an unreserved seat. Hence, both in rural areas and in urban areas the SC community has representation at least in proportion to its population.

4.5.4 Educational Growth

The Scheduled Castes have remained educationally backward; historically due to deprivations imposed on them, and after Independence due to financial constraints. Various schemes for the promotion of education among the SC category have proved helpful to increase the number of students of this category at all levels of education.

The Pre-Matric Scholarship Scheme for SC students is helping to reduce the drop out rate among the SC students. During the year 2017-18, more than 20 lac SC students were covered under the scheme (GOI, Dept. of SJ & E, Annual Report, 2018-19, p. 237). Post Matric Scholarship for SC students (PMS-SC) has helped the SC students for higher education. This scheme provides for reimbursement of all non-refundable fees charged by the educational institutions, maintenance allowances, allowances for books, and educational tours etc. As an impact of this scheme number of SC students in higher education has increased more than three-fold during the period of 2002-03 to 2017-18 (GOI, Dept. of SJ & E, Annual Report 2018-19, p. 48). PMS-SC has also helped to reduce the gap in Gross Enrolment Ratio (GER) in higher education between all students and SC students. During the Year 2002-03 GER for all students was 9.0, while it was 6.0 for SC students. During the year 2017-18 it has increased to 25.8 for all students and 21.8 for SC students (GOI, Dept. of SJ & E, Annual Report, 2018-19, p. 48).

As a positive effect of various schemes for promotion of education among the members of SC community, the gap between the overall literacy rate and literacy rate amongst the SC Community is on a decrease, which can be measured from the following graph:

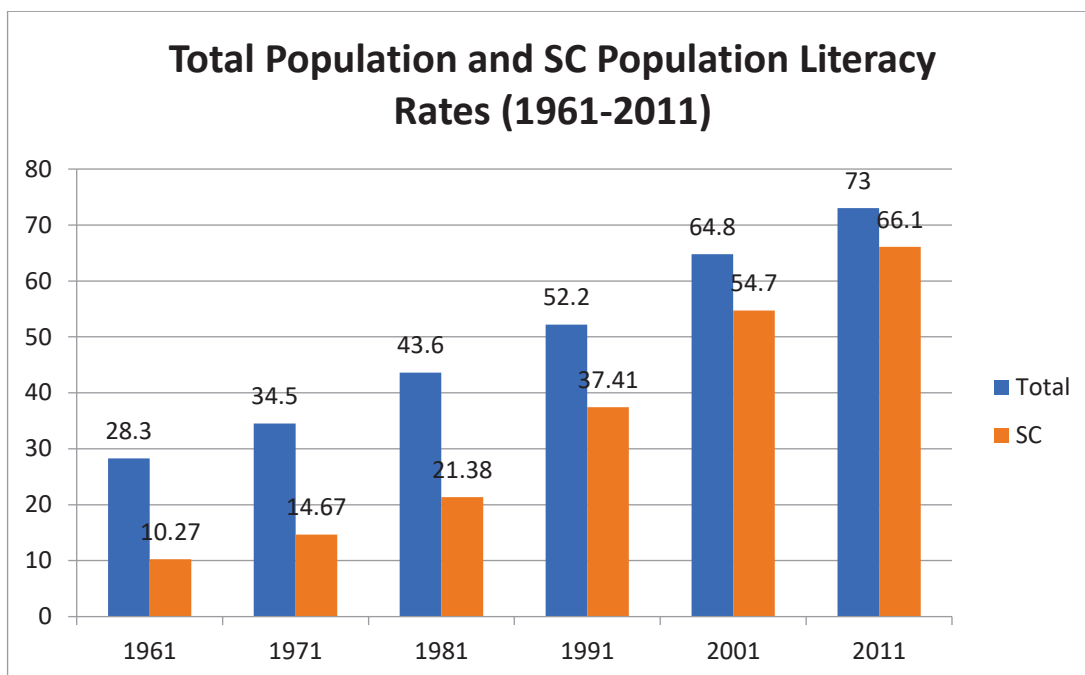


Figure 4-2 Total population and SC population Literacy rates (1961-2011)

Source: Handbook on Social Welfare Statistics, GOI, Ministry of Social Justice and Empowerment, 2018, p. 47.

The data shows that the difference between the literacy rates of overall population and of the SC population still exists. But during the previous half a century, there is a considerable decrease in the proportional differences of the figures, which is as followings:

- Year Proportional difference
- 1961 2.76 : 1
- 1971 2.35 : 1
- 1981 2.04 : 1
- 1991 1.40 : 1
- 2001 1.18 : 1
- 2011 1.10 : 1

All of this has been achieved with the help of special schemes for promotion of education for the SC community, the most prominent in which are Pre-Matric Scholarships and Post-Matric Scholarships.

4.5.5 Representation in Government Services

"Regular Salaried Wage Employment" is the most aspired for means of livelihood in India (Borooah, Dubey & Iyer, 2007). In the services under Central Government the Scheduled Castes have obtained the posts at least in their population proportion. As per the figures of Census Report 2011, total population of India was 1,21,08,54,977 of which the Scheduled Castes population constitutes 20,13,78,372. The proportional share of SC population is 16.63 per cent. During the period adjoining this Census the total number of employees in the Central Government services and the representation of the Scheduled Castes in these services has remained as followings:

Table 8: Number of persons serving in Central Government Services and representation of Scheduled Castes

Year	Total Number (in lacs)	Representation of Scheduled Castes	
		Number (in lacs)	Percentage
2004	30.23	5.02	16.63
2005	30.82	5.13	16.67
2007	27.36	4.51	16.51
2008	29.09	4.80	16.53
2009	29.98	4.91	16.36
2010	30.12	5.18	17.20
2012	29.52	5.18	17.57
2013	27.3	4.64	16.99
2014	31.99	5.61	17.55

Data Sources: Social Welfare Statistics, Ministry of Social Justice & Empowerment, 2018, p. 379.

The data shows that during the period adjoining the 2011 Census, the representation of Scheduled Castes in services under the Central Government has remained near about the population share of the community. The population share and representation in services of the SCs can be compared with the help of following graph:

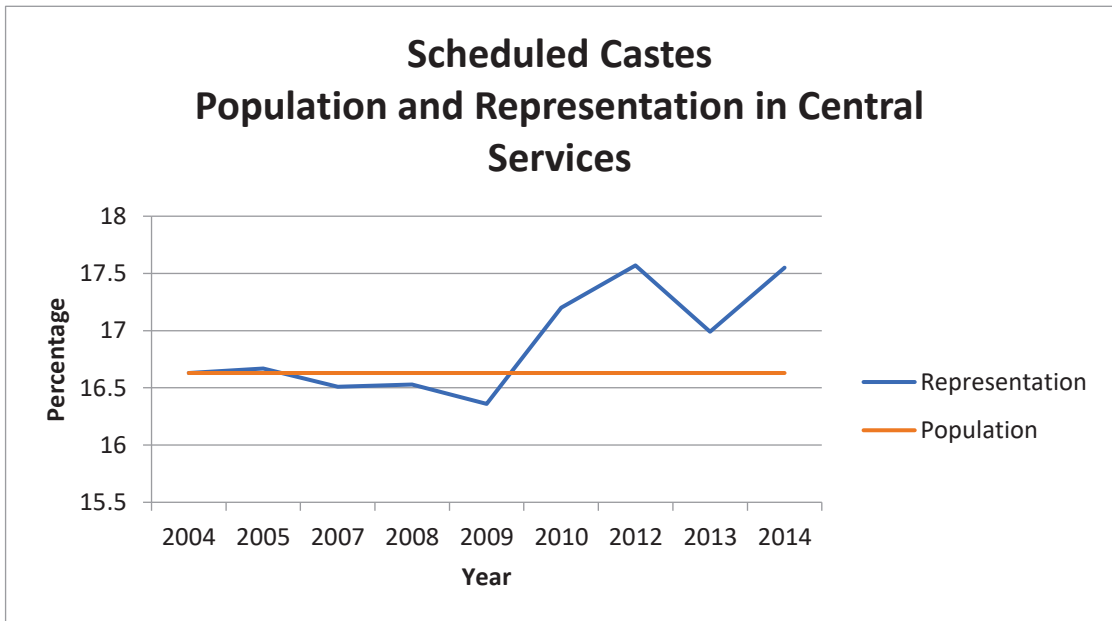


Figure 4-3: Scheduled Castes: Population and Representation in Central Services

Data Sources: Social Welfare Statistics, Ministry of Social Justice and Empowerment, 2018; and Census of India, 2011.

Studies have shown that the reservation for the SCs and the STs have helped the members of these categories to attain the most aspired for outcome for the educated persons, i.e., the regular salaried wage employment, as against the "Casual Wage Work", the least aspired for outcome. A close examination of the NSSO 5th round data on educational qualifications and representation in the regular salaried wage employment of different social groups reveals that, whatever differences do exist between the Scheduled Castes and Upper Caste Hindus, it is due to differences in level of education (Borooah, Dubey & Iyer, 2007).

4.6 Scheduled Castes

Scheduled Castes is a term used for the castes, races, or tribes, having lower ranking in Hindu social order and were previously known as the *Depressed Classes*. This is a legal designation, which creates the category of such castes. The Scheduled Castes or Depressed Classes constitute those castes, which have had suffered untouchability, and as the Constitution has abolished the untouchability, persons belonging to these castes are also known as "Ex-Untouchables" (Dushkin, 1967). This legal category was created to comprise the social groups suffering from untouchability by other groups. Under the Constitution, the President is empowered to make an Order with respect to a State or UT, specifying castes, races, or tribes in such State or UT, which will have to be deemed to be Scheduled Castes. No specific direction is provided in the Constitution as to the inclusion or exclusion of castes or groups in this category (Hasan, 2011, p. 198).

4.6.1 Scheduled Caste status restricted only to Dalits Hindus and few castes of Dalit Sikh Castes

Exercising his powers under article 341, the President has issued six Constitutional Orders, first two for the States and the Union Territories respectively and later four were issued at different stages as a result of integration of certain States and Union Territories with the Union of India. Followings are the various Constitutional Orders determining, which castes, races or tribes are to be deemed to be the Scheduled Castes in relation to respective States and Union Territories:

1. The Constitution (Scheduled Castes) Order, 1950 (C. O. 19), covering all the States included in Parts A and B of First Schedule of the Constitution, except the State of Jammu and Kashmir.
2. The Constitution (Scheduled Castes) (Part C States) Order, 1951 (C. O. 32), covering the States included in Part C of First Schedule of the Constitution (now known as Union Territories)
3. The Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956 (C. O. 52), for the State of Jammu and Kashmir.

4. The Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962 (C. O. 64), for the UT of Dadra and Nagar Haveli.
5. The Constitution (Pondicherry) Scheduled Castes Order, 1964 (C. O. 68), for the UT of Pondicherry.
6. The Constitution (Sikkim) Scheduled Castes Order, 1978 (C. O. 110), for the State of Sikkim.

The lists of Scheduled Castes are caste based. But apart from the caste, all of the Constitutional orders have also imposed a condition of religion. Before September 1956, two Constitutional Orders have been issued- one for the States in Parts A²⁹ and B³⁰ of the First Schedule of the Constitution, except the State of Jammu and Kashmir; and another for the States in Part C³¹ (now known as Union Territories) of the that Schedule. Both Orders have contained a command providing that, "Notwithstanding anything contained in paragraph 2, no person who professes a religion different from Hinduism shall be deemed to be a member of a Scheduled Caste (Constitution [SC] Orders 19 & 32, para 3)". But in both Orders this paragraph has also had a proviso, extending the Scheduled Caste status to certain specified Sikh castes.

4.6.2 Extension of Scheduled Caste status to all Dalits Sikh Castes

After the commencement of the Constitution the Scheduled Caste status was restricted to only those Dalits professing Hinduism, and to few specific castes professing Sikhism also. In October, 1956 the Order was modified due to the reorganisation of States, because the lists of Scheduled Castes were State specific. Apart from the modifications consequential to the reorganisation of States, Paragraphs 3 of both Constitutional Orders (C.O. 19 & C. O. 32) were also amended to extend the Scheduled Caste status to all the Dalit Sikh castes (Sch. 1, SC & ST Orders Amendment Act, 1956).

²⁹ States formed on those areas, held by Governor's Provinces in British India.

³⁰ States formed by grouping of areas held by Native States.

³¹ These States were not equal in status as the States in Parts A & B of First Schedule, and were formed on the areas held under Chief Commissioners Provinces, and other smaller areas.

Constitution (Jammu and Kashmir) Scheduled Castes Order, issued on December 22, 1956 has extended the Scheduled Castes status to certain Dalits castes of Hindu and Sikh religions. Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962, Constitution (Pondicherry) Scheduled Castes Order, 1964, and Constitution (Sikkim) Scheduled Castes Order, 1978, all have extended the Scheduled Caste status to the persons professing Hinduism and Sikhism.

4.6.3 Extension of Scheduled Caste status to Dalits Buddhist Castes

"The Constitution (Scheduled Castes) Orders (Amendment) Act, 1990" was passed by the Parliament to extend the Scheduled Caste status to the persons professing Buddhism also. The Act had amended all the six SC Orders and, as a result the SC status now extends to the Dalits professing Hindu, Sikh, and Buddhist religions.

4.6.4 Exclusion of others

Constitution (SC) Orders has excluded the persons belonging to religions other than the Hindu, Sikh, and Buddhist from the Scheduled Caste status. The exclusion of others is not due to non-existence of caste among their followers, but irrespective of clear visibility of caste. On the basis of the Order applicable to Punjab, the Welfare Department of Government of Punjab has issued a direction to the SC certificate issuing authorities, that, "No SC certificate has to be issued to a person belonging to Muslims religion, though his caste is included in the list of Scheduled Castes (GOP, WD, 1/32/2008-RC I/1411, dt. 17-11-2008)". Mandal Commission (1980) find that the caste divisions among the non-Hindu communities were more or less same as in the Hinduism (Mandal Commission Report, Vol, 1, para 12.11). Despite the empirical evidence of existence of caste among the Muslim and Christian faiths in India, DMs and DCs are put under discrimination by the state, by excluding them from the SC category (Lobo, 2002).

4.6.4.1 Effects on Dalits excluded from SC category

Muslim and Christian Dalits have similar life conditions as their counterparts in the Hindu, Sikh, and Buddhist religions. But due to exclusion from SC category DMs and DCs are also deprived of the reservations in favour of this category. Illiteracy, unemployment, and poverty have continued to haunt the life of the Dalits who have converted to Christianity (Panigrah, 2018). While the specific empirical data is not available with respect to the representation of DMs and DCs in public employment, the overall picture shows that the Muslims are far behind the other communities. Gopal Singh Committee on Minorities etc. has noted that in the year 1980, percentage of Muslims in services was as low as 3.22 per cent, which was lower even than that of Sikhs. Christian representation in the services was also lower than the Sikhs. In 2006, the Sachar Committee has again highlighted the smaller representation of the Muslims in the IAS, IPS, and IFS, which stood merely as 3.2 per cent (Hasan, 2011, pp. 162-63). Muslims constitutes merely 2 per cent of the armed forces, only one-seventh of their population share (Hasan 2011, p. 164). Ejaj Ali, the founder of AIBMM has accused that the Muslim leadership has always remained in the hands of upper-caste Muslim. They have no concern with the bread and butter needs of the poor Muslims, rather they "thrives on championing such 'communal' 'non-issues' as the protection of the Muslim Personal Law or the Babri Mosque (Sikand, 2001, p. 293)".

4.6.4.2 Demands by the Dalit Muslims and Dalit Christians for inclusion in the Scheduled Castes

Dalit Christians have been raising their demand for inclusion in the Scheduled Castes, since the commencement of the Constitution. They have intensified their demand since the 1990s. Muslim Dalits have raised their demands comparatively late. They have raised their voice after the implementation of the Mandal Report in 1990 (Hasan, 2011, p. 203). Both of these communities regard their exclusion as violation of right to equality and the right to freedom of religion, as it provides an inducement

to the Dalits professing Islam and Christianity to reconvert to Hinduism to get the benefits under SC category (Hasan, 2011, p. 204).

As early as the first year of the commencement of the Constitution, the Christians have raised the demand before the Government to include the DCs in the SCs, but without any effect. Several Christian organizations have been still raising the demand (Hasan, 2011, p. 200-203). Similar demands have been raised by the Muslim organizations like AIBMM, which is mobilizing the DMs towards the improvement of their living conditions (Sikand, 2001). In 1980 P. J. Kurien, a member of House of the People from Mavelikara constituency has introduced a private member Bill to remove the condition of religion for SC status. But the Bill failed in the House (Fazal, 2017). In 2022 in a case before the Supreme Court for the religion neutral SC status, the Union Government has filed an affidavit defending the religion selective SC status (Ojha, 2022).

4.6.4.3 Response from other quarters

DMs and DCs have been raising their demand for inclusion in the Scheduled Castes. National Commission for Religious and Linguistic Minorities (also known as Misra Commission) has recommended that the SC status should be made religion neutral, and Para 3 of Constitution (SC) Orders should be deleted (NCRLM report, Vol 1, para 16.3.5). UPA Government has obtained the opinion of the NCSC and NCBC on the recommendations of Misra Commission. The NCSC Chairman, Buta Singh was not opposed to the extension of SC status to DMs and DCs, but he was not in favour that these new comers should share the existing share of SC reservations (Hasan, 2011, p. 214).

Conclusion

Caste in India has remained a basis of social stratification and discriminations. The Dalit communities have undergone deprivations and hardships due to their caste status. They have remained marginalised socially, economically, politically, and educationally. Reservations have provided accelerated opportunities to the Dalits for

overall human development. Though it will take time to bring them at par with the other sections of society. The reservation benefits are provided under a legal category of Scheduled Castes. Inclusion of castes, races, and tribes in the Scheduled Castes should be made judicious and secular so that the benefits of reservations can reach all those groups, who have suffered from discriminations and deprivations for thousands of years.

Chapter: 5 Punjab Profile: Dalits and Reservations

Introduction

As like whole of the Indian sub-continent, caste has remained one of the cardinal features of social structure of Punjab. But caste in Punjab can not be understood from the theory of four-fold varna system of Hinduism. Mr. Denzil Ibbetson, the Superintendent of Census (1881) Operations in Punjab Province has found some basic differences between the notion of caste according to varna theory and the practical position of caste system in Punjab. He had particularly noted the following differences about varna theory and caste system in Punjab:

1. It is a popular assumption about the caste system that it is a peculiar Hindu institution, restricted only to the persons professing Hinduism. But, caste is more a social, than a religious institution. It is deeply ingrained in all communities, and conversion from Hinduism to Islam has not even a slightest effect on caste.
2. According to the popular notion, the society is divided into four categories of Brahmin, Kshatriya, Vaisya, and Sudra, with the Brahmin at the top and the Sudra at the lowest ebb of social structure. But Brahmins does not have such a social prestige in Punjab. It is impossible to find the Vaisya, Kshatryas and Sudras in the society. If any of these varnas is constructed it will be impossible to decide as to which caste falls under a particular varna.
3. The third popular notion about caste is that it cannot be changed and its transmission continues from one generation to another throughout the ages. But it is merely an assumption and nothing more (Ibbetson, 1916, pp. 1-2).

Punjab is a multi-religious state, where the Sikhs and Hindus are the major communities. In such a society, the caste hierarchies cannot be projected on a uniform scale. Sikhism, Islam, and Christianity are based on egalitarian principles, but the castes do exist even among these religions. Jat Sikh community in the state is at the top of caste hierarchy, while the Dalits are at the other end (Judge, 2015).

5.1.1 Profile of Dalits in Punjab

Punjab has the highest proportion of Dalit population in India. The SC population at all-India level is 16.6 per cent, while the proportion is 31.94 per cent in the State of Punjab (Census of India, 2011). Out of 13 seats allocated to the State in the House of the People 3 (23%) seats were reserved for the SC community as per the Delimitation Order, 1976, which have been increased to 4 (31%) seats in 2008 (Delimitation Order, 2008, p. 5). Similarly, out of 117 Legislative Assembly seats in the State, 29 (24.79 %) seats were reserved for the community under the Delimitation Order, 1976, which have been increased to 34 (29%) seats in 2008 (Delimitation Order, 2008, p. 7). Proportion of reservations in services and admissions in educational institutions are 25%, against 15% at India level (Ram, 2017).

5.1.2 Brief introduction of castes included in the SC list

Punjab is the traditional gateway of India. All the foreign invaders, except the British, have entered India through this area. The foreign invaders have brought with them some traditions and religious principles, which were alien to the natives. But nevertheless, such principles have their impact on the traditional social ties. As the effect of Muslim invaders, some of the people, particularly those belonging to the weaker sections have tilted towards this new faith. The fifteenth century had witnessed the birth of a new religion- the Sikhism in this part of the country. Both Islam and Sikhism have been egalitarian religions, having no doctrinal support to caste system. As the effect of principles and practices of both of these religions, the Brahmanical influence has eroded to some extent (Ram, 2017). Furthermore, the political considerations have always had their influence over the issue of existence of untouchability in Punjab. There has remained a tendency to deny the existence of caste-based discriminations and untouchability. When the Simon Commission has asked the Provinces to submit the reports of the *Depressed Classes*, no list was submitted by the Government of Punjab. It was contended that the effects of Islam and Sikhism has eroded the casteism. Harikishan Kaul, C.I.E., who had authored the

1911 Census report of Punjab, had stated that the untouchability was dying out in the Province (SCR, 1929, Vol. 5, p. 1348).

Since the enactment of Government of India Act, 1935, the Dalits have been categorised as Scheduled Castes. Scheduled Castes is a legal and constitutional term for the castes included in the list. In the official correspondence use of this term is encouraged as compared to other terms for the Dalits. During the early phase of emergence of the Untouchable communities as a separate class, they were known as Depressed Classes. Mahatma Gandhi had called these communities as *Harijans* which means the *children of god*. But the Dalits consider this term as derogatory. Various Scheduled Castes Organisations have given representations to Union Government against the use of the word Harijan in official documents by some States. The Union Government has instructed the States/UTs from time to time to avoid the use of any of the unofficial terms like Harijan to denote the Scheduled Castes (GOI, MW, 12025/14/90-SCD [R.I. Cell], dt. 16-08-1990; GOP, WD, 7/3/2015-RC I/392, dt. 28-12-2015). These "Schedules" are the lists, which are State/UT specific. The Schedules contain lists of those caste, races, or tribes, which are to be considered as Scheduled Castes for all the legal and constitutional purposes. The Scheduled Castes Order 1936 has listed 27 castes as the Scheduled Castes for the Province of Punjab (SC Order, 1936, Part V). From time to time the demography of the State has gone under considerable changes due to the partition of the country, communal migration during partition, and reorganisation of the State. At different times there were some additions to the Schedule and there were some clarifications as to the names of castes included in it. Various SC Orders have identified following castes, races, or tribes as Scheduled Castes with respect to the State of Punjab:

Table 9: Castes, races, and tribes of Punjab, declared as Scheduled Castes under different SC Orders

S. No.	Caste Name	SC Order, 1936	SC Order 1950	Amendment Act, 1956	Modification Order, 1956	Pb. Reorganisation Act, 1966	Amendment Act, 1976	Amendment Act, 2002 (1)	Amendment Act, 2002 (2)	Amendment Act, 2007
1	Adi Dharmi	✓	✓	✓	✓	✓	✓	✓	✓	✓
2	Balmiki or Chuhra	✓	✓							
3	Balmiki, Chuhra, or Bhangi			✓	✓	✓	✓	✓	✓	✓
4	Mazhabi		✓	✓	✓	✓	✓	✓		
5	Mazhabi Sikh								✓	✓
6	Bangali	✓	✓	✓	✓	✓	✓	✓	✓	✓
7	Barar/Burar/Berar	✓	✓	✓	✓	✓	✓	✓	✓	✓
8	Batwal		✓	✓	✓	✓	✓	✓	✓	✓
9	Bawaria/Bauria	✓	✓	✓	✓	✓	✓	✓	✓	✓
10	Bazigar	✓	✓	✓	✓	✓	✓	✓	✓	✓
11	Bhanjra	✓	✓	✓	✓	✓	✓	✓	✓	✓
12	Chamar	✓	✓							
13	Ramdisis	✓								
14	Ramdasis or Ravidasis		✓							
15	Chamar, Jatia Chamar, Rehgar, Raigar, Ramdasi or Ravidasi			✓	✓	✓	✓			
16	Chamar, Jatia Chamar, Rehgar, Raigar, Ramdasi, Ravidasi, Ramdasia, Ramdasia Sikh, Ravidasia, Ravidasia Sikh							✓	✓	✓
17	Chanal	✓	✓	✓	✓	✓	✓	✓	✓	✓
18	Dagi and Koli	✓								
19	Dagi		✓	✓	✓	✓	✓	✓	✓	✓
20	Kori	✓								

S. No.	Caste Name	SC Order, 1936	SC Order 1950	Amendment Act, 1956	Modification Order, 1956	Pb. Reorganisation Act, 1966	Amendment Act, 1976	Amendment Act, 2002 (1)	Amendment Act, 2002 (2)	Amendment Act, 2007
21	Kori or Koli		✓	✓	✓	✓	✓	✓	✓	✓
22	Darain			✓	@	\$	✓	✓	✓	✓
23	Deha, Dhaya, or Dhea				#	*	✓	✓	✓	✓
24	Dhanak	✓	✓	✓	✓	✓	✓	✓	✓	✓
25	Dhogri, Dhangri or Siggii			✓	@	\$	✓	✓	✓	✓
26	Dumna	✓								
27	Dumna or Mahasha		✓							
28	Domna, Mahasha, or Doom			✓	✓	✓	✓	✓	✓	✓
29	Gagra	✓	✓	✓	✓	✓	✓	✓	✓	✓
30	Gandhila	✓	✓	✓	✓	✓	✓	✓	✓	✓
31	Kabirpanthi		✓							
32	Kabirpanthi or Julaha			✓	✓	✓	✓	✓	✓	✓
33	Khatik	✓	✓	✓	✓	✓	✓	✓	✓	✓
34	Marija or Marecha	✓	✓	✓	✓	✓	✓	✓	✓	✓
35	Meghs	✓	✓	✓	✓	✓	✓	✓	✓	✓
36	Nat	✓	✓	✓	✓	✓	✓	✓	✓	✓
37	Od	✓	✓	✓	✓	✓	✓	✓	✓	✓
38	Pasi	✓	✓	✓	✓	✓	✓	✓	✓	✓
39	Perna	✓	✓	✓	✓	✓	✓	✓	✓	✓
40	Pherera		✓	✓	✓	✓	✓	✓	✓	✓
41	Sanhai		✓	✓	✓	✓	✓	✓	✓	✓
42	Sanhal		✓	✓	✓	✓	✓	✓	✓	✓
43	Sansi	✓	✓							
44	Sansi or Bhedkut			✓				✓	✓	✓
45	Sansi, Bhedkut, or Manesh				✓	✓	✓			
46	Sansoi			✓	@	\$	✓	✓	✓	✓
47	Sapela	✓	✓	✓	✓	✓	✓	✓	✓	✓
48	Sarera	✓	✓	✓	✓	✓	✓	✓	✓	✓

S. No.	Caste Name	SC Order, 1936	SC Order 1950	Amendment Act, 1956	Modification Order, 1956	Pb. Reorganisation Act, 1966	Amendment Act, 1976	Amendment Act, 2002 (1)	Amendment Act, 2002 (2)	Amendment Act, 2007
49	Sikligar		✓	✓	✓	✓	✓	✓	✓	✓
50	Sirkiband	✓	✓	✓	✓	✓	✓	✓	✓	✓
51	Mochi							✓	✓	✓
52	Mahatam, Rai Sikh									✓
<p>@ : Throughout the State except the districts of Patiala, Bathinda, Mohindergarh, Kapurthala and Sangrur</p> <p># : In the districts of Patiala, Bathinda, Mohindergarh, Kapurthala and Sangrur</p> <p>\$: Throughout the State except the districts of Patiala, Bathinda, Kapurthala and Sangrur</p> <p>* : In the districts of Patiala, Bathinda, Kapurthala and Sangrur</p>										
Source(s): Various SC Orders, Modification Orders, and Amendment Acts etc.										

5.1.3 Brief description of Dalits in Punjab

Punjab has the highest proportional Dalit population, which is evident from various census reports. But the census reports collect data only for those castes and tribes, which have been included in the SC list. Official data is not available with respect to those Dalit castes, tribes, and groups which have not been included in this list. Here is the brief description of Dalit castes, tribes, and groups in Punjab:

1. Ad Dharmis

Ad Dharm is not a hereditary caste. A socio-religious regeneration movement of Dalits have taken place in Punjab in the third decade of twentieth century under the leadership of Mangoo Ram (Ram 2004b). Main objective of this movement was to construct a distinct *qaum* (community) of the Dalits. The Ad Dharm Mandal has approached the government, and had raised a demand that their religion should be reported separately from other religions. The demand was accepted and 4,18,789 Dalits have recorded their religion as Ad Dharm (Census of India, 1931, Report 17,

Punjab [I], pp. 290-91). But the SC Order, 1937 has included the Ad Dharmis as a caste, and it continues to be recognised as such till date. At the latest Census (2011), Ad Dharmis constitutes 11.48 per cent of SC population and 3.67 per cent of total population of the State.

2. Bhanjra

Bhanjra is sometimes understood as a synonym for Dumna. Traditionally the Bhanjras are known for making winnowing fans and other articles from grass and bamboo (Ibbetson & Rose, 1911, Vol. 2, p. 84). Some times it is taken as an occupational group of Dumna, having mutual matrimonial relations. Term Bhanjra may have derived from "bhanj" a local name for bamboo (Census of India, 1961, Vol. 13 [V-B], Punjab, Ethnographic Series, p. 32). The community is listed as a Scheduled Caste in the State of Punjab. It is a small community, having returned 3659 members at 2011 Census.

3. Chamar

Chamar is a Dalit caste, traditionally engaged in leather work. This name is derived from a Sanskrit work "chamakir", used for those working in hides (Ibbetson & Rose, 1911, Vol 2, pp. 147-151). Those who have converted to Sikhism are named as Ramdasias and Ravidasias. The difference between both groups, most probably lies in occupation. The Ravidasias are mostly engaged in leather work, while the Ramdasias in weaving (Ram, 2004b). Weavers who have converted to Sikhism are known as Ramdasias (most of them have converted during the time of fourth Sikh Guru- Ram Das), and who have not converted are known as *Julahas* (Ram, 2017). Gurdial Singh has opined that those who converts to Sikhism are called as Ravidasias, after the name of a saint from their tribe, Bhagat Ravidas, whose teachings were also included in the Guru Granth Sahib, the holy book of Sikhs. Mangoo Ram, one of the founders of the Ad Dharm Movement belongs to this community. Since the advent of the Movement, a considerable number of the community have declared their religion as Ad Dharm (Ram, 2017). The community is listed as a Scheduled Caste in Punjab, including all its sects and groups, like Chamar, Jatia Chamar, Rehgar, Raigar,

Ramdasi, Ravidasi, Ramdasia, Ramdasia Sikh, Ravidasia, and Ravidasia Sikh (SC Order, 1950). This is the second largest SC caste group constituting 23.45 per cent of SC population and 7.49 per cent of total population of the State.

4. Chanal

Name Chanal is most probably derived from the Sanskrit word *chandala*, an outcaste. Ibbetson and Rose have mentioned its occupation as the "carrying out corpses, executing criminals, and other abject offices for the public service (1911, Vol. 2, p. 151)". It is a miniscule caste, having returned only 97 persons at 2011 Census.

5. Chuhra, or Balmiki

Term "*Chuhra*" is used for sweepers and scavengers. It is one of the castes on which serious deprivations have been imposed since the centuries. Those members of the community professing Hinduism are known as Balmikis, which means the followers of Maharishi Valmiki. Lal Beg is said to be a disciple of Maharishi Valmiki, so a section of the community calls itself *Lal-Begis* also (Ibbetson & Rose, 1911, Vol. 2, pp. 182-210). Persons who have had converted to Islam are known as *Musallis*, a rank higher than the original one, but only after the convert has abandoned the occupation of removing night-soil (Ibbetson & Rose, 1911, Vol. 3. p 138). This is the most backward SC community, having lowest literacy rate of 52.2 per cent. Most of the members are working as low paid agricultural labourers, and are known as *Siris* (*siri* means having share-holder, traditionally the agriculture labourers in Punjab were not paid fixed salaries, but a fixed share of the crop. But now a days, mostly the *siris* are paid fixed wages on annual basis) in Malwa region (Ram, 2017). Census 2011 have recorded the population of the community as 9.78 per cent of the SC population and 3.12 per cent of the total population of the State.

6. Mazhabi Sikh

Those members of the "*Chuhra*" caste, who have converted to Sikhism are known as Mazhabis, now registered as Mazhabi Sikhs in the list of Scheduled Castes.

The mutilated body of Ninth Sikh Guru, Teg Bahadur was brought back to Punjab from Delhi, the place of his martyrdom, by two persons belonging to *Chuhra* caste, and the caste was respectfully admitted to Sikhism for their services (Ibbetson, 1916. p. 294). According to Census 2011, the numerical strength of this caste was recorded as 29.73 per cent of the SC population and 9.49 per cent of the total population of the State.

7. Dagi

"*Dagi*" is derived from the word "dagh" means blemish. It was a lower caste in the hilly areas of pre-Independence Punjab. Sometimes this caste is clubbed with another caste known as *Koli*. Ibbetson and Rose have held that a Koli becomes Dagi, if adopts the occupation of cattle carcasses removal (1911, Vol. 2, pp. 555-557). Dagi is the microscopic community having returned only 322 persons at the 2011 Census.

8. Koli/Kori

Word "*Koli*" is also used for low caste menial castes in hilly areas. Cunningham views that the Koli race has once ruled the hilly areas of Punjab (now Himachal Pradesh). Usually both of these castes (Dagi and Koli) are mentioned jointly. According to one view the Koli is derived from the word kulin, "degraded from a family" and are regarded as Shudras. The Kolis who have adopted the removal of cattle carcasses became Dagis (Ibbetson & Rose, 1911, Vol. 2, pp. 555-557). In the plain areas (present Punjab), the Kolis are known as "Chamar-Julahas", which means those persons of the *Chamar* caste who are engaged in weaving. At the 2011 census 24,921 persons have recorded themselves as Kolis.

9. Dhanak

In the caste hierarchy of Punjab, the "Dhanak" was kept close to *chuhra* caste, engaged in scavenging like the later, except the removal of night-soil (Ibbetson & Rose, 1911, Vol. 2, p. 235). Presently most of the members of the community are engaged in packing and loading of crops in grain markets. At the 2011 Census, 89,406 persons have recorded themselves as belonging to this caste.

10. Dumna

Name "Dumna" is given to the community, engaged in scavenging in hill areas of Punjab. It is also known with the names of "Doom" and "Mahasha". The community is also known for making bamboo articles (Ibbetson, 1911, Vol, 2, p. 250). Traditionally it is regarded as occupying low social status, and is listed as a Scheduled Caste in Punjab. Most of the members of the community have adopted other professions, with some of its members having considerable improvement in socio-economic status. A section of the community regards Saint Nabha Dass Ji, as its spiritual guru (observation during field survey). Dumna is a small community in the State, having returned 2,02,710 persons at 2011 Census.

11. Gagra

"Gagra" is a small community also known as "Jukeru" after its hereditary occupation of catching and keeping leeches (known as *joak* in Punjabi language). As the Gagras are mainly Muslims, so only few of them return themselves as SC Gagras. In 1961 Census only 31 persons have returned this caste. Some of the Gagras return themselves as "Chhajwala" in the Census, after their occupation of making winnowing fans (Census of India 1961, Vol 13, Part V-B, Punjab, Ethnographic Series, p. 55). Gagra is a Scheduled Caste in Punjab. It is a small community, and 799 persons have returned as belonging to this caste in 2011 Census.

12. Khatik

"Khatik" is the caste engaged in animal slaughter, removal and dyeing of skins of goat and sheep. The name may be derived from *khal-thik* means to improve the skin. 1961 Census have recorded nearly 22,000 persons of the caste. Most of the members live in urban areas, in separate localities or near the localities of SC population. They speak the language of the locality where they are living. Literacy rate is very low among the Khatiks (Census of India 1961, Vol 13, Part V-B [i], Punjab, Ethnographic Series, pp. 1-4). Most of the Khatiks are Hindus, only few are the Sikhs (Census of India 1961, Vol 13, Part V-B (i), Punjab, Ethnographic Series, p.

8). 14,482 persons have been recorded as Khatiks in the 2011 Census. But it was found in the field survey that a number of Khatiks were also Muslims. The official Census does not collect information on such Khatiks as they were outside the SC category. The Muslim Khatiks were found to be still living in miserable economic conditions. They were poorly educated due to the lesser chances of public sector jobs. Some of the Muslim Khatiks were found to be still engaged in their traditional occupation of cleaning, and dyeing the skins of animals. They were working in unhygienic conditions (observations during the field survey).

13. Marija, or Marecha

No sociological study can be traced as regards the level of the community in traditional social hierarchy of castes, and as to the hereditary profession of the caste known as "Marija" or "Marecha". This may be because Marija is a miniscule caste having returned only 260 persons at the Census held in 2011. Most of the persons belonging to this caste (83%) have returned themselves as Hindus, and the remaining as Sikhs.

14. Meghs

"Meghs" are traditionally known as a low caste in Punjab. Meghs are traditionally weavers, but also work as farm labourers. Gaddi (place of residence) of their spiritual guru is in Keran village near Jammu. They are also the followers of Kabir (Ibbetson & Rose, 1911, Vol. 3, pp. 77-78). Meghs were the first to convert to Christianity as a group in 1866 in several villages of Sialkot district (Webster, 2009). It has created an alarming consciousness among the upper castes in the Hinduism. In the beginning of the twentieth century, by the year 1911 nearly 40,000 of those were reconverted by the Arya Samaj and had started to take food and water from them (SCR, 1929, Vol. 5, p. 1348). Now the caste is included in the SC list for Punjab. 2011 Census have recorded the population of this community as 1.59 per cent of the SC population and 0.51 per cent of the total population of the State.

15. Od

"Od" or "Beldar" is the community of earth workers. The tool used for digging "bel or belcha" (mattock) is probably the factor for calling them beldars. Traditionally *Od* is a wandering community, but free from criminal habits. The community was an outcaste, even if professing Islam. It used to move from place to place looking for work on construction sites i.e., roads, canals, bridges etc., and settle temporarily on the place of work. As a tradition the Ods used to bury their dead even if they were professing Hinduism (Ibbetson & Rose, 1911, Vol 3, pp. 175-176). Now the caste is listed as Scheduled Caste in Punjab. Numerical strength of the community is 32,061 persons.

16. Pasi

"Pasi" community was traditionally a low caste, carrying unclean occupations and keeping pigs, again considered a sign of lower social status in Punjab. Pasi is closely related to Khatiks, and the later is said to be a tribe of the former (Ibbetson & Rose, 1911, Vol 3. p. 204). 39,111 people have been recorded as belonging to this community in Census 2011.

17. Perna

"Perna" is a gypsy tribe. The community is said to be close to Bazigar and Nat communities. Women are the dancers, while the male members accompany them by beating drums. Its a vagrant tribe and is known to admit others by payment. The community is now listed as a Scheduled Caste in Punjab. It is a very small community, having returned 68 persons at 2011 Census.

18. Sapela

"Sapela" is the community of snake charmers. They claim their descent from Jogis (who claims to have established complete union with the god, by performing Yoga). Community is listed as a Scheduled Caste in Punjab. 5,872 persons have returned as belonging to this community at 2011 Census.

19. Sarera

Traditionally term "Sarera" is used for a community of general labourers. Members of this community are specialists in cotton processing. Sarera was an outcaste and considered a low caste in traditional social order. (Ibbetson & Rose, 1911, Vol. 3, pp. 385-386). Sareras are also known as "*Penjas*" (cotton processors) after their occupation which is called as "roon pinjani" (cotton processing) in Punjabi. Its members are found only in the districts close to hilly areas, as it is mainly a hill area community. Now Sarera is listed as a Scheduled Caste in Punjab. It is a small community, having returned 14,419 persons as belonging to this caste at 2011 Census.

20. Sirkiband

"Sirkiband" is derived from the word "sirki" (reed). The name seems to be occupational one as the traditional occupation of the community is making sirki huts (Jhonparis). The community claims to have descent from Rajputs of Marwar State of Rajputana, who have lost their original status of rulers after the advent of Mughals, and have to live in sirkis. Then they have adopted the profession of sirkibandi (reed making). In 1961 the community has a little presence in Punjab, having few members in Hoshiarpur and Ferozpur (Census of India 1961, Vol. 13, Part V, [B-i], Punjab, pp. np). 57,555 persons have recorded themselves as Sirkibands in 2011 Census.

21. Batwal

Batwal (also known as Barwala) is the community of high hill areas, traditionally engaged in the occupation of watchman or messenger. Batwal is also used for the peons or tax-collectors, and had been mentioned as "Chowkidars" (watchman) in 1891 census. Batwals are mostly concentrated in Gurdaspur, Hoshiarpur, and Ludhiana districts. The Batwals generally live outside the villages in *Kachcha houses*. Literacy rate is very low among the community, less than 10 per cent persons were literate during 1961 Census (Census of India 1961, Vol. 13, Part V-B [Punjab], pp. 1-13). At the 2011 Census, 19,979 persons have returned as Batwals.

22. Darain

Darain (also called as Dren) is the caste engaged in the boatman related activities. It is also called as "Taru" (swimmer). According to classification by Ibbetson and Rose the Darains or Drens are generally Muslims and Tarus are Hindus. In some districts the community is also known as "Mallah". Due to its attachment with the occupation related to water, the community is mainly found in areas having scope for navigation. A low social status was conferred on the caste, and it is now included in the list of Scheduled Castes in Punjab (Ibbetson & Rose, 1911, Vol. 3, pp. 62-63; Ibbetson, 1916, p. 308). It is a very small community, and only 865 persons have been recorded as belonging to this community at 2011 Census.

23. Deha, dhaya, or Dhea

Term "Deha" is applied to denote the community, traditionally engaged in making the winnowing fans, known as *Chhaj* in Punjabi. In some of the areas of State they are also called "Singikut", probably after their being professionals in applying *singis* (horns) to treat body aches. They are also known as "*Harnia*" in Sangrur district. Maharishi Balmik is regarded as their ancestor by Dehas. Hence, the community is close to the caste group known as "*Chuhra, Balmiki, Bhangi, and Mazhabi*". The community can share food with the communities of Berar, Sansi, Bhedkut, Chuhra, Gandhila, and Manesh etc. Deha is considered as a low caste and its literacy rate is negligible (Census of India 1961, Vol. 13, Part V-B [Punjab], pp. 99-109). Deha is included in the list of Scheduled Caste for the State of Punjab. 10,560 persons have returned as belonging to this community at 2011 Census.

24. Dhogri, Dhangri, or Saggi

"Dhogri" is the community of ironsmiths. According to traditional social hierarchy, they are considered a low caste in Punjab. It is a part of the "Lohar" community, having specialisation in iron-smelting (Ibbetson & Rose, 1911, Vol. 3, pp. 36-38). It is a miniscule community with only 391 persons recorded as Dhogris in 2011.

25. Kabirpanthi, or Julaha

Term "Julaha" is used for the community of weavers, most probably an aboriginal tribe. Julaha and Chamar are believed to be of the same origin, having only occupational differences. Julaha is believed to be an occupational group, the highest one open to the members of outcastes. People adopting this occupation are initially called as Koli-Julahas, Mochi-Julahas, Chamar-Julahas and Ramdasi-Julahas, and the prefix was removed in the course of time, to become Julaha. Saint Kabir is the famous spiritual personality of the community, and his teachings are followed by Hindu Julahas; hence, called as Kabirpanthis (Ibbetson, 1916, pp. 302-303). Kabirpanthi Julaha is declared as a Scheduled Caste in Punjab. It is a small community and 84,711 persons have returned as Kabirpanthis or Julahas at 2011 Census.

26. Mahatam, or Rai Sikh

"Mahatam" is called the community of rope makers known as "*rassibat*" in Punjabi. In traditional caste hierarchy the caste was considered as a low caste (Ibbetson & Rose, 1911, Vol. 3, pp. 49-51). In the colonial period the Mahatam caste was notified as a criminal tribe under Criminal Tribes act (CTA). The communities registered under this Act were de-notified in 1952, but this community is not included in the official list of Vimukt Jatis in Punjab. This is the fifth largest SC community in the State (Ram, 2017). It constitutes 5.83 per cent of the SC population and 1.7 per cent of the total population of Punjab.

27. Mochi

"Mochi" is an occupational name, given to the community working in leather tanning. In the pre-partition Punjab, word Mochi was used for Muslim Chamars. In the Eastern Punjab this term was applied to those persons having skills in making leather shoes. The community is included in the list of Scheduled Castes for the State of Punjab. Mochi caste has proximity with the Chamar caste, both traditionally attached to the occupation related with leather, and having common *gotras* (exogamous units) like- Chauhan, Bhatti, Mahmi, Sindhu, Hir, Bhuti, and Kathana

etc. (Ibbetson, 1916, pp. 300-301). Mochi community was included in the list of Scheduled Castes for the State of Punjab in 2002. It is a small community and only 8,763 persons have returned as belonging to this community in 2011 Census.

28. Sikligar

Sikligar is an occupational caste, traditionally engaged in metal polishing. Due to nature of their occupation, some of the members return themselves as Lohars (Ibbetson, 1916, p. 312). Sikligars claims to be the Rajputs and descendants of Maharana Pratap, and believe that their social degradation had started from the defeat of Maharana Pratap at the hands of Mughals in 16th century. Some of the members of the community are Hindus and some have had converted to Sikhism. They are believed to be converted to Sikhism during the time of Guru Gobind Singh, who have taken their services for manufacturing of swords for the Sikh Army. The community has no attraction to education, and it takes pride in its traditional occupation (Census of India, 1961, Vol. 13, [Punjab] Part V[B-i], pp. 1-14). The community is declared as a Scheduled Caste in Punjab. 11,807 persons have returned as Sikligars in 2011 Census.

29. Pherera

The community traditionally engaged in painting of wood and other materials (not the houses) is named as "Rangsaz". A Rangsaz professing Hinduism is called as "Pherera" (Ibbetson & Rose, 1911, Vol. 3, pp. 235, 323). It is miniscule caste having a population of less than 100 in whole of the state (Ram, 2017). Pharera was listed as a Scheduled Caste for the State of Punjab after Independence. It is a small community of only 80 persons according to 2011 Census.

30. Sanhai

No sociological study can be traced with respect to the traditional occupation and social status assigned to this caste. This may be due to the very small size of the caste. During the Census, 2011, only 359 persons have recorded their caste as Sanhai, out of which 191 were males and 168 were the females. Most of the persons (357)

have reported their religion as Hindu, 1 person as Sikh, and 2 persons as Buddhist (Census of India 2011, SC population by religion).

31. Sanhal

Sanhal is a very small sized caste in Punjab, having a total population of 1538 persons, out of which 831 were males and 707 were females (Census of India 2011, SC population by religion). More than 99 percent of the members belonged to Hinduism, and only 7 persons have reported as professing Sikhism.

32. Sansoi

"Sansoi" is also called as "Dauli". Traditional occupation of Sansoi community is the working for gold in streams (Ibbetson & Rose, 1911, Vol. 2, p. 222). In the first census (1971) of Punjab after its latest reorganisation only 601 persons have returned as Sansois (Census of India 1971, Series 17-pb, Part II C[i] & Part V-A, p. 7). It is a small community and only 456 persons were found belonging to this community at 2011 Census.

33. Bangali

Bangalis are similar to Sansis, and both can intermarry. They are known for subsistence on begging, hunting, snake charming, and pilfering, but not addicted to serious crimes (Ibbetson & Rose, 1911, Vol. 2, pp. 56-57). Though the community was notified under the CTA, 1871, but its involvement in crimes as a habit is not found from the historical records. Ghafur (1879) has not mentioned the community in "A Complete Dictionary of the Terms Used by Criminal Tribes in the Punjab", prepared as a guide for the police officers in Punjab. This community is declared as a Scheduled Caste and a "Vimukta Jati" in Punjab. At 2011 Census, 4690 persons have returned themselves as belonging to this community.

34. Barar

Barars were best known for beggary and roguery and professions like making baskets and winnowing fans (*chhaj*). The community have distinct customs related to

marriage etc. Socially the community is believed to be related to *Sansi* and *Chuhra* castes (Ibbetson & Rose, 1911, Vol. 2, pp. 64-65). During the British rule the community was listed as a criminal tribe, though a sufficient historical material is not available in favour of this characteristic. The community is listed as Scheduled Caste and a Vimukta Jati in Punjab. It is a small community, having returned 8451 persons at 2011 Census. Now most of the members of the community have shifted to other occupations. In Pathankot a large number of the members of Barar community were found, most of whom were engaged in grain markets as seasonal labourers. The new generation of the community was found to be carrier conscious; hence, enrolled in higher educational institutions (personal observation during the field survey).

35. Bawaria/Bauria

Bawarias are not a uniform community. Historically some of the Bawaria groups are known as cultivators, some as herdsmen of sheep and goat, and some as makers and sellers of leather goods. In some of the groups the women are the beggars (Ibbetson & Rose, 1911, Vol 2, pp. 71-72). Bawarias are also known as habitual criminals, and were notified under CTA in the colonial Punjab. Their religious beliefs are the worships of ancestors and "Guga". They keep long hairs, and some of those have claimed to convert to Sikhism to escape their registration as members of criminal tribe (Ibbetson & Rose, 1911, Vol. 2, p. 74). Ghafur has recorded the community as hunters and professional thieves (1879, p. 24). Bawaria is listed as a Scheduled Caste, and also a Vimukta Jati in Punjab. At 2011 Census 1,25,259 persons were recorded as belonging to this community.

36. Bazigar

Bazigars are the traditional players of "bazi" (acrobats), performing gymnastic skills like rope-dancing etc. Ibbetson and Rose have found that the community is only an occupational group, constituted by recruitment from various castes like Brahmans and Jats etc. (1911, Vol. 2, p. 79). The community was notified as a criminal tribe under CTA, and is now listed as a Scheduled Caste, and a Vimukta Jati in Punjab. This community is famous for playing drum with the Punjabi folk dance- Bhangra. Its

numerical strength constitutes the 2.72 per cent of SC population and 0.87 per cent of total population of the State.

37. Gandhila

Gandhila community is traditionally linked with the occupation of sharpening the iron tools like knives and swords. They claim to have had a kingdom of their own, possibly beyond the Indus river. Ibbetson and Rose have noted a specific character with respect to the community, that they used to remain bare-foot and bare-headed. The community claims to be under a vow not to bear shoes and turbans until getting back their kingdom (1911, Vol. 2, p. 278). During the British rule the Gandhilas were notified as a criminal tribe under CTA. Ghafur had remarked them as a community of vagabonds, having theft as the only means of livelihood (1879, p. 22). Gandhila is a small community, having returned only 3513 persons at 2011 Census.

38. Nat

Nats are very much like Bazigars, and some times both the terms are used as synonyms. They are professional acrobats, better known as rope-dancers. It is a gipsy tribe, wandering and settling in cities and big villages for few days. They also make articles from grass. At the close of the nineteenth century three-fourths of them were Hindus and the rest were the Muslims (Ibbetson & Rose, 1911, Vol. 3, pp. 163-64). The community was registered under CTA, probably due to its vagabonding life style, as Ghafur has not mentioned the community or any members thereof in his directory, containing names and terms used by "thugs" (professionally engaged in treachery) of different communities of Punjab. Nats are listed as a Scheduled Caste, and a Vimukta Jati in Punjab. It is a small community having returned only 3902 people at 2011 Census.

39. Sansi

Sansi community is historically known as a criminal tribe, most of its members living a wandering life. They rear the animals like goats, sheep, pigs, and donkeys etc. Some of the Sansis have started a settled life and have become peasants

proprietors. But the registration of the community under CTA has frustratingly slowed down the conversion to cultivation. Sansi was the first tribe to be declared as a criminal tribe under CTA (Major, 1999). Sansis have had a strong caste control over the members of the community. Imprisonment, execution, or the death of a person in jail are glorified among the community. They used to settle their disputes at the periodical gatherings, according to the laws framed by themselves. They seldom take their cases to regular courts of law (Ibbetson & Rose, 1911, Vol 3, pp. 362-379). Remarking about their mode of working, Ghafur had mentioned that they give effect to their plans by forcible entering the selected house, shutting up the owner in a separate room and taking away his property (1879, pp. 20-21). Now the Sansis are listed as a Scheduled Caste and a Vimukta Jati in Punjab. Numerically it is an effective community constituting 1.38 per cent of the SC population and 0.44 per cent of the total population of the State.

5.1.4 Socio-functional classification of Dalits in Punjab

The Dalit castes in Punjab are not homogeneous. Currently 39 castes have been declared as Scheduled Castes in the State. There are differences of religion, ethnicity, and levels of development. These castes can be classified according to the traditional occupations of these castes in the following groups:

Sweeper

Balmiki, Mazhabi Sikh, and Dhanak castes were assigned the functions related with sweeping and scavenging. This is the largest group among the Dalits, constituting 40.5 per cent of total SC population.

Leather work

Some of the castes which were assigned the work related with carrying the dead cattle and the removal, and processing of leather are known as Chamar, Dagi, Mochi, and Kori. Some of the members of these castes, particularly of the Chamar caste have declared themselves as Ad Dharmis. This is the second largest Dalit group, constituting 35.3 per cent of SC population in the State.

Vimukta Jatis:

Out of 39 Scheduled Castes, 7 castes (Bangali, Barar, Bawaria, Bazigar, Gagra, Nat, and Sansi) are also declared as Vimukta Jatis (denotified tribes) in the state of Punjab. The combined population of these Vimukta Jatis is 5,09,141, which is 1.8 per cent of the total population of the State. During the British rule these communities were notified as a *criminal tribes* under the CTA, 1871. At the time of Independence, 128 castes or tribes were declared as "criminal tribes" in India, covering 3.5 million people. At the same time in Punjab Province population of criminal tribes was 1,32,365 (Major, 1999). After the Independence of the country this Act was repealed in 1952 (Singh, [BP], 2008), and the communities registered under it are now regarded as the "Denotified Communities" or "Vimukta Jatis" (GOP, WD, 10/1/96/2SCWI/7143, dt. 6-9-1996). It is specified on the category certificates (SC certificate or BC certificate) issued to the persons of these castes that it is a Vimukta Jati.

According to one view point the Vimukta Jatis are not castes, but tribes, tending to live separately from the mainstream society, having specific customs of marriage etc. (Singh [BP], 2008). Their relationship with the society is that of humble dependence only, in the words of its own members- "mangan-khan di sanjh" (a relation of begging to eat), and to supply items of their speciality (Singh [BP], 2008).

Bamboo and grass work

Bhanjra, Dumna, and Gagra were the castes, subsisting on making articles from grass and bamboo. This group constitutes 2.34 per cent of the SC population of the State.

Weaving

Megh, Kabirpanthi, and Julaha castes were engaged in weaving. This is a small group constituting 2.55 per cent of SC population of the State.

Occupational castes

Some of the castes were engaged in specified occupations. Like earth work, making huts, and smelting etc. This group includes, Od, Sarera, Sirkiband, Darain, Pherera, Sikligar, Dhogri, and Rai Sikh. This is the third largest group of the Dalits, constituting 7.15 per cent of SC population of Punjab.

Unclean Occupations

Some of the castes were assigned unclean occupations like slaughter, removal, and dye of leather of sheep and goat, carrying out corpses and executing the criminals etc. Khatik, Pasi, Deha, and Chanal castes can be kept under this category. This is a small group constituting 0.7 per cent of SC population of the State.

Street dancing and snake charming

Perna is traditionally known for street dancing and the Sapela caste is known for snake catching and snake charming. Snake charming is also a mode of subsistence for some Bangalis. This is the small group of nearly ten thousand persons.

Miscellaneous castes

Marija, Batwal, Sanhai, Sanhal, Sansoi etc. can be classified as miscellaneous group. In this group the traditional function of the Batwal was to act as watchman. Sansois work for gold in streams. No sociological or anthropological information is available for Marija, Sanhai, and Sanhal castes. There is a category "generic castes" (having returned under local names of Scheduled Castes), which contains members from various Dalit castes. This group constitutes 5.58 per cent of total SC population of the State.

After Independence the Constitution of India has empowered the President to issue the Scheduled Castes Order (Art. 341). Exercising this power, the President has issued "The Constitution (Scheduled Castes) Order, 1950". This Order had contained 34 castes in the Schedule for the State of Punjab, and 18 castes for the State of PEPSU.

5.2 Interfaith dialogue among Dalits in Punjab

Dalits in Punjab are divided on communal lines and on caste lines. Religiously most of those belongs to Sikhism and secondly to Hinduism. There are 39 castes, which are declared as Scheduled Castes in the State. Most of the Dalit population belongs to two caste groups- Balmiki/Mazhabi Sikh (BMS) caste cluster (39.5 %) and Chamar/Ravidasia/Ramdasia/Ad Dharmi caste cluster (34.93 %), making it 74.43 per cent of total SC population (Ram, 2017). These caste clusters are opposed to each other on several grounds. The Chamar caste cluster is relatively more advanced group due to the development of leather business, traditionally associated with this community, while the Chuhra caste cluster is still the most deprived section even amongst the Scheduled Castes. This caste group was able to get 50 per cent share of SC reserved seats as first priority. It has led to an internal strife between the two groups (Ram, 2017).

These two major caste clusters have separate religious inclinations. A large proportion of BMS caste cluster took pride in Sikh identity. Chamar/Ravidasia/Ramdasia/Ad Dharmi caste group is mainly professing Hinduism. Politically the Sikh caste groups are close to Akali politics, and Hindu caste groups are close to Congress party (Jodhka & Kumar, 2007). In 1975 the BMS group was given a special preference over 50 per cent of total SC reservations in services in direct recruitment and in promotions (Kaur, 2019). Babu Jagjivan Ram, a Union Minister and belonging to the Ravidasia caste was able to pressurise the government to restrict this internal reservation to only direct recruitment (Kaur, 2019). This internal division of SC reservations was challenged before the High Court, and before the Supreme Court. These occasions have brought both the major caste groups on a competition with each other (Ram, 2017).

In the third decade of the twentieth century, the Dalits in Punjab have had asserted for a separate religious identity as Ad Dharmis. This new religious identity was able to gain official recognition as a separate religion for the 1931 Census. Mangoo Ram was the most effective leader to mobilize the Dalits to adopt this new

religious identity (Ram 2004b). More than a million persons have recorded themselves as Ad Dharmis at the 2011 Census. But the movement has failed to create a new spiritual identity for the Dalits, as the Ad Dharm was reduced to a caste in official records and the persons belonging to this group recognise themselves Hindus, Sikhs, or Buddhists (2011 Census, SC population by religious community).

Another inter-faith dialogue was started in the form of "Christian Institute of Sikh Studies" in the Baring Union Christian College of Batala city of Punjab in 1966. Main objective of this initiative was not to promote Dalit unity. It was mainly a confidence building measure of a Christian institute to promote harmony with the Sikh religion based on academic study of Sikh institutions, Sikh history, and Sikh practices. But this dialogue was restricted due to communal turmoil in the State, following the Operation Blue Star in 1984 (Webster, 2009).

5.3 Impact of social environment

India is a predominantly Hindu majority state. After the Partition of the country, at each census Hindu population is recorded as nearly 80 per cent of the total population. In such an environment a religious minority might be casteless in principle, but practically it is impossible for any community to keep itself insulated from Hindu traditions. "One is therefore led to see the caste system as an Indian institution having its full coherence and vitality in the Hindu environment, but continuing its existence, in more or less attenuated forms, in groups adhering to other religions (Dumont, 1980, p. 210)".

5.4 Caste and inter-caste marriage

Castes are endogamous units, which means the matrimonial alliances are allowed only within a caste. With advent of modernisation, these rules have gone under liberalisation, at least in inter-caste marriages between those castes, which have a similar status on social hierarchy. But there are instances of marriages between the Dalit and non-Dalit communities. At different times the questions have arisen, as to the caste status of Dalits having a specific legal status under the category of

Scheduled Castes, after entering matrimonial alliance with a non-Dalit. In this regard the Government of Punjab has framed a policy, that in case of an SC girl, marrying to a caste Hindu, she will retain her caste, her SC status, and all the affirmative action policy benefits (GOP, SCs & BCs Dept., 2185-65-W-10 Misc-74/50815, dt. 10-10-1974).

Next time the issue of inter-caste marriage arose in the other way; whether a general category woman can attain the Scheduled Caste status by marrying a Scheduled Caste man? The Government of Punjab has after consultation with legal experts decided to follow the instructions issued by the Central Government. According to these instructions, the SC category was created to mitigate the social, economic, and educational deprivations imposed on the people belonging to the castes included in this category. Becoming a member of any of such castes merely on technical grounds like marriage alliance does not confer the SC status on a person. After an inter-caste marriage an SC or a non-SC person shall continue to have his/her original caste status (GOP, WD, 3226-SMA[3]-84/13, dt. 2-1-1984).

5.4.1 Caste status of children in cases of inter-caste marriages

Scheduled Caste status is based on caste, resulting in controversies as to the caste of a child born out of an inter-caste marriage. In this matter communicating the instructions to the States, the Union Government has relied on certain judicial decisions of the higher judiciary. According to these instructions a child born out of a marriage of Scheduled Caste and Caste Hindu couple depends upon the his/her acceptance by the Scheduled Castes as a member of their community. In case of SC mother and a non-SC father, if the child is brought up in the mother's community, he/she will be eligible for SC status and if brought up in father's community, will not be entitled to SC status. Similar is the case of the children, where the father belongs to SC community and the mother to non-SC community. In such cases also the children will get the SC status, if brought up in the surroundings of their father and will not be entitled to SC status, if brought up in the surroundings of mother. Illegitimate children

are usually brought up by the mother, so such children will be eligible for SC status, in case the mother belongs to this category.

In all of the above-mentioned possibilities, the SC or non-SC status is determined by the surroundings under which a child is brought up, and his/her acceptance by the SC community as their member. The SC certificate issuing authorities are instructed to follow these guidelines generally, not in toto. Before arriving at any decision, they have to examine each individual case according to the prevalent circumstances (UOI, MHA, 39/37/73-SCT. I, dt. 21-05-1977, ann. A).

5.5 Religious conversion: upgradation or expulsion from social hierarchy?

In India most of the conversions have taken place amongst the lower caste groups. There are records of "movements" for conversion to Christianity or Buddhism. Other religions having attracted the Dalits are Islam and Sikhism. All these four religions have been based on egalitarianism, having no place for casteism. Mostly the conversions have remained an attempt for upward social mobility as well as a dissent to the caste hierarchy sanctioned in Hinduism. A convert might be given a more honourable place in the new religion he has adopted. But as far as the social order is concerned, the converted has not upgraded, rather he has been "expelled" from his caste. "The general rule is that conversion operates as an expulsion from the caste (C. M. Arumugam v. S. Rajgopal 1975: 10/ 1976 AIR, 939)." A person, expelled from a group for his deviant behaviour will witness an upgradation in his social status as a result of such expulsion is beyond the canons of reasoning.

5.6 Institution of Caste: Religious or Social?

Existence of caste throughout India, cut-across the religions has posed few questions regarding the nature of the caste:

- What is the nature of the institution of caste, religious, or social, or combination of both?

- Who regulates the matters related with caste, like admission into and expulsion of a member from a caste?

Apropos the first question the institution of caste is an institution which is thousands of years old, when apart from tribal religions, only Hinduism was prevalent. Caste was sanctioned under Hinduism, and in the course of time rigidified by Hindu religious scriptures like the *smritis*. Deprivations imposed on Shudra and outcastes were codified and rigidified under Brahmanical literature. Commenting on the contribution of this literature in superiority and inferiority of castes, Dr. Ambedkar had said that "it is full of genealogies" projecting the "noble origin to one caste and an ignoble origin to other castes" (Rodrigues, 2002, p. 269). Under the influence of *shastra* literature Hinduism and casteism became synonyms, as observance of one became a pre-condition for the claim to other. According to Dr. Ambedkar, it became impossible for the Hindus to get rid of caste "until they cease to believe in the sanctity of the *shastras* (in Rodrigues, 2002, p. 290)".

New ways of life were offered by Buddhism, Islam, Sikhism, and Christianity, particularly to get rid of caste hierarchies. Several people, particularly those who have been at the lower scales of social status have been attracted towards these religions. But caste barriers could not be broken even after conversions to these religions. As after a long practice of thousands of years caste marks have penetrated so deeply in the social order and the minds of the people that no religion has become successful to erase it. Presence of castes among the Sikhs and Buddhists have been recognised by the State by inclusion of Sikh and Buddhist Dalits in the Scheduled Castes. Its presence in the Muslims and Christians is verified both by academicians and official survey reports (Samarendra, 2016a). In *C M Arumugam v S Rajgopal* (1975), the Supreme Court had held that religion was not the sole factor behind the formation of multiple castes and sub-castes. Various other elements like occupation and migrations etc. have also played roles in the process. The court observed that "A caste is more a social combination than a religious group". Pointing to the role of religion, the court held that "religion is inevitably mixed up with social conduct", making the caste "an integral feature of Hindu society" (para 10).

As regards the second question that who can regulate the matters related with admission into or expulsion from a caste; religion or caste itself, the Supreme Court (C. M. Arumugam v S. Rajgopal, 1975) has opined that "ultimately it must depend on the structure of the caste and its rules and regulations whether a person would cease to belong to the caste on his abjuring Hinduism (1976 AIR, 939, para 4C)". Commenting on the general rule that a person loss his caste on conversion to any other religion, the court remarked that "It cannot, therefore be laid down as an absolute rule uniformly applicable in all cases that whenever a member of a caste is converted from Hinduism to Christianity, he loses membership of the caste". Based on judicial precedents in the country since 1886, the Supreme Court had held that a person can become a member of his caste on reconversion to Hinduism, "if the members of caste accept him as a member". So, the judicial view regarding the expulsion from, and entry into a caste is consistently in favour of caste itself. It is the caste to decide whether to ostracize or not a convert, and it is the caste again to decide the admission of such a person on reconversion. Recognition of caste as "the supreme judge" in the matters relating to its membership has the effect of recognition of this institution as separable from religion (Samarendra, 2016b).

5.7 Reservations and other welfare schemes for Dalits and other Backward Classes in Punjab

5.7.1 Reservations in appointments

Reservations for the Scheduled Castes have been in practice since the British rule in India. The partition of Punjab in 1947 and a large-scale cross-border migration of population has made it impossible to measure the exact proportion of SC population in the State. Pending the completion of Census operations, in October 1949, when the framing of the Constitution was under processing, the Government of Punjab (then East Punjab) has issued a circular to all heads of departments to reserve 15 per cent of vacancies for the members of Scheduled Castes. This reservation was limited only to direct recruitment, and promotions were kept out side its purview (GOEP, 13470-PG-49/65942, dt. 19-10-1949).

5.7.1.1 Control on "dereservation" of seats

During the initial phase of reservations in services, there was a shortage of eligible candidates from the SC category, leading to the dereservation of certain seats earmarked for the category. In 1950, "Scheduled Castes Employment Section" was established in the Civil Secretariate of the State to coordinate the recruitment of SC candidates. In case of non-availability of eligible SC candidates, the departments were directed to bring it to the notice of this body so that suitable candidates can be found at state level. The departments were also directed not to "dereserve" the SC reserved vacancies without making reference to the Welfare Branch (GOP, WG, 113-WG-15/199, dt. 15-1-1950).

5.7.1.2 Increase in the proportion of reservations

After partition Punjab has had a minor tribal population. According to their population, the share of reserved seats would have been less than 0.1 per cent. So, SC and ST reservations in Punjab were amalgamated in 1952 (GOP, WG, 4276-WG-52/2523, dt. 19-8-1952). The proportion of reservations in appointments by direct recruitment was increased from 15 to 19 per cent (GOP, WG, 4276-WG-52/2521, dt. 19-8-1952). At the 1961 Census the number of the SC population in the State was 41,39,106, and it was 14,132 for the ST population. Both of these communities constituted 20.46 per cent of the total population (2,02,98,151) of the State. So, the proportion of reservations for SC/ST communities was increased to 20 per cent (GOP, SCs/BCs Dept. 8088-5WG-II-63/1844, dt. 7-9-1963).

The reservations for the weaker sections were provided in proportion to their population in the State. At the 1971 Census, percentage of SC population has witnessed an increase over the rest of the population. Similarly, the BC population was also assumed to be increased on account of inclusion of certain new castes in this category (exact figures for BCs are not maintained separately). At this Census out of the total population of 1,35,51,060 persons, 33,48,217 persons have returned themselves as SCs, constituting the 24.71 per cent of the total population of the State. In order to bring the proportion of reservation at par with the proportion of SC

population, the Government of the State has decided to increase the percentage of reservation for the Scheduled Castes to 25 per cent, and for the other Backward Classes to 5 per cent (GOP, WD, 890-SWI-74/10619, dt. 6-6-1974).

5.7.1.3 SC/BC Candidates selected on their own merit not to be counted against reserved quota

Punjab Government has provided reservations for the SC and ST communities, even before the commencement of the Constitution in 1949, and the reservations for BCs were provided in 1953. These reservations were extended to appointments through promotions in 1963. The reports of the departments have shown that even after two decades of reservations (20% for SC and 2% for BC), the number of SC and BC employees has not reached the percentages prescribed. In 1970 the Government had directed that the candidates belonging to these communities who have got selected in general merit, will not be considered against the quota reserved for these communities. Similarly, the employees from these categories, who have got promotions on the basis of their seniority-cum-fitness, were not to be counted against the reserved quota (GOP, Welfare of SCs & BCs Dept. 1244 OSD[W]-2-70/19996, dt. 30-7-1970 & GOP, WD, 7/21/2004-RC-1/1674-1677, dt. 20-12-2004)

In R. K. Sabharwal case the Supreme Court has issued similar directions in case of promotions. State Government has reiterated this policy by directing the departments and boards under its control to prepare a common merit list of candidates of all categories for the selection against the unreserved vacancies. If any candidate belonging to SC or BC category is got selected on his own merit, such candidate was not to be counted for the purpose of determination of number of reserved vacancies (GOP, WD, 6/22/2015-RC I/586521/1, dt. 11-09-2015).

In Deepa E. V. v. Union of India case (C.A. no. 3609 of 2017, Supreme Court of India) the appellant belongs to the OBC category. She has sought appointment against a general category vacancy as no general category candidate was available. But the apex court has held that only such SC/ST/OBC categories candidates can be accommodated against general category vacancies, who have competed on same

standards as that for the general category candidates. Any SC/ST/OBC category candidate, for whom a relaxed standard is applied, like in age-limit, qualification, permitted number of chances, or experience etc. can not claim to be considered against general category vacancies. Government of Punjab has also reviewed its instructions in the light of the judgement of the apex court. It has directed its departments that only those SC/BC category candidates have to be considered in general open competition who have not availed any of the relaxations, except fee concessions. It was reiterated that the SC/BC candidates selected in open competition shall not be counted against reserved posts for the determination of representation of these communities in any cadre. But such appointees shall be entitled to the benefits of reservation in matters like further promotions etc. (GOP, Dept. of Welfare of SCs, BCs and Minorities, 1/35/2017-RC I/1071544/1, dt. 25-09-2017).

5.7.1.4 Maximum limit of reservations

In 1971 the Government of Punjab had provided that the maximum limit of reservations for SC, BC, and retired members of Armed Forces shall not exceed 45 per cent. After the publication of the 1971 Census figures, the proportion of SC and BC reservations have been increased to 25 per cent and 5 per cent respectively. In order to accommodate this increase, the maximum percentage of posts which can be reserved in a year was increased to 50 per cent (GOP, 4487-ISII-74, dt. 11-7-1974).

5.7.1.5 Special measures to increase the representation of SC and BC communities in certain services

In 1974 the Government have felt that irrespective of provisions of reservations in direct recruitment, the representation of SC and BC communities has not reached the satisfactory level in certain services. In order to rectify this inequality, a provision was made to increase the percentage of reservations for the SC community to 40 per cent and for the BC community to 10 per cent for the appointments of Constables and Patwaris. The provision was to continue in force until the representation of the communities have reached 25 per cent and 10 per cent respectively (GOP, Welfare of SCs & BCs Dept., 938-SWI-74/6152, dt. 8-4-1974).

5.7.1.6 Reservations in Public Sector Undertakings and other autonomous bodies

Constitution has authorised the government to make reservations in favour of backward classes in matters relating to employment under the State. Apart from government departments there are several autonomous bodies and public sector undertakings having a great potential of employment. Government of Punjab wants to extend reservations to employment under these bodies also. But it was felt that employment under these bodies was not an employment under the State; hence the government felt itself unable to make provisions for reservations in such bodies and undertakings. So, it has "requested" such bodies and undertakings in 1966 to apply the reservations for direct recruitment and for promotions (GOP, SCs & BCs Dept., 4479-4WGI-66/15019, dt. 25-5-1966).

After a few years of working of persuasion measures of the Government to the Public Sector Undertakings and other autonomous bodies in the State to implement the reservation policy, it had come to its notice that the reservation policy was not being implemented properly. In 1974 the Government has decided that the reservations in direct recruitment as well as in promotions should be made available in the PSUs, autonomous bodies, all levels of Panchayats, and the Municipalities etc. The Council of Ministers has decided that in cases where the Government has power to issue direction, it should issue such directions for the implementation of the reservation policy. In case of bodies and institutions, where the government have no such power, it should assume that power by making required changes in the Rules, Regulations, and Acts etc. relating to those organisations (GOP, Dept. of Welfare of SCs & BCs, 986-SWI-74/5791, dt. 29-3-1974). In 1976 all the departments were directed to make provisions of reservations in any of the PSUs/autonomous bodies created thereunder. The departments were also instructed to make provisions of reservations in the Acts/Articles of Association under which the PSUs/autonomous bodies were already working (GOP, SCs & BCs WD, 1947-SW I-76, dt. 21-9-1976).

5.7.1.7 Reservations in Boards of Directors of certain Boards and Corporations

The Government of Punjab has provided reservations for the Scheduled Castes in direct recruitment to government sponsored corporations, Boards, Autonomous Bodies, Municipal Committees, Panchayat Samitis, and in Zila Parishads etc. This reservation was to be in proportion to the population of the community in the State. In 2006 the Government has decided to provide reservation to the SC community in the boards of directors for the boards, corporations, and universities by appointing 25 per cent non-official SC category members. (GOP, WD, 6/70/05-RC I / 102, dt. 18-1-2006).

5.7.1.8 Reservation in appointments in Panchayati Raj Institutions (PRIs)

After the reconstitution of Panchayati Raj Institutions (PRIs) on the basis of the 73rd amendment to the Constitution of India, the PRIs were charged with certain duties regarding welfare activities. Certain recruitments were also made through PRIs, like in medical and education sectors. But there was no clear direction as to the reservations in such recruitments. In 2006 the Government has issued directions to the concerned departments, that the reservation policy for the Scheduled Castes and for the Backward Classes was also applicable to the recruitments under PRIs. It was also directed that the reservation policy was to be applicable to any type of recruitment, i.e., regular, ad hoc, 89 days, deputation, contract, and daily wage workers (GOP, WD, 1/8/06-RC I/543-546, dt. 22-03-2006).

5.7.1.9 Travelling Allowance to SC/ST candidates

In 1960 the SC/ST candidates called for written test and interview were given the facility of claiming travelling allowances from the recruiting authority. The benefit was restricted to the applicants for Class III and Class IV posts (GOP, Finance Dept., 1090-FRI-61/1504, dt. 15-2-1961). The benefit of Travelling Allowance was further extended to those members of the SC community, who have appeared for the interview or test for Class I or Class II posts going to be recruited by any authority

other than the Punjab Public Service Commission (GOP, SCs & BCs Welfare Dept., 2/399/78-SWI/6616, dt. 26-7-1982).

5.7.1.10 Reservation in single vacancy

In 1967 the Government of Punjab has decided that in case two vacancies being filled at a particular "occasion", at least one must be unreserved, and in case of a single vacancy it has to be treated as unreserved. If as a result of application, a vacancy occurring at a reserved point is to be unreserved, the reserved point may be carried forward for two years. In small cadres having a strength of less than 5 members, if there is only 1 vacancy to be filled by promotion, the same was to be kept open, and the reserved point might be carried forward for two years (GOP, Welfare of SCs & BCs Dept. 6872-WG-66/24917, dt. 23-8-1966).

The Supreme Court has in *Arati Ray Choudhury v Union of India* (1973) case held that once a single vacancy occurring at a reserve point is considered an open vacancy, it will be carried forward for two recruitment years. Whenever the next vacancy occurs, it was to be considered as a reserved vacancy, though it was a single vacancy again, as the "open class has" already "reaped the benefit" at the previous occasion. This judgment has allowed the reservation of even a single vacancy occurring at a particular occasion. In order to provide the benefit of this interpretation to the members of reserved categories of Punjab, the Government of the State has also decided to carry forward a vacancy so unreserved, and reserve the next arising vacancy in the same cadre (GOP, Welfare of SCs & BCs Dept., 5184-SWI-74-20947, dt. 11-10-1974). Reservation in a single post cadre has been withdrawn by the Government in 1982, following the decision of the Punjab & Haryana High Court in this regard (GOP, Dept. of Personnel & Administrative Reforms, 565-I-PP-82/16552, dt. 29-12-1982).

The Government has noted that in certain cases while a single vacancy occurs at a reserved roster point in a department in Class I or Class II, and the same is intimated to the Public Service Commission, the Commission sends it back as it provides 100 per cent reservation. It is not fair for the Commission to act as such, as it

leads to unnecessary delay in recruitment. In order to remove this practice, in 1991 the departments were instructed that while sending the vacancy to the Commission, it should be clearly mentioned on the demand that the vacancy occurs at a reserved roster point and must be filled by a person belonging to that category only for which it has been reserved (GOP, SCs & BCs Welfare Dept. 14/38/90-SW I/1811, dt. 20-2-1991).

5.7.1.11 No examination for recruitment, where minimum qualifications are prescribed

Minimum eligibility conditions are prescribed for recruitment to certain posts, and in some cases, an examination is also prescribed in addition to those eligibility conditions. Imposition of this dual condition sometimes deprives the SC and BC candidates from being selected. In 1969 Punjab Government has directed that where a minimum eligibility is prescribed for a post, no additional test was to be prescribed for the SC and BC candidates, which might have the effect of increasing the standard of eligibility. It was allowed to conduct a test of the SC and BC candidates, to examine their mutual competence (GOP, SCs & BCs WD, 3925-6-SW-69/9778, dt. 14-5-1969).

5.7.1.12 High Powered Committee to protect the interests of SCs and BCs

In 1969, a High-Powered Committee was constituted under the Chairmanship of the Chief Minister of the State. Objective of this Committee was the protection of the interests of the weaker sections and to ensure the implementation of the schemes of reservations for them. Apart from the Chief Minister, it also consists of some cabinet ministers, some administrative officers, and five MLAs as non-official members (GOP, WD, 503-OSD(W)-69/16665, dt. 16-6-1969).

5.7.2 Reservations in admissions in educational institutions

Government has noticed that generally there was a shortage of the eligible candidates from the SC/ST, and BC communities to fill the vacancies reserved for those communities. The shortage was particularly noticed in case of such vacancies

which requires technical qualifications. It was mainly due the educational backwardness of these communities. In order to bring these communities at par with the general population, in 1954, the Government has provided 19 per cent reservation for SC/ST communities, and 2 per cent reservation for BCs in admission to educational institutions under its control (GOP, H/W/G, 1946-WG-54/17248, dt. 17-3-1954). The 1961 Census has recorded that proportion of SC/ST population has increased to 20 per cent. In 1964 the reservation for admissions into professional and technical educational institutions was increased to 20 per cent for the SC/ST communities (GOP, SCs & BCs Dept. 1637-WG1-AS02-64/4289, dt. 13-3-1964). In case of admissions on the basis of merely passing of qualifying examination, there was no difference between the reserved category and open category candidates. But in those cases where the admissions were not on the basis of only passing marks, but to only those candidates who have obtained a prescribed percentage of marks, the percentage was to be fixed for the SC/ST candidates by reduction of 5 per cent (GOP, SCs and BCs Dept. 3870-WGI-ASOII-64/20069, dt. 9-10-1964).

5.7.2.1 Income limit for BC candidates

The Backward Class candidates were given the benefits of reservations in admission to educational institutions, but on the condition of income of parents. A candidate belonging to BC category was eligible to get such benefits only if the income of his parents was less than Rs. 1800/annum. This limit was increased to Rs. 3600/annum in 1969 (GOP, SCs & BCs Dept. 8451-ISW-69/26509, dt. 3-12-1969), and to Rs. 6000/annum in 1974 (GOP, SWD, 9642-4SW-74/24222, dt. 26-11-1974). This limit was rejected by the Punjab and Haryana High Court in 1993 (GOP, WD, 8/144/93/WC-2/7017, dt. 27-9-1995). As the result of the decision of the Court, there was no income condition at all for taking the benefit of BC reservation in admissions to medical, engineering, and polytechnic educational institutions. The Government has after a careful consideration of the issue, reimposed the income limit to get the BC category reservation benefit for admissions. The limit was fixed at Rs. 1 Lakh/annum (GOP, WD, 8/144/93/WC-2/7017, dt. 27-9-1995). This income limit was increased to Rs. 2.5 Lakhs/annum in 2005 (GOP, WD, 1/41/93-RC-I/1597, dt. 17-08-2005), and to

Rs. 4.5 Lakhs/annum in 2009 (GOP, WD, 1/41/93-RC I/209, dt. 24-02-2009). The income limit was raised to Rs. 6 Lakhs/annum in 2013 (GOP, WD, 1/41/93-RC I/609, dt. 24-10-2013). In 2017, when the Union Government has revised the income limit for the creamy layer, and the State Government has also followed by increasing it to Rs. 8 Lakhs/annum (GOP, WD, 1/41/93-RC I/1093050/1, dt. 27-10-2017).

5.7.2.2 Removal of condition of qualifying marks

In the educational institutions where the admissions were based on competitive exams, there was a possibility of the reserved seats remaining unutilised due to shortage of successful candidates from the communities for which the seats were reserved. In 1992 the Government has waived off the condition of obtaining minimum qualifying numbers in PMT. It has directed that separate merits lists will be prepared for each of the reserved category, and the admissions to MBBS, BDS, and BAMS will be based on relative merit of candidates in each of such categories (GOP, Dept. of Health & Family Welfare, 22/3/91-5HBI II/23374, dt. 17-7-1992).

5.7.2.3 Educational facilities in schools and colleges and income limit

The children belonging to SC and BC communities were being given certain benefits in educational institutions, like scholarships etc. Income limit of parents was imposed on both categories to get such benefits. In 1983 the income limit for the BCs was increased from Rs. 3600/annum to Rs. 6000/annum both for schools and colleges. The income limit for SC student was increased from Rs. 6000/annum to Rs. 9000/annum both for schools and colleges (GOP, SCs & BCs Welfare Dept., 1249-SWA/69-83/5058, dt. 20-5-1983). The Punjab and Haryana High Court has rejected the limit for OBCs, and the Government has extended this limit to Rs. one lac per annum (GOP, WD, 8/144/93-WC 2/7017, dt. 27-9-95).

In 1985 the income limit for the SC students studying at school level as well as college level was increased to Rs. 15000/annum to be eligible to get the affirmative action policy benefits (GOP, WD, 3/60/85-SWA [4]/8328, dt. 27-9-1985).

5.7.2.4 Increase in reservations

1971 Census has recorded the proportion of SC population in the state as 24.71 per cent. An increase in the proportional share of BC population was also assumed, because several new castes were included in the BC list from time to time. To provide due share to these communities in opportunities of education, the Government of the State has in 1974 decided to increase the percentage of reservation for both categories for admission into educational institutions. So, the reservation for SC category was increased to 25 per cent and for the BC category to 5 per cent (GOP, WD, 4933-SWI-74/21145, dt. 6-11-1974).

5.7.2.5 Candidates selected on their own merit not to be considered against reserve seats

In respect of direct recruitment and promotions, candidates selected on their own merit have been excluded from being counted against reserve points (GOP, WD, 1244-OSD [W] Z-70/19996, dt. 30-07-1970). The policy has stood the judicial test in R. K. Sabharwal case (1995). But similar instructions were not issued in respect of the reservations for admissions into educational institutions. As a result, the educational institutions were counting the seats secured by the candidates of SC and BC categories on their own merit, in the number of seats reserved for these categories. Government of State has after serious consideration of the practice, issued the directions to the educational institutions in the State that those candidates belonging to reserved categories, who have secured seats on merit shall not be counted against the seats reserved for those categories (GOP, WD, 7/21/2004-RC-I/1674-1677, dt. 20-12-2004).

It has come to the notice of the Welfare Department that some educational institutions were calling the SC and BC category candidates for counselling before the general category. In this manner the reserved category candidates were given the chance only to compete within their own categories, and all the selected candidates were regarded as admitted against the reserved seats. In order to give effect to the reservation policy, the Government of Punjab has in 2010 directed the various

universities and professional institutions in the State that the general category counselling was to be conducted before the reserved category, and all the candidates were to be given a chance to compete for open seats. If any SC or BC candidate was selected on his/her own merit in the general category seats, he/she was not to be counted against the seats reserved for his category. The counselling for SC and BC reserved seats was to be conducted after the filling of the seats open for all categories (GOP, WD, 7/21/2004-RC I/811, dt. 24-06-2010).

5.7.2.6 Increase in reservations for Backward Classes

Reservations for the Backward Classes in Punjab were provided as early as in 1953. Initially the number of castes in this group was small, so only 2 per cent of seats were reserved, which were increased to 5 per cent in 1974. Number of communities in this group goes on increasing, resulting in the increase in the proportional population of Backward Classes. In 1990 the Union Government has declared the implementation of the Mandal Commission Report, providing 27 per cent reservations in Central services for the OBCs. In 1996 the Government of Punjab has also declared the implementation of the recommendations of Mandal Commission and consequently to increase the percentage of reservation for the Backward Classes. For the employment under the Government and Semi-Government bodies the reservation for direct recruitment was increased to 12 per cent (GOP, WD, 7/1/90-RCI/11374, dt. 30-12-1996).

5.7.3 Reservations in promotions

5.7.3.1 Reservations in promotions: early phase

Initially the reservations in services were provided only at the time of entry into service, i.e., new recruitments. Promotions were made only on the bases of seniority and merit of the person. But the government had noticed that the representation of SC/ST and BC communities was not satisfactory at the higher-level posts. So, in 1963 the Government has made a provision for 10 per cent reservations

in promotions; 9 per cent in favour of SC/ST and 1 per cent for BC communities (GOP, SCs and BCs Dept. 6486-5WG-II-63/19193, dt. 12-9-1963).

Some of the departments have rules that a person shall be recommended for a test for promotion. The recommendations were made on the basis of seniority after a prescribed period of service. This process involves three conditions:

1. completion of a prescribed period of service;
2. seniority among those who have completed the prescribed period; and
3. passing of test

There were instances that required number of reserved category candidates were not available either on seniority basis, or those who were available remain unsuccessful in the test. In order to ensure the representation of these communities in the services at the higher-level posts, the Government has provided that:

1. On the completion of prescribed period of service, an SC/ST/BC employee can be recommended for test, irrespective the order of his seniority.
2. For every single reserved post, two employees will be recommended.

This decision has relaxed the conditions in promotion of SC/ST/BC employees. But it was specifically provided that conditions of a prescribed period of experience, and minimum qualifications were not to be relaxed (GOP, SCs & BCs Dept., letter no. 4183-4WGI-64/17314, dt. 3-9-1964).

5.7.3.2 Reservations in promotions: formulation of policy on lines with the Central policy

Reservations in promotions were provided both by the Government of India and by the Government of Punjab. Different policies were adopted by both the governments. In 1966 Punjab Government has modified its policy to bring it in line with the policy of the Central Government. Under the new policy the reservations in promotions to the posts in Class I and Class II were withdrawn. In the appointments by promotion in Class III and Class IV, the reservations for SC/ST were increased to

20 per cent and for the BCs to 2 per cent (GOP, Welfare of SCs & BCs Dept., 6872-WG-66/24917, dt. 23-8-1966).

5.7.3.3 Reservations in promotions also in Class I and Class II posts

While making the reservation policy in promotions on the pattern of Government of India, the reservations were restricted in Punjab only to Class III and Class IV posts. But considering the lean presence of the members of SC and BC communities, the State Government has decided to provide reservations in promotions to Class I and Class II posts also (GOP, Welfare of SCs & BCs Dept., 1411-SWI-74/7421 dt. 26-4-1974). So, an order was issued to various departments to reserve 14 per cent of posts for the SC and 2 per cent for the BC communities in promotions to Class I and Class II posts, and a 100 point roster was provided to fix the points of reservations (GOP, Welfare of SCs & BCs Dept., 1494-SWI-74/8105, dt. 4-5-1974).

5.7.3.4 Reclassification of Classes and Reservation

Earlier, various posts under the Government of Punjab were classified into four Classes, that is classes I, II, III, and IV. The Fourth Pay Commission of Punjab has recommended to reclassify these posts into four Groups, that is, groups A, B, C, and D. The new grouping was not completely in line with the previous grouping into four Classes. Some of the posts which were in Class II or Class III were under the new scheme included in Group A, or Group B respectively. Reservation in promotions in the State was provided for Class wise, it was 14 per cent in Class I and Class II, and 20 per cent in Class III and Class IV. With the reclassification of services and posts, the Government has introduced certain changes in the reservation policy also. 14 per cent reservations were provided for Group A posts and 20 per cent for Group B, Group C, and Group D posts (GOP, WD, 1/2/2002-RC-I/301, dt. 16-05-2002). But there was a confusion regarding this new grouping and proportion of reservations. The Government has clarified that 20 per cent reservation was applicable in case of Group D and Group C posts, and 14 per cent in Group A posts. In case of Group B posts, 20 per cent reservation was to be applied in case of those non-gazetted

posts which were previously in Class III, and 14 per cent in case of the gazetted posts, which were previously in Class II (GOP, WD, 1/2/2002-RCI/601, dt. 18-06-2003).

5.7.3.5 Reservations in appointments by direct recruitment and promotions not applicable to research related posts

Government of Punjab has opined that for the purpose of scientific progress of the country, for the appointments to the posts related with research, the best available persons should be given preference over the persons having minimum qualifications. So, the appointments to the posts, responsible for "organising, guiding and directing" research, both by direct recruitment and promotions, were specifically excluded from the reservation policy (GOP, Welfare of SCs & BCs Dept., 6872-WG-66/24917, dt. 23-8-1966).

In the course of time, it had come to the notice of the Government that the term research was being so interpreted as to include such posts also within its purview, which involves only collection and compilation of data etc. Such a wider interpretation of research has excluded several posts from the reservation policy. In 1975 the Government has issued an order, in which the definition of research was limited only "to posts for conducting research or organising, guiding and directing research in a Science Laboratory along scientific lines and with scientific instruments" (GOP, Welfare of SCs & BCs Dept., 2622-SW2-75/20614, dt. 2-9-1975).

5.7.3.6 Reservations in promotions and Indra Sawhney case

Indra Sawhney case also known as Mandal Commission Case was mainly based on the declaration by the Union Government reservations for the Other Backward Classes in the Central services (GOI, Dept. of Personnel & Training, 36012/31/90-Estt. [SCT], dt. 13-8-90, modified on 25-9-91). Considering the complications and sensitivity of the issue, the Supreme Court has referred the case to the Special Bench of nine judges, so that the legal position on the issue of reservations can be settled "in an authoritative way" (Indra Sawhney v. Union of India, 1992). Provisions relating to reservations being interwoven, various aspects related to the

issue were considered by the Court. It has also considered, whether the reservations can be provided only at the stage of entry into service or promotions also? The apex court has ruled that reservation in promotions "would be serious and unacceptable inroad into the rule of equality of opportunity" and will result in the creation of "a permanent separate category apart from mainstream". The Court had felt that reservation in promotion will result in "leap-frogging" for the backward classes, creating "a feeling of despondence and 'heart-burning' among open competition members". The Court has directed not to provide reservations in promotions. Any relaxations or concessions, like lowering the qualifying marks for promotions, which might have the effect of compromising the efficiency of administration were also prohibited. The Court has directed that only those concessions may be accepted which will not affect the efficiency of administration, like "carrying forward of vacancies and provisions for in-service coaching/training" etc. Where the reservations in promotions have already been provided, the Court has allowed the Government to continue it for a further period of five years. (para 107).

5.7.3.7 Continuation of reservations in promotions for 5 years

In the state of Punjab there was a provision for reservations in promotions since 1963. In the light of the Supreme Court judgment in the Indra Sawhney case, it has decided to continue the facility for another 5 years, from the date of judgement, that is, November 16, 1992 (GOP, Welfare of SCs & BCs Dept., 1/64/92-RC-I/4234 & 4227, dt. 3-6-1993).

5.7.3.8 Reservation in promotions: seventy-seventh amendment of the Constitution

In Indra Sawhney case, the Supreme Court has declared that article 16(4) does not permit reservations in promotions and such a provision "would be serious and unacceptable inroad into the rule of equality of opportunity" and despite its being in practice since a long time, it "is not sustainable in principle and ought to be departed" (para 107). The apex court has allowed the continuance of such reservations where they were already in practice for a further period of five years, and the Government of

Punjab has decided to such continuation. But considering the lower representation of Scheduled Castes and Scheduled Tribes in the services, the Parliament has deemed it necessary to continue the policy of reservations in promotions for the SC and ST categories (SOR, 77th amendment Act, 1995). So, in 1995 the Constitution was amended by seventy-seventh amendment, and article 16(4A) was inserted therein, which is as following:

(4A) Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion to any class or classes of posts in the services under 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. (Constitution 77th Amendment Act, § 2)

Article 16(4A) has authorised the State to continue the reservations in promotions, but only for the SC and ST communities, not for OBCs. In the State of Punjab, the reservations in promotions were provided both for the SC and OBC communities, which were extended for a period of five years from the day (16-11-1992) of the decision of the Supreme Court in Indra Sawhney case. That period was about to expire on 15-11-1997. After that period reservations in promotions cannot be provided for in favour of OBC community. So, the Government of Punjab has notified that the reservations in promotions were no longer to be available in favour of OBC category. But the reservations in favour of SCs "will continue till the representation of Scheduled Castes reaches the prescribed percentage". Percentage of reservations in promotions for SC category was kept unchanged, i.e. 20 per cent in Classes III and IV; and, 14 per cent in Classes I and II. After the attainment of prescribed percentages by the SCs the reservations were to be continued for maintenance of that percentages (GOP, WD, 1/64/92-RCI/993, dt. 13-11-1997).

5.7.3.9 Reservation in promotions and consequential seniority

Reservations in promotions results in "accelerated promotions" of reserved category candidates, superseding senior general category candidates. As the reserved category candidates can also be promoted against non-reserved roster points, taking the benefit of seniority over the general category candidates some of such candidates claims promotion to the next grade on the basis of seniority-cum-fitness. The reservation policy of the State, making provision for reservations in direct recruitment and promotions, and exclusion of reserved category candidates selected on their own merit from being counted against reserve points was challenged in Punjab and Haryana High Court (*Joginder Singh Sethi v. State of Punjab*, 1981). The Court had held that the objective of policy of reservation was to ensure the representation of SC and BC categories in services in proportion to their population share. Once, the representation of these categories in a cadre have reached in proportion to their population, whether by reservation or on their own merit, the candidates belonging to these categories cannot claim the benefits of reservation beyond that proportion. The High Court has allowed the writ petition and the Government has filed a Special Leave Petition before the Supreme Court against the decision of the High Court. The apex court has on October 19, 1982 passed the stay orders against the "reversion" of persons already appointed/promoted. Making a clarification on the stay orders, the court has on February 8, 1983 explained that any person, appointed/promoted before October 19, 1982 as per the policy of Punjab Government, was not to be reverted. The apex court has further ordered that until the disposal of the appeal, future appointments/promotions were to be made on the basis of decision of the High Court, but it was to be mentioned in the relevant letters issued to the candidates, that such appointments/promotions are subject to the decision of the Supreme Court.

In *Ajit Singh Janjua v. State of Punjab* case (CA No. 3792-94 of 1989), the Supreme Court has held that "The rule of reservation gives accelerated promotion, but it does not give the accelerated consequential seniority". If a junior candidate gets accelerated promotion by virtue of reservation, and a senior general category candidate is promoted later, "the general category candidate shall regain his seniority

over such earlier promoted Scheduled Caste/Tribe candidate". The Court apprehended that in the absence of this rule there will be stage when all the higher-grade posts shall be held by reserved category candidates to the exclusion of general category (para 16). To give effect to the order of the Supreme Court, Punjab Government has modified its reservation policy, fixing the seniority according to the "panel position" of the candidates in the lower grades and to review the promotions made after October 19, 1982 (GOP, WD, 13/3/96-RC1II/8804, dt. 9-10-1996).

In Ajit Singh II (1999) case, the Supreme Court has reiterated that a person getting promotion by virtue of reservation, cannot claim seniority in the next grade over a general category candidate, who was senior to him in the initial grade, but was promoted later (para 49). The Court has also ordered to review the promotions of reserved category candidates, but has imposed restriction that no Scheduled Caste candidate, promoted before March 1, 1996 was to be reverted (para 91). In order to give effect to the decision of the apex court, the Government of Punjab has issued relevant directions to the departments to review seniority, but the instructions regarding reversion of promotees after March 1, 1996 were kept on hold (GOP, Dept. of Personnel, 3/34/99/3PPI/12565, dt. 22-10-1999). After careful examination of the matter of those SC category candidates, who were promoted in excess of the quota fixed for this category, the Government has decided to restore the position of such candidates to the position as prevailing before 01-03-1996. It means that the reversions imposed on SC candidates were taken back. All such candidates were accommodated against the promoted positions as "ad hoc" promotees until their turn of promotion (GOP, Dept. of Personnel, 4/62/2001-3PPI/15012, dt. 5-10-2001).

5.7.3.10 Eighty-Fifth amendment: Power of State to protect the seniority of reserved category candidates

In Virpal Singh Chauhan (1995) and Ajit Singh Janjua (1996) cases, the Supreme Court has directed that reservation provides accelerated promotion but not accelerated seniority. It has ordered to review the seniority of reserved category and general category candidates according to panel position. The Union Government and

the Governments of various States have issued relevant notifications to their departments. But the Union Government believed setting of seniority according to panel position has "adversely affected the interest of the Government servants belonging to Scheduled Castes and Scheduled Tribes category in the matter of seniority on promotion to the next higher grade" (SOR, Eighty-Fifth Amendment Act, 2001). Consequently, the Constitution was amended with the Eighty Fifth Amendment, 2001 to protect the seniority of reserved category candidates, who have got promotion by virtue of reservation. For this purpose, in clause (4A) of article 16, the words "in matters of promotion to any class" were replaced with the words "in matters of promotion, *with consequential seniority*, to any class" (Eighty-Fifth Amendment Act, 2001, §. 2). The amendment was notified on January 4, 2002, but was given retrospective effect from 17-06-1995, the date on which Seventy-seventh amendment, authorising the State to make provision for reservation in promotions had come into force. The Union Government has issued an Office Memorandum, providing for revision of seniority of SC/ST candidates and General/OBC candidates from June 17, 1995 (GOI, Dept. of Personnel & Training, 20011/1/2001-Estt. [D], dt. 21-01-2002).

Eighty-fifth amendment was challenged in the court, so the Government of Punjab has imposed a ban on promotions in Group A, B, and C services in the State from November 2002 (GOP, Dept. of Personnel, 3/26/02-2PP[I]/ 14537, dt. 22-11-2002). In March 2003 the ban was lifted and the departments, boards, and corporations were allowed to promote the employees, by imposing a condition, that such promotions were to be subject to the final decision of the Supreme Court (GOP, Dept. of Personnel, 3/64/2002-2PPI/3871, dt. 11-03-2003).

In 2005 the Government of Punjab has also decided to implement the Eighty-fifth amendment, and to frame a policy for the same (The Tribune, July 27, 2005). In a letter issued by the Department of Personnel, the departments were instructed "that Scheduled Caste employees promoted to any class or classes of posts" by virtue of reservation "will be prospectively entitled to 'consequential seniority' on the post to which they are promoted (GOP, Dept. of Personnel, 3/34/99-3PPI/17646, dt. 15-12-

2005)". Unlike the Union Government pattern, the benefit of consequential seniority was not given retrospectively, but only from November 17, 2005.

5.7.4 Reservations within Reservations

5.7.4.1 Preferential reservation quota for Balmikis and Mazhabi Sikhs

39 castes, races and tribes are declared as Scheduled Castes in the State of Punjab. But these social groups have no uniformity in the scale of development and the deprivations imposed by the practice of untouchability. Few castes in this group have had witnessed highest level of deprivations, and are still at the lowest levels of social, educational, and economic development. Persons belonging to these castes were not able to compete even for the vacancies reserved for the Scheduled Castes. Balmiki and Mazhabi are two such groups, having a common social background (traditionally known as "Chuhra", those professing Hinduism record themselves as Balmikis and those converted to Sikhism record themselves as Mazhabis). Both castes have a lowest literacy rate (42.3%) in the State, and more than half of their population was working as agriculture wage labourers (Ram, 2017). According to the figures of 1971 Census, the Balmikis constitute 12 per cent and the Mazhabis 28.75 per cent of total SC population. Both the castes combined constitutes a 40.75 per cent of SC population of the State (Census, 1971, series 17, part II-C[i] & V-A, p. 7). Balmiki Sabha has met the then Chief Minister Giani Zail Singh, and has successfully convinced him of the plight of the community (Kaur, 2019). Considering the backwardness of these castes, the Government of Punjab in 1975 have provided that out of the total number of vacancies reserved for the Scheduled Castes, 50 per cent were to be "preferably" given to the Balmikis and Mazhabis, if available (GOP, Welfare of SCs & BCs Dept., 1818-SWI-75/10451, dt. 5-5-1975). These vacancies were to be offered to the members of Balmiki and Mazhabi castes, if they have been reached in the selection pool. In case, no person from these communities was selected, or a smaller number of persons was selected, these vacancies were to be given to other candidates from SC community. There was no "carry forward" principle regarding

this intra category reservation (GOP, SCs & BCs Welfare Dept., 2/573/78- SWI/4781, dt. 12-5-1983).

Preference to the Balmiki and Mazhabi castes on 50 per cent posts reserved for the Scheduled Castes was given both in direct recruitment and in promotions. This policy was opposed by the Ravidasia section of the Scheduled Castes. Babu Jagjivan Ram, a Union Minister at that time who belonged to the Ravidasia caste has pressurised the government to take back the decision of 50 per cent reservation in promotions (Kaur, 2019). Few months later, the Government has changed its policy in this regard and this internal reservation was restricted only to the posts to be filled by direct recruitment. This preferential reservation was withdrawn in cases of promotion (GOP, SCs & BCs Welfare Dept., 1786-SWI-75/23005, dt. 19-9-1975).

5.7.4.2 Preferential reservation quota for Vimukat Jatis

The Vimukat Jatis (denotified castes) in Punjab have been at the lowest level of social, economic, and educational development. Out of these castes/tribes, 7 (Bangali, Barar, Bawaria, Bazigar, Gagra, Nat, and Sansi) falls in the category of Scheduled Castes in Punjab. Some of these castes have only microscopic visibility in the State and combined they constitute 1.8 per cent of total population of the State, and 5.75 per cent of the total SC population of the State. During the British rule these castes were declared as "criminal tribes" and could get release from this tag after 5 years of Independence, when the CTA, 1871 was repealed and the castes and tribes notified under it were declared as "Vimukta Jatis" or the "Denotified Castes". But these castes have not witnessed any signs of development. In social, economic, and political fields; their backwardness has only deteriorated after Independence (Singh [BP], 2008).

The Vimukat Jatis have insignificant presence in service sector and more than 98 per cent of those were engaged in petty jobs (Singh [BP], 2008). These communities have also raised their voice for a specific share in reservations, as the persons belonging to these castes were not able to compete with other sections of SC community. The Government of Punjab has accepted their demand and had declared

that, if seats earmarked for the Balmiki/Mazhabis, SC Ex-servicemen, SC sportsmen, remain unfilled, up to 2 per cent of those were to be reserved as first priority for the Vimukat Jatis and Bazigars (GOP, WD, 1/3/98-RCI/948, dt. 20-12-2001)³². This preferential treatment was conferred on the Vimukat Jatis out of the unfilled vacancies earmarked for Balmikis/Mazhabis, SC Ex-servicemen, and SC sportsmen. But as the major reservations in the primary category (Balmikis/Mazhabis- 50% of SC reservations) were withdrawn in wake of the Supreme Court judgment in E.V. Chinnaiah v State of Andhra Pradesh, the reservations for Vimukat Jatis have also become doubtful. But, after the enactment of the Punjab Scheduled Castes and Backward Classes (Reservation in Services) Act, 2006 the internal reservations for Balmikis and Mazhabis were restored (§. 4[5]), the Government has reiterated that the policy of preferential reservation for the Vimukat Jatis was to be continued (GOP, WD, 1/3/98-RC-I/962, dt. 22-07-2008).

5.7.4.3 Reservation within reservation challenged

Giving preference to the candidates of certain castes within the Scheduled Castes as to reserved posts have been challenged in courts on several occasions. First of all, it was challenged in 1976 (Sadhu Singh v. State of Punjab)³³, staking his claim to a single post on the basis of instructions issued by the Government. But the court has held that the instructions were merely for preferential treatment, not for reservation within reservations. Hence, the preference can be given only if the relative merit of a Balmiki/Mazhabi candidate was equal to the merit of other SC candidates. The validity of instructions was challenged again in Ram Rattan & Others³⁴ case where the court has upheld their validity.

In 1979 the validity of instructions was challenged again in two Civil Writ Petitions³⁵ before Punjab and Haryana High Court (both were heard together). In this case, referring to a sociological research conducted by A. N. Sinha Institute of Social

³² Policy reiterated wide letter no. 1/3/98-RC I-268, dt. 25-03-2011.

³³ Sadhu Singh v. State of Punjab and others, decided on 6th July, 1976

³⁴ Civil Writ Petition No. 3480 of 1976 (Ram Rattan and Ors. v. The State of Punjab and Ors.) decided on 16th November, 1977

³⁵ C.W.P. No. 4132 of 1979 & C.W.P. No. 3723 of 1979.

Studies, Patna, the Court has accepted that all the social groups included in the Scheduled Castes were not equal amongst themselves. They constitute "a tiny elite gobbling up the benefits and the darker layers sleeping distances away from the special concessions. For them, Arts. 46 and 355 remain a 'noble romance', the bonanza going to the 'higher' Harijans (para 13)". Analysing the objective of article 16(4), the Court has observed that it allows special concessions like reservations for a class, satisfying two conditions- social and educational backwardness and inadequate representation in services. Scheduled Castes satisfied these tests, and apart from Scheduled Castes there are also certain other groups which are backward and have inadequate representation in services, but not to the extent as that of the Scheduled Castes. For the purposes of special treatment Article 16(4) does not sought distinction between Scheduled Castes and other backward groups. But the reservations for both groups have been earmarked separately, as otherwise the other backward groups "might have cornered a larger portion of the reserved cake (Kanwaljit Singh Sidhu v. State of Punjab, 1980, para 17)". By an illustration of State having five groups included in the Scheduled Castes, out of which three groups have three times much representation in services as compared to the remaining two groups, the Court has accepted the authority of the State to provide for a preferential treatment in favour of the groups having least representation. Accepting the assertion of the State that the representation of Balmikis and Mazhabi Sikhs in services was inadequate as compared to other groups of the Scheduled Castes, the court has declared the instructions prescribing 50 per cent of SC reservation to the persons belonging to these castes as constitutionally valid (paras 19 & 20).

5.7.4.4 Reservation within Reservation case in Supreme Court

The State of Andhra Pradesh has appointed a commission under the Chairmanship of Justice Ramachandra Raju (Retd.), to identify the groups within Scheduled Castes. On the recommendations of the Commission the State has promulgated an Ordinance for the division of all the 59 castes into four groups, and sub-dividing the posts reserved for the SC category within those groups. The Ordinance was challenged before the High Court, and pending the writ petitions, the

Legislature has passed "The Andhra Pradesh Scheduled Castes (Rationalisation of Reservations) Act, 2000", to replace the Ordinance. The High Court has upheld the validity of the Act.

The Act was challenged before the Supreme Court in the form of Civil Appeal (E. V. Chinnaiah v State of Andhra Pradesh, 2000). The petitioner has challenged the constitutional validity of the Act on the following grounds:

1. Violation of Article 341(2) of Constitution
2. Legislative competence
3. sub-classification of Scheduled Castes violates the right to equality before law

As regards the provisions of Article 341, the Court held that only President was empowered to notify the list of Scheduled Castes with respect to any State or UT, after consultation with the Governor of the State. Any alteration in the said lists can be made only by the Parliament. Speaking on the draft of this Article in the Constituent Assembly, Dr. B. R. Ambedkar has explained that this scheme was formulated to protect the lists so notified from politically motivated disturbances. The Court concluded that based on views expressed by the framers of the Constitution, "the State Legislature or its executive has no power of 'disturbing' [term used by Dr. Ambedkar] the Presidential List of Scheduled Castes for the State (AIR, 2005, Supreme Court [162-186], p. 169)".

As regards the second question, the State has claimed that the Act was within its legislative competence on the basis of entry 41 of State List (State public services) and entry 25 of Concurrent List (Education etc.). But the Court could not agree to this view. It held that the primary object of the Act was the classification of the Scheduled Castes into four groups. Making provisions for reservations cannot be accepted as its primary objective, as the reservations were already in practice in the State. So, the State Legislature was not competent to enact the law.

On the issue of sub-classification of Scheduled Castes, the apex court has held that once included in the Presidential List of Scheduled Castes, those castes became one class for the purposes of the Constitution. Commenting on the power of the States

to disturb that class, the court held that "If they are one class under the Constitution, any division of these classes of persons based on any consideration would amount to tinkering with the Presidential List (AIR, 2005, Supreme Court [162-186], p. 170)".

On the bases of all of the above-mentioned considerations, the Act was declared as unconstitutional and ineffective by the apex court. This decision of the apex court has its effect on the caste based preferential policies in the reservation for the SC category.

5.7.4.5 Reservation within reservation: Instructions issued by Punjab Government challenged again

Instructions issued by the Government of Punjab making provision for further classification of reserved posts were considered by the Full Bench of Punjab and Haryana High Court (Kanwaljit Singh Sidhu P. C. S. [Executive] v. State of Punjab, 1980), and were upheld by the court. But as a law of Andhra Pradesh, containing similar provisions was struck down by the Supreme Court, instructions of the Punjab Government were also challenged again (Attar Singh Dhoor & Others v. State of Punjab) in 2005. The petitioners have contended that the said instructions were in derogation of law laid down by the apex court in E. V. Chinnaiah case, and application of said instructions, reserving 50 per cent seats in favour of Balmiki and Mazhabi Sikh castes out of the total SC reserved seats has done grave injustice to the remaining 35 Scheduled Castes of the State. The Government of Punjab has tried to defend the provision by stating that the instructions were issued based on relative lower social, educational, and economic status of the beneficiary castes, and the provision has been upheld by the Full Bench of the High Court in Kanwaljit Singh case. But referring to the decision of the Supreme Court, the High Court ruled that under Article 341 of the Constitution, the Government of a State cannot make any, disturbance, re-arrangement, re-grouping, or re-classification of the castes included in the Presidential List. The Court ruled that the law laid down by the Supreme Court was binding on the High Court, so the instructions issued on May 5, 1975 were not in conformity with the law of the land. The High Court has quashed the instructions.

5.7.4.6 Reservation within reservation: preferential treatment to the most backwards or the reclassification of Scheduled Castes?

Policy of reservation within reservation was challenged again before the High Court in 2011 (*Davinder Singh v. State of Punjab*). The petitioner has belonged to SC category, and was at first number of waiting list. On the other hand, 2 seats were laying vacant in SC-BMS category and 1 in SC-Ex-Servicemen category due to non-availability of eligible candidates. The petitioner has sought appointment on the basis of provisions of the "Punjab SCs & BCs [Reservation in Services] Act, 2006, which provides that in direct recruitment out of the total seats reserved for the SC category, 50 per cent "shall be offered to Balmikis and Mazhabi Sikhs, if available, as a first preference from amongst the Scheduled Castes (§. 4[5])". The Government and the Welfare Department have taken the plea that the petitioner cannot claim to be considered for appointment against a vacancy reserved for a category to which he does not belong. According to this policy, from amongst the posts reserved for the Scheduled Castes, the seats reserved for the SC-Ex Servicemen and BMS were a "separate" class of posts, belonging to a different category. The Court has held that "the said seats will necessarily have to be carried forward, as per Section 6(1) of the Act and cannot be, as such, filled up from other categories". Consequently, the petition was dismissed and the view of the State that the seats reserved for BMS, constitutes a separate class of vacancies was accepted.

5.7.5 Reservations in Representative Bodies

Constitution has provided that the Scheduled Castes and Scheduled Tribes are to be given representation in democratic political institutions of the country, both at the Union level and at the State level. In case of reservations in services and in admissions in educational institutions, the State is authorised to make provisions for the same, and it is not compulsory for the State to do so. But in case of political representations, the provisions for reservations have been made in the Constitution itself (Articles 330 & 332). Constitution had also authorised the President and the Governors of States to provide representation respectively in the House of the People

and in the Legislative Assemblies of States, to the members of Anglo-Indian community by nominations (Article 331 & Article 333).

5.7.5.1 Duration of Reservations

The original Constitution had provided that the provisions for reservations in favour of SC and ST categories and special representation of the Anglo-Indians "shall cease to have effect on the expiration of a period of ten years from the commencement of this Constitution (COI, Art. 334)". As the period was going to expire on January 25, 1960, the Parliament has enacted 8th Amendment to the Constitution, replacing the words *ten years* with the words *twenty years*. So, the reservation in representative bodies was extended for twenty years. Up to 2010, as and when this duration was about to expire, Article 334 was amended³⁶, and the reservations and special representations were extended for another ten years. When this duration was going to complete seventy years on January 25, 2020, the Parliament has enacted 104th amendment to the Constitution. Through this amendment the duration of reservations for SC and ST communities was extended for another ten years, i.e., up to January 25, 2030, but the duration of special representation for Anglo-Indians was not extended; hence, the special representations have ceased to be operative from January 26, 2020.

73rd and 74th amendments have provided for the framework of local government institutions (LGIs) for rural and urban areas. Part IX (Articles 243-243-O) and Part IX-A (Articles 243P-243ZG) were inserted in the Constitution respectively for the rural and urban area local governments. Article 243D has provided for reservation of seats at every level of Panchayati Raj Institutions (PRIs) for the SC and ST categories, in proportion to their population in such a Panchayat area. Offices of Chairpersons are also to be reserved for the members of both categories. It has not provided reservations in favour of backward classes, but has left it to the discretion of the State Legislatures. Similar provisions were made by Article 243T for reservations in urban areas. In both articles, the reservations were made

³⁶ 8th amendment 1960, 23rd amendment 1970, 45th amendment 1980, 62nd amendment 1990, 79th amendment 2000, 95th amendment 2010.

coterminous with the duration prescribed for House of the People and for the Legislative Assemblies of States under Article 334.

5.7.5.2 Reservations in the House of the People

Article 330 has provided for the reservation of seats in the House of the People for the SC and ST categories. It has provided that in any State or UT, the proportion of seats reserved for these communities shall not be less than the proportion of the population of these communities in that State or UT. Number of seats reserved for these categories in any State are determined by the *Delimitation Commission* appointed from time to time.

Table 10: Reservation share in Punjab during different elections to House of the People

S. No.	Delimitation Order Year	General Seats	SC Reserved Seats	Total Seats	%age of reserved seats
1	1951	15	3	18	16.7
2	1956	17	5	22	22.7
3	1964	18	5	23	21.7
4	1967	10	3	13	23
5	1976	10	3	13	23
6	2008	9	4	13	30.8

Source: Delimitation Orders issued in 1951, 1956, 1964, 1967, 1976, and 2008.

5.7.5.3 Reservations in Legislative Assembly of the State

Reservations for the Scheduled Castes and the Scheduled Tribes in the Legislative Assemblies of States are governed by Article 332 of the Constitution. It provides that in the Legislative Assembly of every State, seats shall be reserved for the Scheduled Castes and the Scheduled Tribes as nearly as may be in proportion to the population of these categories in the State. In the State of Punjab, after the commencement of the Constitution, the seats reserved for the Scheduled Castes were as followings:

Table 11: Reservation share in the Legislative Assembly of Punjab:

S. No.	Delimitation Order Year	General Seats	SC reserved Seats	Total Seats	%age of reserved seats
1	1951	105	21	126	16.7
2	1956	121	33	154	21.4
3	1964	128	33	161	20.5
4	1967	81	23	104	22.1
5	1976	88	29	117	24.8
6	2008	83	34	117	29.1

Source: Delimitation Orders issued in 1951, 1956, 1964, 1967, 1976, and 2008.

Decadal Readjustment of total seats and the reserved seats

Article 82 of the Constitution has provided that "Upon the completion of each census, the allocation of seats in the House of the People to the States and the division of each State into territorial constituencies shall be readjusted". Similar provision does exist in respect of the Legislative Assemblies of States under Article 170(3). Census in India is conducted in the first year of every decade, so readjustment of seats, known as *Delimitation* is also a decadal exercise. Seats of Punjab in the House of the People and in its Legislative Assembly were fixed by the Delimitation Order of 1951 on the basis of estimates of population as on March 1, 1950 (SOR, Representation of the People Act, 1950). States were reorganised in 1956, resulting in "redrawing" the political map of India. Consequently, the number of seats and areas of constituencies were fixed again by the Delimitation Commission in 1956. After the decadal census conducted in 1961, the Delimitation Commission was appointed and the Delimitation Order 1964 was issued based on the figures of that census. Punjab was reorganised again in 1966, and the Delimitation Order was published for the demarcation of Parliamentary and Assembly constituencies (Delimitation Commission Notification, Gazette of India, Part II, §. 3[ii] S.O. 3599, dt. 23-11-1966, pp. 1616-1624). After the decadal census conducted in 1971, the Delimitation Commission was appointed and the Delimitation Order was published in 1976.

National Population Policy 1976 and freezing of representation of States in the House of the People

Due to the pressure of uncontrolled population growth on the national resources, the Government of India wants to control population growth, and was taking measures together with State Governments. The States having performed better in population control were continuously losing representation in the democratic institution; while those performing not well, were getting premium on failure by getting more weightage in such institutions. National Population Policy, 1976 has provided that along with other measures the representation of States in the House of the People should be frozen at the population figures of 1971 for the next 25 years (SyamRoy, 2016 p. 256). Forty-second amendment has added the provisos to Articles 80 and 170(3), providing that it shall not be necessary to make readjustments until the publication of figures of the first census conducted after 2000 (Constitution [42nd Amendment], §§ 16 & 29).

Population stabilisation failure: Penalising the States/UTs; exemption to weaker sections

The freezing of seats was a penalizing step against the States, defaulters of not controlling the population growth. It was going to expire after the publication of population figures of 2001 census. The demands were being raised for fresh delimitation on the one hand and extending the freezing time on the other hand. As per the National Population Policy strategy, the Union Government has decided to put the delimitation in the cold storage up to the year 2026 (SOR, Constitution [84th Amendment], 2000). But there was an uneven population growth during the 25 years, resulting in intra-state disparities of population of constituencies. Further, the seats reserved for the SC and ST categories has also frozen, which was otherwise increasing under every delimitation. The Constitution (84th Amendment, 2000) has provided that the total number of seats allotted to the States and UTs in the House of the People and in their Legislative Assemblies shall remain unchanged up to the first census conducted after the year 2026. But, in order to remove intra-state disparities in

the size of the constituencies, "delimitation within the States" and with respect to the Scheduled Castes and Scheduled Tribes constituencies was allowed on the basis of 1991 census. In pursuance of this amendment, Parliament has passed the "Delimitation Act, 2002" and the Delimitation Commission was constituted under the Chairmanship of Justice Kuldeep Singh to rationalise the constituencies, without making any change in the total number of seats allocated to a State. The Commission has written to the Government that the delimitation exercise was going to be conducted after a gap of three decades, so it should be based on the population figures, as ascertained at the latest census of 2001 (SOR, Constitution [Eighty-Seventh Amendment] Act, 2003). Parliament has enacted the "Constitution (Eighty-Seventh Amendment) Act, 2003" and the basis for internal readjustment and SC and ST reserved seats was changed to 2001 census figures. It has resulted in an increase in the number of seats reserved for the Scheduled Castes, and Scheduled Tribes, both in the House of the People and in the Legislative Assemblies of States. In the House of the People the SC reserved seats were increased from 79 to 84 and the ST reserved seats were increased from 41 to 47 (Delimitation Order, 2008, Sch. 1, pp. 4-5). In the Legislative Assemblies of States/UTs the number of SC reserved seats has increased from 569 to 607, and the number of ST reserved seats has increased from 532 to 554 (Delimitation Order, 2008, Sch. 2, pp. 6-7).

5.7.5.4 Reservations in Municipalities

Urban local government bodies are constituted and regulated under the provisions of "The Punjab Municipal Act, 1911", as amended from time to time. After Independence the major changes in the Act were made by "Punjab Municipal (Amendment) Act 11, of 1994", enacted to implement the provisions of Part IX-A of the Constitution. The Punjab Municipal Act, 1911 provides for the classification of urban areas as the "transitional area" and the "smaller urban area". Nagar Panchayats are created for transitional areas and Municipal Councils are created for smaller urban areas (Punjab Municipal Act, 1911, § 4).

Municipalities consists of members directly elected from the Municipal area and the MLAs, representing constituencies comprising the Municipal area (Punjab Municipal Act, 1911, §. 12). In any Municipal area seats for direct elections are reserved for the Scheduled Castes in proportion to their population in the area. One seat is reserved for the Backward Classes (PMA, 1911, §. 8). Offices of Presidents of Municipalities are also reserved for both categories. 5 per cent such offices are reserved for the Scheduled Castes, and 2 per cent are reserved for the Backward Classes.

Municipal Corporations have been established for the Larger Urban Areas of the State, to act as the units of local self government (Punjab Municipal Corporation Act, 1976, § 3). Each Municipal Corporation consists of directly elected Councillors and ex-officio members. The number of directly elected Councillors lies between 50 to 100 (PMC Act, 1976, § 5). In a Municipal Corporation, seats of directly elected Councillors are reserved for the members of Scheduled Castes, in accordance with the proportion of the population of the community to the total population of the city. Two seats are reserved for the members of Backward Classes (PMC Act, 1976 § 6). Offices of Mayors are reserved by rotation³⁷ on the State basis. Five per cent of the Mayor's offices are reserved for the Scheduled Castes, and 2 per cent for the Backward Classes (PMC Act, 1976, § 7).

5.7.5.5 Reservations in Panchayati Raj Institutions

Making provisions of reservations for Scheduled Castes and Scheduled Tribes in PRIs at all the three levels- Gram Panchayat (Village Council), Block Samiti (Block Committee), and Zila Parishad (District Council) is constitutionally mandatory (Art. 243D). Making such provisions for Backward Classes is left to the discretion of the States. Punjab Panchayati Raj Act (PPRA), 1994 has provided for the constitution of Village Panchayats consisting of a Sarpanch and 5-13 members (PPRA, 1994, §. 10). The number of seats reserved for the Scheduled Castes is determined in

³⁷ A 100-point roster is prepared for the purpose, which provides that the points occurring at numbers 10, 36, 54, 77, and 93 are SC reserved, and the points occurring at numbers 24 and 81 are BC reserved.

accordance with the population of the community in a Gram Sabha³⁸ area (PPRA, 1994, § 11[1]). Reservation is also provided for the Backward Classes, but it is not in proportion to their population. Only one seat is reserved for Backward Classes, if the proportion of this category is more than twenty per cent of the total population of the Gram Sabha area (PPRA, 1994, § 11[4]). Offices of Sarpanches are reserved for the members of Scheduled Castes in a district according to proportion of their population (PPRA, 1994, § 12[1]). But no office of Sarpanch is reserved for the Backward Classes (PPRA, 1994, § 12[3]).

The middle level PRI body is Block Samiti, which is constituted for each block. Every Block Samiti consists of 6-10 directly elected members. Seats are reserved for the persons belonging to Scheduled Castes in proportion to the population of the community in the Block (PPRA, 1994, § 102[1]). Offices of Chairmen and Vice-Chairmen are also reserved for this category in accordance with the proportion of population of the community in the district (PPRA, 1994, § 106). For the Backward Classes reservation is provided for the membership of the Samiti. One seat is reserved for the community, if its population in the Block Samiti area is more than twenty per cent of the total population (PPRA, 1994, § 102[4]).

The Zila Parishads constitutes the third tier of PRIs. It is constituted at the district level, and includes all the rural areas of the district (PPRA, 1994, § 161). A Zila Parishad has 10-25 directly elected members. Zila Parishad seats are reserved for the Scheduled Castes, in accordance of the population of the community in the district (PPRA, 1994, § 165[1]). In favour of Backward Classes, only one seat is reserved if the population of the community is not less than twenty per cent of the total population of the district (PPRA, 1994, § 165[4]). Offices of the Chairperson and Vice-Chairpersons are reserved in favour of only SC category, in proportion to its population in the State (PPRA, 1994, § 169).

³⁸ Gram Sabha is a body, which includes all persons who have been registered as voters in a village.

5.8 Identification of Backward Classes

Apart from SC and ST communities in the state of Punjab, the Government has identified certain castes and tribes as Backward Classes (BCs) in 1953. Fourteen castes³⁹ were declared as BCs irrespective of the religion. Thirty castes⁴⁰ were declared as BCs in non-Hindu communities, as the Hindu members of such castes were declared as Scheduled Castes. Following concessions and reservations being given to the SC and ST communities, were also extended to the persons belonging to Backward Classes:

1. Reservation in appointments to posts;
2. Age relaxation for entry into service (5 years for non-gazetted posts, 3 years for gazetted posts);
3. Concessions in application/examination fee (only 1/4 fee is charged);

Hence, the Backward Classes were given all the benefits, available to the candidates belonging to SC or ST categories, except the reservation of seats in the House of the People and the Legislative Assembly.

5.8.1 Appointment of Backward Classes Commission

First Backward Classes Commission was appointed by the Central Government on January 29, 1953. This Commission is also known as Kaka Kalelkar Commission after the name of its chairman. Kalelkar Commission has identified the Backward Classes based on social ranking, representation in services in public sector and industry, and educational indicators etc. The report was submitted to the President on March 30, 1956, along with a note by the Chairman pleading for its rejection, apprehending that the caste-based divisions might hamper the progress of the country.

³⁹ 1. Aheria, Aheri, Heri, Naik, Thorior, Turi, 2. Barra, 3. Beta, Hensor, Hesi, 4. Changar, 5. Chirimar, 6. Daiya, 7. Gwaria, Gauria or Gwar, 8. Kangar or Kanchan, 9. Kurmi, 10. Nar, 11. Rehar, Rehara or Re, 12. Ghirath, 13. Darain, 14. Ghai of Kangra District only.

⁴⁰ 1. Ad-Dharmi, 2. Barar, Burar or Berar, 3. bangali, 4. Batwal, 5. Bauri or Bawaria, 6. Bazigar, 7. Balmiki, Chura, or Bhangi, 8. Banjara, 9. Chamar, Jatia Chamar, Rehgar, Raigar, Ramdasi or Ravidasi, 10. Chanal, 11. Dagi, 12. Dhanak, 13. Dumna, 14. Gagra, 15. Gandhilla or Gandil, Condola, 16. Kabirpanthi or Julaha, 17. Katik, 18. Marija or Marecha, 19. Kori or Koli, 20. Mazbhi, 21. Megh, 22. Nat, 23. Od, 24. Pasi, 25. Parna, 26. Pherara, 27. Sanhai, 28. Sanhal, 29. Sansi, Bhedkut or Manesh, 30. Sapela.

Similar views were expressed by the Government while placing the report before the Parliament. Due to such an environment, no provision was made by the Central Government for the identification of, or for any affirmative action policies for the Backward Classes. On August 14, 1961 the Union Government has authorised the States to identify the Backward Classes in their territories, suggesting that economic factors should have preference over the caste (Indra Sawhney v. Union of India 1992, AIR, [1993] S. C. 477).

5.8.2 Introduction of "income" criteria to identify BCs

Till 1963, the persons included in the BC category in Punjab have been identified on caste basis. Same principle was applicable for the identification of SCs. In 1963 a new principle of identification of backwardness was introduced, which includes economic, social, or occupational status of an individual as its indicators. Under this policy the Government of the State was authorised to declare any person as backward on the ground of economic criteria only, irrespective of his caste or religion⁴¹. It can also declare those communities as backward, which "are socially looked down upon by the people" (GOP, SCs & BCs Dept., 2662-5WGII-63/6934, dt. 20-4-1963). But the benefits of BC class were restricted only to those persons of these socially looked down upon communities, who were economically backward also⁴². Castes and communities already declared as BCs were identified only on the basis of caste criteria. But in 1963 another condition of economic backwardness⁴³ was also added along with caste for the identification of BCs (GOP, SCs & BCs Dept., 5376-5WGII-63, dt. 4-7-1963).

The BCs were given reservation in promotions also. In 1966 condition of income criteria was also imposed on the employees to get the benefit of reservation in promotion. The income limit was fixed as Rs. 1800/ annum for socially backward class, and as Rs. 1000/annum for economically backward class (GOP, SCs & BCs

⁴¹ Having family income of less than Rs. 1000/annum.

⁴² Having family income of less than Rs. 1800/annum.

⁴³ A person will be considered as a member of a Backward Community, if his/her family income does not exceed Rs. 1800/annum.

Welfare Dept., 6872-WG-66/24917, dt. 23-8-1966)⁴⁴. But there were occasions when a BC candidate was appointed on a temporary or ad hoc basis and his income exceeds the prescribed limits to be eligible to get the benefits of being in that category. To remove this difficulty, the Government of Punjab has in 1978 decided that any income from employment on a temporary and ad hoc basis was not to be considered to measure his income for the purpose of BC category benefits (GOP, SCs & BCs Welfare Dept., 2090-SWI-78/1, dt. 8-9-1978).

5.8.3 Finding the Backwardness: a shift towards social backwardness

The backward classes were being identified based on caste-cum-income test, and the income test alone. In 1990, the Government policy towards the identification of BCs have had a fundamental shift, and the *caste-cum-income* criteria was given a preference over the *income only* criteria. The income limit of Backward Castes was increased from Rs. 3600/annum to Rs. 10,000/annum to get the benefits in services and posts (GOP, Dept. of Social & Women's Welfare, Welfare of SCs & BCs., 8/113/88-SWA [4]/ 91195, dt. 28-11-1990). The families eligible for BC status only on the basis of income were not removed from the list, but the income limit fixed for them one and a half decade ago (Rs. 3600/annum) was not increased, practically making it impossible for them to retain the BC status and to get the benefits.

After the Mandal Commission Report was implemented by the Union Government in 1990, there was a wide spread opposition to the decision of the Government. The decision was also challenged on legal grounds before the Judiciary. The Supreme Court in Indra Sawhney case has constituted a Special 9 Judges Bench to investigate all the aspects of reservations. Regarding the identification of Backward Classes, the Court has held that it can be determined on the basis of occupation-cum-income. Economic criterion "may be a consideration or basis along with and in addition to social backwardness, but it can never be the sole criterion (para 90)". To give effect to the order of the Court, the Government of Punjab has issued a direction

⁴⁴ Increased to Rs. 3600/annum for both the categories (5420-SWI-74/23309, dt. 19-11-1974).

that no person shall be considered as Backward on the economic basis alone (GOP, SCs & BCs Welfare Dept. 1/64/92-RCI/1325, dt. 10-2-1994).

5.8.4 Implementation of Mandal Commission Report and Identification of Backward Classes

The Mandal Commission Report was implemented in 1990 by the Union Government. It has provided 27 per cent reservations to the Socially and Educationally Backward Classes (SEBCs) in Central services. The Mandal Commission has also prepared a list of Backward Classes. The Office Memorandum (O.M.) issued on August 13, 1990 has provided that initially the SEBCs shall comprise the "castes and communities which are common to both the list in the report of the Mandal Commission and the State Governments' lists" (O. M. No. 36012/31/90-Estt. [SCT], dt. 13-8-90, modified on 25-9-91). In *Indra Sawhney v. UOI* case, the Supreme Court had directed the Government to exclude the "creamy layer" belonging to the castes included in the Mandal Commission from the benefits of reservation (para 86). The Government of India has prepared a list of certain categories like the children of persons holding constitutional posts, persons serving in Class I posts, engaged in professions like medicine, law, accounts etc., persons holding property, and the persons having annual income of more than rupees 1 lac etc., who were to be considered as *creamy layer*; hence, ineligible for SEBC status. Punjab Government has also brought its policy on lines of Central Government for the identification of advanced sections or *creamy layer* within the Backward Classes (GOP, SCs & BCs Welfare Dept. 1/41/93-RCI/459, dt. 17-1-1994)⁴⁵

5.8.5 Condition of income for reservation in promotion for BCs

The employees belonging to BC category were given the reservation in promotions, but together with a condition of income. An employee whose income has crossed that limit was not eligible to get the benefit of reservation in promotion. This condition was waived off in 1963, making all the BC category candidates eligible to

⁴⁵ <https://indiankanoon.org/doc/339741/> (para 7).

get promotion against a vacancy reserved for this category (GOP, SCs & BCs Welfare Dept. 4651-SWI-74/17691, dt. 4-9-1974). This condition was again changed in 1981, and the benefit of reservation against a reserved vacancy was restricted for only those employees, who were eligible to get selected against a reserved vacancy at the time of their entry into the service. The persons whose income was more than the prescribed limit for BC category at the time of their recruitment, and were selected in the open category, were also barred from taking the BC category benefit at the time of promotion (GOP, SCs & BCs Welfare Dept. 13/6/81-SWI/2904, dt. 2-4-1981).

Block system for reservation of vacancies

In order to apply the policy of reservation for SC and ST communities, the Government had introduced the "Block System" in 1953 (GOP, 9525-WG-53/94449, dt. 8-12-1953). This scheme has provided for the constitution of blocks, containing 5 vacancies in each block, out of which the first was to be SC reserved, with remaining four as open. In case of non-availability of an SC/ST candidate during the recruitment of all the 5 vacancies, the reserved post was to be carried forward in the next block, making first two posts reserved in that block.

In 1950 this 5-point block system was changed with the 100-point roster formula. Under this formula, in every one hundred vacancies, the vacancies situated at the following numbers were reserved for the SC/ST, and BC communities:

1, 6, 11, 16, 21, 26, 27, 31, 36, 41, 46, 51, 56, 61, 66, 71, 76, 81, 86, 91, and 96.

Out of these 21 vacancies, two vacancies (numbered at 26 and 76) were reserved for BCs and others for the SC/ST communities (GOP, W/G, 6028-WG-II-58/2146, dt. 29-1-1959).

The roster was revised in 1964 in the wake of increase in percentage of reservations. The new roster was as following:

1, 6, 11, 16, 21, 26, 27, 31, 36, 41, 46, 51, 56, 61, 66, 71, 76, 77, 81, 86, 91, 96.

Out of these 22 vacancies, two vacancies (numbered at 27 and 77) were reserved for the BCs and others were reserved for SC/ST communities (GOP, SCs & BCs Dept., 2360-4-WGI-64/4860, dt. 24-3-1964).

In 1969 The Government of Punjab has directed its departments, that while sending the information to the Punjab Public Service Commission as to the vacancies therein, they must specify the position of these vacancies on the roster. It was provided to enable the Commission to make recommendations for appointments of candidates from these categories for the reserved posts (GOP, SCs & BCs Welfare Dept., 1071 ਫ਼.ਕ਼.ਯ. [ਭ]⁴⁶-69/22340, 8-9-1969).

5.9 Separate reservation quota for BCs

in 1953, the Government of Punjab had declared certain castes as BCs. They were conferred certain affirmative action policy benefits, including a share in reservations. In 1954 the population of BCs was estimated to be nearly 2 per cent of the total population. It was decided to reserve additional 2 per cent of vacancies for the BCs. It was also provided that in case of non-availability of qualified candidates either in SC/ST communities or in BCs, the transfer of vacancies shall be preferable to each other from these communities (GOP, 1945-WG-54/17246, dt. 17-3-1954).

5.10 Economically Weaker Sections

Reservations and other special welfare measures were first given to the Scheduled Castes by the Union and the States. Reservations and relaxations were then extended by some of the States to the Backward Classes, and in 1990, were extended to the backward classes at Union level by issuing an Office Memorandum on August 13, 1990, providing 27 per cent reservation in civil posts under the Union Government (GOI O.M. 36012/31/90-Estt.[SCT] dt. 13.8.90). The Union Government has revised the said O.M. on September 25, 1991 and the reservations were extended to "other economically backward sections of the people" who were "not covered by

⁴⁶ Letters of Gurmukhi Script "ਫ਼.ਕ਼.ਯ. [ਭ]" may be translated as- A.E.O. (W) or Additional Executive Officer (Welfare)

any of the existing scheme of reservations" (para 2[ii]). Quantum of reservations for the economically weaker sections was fix as 10 per cent.

This extension of reservation had led to a wide spread violence in the country. The decision of the Union Government was challenged before the Supreme Court. The apex court has referred the case to a Nine Judges Special Bench to "finally settle the legal position relating to reservations (Indra Sawhney v. Union of India, 1992, para 26)". The question of identification of backward classes "only on economic basis" was also raised in the case. Deciding this question, the Court has held that "a backward class cannot be determined only and exclusively with reference to economic criterion" (Indra Sawhney v. Union of India, para 90), and had declared the provision as "invalid and inoperative" (Indra Sawhney v. Union of India, para 124).

5.10.1 Reservations for Economically Weaker Sections (EWSs)

In 2019 Parliament has enacted 103rd Constitutional Amendment to provide the benefits of reservations in higher education and in services to the economically weaker sections (SOR, 124th Amendment Bill, 2019)⁴⁷. It has amended Articles 15 and 16 of the Constitution. Clause (6) was added to Article 15, authorising the State to make special provision providing reservation in favour of "economically weaker sections of citizens" in educational institutions. The quantum of reservation was fixed as maximum up to 10 per cent of the total seats (§ 2). Article 16 was also amended by the addition of clause (6), authorising the State for:

making any provision for the reservation of appointments or posts in favour of any economically weaker sections of citizens other than those mentioned in clause (4), in addition to the existing reservation and subject to a maximum of ten per cent. (§ 3)

⁴⁷ The Bill was introduced as "The Constitution (One Hundred and Twenty-Fourth Amendment) Bill, 2019, and after enactment was notified as "The Constitution (One Hundred and Third Amendment) Act, 2019.

The amendment has not provided any criteria of economic backwardness. The State has been empowered to notify from time to time the family income and other economic indicators, based on which a person is to qualify to get the benefits under this category (§ 2).

Department of Social Justice and Empowerment of the Government of India had issued an Office Memorandum to provide for 10 per cent reservations for such persons of EWSs, who were not covered under any other reservation quota. Income and property criteria were prescribed for the identification of EWSs. Under these criteria the family of applicant should have income less than 8 lakh/annum. Irrespective of falling within this income limit, rules of exclusion were also applied to the families, holding:

1. Agricultural land of 5 acres or more;
2. Residential flat of measuring 1000 square feet or above;
3. Residential plot of 100 yards or more in notified municipalities, and of 200 yards or more in other areas.

The reservation was provided for appointments in civil posts under the Union Government and for admissions to educational institutions. The Union Government does not want to reduce the quota of seats available to the other sections, i.e., SC, ST, OBC, and open seats. So, it was provided to create 10 per cent new seats in educational institutions, over and above the seats already available in any course and department (GOI, Dept. of SJ & E, 20013/01/2018-BC-II, dt. 17-01-2019).

In pursuance of this provision, the Department of Personnel and Training has notified 10 per cent reservation for the EWSs in the services under the Union Government (GOI, Dept. of Personnel & Training, 36039/1/2019-Estt. [Res.], dt. 19-01-2019). The right to compete for unreserved posts was reserved with the persons belonging to the EWS. Any EWS candidate, selected in open competition is not to be counted against the posts reserved for this section. A 200-points model roster was prescribed for filling up of posts by direct recruitment (GOI, Dept. of Personnel & Training, 36039/1/2019-Estt [Res], dt. 31-01-2019).

5.10.2 EWS reservation in Punjab

In pursuance of the powers conferred by Articles 15(6) and 16(6) of COI, Government of Punjab has also decided to provide reservations to the EWSs in services. The reservation was provided in the posts to be filled by direct recruitment. Other conditions to get the benefit of this policy were notified on the Union Government pattern (GOP, Department of Social Justice, Empowerment & Minorities, 1/3/2019-RC1/120, dt. 28-05-2019).

5.10.3 EWS quota challenged in Supreme Court

The Constitutional amendment authorising the State to provide for 10 per cent quota for the EWSs was challenged before the Supreme Court (Janhit Abhiyan v UOI, WP [C] 73/2019) on several grounds, particularly crossing the maximum limit of 50 per cent reservations. The Union Government has in its reply accepted that 50 per cent upper limit was the rule, but claimed that it can be broken "in extraordinary situations (Economic Times, August 01, 2019)". In January 2020 the Union Government has told the apex court that there was nothing in the amendment which binds the States to provide EWS quota. The States were free to make or not to make provision of EWS reservation in state services and educational institutions (Economic Times, Jan. 08, 2020). This case involves a substantial question of law, as to the interpretation of the Constitution of India, consequently according to the rules of the Court, a Five Judges Bench was constituted by the apex court in respect of this case. During the completion of the present study, the case was decided on November 7, 2022 and the constitutional validity of 103rd amendment was upheld. The EWS quota was also upheld by the apex court (Janhit Abhiyan v. Union of India, SC, 2022)

5.11 Punjab Scheduled Castes and Backward Classes (Reservation in Services) Act, 2006

The Government of Punjab believed a fixed reserve quota in favour of Balmiki and Mazhabi Sikh castes was necessary to provide adequate representation to them. But, as the High Court has quashed the instructions issued on 5th May, 1975, the

Government has decided to enact the Reservation Act having one of the objectives to make a provision of internal reservation of 50 per cent posts for the BMS castes out of the total reserved posts for the Scheduled Castes (S. O. R., Punjab SCs & BCs [Reservation in Services] Act, 2006). This Act has again provided that in direct recruitment 50 per cent of posts reserved for the Scheduled Castes shall be offered as to the BMS candidates as first preference (Punjab SCs & BCs [Reservation in Services] Act, 2006, §. 4[5]).

5.12 Extension of SC status to Buddhists

There is a dual condition on the attainment of SC status in India. First, the person must belong to a caste, race, or tribe mentioned in the list of Scheduled Castes; and secondly, the person must not be professing a religion other than Hinduism and Sikhism. In 1990, SC status was also allowed to the persons of such castes, races, or tribes, mentioned in the *Schedule*, who were professing Buddhism (Constitution [SC] Orders [amendment] Act, 1990). Government of Punjab has also issued corresponding instructions for the issue of SC certificates to the persons professing Buddhism (GOP, SCs & BCs Welfare Dept. 2/223/79-SW.,/1390, dt. 7.2.91)

5.13 Reservations: Vertical v. Horizontal

In 1996 The Government of Punjab have divided the reservations into vertical and horizontal reservations. Reservations provided for the SCs, BCs, and EWSs are regarded as vertical reservations. while the reservations within these three "watertight" categories, for different sub-categories like, sports persons, physically handicapped, ex-servicemen, and freedom-fighters are considered as horizontal reservations (GOP, Dept. of Social Security, Women and Child Development, Punjab Civil Services [Reservation of Posts for Women] Rules, 2020).

Table 12: Vertical and Horizontal reservations in Punjab (in %age)

S. No.	Horizontal category ↓		Vertical Category								Horizontal Total	
			General		EWS		SC		BC		Gender wise	Total
			Gender wise	Total	Gender wise	Total	Gender wise	Total	Gender wise	Total		
1	Open	Men	28	39	7	10	12	20	6	10	53	79
		Women	11		3		8		4		26	
2	Ex-Servicemen	Men	3	7			4	4	2	2	9	13
		Women	4				--		--		4	
3	Sports persons	Men	1	2			1	1	--	0	2	3
		Women	1				--		--		1	
4	Handi-capped	Men	2.67	4			--	0	--	0	2.67	4
		Women	1.33				--		--		1.33	
5	Freedom Fighter	Men	0.67	1			--	0	--	0	0.67	1
		Women	0.33				--		--		0.33	
Vertical Total	Gender wise	Men	35.34	53	7	10	17	25	8	12	67.34	100
		Women	17.66		3		8		4		32.66	
	Category wise		53	10	25	12	100					

Sources: GOP, Dept. of Social Security, Women and Child Development (Punjab Civil Services [Reservation of Posts for Women] Rules, 2020). G.S.R. 87/Consti./Arts. 309 and 15/2020, dt. 21.10.2020; and

GOP, Dept. of Personnel (Regarding amendment of roster points for different vacancies), 8/2/2019-3P.P.1/124, dt. 29-1-2021.

The vertical reservations are given precedence over the horizontal reservations. It means that if an SC sportsman is not available, the vacancy in first instance shall not go to the general category sportsman, but to an SC candidate. However, if SC candidate is also not available, the vacancy shall go to general category sportsman. When the Welfare Department has noted that there were the incidences of diverting the SC Ex-servicemen and SC Sportsmen reservations to the Ex-servicemen and Sportsmen of general category, it was directed that the vacancies

reserved for the SC Ex-servicemen and SC Sportsmen cannot be filled from the general category. If the SC Ex-Serviceman or SC Sportsman is not available, the vacancy can be filled only from amongst the ordinary SC candidates (GOP, WD, 3/24/2009-RC I/1544, dt. 22-10-2009).

5.14 Subsidies for Scheduled Castes

The Scheduled Castes are provided certain subsidies and other economic benefits under various schemes.

5.14.1 Subsidy on electric supply

Electric supply to Scheduled Castes families is subsidised by the State Government. In 2001, the Reservation Cell of Welfare Department has issued directions to the Deputy Commissioners of all the districts to start a special drive in their districts to provide the caste certificates to all the poor SCs so that they can take the benefit of free electric supply of 50 units (GOP, WD, 1/8/2001-RCI/247, dt. 12-4-2001).

5.15 Scheduled Caste status: restricted only to Hindu, Sikh, and Buddhist Dalits

The welfare schemes in Punjab are mainly SC status centric. But the SC status is restricted to only Dalit persons, professing Hindu, Sikh, or Buddhist religion. Those Dalits who have had converted at any time to any other religion are not considered as Scheduled Castes (Constitution [SC] Order, 1950, para 3). This religion and caste-based identity is strictly maintained by the Union and State Governments. Issuance of SC certificate to a person professing a religion other than Hindu, Sikh, or Buddhist is strictly prohibited. Officials competent to issue SC certificates are instructed to strictly adhere to this policy. Any breach of this policy is regarded as an act of "breach of the Constitution" and both the parties, who have issued, and who have received such certificate are liable to criminal proceedings (GOP, WD, 1/13/2007-RC I/395-414, dt. 16-03-2009).

Coordination of welfare policies

The Government of Punjab has a specific department to coordinate the policies and schemes framed for the welfare of the weaker sections, to be known as the "Department of Welfare of Scheduled Castes, Backward Classes, and Vimukhat Jatis". This department is responsible for consideration and implementation of the recommendations given by various committees and commission in the matter. It looks after the measures for eradication of untouchability and administration of PCR Act 1955. For the admissions to professional courses and technical training institutions the policy of reservations is framed and implemented under the supervision of this department. It is also responsible to coordinate and supervise the reservation policy during appointments by direct recruitment and promotions. The department also supervise and coordinate the other schemes for the upliftment of the SCs BCs and VJs (GOP, Dept. of General Administration, Allocation of Business Rules, 2007, S. No. 47).

Conclusion

Caste in Punjab has slightly different nature as in rest of India, but the Dalit communities have suffered almost similar deprivations and discriminations. After Independence the Government of Punjab has taken several measures to improve the overall conditions of Dalits. These policies have remained on lines with the policies framed by the Union Government. Hindu, Sikh, Muslim, Christian, and Buddhist etc. all the religious communities in Punjab have Dalit populations. On the Union pattern, the Hindu, Sikh, and Buddhist Dalits are included in the Scheduled Castes, while the DMs and DCs are not eligible for SC status. Those are considered as BCs, the middle order social group in the State.

Chapter: 6 Findings, Suggestions, and Implications

Introduction

Data collected from field survey has shown some trends in the social, economic, educational, and political conditions of Dalits professing different religions. Generally, they were found to be backward, poor, ghettoized, and restricted to minimal resources. Politically they have chances of representing only from reserved seats with a few exceptions. DHs were found to be slightly better than others in respect of commercial property, while the DSs were found to be slightly better in respect of moveable property like four wheelers. Educationally the DMs were found to be at the bottom, and in political opportunities the DCs were found to be at the bottom. This Chapter presents a complete picture of the social, educational, economic, and political conditions of Dalits professing different religions.

6.1 Findings

1. Legislative Assembly Constituencies

Table 13: Sample collected from various LACs

Constituency	No. of respondents	Percentage
Abohar	40	5%
Amritsar	40	5%
Bhatinda	40	5%
Chamkaur sahib	40	5%
Faridkot	40	5%
Fatehgarh Churian	40	5%
Garhshankar	40	5%
Kapurthala	40	5%
Kartarpur	40	5%
Khanna	40	5%
Lehra	40	5%
Ludhiana	40	5%
Malerkotla	40	5%
Mukerian	40	5%
Pathankot	40	5%
Raikot	40	5%
Rajpura	40	5%
Shutrana	40	5%
Tarn Taran	40	5%
Zira	40	5%

Legislative Assembly Constituencies, included in sample frame.

The study is aimed at to analyse the data of Dalits belong to Hindu, Sikh, Muslim, and Christian religions. To ensure representation of all areas of the State of Punjab, 20 Legislative Assembly constituencies were selected in the sample frame. 40 respondents were taken from each of these constituencies, making a total of 800 respondents. The flexibility of the sample design has made it possible to collect data from the required number of respondents from every sample frame constituency.

6.1.1 Punjab: Economic conditions of Dalits

The field survey contains questions on the economic conditions of Dalits. The economic questions can be grouped into those depicting the economic sources with the respondents like the ownership of agricultural land, house, and other immovable properties; ability of the respondents to own common utilities like two-wheeler, four-wheeler, computer, and air conditioner. Question wise survey result is given below:

2. Agricultural land

Table 14: Land ownership

Land (in acres)	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
0	186	93.0	177	88.5	187	93.5	188	94.0	738	92.3
0.1-2.0	7	3.5	5	2.5	9	4.5	10	5.0	31	3.9
2.1-4.0	2	1.0	2	1.0	3	1.5	1	0.5	8	1.0
4.1-6.0	0	0.0	16	8.0	1	0.5	1	0.5	18	2.3
<6	5	2.5	0	-	0	-	0	-	5	0.6
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

Agricultural land provides a permanent source of income as well as a social status, particularly in the rural areas. But the Dalits belonging to all the communities are nearly landless in Punjab. The data shows that 92.3 per cent of Dalits have no lands. merely 7.7 Dalits have some lands, and only 0.6 per cent of them have more

than 6 acres of land, which is an economically viable unit to practise agriculture. Conditions of DMs are not better than average. 93.5 per cent of them are landless. Those who have any land were found to be having less than 6 acres of land. The land holding among DCs was found to be even below the overall average. 94 per cent of them were landless, and all of those having any lands were found to be below 6 acres. The degree of landlessness was almost similar in all the communities, with the position of DSs looking slightly better than the others.

3. House Ownership

Table 15: House ownership

House Ownership (in sq. yards)	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
0-50	4	2.0	1	0.5	15	7.5	2	1.0	22	2.8
51-100	45	22.5	30	15.0	96	48.0	77	38.5	248	31.0
101-200	74	37.0	73	36.5	80	40.0	73	36.5	300	37.5
201-300	42	21.0	57	28.5	8	4.0	38	19.0	145	18.1
<300	35	17.5	39	19.5	1	0.5	10	5.0	85	10.6
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

Housing ownership pattern among the Dalits was found to be nearly uniform, irrespective of their religion, with slightly good position of DHs and DSs. In the total sample of 800 respondents, 2.8 per cent were having a smaller house ownership of less than 50 square yards. Proportion of the DMs in this bracket was more than the average, i.e., 7.5 per cent, and in the upper bracket, it was lower than the average, i.e. 0.5 per cent. DCs were also found concentrated in the middle brackets, having lower share in the lowest ownership group (1% against the average of 2.8%) and in the highest ownership group (5% against the average of 10.6%). During the survey it was also observed that in most of the cases the ownerships of the houses were merely possession based, lacking documentary support i.e., registration with the revenue

department. Such properties have lower market value than those, registered with the revenue department.

4. Number of rooms in house

Table 16: Number of rooms in the house

Rooms (in number)	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
1	21	10.5	11	5.5	82	41.0	41	20.5	155	19.4
2	82	41.0	78	39.0	108	54.0	98	49.0	366	45.8
3	60	30.0	79	39.5	9	4.5	56	28.0	204	25.5
4	32	16.0	22	11.0	1	0.5	5	2.5	60	7.5
<4	5	2.5	10	5.0	0	-	0	-	15	1.9
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

Most of the Dalits were living in the small size houses. Nearly one-fifth of them were living only in single room houses. 45.8 per cent population is found to be living in two room houses. There are the Dalit who have medium and big size houses, having 3, 4, and even more than 4 rooms, but the proportion of such families is small, comprising one-thirds of the sample population. Most of the houses were poor in sanitation and some of those were not having separate kitchens. Community wise, the housing conditions were worst in case of DMs, followed by DCs.

5. Other immovable properties, like shop etc.

Table 17: Immovable property other than house

Number of other properties	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
0	163	81.5	179	89.5	192	96.0	181	90.5	715	89.4
1	36	18.0	21	10.5	8	4.0	19	9.5	84	10.5
2	1	0.5	0	-	0	-	0	-	1	0.1
3	0	0.0	0	-	0	-	0	-	0	-
<3	0	0.0	0	-	0	-	0	-	0	-
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

Immovable properties like shops, showrooms, warehouses etc. provides the fixed assured source of income and consequently a strong economic security. Such properties extend the opportunities of starting a new business. Most of the Dalits (89.4) per cent are without any such property. Only 10.6 per cent Dalits have ownership of any such property. DHs were found to be having more such properties (18%), followed by the DSs, DCs. The DMs were found to be behind all the Dalits, only 4 per cent of them possessing such properties. In most of the cases shops were not in the commercial areas, but were found to be carved out of the homes in the residential areas. With respect to the ownership of the immovable properties other than the house, the SC Dalits were found to be in a slightly better position than the non-SC Dalits.

6. Ownership of scooter/motorcycle

Table 18: Ownership of scooters/motorcycles

No. of Scooters/Motorcycles	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
0	17	8.5	11	5.5	40	20.0	15	7.5	83	10.4
1	138	69.0	132	66.0	159	79.5	162	81.0	591	73.9
2	32	16.0	51	25.5	1	0.5	21	10.5	105	13.1
3	13	6.5	6	3.0	0	-	2	1.0	21	2.6
<3	0	0.0	0	-	0	-	0	-	0	-
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

Motorised two-wheelers have become an easy access to the Dalits, consequently most of them were having in possession of at least one such vehicle. Only 10 per cent of the respondents have been without a motorised two-wheeler. Those, not having any two-wheeler were usually from the upper age groups, who were unable to drive a two-wheeler. But the DMs were found to be lagging all the communities, with 40 per cent of those having no ownership of any scooter/motorcycle.

7. Ownership of car/jeep

Table 19: Ownership of car/jeep

No. of Cars/Jeeps	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
0	169	84.5	164	82.0	185	92.5	175	87.5	693	86.6
1	23	11.5	33	16.5	15	7.5	25	12.5	96	12.0
2	3	1.5	0	-	0	-	0	-	3	0.4
3	3	1.5	3	1.5	0	-	0	-	6	0.8
<3	2	1.0	0	-	0	-	0	-	2	0.3
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

There was a time when the ownership of a four-wheeler was considered as a status symbol in society in Punjab. But now it is considered more a utility than a luxury. As far as the Dalits are concerned, most of them are still not able to afford a four-wheeler. 86.6 Dalit families were without any four-wheeler. The conditions are worse in case of DMs, more than 92 per cent of whom are still unable to afford a car for the family.

8. Computer/Laptop in the family

Table 20: Availability of computer/laptop

Computer/Laptop	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
Yes	30	15.0	26	13.0	6	3.0	20	10.0	82	10.3
No	170	85.0	174	87.0	194	97.0	180	90.0	718	89.8
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

Computer/laptop is the most important gadget to develop IT related skills, and to improve the chances of good employment. Despite the so-called IT revolution, most of the Dalit families i.e., more than 89% were found to be unable to afford this machine. Conditions of DHs, DSs, and DCs were almost similar, while the DMs were most deprived community. Only 3% of those were having a computer/laptop.

9. Number of Air Conditioners in house

Table 21: Number of air conditioners in the house

ACs (in Number)	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
0	129	64.5	125	62.5	185	92.5	163	81.5	602	75.3
1	44	22.0	53	26.5	13	6.5	28	14.0	138	17.3
2	20	10.0	19	9.5	2	1.0	8	4.0	49	6.1
3	7	3.5	3	1.5	0	-	1	0.5	11	1.4
<3	0	0.0	0	-	0	-	0	-	0	-
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

Air conditioner is becoming a normal utility in Punjab, but still unaffordable for most of the Dalit families. 75.3% Dalit families have no air conditioner at their home. DHs, DSs, and DCs were found to be in similar conditions, but the DMs were the most deprived section of Dalits, 92.5 of whom were without any air conditioner at home. Taking into account the hot and humid weather conditions of Punjab during the summer season, inability to afford an air conditioner is a sign of general poverty of the Dalits, and particularly of DMs in the State.

The respondents were found to be generally poor. The fulfilment of minimum basic necessities was the only economic dream of the majority of respondents. Those who have successfully upgraded their status by entering service sector, particularly in public sector jobs were found to be in a comparatively better position. There was no considerable difference between the economic conditions of DHs, and DSs. The DCs were found slightly poorer than the DHs and DSs, and the DMs were found to be the most poor section of Dalits.

6.1.2 Punjab: Social Conditions of Dalits

The field survey included some questions on the social conditions of respondents. Following is the question wise presentation of social conditions of Dalits in Punjab:

10. Caste consciousness

Table 22: Caste consciousness among Dalits

	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
Strongly Agree	150	75.0	145	72.5	177	88.5	132	66.0	604	75.5
Agree	36	18.0	54	27.0	23	11.5	65	32.5	178	22.3
Neutral	3	1.5	1	0.5	0	-	1	0.5	5	0.6
Disagree	3	1.5	0	-	0	-	1	0.5	4	0.5
Strongly Disagree	8	4.0	0	-	0	-	1	0.5	9	1.1
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

Caste identities have not erased from the mentality of Dalits. There were only 1.6 per cent Dalits who did not agree of having a caste identity. Nearly 98 per cent of them did agree of having a caste identity. Though, an egalitarian religion in principle, but practically the DMs were found to be strictly adhered to their caste identities. No DM respondent has denied caste identity, and most of them were found to be very possessive on the question. They have not only caste identities, but also sub-divisions within the castes, further ranked like the caste system. "*Asi sabh to uche Julaha han, asi Jangli Julaha han* (We are the most superior Julahas, we are the Jangli Julahas)", proudly said one of the DM respondents. DCs were found to be less rigid on caste identities, but almost all of them (98.5%) did agree of having caste identities.

11. Caste discrimination in Punjab

Table 23: Caste discrimination in Punjab

	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
Yes	92	46.0	63	31.5	96	48.0	113	56.5	364	45.4
Neutral	27	13.5	52	26.0	44	22.0	27	13.5	150	18.8
No	81	40.5	85	42.5	60	30.0	60	30.0	286	35.8
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

Although there is a strong caste consciousness among all the Dalits, but the caste discrimination was found to be decreasing. 45.4 per cent respondents have opined that the caste-based discriminations were still in practice, while the 35.8 per cent have opined that such discriminations have ceased to exist. With respect to the prevalence of caste discriminations in Punjab, minor differences were observed in the views held by different communities. The ratio of persons who believe in the existence of caste discriminations was lowest among the DSs while it was the highest among the DCs.

12. Have you suffered caste discrimination?

Table 24: Experience of caste discrimination

	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
Yes	70	35	52	26	114	57	99	49.5	335	41.9
Cannot say	3	1.5	12	6	2	1	15	7.5	32	4.0
No	127	63.5	136	68	84	42	86	43	433	54.1
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

Two-fifths of the respondents have reported that they have had faced caste-based discriminations in their life, while more than half have denied any such incidence in their life. 4 per cent of the respondents were neutral or did not want to disclose their experience regarding the discriminations against them. Those, who have faced any such discriminations were having the opinion that such incidences were rare in the present. The incidences of caste-based discriminations were found highest against the DMs and lowest among the DSs.

13. Types of discrimination the respondents suffered

Table 25: Types of discriminations faced due to caste

	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
Reluctance in Hand shake	36	18.0	29	14.5	41	20.5	48	24.0	154	19.3
Calling by caste name	41	20.5	22	11.0	40	20.0	35	17.5	138	17.3
Reluctance in shared dinning	53	26.5	36	18.0	92	46.0	85	42.5	266	33.3
Separate sitting in classroom	8	4.0	5	2.5	2	1.0	5	2.5	20	2.5

Reluctance in hand shaking, calling a person by caste name, reluctance in shared dinning at place of work and social functions, compelling to sit separately in the educational institutions are the most prominent types of caste discrimination. The respondents were asked about how many types of these discriminations they have faced. Reluctance in shared dinning was the most prominent form of discrimination followed by reluctance in hand shake. In case of reluctance in hand shake the DCs were found to be the most discriminated section of society, and regarding shared dinning and calling by caste name the DMs were found to be the most discriminated section of society.

14. Caste occupation

Table 26: Caste and occupation

My caste had been attached to a particular traditional occupation										
	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
Yes	54	27.0	28	14.0	187	93.5	40	20.0	309	38.6
Cannot say	6	3.0	0	0.0	4	2.0	2	1.0	12	1.5
No	140	70.0	172	86.0	9	4.5	158	79.0	479	59.9
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

Caste system also provides for a social division of labour. Different occupations are assigned to different castes (not always), and gradations are imposed on occupations, which are similar to caste gradations. Occupations assigned to upper castes are considered as higher in status and more paying, while the Dalits are assigned lowly paying menial jobs. But these caste specific occupations are eroding from the memory of Dalit communities. Less than half (38.6%) of the respondents have told that their caste has a specific occupation, in which most of the members of the caste were traditionally involved. 59.9% of the respondents have told that there was no specific occupation of their caste. Caste based traditional occupation was mostly found in the DMs, 93.5% of whom have opined to have a traditional caste-based occupation.

15. Following caste-based occupation

Table 27: Number of respondents engaged in traditional caste-based occupation

	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
Yes	9	4.5	4	2.0	18	9.0	3	1.5	34	4.3
Not Applicable	146	73.0	172	86.0	13	6.5	160	80.0	491	61.4
No	45	22.5	24	12.0	169	84.5	37	18.5	275	34.4
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

With respect to caste specific occupation, the Dalits have shown a considerable mobility. Some of such occupations have lost their relevance in the present times, and some of the Dalits have otherwise shifted to other occupations. Only 4.3 per cent of the respondents were found to be engaged in the traditional caste occupation. Community wise the DCs are most advanced community, having only 1.5 per cent population engaged in traditional occupation, and the DMs were found to be most backward community, having 9 per cent population still engaged in the traditional occupation.

16. Change in social status with change in occupation

Table 28: Change in social status with change in traditional occupation

	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
No	9	4.5	2	1.0	27	13.5	2	1.0	40	5.0
Cannot say/Not applicable	158	79.0	187	93.5	124	62.0	177	88.5	646	80.8
Yes	33	16.5	11	5.5	49	24.5	21	10.5	114	14.3
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

Most of the Dalits have switched over to the new occupations. Some of them have been working in public sector. Those, who did agree that their community has had a specific traditional occupation, have also experienced a change in the social status also. 5 per cent of the respondents have held that there was no change in their social status even after change of occupation. On the other hand, 14.3 per cent of them have felt a positive effect on their social status with the change of occupation, particularly after going to public sector.

17. Dalit ghettoization

Table 29: Dalit ghettoization

House surrounded by Dalit houses	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
3 sides	160	80.0	163	81.5	150	75.0	165	82.5	638	79.8
2 sides	12	6.0	2	1.0	14	7.0	12	6.0	40	5.0
1 side	15	7.5	18	9.0	20	10.0	12	6.0	65	8.1
None	13	6.5	17	8.5	16	8.0	11	5.5	57	7.1
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

Traditionally most of the Dalits are living in separate areas/colonies. Urbanisation and modernisation have helped in the erosion of geographical division of society, but this effect remains minor, with most of the Dalits residing in Dalit majority areas of cities and villages. Near about four-fifths of the respondents have reported that on all the three sides- front, left, and right of their house, the neighbours were also Dalits. 5 per cent of the respondents have told that their house was surrounded by Dalit houses at least from two sides. There were only 7.1 per cent respondents who were living outside the Dalit colonies/localities. Analysing the Dalit ghettoization community wise, DHs, DSs, and DCs were found to be in almost similar conditions. But the ghettoization was slightly mild in case of DMs. During the survey it was found that the DMs were residing in their own separate colonies, usually adjoining to the other Dalits. They are a microscopic community; hence, the chances of being surrounded by Dalit houses are lower in case of them.

18. Religion based ghettoization

Table 30: Communal ghettoization

House surrounded by families of same religion	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
3 sides	62	31.0	68	34.0	37	18.5	33	16.5	200	25.0
2 sides	63	31.5	87	43.5	114	57.0	70	35.0	334	41.8
1 side	55	27.5	19	9.5	37	18.5	79	39.5	190	23.8
None	20	10.0	26	13.0	12	6.0	18	9.0	76	9.5
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

Religion based ghettoization is not so strong as was found in the case Dalit ghettoization. One-fourths of the Dalits have been found to be residing in a house, where the neighbours on the front, left, and right side were the followers of same religion. Two-fifths were surrounded by the co-religious neighbours from at least two sides, and about one-fourths from at least one side. Nearly one-tenths of the

respondents were surrounded by the neighbours following other religion. DHs and DSs are the majority communities in any Dalit locality, and the DCs and DMs are the minorities among the Dalits. Hence, religious ghettoization is found stronger in the DHs and DSs as compared to DMs and DCs.

19. Role of caste in matrimonial alliances

Table 31: Caste as preference in matrimonial alliances

Preference	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
1	107	53.5	135	67.5	142	71.0	118	59.0	502	62.8
2	59	29.5	37	18.5	54	27.0	48	24.0	198	24.8
3	24	12.0	25	12.5	2	1.0	31	15.5	82	10.3
4	10	5.0	3	1.5	2	1.0	3	1.5	18	2.3
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

Caste ties are believed to be eroding. It may be true in professional relations, dining habits and relations at work place. This is not true about the institution of marriage. While entering matrimonial alliances, more than three-fifths of Dalits consider caste as the most important factor. Inter-caste marriages are not encouraged. Interestingly the DHs are found to be somewhat more flexible on the issue of inter-caste marriages, while the DMs are found to be rigid than the other communities.

20. Role of religion in matrimonial preferences

Table 32: Religion as a preference in matrimonial alliances

Preference	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
1	8	4.0	7	3.5	50	25.0	2	1.0	67	8.4
2	10	5.0	20	10.0	119	59.5	17	8.5	166	20.8
3	46	23.0	44	22.0	22	11.0	35	17.5	147	18.4
4	136	68.0	129	64.5	9	4.5	146	73.0	420	52.5
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

While entering matrimonial alliances, the Dalits were found to be flexible on the question of religious identity. It was observed that they were more flexible than the society in general. Statistically, for more than half of them, the religion is the least important factor in making choices of brides/grooms. On this issue, the DMs were found to be comparatively rigid. Nearly one-fourth of them considers the religion as the most important factor, and nearly three-sixth considers it as the second most important factor (mostly after caste) in the matrimonial alliances. Cases of inter-communal marriages between DHs, DSs, DCs are not uncommon. DSs and DCs are inter linked so closely that there were observed some families, where some members profess Sikhism while others Christianity.

21. Role of income in matrimonial preferences

Table 33: Income as a preference in matrimonial alliances

Preference	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
1	41	20.5	23	11.5	5	2.5	31	15.5	100	12.5
2	78	39.0	106	53.0	20	10.0	92	46.0	296	37.0
3	57	28.5	46	23.0	105	52.5	53	26.5	261	32.6
4	24	12.0	25	12.5	70	35.0	24	12.0	143	17.9
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

Income is considered as an important factor in making matrimonial alliances, but usually it came after the social factors, especially the caste. Only 12.6 per cent respondents have opined that it should be considered as the most important factor, while 17.6 per cent respondents have opined that it should be taken as the least important factor among the four factors. Specially for the DMs, the income is the least bothered about factor.

22. Role of education in matrimonial preferences

Table 34: Education as a preference in matrimonial alliances

Preference	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
1	44	22.0	35	17.5	3	1.5	49	24.5	131	16.4
2	53	26.5	37	18.5	7	3.5	43	21.5	140	17.5
3	73	36.5	85	42.5	71	35.5	81	40.5	310	38.8
4	30	15.0	43	21.5	119	59.5	27	13.5	219	27.4
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

Education is not the major determinants of matrimonial alliances for Dalits. Only one-thirds of them have considered it important in comparison to other factors. Analysing it community wise, the DHs and DCs have given more weightage to education than the other two communities. For DMs it is one of the least important factors. According to DM respondents, education should be considered, but only within one's own community, own caste. Three-fifths of DMs have considered it the least important factor for bride/groom selection.

23. Most important factor in matrimonial alliances

Table 35: Most important factor in matrimonial alliances from caste, religion, income, and education

Preference	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
Caste	107	53.5	135	67.5	142	71.0	118	59.0	502	62.8
Religion	8	4.0	7	3.5	50	25.0	2	1.0	67	8.4
Income	41	20.5	23	11.5	5	2.5	31	15.5	100	12.5
Education	44	22.0	35	17.5	3	1.5	49	24.5	131	16.4
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

Caste based discriminations were found to be diminishing, but not the caste consciousness. While making matrimonial relations still caste is the most important consideration. All the communities of Dalits were aware of their caste identities, and for more than three-fifths of them caste was the primary consideration while finding bride or groom. It was observed that religion was the second important consideration

for the DMs, while for the other three communities, education was the second most important consideration for the matrimonial alliances.

24. Least important factor in matrimonial alliances

Table 36: Least important factor in matrimonial alliances from caste, religion, income, and education

Preference	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
Caste	10	5.0	3	1.5	2	1.0	3	1.5	18	2.3
Religion	136	68.0	129	64.5	9	4.5	146	73.0	420	52.5
Income	24	12.0	25	12.5	70	35.0	24	12.0	143	17.9
Education	30	15.0	43	21.5	119	59.5	27	13.5	219	27.4
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

The respondents were asked to put four factors in order of priority while making matrimonial alliances. These four factors were- caste, religion, income, and education. For the DHs, DSs, and DCs, the religion was the least important factor in this regard, followed by education. But the views of DMs were different from others. Education was the least important factor for them, followed by income. Social factors were more important for the DMs than the secular factors.

Socially the caste-based discriminations were found to be on a decline, but the caste identities were still important for the respondents. There was a strong caste based spatial unity among the followers of Hinduism, Sikhism, and Christianity. Social factors were more important than the secular factors in the selection of brides/grooms.

6.1.3 Punjab: Educational Conditions of Dalits

The field survey includes some questions on educational conditions of respondents. Following is the question wise explanation of data on educational conditions:

25. Quantity of education

Table 37: Education in years

Years	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
0 years	38	19.0	60	30.0	76	38.0	45	22.5	219	27.4
1 to 5	36	18.0	30	15.0	65	32.5	45	22.5	176	22.0
6 to 10	50	25.0	40	20.0	41	20.5	65	32.5	196	24.5
11 to 15	60	30.0	58	29.0	17	8.5	39	19.5	174	21.8
< 15	16	8.0	12	6.0	1	0.5	6	3.0	35	4.4
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

More than one-fourths of the Dalits were found to be illiterate, who have never attended a school, or have not completed even a single year of education. Further, nearly one-fourths of respondents have had left the school after fifth class, and similar number have left after matriculation. Only one-fourths of respondents have had the opportunity to enrol themselves in higher education, most of whom have left the studies after completing senior secondary or graduation, and only 4.4 per cent have gone for post graduate studies. Analysing it community wise, the proportion of illiterates was least in the DHs and most in the DMs. Drop out rate was also found to be higher among the DMs, with one-thirds of them leaving school within first five years. In the higher education, again the DHs were found to be more advanced than the other communities, with the DMs at the bottom. DCs were found to be slightly better than the DHs and DSs up to 10th class, but they were found to be lagging behind from both of these communities in the higher education, probably due to non-availability of scholarships and reservations, both the facilities available to DHs and DSs.

26. Post matriculation education field

Table 38: Area pf education after matriculation

	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
NA	124	62.0	130	65.0	182	91.0	155	77.5	591	73.9
Arts	52	26.0	54	27.0	18	9.0	38	19.0	162	20.3
Agriculture/ vocational	13	6.5	5	2.5	0	-	6	3.0	24	3.0
Law/Commerce/ Computer/Business etc.	4	2.0	7	3.5	0	-	1	0.5	12	1.5
Medical/Non- Medical	7	3.5	4	2.0	0	-	0	-	11	1.4
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

In higher education, different fields are available to students. But these different fields require different conditions to be fulfilled. Taking admission in Arts is considered as easiest, as this branch is available in most of the colleges, and in most of such colleges there are no seat limitations. This field is the most economical in respect of expenditure on fees and expenditure on other instruments. Some of the fields of education like law, computer, agriculture etc. requires a slightly stronger academic base and more finances. For Medical and Engineering, both requirements become more stringent. Out of the total 26.1 Dalits joining higher education, 20.5 per cent were found to be in Arts, 3 per cent in Agriculture or Vocational, only 1.4 per cent in Law, Commerce, Computer, and Business studies etc., and only 1.3 per cent in Medical and Non-Medical or engineering. Considering it community wise, DSs were at the top in Arts with 27 per cent, and in Law, Commerce, Computer, and Business studies with 3.5 per cent. DHs were at the top in 6.5 per cent enrolment in Agriculture and Vocational courses, and 3.5 per cent in Medical and Non-Medical courses. DCs were found to be slightly behind both of these communities, but the DMs were found to be the most backward even within the Dalit community itself.

27. School level education medium

Table 39: Medium of instructions during school education

	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
NA	38	19.0	60	30.0	76	38.0	45	22.5	219	27.4
Punjabi	149	74.5	128	64.0	123	61.5	148	74.0	548	68.5
Hindi	7	3.5	2	1.0	0	-	3	1.5	12	1.5
English	6	3.0	10	5.0	1	0.5	4	2.0	21	2.6
Others	0	0.0	0	-	0	-	0	-	0	-
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

In the present age of privatisation and globalisation, communication skills in English provides accelerated opportunities of employment. In Punjab most of the Government schools provide instructions in the Punjabi medium, and most of the private schools provide instructions in English medium. But the education in private schools is costlier than the Government schools. Dalits, being the most deprived section of society, English medium education is not affordable for most of them. According to this survey, merely 2.6 per cent of the respondents have reported to be studied at English medium schools. Taking it community wise, DSs have been found in better position, 5 per cent of whom have taken their studies in English medium schools. The DMs are again most deprived group, having only 0.5 per cent of them studied in English medium schools.

28. Access to IT learning

I. Access to tools/labs.

Table 40: Availability of IT tools in the school

	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
No tools	121	60.5	120	60.0	142	71.0	137	68.5	520	65.0
Minor	24	12.0	32	16.0	44	22.0	38	19.0	138	17.3
Average	28	14.0	24	12.0	13	6.5	22	11.0	87	10.9
Good	11	5.5	11	5.5	1	0.5	2	1.0	25	3.1
High tech	16	8.0	13	6.5	0	-	1	0.5	30	3.8
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

The ability to use computer and other IT tools is mainly a matter of training which can be learnt through practice. No good school can afford to deprive its students from access to IT tools. More than three-fifths of the respondents have either never attended a school or attended a school having no IT tools. The researcher has observed that such people were mostly from the older generation, who have studied before the becoming of IT as a common thing. 17.3 per cent of the respondents have told that there were only minor IT tools in the school, and 10.9 per cent have told that the ordinary IT tools were available in the school. Less than 4 per cent of Dalits have access to schools, having computer labs equipped with high tech IT tools. Here again, The DMs were found to be the most deprived section, followed by the DCs.

II. Availability of IT teachers

Table 41: Availability of IT teacher in the school

	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
No	121	60.5	120	60.0	148	74.0	151	75.5	540	67.5
Poor	28	14.0	32	16.0	42	21.0	29	14.5	131	16.4
Average	23	11.5	24	12.0	10	5.0	17	8.5	74	9.3
Good	11	5.5	10	5.0	0	-	2	1.0	23	2.9
Fully Qualified	17	8.5	14	7.0	0	-	1	0.5	32	4.0
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

Nearly two-thirds of respondents have either never attended a school or have remained without any IT training or teaching in the school. In most of the schools IT education was provided by teachers of other subjects, having little knowledge about IT. Nearly one-tenths of the respondents have studied in schools where some what IT education was provided by teachers of other subjects having some command in the use of IT. 6.9 per cent of the respondents have studied in schools having good or fully qualified IT teachers. DHs and DSs were seen to be having more access to schools having good IT teachers. Here again, the DMs were found to be at the bottom, closely followed by the DCs.

29. Skill level in IT

I. Microsoft Word

Table 42: Skill level in Microsoft Word

	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
No	142	71.0	138	69.0	181	90.5	169	84.5	630	78.8
With difficulty	11	5.5	24	12.0	12	6.0	20	10.0	67	8.4
Easily	33	16.5	32	16.0	7	3.5	11	5.5	83	10.4
With professional skills	14	7.0	6	3.0	0	-	0	-	20	2.5
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

The respondents were asked about their skills in Microsoft Office Word. This is one of the basic computer skills required to prepare assignments, writing letters etc. Nearly four-fifths of the respondents were not able to use it at all. Nearly ten per cent were having only basic level skills. 10.9 per cent of them have claimed that they can easily use the program, and only 3 persons have claimed that they can use it with professional skills. Analysing it community wise, the DHs and DSs were found to be more skilled than the DMs and the DCs.

II. Microsoft Excel

Table 43: Skill level in Microsoft Excel

	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
No	160	80.0	171	85.5	194	97.0	191	95.5	716	89.5
With difficulty	30	15.0	21	10.5	6	3.0	8	4.0	65	8.1
Easily	9	4.5	4	2.0	0	-	1	0.5	14	1.8
With professional skill	1	0.5	4	2.0	0	-	0	-	5	0.6
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

Microsoft Excel is a computer program, which is helpful for data management. It provides the accelerated opportunities of employment in most of the business establishments. Nearly 90 per cent of the respondents were not able to use *Excel*, and from the remaining, 8.1 per cent were found with only primary level skills to run the program. Only 2.4 per cent respondents have claimed that they can use this program easily or with professional skills. The DHs were found to be better skilled than the others, and the DMs were found to be the least skilled community.

III. Professional software

Table 44: Ability to operate the number of professional software from Tally, Photoshop, CorelDRAW, and Computerised billing

	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
None	195	97.5	195	97.5	200	100.0	199	99.5	789	98.6
1	2	1.0	2	1.0	0	-	1	0.5	5	0.6
2	2	1.0	2	1.0	0	-	0	-	4	0.5
3	1	0.5	1	0.5	0	-	0	-	2	0.3
All	0	0.0	0	-	0	-	0	-	0	-
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

Some of the professional software like tally, photoshop, CorelDRAW, and computerised billing provides easy access to job in private sector. These types of programmes/software can be learned by taking formal training. Most of the respondents were not able to operate any of these software. Merely 0.6 per cent of the respondents were found to be able to work with at least one of such software, and 0.5 per cent were found to be able to work in two software. Only 2 persons have claimed to be able to work in three such software. The DHs and DSs were found to be slightly more skilled in these professional software and the DMs and DCs were comparatively less skilled, with the DMs at the lowest level.

30. Communication skills in English

I. Reading

Table 45: Communication skills in English (reading)

	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
None	75	37.5	92	46.0	133	66.5	93	46.5	393	49.1
With difficulty	69	34.5	48	24.0	51	25.5	80	40.0	248	31.0
Easily	42	21.0	50	25.0	16	8.0	25	12.5	133	16.6
Fluently	14	7.0	10	5.0	0	-	2	1.0	26	3.3
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

Nearly one-half of the respondents were not able to read in English, and 31 per cent were able to read with difficulty. Only 16.6 per cent were able to read easily, and merely 3.3 per cent fluently. Analysing it community wise, the DHs and DSs were found to be in a better position than the DMs and DCs. The DMs were at the lowest level, nearly two-thirds of whom were not able to read text in English.

II. Writing

Table 46: Communication skill in English (writing)

	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
None	84	42.0	107	53.5	156	78.0	101	50.5	448	56.0
With difficulty	62	31.0	36	18.0	28	14.0	74	37.0	200	25.0
Easily	42	21.0	47	23.5	16	8.0	23	11.5	128	16.0
Fluently	12	6.0	10	5.0	0	-	2	1.0	24	3.0
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

Fifty-six per cent of the respondents were unable to write in English, and 25 per cent were able to write only basic words and sentences. Nearly one-fifths have

claimed to have a good hold in writing in English. DHs and DSs were found to be in a slightly better position, than the other two categories, and the DMs were found to be weakest in English writing with more than three-fourths of them unable to write at all.

III. Listening

Table 47: Communication skill in English (listening)

	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
None	109	54.5	118	59.0	168	84.0	145	72.5	540	67.5
With difficulty	61	30.5	42	21.0	28	14.0	48	24.0	179	22.4
Easily	20	10.0	32	16.0	4	2.0	6	3.0	62	7.8
Fluently	10	5.0	8	4.0	0	-	1	0.5	19	2.4
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

Nearly two-thirds of the respondents were no able to understand spoken English. Nearly one-fourth of the respondents can understand simple words and sentences only. Nearly 8 per cent were able to understand English easily, and only 2.4 per cent were able to do so fluently. Community wise, the DHs and DSs were found to be in slightly better position than the DMs and the DCs, with the DMs at the lowest end.

IV. Speaking

Table 48: Communication skills in English (speaking)

	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
None	114	57.0	123	61.5	171	85.5	148	74.0	556	69.5
With difficulty	58	29.0	47	23.5	25	12.5	46	23.0	176	22.0
Easily	18	9.0	22	11.0	4	2.0	5	2.5	49	6.1
Fluently	10	5.0	8	4.0	0	-	1	0.5	19	2.4
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

Spoken part of the English language was found to be most difficult for the respondents, with nearly 70 per cent of them unable to speak this language. Twenty-two per cent were able to speak simple words and sentences, and 6.1 per cent were able to speak easily. Merely 2.4 per cent of the respondents have claimed that they can fluently speak English. DHs and DSs were found to be in a slightly better position than the other categories of respondents, and here again the DMs were found to be at the lowest end.

The Dalit communities were found to be backward in education, with more than one-quarter of those without any formal education and more than one-fifth of those having up to 5 years of education. There were some respondents who have had chances of getting enrolled in post matric education, but most of those were found to be in those courses only, where little economic and academic investments are required. School level education was found to be poor in quality, with most of them restricted to government run Punjabi medium schools having weaker infrastructures. Consequently, they were weaker in modern day employability skills in communication and Information Technology. Community wise the DHs, DSs, and DCs have nearly equal opportunities at school level, with the lesser opportunities for the DCs in higher education. The DMs were the weakest section even among the Dalits, both in quantity as well as quality of education.

6.1.4 Punjab: Employment conditions of Dalits

The respondents were asked about their employment status. Main objective of the employment related questions was to know about the probabilities of being in public employment. Those, who were in public employment, were asked about the nature of appointment and class of job. Following is the question wise presentation of the survey results:

31. Employment position

Table 49: Employment position among Dalits from different communities

	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
Unemployed	7	3.5	3	1.5	1	0.5	6	3.0	17	2.1
Student	11	5.5	26	13.0	4	2.0	8	4.0	49	6.1
Home Maker	34	17.0	57	28.5	72	36.0	67	33.5	230	28.8
Employed/ Retired	148	74.0	114	57.0	123	61.5	119	59.5	504	63.0
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

A little number of respondents have reported that they were unemployed, i.e., 2.1 per cent only. Most of the male adult population was found to be working, and some of the senior citizens have reported that they have retired from the service. On the other hand, most of the female respondents were found to be looking after the house-hold as home-makers. Unemployment was seen to be slightly more in the DHs than the other communities, and it was lowest among the DMs.

32. Type of employment

Table 50: Type of employment

	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
NA/HM/ Student	58	29.0	87	43.5	77	38.5	81	40.5	303	37.9
Labour	58	29.0	51	25.5	81	40.5	51	25.5	241	30.1
Pvt. job/ small business	69	34.5	49	24.5	39	19.5	62	31.0	219	27.4
Public sector job	12	6.0	10	5.0	3	1.5	5	2.5	30	3.8
Lawyer/ Doctor/CA ⁴⁸ / Organised business	3	1.5	3	1.5	0	-	1	0.5	7	0.9
	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

⁴⁸ Here CA is used to denote Chartered Accountant

The respondents were asked about the type of their employment. Nearly two-fifths of them were not engaged in paid employment due to studies, unemployment or looking after the house-hold responsibilities. 31.1 per cent were working as casual labourers, and 27.4 per cent were engaged in private sector jobs or in small scale business. The small businesses include petty shops, road side booth for selling vegetables etc., and mobile shops. 3.8 per cent of the respondents have been found working in public sector. In this regard the DHs and DSs were found to be in better position than the others, with the DMs as the most deprived section. A limited number of respondents were found to be in professions which are known for returning handsome economic benefits and a good social position, like the practitioners of Law, Medicine, and Chartered Accountants etc. Less than 1 per cent respondents were found in this stratum, with the DHs at the top, followed by DSs. Some of the practitioners of medicine were not formally qualified, and they were running their practices only on the basis of the experience they have gained while working with a qualified doctor. But even than, they were having a good economic and social status.

33. Nature of service (if in public employment)

Table 51: Nature of service (if working in public sector)

	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
NA	188	94.0	190	95.0	197	98.5	195	97.5	770	96.3
Daily wages	3	1.5	2	1.0	1	0.5	2	1.0	8	1.0
Contract	1	0.5	1	0.5	1	0.5	2	1.0	5	0.6
Regular	8	4.0	7	3.5	1	0.5	1	0.5	17	2.1
	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

Public sector is not a major employer in Punjab, particularly after liberalisation and privatisation, a number of responsibilities of this sector have been taken by private sector. Some of the public responsibilities have been out-sourced or the employees are engaged on temporary basis. Of the 3.7 per cent of the respondents working in the public sector, only 2.1 per cent were in regular job, having all the

benefits of public sector employment. Others were working on daily wage basis or on contract basis. Community wise, the DHs were found to be in a better position, with 6 per cent in public sector jobs, and 4 per cent in regular jobs. DHs were followed by DSs, 5 per cent of whom were in government service, with 3.5 per cent in regular job. DMs were found to be at the lowest position, having only 3 per cent respondents in government job, and only 0.5 per cent of those employed on regular basis. Position of DCs was found to be slightly better than the DMs, but they were also found to lagging behind the DHs and DSs.

34. Group of service (if in public employment)

Table 52: Group of service (if in public employment)

	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
NA	188	94.0	190	95.0	197	98.5	195	97.5	770	96.3
4	4	2.0	3	1.5	1	0.5	3	1.5	11	1.4
3	3	1.5	3	1.5	1	0.5	1	0.5	8	1.0
2	2	1.0	2	1.0	1	0.5	1	0.5	6	0.8
1	3	1.5	2	1.0	0	-	0	-	5	0.6
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

Largest proportion of respondents working in the public sector was found to be in the lowest level of hierarchy. 1.4 per cent of the public sector employees were found to be in Group D, 1 per cent in Group C, and less than one per cent each in B and A groups. DHs and DSs were found to be in all the classes, while no DM or DC was found to be working in upper most layer of the administration, i.e., Group A.

The questions regarding employment status were aimed at to know about the chances of being in public employment, which is an important aspect of reservations. Only few per cent of the work force is engaged in public sector, and privatisation is further compelling it to shrink. Only 3.8 per cent of the respondents were found to be working in any type of public sector employment. Their presence was observed in every type of appointment, i.e., daily wages, contract, and on regular basis. The

presence of communities under study was found in all levels of administration from Class D to Class A. The DHs and DSs were found to be in slightly better conditions, but the DCs and DMs were found to be lagging behind in public employment opportunities.

6.1.5 Punjab: Political representation and Dalits:

The respondents were asked about the religion and social category of the persons representing them in local government, and of the head of the local government. They were also asked as to whether they have had any opportunity to contest any election, and if yes, what was its level and for how many years they have served as a representative. Following is the question wise result of the survey:

35. Local government representative

I. Religion

Table 53: Religion of Member of Panchayat or Municipal Councillor

	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
Hindu	92	46.0	98	49.0	58	29.0	85	42.5	333	41.6
Sikh	98	49.0	92	46.0	132	66.0	105	52.5	427	53.4
Muslim	10	5.0	10	5.0	10	5.0	10	5.0	40	5.0
Christian	0	0.0	0	-	0	-	0	-	0	-
Others	0	0.0	0	-	0	-	0	-	0	-
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

The members of local government institutions (both rural and urban) are elected in Punjab from the territorial constituencies, known as "wards". The respondents were asked about the religion of the person representing their ward. In this regard the DSs were found to be in a better position, with more than half of the representatives being from this community, followed by the Hindus, having more than two-fifths of the respondents being represented by this community. 5 per cent of the respondents have Muslim representatives, and no ward has been represented by a

Christian. DMs, the most backward community in education, and employment was found to be politically stronger than the DCs.

II. Social category

Table 54: Social category of Member of Panchayat or Municipal Councillor

	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
Dalit	126	63.0	135	67.5	74	37.0	110	55.0	445	55.6
Non-Dalit	74	37.0	65	32.5	126	63.0	90	45.0	355	44.4
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

The respondents were asked about the social category (Dalit or non-Dalit) of their representative in the local government institutions. 55.6 per cent of those were found to be represented by a Dalit, and others by a non-Dalit. Possibility of being represented by one's own social community, i.e., a Dalit, was found to be most in case of DSs and least in case of DMs.

36. Local government head

I. Religion

Table 55: Religion of local government head

	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
Hindu	70	35.0	70	35.0	70	35.0	70	35.0	280	35.0
Sikh	120	60.0	120	60.0	120	60.0	120	60.0	480	60.0
Muslim	10	5.0	10	5.0	10	5.0	10	5.0	40	5.0
Christian	0	0.0	0	-	0	-	0	-	0	-
Others	0	0.0	0	-	0	-	0	-	0	-
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

Thirty-five per cent of the respondents have reported that their local government head (Sarpanch in case of rural areas and Mayor or President in case of

urban areas) was a Hindu. In most of the cases (60 per cent) the local government head was found to be a Sikh. Five per cent local government heads were Muslims and no Christian was found to be a local government head. This data was uniform for all the communities.

II. Social category

Table 56: Social category of local government head

	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
Dalit	50	25.0	50	25.0	50	25.0	50	25.0	200	25.0
Non-Dalit	150	75.0	150	75.0	150	75.0	150	75.0	600	75.0
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

The local government head of one-fourth of the respondents were Dalits, and of the remaining 75 per cent were non-Dalits. These proportions were same for all the communities.

37. Political activism

Table 57: Whether contested any election any time?

	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
No	188	94.0	188	94.0	197	98.5	198	99.0	771	96.4
Yes	12	6.0	12	6.0	3	1.5	2	1.0	29	3.6
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

The respondents were asked about their ability and will-power to provide political guidance to community. 3.6 per cent of them have told that they have contested election at least once. All of such persons have contested only at the local government level. There was a wide community-wise difference in the political activeness of the respondents. DHs and DSs were found to be the most active groups, with 6 per cent of those having contested election. The DMs are found to be slightly

active than the DCs, as 1.5 per cent of them have told that they have contested election, while the proportion was 1 per cent for the DCs.

38. Opportunities to serve as representative

Table 58: No. of years served as representative

No. of years	DH		DS		DM		DC		Total	
	Number	%age	Number	%age	Number	%age	Number	%age	Number	%age
0	193	96.5	190	95.0	198	99.0	199	99.5	780	97.5
Up to 5	4	2.0	8	4.0	2	1.0	1	0.5	15	1.9
6 to 10	2	1.0	1	0.5	0	-	0	-	3	0.4
More than 10	1	0.5	1	0.5	0	-	0	-	2	0.3
Total	200	100.0	200	100.0	200	100.0	200	100.0	800	100.0

Less than 3 per cent of the respondents have had an experience of working as a member in the local government, or as a head of the local government. In this regard the DSs were found to be having more political weightage, with 5 per cent of the respondents having opportunity of working as representative or head in the local government. The DHs were slightly behind the DSs, with 3.5 per cent of those having served as representative/head in the local government. DMs and DCs were the most deprived sections, having only 1 per cent and 0.5 per cent respondents respectively who have ever worked as a representative/head in the local government.

A slight spatial difference was found between the DMs and other communities under study. All of the other three communities were found to be living in same localities. Similar results were found in regard to local government representatives. Highest number of representatives was from the Sikhs, followed by Hindus. Muslims were also found to be serving as representatives but, no Christian was found to be working as representative or head of any of the local governments. As regards the opportunities of serving as representative/head in the local government, the DSs were the strongest community, closely followed by the DHs. DMs and DCs were found to be deficient in such opportunities. The opportunities of serving as representative/head

in the local government were having direct effect of the reservations. Because lack of resources acts as a restriction on contesting from an open competition ward, while the reservation acts as a restriction on the DMs and DCs due to their non-SC status.

Table 59: Gender wise opportunities to serve as representative

		Male		Female		Total	
		Number	%age	Number	%age	Number	%age
No. of respondents		445	55.63	355	44.38	800	100.00
Election contested		20	4.49	9	2.54	29	3.63
contestants served as representative (in years)	unsuccessful	7	1.57	2	0.56	9	1.13
	1 to 5	9	2.02	6	1.69	15	1.88
	6 to 10	2	0.45	1	0.28	3	0.38
	more than 10	2	0.45	0	0.00	2	0.25

Females were found to be lagging behind in political activities. There were few women who have ever contested an election, but such opportunities were mainly restricted to the seats reserved for women. After the coming into force of 73rd and 74th amendments, most of the times one-thirds of seats have remained reserved in favour of women (PMA 1911, §. 8[3] & PPRA 1994, §§. 11, 12, 102, 106, 165, 169). These Acts were amended in 2017, increasing the proportion of women reservation to one-half of the seats at all the levels of local government institutions (Punjab Panchayati Raj [Amendment] Act 2017 & Punjab Municipal [Amendment] Act 2017). During the field survey it was found that the women were able to get the opportunities of becoming political activists only in proportion to the seats reserved for them, i.e., nearly one-thirds of seats in regard to contesting an election, and similar opportunities of becoming a representative.

6.2 Summary of Findings

The primary data about the four communities of Dalits was collected to analyse the social, economic, educational, and employment related conditions and their political participation. Out of these four communities, legally two (DHs and

DSs) are considered as Scheduled Castes, while the remaining two (DMs and DCs) are not eligible for Scheduled Caste status. This study is aimed at to analyse the life conditions of non-SC Dalits, but the primary data of the SC Dalits was also collected to compare their life conditions with those of non-SC Dalits. Followings are the main findings of the study:

- Most of the Dalits are land less. In the agriculture based economic and social structure of Punjab they are marginalised economically and socially. There is no considerable difference in the land holdings of SC Dalits and non-SC Dalits. Similar conditions were observed in respect to the plot size of the house and number of rooms in the house. In all of these aspects the DMs were found to be poorer than the other communities of Dalits.
- Only a few of the respondents have had any property other than the residential one. In most of the cases such property was a part of their residential area, mostly in the form of petty shops. In this regard the DHs were found to be some what in a better position than the other communities, and the DMs were found to be at the lowest level.
- Most of the Dalits were found to be having owned at least one two-wheeler, while most of them were without any four-wheeler. In the possession of vehicles, the DHs, DSs, and DCs were found in almost similar conditions, while the DMs were the most deprived section even amongst the Dalits.
- Most of the Dalit families have been without any computer/laptop, leading to weaker skill development in IT, and the DMs were the most deprived section.
- Most of the Dalit families were found to be without any air-conditioner, and the DMs were the most deprived community.
- Most of the respondents have opined that the caste discriminations have been on continuous decrease in Punjab. Those who have ever experienced such discriminations mostly belongs to upper age groups. Such persons were also of

the opinion that the caste-based discriminations have been things of past. Though the caste discriminations were decreasing, but not the caste consciousness. Most of the respondents have been agreed that they belong to a caste. Some of the respondents have claimed that they belong to the purest group of their caste.

- Sometimes the caste is regarded as an occupational group. But most of the respondents have not been agreed that their caste has a specific occupation. But the phenomena were found much stronger among the DMs, with most of them responding that they have a specific caste occupation. Main occupations of DMs include weaving of cloths, slaughter of animals, removal of hair from skin of dead animal, dying the skin of dead animals, and providing services to community at matrimonial and death ceremonies etc. Occupations of DHs, DSs, and DCs were similar in nature, like sweeping, carrying the dead cattle, and weaving etc. Only few of the respondents have been still engaged in their traditional caste-based occupations. This phenomenon was observed more among the DMs than the other communities.
- Residential area wise the Dalits are living in the separate colonies or areas. Such areas have poor sanitation, poor roads, and poor public utilities. Mostly, Dalit residential areas are different from non-Dalit areas, both in rural as well as in urban areas. DHs, DSs, and DCs all are living in common localities. There are no separate localities on the basis of religion. But the case is somewhat different in case of DMs, who were found to be in the neighbouring areas of Dalit areas. Probability of three sides neighbourhood of same religious community was found more in DHs and DSs because of their numerical strength.
- The caste-based discriminations are disappearing day by day, leading to development of close social relations. But this is not the case with caste identities. Most of the castes feel proud of being superior than some other

castes. While making matrimonial alliances the caste is still the most important factor for all communities.

- Religion was found to be a weak factor for matrimonial alliances for DHs, DSs, and DCs. DHs and DSs, both have little hesitation in finding bride and groom from the DCs and vice versa. For most of the DHs, DSs, and DCs, the religion was the first or second least important consideration in making matrimonial alliances. In some of the joint families, one of the sub-family was following Christianity, and the other Sikhism or Hinduism. But the DMs were comparatively conservative in this matter. For three-fourths of them, the religion was the first or second most important factor in finding bride or groom.
- Along with caste and religion, the respondents were also asked to rate two secular factors, i.e., income and education as determinants of matrimonial alliances. Importance of these factors is on an increase. Educated and mobile families give more weightage to these secular factors. But, for the DMs, still caste and religion are most important factors, with little importance of education and income.
- Educationally the Dalits as a group are a weaker or deprived section of society. One-fourths of those were found to be totally illiterate. Drop out rate was very high, with two-fifths of them leaving school before or after completion of 10 years of education. DMs were found to be the most deprived section, only 9 per cent of whom were able to continue study after matriculation. The DCs were found to be as good in education as the DHs and the DSs, but their proportion in post matriculation has a swift dive with only 22.5 per cent of those able to continue their studies. The figures were 38 per cent for the DHs and 35 per cent for DSs. The benefits of reservation and related benefits were seen visible after matriculation. The SC Dalits have more chances of getting enrolled for higher education than the non-SC Dalits.

- Different sectors of higher education require different level academic qualities and different financial obligations. Arts and humanities group is the most soft option in higher education, with highest number of seats available in the stream, lowest fee structure, and little academic pressure to complete the course. The engineering and medical streams are on the other end of the scale, having a smaller number of seats, heavy fee structure, and a strong academic base to compete for a seat and to complete the course. Most of the respondents who have gone for higher education were found in the Arts and humanities stream, followed by agriculture/vocational, law/commerce/computer/business, and medical/non-medical. In the higher education, the DHs were performing well than the others, followed by DSs, DCs and DMs respectively. Fields requiring higher academic competitiveness and higher financial obligations were out of reach of the non-SC Dalits, particularly of the DMs.
- In the government run and government aided schools of Punjab, mostly the medium of instructions is Punjabi, while in private schools mostly it is English. But the private schools are expensive; hence, out of the reach of most of the Dalit families. Taking education in English medium provides more opportunities in employment, and empower a student to compete for higher education. To some extent Hindi also provides a wider scope of employment at all India level. In spite of a large number of English medium schools in the State, only few respondents have taken education in such a school. In this matter the DSs were slightly better than the others groups and the DMs were the most deprived community.
- Schools having IT labs, equipped with the state-of-the-art IT tools provides an opportunity to the students to have good skills in IT, improving the probabilities of employment. Most of the respondents have told that they were not able to afford such schools. Only few of them were able to attend schools with good quality IT labs. In this regard the DHs were slightly in a better position, and the DMs the most deprived section of the Dalits. Similar was the case with respect to the availability of computer teacher in the school.

- The digital literacy level of the Dalit communities is very weak, with a small number of persons having ability to work in MS Word and even smaller number in MS Excel. Nearly 1 per cent of them were able to work in a professional software. The lower digital literacy level deprives the youth from a large number of private sector employment opportunities. Though the entire Dalit community is weaker in digital literacy, the DMs are the weakest even in this group.
- Communication skills in English language improves the employability. The respondents were generally weak in communication skills, with a little number of those having primary level skills. Less than one-fifth of them were able to comfortably communicate in reading and writing aspects and nearly one-tenth were able to easily communicate in listening and speaking aspects. In the use of English as communication skill, the DSs were slightly better than the other communities, with the DMs at the most deprived position.
- More than one-thirds of the adult population was without any remunerative work. Most of these respondents were females who were given the responsibility to look after the family. A large proportion was working as labourers, mostly in agriculture and in industries. A little proportion was working in public sector- the most inspired for sector for the job seekers. In public sector the DHs were at the top, closely followed by the DSs, while the DMs were the most deprived one. The SC Dalits were found to be in a better position than those of non-SCs, i.e., the DMs and the DCs. Less than one per cent of the respondents have been found working as medical practitioners. Out of these 6 practitioners only one was a qualified doctor, others were practising the profession only on the basis of their experiences gained while working as helpers with the doctors.
- Public sector engages the work force on different bases, i.e., the daily wage basis, contract basis, and on regular basis having all the benefits of public

sector employment. The Dalits were found present among the employees of different categories.

- Dalits have been found in all groups of public sector from Group D to Group A. DHs and DSs were found to be in a comparatively stronger position than the DMs and the DCs.
- Social facts can not be eradicated, but only adjusted. Religion is one of the strongest facts of social life in Punjab. Being represented by one's own religious community provides a confidence to a community. The field data shows that most of the representatives of the respondents belongs to Sikh community, closely followed by Hindus. There was a small number of Muslim representatives. Less than one per cent of the respondents have reported to have a Christian representative. DMs, who are the most deprived section of Dalits, are politically better than the DCs. Because according to the residential areas, they are not so close to the other Dalits as the DCs. Due to the closeness of DCs with DHs and DSs they find their election wards as reserved for the Scheduled Castes, depriving them from contesting in their native localities.
- In most of the villages and cities, the Dalits are living in separate areas or colonies. So, the Dalit majority areas are mostly represented by a Dalit. The survey shows that more than half of the respondents were represented by a Dalit in Panchayat or Municipality. The figures were slightly different for the DMs, because spatially they were not so close to other Dalits as the others were mutually.
- As regards the heads of the local government (Sarpanch in case of rural areas and President/Mayor in case of urban areas), most of the offices were held by Sikhs, followed by the Hindus. Religion wise Muslims have had opportunities to head a local government, but no Christian was found as holding the office as a head of the local government.

- While more than half of the ward representatives were the Dalits, only one-fourth of the heads of the local governments were the Dalits. Because in the Urban areas, reservation of office of head is not proportional to their population in the State. While the two-fifths of offices of headship were held by the Dalits in the rural areas, only one-tenth of such offices were held by Dalits in urban areas. Further in some of the villages where the office of the head was unreserved, it was held by a Dalit, while in the urban areas only an SC reserved office was hold by a Dalit.
- The Dalit community as a whole was found to be politically active, with a good number of respondents having contested election. All of such respondents have contested at the local government level. DHs and DSs were found to be more mobile than the DMs and DCs. The DCs were found to be least active in politics. It was observed during the field survey that spatially they were the integral part of the DHs and DSs, living in the Dalit majority areas, and due to a large proportion of DHs and DSs, also the SC majority areas. But the probability of a ward being reserved for the Scheduled Castes is more in the Dalit majority areas. DCs are not eligible for SC status; hence, they are not able to contest election from their native localities. The case is slightly different in case of DMs. They are not so not so closely intermingled with the DHs and DSs as the DCs. The DMs were also living in Dalit majority areas, but not necessarily in the SC majority areas, reducing the possibility of their wards being reserved. The reservation does not provide them accelerated opportunities for political participation, but the deprivations enforced by reservation are not so severe in their case, as in case of DCs.
- Serving as a representative in a democracy boosts confidence and social prestige of a person. Less than two per cent of the respondents have had an opportunity to serve as a representative of their ward in local government or as the head of the local government. The proportion was found to be highest among the DSs, followed by the DHs. Opportunities to serve as representative

were found to be very low for the DMs and lowest for the DCs. It raises a question mark on the representativeness of a democracy.

6.3 Analysis of findings with respect to the Objectives of study

6.3.1 Purposes of Reservation system of India

6.3.1.1 Purposes of reservations before Independence

Reservation system of India has been more than one hundred years old. Its purposes are identified through the historical study of the documents and reports related with the issue, and the study of Constituent Assembly Debates. The historical study shows that the reservations were started by the British to provide assured representation to all interests, an in particular to minorities. Due to a vast area and existence of different communities, the British have held the opinion that interest-based representation was the best practicable option in India (M.C. Report, 1918, p. 147). First of all, the Muslim were given the reservations in legislatures. A number of communities and interests have claimed that they will not be able to get adequate representation without the reservations, and some of those were given reservations in legislatures at the India level and at the Provincial level. The purpose of reservations was to ensure representation of different communities in the legislatures.

The second characteristic of the reservations during the British period is that the major objective had remained the representation of different communities in legislatures only. Though there was no universal adult franchise at that time, but the main objective remains the presence in legislatures. The demand for representation in services was comparatively feeble, and was raised after a considerable period.

These are the two basic characteristics of the reservations before Independence. One is the representation of communities, and the second is the stress on the political aspect of reservations. Reservations in educational institutions were not an issue at all.

6.3.1.2 Purposes of reservations after Independence

Purposes of reservations have had gone a fundamental change after the country got Independence. Before Independence it was the representation of communities. This objective had continued to guide the Constituent Assembly for the initial years. First draft of the Constitution had contained the provisions for reservations in legislatures in favour of Muslims, Scheduled Castes, and Indian Christians (Draft Constitution, 1948, Art. 292). The case of Sikh community was still under consideration due to large scale violence and mass migrations in Punjab.

After the partition of the country, the Constituent Assembly has revised its decision on communal reservations. It was decided that the reservations will not be provided on communal basis to any community. But the reservations were allowed to continue for the Scheduled Castes due to their backwardness and deprivations imposed upon them. It was a fundamental shift in the objectives of reservations. The objective has changed from *representation of communities* to *safeguards for weaker sections*.

6.3.2 Social, economic, and educational conditions of Dalit Muslims and Dalit Christians in the State of Punjab

6.3.2.1 Social Conditions of Dalit Muslims and Dalit Christians:

Caste discrimination is on a continuous decrease in Punjab, but not the caste consciousness. The Dalits are aware about their caste identities even after conversion to egalitarian religions. Near about 90 per cent of the DMs and DCs were aware that they belong to a particular caste. This is similar to DHs and DSs. Similarly, there was no considerable difference in the views of Dalits with respect to the existence of caste discriminations in Punjab. Some of them have also faced caste-based discriminations. In addition to caste-based discriminations, there are incidences of communal discriminations against minority communities. Some of the DM and DC castes had been assigned particular caste-based occupations, adding another hurdle to social development. A considerable number of DMs were found to be still engaged in unclean traditional occupations.

DMs and DCs have not intermingled with the upper sections of Muslims and Christians. They are spatially different from upper sections. They were found to be living in separate colonies than the society in general. With respect to Dalit ghettoization, DCs have no difference than the DHs and DSs. Muslims are living in slightly different areas, usually adjacent to colonies of other Dalits. Religion wise the DCs were found to be sharing neighbourhood with the DHs and DSs. In some of the cases more than one religious affiliations were found among the different members of a single Dalit family.

The caste factor was observed to be disappearing in social relations at work place, educational institutions, and in public places etc. But the caste still remains a dominant factor while making matrimonial alliances. For the DHs, DSs, and DCs, religion was a little considerable factor, while the caste was the most dominant factor. For the DMs the religion is also a considerable factor, but the caste remains the most dominant factor. Secular factors like income and education matter little in the matrimonial alliances for DMs.

Analysis of all of the social factors of DMs and the DCs shows that they are socially backward as like the Dalits professing Hinduism and Sikhism. Similar results were reported by Higde (2010), in respect of the Dalit Christians in the State of Karnataka.

6.3.2.2 Economic conditions of DMs and DCs:

To know about the economic conditions of DMs and DCs, field survey has collected data about possession of agricultural lands, plot size and number of rooms in the house, ownership of other immovable properties like shops etc., ownership of vehicles, ownership of computer/laptop, and number of air conditioners installed in the house. The survey has shown that the DMs and DCs are mostly landless, and those having any agricultural land are the owners of uneconomical small farms. Ownership of agricultural land is not only a fixed asset and a regular source of income; it is also a source of social prestige in the agriculture centric society in rural areas. The DMs and DCs were found to be more deprived than the other Dalits. They were found to be living in small houses, lacking even the basic utilities. The DMs

were found to be the poorest in case of plot size and number of rooms in the house. A small number of them have owned other movable properties. These were in the form of petty shops, usually in the residential areas, and in most of the cases as a part of the house.

Most of the DM and DC families have ownership of two-wheelers, but a four-wheeler was affordable for only few of them, particularly in case of DMs. Ownership of a computer/laptop helps in the IT related skills. But most of the DM and DC families were without this facility. The DMs were found to be the most deprived section even among the Dalits. Most of the DMs and DCs were not able to afford an air conditioner, though it is a common house hold utility for the non-Dalits in Punjab.

From all the economic parameters, the DMs and DCs are far behind the society in general. In most of the cases they were found to be even behind the DHs, and DSs. Because the DHs, and DSs have state support in the form of subsidised supply of certain articles and services, while the DCs and DMs are not eligible for such benefits due to their non-SC status. During the survey it was observed that the DCs were not backward or poorer than the other Dalits due to their indifference towards progress. They were poor and backward due to caste considerations. Most of those belong to the poorest, most backward, and most deprived castes of Punjab.

6.3.2.3 Educational conditions of DMs and DCs:

The DMs and DCs are educationally backward. A large number of them have never attended a school. Drop-out rate is very high, consequently very low enrolments in the higher education. Instances of communally sensitive comments in schools were also reported by some of the respondents. Expressing a serious grievance, one of the respondents told:

In Khalsa school my ward was cavilled about by the fellow children for the atrocities conducted by Mughals on the Sikh Gurus, in a Jain School the teacher was preaching 'meat eating is a sin, raise the hand who does not eat it', in a Hindu school he has to participate in idol worship forbidden for

Muslims, now please tell me where we can send our children for schooling?

(personal conversation with the researcher).

Those going for higher education usually prefer to the academically and economically “soft courses”, particularly Arts and Humanities. Courses requiring higher academic records, involving higher expenditure, and having limited number of seats are mostly out of reach of these communities, particularly of the DMs. While every city of the State has English medium schools, the DMs and DCs can not afford to enrol their wards in such schools. They have to opt only for state run vernacular schools. The best schools established by Christian societies in the State are catering more to the affluent non-Christians, than the poor DCs.

DMs and DCs are still deprived from IT literacy tools and techniques. Due to financial restraints they have to opt for low-cost schooling. In such schools either there are no computer labs, or those are poorly equipped. Apart from lack of computers and other IT related tools, such schools are not able to hire the qualified instructors. As a result, the IT skills in DMs and DCs were found very weak. Most of them were not able to run elementary programs, and only few were able to run a professional software. Backwardness in IT literacy decreases the probabilities of employment in modern day business and industry. DMs and DCs were found to be having poor communication skills in English, most widely used language in modern day business, industry, and IT. DMs were particularly poor in communication skills.

6.3.3 Political representation of DMs and DCs in representative bodies in Punjab

The DMs and DCs have rare chances of getting elected to a political institution in Punjab. There is no Member of Parliament from either of these communities. Presence of both of these communities in Legislative Assembly of the State is also zero. In the local government institutions of Punjab, their presence is rare. In this regard the conditions of DMs are slightly better than the DCs. Because the three Dalit communities- DHs, DSs, and DCs are living in common colonies, while the DMs have their own colonies, usually adjacent to colonies of other Dalits.

DMs does not fall in the SC status; hence, having no access to SC reserved seats. But in some of the cases their wards are different from other Dalits, and such wards are "unreserved", giving a chance to DMs to contest from their wards. But the DCs have more spatial proximity with DHs and DSs, both considered as Scheduled Castes. So, the wards of such areas have more probability of being reserved for SCs. Since the DCs are not eligible for SC status, they are not able to contest from such wards.

6.3.4 DMs and DCs in public sector employment

Service sector is the main living standard improvement option before the deprived sections, as it does not require large scale monetary investments. It requires the investment of only human resources. In the service sector, public sector jobs are most aspired for due to service security and monetary benefits attached with it. Further the public sector employment provides a superior social status. There is a hard competition for public sector jobs. Reservations are provided to different sections i.e., SCs, STs, OBCs, and Economically Weaker Sections (EWSs) to assure the presence of all sections in public sector. All of these groups are at different levels of educational and economic standards; hence, the level of competition is different in all sections. It is all like the sports teams in under fourteen, under sixteen, under eighteen, and seniors' categories.

The DMs and DCs are also given the benefit of reservations under the OBC category for Union level posts and BC category for State level posts. But they have little chances of being selected for a public sector job, because they are kept in a category of castes which are comparatively more advanced. It is just like playing some "under fourteen players" in the "under eighteen's team".

Probability of DMs and DCs for having a public sector job is very low. Those, working in the public sector were found to be mostly on the daily wages basis and contract basis, further reducing their representation in regular jobs. In public sector they were found to be working in lower class jobs, i.e., C and D Groups. During the survey the presence of these categories in Group A services was found to be zero.

6.3.5 Comparison of DMs and DCs with DHs and DSs (Non-SC Dalits v. SC Dalits)



A Hindu Khatik at his tailoring shop



Muslim Khatiks removing hair from the skin of dead animals



Muslim Khatiks at the "Ghat" where skins of dead animals are cleaned, dried, and dyed

DMs and DCs are kept out of the SC status, the major legal category to provide reservation benefits. This section is dedicated to their comparison with the SC Dalits, so that the justness of their exclusion can be measured. Economically the DMs and DCs are poorer than the DHs and DSs. Their average land holdings are lower than the DHs and DSs. With respect to the size of the plot area of the house, and the covered area of the house their conditions were worse than the DHs and DSs. The immovable assets of the DMs and DCs were lower than the DHs and DSs.

The moveable properties (two-wheelers and four-wheelers) of DMs and DCs were found to be lower than the DHs and DSs. In the ownership of four wheelers the DSs were comparatively in better position and the DMs are the poorest community. Ownership of computer/laptop in Punjab indicates the good economic and educational status of a family. In this regard the DMs were the most deprived section and the other three communities were found to be in almost similar conditions. Similar pattern was observed in the ownership of air conditioner.

From all the economic aspects, we can conclude that most of the Dalit families have minimum capital assets, they are living in small houses in congested areas having poor sanitation facilities. When we compare the SC Dalits with non-SC Dalits, the economic conditions of the latter were found to be even worse than the former.

Socially the caste discriminations were found to be diminishing. Usually, the instances of such discriminations were narrated as things of the past. A considerable effect of religion was found on such discriminations. DMs and DCs were found to be more prone to such discrimination, probably due to their minority identity. Though the incidences of discriminations were observed as decreasing, but the caste consciousness was still very strong in all the religious communities. Caste consciousness was found to be most prominent among the DMs. While entering into matrimonial alliances the caste was the strongest factor for all the communities.

Traditionally most of the Dalit castes were assigned the occupations having low income and low social status. Some of the castes were assigned "unclean" occupations. Now only few families were found to be engaged in such occupations,

and the number of DMs was highest among such families. The Khatiks were found both in DHs and in the DMs. Where the DHs have shifted to cleaner and more paying jobs, several DMs were found to be still engaged in the removal of hair from the skin of dead animals, and dying such skins for leather industry. All of these works were still being done by hands without any machinery. The workers were working in highly unhygienic conditions.

Educationally the DMs were the weakest group in all the four categories, and at all the levels of education. The educational conditions of the DCs were not different from DHs and DSs at the school level but, higher the level of education, the proportion of DCs was on continuous decrease. It was due to the fact that the education at school level is nearly free, making it equally accessible to all sections, but the higher education was not free and the main subsidies and scholarships were available only to DHs and DSs, not to the DCs. DMs and DCs who have gone for higher education were found to be in those courses only, which were less expensive, requires mediocre academic merit, and where seats were openly available. They have some presence in Arts/Humanities and Agriculture/Vocational courses. In the courses requiring higher academic merit, having limited number of seats (consequently reservation applies in admissions), and requiring higher economic inputs (like Law, Commerce, Computer, Business and Management, Medical, and Non-Medical) the presence of DMs and DCs was very low than the DHs and DSs. Because of non-SC status of these communities.

Most of the Dalits prefer government run schools due to nominal fees. But such schools have always remained neglected at least up to the first decade of 21st century. Privately managed English medium schools have remained inaccessible to their large proportion. Access to English medium schools was found lowest to the DMs, followed by the DCs. DHs and DSs have comparatively more access to such schools. Similar conditions were observed regarding access to schools with IT equipped labs and IT teachers. As a result of lower and poorer education, the DMs and DCs were found to be backward in IT literacy, an important aspect of employability in today's liberal economy. Communication skills in English also

provides accelerated opportunities of employment in private sector. In English language the DMs and DCs were comparatively weaker than the DHs and DSs.

Employment opportunities are based on education, communication skills, IT literacy, and reservation. In public sector the education and reservation are main determinants of employability for the Dalits. Ratio of DMs was lowest in public sector employment, followed by the DCs. The DHs and DSs have more chances of getting selected for public sector employment due to better opportunities of education, more financial support from the state for higher education, and reservation of seats in educational institutions. Probability of getting public sector employment by the SC Dalits was nearly three times than the non-SC Dalits.

6.3.6 Suggestions to make the reservation policy just, bias free, and equal for all sections of downtrodden

After discussing the objectives of reservations, we are going to analyse whether the reservation policy is in consonance with these objectives? Analysis reveals that the reservation policy is contradictory with the objectives of reservations. The British have started the identification of categories on communal basis. The Constitution makers have considered it dangerous for the integration of the society; hence, removed all the benefits based on religion. When the communal identifications were removed as factors for identification of people for *inclusion* in beneficial groups, it is not just to use the same identifications for *exclusion* of the people in the beneficial groups. Depriving the Dalits belonging to certain minorities is an injustice imposed upon the persons not professing certain religions.

6.4 Intersectionality of religion and caste among Dalits in Punjab

Punjab is the traditional gateway of India. All the foreign invaders, except the British, have entered India through this land. The foreign invaders have brought with them some traditions and religious principles, which were alien to the natives. Settlement of foreigners from the different racial origins have made the population of Punjab a mixture of different cultures and races (Puri, 2003). As the effect of Muslim

invaders, some of the people, particularly those belonging to the weaker sections have tilted towards this new faith. The fifteenth century has witnessed the birth of a new religion- Sikhism in this part of the country. Both Islam and Sikhism have been egalitarian religions, having no doctrinal support to caste system. As the effect of principles and practices of both of these religions, in Punjab the Brahmanical influence has eroded to some extent (Ram, 2017). One of the causes of erosion of Brahmanical influence in the area was found by Buddha Prakash as due to migration of Brahminical element of the population to the Indo-Gangetic region (Puri, 2003).

There is no religious uniformity among the Dalits in Punjab. They have been continuously in the search of a position of social equality for themselves, and the "agendas" adopted have been the "Sanskritisation" and "conversion" to a religion based on equality (Ram, 2012).

6.4.1 Hinduism

Nearly two-fifths of the Dalit population in Punjab is follower of Hindu religion. The 2011 Census has reported that 38.85 per cent of the Scheduled Castes in the State are Hindus. Followers of Hinduism are found in all the 39 caste groups, which are declared as Scheduled Castes in the State. The numbers vary from less than one hundred in Perna caste to more than nine lakhs in Ad Dharm (Census, 2011),⁴⁹. Untouchability is not so severe in Punjab as in other parts of India. But the Hindu Dalits have been facing the discriminations in certain religious places. In some of the religious places donations for religious ceremonies are not accepted from Dalits. Separate sitting arrangements for taking food at *Bhandaras*, (free food) on certain religious festivals are common (Jodhka, 2002). But the discriminations have been found mostly in the rural areas of Malwa region. During the field survey it was noted that in the urban areas, particularly in the Doaba region, the Dalits have an open access to religious places. The young generation Dalits were fully aware of their social and political capabilities. When asked about the restrictions on entry in the

⁴⁹ <https://censusindia.gov.in/2011census/SCST-Series/SC14.html> (Retrieved on 14-4-2022 on 12.40 pm)

religious places, one of the young respondents has fired a counter question, "who dares to restrict us"?"

Due to ideological support to caste-based hierarchies in Hinduism, the Dalits have made several conversion attempts. In the first half of the 20th century, Ad-Dharm Movement was started to attain a separate religious identity. The Movement has a tremendous effect in Punjab, particularly in Doaba regions, where 80 per cents of Dalits have declared themselves as professing this religion (Ram, 2004b). Before the conduct of 1931 Census, the Ad-Dharm Mandal was successful in convincing the British Government for recording themselves as a separate religion. But the Hinduism remains successful in reducing this religion to a new caste. Ad-Dharm was listed as a caste in the Constitution (SC) Order, 1950. At the 2011 Census, nearly 90 per cent of the Ad-Dharmis were recorded as professing Hinduism, others being professing Sikhism, and few of those Buddhism (Census 2011, SC population by religious community).

6.4.2 Islam

Traditionally Punjab has remained a Muslim majority Province. But most of the Muslim population had been concentrated in districts like Montgomery, Lyallpur, Lahore, Multan, and Bahawalpur etc., which, after the partition have become part of the territory of Pakistan (Census of India 1931, Vol 17 [Punjab] Part 1, p. 311). As per the Census records of 2011, the population share of Muslims at India level is 14.23 per cent, which is only 1.93 per cent in the State of Punjab. Most of the Muslim population in India belongs to Indian ethnicity. Most of the people who embraced Islam belonged to the lower castes, who have converted as an attempt to upward social mobility and under the influence of Sufi saints. Some upper caste people have also converted for political and economic gains during Muslim rule in the country (Mistry, 2005).

Hutton, the Census (1931) Commissioner of India has found that although Islam provides no doctrinal sanction to the institution of caste and a number of people have embraced this religion in the hope of upward social mobility. But Islam in India

is not casteless, because mere conversion to this religion is not an act of destroying caste. Ideologically the Muslims may not support casteism, but practically they observe it like the caste Hindus (1963, p. 2). Aspirations of converts have not come to be true to get a rid from casteism. Caste divisions are as sharp in Islam as in other religious groups of Punjab. Researches have proved that caste in India was neither restricted to Hinduism, nor it was static in the context of time and space in a particular religion. The caste has remained prevalent in all the communities including the Sikhs, Christians, and the Muslims, because most of the adherents of those religions have come from Hinduism (Mitra, 1993). Existence of casteism among the Muslims was recognised by Mahatma Gandhi, as a result of the close proximity with Hindu society (Ali, 2012). Pointing to the social stagnation among the Muslims, Dr. Ambedkar had noted that they were not only divided on caste lines, they also practise untouchability. They have three broad groups of- Ashrafs, Ajlafs, and Arzals. Ashrafs are believed to be the descendants of foreigners and converts from high caste Hindus, the Ajlafs are the occupational groups converted from Hindus, and the Arzals the lower caste Muslims, who are forbidden from entry into mosque and use of public burial grounds (Ambedkar, 1945, p. 217-19). Because most of the converts to Islam had been from the lower social strata, the proportion of backward castes among them was higher than the average. Combined together the backward and Dalit castes are estimated to comprise more than 80 per cent of the Muslim population in India (Ali, 2012).

No religious community in India is homogenous. Every community has been divided into upper and lower social strata. As the interests of Dalit and upper caste Hindus are not common, so is the case with the *ashraf* and *ajlaf* Muslims. Partition of the country has created a new State- Pakistan. But it was created for upper caste Muslims having lust for political power. The lower caste Muslims were not able to migrate safely to this newly created state. Those who have remained in India, mostly belongs to lower strata- i.e., the artisans, peasants, and other menial workers. All the socio-economic indicators of backward class Muslims are similar to only Scheduled Castes (Engineer, 2002).

The question of existence of caste divisions among the Muslims was discussed in the Deshpande Report (2008). On the basis of social scientific knowledge, it was noted in the Report that "ideal type" caste divisions were not present in any community, including the Hindus. The local variations were present in all communities with regard to casteism. The overwhelming consensus of social scientists on the recognition of existence of caste-like divisions among the Christians and Muslims was also acknowledged in the report. No Muslim or Christian in India is just a Muslim or a Christian; they are further subdivided on lines similar to Hinduism. Marriages are strictly endogamous. For the purposes of marriages, the boundaries may be soft within the similar groups, i.e., within the Dalits or within the non-Dalits. But such boundaries are very hard with respect to a marriage match between a Dalit and a non-Dalit (Deshpande & Bapna, 2008, Chapter 2, p. 10). Instances of being an upper caste poor, or lower caste rich are not general, but exceptional among the Muslims and the Christians. Caste identities do follow the Dalits in both of these communities (Deshpande & Bapna, 2008, Chapter 2, p. 12).

Muslims in India are said to be divided within ashraf and ajlaf categories. But the field studies do not support this division. This two-fold division is based firstly on historical writings, not on field studies. Secondly this approach was adopted for the macroscopic studies, covering the Provinces and in some cases India as a whole. But the field work studies, conducted in the second half of twentieth century have provided strong evidence that social stratification among the Muslims was not so simple as can be studied through *ashraf-ajlaf* dichotomy. The empirical studies have shown that in any local area the Muslim population was divided into a number of caste-analogues social groups, characterised by endogamy, hereditary memberships, traditional occupation, and hierarchical gradations (Ahmad, 1967).

Casteism in Islam has been officially recognised by the State, as the castes of Julaha, Teli, Mirasi, Kamboj have been included in the list of "Other Backward Classes" (OBCs) irrespective of the religion of the person. Making a direction to the authorities competent to issue Scheduled Caste certificates, the Welfare Department has in 2008 written that "No SC certificate has to be issued to a person belonging to

Muslims religion, though *his caste* is included in the list of Scheduled Castes (GOP, WD, 1/32/2008-RC I/1411, dt. 17-11-2008)". Mandal Commission (1980) find that the caste divisions among the non-Hindu communities were more or less same as in the Hinduism. The Commission has noted two major factors behind this phenomenon. First factor responsible for existence of caste among such communities is that the notion of caste is deeply rooted in the minds and social consciousness of the people. The Commission has noted that:

Consequently, even after conversion, the ex-Hindus carried with them their deeply ingrained ideas of social hierarchy and stratification. This resulted in the Hindu converts inadvertently acting as Trojan horses of caste system among highly equalitarian religions such as Islam, Christianity, Sikhism etc. (GOI, BCC Report, Vol, 1, para 12.11)

The second factor, which the Commission has noted was the environmental effect of Hindu majority society on other religions. So, the Muslims have developed a priestly class of Sayyads and Sheikhs on the lines of Brahmins, a warrior class of Mughals and Pathans on the lines of Kshatryas, and the occupational castes at the lower ebb of the social order (GOI, BCC Report, 1980, Vol. 1, para 12.12).

The lower castes among the Hindus have converted to Islam for the purpose of attaining upward social mobility. But caste is so deeply situated in the minds of the people in India that the lower caste converts, particularly the Dalit converts have remained unable to get the rid of their caste identities and related deprivations.

6.4.3 Sikhism: An opportunity to escape from casteism

After the birth of Sikhism, a religion based on egalitarian principles having no belief in caste system, a large section of Dalits have adopted this new faith. Guru Nanak (1469-1539), the first Sikh Guru has renounced the caste hierarchies. He had set a blow to the institution of *Varna Ashrama* by his holy sermons. He had preached

that nothing lies in one's caste, as it will not be acknowledged in the next world. He had preached that all the persons were eligible to attain salvation, by remembering the almighty, irrespective of their castes (Cunningham, 1918, p. 345; Singh [I. P.], 1958). Sikhism under Guru Amardas (1479-1574) has broken the rules of commensality by introducing the institution of "Langar", providing for a common dining by the persons belonging to all the classes. He has denied to entertain even the emperor Akbar until he has taken food along with other followers (Singh [I. P.], 1958).

In 1699 A.D. Guru Gobind Singh, the tenth Sikh Guru has formed "Khalsa", in a ceremony of formal inauguration of Sikhism as a different religion. He has ordered his followers to take inspiration and guidance from "Guru Granth Sahib", the holy book containing teachings of Sikh Gurus. The procedure provided for becoming a Sikh required to take sweetened sacred water (*amrit*), striking a blow to the notions of purity and pollution (Puri, 2003). Guru Granth Sahib has contained the holy sermons not only of Sikh Gurus, but also of a number of other spiritual persons having the similar spiritual views. These spiritual persons belong to different castes and religions, like Bhagat Ravidas, belonging to "Chamar" caste and Bhagat Kabir belonging to "Julaha" caste. Inclusion of holy sermons of these spirituals from Dalit castes have fostered a sense of honour and self respect among the Dalits. Persons from all castes have had started to follow Sikhism, but almost all of those have come to Sikhism along with their caste (Puri, 2003). Caste had always remained prevalent among the Sikhs.

Sikhism is known for its capacity to improve the social status of its followers irrespective of their previous position in caste system of Indian society. Entry into Sikhism led to the building of a new confidence among the deprived sections. Valuing this quality of Sikhism, Bingley has noted that Sikhism inculcates the extraordinary martial qualities of valiant and valued soldier in a sweeper in such manner that he loses the memories of his past when he was attached to degrading calling (1899, p. 93). Ibbetson has noted that gradations under caste system in India have a nature of permanence as compared to other countries due to the existence of a set of artificial rules under the Brahmanical order. But this presumption is not true that the castes are

permanent. Sikhism and Islam have contributed for the erosion of caste values. The author has also hoped that the British administration will also help positively for the erosion of caste boundaries (1916, p. 9). The so-called lower castes have not developed their own cultural and religious values under Hinduism. Ibbetson has noted that the persons belonging to *Chuhra* caste used to bury their dead where living in a Muslim village and to burn it, if living in a Hindu village. These practices were semi-Hindu and semi-aboriginal. But, once they have openly adopted a religion like Islam or Sikhism, they were able to get a specific religious identity. So, the conversion was the first step in their upward social mobility (1916, p. 268). During the beginning of twentieth century a large number of Dalits and artisans have converted to Sikhism from Hinduism to attain upward social mobility. Hindus who constitute 40.29 per cent of population of Punjab Province in 1881 Census were reduced to 26.83 per cent in the 1931 Census. The Sikhs, who during the 1881 Census constitutes 6.58 per cent have increased to 12.99 per cent in the 1931 Census. In the (Native) States of Punjab the Hindus were reduced from 54.94 per cent to 46.26 per cent, while the Sikhs have increased from 20.56 percent during this half a century period. In the Punjab Province and Punjab States combined, the Hindus were reduced from 43.8 per cent in 1881 to 30.2 per cent in 1931, while the Sikh population has witnessed an increase from 8.2 per cent (17,06,909) to 14.3 per cent (40,71,624). Analysing these trends, the Census Report 1931 has noted that the causes of variations in proportions of populations of different communities lies in social factors working in these communities. The Akali movement of the Sikhs was mainly responsible for large scale conversions in favour of Sikhism. Most of the converts comprise the members of Depressed Classes, agriculturists and artisans, to get rid of the lower social status in the caste ridden Hindu society (Census of India, 1931 Report 17, Punjab [I], pp. 293-294).

Though the Sikhism remained unable to destroy caste identities, it has remained successful in the "erosion" of caste. Empirical village studies have shown that priesthood was not the monopoly of the upper castes among the Sikhs. A person may act as a Sikh priest if he knows the procedure of the ceremony in question (Singh [I. P.], 1958).

6.4.3.1 Sikhism: Not succeeded in complete eradication of Caste

Sikhism has provided an opportunity for the lower castes to get rid of their lower social status. But it also fails in the establishment of an egalitarian society. Sikh principles denounce casteism, as is found in the teachings of Sikh Gurus. But there is no clear-cut command to the followers to build a caste free society. Sikhism has failed in the establishment of a caste free society. As regarding caste among the Sikhs, Cunningham has observed:

Gobind abolished *caste* rather by implication than by a direct enactment, and it may be justly objected that the Sikhs still uphold the principal distinctions at least of race. Thus the Gurus nowhere say that Brahmans and Sudras are to intermarry, or that they are daily to partake together of same food; (1918, p. 345)

Ibbetson has also noted that converts to Sikhism used to abandon their traditional occupation in favour of some higher order occupations. The converts have also restricted their social intercourse with their non-convert caste mates. But the severance of relations was not complete. They can accept a bride from the non-converts, but on the condition of baptism before developing any social relations. The new castes have been evolved for the lower caste converts, like Ravidasia and Rangreta etc. (1916, p. 269). Mutilated body of Guru Teg Bahadur (The Ninth Sikh Guru) was brought back from Delhi by Bhai Jaita Ji belonging to Chuhra caste, so the persons belonging to this caste were admitted to Sikhism as a reward for their services to the religion. They observe all the religious restrictions and fulfil all conditions. But the other caste Sikhs refuse association with them even in religious ceremonies (Ibbetson, 1916, p. 294). Hence; the Sikhism has failed to further reduce the gap between upper caste and these lower caste followers. In the contemporary social order these converts have more proximity with their counterparts in Hinduism or Islam than the upper caste Sikhs. The upper caste Sikhs have developed caste boundaries which were as strict as like the orthodox Hindus, and the lower caste Sikhs were denied the

right to enter religious shrines (Puri, 2003). Empirical studies have proved that the Sikhs claims that their religion was caste free. Persons belonging to upper and middle order castes have social relations on occasions of festivals and marriages etc. and interdine is not infrequent among them. But this is not the case with the Dalit Sikhs. The idea of pollution by touch is not there as the Dalits have to enter the Houses of upper caste Sikhs for whom they work. But they have to live outside the main residential area of the village having separate sources of drinking water (Singh [I. P.], 1958).

6.4.3.2 Sikhism and Caste Restrictions: removed in principle, continued in practice

Sikhism has failed to eradicate caste among its followers. But it has remained successful to erode the doctrinal support to caste hierarchies. Dalits who were restricted from entry into temples and reading of holy literature were provided access thereto under Sikhism. It has provided an opportunity to the Dalit Sikhs to work as professional priests in "Gurudwaras" (Sikh worship places), and to have access to the respect attached with this duty. The establishment of Shiromani Gurdwara Parbandhak Committee (SGPC) to manage the religious affairs and historical gurdwaras has promoted the democratic decision-making process in the religious affairs. During the first decade of its constitution (1926) the SGPC has passed a number of resolutions against the discrimination meted out to the lower caste Sikhs and had also instructed the Sikhs not to deny access to gurdwaras and wells to them (Puri, 2003).

But the Dalits are still denied to hold positions even in the management of gurudwaras having decision making powers. Recently several cases have occurred when the Dalit Sikhs were denied to use the Gurdwara hall for the "Bhog" ceremony of a deceased, or were not allowed to take the holy book to their home for religious ceremonies, or were denied to use the common eating utensil for the purposes for which those were meant to be used by the upper caste Sikhs (Hindustan Times, Jan. 22, 2018). In the "social gurudwaras" (those which are not historical, but constructed

by the community to perform religious rites at local level) the Dalits have reported such a discrimination, which was not less than *untouchability*. It has led to the establishments of separate Gurudwaras by the Dalits in a number of villages of Punjab (Judge & Bal, 2008).

6.4.4 Christianity

India has connections with Christianity at least from the 3rd Century A.D., through the Syrian traders. The Christianity has entered India from the Southern part, consequently proportional number of its followers is more in Southern India (D'Souza, 1966). In the Northern part of the country, Christianity had started to spread during the nineteenth century, and the followers were mainly from the members of lower caste groups and aboriginal tribes (D'Souza, 1966). Another group which responded to the call of Christianity was from the tribal population of the country. Dr. Ambedkar had held that the caste system was also responsible for it. As the Hindus have failed to civilise them, as the "whole life" of a Hindu "is an anxious effort to preserve his caste", and "he cannot consent to lose it by establishing contact with the aborigines" (Rodrigues, 2002, p. 270).

Religion is a matter of faith. Any religious community having good preachers, practitioners, and saints attracts the common people towards it. Apart from great personalities, the religious policies of the government of the day also have effect on the religious conversions, and apart from spiritual connections with god, the religious affiliations have political and social motives and implications also. This is particularly true about the caste ridden Indian society, where the religious conversions are the spiritual matters to some extent, but political and social matters to a large extent. Religious conversions in India have been one of the agendas adopted by Dalits to get rid of the caste-based discriminations under the Hindu social order, to which they had been subjected since the centuries (Ram, 2012).

Christian population in India has increased at a rate which is more than the normal rate of population growth. During the Census of 1881 there were 17,78,407 Christians in India, which constitutes 0.71 per cent of the total population. The

numbers have rose to 74,27,243 persons in 1941, which constitutes 1.91 per cent of the total population (Dutt & Davgun, 1979; Davis, 1951, pp. 178-179). First Census of Independent India conducted in 1951 has recorded 83,92,038 persons belonging to Christianity, which constitutes 2.35 per cent of total population (Census of India, 1951). During the British rule over the country, growth of Christianity was alleged to be on the support of the Government and the activities of foreign missionaries. Proportional growth during the 1941-51 decade can be said to be the effect of large-scale migrations across the borders of India and Pakistan. But the population proportion of the followers of Christianity has increased to 2.44 per cent during the Census conducted in 1961, which indicates that the people were adopting this religion not out of compulsions or pressures, but for any other reasons (D'Souza, 1966). Population of the community has been recorded as 2.30 per cent at the Census 2011, which is a slight decrease over the period of half a century.

Christian influence in Punjab can be traced back from the establishment of first mission station at Ludhiana in 1834. With the expansion of British colonial rule into Punjab in the 1849 the whole of the area was opened to the Christian Missionaries to spread their message. Some Mazhabi Sikh sepoy of 24th Native Infantry had come under the influence of the Christian literature in 1857, and were baptized (Webster, 2009). A Dalit (belonging to *Chuhra* caste) of Sialkot, Ditt Singh had converted to Christianity in 1873. To the surprise of all he was followed by thousands of other Dalits. Though it was not the intention of the missionaries to specifically target the lower strata, but it was the Untouchables who came out towards this faith for potential social mobility. There was no moral reason with the Church for keeping them out (Jodhka, 2004). Similar conversion movements have occurred among the *Chuhras* in Gujranwala and Gurdaspur districts. The movements were described by Pandit Harikishan Kaul, The Census (1911) Commissioner of Punjab as the desire of members of this caste to gain upward social mobility (Webster, 2009).

Hospitals and educational institutions were started by the Christian bodies in different cities, creating good impression of the faith. Few scholars like, Jones has held that the Christianity had “struck at two segments of the Hindu social order-

outcastes and upper caste students attending the newly established Christian schools (1968, p. 42)". While others, like Webster (1978) holds that the elites produced by such institutions have rarely converted to Christianity, rather they have had contributed more in the reform movements of their respective religions.

Expansion of Christian faith in Punjab had initially remained at a very low pace, only 3,823 people returning as Christians at the 1881 Census. but during the period of 1885-1925 there were waves of mass conversions from lower caste groups, like the Chuhras (sweepers), Chamars (leather workers), and the Meghs (weavers) towards Christianity (Webster, 1978). Due to these waves of mass conversions the number of its followers had been increased greatly. It has changed the demography of the community to characterise it a "rural and backward" community. About two-thirds of the Christians in Punjab are living in rural areas, and as per its own estimates about ninety per cent of the followers of the community belong to Dalit castes (Webster, 1978). As most of the converts to Christianity in the State belongs to *Chuhra* caste group, the community "is treated as coterminous with the scavenging caste (Judge, 2015)". But as the Christian Dalits are not eligible to record themselves as Scheduled Castes; hence, no official figures are available as to the correct proportion of Dalits in Christian fold.

Economically a big proportion of the community is suffering from lack of resources and unemployment. Taking into consideration of position of the community, it was listed as a "Backward Class" in 1972. In rural areas most of the men are agricultural labourers and women work in the homes of well-to-do families. Political representation of the community is very weak. They have little representation at local government level, that too only in Gurdaspur district, where it has more concentration than in other districts. But the community has never found a representation in Legislative Assembly of Punjab (Webster, 2009).

Christians in Punjab are not a homogenous community. In the rural areas, most of the Christians are Dalits. They have social relations with those having same

caste and occupation (who are usually also their family relatives), in spite of their religious affiliations (Webster, 1978).

Table 60: Number and proportion of Christian population in Punjab from 1881 to 2011

Census	Punjab population	No. of Christians	% age to total population
1881 ⁵⁰	2,27,12,120	3,942	0.017
1891 ⁵¹	2,51,30,127	19,750	0.079
1901 ⁵²	2,47,54,735	71,864	0.29
1911 ⁵³	2,41,87,750	1,99,751	0.83
1921 ⁵⁴	2,51,01,060	3,32,939	1.33
1931 ⁵⁵	2,84,90,857	3,95,629	1.39
1941 ⁵⁶	2,84,18,819	4,86,088	1.71
1951 ⁵⁷	1,23,72,603	1,17,860	0.95
1961 ⁵⁸	2,03,06,812	1,49,834	0.74
1971 ⁵⁹	1,35,51,960	1,62,202	1.2
1981 ⁶⁰	1,67,88,915	1,84,934	1.10
1991 ⁶¹	2,02,81,969	2,25,163	1.11
2001 ⁶²	2,43,58,999	2,92,800	1.20
2011 ⁶³	2,77,43,338	3,48,230	1.26

⁵⁰ Census of India 1891, Vol. XIX, The Punjab & its Feudatories, Part 1, Appendix C, Abstract nos. 5 & 19 pp. XXXVII, XLIV

⁵¹ Census of India 1891, Vol. XIX, The Punjab & its Feudatories, Part 1, Appendix C, Abstract nos. 5 & 19 pp. XXXVII, XLIV

⁵² Census of India 1901 Vol. XVII (Punjab & its Feudatories and NWFP) Part I, pp. 1, 172.

⁵³ Census of India 1911 Vol. XIV Punjab Part II, pp. 5, 28

⁵⁴ Census of India, 1921 Vol. XV, Punjab & Delhi, Part II, pp. 2, 31.

⁵⁵ Census of India 1931, Vol XVII (Punjab) Part 1, pp. 2, 3, 313

⁵⁶ Census 1941, pp. 98-99.

⁵⁷ Census of India 1951, Vol. 3, Punjab, PEPSU, Himachal Pradesh, Bilaspur & Delhi. Part 2-A- General Population, Age & Social Tables, pp. 298-99. (The figures are only for Punjab)

⁵⁸ Census of India 1961, Vol. XIII, Punjab, Part II-C(i), Social and Cultural Tables, pp. 350.

⁵⁹ Census of India 1971, Series 17-Punjab, Parts II-C(i), & V-A, Distribution of population by religion & SCs. p. 12.

⁶⁰ Census of India 1981, Series 17 Punjab, Household population by the religion of the head of household, p. 4

⁶¹ Census of India 1991, Series- 20 (Punjab), Part IV-B(II) Religion (Table C-9) p. 7.

⁶² https://punjab.data.gov.in/resources/population-religious-community-2001-punjab#web_catalog_tabs_block_10 (retrieved on 8-1-2022).

⁶³ Census of India 2011, retrieved on 6-1-2022, from https://censusindia.gov.in/2011census/Religion_PCA.html

6.4.4.1 Caste among the Christians

Christianity does not sanction casteism. But the caste of a person does not depend exclusively on his religion. Whether a person would cease to be its member on renouncing Hinduism or not, depends upon the rules, regulations, and the structure of a caste. A caste may contain the persons belonging to different religions also. It may happen in case of occupational castes "or the cohesion of the caste as a social group is so strong that conversion into another religion does not operate to snap the bond between the convert and the social group (C. M. Arumugam v S. Rajgopal 1975: 10/ 1976 AIR, 939)". In this case the Supreme Court had held that existence of castes among the religions other than Hinduism and Sikhism has been recognised even by the Constitution (SC) Order, which debars them from registration as Scheduled Castes.

There are several judicial cases where the existence of caste among the Christians was accepted. B. Devarajan was born in a family which have had converted to Christianity. But in the course of time Devarajan has converted to Hinduism. Upholding his election to the House of the People from an SC reserved constituency, Supreme Court has remarked "In fact, it may not be accurate to say that he regains his caste, it may be more accurate to say that he never lost his caste in the first instance when he embraced another religion". Recognising the continuance of caste after conversions, the Court remarked again "however irrational it may appear to our moral and social sense" the caste is "so deep rooted in the Indian people that its mark does not seem to disappear on conversion to a different religion" (S. Anbalagan v B. Devarajan 1983).

6.4.4.2 Caste among the Punjab Christians

"Caste is a social far more than a religious institution" (Ibbetson, 1916, p. 3). Existence of caste among the Christians was observed by social scientists and official committees appointed from time to time. Mandal Commission has remarked that caste was so deeply rooted in the minds of the people in India that even after conversion to any other religion, they did carry with them social hierarchy and stratification based

on caste divisions (1980, Part 1, Vol. 1, para 12.11). The Report has also mentioned the case of Kerala Christians who have been divided into several denominations on the basis of their caste. The lower caste converts continued to be treated as untouchables (Mandal Commission Report, Part 1, Vol. 1, para 12.14). One of the reasons for continuance of casteism in Christianity is the effect of overall predominantly Hindu environment (Dumont, 1980, p. 210). Hutton, the Census (1931) Commissioner of India has witnessed the caste practices among the Christians, with some of those even "truer adherents of the caste system than the Hindus (1963, p. 121)".

Religion or religious conversions are known to be personal matters of the individual. But it is not true to the conversions to Christianity. Nearly 80 per cent of the Protestants in India have had embraced this faith through *en masse* conversions. The mass conversion movements have taken place mostly among the Untouchables and other Shudra castes. Such groups want to maintain their group identity within the new faith, refusing to marry with the Christians of other groups (Caplan, 1980). For this new religion, where it remained impossible to upgrade the social hierarchy of lower castes, the negative results were found in case of upper caste converts. Such converts have to lost their relatives, family support, social status, and the chances to find a marriage match from their community (Caplan, 1980).

The Christian community in Punjab is synonym with the Dalits. The Dalit converts might have felt social upgradation in the eyes of the members of their own community, but it is not be expected from those communities which themselves believes in caste. The dominant communities have enforced more economic and social deprivations on the converts than they had been facing earlier. This arrogance got cooled down only after the landlords became convinced that there was no threat to their dominance. Empirical studies have shown that in rural Punjab the relations between the Christians and others are not marked by their religion, but by the caste hierarchies prevalent in the village (Webster, 2009).

6.4.4.3 Position of Punjabi Christians

The Christians are not considered as the Scheduled Castes, hence; separate data is not available for Dalit Christians. Anthropological Survey of India has in its report on Punjab (2003), mentioned that the Christians in the State are "caste-like and have not been able to escape from the Punjab caste hierarchy (in Webster, 2009, p. 35)". The data provided by the Census (2001) records provides that there were 2,92,800 Christians in the State, which constitutes 1.2 per cent of the total population. Among those categorised as "workers" 32.5 per cent were agricultural workers which is a considerable higher proportion. The Christians in the State can be described as "less urbanized, less literate, have only a slightly more favorable sex ratio than the Punjabi population as a whole, and thus could well be considered a backward community within the Punjab (Webster, 2009 pp. 35-36)". The 2011 Census have recorded 3,48,230 persons professing Christianity in Punjab, which constitutes 1.25 per cent of the total population.

6.4.5 Ad Dharm

Ad Dharm means the ancient or the original religion. The Ad Dharm Movement was assertive in nature as it was not based on "Sanskritization" which was stood to imitate others in social customs and in food habits. It was a sign of Dalit assertion for a separate identity, independent both from Sikhism and Hinduism. "Its central motif was that Untouchables constituted a *qaum* (community), a distinct religious grouping similar to that of Muslims, Hindus, and Sikhs, which had existed since time immemorial (Ram, 2004b, p. 900)". Mangoo Ram, the main guiding force behind the Movement belongs to Hoshiarpur District of Punjab, who have emigrated to America in 1909. In 1925 he had started this Movement and had persuaded the Dalits to adopt their historical religion, i.e., the Ad Dharm. The Movement had a tremendous impact in Punjab, particularly in the Doaba region, where nearly 80 per cent of Dalits have adopted Ad Dharm (Ram, 2004b).

Several social reforms movements have been started from various platforms for the removal of untouchability. The reform movements, which were led by Dalit

personalities like Dr. Ambedkar, Jyotiba Phule, and Mangoo Ram were most effective, because the removal of untouchability and related social discriminations was their primary objective, having primacy even over removal of Western hegemony (Ram, 2004a). When living in America Mangoo Ram had participated in Ghadar Movement for the liberation of country from British imperialism. But as he had returned to India after spending 16 years in America, he was astonished to see that there was no change in social conditions, particularly with respect to Untouchability. He had written to Lala Hardyal that freedom from Untouchability was a pre-condition for liberty of India (Ram, 2004a). He had started a school for Dalits in his village. He was the guiding force behind the philosophy of Ad Dharm. He was aware of the fact that, social equality can not be achieved without the spiritual regeneration of Dalits. He had realised the Dalits that actually, they were the original inhabitants of this land, while the Hindus were outsiders. But the outsiders have deprived them of their material resources, had destroyed the signs of their pride, and had enslaved them. The aborigines have a glorious history and their own spiritual tradition- the Ad Dharm. So, no justice can be expected from the Hindus. The Dalits should cease to consider themselves as Hindus and should always remember that they belong to Ad Dharm (Ram, 2004a). The Communal Award had provided separate electorates to the Depressed Classes, which was a recognition of separate Dalit identity. But Dalit leadership was pressurised from all corners and Mahatma Gandhi had started his *fast unto death* in Yerawada jail of Poona. Dr. Ambedkar had on behalf of Depressed Classes signed the Poona Pact under moral pressure, which has the effect of denouncing the separate Dalit identity. The incidence had hurt very seriously Mangoo Ram and he had told Dr. Ambedkar that he "had committed a blunder" (Ram, 2004a, p. 335).

Before the starting of Census operations 1931 the Punjab Ad-Dharm Mandal has requested the Government of Punjab to record the Ad Dharm as a separate religion. They claimed that Ad-Dharmis were the aborigines of India, and have no faith in Hinduism. The request was accepted and Ad-Dharm was recorded as a separate religion. The movement had a great success as 1.69 per cent of the population of the Punjab Province and 0.4 per cent population of the States of Punjab

have returned as Ad-Dharmis (Census of India 1931, Report 17 [I], Punjab, pp. 290-91). The impact of this movement was witnessed more in Doaba region of present Punjab. In the Jalandhar and Hoshiarpur districts more than one lakh persons have returned themselves as Ad-Dharmis (Census of India 1931, Report 17[I] Punjab, p. 294). In whole of the Punjab the Ad-Dharmis have reached almost equal to the Christian population. Their total number in Punjab constitutes near about 1.5 per cent of total population (Jodhka, 2012, p. 121).

Ad-Dharm Movement was influenced by several factors. The Census (1931) figures have shown that in the areas having land owning Hindu castes, the impact of the movement was comparatively weaker, like in the districts of Karnal, Hisar, and Rohtak. Because the land-owning castes have a considerable influence to weaken this Movement of religious disruption. Similarly, the Sikh land owners in Ambala, Ludhiana, and Lyallpur districts have remained successful to influence the Dalits to return themselves as Sikhs, instead of Ad-Dharmis. But in the tracts, where the Dalits have been conscious of their interests, like in the Canal Colonies, the number of persons returned as Ad-Dharmi was considerably higher (Census of India 1931, Report 17[I], Punjab, p. 310). Total number of persons who have recorded themselves as Ad-Dharmis in Punjab Province and Punjab States during 1931 Census was 4,18,789 (Census of India 1931, Report 17[I], Punjab, p. 318).

The Ad-Dharm Movement has covered political aspect also. Where the Ad-Dharm Mandal has approached the Punjab Government for the inclusion of Ad-Dharm as a separate religion in the 1931 Census, it has also participated in the elections held under Government of India Act, 1935 (Ram, 2004b). The Ad-Dharm Movement had faced an opposition from all, to whose social precedence it has posed a challenge. Hindus and Sikhs both have tried to suppress the Movement. Those who have had returned themselves as Ad-Dharmis in the 1931 Census were enforced further deprivations (Ram, 2004a).

The Ad-Dharm Movement has created a separate Dalit identity in social and political matters. They have participated in Punjab Legislative Assembly elections in

1937, in alliance with Unionist Party, and have won seven seats out of eight reserved for the Depressed Classes. They have constructed a separate Dalit theology, separate ways of greeting while meeting each-other, and most importantly a separate sacred book- The Ad Prakash. When the chief protagonist of the Movement, Mangoo Ram had retired himself from active social service, the Movement has lost the vigour. Efforts were made to revive it in 1970, but it had failed to provide a uniform separate identity to the Dalits (Ram, 2004a). The movement cooled down with the same fervour as it has arisen, due to the involvement of its leadership in active politics and attaining the benefits of reservation under Scheduled Casters Order, 1936 (Jodhka, 2012, p. 122). Gradually the Ad-Dharm itself has transformed into a caste, and is now listed as a Scheduled Caste in the Constitution (SC) Order, 1950. Various scholars hold that the Ad Dharm movement has consolidated the Dalit power and has helped in “forging a separate Dalit identity in Punjab (Ram, 2009, p. 3)”.

6.4.6 Buddhism

Buddhism has a microscopic presence among Punjab Dalits. According to 2011 Census only 27,390 persons have recorded themselves as professing this religion, which is 0.3 per cent of total SC population of the State (Census, 2011, SC population by religious community). Dalit conversions to Buddhism were designed as an agenda against "the superstitious and oppressive Brahmanical social order (Ram, 2011, p. 644)". But the Buddhist conversions have a little effect in Punjab, because here the conversion routes were mainly directed towards Sikhism and Christianity (Ram, 2011). During the 1981 Census, only 1253 persons have recorded themselves as professing Buddhism (Ram, 2011). It might be due to the fear of losing the SC status, as the Buddhists were not eligible for it until 1990.

6.5 Overlappings in religious and caste identities

Official data is maintained with respect to the number of Scheduled Castes persons professing different religions, while no such data is maintained with respect to the non-SC Dalit communities. Punjab has a population of all the three religious communities entitled for Scheduled Caste status. Sikhs, having 60.84 per cent of SC

population are present in all the 39 caste groups. Hindus, having 38.85 per cent of SC population are also present in all the 39 caste groups. All the caste groups enlisted in the Schedule have Hindu and Sikh followers. Buddhists constitute only 0.3 per cent of SC population in the State, but even then, 25 caste groups have Buddhist followers (Census 2011, SC population by religious community).

Due to the absence of Census data on non-SC Dalit communities, exact numbers about these communities can not be attained. But during the field survey for the present research work, it was found that DMs and DCs were found in several caste groups. The DMs were mainly found in Doom, Kabirpanthi-Julaha, and Khatik caste groups. The DCs were even more scattered. They were found in Balmiki-Chuhra, Bazigar, Chamar, and Sansi caste groups (field survey). A large sample study or census study will surely find out the presence of DMs and DCs in other caste groups also.

6.6 Role of Church

Church has remained a passive spectator on the issue of SC status for DCs. They are told by the clergy that you have become the children of God, and now the God will protect you from disease, alcoholism, and other problems. God will fulfil all your aspirations (personal observation during field survey). The Dalits are also encouraged to maintain dual identity, to continue the Scheduled Caste benefits. Several DCs have told the researcher that they have not converted to a new religion, they have adopted only an "alternate path" to attain unity with the almighty (personal observation during field survey). Church is stressing only on theological remedies for the problems of DCs (Raj, 2014).

Caste is so deeply rooted in Indian social order that the Church seems avoiding any confrontation with it. The upper caste Christians have never shown any concern with the legitimate demands of the DCs. It was an upper caste Christian, Dr. H. C. Mookherjee, the Vice-President of the Constituent Assembly of India, who had initiated the proposal of withdrawing the reservations from all the minorities. Rajkumari Amrit Kaur, another upper caste Christian and a member of the

Constituent Assembly has also opposed the reservations (C. A. D., 2014, Vol. 8, p. 269).

6.7 Religion, caste, and entitlement to development

Human development means enabling a person to "flourishing in its fullest sense- in matters public and private, economic and social and political and spiritual (Alkire, 2002, p. 182)". Every person has an inherent right to develop to his/her fullest extent. Any political system based on justice and equality has a duty to provide the opportunities of development to its members and to remove the structural obstacles on the way to development.

Caste has remained a major obstacle in the development of the persons belonging to Dalit castes. They have remained marginalised socially (Mendelsohn & Vicziany, 1998, p. 1), culturally (Guru, 2000), economically (Thorat & Attewell, 2007), educationally (Nambissan, 1996), and politically (SCR, Vol. 2, pp. 64-65). During the British rule several steps were taken by the Government to include all the sections, particularly the minorities and Dalits in the process of development.

Hinduism has a doctrinal support to caste based hierarchical social system in India. Some social movements and egalitarian religions have worked for the development of the Dalit communities. Some of the Dalits have converted to these egalitarian religions in the hope for a status of equality. Most of the Indians who have converted to Islam belongs to lower castes to attain upward social mobility (Mistry, 2005). But the aspirations have failed and the Muslims in India observe the caste system, as like those of Hindus (Hutton, 1963, p.). Sikhism was also seen as an opportunity for social mobility by the lower castes (Census [1931] Report 17, [I], pp. 291-293). Ibbetson, a civil servant during the British rule in India, and also an eminent ethnographer, has observed that Sikhism and Islam have to some extent helped to erode the caste structures (1916, p. 9). Indian Christians also belongs mainly to the lower caste groups and aboriginal tribes (D'Souza, 1966). The converts from lower castes continue to restrict their matrimonial relations with the members of their own caste group (Caplan, 1980). There relations within the rural as well as urban

setup (except the elite class) are also based on their caste identities, not on the religious identities (Webster, 2009).

The conversions to egalitarian religions in Punjab have no considerable effect on the social, economic, educational, and political conditions of Dalits. For example, Sikhism does not believe in caste-based purity-pollution, making it possible for the Dalits to perform religious duties, but only as *raagis*, *granthis* and *sewadars* (performing duties respectively as singing of sacred hymns, professional narrators and care takers or sweepers). Positions having decision making powers are mostly restricted to the dominant Jat Sikh community (Ram, 2016). Church is known for educational upliftment of its followers. Several schools and colleges were opened in Punjab. After Independence and Partition of India, Government of Punjab has made heavy investments in school education. Consequently, several missionary schools were closed by Protestants (Webster, 2009). Now educationally the DCs are equal to other Dalits up to school level, but they are lagging in higher education (observation during field survey). Islam could not help the DMs in their social, educational, economic, or political upliftment. Hence, it can be concluded that the egalitarian religions have promised equality, social justice, and dignity to the Dalits, but have failed to deliver the same (Singh [Surinder], 2016).

Caste has enforced multiple deprivations on Dalits. Principle support to caste hierarchy was provided by Hinduism. Advent of egalitarian religions have aroused a hope of equality among the Dalits. They have tried to affiliate with different religions, mostly in a hope of social justice and equality. But caste identities have continued to haunt them even after conversions to egalitarian religions. On the other hand, the State has deprived the converts from affirmative action benefits, by restricting the SC status to only DHs and to few castes of DSs (later extended to all the DSs and then all the DBs). Now non-SC Dalits are deprived from the "accelerated" opportunities of development, available to DHs, DSs, and DBs.

6.8 Absence of a common Dalit platform in Punjab

DMs and DCs are microscopic minorities in Punjab. There are no official figures about the numbers of these communities, because they are not considered as SCs. The total population of Muslim and Christian communities in the State is 3.19 per cent, and the Dalits in these communities will be even lesser. There is no effective community agency working for the Dalit rights in Punjab because of several reasons. One reason is the internal strife between two major Dalit caste groups- Balmiki/Mazhabi Sikh caste group on one side, and the Ad Dharm/Ravidasi/Ramdasi/Chamar group on the other side. BMS is the most backward group within the Scheduled Castes, and it was able to secure 50 per cent share as a preference in the SC reserved vacancies in 1975 (GOP, Welfare of SCs & BCs Dept., 1818-SWI-75/10451, dt. 5-5-1975). It has led to an internal friction within the Dalit communities. Dalit leadership and Dalit intelligentsia is too divided on these lines.

Ad Dharm Movement was started in 1926 to provide a common spiritual and political platform to Dalits. In Punjab the Movement was brilliantly led by Mangoo Ram, but it lost the vigour in 1946 (Ram, 2004). Efforts were made again to revive the Movement in 1970s, by Mangu Ram Jaspal (Ram, 2004). Ad Dharm Scheduled Castes Federation was constituted in 1970 to revive the Movement. In order to secure the cooperation of the BMS community, Saint Valmiki was given a prominent place in the Movement. But, despite all efforts the Federation fails to achieve the objective of Dalit mobilisation (Ram 2004).

6.9 Stance of political parties and judiciary

Policy decisions are influenced by several formal and informal structures of society. Though there are formal processes in the policy formulation, "However, in reality informal institutions have a substantial impact on the final policy produced or decision made (Aminova & Jegers, 2011, p. 589)". In this section roll of different stake holders is analysed with respect to the restriction of Scheduled Caste status to only three religious groups.

Congress party

Congress has traditionally maintained a partisan approach in the matter. After the end of British rule in India, the political power had come to the Congress. It has an overwhelming majority in the Constituent Assembly of India. It was the Congress party which has withdrawn all the benefits including the reservations in political institutions and services. Moving the motion for the withdrawal of the reservations from minorities, Congress leader Sardar Patel has advised the minorities that "nothing is better for the minorities than to trust the good-sense and sense of fairness of the majority, and to place confidence in them (C. A. D., 2014, Vol, 8, p. 272)". It was again the Congress party in power, when Constitution (SC) Order, 1950 was issued and the SC status was restricted only to Hindus and 4 Sikh castes. On the demand of Sikh community, the SC status was extended to all the Dalit Sikh castes in 1956 under the Congress Government.

Bharatiya Janata Party

Bharatiya Janata Party (BJP) is strictly against the extension of SC status to the non-Hindus. Reacting to the demand for DMs and DCs, this party holds that "Dalit" (former untouchables) are a Hindu problem. If Muslims (or Christians) want to be awarded reservations, they should get reconverted (by *shuddhi*) to Hinduism (Theodore, 1997, p. 854)". This condition suggested by BJP is sufficient to know about the views of this party towards the DMs and DCs.

Janata Dal

National Front coalition Union Government was formed in 1989, with the Janata Dal as the major political party (Wyatt, 1998). The SC status was extended by this Government to the Dalit Buddhists. But no step was taken to make it religion neutral. A thirteen party United Front coalition government was formed after the 1996 general elections to the House of the People. This coalition government has framed a "Common Minimum Programme" to govern the country. This Common Minimum

Programme has promised the extension of SC status to DCs, which remained unfulfilled (Wyatt, 1988).

Judiciary

The discriminatory nature of the "Constitution (SC) Orders" have appeared in several court cases. The judiciary has shown full faith in the provisions of the Orders. S. Rajagopal v. C. M. Arumugam case was related with the eligibility of a person to regain his caste status after his conversion to a non-Hindu religion and again reconversion to Hinduism. S. Rajagopal has won the Kolar Gold Fields (SC reserved) seat of the Mysore Legislative Assembly in the elections held in 1967. Rajagopal was born in the Adi-Dravida caste (Scheduled Caste in Mysore State), in a Hindu family. He has converted to Christianity in 1949. He has claimed before the High Court that he has reconverted to Hinduism; hence, was eligible for contesting from an SC reserved seat. But his election from an SC reserved seat was declared as void by the Mysore High Court. The Supreme Court has while hearing the appeal filed by Mr. Rajagopal held that "there was no specific ceremony held for reconversion (S. C. R., 1969, p. 268)". Further, there was no evidence that other members of Adi-Dravida caste have accepted him again as a member of the caste. So, his appeal was dismissed by the apex court on the grounds of his ineligibility to contest from an SC reserved seat due to his conversion to Christianity (S. C. R., 1969, pp. 254-269).

Both above-mentioned persons were again in the electoral contest from the same constituency in the general elections held in 1972 (with slight changes in their names as S. Rajgopal and C. M. Arumugam). Candidature of S. Rajgopal was challenged by C. M. Arumugam on the grounds of his ineligibility to contest from an SC reserved seat, leading to rejection of his nomination papers. S. Rajgopal has filed an election petition in High Court, where the Court has held that "reconversion to Hinduism does not require any formal ceremony or rituals (AIR, 1976, Supreme Court, p. 943)". C. M. Arumugam has appealed to the Supreme Court. The apex Court has accepted the view held by the High Court that Mr. S. Rajgopal has reconverted to Hinduism and he was accepted as a member of the Adi-Dravida caste by other

members of the caste. So, he was eligible for Scheduled Caste status (AIR, 1976, Supreme Court, pp. 939-951).

In *Soosai v. Union of India (1985)* case, the Supreme Court has accepted that the Sikhs belonging to Untouchable castes were given Scheduled Caste status, because they have recently converted from Hinduism. But in case of DCs, it has objected that "no authoritative and detailed study dealing with the present conditions of Christian society have been placed on the record (AIR, 1986, Supreme Court, p. 733)".

In *K. P. Manu v. Chairman, Scrutiny Committee for Verification of Community Certificate*, the Supreme Court has allowed the appellant (K. P. Manu) to regain the caste in the third generation. Akhila Bharata Ayyappa Seva Sangham (a Hindu religious organisation of Kerala) was accepted as an "authority" to admit any such person from other religions to Hinduism by performing the "Sudhi Karma according to Hindu rites and customs (para 37)".

In *Mohammad Sadique v. Darbara Singh Guru* case, the appellant-Mohammad Sadique was born in the "Doom" caste, which is a Scheduled Caste in the State of Punjab. His family was professing Muslim religion from unknown number of generations. His election from an SC reserved Legislative Assembly seat was set aside by Punjab and Haryana High Court in 2015. He has appealed to the Supreme Court, claiming that he has converted to Sikhism; hence, was entitled for SC status. His claim was accepted by the Supreme Court, and his appeal was allowed (AIR, 2016, Supreme Court, pp. 2054-2064).

In all the above-mentioned cases the Judiciary has accepted that the caste continues even after conversion to a religion other than Hinduism, Sikhism, and Buddhism (otherwise it will be impossible to invite the converts to reconvert to these religions). In *Mohammad Sadique* case the Court has allowed even "fresh applications" from the Dalits belonging to other religions. It has given a "message to Muslim Dhobis, Doods, Julahas, Mochis, etc..... that they could get sc status provided they agree to convert to Hinduism, Sikhism or Buddhism (Samarendra 2016b, p. 15)".

Judicial interpretation of the Scheduled Caste status of converts and reconverts is not different from the communal organisations working for *ghar wapsi* (returning home, or reconverting to original religion) of converts, majority of whom are the Dalits.

6.10 Analysing the SC Identification policy through the lens of Social Dominance Theory

Restricting the SC status to the persons belonging to certain specified religious communities is a form of social dominance by the majority and its allies against the minorities. This form of discrimination is not based on natural traits like age and gender but, on an artificial trait created in an arbitrary manner, giving it the character of *arbitrary-set system*. In this system the majority group dominates the minority group. Benefits are distributed on the condition of being a part of the majority group. Force of majority democracy is used in favour of majority group through the tools of laws and regulations. The dominance is maintained through the use of force and ideological support. The ideological support to this selective deprivation is provided through the framing and interpretation of laws and regulations, called as LMs in the SDT parlance. Followings LMs are maintained to support the biased reservation policies:

1. DMs and DCs were not included in Scheduled Castes by the SC Order, 1937;
2. Christianity and Islam do not recognise castes;

Analysed through the objective reasoning, both of these LMs are unable to withstand. DMs and DCs were not included in the SC category in the SC Order 1937 because the reservation policy under the British was not a form of affirmative action, it was a policy of distribution of benefits to different communities in proportion to their population and to some extent based on political importance of a community. There were reservations in favour of different communities and interests which includes the Muslims and Christians also. The SCs were not given reservation due to their ritual inferiority, but because of their inability to contest in open competition. Ritual inferiority was used only as a part of the test to identify the Scheduled Castes. Furthermore, if the DMs and DCs were not included in the SC list by the British, such

a decision is not binding upon the present government. As an Independent State, Indian Republic is free to frame its policies. Under the cloak of an executive order issued more than eight decades back, exclusion of certain communities from the SC status is only a LM to support the religion based social dominance.

The second LM to support the religious social dominance is the denial of existence of caste among the Muslim and Christian communities. Several sociological studies and the field survey during the course of the present study provides an ample proof that the institution of caste is universal among the Indians. It might be an objective of a religion to create a caste free society, but it is beyond the capacity of any religion to eradicate caste like a magic stick among its Indian followers. Caste does exist even after conversion to the egalitarian religions. It has been accepted by the policy makers, and the SC status was extended to the DSs in 1956 and to DBs in 1990. In several cases the reconverts from Christianity to Hinduism were given all the SC benefits even in the next generations. If a person becomes caste free on conversion to Christianity, such person or his next generations cannot acquire caste after reconversion to Hinduism. Mohammad Sadique, a person born in a family which had never followed Sikhism was allowed to acquire an SC caste on his conversion to Sikhism. If Islam is caste free, how he was assigned a caste after his conversion to Sikhism, and if Muslims have castes, what is the logic of depriving the DMs from SC status? Such questions have answers only in LMs created to justify the domination of few religious minorities.

6.10.1 Reservation system: making it just, bias free, and equal for all the deprived and weaker sections

Caste has remained a tool of exploitation of Dalit communities. The state intervention has tried to remove the caste-based discriminations. Spread of education has also helped the Dalits to raise their voice against the injustice being imposed on them. State has adopted a two-pronged strategy to eradicate the discriminations. First, the weaker sections are provided assured opportunities in education, employment, and political institutions through reservations in favour of them, and secondly caste-based

discriminations are declared as offences. Both strategies are working well to eradicate discriminations.

During the British rule the State has remained neutral. The Dalits were given reservations like the other sections, i.e., the Muslim, Sikhs, and Indian Christians etc. These reservations were called as "communal reservations" because those were provided to different communities on the basis of their distinctness from the society in general. After the country got Independence, the communal reservations were withdrawn and the special concessions were allowed only to the Scheduled Castes (most deprived section of society) and to the Scheduled Tribes (due to their distinct tribal identity, different from general society). After the commencement of the Constitution, a Constitution (SC) Order was issued to identify the Scheduled Castes, with respect to different states. This SC Order has restricted the SC status only to Dalit or Untouchable castes within Hinduism, and four Sikh castes. On the demand of Sikh community, the SC status was extended to the Dalit Sikh castes in 1956 on parity with the Hindus. The same was extended to Dalit Buddhists in 1990.

Caste is an all-pervasive phenomenon in India. No religious community is free from caste system. Dalits in all the communities have remained subjected to deprivations and discriminations. Dalits who have converted to Islam or Christianity are excluded from the SC status and the benefits of reservation and subsidised services. Due to this exclusion, they are not able to get the accelerated opportunities of education, employment, and representation in political institutions. This is a form of injustice to DMs and DCs. They are considered as OBCs, and are entitled to corresponding benefits. From all aspects of development, the OBC category is the middle order of the society. When the weakest section is put into the category of middle order section, there is little probability that they would be able to compete in that section. Further, the benefits to the OBC category are not at par with the SC category. It has resulted in an enforced exclusion of the DMs and DCs from the benefits due to them, because of their religious affiliation. They are under dual exclusion; being Dalits and being minorities.

In Punjab there are several Dalit castes, which are found in more than one religion. The DCs are found in almost all the Dalit castes found in Hinduism and Sikhism. Caste is a genetic trait while the religion is based on personal conscience of an individual. That is why under the Constitution of India "all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion (Art. 25)".

6.11 Suggestions

To make the reservation system just and bias-free, this study extends the following suggestions:

- In Punjab the SC status should be made religion neutral. It will pave the way for the inclusion of DMs and DCs in the SC category.
- The reservations in local self government institutions for the SC category are fixed in proportion to the SC population at village/city level and district levels. In Punjab these proportions should be redetermined by including the DM and DC population under the SC category.
- Proportion of SC reservations in admissions to educational institutions should be readjusted based on the redetermined SC population in Punjab.
- Proportion of SC reservations in public sector employment should be readjusted based on the redetermined SC population in the State.
- Seats in the House of the People and in the Legislative Assemblies of States are reserved in favour of SC category. The number of seats reserved in each State is determined on the basis the proportion of SC population in the State (COI, Arts. 330 & 332). The proportions of SC population will witness slight increase due to inclusion of DMs and DCs in the SC population. The number of SC reserved seats in the House of the People and in the Legislative Assemblies of Punjab should be redetermined based on new population proportions.
- The Constitution (Scheduled Castes) Order, 1950 should be amended to make it religion neutral. Paragraph 3 of this Order imposes a condition of religion

for inclusion in SC category. With respect to the application of this Order to the State of Punjab, paragraph 3 should be made ineffective.

- Academic studies to analyse the social, economic, educational, and political conditions of DMs and DCs in other States/UTs should be encouraged. If the DMs and DCs in other States/UTs are found to be living in similar conditions as the DHs, DSs, and DBs in any State/UT, the SC Order in respect to that State/UT should be made religion neutral to include the DMs and DCs in the Scheduled Castes.

6.12 Implications of study

The present study is expected to be beneficial for society, policy makers, and academicians in the following manner:

6.12.1 Implications for society

Justice and equality are the bonds of a society. In the words of Rawls "a society is well-ordered when it is not only designed to advance the good of its members but, when it is also effectively regulated by a public conception of justice (Rawls, 1999. p. 4)". Social progress achieved on the cost of a particular section of society is of no worth. It is in the interest of the society as a whole to maintain justice. Reservation system of India is admired all over the world for justice and equity involved in it. It has helped the weakest sections to accelerate the pace of progress. But making reservation system religion-based gives birth to injustice against the communities which are deprived of the benefits due to them owing to their backwardness, poverty, illiteracy, and deprivations enforced upon them.

Religion based reservations have divided the Dalits into two camps. There are several cases where the identity of a Dalit was challenged by another Dalit. In Punjab one of such case was that the election of Mohammad Sadique from an SC reserved legislative assembly constituency. The petitioner has challenged the validity of Scheduled Caste certificate of Mohammad Sadique, on the grounds of his religion.

Mohammad Sadique has lost the case in the High Court, but has successfully defended his case in the Supreme Court, by claiming of conversion to Sikhism.

Social divisions are not good for the peace and progress of a society. Whenever a DM or DC has tried to challenge the constitutional validity of SC Orders, the court has directed him/her to prove that they have been facing such discriminations as the Dalits in Hindu, Sikh, and Buddhist communities. Imposing the burden of proof on a deprived community is equal to continuing its deprivation. It is the responsibility of the society to help such communities to get justice at the hands of the law. This research will sensitize the society towards the life conditions of the DMs and DCs and to raise a voice for ensuring justice to those communities.

6.12.2 Implications for policy makers

A nearly untouched aspect of society has been analysed in this study. There is a lot of data available on the social, educational, economic, and political conditions of Scheduled Castes. But the few Dalit categories, which are outside the official category of Scheduled Castes, have always remained neglected. There is no official data about their socio-economic conditions. The present study has tried to find out the Dalits outside the Scheduled Castes. It was found that in the State of Punjab such Dalits were also present in Christian and Muslim communities. Among the Muslims, proportion of such persons is very low, while most of the Christians belongs to Dalit identity.

The socio-economic conditions of these non-SC Dalits were found to be poorer than the SC Dalits. Non-SC Dalits were backward and deprived from all fronts, i.e., economic conditions, educational conditions, social status, representation in public sector employment, and representation in political institutions of the State. Despite that, they are deprived from the major affirmative action benefits of the State due to their non-SC status.

The policy makers can conduct parallel studies on the life conditions of DMs and DCs. Based on their conditions the policy makers may include them in the

Scheduled Castes category. As Ranganath Misra Commission has recommended that there will be no need for any amendment in the Constitution. Because the Constitution has provided nowhere that the SC status shall be kept limited to the persons professing a particular religion (NCRLM, Vol. 1, p. 154).

The question of backwardness and deprived status of the non-SC Dalits have appeared before the policy makers and the judiciary several times. In one of such cases (A. I. R., [1986], SC, Soosai v. UOI, pp. 733-737) a cobbler from Tamil Nadu has reached the Supreme Court of India against the decline of his demand for allotment of a free roadside bunk as were allotted to other cobblers. The petitioner has claimed that though he has converted to Christianity, but he was living in similar life conditions. The apex court has held:

References have been made in the material before us in the most cursory manner to the character and incidents of the castes within the Christian fold, but no authoritative and detailed study dealing with the present conditions of Christian society have been placed on record in this case. It is, therefore, not possible to say that the President acted arbitrarily in the exercise of his judgement in enacting paragraph 3 of the Constitution (Scheduled Castes) Order, 1950. It is no well established that when a violation of the Article 14 or any of its related provisions is alleged, the burden rests on the petitioner to establish by clear and cogent evidence that the State has been guilty of arbitrary discrimination. (AIR, 1986, p. 733)

Consequently, the petition of Mr. Soosai was dismissed by the apex court, but only on the grounds of "technicality rather than merit (NCRLM, Vol. 1, p. 163)". This study will provide inputs to the policy makers, at least in relation to the conditions of DMs and DCs in the State of Punjab. There is no Constitutional bar against making the SC status religion neutral. It is only the Presidential Order which has imposed this

restriction. The policy makers may amend this Order in its applicability to the State of Punjab and may further explore the similar possibilities in relation to other States and UTs. Empirical research on the issue may be encouraged with the active involvement of educational and social research institutions.

6.12.3 Implications for academicians

The present study is restricted to only one State of the Union, i.e., Punjab. The Scheduled Castes Orders are applicable to all the States and UTs in India. Caste system in Punjab has remained somewhat different from rest of the country (Ram, 2004b). So, it is not necessary that the similar conditions will be found in other States. Similar studies can be conducted in other parts of the country to know about the conditions of DMs and DCs there. According to the conditions of the DMs and DCs in other parts of the country, required inputs may be provided to the policy makers.

The present study is also restricted to only two communities, i.e., the DMs and the DCs. Two communities, i.e., the DHs and DSs have been included in study only to compare the social, economic, educational, and political conditions of non-SC Dalits with those of SC Dalits. Dalit Buddhists who are now eligible for SC status are not included in the present study. Any other religion may also have some Dalit population. Life conditions of such Dalits may be included in the further studies.

As the apex court has ruled that in case of claiming a relief on the grounds of infringement of the right to equality provided under Article 14, it is the responsibility of the affected party to prove that certain policy or order of the state is arbitrary and violates his right to equality (Soosai v. UOI, AIR, 1986, p. 733). Any party, which is denied right to equality by any legal provision or any executive order is not necessarily in the capacity to prove it, otherwise it would not have suffered. The legal practices in the country have established the rule to impose the "burden of proof" on the aggrieved. It is the sacrosanct duty of the academia to share this burden of proof so that everyone can get his due share and a just society is established.

6.13 Limitations and Delimitations

6.13.1 Limitations

Caste and reservation questions are very sensitive issues in Indian society. It was a serious challenge to keep the study unbiased, and to ensure that the respondents provide objective information.

6.13.2 Delimitation

Thematically the study was limited to a comparative analysis of educational level, representation in services under the state and representative bodies, and socio-economic conditions of Dalits included in the Scheduled Castes and the Dalits not included in the Scheduled Castes. Geographically the study was limited to Punjab State of Union of India.

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Appendices

Appendix A

Questionnaire

Joginder Singh, (Ph.D. Scholar) Lovely Professional University

This data is being collected for a doctoral research work. The data will be strictly used for research purposes only. (ਇਹ ਅੰਕੜੇ ਪੀ. ਐਚ. ਡੀ. ਖੋਜ ਕਾਰਜ ਲਈ ਇਕੱਠੇ ਕੀਤੇ ਜਾ ਰਹੇ ਹਨ। ਇਹਨਾਂ ਅੰਕੜਿਆਂ ਦੀ ਵਰਤੋਂ ਕੇਵਲ ਤੇ ਕੇਵਲ ਖੋਜ ਕਾਰਜ ਲਈ ਕੀਤੀ ਜਾਵੇਗੀ)

Respondent number:

(I) Introduction (ਜਾਣ-ਪਹਿਚਾਣ)

1). Which is your Legislative Assembly? (ਤੁਹਾਡਾ ਵਿਧਾਨ ਸਭਾ ਹਲਕਾ ਕਿਹੜਾ ਹੈ?)

.....

2). What is your polling Station number? (ਤੁਹਾਡਾ ਪੋਲਿੰਗ ਸਟੇਸ਼ਨ ਕਿਹੜਾ ਹੈ?)

.....

3). What is your age [in years] (ਤੁਹਾਡੀ ਉਮਰ ਕਿੰਨੀ ਹੈ [ਸਾਲਾਂ ਵਿੱਚ])

[A] 18-27

[B] 28-37

[C] 38-47

[D] 48-57

[E] More than 58 (58 ਤੋਂ ਵਧੇਰੇ)

4). Gender (ਲਿੰਗ)

[A] Male (ਪੁਰਸ਼)

[B] Female (ਇਸਤਰੀ)

[C] Third Gender (ਤੀਸਰਾ ਲਿੰਗ)

[D] Prefer not to say (ਦੱਸਣਾ ਨਹੀਂ ਚਾਹੁੰਦੇ)

(II) Economic Indicators (ਆਰਥਿਕ ਸੂਚਕ)

- 1). Agricultural land [in acres] (ਵਾਹੀਯੋਗ ਜ਼ਮੀਨ [ਏਕੜਾਂ ਵਿੱਚ])
 - [A] 0
 - [B] 0.1-2
 - [C] 2.1-4
 - [D] 4.1-6
 - [E] More than 6 (6 ਤੋਂ ਵੱਧ)
- 2). House ownership [in square yards] (ਘਰ ਦੀ ਮਲਕੀਅਤ [ਵਰਗ ਗਜ਼ਾਂ ਵਿੱਚ])
 - [A] 0-50
 - [B] 51-100
 - [C] 101-200
 - [D] 201-300
 - [E] More than 300 (300 ਤੋਂ ਵੱਧ)
- 3). Number of rooms in the house (ਘਰ ਵਿੱਚ ਕਮਰਿਆਂ ਦੀ ਗਿਣਤੀ)
 - [A] 0
 - [B] 1
 - [C] 2
 - [D] 3
 - [E] More than 3 (3 ਤੋਂ ਵੱਧ)
- 4). Any other property like shops etc. (ਕੋਈ ਹੋਰ ਸੰਪੱਤੀ ਜਿਵੇਂ ਕਿ ਦੁਕਾਨ ਆਦਿ)
 - [A] 0
 - [B] 1
 - [C] 2
 - [D] 3
 - [E] More than 3 (3 ਤੋਂ ਵੱਧ)
- 5). Two wheelers (Scooters/Motorcycles) owned by family (ਪਰਿਵਾਰ ਕੋਲ ਦੁਪਹੀਆ ਵਾਹਨਾਂ [ਸਕੂ./ਮੋ.ਸਾ.] ਦੀ ਗਿਣਤੀ)
 - [A] 0
 - [B] 1
 - [C] 2
 - [D] 3
 - [E] More than 3 (3 ਤੋਂ ਵੱਧ)
- 6). Four wheelers [Cars/jeeps etc.] owned by family (ਪਰਿਵਾਰ ਕੋਲ ਚੌਪਹੀਆ ਵਾਹਨਾਂ [ਕਾਰ/ਜੀਪ ਆਦਿ] ਦੀ ਗਿਣਤੀ)
 - [A] 0
 - [B] 1

- [C] 2
- [D] 3
- [E] More than 3 (3 ਤੋਂ ਵੱਧ)

7). Computer/Laptop in the family (ਪਰਿਵਾਰ ਕੋਲ ਕੰਪਿਊਟਰ/ਲੈਪਟਾਪ)

- [A] Yes (ਹਾਂ)
- [B] No (ਨਹੀਂ)

8). Air Conditioners (ਏਅਰ ਕੰਡੀਸ਼ਨਰਜ਼ ਦੀ ਗਿਣਤੀ)

- [A] 0
- [B] 1
- [C] 2
- [D] 3
- [E] More than 3 (3 ਤੋਂ ਵਧੇਰੇ)

(III) Social Indicators (ਸਮਾਜਿਕ ਸੂਚਕ)

- 1). “Your family has a caste”. To what extent do you agree with the statement? (“ਤੁਹਾਡੇ ਪਰਿਵਾਰ ਕਿਸੇ ਜਾਤੀ ਨਾਲ ਸੰਬੰਧ ਰੱਖਦਾ ਹੈ”। ਤੁਸੀਂ ਇਸ ਕਥਨ ਨਾਲ ਕਿੱਥੋਂ ਤੱਕ ਸਹਿਮਤ ਹੋ?)
- [A] Strongly disagree (ਪੂਰੀ ਤਰਾਂ ਅਸਹਿਮਤ)
[B] Disagree (ਅਸਹਿਮਤ)
[C] Can not say (ਕਹਿ ਨਹੀਂ ਸਕਦੇ)
[D] Agree (ਸਹਿਮਤ ਹਾਂ)
[E] Strongly agree (ਪੂਰੀ ਤਰਾਂ ਸਹਿਮਤ ਹਾਂ)
- 2). In which religion do you believe? (ਤੁਸੀਂ ਕਿਸ ਧਰਮ ਨੂੰ ਮੰਨਦੇ ਹੋ?)
- [A] Hindu (ਹਿੰਦੂ)
[B] Sikh (ਸਿੱਖ)
[C] Muslim (ਮੁਸਲਿਮ)
[D] Christian (ਇਸਾਈ)
- 3). Which of the followings is your legal category? (ਹੇਠ ਲਿਖਿਆਂ ਵਿੱਚੋਂ ਤੁਹਾਡਾ ਕਾਨੂੰਨੀ ਵਰਗ ਕਿਹੜਾ ਹੈ?)
- [A] General (ਜਨਰਲ)
[B] OBC (ਹੋਰ ਪੱਛੜੀਆਂ ਸ਼੍ਰੇਣੀਆਂ)
[C] Scheduled Caste (ਅਨੁਸੂਚਿਤ ਜਾਤੀ)
- 4). “There is still a caste based discrimination in Punjab”. To what extent do you agree? (“ਪੰਜਾਬ ਵਿੱਚ ਅਜੇ ਵੀ ਜਾਤੀ ਆਧਾਰਿਤ ਵਿਤਕਰੇ ਜਾਰੀ ਹਨ”। ਤੁਸੀਂ ਇਸ ਕਥਨ ਨਾਲ ਕਿੱਥੋਂ ਤੱਕ ਸਹਿਮਤ ਹੋ?)
- [A] Strongly disagree (ਪੂਰੀ ਤਰਾਂ ਅਸਹਿਮਤ ਹਾਂ)
[B] Disagree (ਅਸਹਿਮਤ ਹਾਂ)
[C] Can not say (ਕਹਿ ਨਹੀਂ ਸਕਦੇ)
[D] Agree (ਸਹਿਮਤ ਹਾਂ)
[E] Strongly Agree (ਪੂਰੀ ਤਰਾਂ ਸਹਿਮਤ ਹਾਂ)
- 5). “You have suffered caste based discrimination”. Tick the appropriate option regarding this statement. (“ਤੁਸੀਂ ਕਦੇ ਜਾਤੀ ਆਧਾਰਿਤ ਵਿਤਕਰੇ ਦੇ ਸ਼ਿਕਾਰ ਹੋਏ ਹੋ”। ਇਸ ਕਥਨ ਸੰਬੰਧੀ ਢੁਕਵਾਂ ਵਿਕਲਪ ਚੁਣੋ)
- [A] Strongly disagree (ਪੂਰੀ ਤਰਾਂ ਸਹਿਮਤ)
[B] Disagree (ਅਸਹਿਮਤ)
[C] Can not say (ਕਹਿ ਨਹੀਂ ਸਕਦੇ)
[D] Agree (ਸਹਿਮਤ)

- [E] Strongly Agree (ਪੂਰੀ ਤਰਾਂ ਸਹਿਮਤ)
- 6). In which of the following places you have felt caste based discrimination in Punjab? (ਪੰਜਾਬ ਵਿੱਚ ਤੁਸੀਂ ਹੇਠ ਲਿਖਿਆਂ ਵਿੱਚੋਂ ਕਿਹੜੇ ਸਥਾਨਾਂ ਤੇ ਜਾਤੀ ਆਧਾਰਿਤ ਵਿਤਕਰਾ ਮਹਿਸੂਸ ਕੀਤਾ ਹੈ?)
- [A] School/College (ਸਕੂਲ/ਕਾਲਜ)
- [B] Religious places (ਧਾਰਮਿਕ ਸਥਾਨ)
- [C] Public offices (ਸਰਕਾਰੀ ਦਫਤਰਾਂ ਵਿੱਚ)
- [D] Service providers like barber, tailor, washerman etc.
(ਸੇਵਾਵਾਂ ਮੁਹੱਈਆ ਕਰਵਾਉਣ ਵਾਲਿਆਂ ਵਿੱਚ, ਜਿਵੇਂ ਕਿ ਵਾਲ ਕੱਟਣ ਵਾਲੇ, ਦਰਜ਼ੀ, ਅਤੇ ਧੋਬੀ ਆਦਿ)
- [E] Social functions (ਸਮਾਜਿਕ ਸਮਾਗਮਾਂ ਵਿੱਚ)
- 7). Which type of discrimination you have felt? (ਤੁਸੀਂ ਕਿਸ ਕਿਸਮ ਦਾ ਵਿਤਕਰਾ ਮਹਿਸੂਸ ਕੀਤਾ ਹੈ?)
- [A] Reluctance in handshake (ਹੱਥ ਮਿਲਾਉਣ ਵਿੱਚ)
- [B] Calling by caste name (ਜਾਤੀ ਦੇ ਨਾਮ ਨਾਲ ਸੰਬੋਧਨ ਕਰਨਾ)
- [C] Reluctance in shared dinning (ਇਕੱਠਿਆਂ ਬੈਠ ਕੇ ਖਾਣਾ ਖਾਣ ਵਿੱਚ ਹਿਚਕਿਚਾਹਟ)
- [D] Separate seating in classroom (ਕਲਾਸਾਂ ਵਿੱਚ ਵੱਖਰੇ ਬੈਠਣਾਂ)
- 8). “People from your caste are engaged in a particular occupation”. Do you agree? (“ਤੁਹਾਡੀ ਜਾਤੀ ਦੇ ਲੋਕ ਇੱਕ ਵਿਸ਼ੇਸ਼ ਕਿੱਤੇ ਨਾਲ ਜੁੜੇ ਹੋਏ ਹਨ”। ਕੀ ਤੁਸੀਂ ਸਹਿਮਤ ਹੋ?)
- [A] Strongly disagree (ਪੂਰੀ ਤਰਾਂ ਅਸਹਿਮਤ ਹਾਂ)
- [B] Disagree (ਅਸਹਿਮਤ ਹਾਂ)
- [C] Can not say (ਕਹਿ ਨਹੀਂ ਸਕਦੇ)
- [D] Agree (ਸਹਿਮਤ ਹਾਂ)
- [E] Strongly Agree (ਪੂਰੀ ਤਰਾਂ ਸਹਿਮਤ ਹਾਂ)
- 9). Are you following the traditional occupation of your caste? (ਕੀ ਤੁਸੀਂ ਆਪਣੀ ਜਾਤੀ ਦੇ ਵਿਸ਼ੇਸ਼ ਕਿੱਤੇ ਨਾਲ ਹੀ ਜੁੜੇ ਹੋਏ ਹੋ?)
- [A] Yes (ਹਾਂ)
- [B] No (ਨਹੀਂ)
- 10). If you are not engaged in the traditional occupation, to what extent your social status has changed? (ਜੇਕਰ ਤੁਸੀਂ ਰਵਾਇਤੀ ਕਿੱਤਾ ਨਹੀਂ ਕਰ ਰਹੇ, ਤਾਂ ਤੁਸੀਂ ਸਮਾਜਿਕ ਰੁਤਬੇ ਵਿੱਚ ਕੀ ਤਬਦੀਲੀ ਮਹਿਸੂਸ ਕਰ ਰਹੇ ਹੋ?)
- [A] Considerable improvement (ਕਾਫੀ ਸੁਧਾਰ)
- [B] Mild improvement (ਹਲਕਾ ਸੁਧਾਰ)
- [C] No change (ਕੋਈ ਤਬਦੀਲੀ ਨਹੀਂ)
- [D] Mild devaluation (ਹਲਕਾ ਨੀਵਾਂਪਣ)
- [E] Considerable devaluation (ਕਾਫੀ ਨੀਵਾਂਪਣ)

11). What is the social category of neighbour in front of your house? (ਤੁਹਾਡੇ ਸਾਹਮਣੇ ਘਰ ਵਾਲੇ ਗੁਆਂਢੀ ਦਾ ਸਮਾਜਿਕ ਵਰਗ ਕਿਹੜਾ ਹੈ?)

- [A] Dalit (ਦਲਿਤ)
[B] Non Dalit (ਗੈਰ ਦਲਿਤ)

12). What is the religion of the neighbour in front of your house? (ਤੁਹਾਡੇ ਸਾਹਮਣੇ ਘਰ ਵਾਲੇ ਗੁਆਂਢੀ ਕਿਸ ਧਰਮ ਨਾਲ ਸਬੰਧਿਤ ਹਨ?)

- [A] Hindu (ਹਿੰਦੂ)
[B] Sikh (ਸਿੱਖ)
[C] Muslim (ਮੁਸਲਿਮ)
[D] Christian (ਇਸਾਈ)
[E] Others (ਕੋਈ ਹੋਰ)

13). Social category of neighbour on the left of your house? (ਤੁਹਾਡੇ ਘਰ ਦੇ ਖੱਬੇ ਵਾਲੇ ਗੁਆਂਢੀ ਦਾ ਸਮਾਜਿਕ ਵਰਗ ਕਿਹੜਾ ਹੈ?)

- [A] Dalit (ਦਲਿਤ)
[B] Non Dalit (ਗੈਰ ਦਲਿਤ)

14). What is the religion of the neighbour on the left of your house? (ਤੁਹਾਡੇ ਘਰ ਦੇ ਖੱਬੇ ਵਾਲੇ ਗੁਆਂਢੀ ਦਾ ਧਰਮ ਕਿਹੜਾ ਹੈ?)

- [A] Hindu (ਹਿੰਦੂ)
[B] Sikh (ਸਿੱਖ)
[C] Muslim (ਮੁਸਲਿਮ)
[D] Christian (ਇਸਾਈ)
[E] Others (ਕੋਈ ਹੋਰ)

15). Social category of neighbour on the right of your house? (ਤੁਹਾਡੇ ਘਰ ਦੇ ਸੱਜੇ ਵਾਲੇ ਗੁਆਂਢੀ ਦਾ ਸਮਾਜਿਕ ਵਰਗ ਕਿਹੜਾ ਹੈ?)

- [A] Dalit (ਦਲਿਤ)
[B] Non Dalit (ਗੈਰ ਦਲਿਤ)

16). What is the religion of the neighbour on the right of your house? (ਤੁਹਾਡੇ ਘਰ ਦੇ ਸੱਜੇ ਵਾਲੇ ਗੁਆਂਢੀ ਦਾ ਧਰਮ ਕਿਹੜਾ ਹੈ?)

- [A] Hindu (ਹਿੰਦੂ)
[B] Sikh (ਸਿੱਖ)
[C] Muslim (ਮੁਸਲਿਮ)
[D] Christian (ਇਸਾਈ)
[E] Others (ਕੋਈ ਹੋਰ)

17). According to you, while entering into a matrimonial alliance, what should be the order of the following priorities? Mark a tick withing the boxes. (ਤੁਹਾਡੇ ਅਨੁਸਾਰ ਵਿਵਾਹਿਕ ਸਬੰਧ ਕਾਇਮ ਕਰਨ ਲੱਗਿਆਂ ਹੇਠ ਲਿਖੇ ਤੱਥਾਂ ਦੀਆਂ ਤਰਜੀਹਾਂ ਦਾ ਕ੍ਰਮ ਕੀ ਹੋਣਾ ਚਾਹੀਦਾ ਹੈ? ਖਾਨਿਆਂ ਵਿੱਚ ਟਿੱਕ ਕਰਕੇ ਦੱਸੋ।)

	1	2	3	4
Income				
Caste				
Education				
Religion				

(IV) Education (ਸਿੱਖਿਆ)

- 1). Years of education you have taken: (ਤੁਹਾਡੇ ਦੁਆਰਾ ਸਿੱਖਿਆ ਪ੍ਰਾਪਤੀ ਵਿੱਚ ਲਗਾਏ ਗਏ ਸਾਲ:)
- [A] 0
[B] 0-5
[C] 6-10
[D] 11-15
[E] More than 15 (15 ਸਾਲ ਤੋਂ ਵੱਧ)
- 2). What was the area of your education after matriculation? (5)
- [A] Arts (ਆਰਟਸ)
[B] Vocational (ਵੋਕੇਸ਼ਨਲ)
[C] Agricultural Science (ਖੇਤੀਬਾੜੀ ਵਿਗਿਆਨ)
[D] Commerce and Business (ਵਣਜ ਅਤੇ ਵਪਾਰ)
[E] Law (ਕਾਨੂੰਨ)
[F] Information Technology (ਇਨਫਰਮੇਸ਼ਨ ਟੈਕਨਾਲੋਜੀ)
[G] Non-Medical/Engineering (ਨਾਨ-ਮੈਡੀਕਲ/ਇੰਜਨੀਅਰਿੰਗ)
[H] Medical (ਮੈਡੀਕਲ)
[I] Others [specify] (ਕੋਈ ਹੋਰ ਖੇਤਰ [ਖੇਤਰ ਦਾ ਨਾਮ ਲਿਖੋ])
- 3). Medium of instructions during your school education? (ਤੁਹਾਡੀ ਸਕੂਲੀ ਸਿੱਖਿਆ ਦੌਰਾਨ ਸਿੱਖਿਆ ਦਾ ਮਾਧਿਅਮ ਕਿਹੜਾ ਸੀ?)
- [A] Punjabi (ਪੰਜਾਬੀ)
[B] Hindi (ਹਿੰਦੀ)
[C] English (ਅੰਗਰੇਜੀ)
[D] Others [specify] (ਕੋਈ ਹੋਰ [ਭਾਸ਼ਾ ਦਾ ਨਾਮ ਲਿਖੋ])
- 4). Whether the computer, IT tools, and other equipments regarding IT were available to you in the school? (ਕੀ ਤੁਹਾਡੇ ਸਕੂਲ ਵਿੱਚ ਕੰਪਿਊਟਰ, ਅਤੇ ਸੰਚਾਰ ਤਕਨੀਕ ਸੰਬੰਧੀ ਹੋਰ ਉਪਕਰਨ ਉਪਲਬਧ ਸਨ?)
- [A] No (ਨਹੀਂ)
[B] Minor (ਬਹੁਤ ਥੋੜ੍ਹੇ ਉਪਕਰਨ)
[C] Average (ਔਸਤ ਦਰਜੇ ਦੇ ਉਪਕਰਨ)
[D] Good instruments and lab (ਚੰਗੇ ਉਪਕਰਨ ਅਤੇ ਲੈਬ)
[E] State of the art computer labs (ਆਧੁਨਿਕ ਉਪਕਰਨਾਂ ਨਾਲ ਲੈਬ ਕੰਪਿਊਟਰ ਲੈਬ)
- 5). Whether the computer/IT instructors were available to you in the school? (ਕੀ ਤੁਹਾਡੇ ਸਕੂਲ ਵਿੱਚ ਕੰਪਿਊਟਰ/ਸੰਚਾਰ ਤਕਨੀਕ ਸੰਬੰਧੀ ਸਿਖਲਾਈ ਦੇਣ ਵਾਲੇ ਅਧਿਆਪਕ ਉਪਲਬਧ ਸਨ?)

- [A] No teacher was available (ਕੋਈ ਅਧਿਆਪਕ ਨਹੀਂ ਸੀ)
- [B] Teacher with minor skills (ਥੋੜ੍ਹੀ-ਬਹੁਤੀ ਜਾਣਕਾਰੀ ਦੇਣ ਵਾਲਾ ਅਧਿਆਪਕ)
- [C] Average teacher (ਅੰਸਤਨ ਦਰਜੇ ਦੇ ਅਧਿਆਪਕ)
- [D] Good teacher (ਚੰਗੇ ਦਰਜੇ ਦੇ ਅਧਿਆਪਕ)
- [E] Learned and experienced staff (ਸਿੱਖਿਅਤ ਅਤੇ ਤਜਰਬੇਕਾਰ ਅਧਿਆਪਕ)

6). What is your level in using MS Word? (ਤੁਹਾਡੀ MS Word ਵਰਤਣ ਵਿੱਚ ਕਿੰਨੀ ਕੁ ਮੁਹਾਰਤ ਹੈ?)

- [A] Can not use (ਬਿਲਕੁੱਲ ਵੀ ਵਰਤੋਂ ਨਹੀਂ ਕਰ ਸਕਦੇ)
- [B] Can use with difficulty (ਥੋੜ੍ਹਾ-ਬਹੁਤ ਵਰਤੋਂ ਕਰ ਸਕਦੇ ਹਾਂ)
- [C] Can use easily (ਆਸਾਨੀ ਨਾਲ ਵਰਤ ਸਕਦੇ ਹਾਂ)
- [D] Can use with professional skills (ਪ੍ਰੋਫੈਸ਼ਨਲ ਤਰੀਕੇ ਨਾਲ ਵਰਤੋਂ ਕਰ ਸਕਦੇ ਹਾਂ)

7). What is your level in using MS Excel? (ਤੁਹਾਡੀ MS Excel ਵਰਤਣ ਵਿੱਚ ਕਿੰਨੀ ਕੁ ਮੁਹਾਰਤ ਹੈ?)

- [A] Can not use (ਬਿਲਕੁੱਲ ਵੀ ਵਰਤੋਂ ਨਹੀਂ ਕਰ ਸਕਦੇ)
- [B] Can use with difficulty (ਥੋੜ੍ਹਾ-ਬਹੁਤ ਵਰਤੋਂ ਕਰ ਸਕਦੇ ਹਾਂ)
- [C] Can use easily (ਆਸਾਨੀ ਨਾਲ ਵਰਤੋਂ ਕਰ ਸਕਦੇ ਹਾਂ)
- [D] Can use with professional skills (ਪ੍ਰੋਫੈਸ਼ਨਲ ਤਰੀਕੇ ਨਾਲ ਵਰਤੋਂ ਕਰ ਸਕਦੇ ਹਾਂ)

8). Tick the professional software from the followings, in which you can work: (ਤੁਸੀਂ ਹੇਠ ਲਿਖਿਆਂ ਵਿੱਚੋਂ ਕਿਹੜੇ-ਕਿਹੜੇ ਪ੍ਰੋਫੈਸ਼ਨਲ ਸਾਫਟਵੇਅਰਜ਼ ਤੇ ਕੰਮ ਕਰ ਸਕਦੇ ਹੋ?)

- [A] Tally (ਟੈਲੀ)
- [B] SPSS (ਐਸ ਪੀ ਐਸ ਐਸ)
- [C] CorelDRAW (ਕੋਰੇਲਡਰਾਅ)
- [D] Computerised billing (ਕੰਪਿਊਟਰ ਤੇ ਬਿੱਲ ਕੱਟਣਾਂ)

9). Specify your level of English language in the different fields mentioned below. Mark a tick withing the boxes. (ਅੰਗਰੇਜੀ ਭਾਸ਼ਾ ਦੇ ਵੱਖੋ-ਵੱਖ ਪੱਖਾਂ ਵਿੱਚ ਤੁਹਾਡੀ ਕਿੰਨੀ ਕੁ ਮੁਹਾਰਤ ਹੈ? ਅਲੱਗ-ਅਲੱਗ ਪੱਖਾਂ ਸਾਹਮਣੇ ਉਚਿਤ ਵਿਕਲਪ ਚੁਣੋ)

	No (ਨਹੀਂ)	With difficulty (ਮੁਸ਼ਕਿਲ ਨਾਲ)	Easily (ਆਸਾਨੀ ਨਾਲ)	Fluently (ਤੇਜ਼ੀ ਨਾਲ)
Reading (ਪੜਨਾਂ)				
Writing (ਲਿਖਣਾਂ)				
Listening (ਸੁਣਨਾਂ)				
Speaking (ਬੋਲਣਾਂ)				

(V) Employment status (ਰੋਜ਼ਗਾਰ ਸੰਬੰਧੀ)

- 1). What is your present employment status? (ਮੌਜੂਦਾ ਸਮੇਂ ਤੁਹਾਡੇ ਰੋਜ਼ਗਾਰ ਦੀ ਸਥਿਤੀ ਕੀ ਹੈ?)
 - [A] Employed (ਰੋਜ਼ਗਾਰ ਤੇ ਹਾਂ)
 - [B] Unemployed (ਬੇਰੋਜ਼ਗਾਰ ਹਾਂ)
 - [C] Student (ਵਿਦਿਆਰਥੀ ਹਾਂ)
 - [D] Home Maker (ਘਰੇਲੂ ਕੰਮ-ਕਾਜ ਕਰਦਾ/ਕਰਦੀ ਹਾਂ)
- 2). Type of your employment: (ਤੁਹਾਡੇ ਰੋਜ਼ਗਾਰ ਦੀ ਕਿਸਮ ਕਿਹੜੀ ਹੈ?)
 - [A] Not Applicable/Home Maker/Student (ਲਾਗੂ ਨਹੀਂ/ਘਰੇਲੂ ਕੰਮ/ਵਿਦਿਆਰਥੀ)
 - [B] Labour (ਮਜ਼ਦੂਰੀ)
 - [C] Private employment/small business (ਨਿੱਜੀ ਖੇਤਰ ਦੀ ਨੌਕਰੀ/ਛੋਟਾ ਕਾਰੋਬਾਰ)
 - [D] Public sector job (ਸਰਕਾਰੀ ਨੌਕਰੀ)
 - [E] Professional service provider, like CA/Doctor/Lawyer etc.
(ਪੇਸ਼ੇਵਰ ਸੇਵਾਵਾਂ ਪ੍ਰਦਾਨ ਕਰਤਾ, ਜਿਵੇਂ ਕਿ ਸੀ. ਏ., ਡਾਕਟਰ, ਵਕੀਲ ਆਦਿ)
- 3). If working in Public sector, what is the nature of your employment? (ਜੇਕਰ ਸਰਕਾਰੀ ਨੌਕਰੀ ਕਰ ਰਹੇ ਹੋ ਤਾਂ ਨੌਕਰੀ ਦਾ ਸਰੂਪ ਕਿਸ ਤਰ੍ਹਾਂ ਦਾ ਹੈ?)
 - [A] Not Applicable (ਲਾਗੂ ਨਹੀਂ)
 - [B] Daily wages (ਦਿਹਾੜੀ ਆਧਾਰ ਤੇ)
 - [C] Contractual (ਠੇਕੇ ਤੇ)
 - [D] Regular (ਰੈਗੂਲਰ)
- 4). If working in Public sector, what is your class of employment? (ਜੇਕਰ ਸਰਕਾਰੀ ਨੌਕਰੀ ਤੇ ਹੋ ਤਾਂ ਤੁਹਾਡੀ ਨੌਕਰੀ ਦਾ ਵਰਗ ਕਿਹੜਾ ਹੈ?)
 - [A] Not Applicable (ਲਾਗੂ ਨਹੀਂ)
 - [B] Group D (ਗਰੁੱਪ D)
 - [C] Group C (ਗਰੁੱਪ C)
 - [D] Group B (ਗਰੁੱਪ B)
 - [E] Group A (ਗਰੁੱਪ A)

(VI) Political Representation: (ਰਾਜਨੀਤਿਕ ਸਹਿਭਾਗਤਾ)

- 1). What is the religion of the person elected as MC/Member Panchayat from your ward?
(ਤੁਹਾਡੇ ਵਾਰਡ ਵਿੱਚੋਂ ਚੁਣੇ ਗਏ ਐਮ ਸੀ/ਪੰਚਾਇਤ ਮੈਂਬਰ ਕਿਹੜੇ ਧਰਮ ਨਾਲ ਸਬੰਧਿਤ ਹਨ?)
[A] Hindu (ਹਿੰਦੂ)
[B] Sikh (ਸਿੱਖ)
[C] Muslim (ਮੁਸਲਿਮ)
[D] Christian (ਇਸਾਈ)
[E] Others (ਕੋਈ ਹੋਰ)
- 2). What is the category of the person elected as MC/Member Panchayat from your ward?
(ਤੁਹਾਡੇ ਵਾਰਡ ਵਿੱਚੋਂ ਚੁਣੇ ਗਏ ਐਮ ਸੀ/ਪੰਚਾਇਤ ਮੈਂਬਰ ਕਿਹੜੇ ਵਰਗ ਨਾਲ ਸਬੰਧਿਤ ਹਨ?)
[A] Non-Dalit (ਗੈਰ-ਦਲਿਤ)
[B] Dalit (ਦਲਿਤ)
- 3). What is the religion of your local government head (Sarpanch/Mayor etc.)? (ਤੁਹਾਡੇ ਸਥਾਨਕ ਸਰਕਾਰ ਮੁਖੀ [ਸਰਪੰਚ/ਮੇਅਰ ਆਦਿ] ਕਿਹੜੇ ਧਰਮ ਨਾਲ ਸਬੰਧਿਤ ਹਨ?)
[A] Hindu (ਹਿੰਦੂ)
[B] Sikh (ਸਿੱਖ)
[C] Muslim (ਮੁਸਲਿਮ)
[D] Christian (ਇਸਾਈ)
[E] Others (ਕੋਈ ਹੋਰ)
- 4). What is the category of your local government head (Sarpanch/Mayor etc.) (ਤੁਹਾਡੇ ਸਥਾਨਕ ਸਰਕਾਰ ਮੁਖੀ [ਸਰਪੰਚ/ਮੇਅਰ ਆਦਿ] ਕਿਹੜੇ ਵਰਗ ਵਿੱਚ ਆਉਂਦੇ ਹਨ?)
[A] Non-Dalit (ਗੈਰ-ਦਲਿਤ)
[B] Dalit (ਦਲਿਤ)
- 5). Have you ever contested any election? (ਕੀ ਤੁਸੀਂ ਕਦੇ ਕੋਈ ਚੋਣ ਲੜੀ ਹੈ?)
[A] Yes (ਹਾਂ)
[B] No (ਨਹੀਂ)
- 6). If yes, what was the level of your election? (ਜੇਕਰ ਤੁਸੀਂ ਕੋਈ ਚੋਣ ਲੜੀ ਹੈ ਤਾਂ ਇਹ ਕਿਸ ਪੱਧਰ ਦੀ ਸੀ?)
[A] Local Government level (ਸਥਾਨਕ ਸਰਕਾਰ ਪੱਧਰ)
[B] State level [MLA] (ਰਾਜ ਪੱਧਰ [ਐਮ. ਐਲ. ਏ.])
[C] National level [MP] (ਰਾਸ਼ਟਰੀ ਪੱਧਰ [ਐਮ. ਪੀ.])
- 7). For how many years you have served as representative? (ਤੁਸੀਂ ਕਿੰਨੇ ਸਾਲਾਂ ਲਈ ਪ੍ਰਤੀਨਿਧੀ ਦੇ ਤੌਰ ਤੇ ਸੇਵਾ ਨਿਭਾਈ ਹੈ?)
[A] 0
[B] 1-5
[C] 6-10
[D] More than 10 years (10 ਸਾਲ ਤੋਂ ਵਧੇਰੇ)

Appendix B

List of Publications

S. No	Type of Publication	Name of the Journal/Book	Indexing	Title of the Paper	Published Date	Volume & Issue Number	ISSN/ISBN Number
1	Book Chapter	Contemporary Issues in Social Sciences (Vol. 1)	NA	Reservation Policy of India: Need for a Secular Perspective	2019		978-93-5274-655-2
2	Journal Paper	NIU International Journal of Human Rights	UGC-CARE	A History of Reservation Policies in India: From Inclusion of Communities to Exclusion of Communities	2021	Vol. 8 Issue: XV	2394-0298
3	Journal Paper	Ensemble	UGC-CARE	Consociational Democracy: A case study of Muslim and Christian minorities in Punjab	2021	Special Issue, No. 1	2582-0427

Appendix C

List of Conference papers

S. No	Name of the Conference	Title of the Paper	Conference Date	ISSN/ISBN Number
1	Education Transforms Lives (ETL 2018)	Higher Education: Needs Investment of Best Human Resources	05-09-2018	0974-0945
2	Education and Development: Post COVID 19	Education during COVID 19: A Comparative Study of Educational Institutions in Urban and Rural Areas	26-09-2020	
3	National Conference on Higher Education in India: Perspectives and Prospects	Education and Reservation Policy: A Discrimination against Dalit Muslims	11-09-2021	978-93-90953-39-4