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## CONSTITUTIONAL PROVISIONS FOR UPLIFTMENT OF SCHEDULE TRIBE IN INDIA

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### Abstract:

*The Scheduled Tribes are various officially disadvantaged groups of people in India. The position of schedule caste and schedule tribe is always a question mark in the society, the government of India saying that we are giving the equal statue to them as compared with other caste but in reality, it's not like this. In modern time also they are facing a problem but we can say that the extent of sufferings is less as compared to the previous time. For improving their conditions government are taking various steps like providing special provisions in the Constitution, enacted laws and established the commissions for their upliftment. Dr. B. R. Ambedkar in Drafting Committee drafted Constitution of India in 1950. In order to balance the caste system in society, provide certain privileges, reservations, special provisions for Scheduled Tribes. Specifically, Our Constitution guarantees justice and equality of opportunity to all its citizens. It also recognizes that equal opportunity implies competition between equals, and not 'un-equals'. The Constitution provided for protective discrimination under various Articles for protection of the depressed classes (SCs and STs). This paper is based on doctrinal work and the data collected from books, journals, newspaper articles and Government notifications. This paper provides a strong platform to discuss constitution provisions for the upliftment of Scheduled Tribe in India.*

**Key Word:** Constitution of India, Reservation, Upliftment, Scheduled Tribe.

### Introduction:

The builders of Indian Republic and founding fathers of our Constitution had considered it necessary to provide specific safeguards in the Constitution for the uplift of Schedule tribe, who are weak, vulnerable and oppressed communities in India, mainly due to existing caste system, social order, economic order, political order and a combination of the disabilities as well as positive measures to enable them to acquire a dignified position in the national life. It is distressing to note that the gains of development have not yet reached the intended classes to the desired extent. Despite various measures to improve the socio-economic conditions of Schedule tribe, they remain excluded from the mainstream of national life. The inclusive

development of Schedule tribe has been widely discussed, debated and investigated in India in the present times.

The Indian Constitution is a “Social document”; it is unique in legitimizing affirmative state action for bringing social and economic equality. Reservation policy or affirmative action is a way to develop socio, economic and political life of the disadvantaged people, in order to establish equality among all citizens, this kind of preferential reservation policy and safeguards for the members of the Scheduled Castes and Scheduled Tribes relate to the removal of the disabilities as well as positive measures to enable them to acquire a dignified position in the national life. The Constitution of India came into effect on January 26, 1950. An important part of the Constitution is the Directive Principles of State Policy which are fundamental in the governance of the country. The Indian Constitutional safeguards protect Scheduled Castes and Scheduled Tribes people who form about 25% of the total population in the country. The various safeguards for Dalits in the Constitution are classified under four heads namely-social, educational, political and other.

### **Status of Schedule Tribe in India:**

Scheduled Castes (SCs) and Scheduled Tribes (STs) are among the most disadvantaged socio-economic groups in India. With its focus on ‘faster, sustainable and more inclusive growth’ the 12<sup>th</sup> Five Year Plan highlights that concerns of the poor, the Scheduled Castes, the Scheduled Tribes, Other Backward Classes, minorities, differently-abled and other marginalized groups must be addressed for growth to be inclusive.

Article 366(25)<sup>1</sup> of the Constitution of India refers to Scheduled Tribes as those communities, who are scheduled in accordance with Article 342<sup>2</sup> of the Constitution. This Article says that only those communities who have been declared as such by the President Through an initial public notification or through a subsequent amending Act of Parliament will be considered to be Scheduled Tribes. Article 342 provides for the specification of tribes or tribal communities or parts of or groups within tribes or tribal communities which are deemed to be for the purposes of the Constitution the Scheduled Tribes in relation to that State or Union Territory. In pursuance of these provisions, the list of Scheduled Tribes are notified for each State or Union Territory and are valid only within the jurisdiction of that State or Union Territory.

The essential characteristic, first laid down by the Lokur Committee<sup>3</sup>, for a community to be identified as Scheduled Tribes are:-

- a. Indications of primitive traits;

<sup>1</sup> Article 366(25) Scheduled Tribes means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under Article 342 to be Scheduled Tribes for the purposes of this Constitution.

<sup>2</sup> Article 342. Scheduled Tribes, (1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union territory, as the case may be

(2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause ( 1 ) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

<sup>3</sup> The Lokur Committee is an Advisory Committee on the Revision of the Lists of Scheduled Castes and Scheduled Tribes was constituted by the Department of Social Security, Government of India in June 1965. B.N. Lokur, then the law secretary to the central government, was its chairperson.

- b. Distinctive culture;
- c. The Shyness of contact with the community at large;
- d. Geographical isolation; and
- e. Backwardness

Tribal communities live, in various ecological and geo-climatic conditions ranging from plains and forests to hills and inaccessible areas. Tribal groups are at different stages of social, economic and educational development. While some tribal communities have adopted a mainstream way of life, at the other end of the spectrum, there are certain Scheduled

Tribes, 75 in number known as Particularly Vulnerable Tribal Groups (PVTGs)<sup>4</sup>, who are characterized by:-

- a. Pre-agriculture level of technology
- b. Stagnant or declining population
- c. Extremely low literacy
- d. Subsistence level of economy

The Scheduled Tribes are notified in 30 States and 7 Union Territories and the number of individual ethnic groups, etc. notified as Scheduled Tribes is 705<sup>5</sup>. The tribal population of the country, as per 2011 census, is 10.43 crore, constituting 8.6% of the total population. 89.97% of them live in rural areas and 10.03% in urban areas. In Karnataka as per 2011 census is 42,48,987 residing 34,29,791 in rural and 8,19,196 urban area. The Literacy Rate of schedule tribe in India as per 2011 census is 58.96, has increased from 8.53 percent in 1961 to 58.96 percent in 2011 and The Literacy Rate of schedule tribe in India, whereas that of it in scheduled tribes is 62.08 in Karnataka.

### Historical Background

Since the 1850s these communities were loosely referred to as Depressed Classes, with the Scheduled Tribes also being known as Adivasi (“original inhabitants”). The early 20th century saw a flurry of activity in the Panchayat Raj assessing the feasibility of responsible self-government for India.

The Morley– Minto Reforms Report <sup>6</sup>, Montagu–Chelmsford Reforms Report <sup>7</sup> and the Simon Commission<sup>8</sup> were several initiatives in this context. A highly contested issue in the proposed reforms was the reservation of seats for representation of the Depressed Classes in provincial and central legislatures.

<sup>4</sup>Particularly vulnerable tribal group (PVTG) (earlier: Primitive tribal group) is a government of India classification created with the purpose of enabling improvement in the conditions of certain communities with particularly low development indices.

<sup>5</sup><http://vikaspedia.in/social-welfare/scheduled-tribes-welfare/ministry-of-tribal-welfare>, accessed on 2-03-2020 at 10:30pm

<sup>6</sup>The Morley-Minto Reforms or Minto-Morley Reforms or Indian Councils Act 1909 was passed by British Parliament in 1909 in an attempt to widen the scope of legislative councils, placate the demands of moderates in Indian National Congress and to increase the participation of Indians the governance. This act got royal assent on 25 May 1909

<sup>7</sup>The Montagu–Chelmsford Reforms or more briefly known as Mont-Ford Reforms were reforms introduced by the colonial government in British India to introduce self-governing institutions gradually in India. The reforms take their name from Edwin Montagu, the Secretary of State for India during the latter parts of the First World War and Lord Chelmsford, Viceroy of India between 1916 and 1921. The reforms were outlined in the Montagu-Chelmsford Report prepared in 1918 and formed the basis of the Government of India Act 1919.

In the year 1935, the British Government has passed the Government of India Act 1935, designed to give Indian provinces greater self-rule and set up a national federal structure. The reservation of seats for the Depressed Classes was incorporated into the Act, which came into force in 1937. The Act introduced the term “Scheduled Castes”, defining the group as “such castes, races or tribes or parts of groups within castes, races or tribes”, which appear to the classes of persons formerly known as the ‘Depressed Classes.’,

After independence the Constituent Assembly continued the prevailing definition of Scheduled Castes and Tribes, giving (via Articles 341 and 342) the president of India and governors of the states a mandate to compile a full listing of castes and tribes. The complete list of castes and tribes was made via two orders:

The Constitution (Scheduled Castes) Order, 1950 and

The Constitution (Scheduled Tribes) Order, 1950, respectively.

### **Problems Faced by Schedule Tribe:**

In general, the problems of the Indian tribes can be discussed under the following heads:

#### **Loss of Control over Natural Resources:**

Before the coming of the British, the tribal peoples enjoyed unhindered rights of ownership and management over natural resources like land, forests, wildlife, water, soil, fish, etc. With the advent of industrialization in India and the discovery of mineral and other resources in tribal inhabited areas, these pockets were thrown open to outsiders and state control replaced tribal control. Thus began the story of unending miseries for the tribals. With the impetus to the development process after independence, pressure on land and forests increased. This resulted in the loss of ownership rights over land, owing to chronic indebtedness, unscrupulous landlords, money lenders, contractors and officials. With the concepts of protected forests and national forests gaining currency, the tribals felt themselves uprooted from their cultural moorings and with no secure means of livelihood.

#### **Lack of Education:**

According to the 2011 Census, 58.96 per cent of the tribals are literates. Although it cannot be denied that education can act as the instrument for the betterment of the tribals ensuring greater participation for them in the development process, still there are certain factors which inhibit the tribals from taking to education. These factors include tribal superstitions and prejudices, extreme poverty, nomadic lifestyle of certain tribes, lack of interest in alien subjects taught through an alien language and a lack of suitable teachers and other facilities in the tribal areas.

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<sup>8</sup>The Simon Commission was a group of 7 MPs from Britain who was sent to India in 1928 to study constitutional reforms and make recommendations to the government. The Commission was originally named the Indian Statutory Commission. It came to be known as the Simon Commission after its chairman Sir John Simon.

**Displacement and Rehabilitation:**

After independence, the focus of the development process was on heavy industries and the core sector. As a result, huge steel plants, power projects and large dams came up—most of them in the tribal inhabited areas. The mining activities were also accelerated in these areas. Acquisition of tribal land by the government for these projects led to large scale displacement of the tribal population.

**Problems of Health and Nutrition:**

Because of economic backwardness and insecure livelihood, the tribals face health problems, such as prevalence of disease, like malaria, cholera, tuberculosis, diarrhoea and jaundice, problems associated with malnutrition like iron deficiency and anaemia, high infant mortality rates, low levels of life expectancy, etc.

**Erosion of Identity:**

Increasingly, the traditional institutions and laws of tribals are coming into conflict with modern institutions which create apprehensions among the tribals about preserving their identity. Extinction of tribal dialects and languages is another cause of concern as it indicates an erosion of tribal identity in certain areas.

**Social Problem:**

These problems pertained to the concept of purity and pollution. The untouchables were given a very low position in the society. The high-caste Hindus maintained a social distance from them. They were denied many basic amenities of life which were accorded to the high-caste Hindus. They were dependent on the tradition of Hindus for items of food and drink.

In the Caste hierarchy the Scheduled Castes are ascribed the lowest status. They are considered to be 'unholy', 'inferior' and 'low' and are looked down upon by the other castes. They have been suffering from the stigma of 'untouchability'. Their very touch is considered to be polluting for the higher caste people. Hence they have been treated as the servants of the other caste people. The Scheduled Castes have always served the other castes, but the attitude of other castes is of total indifference and contempt. They were kept at a distance from other caste people.

**Religious Problems:**

These pertained to the denial of the right of entering temples which were exclusively served by the high-caste Brahmins. The untouchables were neither allowed to enter the temples nor served by the Brahmins. They had no right to worship the Gods and Goddesses in the temple. The Harijans also suffer from religious disabilities even today. They are not allowed to enter temples in many places. The Brahmins, who offer their priestly services to some lower castes, are not prepared to officiate in the ceremonies of the 'untouchable' castes. They do not even bow down to the duties of these 'untouchable' castes. The Vedic mantras which are considered to be more pure could not be listened to and chanted by the Harijans because of the taboos. They were only permitted to make use of the upanishadic mantras which are considered to be less pure. Burial grounds were also denied for them in many place.

## Constitutional Provisions on Upliftment of Schedule Tribes:

The Constitution of India prescribes protection and safeguards for the scheduled castes and scheduled Tribes, and other weaker sections either specially or by the way of insisting on their general rights as citizens with the objects of promoting their educational and economic interests and of removing the social disabilities.

India's affirmative action policy, more popularly known as "Reservation Policy", is authored by the provisions in the Indian Constitution which was adopted in 1950, though its initiation at the country level dates back to the early 1930s. The two important features of the provision in the Constitution which needs to be acknowledged are, the principle of "Non-discrimination and Equal opportunity" and the provisions enshrined in the Constitution empowering the State to take steps to ensure equal opportunity. India's current 'reservation policy', is operative in three main spheres, namely appointment and promotion in government services, admissions to public educational institutions, and seats in Central, State and local legislatures. For this concern let us discuss some important Constitutional Provisions relates to reservation.

1. Article 16<sup>9</sup> provides for "equality of opportunity for all citizens in the matters relating to employment or appointment to any office under the State". It bans discrimination, particularly in any employment or appointment to any office under the state on grounds of religion, race, caste, sex, descent, place of birth, residence, or any of them.
2. Article 17<sup>10</sup> abolished the institution of Untouchability which sanctified discrimination and exclusion of the erstwhile untouchables. The Article states: "Untouchability is abolished and its practice in any form is forbidden". Accordingly, the Constitution empowered the state with the responsibility to ensure non-discrimination and equal opportunity in practice.
3. Article 46<sup>11</sup>, 'Directive Principle of State Policy' states: The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation. Such provisions in the constitution relates to government services, education, political representation and others.

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<sup>9</sup> Article 16: Equality of opportunity in matters of public employment.

<sup>10</sup>Article 17: Abolition of Untouchability, Untouchability is abolished and its practice in any form is forbidden The enforcement of any disability arising out of Untouchability shall be an offence punishable in accordance with law

<sup>11</sup> Article 46: Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation

## 1. Education

In the case of education, the provision relates to non-discrimination in educational institutions, equal representations, and measures for educational promotions. Article 15 (4) states that “Nothing in this article shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes”. Article 29(2)<sup>12</sup> provides protection for admission and against discrimination in any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

## 2. Government Services

The constitution provides for both appointment and promotion in the government services. Article 16 (4) empowers the State to make “any provision for the reservation in appointments, or posts in favour of any backward class of citizens”. Article 16 (4 A) enables the State to make provision for reservation in matters of promotion to any group or groups of posts in the services under the State in favour of the SCs and STs. Article 335 states: The claims of the members of the Scheduled Castes and Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments of services and posts in connection with the affairs of the Union or of a State.

## 3. Political Safeguards

The constitution empowers the State to take steps to provide due representation to the SC/STs. Various articles contains provisions for the reservation of seats for the SC/STs in the nation’s legislative bodies in proportion to their population: Central Legislative Assembly<sup>13</sup>, Legislative Assembly of the States<sup>14</sup>, in Municipalities<sup>15</sup>, in various Panchayat (Local self-government) level bodies, namely, village, *taluk* (block) and district.<sup>16</sup>

## 4. Special provisions: Employment, Education and Legislature

The Indian Government’s approach towards the SC/ST population has primarily been shaped by the provisions in its Constitution which basically guarantees equality before the law, and empowers the State to make special provisions to promote the educational and economic interest of the SC/ST and to provide legal and other safeguards against discrimination in multiple spheres. The Government has applied a twofold strategy which includes:

- a) Legal safeguards against discrimination,
- b) Pro-active measures in the form of ‘reservation policy’ for state sector and state supported sectors, and

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<sup>12</sup>Article 29 (2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

<sup>13</sup> Article 330 of Indian Constitution

<sup>14</sup> Article 332 of Indian Constitution

<sup>15</sup> Article 243T of Indian Constitution

<sup>16</sup> Article 243D of Indian Constitution

- c) Policy in the form of informal affirmative action for private sector (namely agriculture and private industry, in which more than 90 per cent of the SC/ST workers are engaged) as part of a general developmental or empowering measure.

Anti-discriminatory measures include enactment of Anti-Untouchability Act of 1955<sup>17</sup> and Schedule Caste/Tribe Prevention of Atrocities Act, 1989. Under the first Act, practice of Untouchability and discrimination in public places and services is treated as offence. The second Act provides legal protection to SC/STs against violence and atrocities by the high castes. Reservation for both SC/ST in government services, educational institutions and political bodies like legislature also falls under anti-discriminatory, but pro-active measures. These pro-active measures have been used to ensure proportional participation of the SC/ST in various public domains.

### **5. Implementation mechanism for reservation policy in India:**

The Central Government has developed an administrative mechanism for regulating, monitoring and implementing the reservation policy. The main institutions involved are the Department of Personal and Training (DOPT), the National Commission for STs<sup>18</sup>, the Committee of Parliament on Welfare of SCs and STs, the Ministry of Social Justice and Empowerment, and the Ministry of Tribal Affairs. The Department of Personal and Training (DOPT) regulates and monitors the reservation policy in government services. Its main function is to enforce the rules and monitor the fulfilment of the quotas. It is supported by administrative units within each Ministry and/or government supported organisation. The National Commission for STs has responsibility for investigating specific complaints received from ST employees regarding appointment and promotion matters. The Commission has the power of a Civil Court, and can call employers for enquiry. It also prepares an annual report which has been discussed in the national Parliament in every year since 1950. The Ministry of Social Justice and Empowerment and the Ministry of Tribal Affairs are responsible for the all-round development of SCs and STs, and carry out various schemes related to education and economic development. The Committee of Parliament on Welfare of SCs and STs, which is comprised of the SC and ST members of parliament, is entrusted with examining progress regarding the legislative representation of SCs and STs, and also makes recommendations for effective implementation of policies and programmes.

### **Role of judiciary**

Judicial intervention in reservation policy was first brought about in 1951 in the *Champakam Dorairajan V. State of Madras case*<sup>19</sup>. The court's verdict was side stepped by effecting the first amendment to the Indian Constitution. Thereby several cases pertaining to reservations were filed before the various high courts and Supreme Court. Verdicts that are mutually conflicting and contradictory were issued by the various High Courts and Supreme Court subsequently. This can primarily be attributed to the fact that the

<sup>17</sup> Renamed as protection of Civil rights Act in 1979

<sup>18</sup> National Commission for Scheduled Tribes (NCST) is an Indian Constitutional body was established through Constitution (89th Amendment) Act, 2003.

<sup>19</sup> AIR 1957, SC 226



Indian constitution has not explicitly defined the term “Backward Classes” and the criterion for determining backwardness. Hence, the courts were called upon to engage in a mix of judicial interpretation and judicial activism to address this problem.

The role of judiciary is to protect the interest and welfare of Scheduled Castes and Scheduled Tribes through the interpretation of various Constitutional schemes and provisions of ‘reservation policy’. The Supreme Court of India, from *Madhav’s*<sup>20</sup> case to *Balaji*<sup>21</sup> case has been insisting that the reservation contemplated in Article 15(4)<sup>22</sup> and 16(4)<sup>23</sup> to Scheduled Castes, the Scheduled Tribes and backward classes in educational institutions as well as in public employment should not exceed 50%. Although the 50% rule fixed by the Supreme Court in *Balaji’s* case was relevant at the time of its decision, yet it is irrelevant today, as there is a substantial increase in the Scheduled caste and Scheduled Tribes and backward classes population in India. The Supreme Court has in the case of *N.M. Thomas V. State of Kerala*<sup>24</sup> observed that, under the extraordinary circumstances, this 50% rule may be slightly relaxed to secure social justice to the Scheduled Castes, Scheduled Tribes and other backward classes when they are not adequately represented in the services of the union and the states. The fact remains that even though Articles 15(4) and 16(4) speak about the protective discrimination, yet reservation is restricted to below 50%. But as long as socio-economic and political justice is not properly reaching the weaker sections including the Scheduled Castes and Scheduled Tribes, so long the reservation even if it exceeds 50% can be justified. Because, the goal of the preamble to the Constitution of India is to provide socio and economic justice to those depressed classes who were deprived and denied certain privileges from centuries and make them to be equal with the rest of the society. Therefore, it can be observed that, the 50% rule fixed by the Supreme Court is not reasonable and practicable as the population of Scheduled Castes and the Scheduled Tribes is rapidly increasing. Therefore there is a need to revise 50% rule as long as these deprived sections of the society cannot attain the Constitutional goal of socio and economic justice.

Besides, in order to secure social justice to the Scheduled Castes and Scheduled Tribes, the concept of carry forward rule has to be strictly followed, so that the unfilled reserved posts in a particular year may be filled in the subsequent years when the candidates, from Scheduled castes and Scheduled tribes community are available. But the Supreme Court in *T. Devadasan V. Union of India*<sup>25</sup> unfortunately struck down such carry forward rule adopted by the Union Government as it exceeded 50% rule. In this connection, the observation made by justice Krishna Iyer in *Akhil Bharatiya Shoshit Karamachari Sangh (Rly)*<sup>26</sup> is

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<sup>20</sup> AIR 1962 SC 28

<sup>21</sup> AIR 1963, SC 649

<sup>22</sup> Article 15 (4) Nothing in this article or in clause ( 2 ) of Article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes

<sup>23</sup> Article 16(4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favor of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

<sup>24</sup> AIR 1976, SC 490

<sup>25</sup> AIR 1964, SC 179

<sup>26</sup> AIR 1981, SC 298

noteworthy. He further said, “In no year Scheduled Caste and Scheduled Tribe candidates be actually appointed to substantially more than 50% of the promotional posts. Some excess will not affect as mathematical precision is difficult in human dealings, but substantial excess will void the selection”.

Justice Chinnappa Reddy also observed that, 50% rule laid down by the Supreme Court is only for the guidance of the judges and they need not be bound by it. Again in *Indra Sawhney V. Union of India*<sup>27</sup> the Supreme Court has observed that, the carry forward rule is valid only when it does not exceed 50%. But it seems to be unjustifiable and impracticable as 50% rule does not secure social justice to the backward classes including the Scheduled Castes and the Scheduled Tribes as Article 15(4) and 16(4) have not fixed such quantum of reservation.

Another important aspect is the concept of ‘Creamy Layer’ propounded by the Supreme Court in *Indra Sawhney’s*<sup>28</sup> case. This concept of creamy layer is an innovative judicial principle through which the forward people among the backward classes can be prevented from utilizing the reservation benefits conferred in the Constitution. The very object of reservation policy is to uplift those people who are both socially and educationally backward or the Scheduled Castes and the Scheduled Tribes. But even after 60 years of Independence, with all the Governmental Welfare Programmes, the backward class socio economic conditions have not been improved. This is because of the fact that, the forward class among the backward class are eating away the reservation benefits which are conferred to the really needy people or the targeted section of the society. In this connection, the concept of ‘Creamy Layer’ shall be extended even to the Scheduled Castes and the Scheduled Tribes, so that the Constitution ally guaranteed benefits, to these sections of the people, will reach them. This slowly removes the various social and economic disabilities which are being faced by the Scheduled Castes and Scheduled Tribes. In due course the elite or the creams within the Scheduled Castes and Scheduled Tribes community like., children of MLA, MP, IAS, IPS, IFS and other top class officers can be completely eliminated from the purview of the reservation benefits and provide social justice to the needy people as required under the Constitution.

The judicial approaches on the reservation policy, equality and the protection of the interests of the Scheduled Castes and Scheduled Tribes are laudable. This can be seen from *Madhav’s to Balaji* case. The provision of Abolition of Untouchability in Article 17 of the Constitution is also an important one as it secures equality of the status and opportunity to all the Scheduled Castes and Scheduled Tribes and brings about justice to them. The decision of the Supreme Court in *Appa Balu Ingale V. State of Karnataka*<sup>29</sup> is also laudable as it protected the interests of the Scheduled Castes, Scheduled Tribes and curbed the practice of Untouchability in any form. The various enactments made by the parliament to punish those persons who perform Untouchability in any form is also praise worthy.

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<sup>27</sup> AIR 1993 SC 447

<sup>28</sup> AIR 1993 SC 447

<sup>29</sup> AIR 1993, SC 1126

Even though the Constitution of India has guaranteed equality of status to all Scheduled Castes and Scheduled Tribes, yet in many villages unequal treatment, discrimination and atrocities have been committing on them only on the ground of caste. Even today in many village members of the Scheduled Castes and Scheduled Tribes are not allowed to enter the Hindu temples for worshipping gods, no access to shops, wells, bathing ghats and etc. This shows that social discrimination is still in practice more in the rural areas than in the urban areas. Therefore, we can say that Constitutional provisions are good enough to secure social justice to Scheduled Castes and Scheduled Tribes, but their implementation by the public servants is at failure. For instance, performance of untouchability in any form is legally abolished but, in many places still it is in practice.

### **Conclusion:**

The Constitution of India seeks to secure for all its citizens, among other things, social and economic justice, equality of status and opportunity and assures the dignity of the individual. Article 46 of the Constitution provides that the State shall promote with special care the educational and economic interests of the weaker sections of the society and in particular, of the Scheduled Castes and Scheduled Tribes and shall protect them from social injustice and all forms of exploitation. Several provisions have been incorporated in the Constitution for safeguarding and promoting the interests of the Scheduled Tribes in various aspects to enable them to join the national mainstream. For effective implementation of various safeguards provided in the Constitution for the SCs & STs and, various other protective legislations for the purpose of upliftment of schedule tribe people in India.

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