

Dalit reservation problems in Tamil Nadu - A Study

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Abstract

The present study is Dalit Reservation Problems in Tamil Nadu aims at analyzing the Social Equality, Equal Citizenship, Indian Constitutional Provisions, and Political Safeguard for Dalits, Dalit Issues, Dalits rights are Human rights, Dalit reservations, and criticize how the upper caste Hindu responded to the other caste people, who were obstinate in following Casteism, Untouchability, and Superstitious beliefs. And to analyze and evaluate how the Indian Constitution Provisions awakening among the Dalit and other suppressed communities who were empowered and changes in the social structure. There were so many causes responsible for the introduction of the communal reservation system in Educational, Employment and Legislative opportunities. The data related to the Dalit issues and Reservations in Tamilnadu have been interpreted in relation to chronological and topographical order. The Dalit Leaders efforts to remove caste evils, the adoption of local customs, and their day to day activities are discussed analytical way. "Swaraj is my birthright" said by the great leader Balagangathara Tilak. Equality is a Human right, says the Universal Declaration. All are Equal before in Law by Indian Constitution. But untouchability is practiced in many forms in India as well as Tamilnadu. There are serious inhuman atrocities on Dalits, whenever they cross the line of oppression and demand minimum self respect in Tamilnadu. The emergence of Baba Sahib Ambedkar, coupled with the passage of Government of India Act of 1935, gave a new impetus to Dalits assertion, and they started waging battle, from a more secular quarter, for their liberation in a number of institutions. However, the two streams of Dalits assertions, i.e., social reform and political assertion have remained complementary and supplementary, and these exist simultaneously, through the Dalit assertion has taken lead more in the political realm in the contemporary Indian society. There were some Dalit Leaders in History of India who rose against atrocities on Dalits in India. They were struggled for dalits rights and Social equality among the society such as Jothiba Poole, V.D.Savarkar, Dr.B.R.Ambedkar, Periyar E.V.Ramasamy and Narayana Guru. The State Government must keen interested to try to solve the problem on Dalits in Tamil Nadu. The two major Dravidian parties, the DMK and the AIADMK have always shied away from condemning and containing the caste – Hindu violence on Dalits in Tamil Nadu because they are scared of electoral setbacks. The State Government must charge those responsible for violence against Dalits in Tamil Nadu under Prevention of Atrocities Act.

KeyWords: Dalit Reservation Problems in Tamil Nadu - Social Equality-Equal Citizenship- Indian Constitutional Provisions- Political Safeguard for Dalits- Dalit Issues- Dalits rights are Human rights-Casteism- Untouchability- Superstitious beliefs

1. Introduction

The present study is Dalit Reservations Problems in Tamil Nadu aims at analyzing the Reservation problem among the Dalits, 40% of SC / ST Faculty Posts in Central Universities Vacant, SC / ST Reservation Policy – 2008, setting up of a Special Cell for the Welfare of SC / ST in the Colleges, Social Equality, Equal Citizenship, and Indian Constitutional Provision Safeguard for Dalits. There were so many causes responsible for the introduction of the communal reservation system in Educational, Employment and Legislative opportunities. Dravidian political parties, which came into existence with the objective of achieving social equality, have been in power for more than four decades in Tamil Nadu; yet caste-based discrimination against the Dalits has remained a fact of life in the southern state. That's in contrast with neighbouring Kerala, which has emerged as a model for social development by largely eliminating anti-Dalit practices that had once been as much a part of its society as in Tamil Nadu. Across India, the Dalits have adopted an approach of "organize and agitate" and sought to participate in parliamentary democracy by occupying positions in democratic decision-making structures wherever opportunities arise. Since the 1990s, the Dalits have increasingly been asserting themselves against caste oppression. In this period,

Tamil Nadu has been witness to a surge of violence against the Dalits.

1.1 Reservation problem among the Dalits

Dr. B.R.Ambedkar, the veteran father of law is still a nonentity among Dalits particularly Arunthathiyars due to their ignorance. Arunthathiyars are dalits, who are considered untouchables in the caste – ridden Indian society. Pallar, paraiyar and Arunthathiyar are the three major dalit groups in the state of TamilNadu, India, among them, Arunthathiyar group is considered to be the lowest. Hence, the reservation quota of the Government has been grabbed by other dalit groups, leaving behind the Arunthathiyars are also entitled to gain such privileges. Since majority of the Arunthathiyars are illiterates, child labour, child abuse, bonded labour, and rag picking are the regular phenomena among them.

The Tamil Nadu Assembly on unanimously passed a bill for reservation of three per cent seats to Arunthathiyars in educational institutions, including private educational institutions in the state. There will also be reservations for appointments or posts in the services under the state in TamilNadu within the 18 percent reservations for scheduled castes. Also the state Government had formulated an Rs.22 crore package to provide Arunthathiyars jobs under the self

employment mode, besides allocating Rs.6.3 crore for buying machinery to remove blocks in manholes in the Chennai Corporation and in other corporations in the state by way of helping the scavengers to avoid entering manholes and do manual scavenging.

The Pallars and Paraiyars think they are superior than Arunthathiyars. They don't like to inter-caste marry with them. The two dalit parties in the TamilNadu, Viduthalai Chiruthaigal (VC, formerly known as Dalit Panthers of India) and Puthiya Thamilagam, represent the interests of the Paraiyars and the Pallars respectively. Paraiyars are the majority in the northern districts, Pallars in the southern districts, and Arunthathiyars in the western districts. No one except a Paraiyars can contest a reserved seat in the north. Pallars rule the roost in south. The benefits of reservations for Dalits in TamilNadu have gone to Pallars and Paraiyars. There is an 18 per cent reservation for scheduled castes system. So Arunthathiyar demand is that six percent of it should be earmarked.

Dravida Munnetra Kazhagam general secretary M.Karunanithi, who declared on separate reservations for Arunthathiyar "a political fraud" on the grounds that the state government had no power to create reservation within the reservation for the scheduled castes. It is unconstitutional on the part of the government to have framed the Arunthathiyar Act of 2009.

Ram Vilas Paswan the Union Minister of chemicals, fertilizers and steel said that sub- Categorization would damage Dalit unity.

C.P.Prabakaran Rao, president of the Anthra Pradesh Mala Mahanadu said the commission's recommendation suggesting sub categorization of scheduled castes would not stand legal scrutiny.

Dalit activist and Member of the State Assembly D.Ravikumar pointed out a technical problem among the Dalits. He said that in the absence of a caste wise census, the present reservation to Dalits was calculated on the basis of census 1971, whereas the 3 percent reservation for Arunthathiyars had been mooted on the basis of census 2001. He wanted the government to increase the reservation for the scheduled castes from 18 per cent to 19 percent on the basis of census 2001 and also clear the backlog of vacancies in government departments.

The issues of imbalance among the different Dalit sub-sects and the need to take corrective steps have been highlighted by an advisory committee on the revision of lists of the scheduled castes and the scheduled tribes as early as 1965.

The seats to be allotted to Arunthathiyars on preferential basis shall be offered in the horizontal rotation such as 2, 32 and 66. The preferential seats if filled up, it does not mean that the other qualified Arunthathiyars shall not complete with the rest of the scheduled caste members on intermerit basis: vice-versa if no qualified Arunthathiyars are available to fill up the preferential seats, it does not mean that the vacancies so arising shall not be filled up by the Scheduled castes members on merits basis. Further, it is to insist that if SC-Arunthathiyar candidate on preferential basis is not available, the chance may be extended to other scheduled caste candidates. If it is fail in this matter, legal steps will be initiated against this unconstitutional framework, which affects the other qualified scheduled castes.

1.2 40% of SC/ST Faculty Posts in Central Universities Vacant

Even after four decades of reservation, over 40 per cent of SC/ST Lecturer posts are still lying vacant in 19 central universities. Out of the total number of 4,887 posts sanctioned by the University Grants Commission, there are only 629 SC/ST lecturers belonging to the scheduled castes/scheduled Tribes. This leaves a backlog of 471 as per the 2007 -08 data sourced from the UGC under the Right to Information Act. According to the Union Government's rule, the percentage of reservation in central universities is 22.5 – 15 for the SCs and 7.5 for the STs. The UGC has failed to ensure effective implementation of the reservation policy in the central universities and grantee institutions which are deemed- to-be universities, states the UGC guidelines document.

As you move up the cadre, from lecturer to Reader and Professor, you will see that the number of SC/STs starts dwindling sharply. A majority of the universities have zero SC/ST readers and professors. Sixteen of the 19 central universities have no SC Professor and 17 have no ST Professor. Part of the reason could be that till recently, reservation was applicable only at the promotions and for higher posts. The UGC guidelines of 2006 mandated 22.5 per cent reservation for Readers and Professors as well. Data from state universities and college affiliated to them opens yet another can of worms, state universities follow state –level quota figures. UGC figures for 53 state universities show a backlog of around 50 per cent. Quite a few of them do not have SC/ST lecturers, let alone Professors and Readers.

At present, a number of qualified SC/ST teachers, even from remote towns, are battling with the system against unjust contract based appointments, abrupt termination orders and unfounded rejections by the interview panel, while denial of opportunities continues^[1]. The University Grants Commission has received representations stating that there is an urgent need to display the roster of various Universities, Deemed to be Universities, colleges and other grant in aid institutions and centers on their respective website. The UGC Standing Committee on SC/ST at its meeting held on 24th June, 2008 discussed this matter and after careful consideration the standing committee strongly recommended that the instructions may be issued to all universities and other institutions for implementation of reservation policy in a transparent manner. The Roster system of various universities, Deemed to be universities, colleges, Research Centers and grant – in – aid institutions should be displayed on their respective websites so that the SC/ST Candidates should be able to know the exact number and positions of reservations posts/seats in the Institutions. This decision should also be circulated to the constituent and affiliated colleges for immediate follow up action.

The university Grants Commission has laid down certain norms/guidelines for appointment of lecturers or equivalent posts in various disciplines in Universities and colleges and therein relaxation has been provided in "Good Academic Record" for SC and ST candidates at the post – graduate level. However UGC norms/guidelines are silent on the "Good Academic Record" at the graduation level. As a result the Universities and colleges are determining the "Good Academic Record" at their own and not providing relaxation to SC/ST Candidates at the graduation level. So as per UGC, the recommendation of the standing committee are requested

to initiate action for providing 5% relaxation to SC/ST Candidates in the Good Academic Record” at the graduation level in the appointment to the post of lecturer and equivalent post and report the matter to the SC/ST section of UGC [2].

1.3 SC/ST Reservation Policy – 2008

The UGC Standing Committee on SC/ST was held on 24th June, 2008 in the UGC main office and discussed the status of the implementation of SC/ST Reservation policy in teaching and non – teaching posts as well as admission to all level courses. The standing committee noted that most of the Universities and colleges are maintaining the Rosters department – wise instead of cadre – wise as per the Government of India / UGC Policy of Reservation to SC/ST. thus the standing committee advised that the Universities/colleges may be requested to prepare the revised Rosters in the light of the Govt of India/UGC norms/guidelines already issued to the Universities, keeping in view the following:-

1. Teaching Posts: All teaching posts including Professors and Readers filled up and to be filled up depending upon the Sanctioned strength should be entered in the 100 points roster register as prescribed by the Government of India based on the dates of joining of the incumbents in each cadre. All the posts of lecturer, irrespective of the fact that some are promoted as readers or Professors on personal basis, shall be arranged in 100 point roster according to seniority. Roster register shall not be maintained in each discipline or department wise for the post of any cadre [3].
2. Non – Teaching Posts: Non – teaching posts of Group A, B, C & D shall be filled in separately in 100 point roster. Also all the posts of Group D shall from one cadre under the permissible rules of grouping posts.
3. After having followed above procedure, the posts required to be filled up by SC/ST and number of SC/ST personal in position should be worked out and backlog in reservation is to be filled up in time bound manner.
4. The backlog SC/ST vacancies for teaching & Non - teaching staff should be filled up before filling any general vacancy and those on ad-hoc-basis.
5. The system of appointment on ad hoc basis should be forth with done away with, when duly qualified candidates are available for appointment on regular basis.

In view of the above recommendations of the standing committee, requested to implement the reservation cadre-wise instead of department wise/subject-wise, to work out the balance of SC/ST Vacancies to be filled up the backlog vacancies, to initiate action for filling up the backlog vacancies immediately and report the matter to the SC/ST section of UGC so that standing committee on SC/ST may be apprised of the position by the UGC.

1.4 Setting up of a Special Cell for the Welfare of SC/ST in the Colleges

A standing committee under the chairmanship of the vice – chancellor has been constituted consequent upon the setting up of the SC / ST Cell in our University, for strengthening the implementation machinery for monitoring, evaluation and planning of the policies of the Government of India as also the programmes of the University Grants Commission as per the D.O.No.F.2-1/88 (SCT) dt.21.03.1988 received from the

secretary, university grants commission addressed to all the Vice –Chancellors. In this connection, it is direction to request that a similar mechanism be instituted early at the college level where a committee under the chairmanship of the Principal could monitor the implementation of such programmes / policies.

It is extremely important that policies and programmes for SC/ST are implemented effectively and for this purpose the commission requests the University to appoint a standing committee under the chairmanship of the vice-chancellor of the University and including 2-3 Professors, 3-5 Principals, in the case of affiliating university, 1-2 Readers, 1-2 Lecturers, a representatives of the state government with the Deputy Registrar in charge of SC /ST Cell as Member – Secretary. Wherever such cell has not been established so far another appropriate officer may work as the member – secretary of the committee. As far as possible there should be adequate representation of SCs/STs on this committee.

A similar mechanism may also be instituted at the college level where a committee under the chairmanship of the Principal monitors the implementation of such programmes/policies. The committee at the University level will also consider the reports made available by the colleges. The Deputy Registrar of the SC/ST Cell may be designated as the Liaison Officer for programmes of policies relating to SC /ST. Universities where such cells have not yet been established so far may depute any other appropriate officer for this purpose. The name of the Liaison Officer may be communicated to the UGC. The Universities having cells on SCs /STs are also requested to kindly take appropriate measures to activate the cell in the light of the guidelines of the UGC. So as to enable them to function as powerful instruments for ensuring effective implementation, monitoring, evaluating and follow up measures in respect of SCs/ STs Programmes.

1.5 Indian Constitutional Provisions about the Ending of Untouchability for the Dalits

Untouchability is a Stigma on the fair name of our society which has defamed Hindu social system. It has drawn the attention of our social reformers, religious leaders and freedom fighters, though in the past our religious leaders like Mahatma Kabir and Tuka Ram raised their voice against it. In our modern times Guru Nanak Dev Ji and Swamy Daya Nanad Saraswathi among others have openly condemned it. Britishers were used the system to their political advantage. Hari Sevak Sangh did very significant work during our freedom struggle to awaken the people against untouchability [4]. There were some Dalit Leaders in History of India who rised against atrocities on Dalits in India. They were struggled for dalits rights and Social equality among the society such as Jothiba Poole, V.D. Savarkar, Dr.B.R.Ambedkar, Periyar E.V.Ramasamy and Narayana Guru [5]. The framers of the constitutions and Dr. B.R. Ambedkar in a special way addressed the caste question through various legal measures. The following are some of the constitutional provisions:

Article 17 of the Indian Constitution says that the practice of Untouchability in every form is prohibited. Article 46 deals with the promotion of economic and educational interest of these people. It also ensures about ending social injustice and exploitation. Article 25 provides that Hindu religious institutions which be thrown open to them. Article 15 deals with removal of any disability, liability, restrictions or

conditions with regard to access to shops, public restaurants, hotels or places of public entertainment, the use of wells, tanks, bathing Ghats, roads and places of public resort, maintained wholly or partially out of state funds dedicated to the use of the general public. Article 19(5) says that the Scheduled Castes shall have every right to purchase property anywhere and also to settle down and carry out any trade or business in the way they like and there shall be no restrictions to their legal occupations and movements. Article 29 it has been said that admission to Scheduled Caste students to a state run managed or assisted educational institution shall not be denied on the basis on caste, creed or religion. Articles 330, 332, & 334, seats have reserved for the scheduled caste candidates in the state legislatures and also in the Parliament. Article 164 & 338 it says that for looking after their interests and welfare, both the state as well as the central government, will appoint special officers and open special departments. Article 224 the constitution provides that special provisions will be made for the administration of Scheduled and tribal areas. Article 16 the constitution provides them equal opportunities for getting employment under the government. The Untouchability Offence Act of 1955, it is an offence not to permit a person to entry any religious or public place or draw water from a common well or tank on account of untouchability.

Abolition of Untouchability (Art.17), No discrimination on the basis of caste (Art.15.2), nothing shall prevent the state from making any special provisions for the advancement of scheduled caste (The Constitution – first amendment act 1951) and special provision for Reservation for the scheduled caste (Art.330-332). Moreover article 46 of the constitution of India says. “The states shall promote with special care to the educational and economical interest of the scheduled caste / Tribes and shall protect them from special injustice and all forms of exploitation.”

2. Conclusion

There are so many suggestions for awakening from victimization of the Dalits i.e., To introduce mandatory training on the application of India’s Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act for police, Judges, and prosecutors, and take disciplinary measures against those who fail to implement this law. To eradicate the social acceptance of caste based discrimination through public education and awareness campaign. Protecting and promoting the rights of the Dalits and establishing a society based on equality, fraternity and justice is the challenge for us today^[6]. Distribution of surplus lands to Scheduled Caste, Scheduled Tribes communities. Immediate transfer of ownership in the Government records and providing the assignee with necessary records and extracts pertain to his/her assigned land. Encouragement the formation of Agricultural Co-Operative Societies comprising of Scheduled Caste landless persons and assign the land to the society if the land cannot be effectively and productively divided into smaller lots. Effective implementation of Provision of SC/ST Prevention of Atrocities Act 1989 with 1995 Rules and Bonded Labor System Abolition Act 1976 and Preventive measures under the Act like excrement, declaration of atrocity areas, providing arms to persons subjected to atrocities should be used effectively by the State. Preserve the water bodies and ensure access to water to Scheduled Castes.

Dr. B.R. Ambedkar had warned that equality cannot be denied long for socially marginalized groups. We will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which the Constituent Assembly has laboriously built up. India has a proud history of battling South African apartheid and was the first nation to put the apartheid issue on the agenda of the UN General Assembly in 1948, when no nation dared to criticize the internal affairs of other nations. India can boast to be the largest democracy only when the 180 million Dalits feel dignified and enjoy human rights^[7]. There were some Dalit Leaders in History of India who rose against atrocities on Dalits in India. They were struggled for dalits rights and Social equality among the society such as Jothiba Poole, V.D. Savarkar, Dr. B.R. Ambedkar, Periyar E.V. Ramasamy and Narayana Guru.

The State Government must keen interested to try to solve the problem on Dalits in Tamil Nadu. The two major Dravidian parties, the DMK and the AIADMK have always shied away from condemning and containing the caste – Hindu violence on Dalits in Tamil Nadu because they are scared of electoral setbacks. The State Government must charge those responsible for violence against Dalits in Tamil Nadu under Prevention of Atrocities Act. There will be a huge law and problem in the state if the casteist forces continued violence against Dalits in Tamil Nadu. There are some suggestions concerning the solution of the problems arising out of communal issues in Tamilnadu. The educational institutions should be able to provide an atmosphere in which caste distinctions are not encouraged while at the same time the children are allowed to develop a distance for this kind of discrimination. Casteism can be destroyed only by the development of new psychological tendencies and behavioral patterns, another way of combating the continuing increase in casteism in the encouragement of intercaste marriage. In this way at least it will become possible to destroy the nation of casteism in the coming generations. Another way of facing the problem of casteism is to introduce cultural and economic equality in the minds and the lives of the various castes. In equality in the sphere of cultural and economic welfare between the races problems jealousy and competition among them which later assumes the form of casteism. Hence, the restoration of cultural and economic equality of various castes is an important step towards the abolition of casteism from the society.

In Tamil Nadu, economically and politically dominant upper caste people were demanding the removal of caste – based reservations and its replacement with income – based reservations. The reservations policy, however has been used in the state (as elsewhere) mainly in vote bank politics played around the castes and has failed in including the people at the bottom in the maintain stream economy and society. The tool of reservation has failed miserably in removing caste differences and has promoted the caste divide and caste conflicts.

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