

## **The Association of Academics for Social Justice**

“The idea of “justice” includes most principles which have become the foundation of moral order. Justice has always evoked ideas of freedom and equity. Equity signifies equality, rules and regulations, and rights and righteousness, and is concerned with equality in value.” Ambedkar ,

### **Goal**

The Association of Academics for Social Justice (AASJ) is a collective endeavour of academicians, researchers, and other stakeholders whose main aim is to promote social justice through academic engagement in multiple spheres. It is an intellectual movement of academicians that represents an approach which will be used to theorize, examine, and innovate ways to reduce inter-group inequalities and oppression associated with caste, ethnicity, religion, gender interface with caste/tribes/religion and other forms of identities. This involves an interdisciplinary approach that seeks to understand and combat intergroup inequities in society. The association’s motive and goal are to bring forth a collective voice, and wisdom to develop an empathetic approach, and suggest policies to mitigate the problem of inter-group inequality and oppression. Thus, the AASJ aims to advance the mission of social justice through research, teaching, learning, publication, and policy advocacy.

The central agenda of AASJ is to understand the magnitude and nature of inter-group inequality in all aspects of human life identify the sources of such inequality, analyze its consequences leading to the suffering of excluded groups, and search for solutions to mitigate inter-group inequalities and discrimination of all kinds.

### **Recognition of Inter-group Inequality: Provision in Constitution and in Law**

The Indian society is characterised by high degrees of inter-group inequality associated with various identities like caste, ethnicity, religion, gender and so on. Some of the groups like the low caste Dalits, tribals, religious minorities, and women, who are placed at the lower end of the equality scale, suffer from lack of civil, political, economic, religious, social and cultural rights in varying degrees. Among the social institutions, however, the caste system as a social organisation of Hindus has generated the highest degree of systemic inequality across various caste groups due to unequal entitlement of economic, civil, political, and cultural and religious rights. The former untouchables who are placed at the bottom of the caste hierarchy suffered the most from the unjust assignment of rights and low social status. The denial of basic human rights to ex-untouchables (Dalits) over many centuries has had a crippling effect on their living condition and psyche from which they have yet to recover. Even those ex-untouchables who converted to other faiths like Sikhism, Christianity, Islam and other sects in pursuit of equal rights and status continue to face discrimination in their adopted religions as the legacy of the Hindu caste system. Women also endure the selective denial of rights under the norms of caste system.

The Indian state recognised the problem of inter-group inequality in our society based on group identities particularly caste, tribes, religion and gender. Thus, the Constitution in 1950 made social justice (social, economic and political), liberty, equality, and fraternity as the founding principles of state governance, particularly overturning the inequality associated with the caste system. The Constitution promises equal rights to all citizens. Article 14 assures equality before law and equal protection of law. Article 15 prohibits discrimination on the grounds of caste, religion, race, sex, or place of birth, by the State and in use of services supplied by private individual for public use, and /or facilities maintained wholly or partly out of state funds and dedicated to the use of the general public. Article 16 guarantees equality of opportunity in matters of public employment, and states that there shall be equality of opportunity for all citizens in matters relating to employment under the State, and no discrimination in employment or office under the State. Article 17 abolishes untouchability and its practice in any form is forbidden and made punishable in law. Moreover, the Constitution in Article 46, the Directive Principles of State Policy, makes it obligatory for the State to enact laws and frame policies to enable citizens to use these (fundamental) rights in practice. In case of the Scheduled castes and Scheduled tribes it states: “The State is required to protect the Scheduled Caste (ex-untouchables) and Scheduled Tribes (indigenous people) from social injustices and all forms of exploitation.”

To give effect to the provision of non-discrimination, the Indian Government, in 1955, enacted the Untouchability (Offences) Act on May 8, 1955 (enforced on June 1, 1955), which was renamed as ‘Protection of Civil Rights (PCR) Act, in 1979. Thirty-four years later, another law namely ‘The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, was enacted in 1989. The Indian Government also enacted a reservation policy to ensure fair share to the scheduled castes and scheduled tribes in legislature, public employment and educational institutions in 1950. Later on at various points of time the reservation policy was extended to Other Backward Classes (OBCs) and Economically Weaker Sections (EWS) in educational institutions. With some modification, similar legal safeguards and affirmative action policies in direct or indirect form have been formulated for women also. The Constitution also has special provisions to safeguard the rights of religious minorities such as Jains, Christians, Muslims, Buddhists, and others.

### **Persistence of Discrimination and Inequalities**

Over a period of time, due to constitutional provision and law, there has been considerable erosion in the institution of caste and untouchability, and gender discrimination rooted in social structure. The predicament of ex-untouchables and other backward castes has improved considerably, as has that of women. Although the caste system has weakened in several spheres yet it continues to retain some of its worst features such as denial of equal rights to those at the lower end of the social hierarchy, especially Dalits. All forms of discrimination and graded inter-caste inequality as well as gender biases continue even today in economic, civil and political, social, cultural and religious spheres.

An examination of important indicators of human development of social and economic wellbeing and freedom like per capita income, poverty, malnutrition, education, housing and

assets ownership, civil and political rights, and religious and cultural rights exposes the evidence of persisting inter-caste inequalities, caste discrimination, and untouchability in recent official data. For instance in 2012, the average per capita income in terms of monthly per capita consumption expenditure (MPCE)--a prime indicator of overall wellbeing of people-- of the scheduled castes was half that of the high castes. The per capita income of other backward castes (OBCs) was higher than that of scheduled castes but lower than of high castes. Similar inequality is observed in the magnitude of poverty. In 2012, the incidence of poverty among the scheduled castes (30 percent) was three times higher as compared to its nine percent incidence among the high castes. Poverty affects nutrition and health status of people at the bottom of the caste pyramid. In 2015-16 the incidence of underweight and anaemic children and child mortality among the scheduled castes children was higher than that of children of other castes. Similar graded inequality persists in educational attainment too: in 2014, the enrolment rate of SCs at secondary /higher secondary level was 73 percent, which was lower than 97 per cent for high castes, followed by 80 per cent for OBC. The enrolment rate in higher education among SCs (21 percent) was half of that of high caste (43 per cent) followed by 29 percent for OBCs.

In case of housing, about 18 percent of SCs live in poor-condition houses compared to a mere 6.7 percent among the high castes followed by 11 percent among the OBCs. About 13 percent of SCs live in slums which are thrice the percentage points (4.6) of high castes in slums and double the percentage points (six) of OBCs living in slums. The percentage of houses without toilet facilities is 71 percent for SC as compared to 37 percent for higher castes (HC) and 65 percent for OBC.

Thus, the cumulative impact of low levels of human development and high poverty is reflected in the lower life expectancy of the depressed classes with respect to other caste groups. In 2018, the average age at death of an Indian was 55 years. But the average age at death for the STs and SCs was 48 years and 55 years respectively. In contrast, the average age of death for highcastes stood at 60 years while that of OBCs was 57 years.

Thus, in case of all major indicators of human development, namely per capita consumption expenditure, poverty, malnutrition, educational attainment, housing and life expectancy, the SC and ST fall behind other groups that are placed higher up in the social order.

### **Caste Discrimination: Denial of Civil, Political, and Economic Rights Persists**

The ideology of caste and untouchability which involves denial of equal rights in multiple spheres to people of low castes, especially SCs, continues to influence and shape the behaviour of higher castes towards them.

According to official data for the period 2001 to 2016, a total of 2,57,961 cases of discrimination were registered by the SCs under the Protection of Civil rights Act 1955 and Prevention of Atrocities Act 1989. This makes an annual average of an alarming 16,123 cases against the scheduled castes.

Several primary (field based) studies have described the nature of discrimination suffered by SCs in multiple spheres. The most comprehensive pan-India study among them was in the year 2000 that included 500 villages from 11 states. These studies showed that despite the law against caste discrimination and prohibition of untouchability by the Constitution and law, in spite of numerous legislations defining the nature of caste discrimination and untouchability in any sphere as a cognizable criminal offence, and despite several affirmative measures to improve their (SCs') socio-economic conditions, the practice lives on and has even assumed subtle and horrific proportions at times. Clearly caste discrimination is not a fast-fading remnant of the traditional institution of caste and untouchability; it is very much a persistent and flexible part of our contemporary reality that needs to be recognised and addressed. Casteism is thus a systemic predominant part of Indian life. Casteism itself has become an integral part of the Indian psyche. Discrimination comes naturally and inherently to the high castes.

Therefore, the Dalits or SCs and OBCs have continued to suffer from denial of equal civil, political, economic and other rights.

The civil rights are a significant set of rights that are designed to protect individuals from unfair treatment; these are rights of individuals to receive equal treatment (that is free of unfair bias or discrimination) in any setting— be it public utilities, education, employment, housing, public accommodations, or more. The civil rights laws attempt to guarantee full and equal citizenship to people who have traditionally been discriminated on the basis of some group characteristic. The most widespread and blatant practice of discrimination is in the sphere of public utilities such as use of common water supply sources, cremation/burial grounds etc. managed by local governments, and state-run schools (segregated sitting arrangement and mid-day meals for students), police station, public transport, primary health centres, and so on. At many places Dalit marriage processions on public roads, or gatherings in common village spaces, eating in restaurants and tea shops, and use of community resources is vehemently opposed by upper or high caste people.

The political rights are those exercised in the formation and administration of a government. Political rights refer to an individual's ability to participate in the political processes of the society and state without fear or discrimination, and are tied closely to citizenship status. Such rights include the right to contest and vote in an election, to participate in governance as an elected representative, the right to join a political party, and participate freely in political rallies, events, or protests. The political rights are also closely tied to citizenship status. The studies have observed that despite legal safeguards former untouchables face discrimination in various forms such as not being allowed entry into polling booths to exercise their franchise, separate voters' queues at polling booths, coercion to vote to for a particular person or party and, the elected Dalit representative being made to sit apart in the village panchayat office, partake tea in separate cups earmarked for them and being made to clean their cups, etc.

The former untouchables also face exclusion and discrimination in cultural and religious spheres. They are either banned or have faced discriminatory access to community life, such

as community level participation in festivals and cultural, social and religious events in villages. They also face restrictions to entry into temples and places of worship in some places.

The discrimination in social spheres is even more restrictive: Being treated as 'impure and polluting,' the Dalits still face physical and social isolation and segregation, with minimal social relations and interactions with higher caste people. At present there is universal residential segregation in villages, which reinforces social distancing and isolation of Dalits. As a rule, settlements of ex-untouchables continue to be located at the periphery of villages away from the residential areas of higher caste people. The rules regarding metered distancing during SC people's visits to houses of high caste people, inter-caste dining, and inter-caste marriages involving Dalits are followed most strictly. Even in urban areas, where caste identities are relatively blurred, the instances of SCs visit to high caste people's houses, inter-caste dining and inter-caste marriage are pretty rare. Also, Dalits face a lot of restrictions and discrimination in getting rented accommodation in savarna houses/housing societies and localities due to the inherent caste bias against them.

The economic sphere too is no exception to the discriminatory behaviour endured by Dalits. Economic rights include the right to occupation, employment, wages, equal treatment at work place, and the right to participate in various markets for purchase and sale of land, goods, and services without any discrimination. The ex-untouchables continue to face discrimination in services from the barber, tailor, potters, and carpenter. They also face discrimination in hiring and wages, and occupation. The SC entrepreneurs engaged in grocery, restaurant/ eatery and transport business face discrimination wherein their goods and transport services are 'less used' (generally avoided) by high caste consumers thus affecting their income and profitability. Similarly, Dalit farmers face discrimination in purchase of agricultural inputs and sale of outputs. While the access to inputs and employment is fairly open to scheduled castes, they experience discrimination in many spheres, if not all. This affects their incomes as wage workers, farmers, and business persons resulting in high incidence of poverty among the group as a whole.

The worst kind of discrimination they face pertains to restriction on their rights as an individual. In some places they still are not allowed to wear new clothes, sunglasses, or footwear or use umbrellas, and ride bicycles. Thus, every Dalit is denied the right to be an individual or a person as the above-mentioned instances are a direct violation of their dignity as an individual.

### **Sources of Group Inequality**

The above evidence shows that although there has been an erosion of the institution of caste and untouchability, yet in several spheres casteism persists and retains some of its worse features.

There are reasons for persistence of ideology of casteism and high incidence of poverty, hunger and denial of equal rights to the ex-untouchables. These are as follows:

- (a) Opposition to measures to reform the Hindu social order based on caste system,
- (b) Opposition to enactment of laws against caste discrimination and affirmative action policies for economic and political betterment of SCs.
- (c) Formulation of policies in a manner such that it results in less loss of privileges to higher castes in employment, education, land ownership and business.
- (d) High castes having an overwhelming presence in public administration, they tend to avoid implementation of reservation policy in public employment, education, and other spheres, and
- (e) Avoid making any changes in the economic structure and the Hindu social order based on caste system.

***Each one needs a detailed discussion:***

The foremost reason for the persistence of caste ideology in the Indian psyche is the reluctance of higher castes to address the inequities in the Hindu social order and reform them. The moot question, however, is why is there a reluctance to reform the caste system by majority of the higher castes. The reason, motive and purpose underlying the perpetuation of the caste system is which allows the concentration of power and privileges in the hands of a few at the cost of others. It is these self-serving economic and social interests which discourage the high castes from backing reforms in the caste system. It has to be recognised that casteism is an ideological “social construct” designed and articulated by the Brahminical scholarship. It is a creation of human ingenuity and does not have its origins in any divine power or godly creation as has been cited from religious texts like Rig Veda, Manusmriti, or other smritis or religious texts such as the Bhagwat Gita and a whole lot of other Brahminical literature. The religious sanction accorded to the caste system is in fact employed as a cover to justify the iniquitous system and reinforce it without opposition. Thus, as far as the motive behind the caste ideology is concerned there is nothing spiritual, or moral, or ethical about it. The motive is pure and simple: material benefits and high social status for those at the higher echelons of the social hierarchy. As long as the caste system serves the economic and social interests of the high caste, it will make every effort to retain status quo at the cost of denial of the same rights to other castes. It is these high privileges and special rights to high castes which underlie their resistance to any attempt to reform the system. If the majority of high caste Hindus do not take the initiative to reform the caste system and continue to lead their lives based on iniquitous norms/customs, there is little hope of reform. The caste system continues to persist in a reformed or modified form, if not in its traditional form, in the thought-processes, attitudes, behaviours, and beliefs of majority of the people who reinforce and maintain oppression of the Dalits and lower castes in spite of the enactment of a slew of legal and policy reforms. Thus we see a big contradiction between the traditional caste norms/customs and the constitutional provisions which guarantee equality before law, equal protection of law, equal opportunity to all, equality of status, liberty and fraternity. Discrimination in terms of denial of equal rights in civil, economic and other spheres is used as an instrument to retain the traditional privileges and special rights vested with the high

castes. As a result the disparity between them and the Scheduled castes in living standards continues to persist with the later remaining among the poorest and most hungry sections of the society notwithstanding some improvement among their lot.

The second reason for persistence of caste system is to be found in opposition by higher castes to the efforts of the State to frame laws to ensure equal civil rights as in the prevailing reservation policy in employment, educational institutions and legislature for SC, and similar policies for their political and economic empowerment. There is vehement opposition to demands of Dalits for appropriate policies in public and private sector employment, as well as in business and for land distribution to the landless scheduled castes. Similar resistance was witnessed in amending laws such as Protection of Civil rights Act, 1955 and Prevention of Atrocities Act 1989. Such opposition primarily stems from the high caste view that these initiatives by the State are encroachments on their traditional rights and the fear of losing their privileges in the employment and education spheres. In any case, the most orthodox who still adhere to the caste system ask the question: why should 'untouchables' have these (equal civil, social, economic and political) rights, because as per the Hindu social order they are not entitled to any of these rights; their only function being to serve the higher castes above them as wage or forced labour.

The third reason is that the high caste policy makers who dominate policy making spheres, devised policies/ laws with considerable gaps and loopholes and in a manner such that it would not reduce their space significantly. Few examples of historical nature are cases in point. To begin with, at the time of framing of constitution, Dr B.R. Ambedkar and his supporters had favoured in the Constituent Assembly a "qualified Joint Electorate" method for reservation to the SC in legislative assembly as this method of election would enable the election of 'real' (not stooges / proxy candidates) and independent representatives of the SC. But the majority members opposed it and supported the present "Joint Electorate" method which invariably elects the nominal and not the real members from SC community as they are elected on the strength of high castes that are in a majority in the constituencies. It is the high castes who would decide who among the SC to elect. Similarly, given the high discrimination in private sector, Ambedkar wanted reservation both in public and private sector in employment and educational institutions. However, the Constituent Assembly granted only reservation in employment and educational institutions in the tiny public sector, and left out the vast private sector where caste discrimination is of high magnitude. The strategy of privatization is now being used for de-reservation of policy and to reduce the reserved sector to the minimum. Another example is the implementation of the Special Component plan for scheduled castes (SCP). According to SCP, the administration is required to allocate a portion of budgetary public expenditure in various central and state government schemes for SCs in proportion to their population share. However, the SCP has not been implemented according to the rule in several states and ministries. Therefore, some states like Telangana, Andhra Pradesh, and Karnataka enacted a law to make it legally binding on their ministries to allocate funds in proportion to SC population in their respective states. Despite enactment of law, under the provision of deemed expenditure, the funds are diverted for common use. This reflects the high intensity of prejudice and opposition by the

high caste administration. Yet another example is the framing of Protection of Civil rights Act 1955 and Prevention of Atrocities Act 1989. The clauses in these two acts have been framed in such a manner that there are enough loopholes to enable the high caste accused to take advantage. In fact there has been persistent resistance and opposition to pro-SC legal measures and reservation policies in employment and educational institutions with anti-reservationists stressing such as compelling reasons to extend reservation by the state on social and economic backwardness, merit, adequacy of representation, administrative efficiency, creamy layer, and other economic considerations as criteria for reservation while completely glossing over the issue of centuries of denial of rights that has left SC without any income-generating assets and crippled the psyche of even the present generation.

The fourth reason for persistence of caste system and low wellbeing of SCs is the reluctance of administrators--a majority of whom are high caste, to implement the Reservation policy and other pro-SC policies effectively. Their reluctance in not filling the reserve posts on time and manipulating the roaster and the rules of appointments results in massive backlog of reserve posts in government services. Similar caste bias has been observed in the implementation of Protection of Civil rights Act 1955 and Prevention of Atrocities Act 1989. There were efforts in the past to dilute the stringency clauses or rules in the act. These loopholes in Act have been used to protect the high caste accused and is reflected in the unbelievably high acquittal and low conviction rates under these two Acts.

### **Unequal Economic and Social Structure and its Linkages with Civil, Political and Economic Rights**

The most important reason for the slow change in the institution of caste and untouchability and lack of equal rights to the SCs is the persistence of iniquitous economic and social structure. The Constitution guarantees equal civil and political rights to all. It guarantees equality before law, equal protection of law, equality in opportunity, and equality of status. To give effect to this constitutional provision the State has also enacted laws from time to time. However we stop at the guarantees or rights provided in the law alone. The State dominated by higher castes/classes did not recognize the linkages between access to civil and political rights and the caste-based unequal social and economic structure. It has to be understood that equality in social and economic structure is a necessary pre-condition for citizens to freely and meaningfully enjoy civil, political and economic rights. The State dominated by higher castes did not or wilfully avoid the recognition of linkages between the civil and political rights and the economic and social structure. Undoubtedly there is a close linkage between inequality in economic and social structure and equal access to civil, political and economic rights to the poor and discriminated groups. In this context exclusively depending on the legal solution to give justice to SCs was short-sightedness of the people in power. In fact the social structure, political structure, and economic systems should have been reformed first.



Economic structure matters in getting equal access to fundamental rights that include civil, political and economic rights. Ambedkar had argued that a legal solution to caste discrimination and untouchability would not be effective if the economic structure of ownership of wealth remained unequal. He observed in 1947, “The connection between individual liberty and shape and form of economic structure of society may not be apparent to everyone. Nonetheless the connection between the two is real.” He further added that, “anyone who studies the working of the system of social economy based on private enterprise and pursuit of personal gain will realize how it undermines... and poor required to relinquish constitutional rights.” In such a private economy “the unemployed are compelled to relinquish their fundamental rights for the sake of securing privileges to work and survive,” he observed. Having explained the close link between fundamental rights and economic structure, Ambedkar suggested an egalitarian economic structure by bringing land ownership, key and basic industries, health, education, and insurance under State control. But the State ignored his suggestions and opted for a liberal solution envisaging land redistribution through land reforms, which invariably failed to give land to landless and to the SC. The neglect of reform of the iniquitous economic structure thus failed to create the necessary economic conditions for enjoyment of equal civil, political and of course economic rights by all people, particularly the SCs.

Similarly the State and civil society have not done much to create a normative framework of social structure to cherish equal rights for all including low castes or ex-untouchables. The persistent discriminatory behaviour of the high castes towards the lower castes is the outcome of discriminatory norms, customs, or habits induced by the traditional social structure. Against this backdrop, the laws against caste discrimination have less chances of success in ensuring equal rights to the SCs. Laws can be really successful if the prevailing norms and customs are also supportive of the provision of equality in law— that is public opinion or social conscience is ahead of laws. In other words, it is the social conscience supportive of equality which makes the laws more effective in practice. The public ethos needs to be ahead of the law. In the Indian situation public ethos based on the institution of caste and untouchability are against the equality of status and opportunity. Therefore, what we needed was the reform of social structure governed by the norms of caste system. Neither the government nor high caste civil society worked towards bringing about these changes in the normative framework of the social structure for a just and equitable system. The unjust social structure thus continues to persist against the principle of equality. In order to eradicate caste discrimination the reform of the Hindu society should have been on the agenda of the high caste civil society and the government; unfortunately that was not the case. Ambedkar in 1936 had warned: “People are not wrong in observing of caste,--what is wrong is their religion which has inculcated this notion of the caste ----target should not be the people who observe caste, but the shastras which teach them this religion of caste.”

### **Policies within the Framework of Philosophy of Liberalism**

Why were the structural reforms in caste society and economy not initiated by the State in a more fundamental transformative way? Why did the State, with the exception of minor

initiatives, generally remain caste-blind and make access to civil, political, and economic rights for the poor and Dalits difficult?

The main reason is that the State policies were generally designed within the framework of the philosophical paradigm of liberalism. Liberalism is a political and moral philosophy which recognises the rights of the individual, liberty, and equality before the law. It generally supports individual rights (including civil and human rights), liberal democracy, secularism, rule of law, economic and political freedom, freedom of speech, freedom of the press, freedom of religion, private property and a market economy.

The economic policies were thus based on the philosophy of liberalism, where interference in private ownership of property is not considered efficient. Redistribution through market forces is considered an efficient way of resource allocation. The neo-classical economic theory which forms the basis for economic policies for the poor and discriminated communities also favoured the working of economy through markets, with minimum role for the State for the sake of efficient outcome--merit is valued. In this policy paradigm, the redistribution of land and enterprises and supply of social services like health, education, and housing by the State is considered less efficient.

Similarly, the political structure based on the idea of liberalism, individualism and democracy, majority rule, and rule of law were considered to be enough to ensure equal political rights or citizenship right to the discriminated group of SC. Granting equality before law, equal protection of law, equal opportunity, equality of status, liberty, and fraternity in the Constitution and in law was thought to be enough. Whether some structural changes in norms/values of society which are supportive of inequality were required or not was not considered necessary.

The situation was not different in case of guaranteeing civil rights to the SCs. The philosophy of liberalism would preach that providing legal safeguard through law against caste discrimination is enough to ensure civil rights to the SCs. Legalism was the lasting solution to overcome discrimination. Laws such as Protection of Civil Rights Act, 1955 and Prevention of Atrocities Act, 1989 were considered adequate for equal access to the civil, social/cultural and religious rights; it was considered a better alternative. The State did not think it necessary to bring forth a fundamental change in the normative discriminatory structure of the caste society, which acts as a source of discriminatory behaviour of the higher castes people.

Thus, the economic structure based on unequal ownership of wealth and property, and the social structure based on normative value supportive of inequality in social relations continues to induce discriminatory and differential behaviour by the high castes towards the low castes notwithstanding the legal safeguards and affirmative action policies for the latter's political representation and economic betterment. This is because the structural and ideological issues which form the fabric of the economic and social structure remains unaddressed.

## **Perspective of the Association**

The caste system and untouchability is the most stubborn institution which has survived for several centuries and continues to persist even today despite the enactment of Protection of Civil Rights Act (1955) and Prevention of Atrocities Act (1989). We really need to take a close look at the academic framework to explain the persistence of caste discrimination. In this context answers to some questions are necessary: What is the magnitude and nature of inter-caste inequality? What sustains inter-caste inequality and deprivation of low castes? What are the limitations of present policy perspectives? What reforms in present policies are necessary? What are the new academic perspective and tools which will enable us to explain inter-caste inequalities?

We have the following proposition on the reasons for persistent of casteism and inter-caste inequality:

- We recognize that casteism is an “ideological (social) construct” articulated and designed to arrogate high social status, privileges and special rights with material benefits to the higher castes.
- The institution of caste and untouchability which entitles the high caste to high economic and social rights and denial of the same rights to lower castes is used as an ideological instrument to acquire and preserve their economic and social rights and special privileges.
- The caste system based on the principle of unequal entitlement of economic and social rights across castes, has resulted in a highly unequal economic structure of ownership of property and an equally unequal and exploitative social structure.
- Casteism is therefore structural and institutional; a regular everyday experience of low castes that also comes naturally and unconsciously to the high castes in their everyday lives as it is deeply embedded in the normative framework of the Hindus.
- Since casteism serves self-enlighten material or the economic and social interests of high castes at the cost of denial of the same rights to low castes there is persistent opposition or resistance to undertake reforms in the Hindu social order by majority of high castes, if not all.
- For the same reasons (that is to preserve their privileges) the high castes are opposed to the enactment of effective laws against caste discrimination and untouchability and affirmative action policies for economic and political betterment of low castes.
- Since the State is obliged to give effect to the provisions of the Constitution, it is forced to develop inclusive policies. However, the policies are framed in a manner that it results in less loss to the privileged position of higher castes in employment, education, land ownership and business.

- Given that the high castes are overwhelmingly present in public administration, there is a persistent reluctance in sincere implementation of reservation policy in public sector employment, government-run educational institutions and other spheres, and finally
- There is resistance to bring forth changes in the economic structure and the Hindu social structure based on caste system.

Why have legal and reservation policies for protection of the civil, political, and economic rights suffered from limitations?

- Limitations in the present legal and reservation policies are due to the fact that state policies are generally designed within the framework of the philosophical paradigm of liberalism. It is a political and moral philosophy that recognises a particular way to guarantee the civil, political and economic rights.
- It recognises that laws which recognise equality before law, equal protection of law, equality in opportunity, and equality in status are good enough to ensure equal rights to all people including the discriminated groups.
- In the economic sphere, liberalism favours a system based on ownership of private property, working through market, with a minimum role for the State to ensure efficacy and merit. The redistribution of land and enterprises and supply of health, services, education, and housing by the State is not considered an efficient way.
- Similarly, the political system under the paradigm of liberalism is based on recognition of individualism, democracy, majority rule, and the rule of law is good enough to ensure equal political rights or citizenship rights to the people and discriminated groups.

\* The enactment of laws is also good enough to ensure equal civil rights to all and to the discriminated groups.

- The philosophy of liberalism does not recognise inter-linkages between the ability to access civil, political, and economic rights and the economic structure with unequal ownership of wealth and property. Also, the social structure which is governed by normative value supportive of inequality in social relations is not a matter for consideration; the market will bring about equal social and economic outcomes.
- The policies of making the economic and social structure more equal by redistribution of wealth for fair ownership and changes in social structure governed by unequal normative framework are not part of the core policy issue of liberalism.

### **What the Association believes in?**

The Association believes that:

- The paradigm of liberalism is not adequate to address the issue of poverty and discrimination of lower caste discriminated groups, women, tribal groups and religious minorities;
- The intervention of the State is necessary to ensure equal civil, political, and economic rights;
- Only legal safeguards are not adequate to guarantee equal rights and non-discrimination to discriminated groups such as low caste people, and women;
- Structural changes in the prevailing unequal social structure are necessary;
- It requires policy to transform caste norms into norms which facilitate equal treatment in all spheres- a change in the collective social conscience supportive of equality, liberty, and fraternity is a necessary condition for all people to enjoy basic fundamental rights;
- Structural changes are necessary in the ownership of property such that property-less classes have access to land and enterprises;
- That State should provide health, education and social security to all.

***Thus, the Association favours the following strategy:***

- First, to correct the consequences of past exclusion of low castes and women from the right to property through redistribution of land and enterprises to them by bringing equality and fairness in ownership of wealth and property, and
- Second, to undertake structural reforms in the caste system and untouchability and gender discrimination.
- Third, develop a sound reservation policy both for public and private sector in employment, enterprises/business, and farming as safeguards against ongoing discrimination against the deprived sections.