

BOOK REVIEWS

CASTE AND THE LAW IN INDIA (1984). By Justice S.B. Wad.
Documentation Centre for Corporate & Business Policy Research,
New Delhi. Pp xiv + 128. Price Rs. 60.

JUSTICE S.B.WAD, having the background of a sociologist and an erudite political thinker, has brought to his judicial career his vast experience as a social activist. He is a jurist with vision. His book provides a clear, comprehensive, analytical and indepth study of the caste system in India, disabilities of the scheduled castes, scheduled tribes and other backward classes, concessions granted to them by the Central Government and other state governments and their effects as interpreted and clarified by the latest rulings of the Supreme Court and various High Courts in India.

The author observes that prior to Independence the commitment of the leaders to the nation was to establish a casteless egalitarian society in free India, but this goal does not find place even in the preamble or in the directive principles of the Constitution. Perhaps the attention of the founding fathers was drawn to untouchability alone because it was the most abominable and virulent form of social injustice and inequality. By introducing adult franchise the strongest force was unleashed against the caste system, but it has withstood it. Experience demonstrates that the caste system, instead of becoming subservient to the democratic and socialistic way of life, has perverted the democratic and socialistic apparatus and is seriously threatening to dominate both. It has its deep roots in the Indian society. Even after conversion to other religions, the hierarchy of caste system remains as it was.¹ After reconversion, he becomes a *mahar* or *kole* as before and suffers from the same social and economic disabilities from which he suffered before he was converted to another religion. Caste system has fragmented the social consciousness of the Hindu society by dividing it into numerous groups arranged in a hierarchical order. The author has rightly observed that the ruling classes everywhere have tried to perpetuate their privileges through all sorts of devices and aristocracy has generally joined hands with the religious heads, whether Brahmin or clergy.

The book emphasizes that affirmative action has to be taken by the legislature and the government in bringing about equality in place of existing inequality in the field of education and employment, and in

1. *Challurbhuj Vithaldas Jasani v. Mqreshwar Parashram*, 1954 S.C.R. 817.

opening new avenues of life. Such a positive view of equality is envisaged in articles 14 to 16.

The author has rightly emphasized the point that by increasing representation of the scheduled castes, scheduled tribes and other backward classes in the government services, we give them an immediate feeling of participation in the governance of the country. Where a candidate belonging to the backward classes becomes a collector or superintendent of police, the entire community feels socially elevated, even when no tangible benefit flows to the community at large. The feeling that now its "own men" are in the "corridors" of power acts as a moral boost.

The author bears a flowery and facile pen. The book indicates his great concern for the backward classes and shows that he has a bleeding heart for the poverty stricken masses. By inclusion of the *Report of the Backward Classes Commission (1980)*² the utility of the book has been enhanced. Reservation of seats for the backward classes is bound to erode the hold of the higher castes on the services and enable the backward classes in general to have a sense of participation in running the affairs of the country. The backward classes are simply asking for a modest share of the national cake of power and prestige and it cannot be denied to them simply because a chorus of alarm is being raised on the plea that this will cause heart burning to the ruling elite. A lot of heart burning was caused to the British when they were made to leave India. It does burn hearts of all whites when the blacks protest against apartheid in South Africa. The plea of non-meritorious people filling all the jobs is also without any substance. Where is the guarantee that all selected on merit and without reservation would turn out to be honest, efficient, hardworking and dedicated to the country? Officers selected from backward classes are likely to have great advantage of possessing first hand knowledge of the sufferings and problems of the backward sections of the society and this would not be a small asset either for the field workers or even for policy makers at the highest level.

The book is a highly authentic, instructive and informative work and it is hoped that it will prove to be of great utility to the students of social science, lawyers and members of the bench as well as all others who care to know about the progress and development of the backward classes in our country.

Mohan Lall Shrimal*

2. Known as the *Mandal Commission Report*.

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