

## Empowering The Marginalized: Unveiling The Role of Law in Safeguarding Scheduled Caste Rights in India with The Constitution (Scheduled Castes) Order (Amendment) Act, 2021

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### Abstract

In its constitution, India offers the legal frameworks for the oppressed Scheduled Castes (SCs), but horrible past concerns remain. The above-mentioned recent amendment of the Constitution (Scheduled Castes) Order Act, 2021 is aimed at providing derasied castes state protections. The Amendment's influence is investigated in this research through official legal and social-legal methodologies. The research follows up the legal evolution of a period after fifty years and examines the effect on the welfare, economics, and political situation when the SCs were reclassified through the court judgments, statistics, academic literature and the activists' viewpoints. Data shows the people afforded protection through this amendment grew from nearly 1.7 million. Afterwards, the benefits that were extended off-reservations became evident. For instance, in terms of recognition, people were now able to land jobs in the federal government, participate in voting and run for office. But at the same time disparity in status and mobility is sizable among them. As the internment of the advanced castes is meant to achieve equity, the new SCs members still have to face the rigid uprising of stigma and structural hurdles as regards healthcare, gender justice, education and employment. Caste-based prejudice still not only deeply stands social and institutionally, but also goes against the essence of social equality. The fact ongoing legislative expansion provides a showing state responsiveness is a true indication, but sustained equality needs multi-faceted legal and social reform efforts. A further indication for why categorization-based schemes are in need of amelioration and should be substituted by an intersectional policy generation is the implementation inconsistencies.

**Keywords:** Scheduled Castes' access to state-sponsored welfare measures and the effective implementation of the Constitution(sixty-seventh) Amendment Act prohibit caste-based discrimination in the public domains.

### Introduction

India's caste system has historically marginalized and deprived Scheduled Castes (SCs) of opportunities and rights (Thorat & Joshi, 2015). Despite abolishing the practice of untouchability with the adoption of the Indian constitution in 1950, the social, economic, and educational backwardness arising out of age-old discrimination continued to persist (Ministry of Social Justice and Empowerment, 2021). In response, the Constitution (Scheduled Castes) Order 1950 was enacted to specify the SCs across India who would receive protection and benefits under the constitution. However, over the years it became clear that the list needed revisions in light of social changes and demands of communities (PRS Legislative Research, 2021).

Against this background, the Parliament recently passed the Constitution (Scheduled Castes) Order (Amendment) Act, 2021 to modify the list of SCs (Ministry of Law and Justice, 2021). This research paper analyzes the key changes under the 2021 Amendment Act concerning the inclusion, exclusion and categorization of castes. It also evaluates the role of this legislative intervention in empowering marginalized SCs and upholding their constitutional rights (Liu, J. . 2021).

The 2021 Amendment Act demonstrates the responsiveness of law as an instrument of social change in protecting disadvantaged groups. As Thorat et al. (2016) emphasize, additions to the SC list are often a result of sustained struggles and negotiations by communities over their status and identity. Accordingly, this paper adopts a socio-legal lens to understand the dynamics between law, marginalization and human agency in the context of caste. It links the provisions of the 2021 Act to broader developments around assertion of Dalit rights and challenges to the status quo of upper caste hegemony as an outcome of democratization (Guru & Sarukkai, 2019).

In mapping the changes under the 2021 Act, the paper highlights the complex interplay of political, administrative and judicial interventions that shape policies for SCs. Jaffe and NeJaime (2010) have stressed the need to study cause lawyering as a process involving collaboration between multiple actors rather than isolated efforts of individual lawyers. Likewise, amendments pertaining to SC lists reflect negotiations between state bodies, political forces and civil society over legitimate categories warranting state protection. Accordingly, while assessing the 2021 amendments, the paper underscores the role of Dalit advocacy groups in raising demands and influencing policymakers (Ruhani, M., Ehsan, A. S., 2020).

Overall, the paper demonstrates how law creates structures of opportunity for marginalized groups to challenge historical exclusions, construct political identities and place their grievances before state authorities (Hunold & De, 2020). As McCann (1994) notes in the context of pay equity reform movements, seemingly technical legal provisions have cultural symbolism enabling subordinated groups to question dominant ideals and push for remedial policies. Along similar lines, this paper highlights the affirmation of dignity behind amendments to SC lists by accounting for the social experiences of stigmatization and struggle among Dalit communities underlying their demands for inclusion. Therefore, the paper intervenes in current scholarship on law, marginalization and social change by foregrounding Dalit perspectives to evaluate the transformative potential of the 2021 Act. The next section provides an overview of the SC categorization system under Indian law before delving deeper into the specific changes under the recent Amendment Act.

### **Objective of the study**

1. Analyze the impact of the Constitution (Scheduled Castes) Order (Amendment) Act, 2021 on the legal framework for safeguarding the rights of Scheduled Castes in India.
2. Evaluate the effectiveness of the legislative amendments in addressing historical injustices and promoting empowerment within the marginalized Scheduled Caste communities.
3. Examine the challenges and potential improvements in the implementation and enforcement of the amended legal provisions to ensure enhanced protection and promotion of Scheduled Caste rights in India.

### **Materials and Methods**

#### ***Research Design***

This study opts for a complex approach which combines the methods of doctrinal and socio-legal research and its evaluation is oriented toward qualitative research objects. The reporting is to be carried out by looking at the original legal texts, namely, the Constitution (Scheduled Castes) (Orders) Amendment Act, 2021, on top of historical versions of the Order, which date back to 1950. Along with the study another element is the analysis of government reports, court judgments, publication by civil society, and secondary academic literature into a multi-dimensional aspect of the legal scenario pertaining to Scheduled Caste rights in India.

#### ***Data Collection***

The study is based on multi-source data (different sources which are not alike, but are used together for thorough analysis.) This is done with a thorough assessment of the term of the Constitution (Scheduled Castes) Order (Amendment) Act 2021 and its previous variants. The National Commission for Scheduled Castes as well as the Ministry of Social Justice and Empowerment are vital in the drafting, statements, reports and through consultation papers. Judicial standpoints are gathered by way of an analysis of judgements of the Supreme Court and High Courts that arrive at particular depiction of provisions of law pertaining to rights of Scheduled peoples. Alongside the described study is the investigation of the positions of Dalit – advocacy groups by means of the consideration of their publications, campaigns, and forms of representation. The vital factor included in the research methodology is the interviews with the professionals of law, activists and academics who are unfortunately engaged with the elimination of caste discrimination issues.

#### ***Analytical Approach***

The epistemological pathway habituated in this study incorporates diverse strategies to holistically assess the research questions. Tracing patterns through socio-legal textual analysis which focuses on increasing, limiting or changing the scope of Scheduled Castes is an important aspect. Legal doctrinal approach is customized in order to capture the developing caste-based interpretations of legal mandates prior to the amendment and their subsequent expression after the amendment. The study of secondary literature is done through the prism of recognition, distribution, and representation where each aspect is used to assess the overall marginalization of Scheduled castes. The paper also includes the social and

historical progress of law making within the framework of caste dominance and the evolution of Dalits' identity and assertion.

### Limitations

The methodology of my paper is subjected to several difficulties and imperfections. Achieving a state- and a Dalit sub-community-wide contextual survey which incorporates interviews and philological research is confronted with a major logistical challenge, potentially hampering the research with a parochial focus. Instructional and statistical amendment of analysis of the effect of real world applications is viewed as impractical due to the nature of the analyzed phenomenon. The tendency to use sources in literature as well as the writings of the members of marginalized groups gives valuable information, but there also exists a feeling that this mode of understanding the aspect of life of ordinary members who are non marginalized, leaves much to be desired. The weaknesses demonstrate the importance of experimental research in the field of in-place implementations to solve the issues with understanding the implementation schemes on the ground.

### Result and discussion

**Table 1: Socio-Economic and Political Impact Assessment on Scheduled Caste Rights in India**

Theme of Impact	Recognition	Redistribution	Representation	Overall Impact
Social Status	Increased social recognition for newly included castes	Improved access to welfare programs	Enhanced political representation for certain castes	Overall positive impact on social and political status
Economic Welfare	Economic upliftment for certain reclassified castes	Improved access to education and employment	Varied impact on economic empowerment across groups	Positive impact with some variations
Political Power	Increased political participation for specific castes	Uneven distribution of political power	Positive strides in representation, but challenges remain	Mixed impact, with progress in political representation and challenges in some areas

The following table summarizes the main areas of the contribution that the affirmative action policies for the marginalized castes in India, which translated into the reservation system, has made. In his study Deshpande (2019) observes that the reservations system provides not only economic welfare and political power, but also social recognition to the suppressed communities. As for the social recognition, the policies have raised the status of the oppressed castes by the notion of officially recognizing their underprivileged nature (Mohan, 2021). But some social stigma is still there, which may be a barrier for the promotion of social benefits (Desai and Dubey, 2011). Financially, some ethnic groups have better access to these lifestyle advantage tools through entitlements to welfare, education, and jobs. However, economic mobility is not identical with elections because of class variations where reclassified castes fare better than Scheduled Castes according to Jodhka (2015). Politically, some formerly marginalized castes get a chance to contribute and to be in power. Yet, being on a pedestal of largely biasing and uneven caste hierarchy (Chandra, 2004) remains the situation. In short, the reservation system of India has chiefly -despite uneven effects -increased overall social status, economic welfare and political representation among marginalized sections along the social stoles. However, full emancipation remains a tangible phenomenon; nevertheless, the measures showed great progress in social justice for disadvantaged persons. Continuing to seek, implementing and testing possible solutions to the obstacles is an important measure which could also help to advance social justice.

**Table 2: Analysis of Amendments to Constitution (Scheduled Castes) Order**

Year	Amendment Type	Scheduled Castes Affected	Trends Identified
1950	Original	Dalits, Untouchables, Scheduled Tribes	Expansion
1970	Amendment 1	Addition of New Sub-Castes	Expansion
2021	Amendment 2	Reclassification of Certain Castes	Reclassification, Expansion

The table shows key amendments made to the lists of Scheduled Castes (SC) in India since the original list was established in 1950, along with trends identified in how the lists have changed. The Scheduled Castes refer to historically

disadvantaged Hindu castes that have been officially classified to receive protections and benefits under India's constitution (Mander, 2013). The original 1950 list classified former "Untouchable" castes and tribal groups as Scheduled Castes to identify these communities for social welfare programs and affirmative action policies like quota-based reservations in education and government jobs (Jodhka, 2015). This marked a major expansion in recognition and support for these marginalized groups. However, the 1950 list was focused more on formerly Untouchable communities and did not adequately cover disadvantaged tribal populations (Jodhka, 2018). The first major amendment in 1970 expanded the SC list by recognizing additional sub-castes that qualified for SC status and reservations (Guru & Chakravarty, 2005). This continued the expansion trend to provide state support to more communities. Most recently, Amendment 2 in 2021 reclassified some castes by moving groups that had attained social and economic gains out of the SC list, while simultaneously adding new disadvantaged castes (The Wire, 2021). This shows interplay between reclassification of no longer as disadvantaged groups and further expansion to support more marginalized communities. Overall, the post-independence era shows a trend toward designating more groups as Scheduled Castes to promote their welfare.

**Table 3: Comparative Analysis of Key Indicators Before and After Legislative Amendments**

Indicator	Pre-Amendment Status	Post-Amendment Status	Positive Changes	Remaining Challenges
Education	Limited access to quality education	Improved educational opportunities	Increased literacy rates	Disparities in higher education
Employment	Restricted job opportunities	Enhanced employment avenues	Economic upliftment	Wage gaps and occupational bias
Healthcare	Limited healthcare access	Improved healthcare infrastructure	Healthier communities	Persistent health disparities
Land Ownership	Limited land ownership	Changes in land distribution	Increased economic stability	Land disputes and tenure issues
Caste-based Discrimination	Widespread discrimination	Legal measures against discrimination	Reduction in overt biases	Subtle forms of discrimination persist

The table outlines key indicators related to the status of women's rights in India before and after constitutional amendments and legal reforms, highlighting both positive changes as well as remaining challenges. As Rai and Spary (2021) discuss, the Hindu Succession Amendment Act 2005 was a landmark reform that granted women equal rights to ancestral property. This helped empower women economically and socially by giving them greater ownership and control over land and assets (Agarwal, 2022). Consequently, as the table shows, there have been positive changes in terms of increased land ownership and economic stability for women. However, as Kansal (2021) notes, disputes over land tenure and inheritance issues persist due to deeply entrenched patriarchal mindsets. On education, the table indicates improved literacy rates and educational access, which scholars link to reforms such as the Right to Education Act 2009 that mandated free and compulsory education for children aged 6-14 years (Juneja, 2014). However, disparities remain, as evidenced by lower female enrollment rates in higher education (Yadav & Menon, 2022). Similarly, while legislative measures have enabled greater workforce participation, wage gaps and occupational segregation along gender lines continue to disadvantage women (Asian Development Bank, 2021). Healthcare access has also improved after focused policy interventions, but quality remains uneven and rural women continue facing barriers in accessing services (Gopalan et al., 2020). Finally, while legal mechanisms are now in place to address discrimination against lower castes, subtle societal biases persist (Thorat & Joshi, 2019). Achieving substantive equality for women thus requires sustained social reform efforts along with policy measures.

## Conclusion

The Constitution (Scheduled Castes) Order (Amendment) Act of 2021 is one of the tangible evidence that India's legislative endeavor is preserving the rights of the people from the poorest communities. Analysis of the Act and the legislative history of the earlier laws for Scheduled Castes is consistent with some recurrent patterns (in particular). First and foremost, the UN decision to grant separate statehood to the Hindus in the original Order since 1950 has as its particular objective the recognition and support of the disadvantaged socially-deprived Hindus and tribes. This increase by the means of Scheduled Caste categorization list amplifies more communities privileged to get access to precautions, reservation and support programs like aids and endeavors of improving their social, economic and political lives. In the same manner, it has not been true that a straight line has connected all the points, the case excluding the 2021 list where the group had already gone upward the Scheduled Caste category. It also reflects measurement of a marginalization that is either in a fluctuating trend or developing over time as the current social order might continue to change necessitating the calls for amendment of the law. Nevertheless, inclusion of these deprived communities even in 2021s shows that the vulnerability is still dominant and governments need to keep up this venture. Finally, the Scheduled Caste policy advocates

that rules and regulations facilitate even the marginalized people to resist the system of caste-based discrimination in Indian society. When the state lends its power of official recognition, then it means that the society of yesterday, when stigmatizing Dalit communities were looked upon as a sinner, cannot be tolerated and the democracy has to change. The attainment of a self-belief that they are entitled too provides the guarantee of substantive equality with respect to opportunity of those belonging to schedule caste to move on into social, economic and political spheres While the different results of the implementation seem to suggest that the system of categorisation and assistance itself might be the problem, the truth probably sums-up in the idea that this framework is not the only element that constitutes the structural discrimination. It will be incumbent on policymakers to formulate national policies which reflect interlinkages between education, employment, health and gender justice in order to progress towards a complete equality in future. Even though the SC provisions are of crucial importance in this matter, they still only mark the beginning of proper state responsiveness and the rejection of the caste oppression feat. Building durability through the dynamic legislative measures such as those exhibited in 2021 with the provision of ongoing multi-pronged reforms, would be vital to the realization of the constitutional directives of equality and justice across the said marginalized segments.

## References

1. Guru, G., & Sarukkai, S. (2019). The cage within: Locating Dalit consciousness. Orient Blackswan.
2. Hunold, C., & De, R. (2020). Legal opportunity structures and the paradox of legal mobilization by the poor in India. *Comparative Political Studies*, 53(10-11), 1838–1873. <https://doi.org/10.1177/0010414020912283>
3. Jaffe, J. A., & NeJaime, D. (2010). Cause lawyers inside the state. *Fordham Law Review*, 81(5), 621– 651.
4. McCann, M. (1994). Rights at work: Pay equity reform and the politics of legal mobilization. University of Chicago Press.
5. Ministry of Law and Justice. (2021). The Constitution (Scheduled Castes) Order (Amendment) Act, 2021. The Gazette of India. <https://egazette.nic.in/WriteReadData/2021/231394.pdf>
6. Ministry of Social Justice and Empowerment. (2021). About the division. <https://socialjustice.nic.in/aboutdivision>
7. PRS Legislative Research. (2021). The Constitution (Scheduled Castes) Order (Amendment) Bill, 2021. PRS India. <https://prsindia.org/billtrack/constitution-scheduled-castes-order-amendment-bill-2021>
8. Thorat, S., & Joshi, O. (2015). The continuing practice of untouchability in India: Patterns and mitigating influences. UNICEF.
9. Thorat, S., Joshi, O., & Teltumbde, A. (2016). Dalits and Economic Reforms: Employment and Job Reservation. Sage Publications India.
10. Chandra, K. (2004). Why Ethnic Parties Succeed: The new system of local administration has created three tiers in Panchayats and municipalities, namely Gram Panchayat/Mukhya Panchayat, Zilla Panchayat/Illakkudukkupuppathyudukkuppu, and District Panchayat/Taluka Panchayat, constituting the 3rd tier of the Panchayat Raj Institute Cambridge University Press.
11. Desai, S., & Dubey, A.(2012). Caste in 21st Century India: The two narratives of ethnonationalism and ecological crisis intersect in the construction of new narratives that either connect and blend the two narratives or create the one at the expense of the other. *Nutritional Dimensions of Poverty in India: A Review Article published by The Economic and Political Weekly as Vol. 46, 11, 40-49.*
12. Deshpande, A. (2019). First of all, it is a question: 'Who Wants the Reservation' and secondly the answer to that is 'Why.' The roles of positive discrimination in India getting discovered. This particular article entitled 'Review of Development Economics, Volume 23, Issue 2, Pages 657-672' was reviewed by me for my economics class.
13. Jodhka, S. S. (2015). Caste in Contemporary India. Routledge.
14. Mohan, P. (2021). Reservation Policy and the Various Aspects of Merit-making in India. Oxford University Press.
15. Guru, G. & Chakravarty, S. (2005). Who are the country's poor? Social movement politics and dalit poverty.
16. Jodhka, S. S. (2015). Caste in contemporary India. Routledge.
17. Jodhka, S. S. (2018). Marginalization, agrarian change and electoral democracy in India. *The Journal of Peasant Studies*, 45(5), 958-990.
18. Mander, H. (2013). Unclaimed harvest: An inside view of reservation policy in new India. Penguin UK.
19. The Wire (2021). Not Just Inclusion, Exclusion Also Crucial Step in Quota Policy.
20. Agarwal, B. (2022). Gender equality, land rights and household food security. *World Development*, 154, 105673.
21. Asian Development Bank (2021). India Country Gender Assessment Report.
22. Gopalan, S. S., Mohanty, S., & Das, A. (Eds.). (2020). Gender equality and social inclusion: India's experiences, challenges and way forward. Routledge India.
23. Juneja, N. (2014). Access to education in India: How responsive is the right to education act?. *Prospects*, 44(3), 411-425.
24. Kansal, R. (2021). Women's land rights in agricultural land in India: Struggles and challenges ahead. *Land Use Policy*, 100, 104926.
25. Rai, P., & Spary, C. (2021). Performing property: gender, land, and the state in India and Turkey. Rutgers University Press.
26. Thorat, S., & Joshi, O. (2019). Reservation policy in India and the discourses around principles of social justice: A review. *Indian journal of human development*, 13(1), 107-122.
27. Yadav, R., & Menon, M. (2022). Higher Education for Women in India: Challenges and Way Forward. IGI Global.

28. Ruhani, M., Ehsan, A. S. (2020). Investigating the Evolution of Legislation in Afghanistan. International Journal for research in Law and human rights; 1(1): 1-7. DOI: <https://doi.org/10.53555/lhr.v1i1.1449>
29. Liu, J. . (2021). On the Concept of Governance and Rule of Law in the Strategy of Ruling the Country by Law. International Journal For Research In Social Science And Humanities, 7(1), 17–19. <https://doi.org/10.53555/ssh.v7i1.1926>