

Dalit Rights

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P r e f a c e

Dr. Justice Shivaraj V. Patil

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For full development as human beings, exercise and enjoyment of Human Rights by all the people is necessary. Human Rights and fundamental freedoms help us to develop our intrinsic qualities, intelligence, talents and conscience to meet our material and spiritual needs. It is needless to state that without the recognition of the right to education, realization of the right to development of every human being and nation is not possible. Article 26 of the Universal Declaration of the Human Rights (1948) inter alia states that 'education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedom. It shall promote understanding, tolerance and friendship among all nations, social or religious groups and shall further the activities of the United Nations for the maintenance of peace'. Historically, education is an instrument of development and an important factor for social change. In this view, Human Rights education is / has to be an integral part of the right to education. Of late, it is recognized as a Human Right in itself.

The knowledge of the rights and freedoms, of oneself as much as of the others, is considered as a fundamental tool to guarantee the respect of all human rights for each and every person.

On 10th December 2004, the General Assembly of the United Nations proclaimed the World Programme for Human Rights Education (2005-ongoing) to advance the implementation of human rights education programmes in all sectors. Building on the foundation laid during the United Nations Decade for Human Rights Education (1995-2004), the new initiative reflects the international community's increasing recognition that human rights education produces far-reaching results, by promoting respect for human dignity and equality and participation in democratic decision-making.

Human Rights Education cannot merely be an intellectual exercise. It acts as a linkage between education in the classroom and developments in a society.

Study of Human Rights should be included in the curriculum or syllabus in schools and colleges making it an essential part of the learning process. India has accepted elementary education as one of the basic needs of everyone. The Constitution mandates to provide free education to all children in the age group of 6-14 years. The World Conference on 'Education for All' held in Jomtien, Thailand in 1991 pleaded universal primary education in particular on education for girls and women.

The Karnataka Women's Information and Resource Centre (KWIRC), Bangalore involved various activists, advocates and key persons associated with the movement for the rights of certain vulnerable sections of the society, for developing reference material for human rights education in universities. The dossiers prepared by the experts with commitment along with the National Human Rights Commission are presented here as reference material for university students.

The main objective of these dossiers is to inspire, motivate, cultivate curiosity, shape the opinion and enlighten the university students on issues concerning human rights.

The focus of these dossiers has been on various movements that have taken place at the grass root level rather than on individual entities. These have been written in an interactive style, rather than being narrative.

The overall content of the dossiers consists of milestones at the national and international levels, critical analysis of the situation, role of various stake holders and players, action agenda etc.

Dissemination of knowledge of human rights must aim at bringing about attitudinal change in human behaviour so that human rights for all become the spirit of the very living. The Commission hopes that the educational institutions and students pursuing human rights education and others interested in human rights will be benefited immensely by this series of books.



(Dr. Justice Shivaraj V. Patil)

24 November, 2006

A c k n o w l e d g e m e n t s

Promoting Human Rights literacy and awareness is one of the main functions of the NHRC, as per section 12(h) of the Protection of Human Rights Act, 1993. The Commission has been serving this encompassing purpose within its best means.

Since its inception, the Commission has been endeavouring to spread human right education at both school and university levels. Pursuant to Commission's efforts, the UGC introduced human rights education at the university level, which is now being imparted in over 35 Universities/Colleges across the country, besides in the National Law Schools.

It is said that the awareness of human rights is largely limited to the educated sections of society, while ideally it is necessary to create awareness about human rights at all levels. There has been a growing realization that human rights cannot be taught only from formal documents.

For the purpose of developing reference material on human rights education in Indian universities, the Commission endeavoured to request the authors along with the Karnataka Women's Information and Resource Centre, Bangalore.

Each of these dossiers that are listed below have been authored by activists and experts who are deeply involved in, or closely associated with, the relevant movement:

1. Rights of Disabled by Anuradha Mohit, Meera Pillai & Pratiti Rungta
2. The Human Rights to Housing and Land by Miloon Kothari, Sabrina Karmali and Shivani Choudhary
3. Dalit Rights by Martin Macwan
4. Rights of Home Based Workers by Shalini Sinha
5. Women's Right to Health by N. B. Sarojini and others
6. Environment and Human Rights by Ashish Kothari and Anuprita Patel
7. The New Environmentalism – The Struggle in Narmada Valley by Sanjay Sangvai.
8. Coasts, Fish Resources and Human Rights of Fish Workers by Nalini Nayak.
9. Children in India and their Rights by Dr. Savita Bhakhry

A set of nine books is now being published in the series. Two more books on 'Right to Information' and 'Gandhian struggle for Rights such as Bhoodan and Gramdhan' are intended to be published shortly.

The Commission is grateful to the authors of these dossiers.



(Aruna Sharma)
Joint Secretary

Caste and Human Rights

What is caste?

Caste is a social identity of a group of persons.

What is caste system?

It is a social system wherein the people under its influences interact with one another on the basis of their caste identity.

Where does one find caste system?

The system is strongly institutionalized in south Asia, and especially in India.

Who created caste system?

All social systems are always creations of human mind.

What does caste system do?

It divides all people under its influence into different social divisions and gives them an identity. These different identities are called castes.

How many castes are people divided into?

There are over 4000 castes in India. But all these castes fall under the caste system which on the one hand has four major divisions (caste groups): The Brahmins, kshatriyas, Vaishyas and Shudras, and, on the other hand, the outcastes or untouchables.

How does caste system divide people in a way that they become different from one another?

All castes are not claimed and believed to be equal in status. They are hierarchically organized. Each caste is considered higher or lower as compared to another caste. As Dr. Ambedkar described, caste system is a hierarchy where all castes are organized with 'graded inequality'.

Are all the people living in India covered under these four caste groups?

No. The group of people referred to as 'Scheduled castes' in the constitution are not a part of the four-caste (Varna) system. They are considered outcaste and they have been regarded as untouchables.

What is the difference between 'caste' and 'Varna'?

Whereas caste is a social identity of a group, the Varna can be simply explained as tally of medal that attributes the particular caste a significant status. Whereas the first three caste divisions are referred as 'sa-Varna', the Shudras and the untouchables are referred as 'a-Varna'.

What is special significance of Varna?

Varna attributes status. Status is not defined or described in the quantitative terms, such as 'more' and 'less', or comparatively qualitative terms such as 'better' and 'bad'. But it is described in terms of graded value such as 'higher' and 'lower'.

Do people considered as untouchable and converted to other faith from Hinduism are part of the four-Varna system?

No. Those converted from Hinduism to other faith, from castes considered 'untouchables', are not considered part of the four-Varna system. They continue to be considered as 'outcastes'.

Is the Tribal population part of the caste system?

No, they are not either.

Why?

The caste system grew and was institutionalized in the plains, whereas the tribals were living in the hills. Although there are many tribes, they do not have hierarchy based on principles of caste system.

Why are people divided into castes?

This is done primarily to maintain unequal power structure in society. The pretext, however, this is done under the belief that this is necessary to regulate social interaction and customs especially related to marriage and behaviour of (different) people towards one another.

Why is there a need to regulate such things?

Caste system upholds people as unequal. People believe that such system of segregation and hierarchy is necessary to ensure that the society is governed in a particular way.

What is the particular way?

According to the rules and regulations as dictated by the Caste system.

Where can one find such rules and regulations?

These are in the Hindu code of law known as 'Manusmriti', believed to be written in 185 B.C.

What does 'Manusmriti' advocate?

It chiefly advocates that:

1. Caste system is a religious institution, created by God.
2. Caste is by birth
3. Caste is decided by the Karma
4. Caste can change in rebirth.
5. Brahmin is supreme.
6. Shudra has to serve the other three groups.
7. Caste hierarchy has to be maintained.
8. Women are lower than men
9. Marriages have to be in the castes only. However, the men from higher caste can marry the women from the lower caste but the higher caste women can not marry the lower caste men.

“At the first marriage, a woman of equal class is recommended for the twice-born men; but for those who proceed further through lust, these are, in order, the preferable women. A Shudra may take only a Shudra woman as wife; a Vaishya, the latter and woman of his own class; a Kshatriya, the latter two and a woman of his own class; and a Brahmin, the latter three and a woman of his own class”¹

10. It describes strict punishment for the violation of these norms.
11. Dictates that except for Brahmin men, no one has the right to education.
12. Non-adherence to the caste rules and practices can result in loss of caste, hurtful to the person as well as relatives and ancestors.

Do all the members under the caste system read Manusmriti?

No, they do not.

1 Manu's code of law, a critical edition and translation of THE MANAVA DHARMA-SASTRA, Patrick Olivelle, Page 108

How then do such code of conduct govern people's lives?

Over the centuries, these rules have been internalized by people through norms and practices and passed on to the upcoming generation through the socialization. The phrases and sayings in the language are repeated and reminded to all through literature and often the curriculum that we all learn in the school. The customs and religious practices are manifestation of such rules and principles. More importantly, this is the curriculum for Hindu religious teaching.

Do we not have a constitution and a legal system to govern Indian society in a particular way?

Yes, we do have the constitution and the legal system in place.

Are the prescriptions of 'Manusmriti' in conformity with the constitution of India?

No, they are not. On the contrary, they are against the basic tenets of the constitution.

So how do people adjust to the two laws which are in such contradiction to one another?

People believe that the constitution is in place to govern the Nation whereas the caste system is there to govern the society.

So how does the country claim to be ruled under the constitution?

True. *De jure* India is ruled by the constitution but *de facto*, it is ruled by the caste system. This is a contradiction that we all are aware of. Dr. B. R. Ambedkar, the chief architect of the Indian constitution, had expressed his concern over the contradiction that existed between the provision of equality in the constitution and prevalence of equality in society. For Ambedkar, unless the conscience of the society changed, the constitutional guarantees had not much value.

But have we not abolished the caste system when we became republic?

No, we have not. We have only abolished the practices of untouchability and discrimination based on caste from public places. The caste system has not been declared as illegal.

Has Manusmriti ever been banned, since it advocates an anti-constitutional system of governance?

It has never been banned. On the contrary some of its chapters are still taught in higher education curriculum in the country. Ambedkar had for the first time in history burned it publicly.

Are all the divisions (castes) equal?

No. They are considered unequal. All these divisions are ranked hierarchically as higher or lower to one another.

Is the population of people considered of higher castes greater than that of castes considered lower?

No. On the contrary, the higher ranking caste is less in number.

What are the grounds for such divisions?

It is believed that people of certain castes are purer than others. A caste considered purer has higher status.

What are the measurable indicators to measure pureness?

There is none to a logical mind. It is notional and self-proclaimed. The Manusmriti, however, has an indicator.

“A man is said to be purer above the naval. Therefore, the self-existent one has declared, the mouth is his purest part.”²

This in particular refers to Brahmin, said to be created out of mouth of God.

Are all the people in a particular caste considered equally pure?

No. Within the caste, people are further divided into sub-castes. Each of these sub-castes too is ranked as higher or lower in the hierarchy.

Are all people in a particular sub-caste considered as equally pure?

No. Women are considered below the men in all respects.

But how does the notion of purity actually manifest itself?

Broadly, people in castes are divided into two groups, i.e., touchable and untouchable.

What does it mean?

People believe that by touching the ‘untouchable’ (impure) person the ‘touchable’ (pure) person will become ‘untouchable’ (impure).

² Ibid, Page 87

Why so much importance is given to touch?

Touch is the most essential sensual experience of knowledge. We touch objects to know them. Touch is manifestation of acceptance of another person. The blind can recognize people and objects mainly through touch. Rejection or non-acceptance of a person therefore is also a manifestation of touch-denial. Inhibition, therefore, on the touch is invented as a social behaviour, with its attributes of purity, to demonstrate touchability and untouchability.

But how does a person know that he has been touched by ‘untouchable’ and therefore become impure?

First of all, the person has to believe that he/she is touchable. Secondly, they must believe that the person touching them is ‘untouchable’. Without this two-aspect knowledge with the belief accompanying it, the act of untouchability does not come into play.

Why do people from ‘touchable’ caste believe that they can become impure?

They believe that impurity is stronger and more powerful than purity. Further they believe that they are weak and do not carry permanent purity. Their purity is controlled by ‘untouchables’. They believe that no matter what rank they have in the caste system, the ‘Untouchables’ are so powerful that with their one single touch, or even with their shadow they can destroy their purity.

Does it mean that the ‘touchables’ are afraid of ‘untouchables’?

All the time. They live under constant fear of contracting impurity.

So they, the touchables, are not free human beings?

No, they are not. They are slaves.

So, by ‘untouchable’ touch, if somebody has become impure, what happens next?

Well, the person who believes that he/she has become impure has to purify oneself by an act of purification called ‘*Shuddhi*’.

How does the person purify himself?

By touching water or fire. Water and fire are considered means of purification. Sometimes people touch water in the open gutter, the immediate source available, to purify himself immediately.

Isn’t the water in the gutter dirty?

It is.

So what is the logic of purifying oneself from the gutter water?

People believe that gutter water can only make you dirty but not impure. Only that part of the body that comes in contact with such dirty water becomes dirty, whereas with an untouchable touch one's entire system, physical as well as psychological, becomes impure.

But while you are traveling outside home, you may encounter such touch which you may not even be aware of it?

There are some customs to protect people from such unknown impurity. One of the customs is that on one's return to home from outside, a family member shall sprinkle water on such returning member, before he/she crosses the main door of the house.

And to purify one self by fire, do people actually enter into fire, like Sita having done so?

No, they are scared that they can die of burns. What they simply do is to have a slight touch of the burning match stick.

Are there other means of purification?

Yes, sometimes people recite name of their deity such as 'Shiva, Shiva'. People spit on the ground with contempt.

Why do they spit?

The emotional experience makes body hormones to work intensely. Therefore there is more secretion, which is spitted out.

So this is not the involuntary or the automotive function of the body?

No, it is not. It only happens when the brain orders the physical action. Only the brain programming through socialization makes such behaviour possible.

It seems this is deeply entrenched in the mind.

It is.

It also means that this behaviour is learnt after birth and it is not natural phenomenon associated with birth into a particular caste as claimed?

Yes, it is not natural but it is socially created and learnt behaviour.

How does this learning become part of the socialization?

How is a child initiated into the caste system through socialization?

The children are told about their caste identity moment they start relating with the world as conscious beings. Every child associates and takes pride in oneself through a name. However one will see many names of persons from the castes considered low and untouchables such as *Melo* (dirty), *Ghelo* (idiot), *Gando* (insane), *Dhuliyo* (dusty), *Kachro* (waste material), etc. This is done to ensure that such a child grows up believing that he/she is different and lower than others'.

*"For a Brahmin, the name should connote auspiciousness; for a Kshatriya, strength; for a Vaishya, wealth; and for Shudra, disdain."*³

Do the 'touchables' become impure through sex with 'untouchable' women and men?

There are many incidents of sexual assault and consensual sexual acts on/with one considered untouchable by the touchable. Even as an exploitative practice, the so called 'pure and high caste' persons make sexual advances towards scavengers, whose very sight makes them visibly repulsive in public. There are numerous incidents where the touchable women enter into sexual relationship with untouchable men. The society at large refrains from discussing these issues. However, these incidents becomes acts of untouchability only when they become public knowledge and not otherwise.

But why would this happen in the first case, if the caste system was so powerful?

Caste system is human creation and, therefore, it is defeated by sexual impulse which by and large has force of nature. Besides, the caste system is actually not a powerful system in itself. It can be called a system to serve the principle of convenience. What makes it powerful is the economic, social, cultural and political power that is held by people considered 'touchable'. The system becomes more powerful also because the 'untouchable' too justify the caste system. Besides, and the most important, the internalization of caste ideology by the untouchables themselves gives the system the power and sustenance.

Is the principle of purity associated with the person or the caste?

It is related with the caste.

³ Ibid, page 96.

Can people choose their caste?

No. People are believed to be born into a caste and they die in the same caste.

Can people change the caste?

There is neither a social tradition nor a legal provision to allow people to change their caste.

What happens if an individual claims of having changed the caste?

The power to treat a person or to relate with the person in a particular way in accordance to his/her caste status is decided by other people.

“In Nepal, there are several cases where the women from a caste considered untouchable, called **vadi**, have children born out of association with the higher caste men, whom they fail to register in the state records. The father refuses to give his caste to the children and the state officials do not register birth, unless and until the name and caste of the father is recorded. Further, in Nepal, many surnames are common across castes and, therefore, the state officials of recording birth ensure that after the surname, the caste of the child is recorded in the bracket.”⁴

Can people loose their caste?

Yes, Manusmriti has enumerated several situations where, due to violations of the caste system norms, people can loose their caste (caste status). They descend from higher status to lower status.

*“According to Atri, the son of Utathya, a man falls from his caste by marrying a Shudra woman...”*⁵

*“By taking a Shudra woman to bed, a Brahmin will descend along the downward course; and by begetting a son through her, he falls from the very rank of a Brahmin...”*⁶

*“By selling meat, lac, or salt, a Brahmin falls immediately from his caste; by selling milk, he becomes a shudra in three days...”*⁷

4 Author's own interaction with the social activists in Dhangadi, Nepal 2006.

5 Manu's code of law, a critical edition and translation of THE MANAVA DHARMA-SASTRA, Patrick Olivelle, Page 109.

6 Ibid, Page 109

7 Ibid, page 212

“Far better to carry out one’s own law imperfectly than that of someone else’s perfectly; for a man who lives according to someone else’s law falls immediately from his caste...”⁸

“If a Brahmin has sex with Chandala or lowest-born women, or eats food or accepts presents given by them, he falls from his caste. If he does it inadvertently, becomes equal to them. If he does it intentionally...”⁹

So there is fear again?

Yes, the entire caste system functions only on fear. The fear creates submission on the part of the people to adhere to norms and practices advocated under the caste system.

Isn’t losing caste a favourable arrangement for the Shudra?

A Shudra can not lose caste according to Manusmriti.

“A shudra is not affected by any sin causing loss of caste, nor is he entitled to any consecratory rite. He has no qualification with regard to the law....”¹⁰

Can a person be expelled from a caste?

Yes. Bhattacharya¹¹ has stated the following as causes for expulsion from the caste:

1. Embracing Christianity or Islam;
2. Going to Europe or America;
3. Marrying a widow;
4. Publicly throwing a sacred thread;
5. Publicly eating beef, pork or fowl;
6. Publicly eating *kachcha* food prepared by a Mohamedan, Christian or a low caste Hindu;
7. Officiating at the house of a very low-caste Shudra;
8. By a female going away from home for immoral purposes;
9. By a widow becoming pregnant.

8 Ibid page 213

9 Ibid, page 224

10 Ibid Page 214

11 Jogendranath Bhattacharya, Hindu castes and sects, Calcutta, Editions India, 1968, Page 13.

According to Dr. Ambedkar¹², “This list is not exhaustive and omits the three most important causes which entail expulsion from caste. They are:

10. Intermarrying outside caste;
11. Interdining with persons of another caste; and
12. Change of occupation

So, contrary to history of human psychology, the caste system does not ascribe a sense of power in the human being to change ones own circumstances?

No, it does not. On the contrary, it has a counter belief system.

Why such a personal power is not with the individual?

Because it is believed that to be born into a particular caste is decided by the destiny based on the Karma of the person in his/her previous birth. The better karma shall earn birth in the higher caste. This is believed to be beyond an individual control. Besides, the moment it is believed that the system can be changed by human beings, it loses all its power.

But what does the caste system gain by enslaving people and telling them that they cannot change the system, not withstanding leadership qualities of high degree they may possess?

The prime intention of the caste system is to survive and strengthen itself and not to change or eradicate the caste system.

Who keeps such an account of everybody’s karma?

For sure, no human beings are employed or nominated to do so.

Can a person know the account of his/her karma in the same way as looking at ones bank balance?

It is believed that the caste system is not the creation of human beings and therefore its systems are above reason, logic and management skills taught by our premiere management institutes.

“...that one, who is beyond the range of senses; who can not be grasped; who is subtle, unmanifest, and eternal; who contains all beings; and who transcends thought...”

12 The essential writings of B. R. Ambedkar, edited by Valerian Rodrigues, Oxford University Press, Page 100

So if we accept that the concept of purity is notional and self-proclaimed, how is it so deeply entrenched in mind?

It is because the notion of purity based on caste has been institutionalized into social structures with clear directions and sanctions.

But the social structure is not visible. So how does it manifest itself?

The structure is translated into physical systems, practices, rules and regulations. It is translated into a system of social sanctions and prohibitions. It is translated through a social code of conduct.

But how is it that millions of people shall subject themselves to such a system?

It is held and believed that the caste system is a religious system which is why mass of population subject themselves into it without raising any question.

In what way can we call it a religious system?

Followers of Hinduism hold Vedas as their holy scriptures. In the last part of the *Rigveda*, believed to have been written 1000 years before Christ, has the first ever mention of the caste system. In the last part, in the song of *prajapati*, it mentions the theory of how four castes have been produced from the various parts of the Prajapati's body.

The Manusmriti too in its first chapter (verse 31) repeats the same:

"For the growth of these worlds, moreover, he produced from his mouth, arms, thighs, and feet, the Brahmin, the Kshatriya, the Vaishya, and the Shudra"¹³

But this only mentions a supposedly evolutionary theory and has no code of conduct.

This is found in Manusmriti which consists of a very detailed code of law.

Do people who subject themselves to such a system are uneducated or illiterate people?

No even the most educated and literate believe in such a system.

13 Manu's code of law, a critical edition and translation of THE MANAVA DHARMA-SASTRA, Patrick Olivelle, Page 88

Do people who subject themselves to caste system are rural people?

No, even the urban people too believe in caste system. In fact, at times, it is the educated and urban masses who stand out to be firmer believers of such norms and practices than the illiterate and the poor.

Isn't it quite unusual and surprising?

Not really. Definitely this trend is surprising and unusual only to a mind non-influenced by caste system. Most poor and illiterate in the country are those who are from the so-called lower caste and the 'untouchables'. They are deprived both of 'education' and wealth which are controlled and influenced by the culture of caste system. The denial of education and right to possess wealth has surely made them illiterate and poor, but on the flip side they are spared comparatively from the psychological slavery of the caste system and, therefore, they tend to think more logically and rationally than the so-called 'touchables'.

I still do not understand this. How can millions of people, the educated as well as not educated, urban and rural, subject themselves to such an irrational system?

People who believe in caste system believe that, if a system is sanctioned by religion, it has to be rational. Such people, on the contrary, hold that disbelievers of the caste system are irrational people. Their rationale is that religious thought is more powerful than the scientific thought and, whereas scientific thought is comprehensible, the religious thought is beyond comprehension.

Since the caste system is mentioned only in scriptures, considered to be of Hinduism, do only Hindus believe in caste system?

No, in a varying degree, people of all faiths living on Indian sub-continent believe in caste system.

Is caste system also sanctioned by Christianity?

No, it is not sanctioned by the scriptures. The same however does not apply to Christianity as an organized religious institution in India.

Why not?

Both Christ and Christianity were not born in Indian continent.

Is caste system also sanctioned by Islam?

No, it is not sanctioned by the scriptures. The same however does not apply to Islam as an organized religious institution in India.

Why not?

Both Prophet Muhammad as well as Islam were not born on Indian continent.

Is caste system also sanctioned by Buddhism?

No, it is not sanctioned by the scriptures. The same however does not apply to Buddhism as an organized religious institution in India.

Why not?

Although Buddha was born in Indian continent and was considered a member of the Kshatriya caste group, he was the first person to challenge the caste system and its basis. He proclaimed equality of all human beings.

So the Christians, Muslims and the Buddhists do not believe in caste system in India?

No, they do believe.

Hold on. Why would Christians, Muslims or the followers of Buddha believe in caste system, since the same has no sanction from their religious scriptures?

People who are Christians, Muslims or the Buddhists on Indian sub-continent are born in Indian sub-continent. Moreover, they have converted themselves from Hinduism to their present faith. The religious institutions that have emanated from these believers are different in belief system than those of the same faith evolved outside the influence of caste system. So they do belong to a caste apart from being members of their respective faith.

There is a contradiction here. If we say that the caste system is powerful because it is a religious institution, then why Christianity, Islam or Buddhism which are also religious institutions are not able to confront the caste system, if not to eliminate the same?

Be it Christ, Muhammad or Buddha, they were all mortals and lived normal life as other humans. They never denied reason, critic, debate and logic. They spoke of and advocated humanity, equality and human values. They suffered because they spoke in favour of the poor and oppressed. On the other hand, the caste system is claimed to have been created by someone who is supposedly not mortal and ordinary like a human being. In the minds of people, caste system is held as a supernatural system.

But is it true that all present day Christians, Muslims or Buddhists in India have converted from Hinduism?

No, it is not true. In most cases, their parents converted from Hinduism to Christianity, Islam or Buddhism.

Is Hinduism the same as caste system?

No, it is not held to be. Given the fact that there are no definite common scriptures of Hinduism and there is no single deity, there are new deities created every succeeding year. There are holy men of all sorts who teach people the practices ranging from temple worship to the destruction of the places of worship of other faiths.

However, without caste system, the present Hindu way of life will not survive.

So, since most of them are born as Christians, Muslims or Buddhists and not as Hindus, why would they believe in caste system?

They believe that one is never born as a Christian, Muslim or Buddhist. They believe that it is only after their birth and when they pass through a particular religious ceremony that they become Christians, Muslims or Buddhists. Their selection of faith is by choice. However, they believe that they are always born into a caste much before acquiring a religious identity over which they have no control.

So is it possible that although one is not born as a Hindu, he/she believes in the caste system?

Although Hinduism is held as a religion, in fact it is, as Ambedkar described, 'a way of life'. This is the reason that people who enjoy the privileges of the caste system and people who suffer the humiliation and indignity arising out of the caste system, both are bound and subjected to the same thought and essentially to that way of life.

Has there been any protest against the caste system held as religious institution?

There have been several protests. The most prominent voice of protest against caste system was of Mahatma Jotirao Phule. Jotirao was born in Maharashtra and was one of the most prominent social reformers in India. He said the following:¹⁴

Jotiba: The Brahmins were created from the mouth of Brahma (according to Manu). Then why is Manu silent about the creation of the original mother of the Brahmins? From which limb of Brahma was she created?

Dhondiba: As per the theory of these learned Brahmins, she might have been base and vicious. Let us rank her along with the Mlenchhas (Muslims or foreigners) for the time being.

14 SLAVERY, collected works of Mahatma Jotirao Phule Vol.1 Translated by Prof. P.G.Patil, Education Department, Government of Maharashtra, 1991; Page 2-3.

Jotiba: The Brahmins declare proudly that they are the gods on this earth, that they are the pre-eminent Varna among all the four Varnas. Their original mother must have been a Brahmin lady. How dare you rank her with the Mlenchhas? How would she stand the stench of wine and beef? You utter a veritable heresy, Dhondiba?

Dhondiba: Sir, you have declared openly in public meetings that the original ancestors of the Brahmins, the venerable Rishis, were in the habit of killing cows and enjoying delicacies prepared from beef, on the occasion of death anniversaries. How then, can you say that their original mother would not relish beef? ... Manu himself has preferred to remain silent about the origin/creation of the original mother of the Brahmins.

Jotiba: Now tell me Dhondiba, if the Brahmins were created from the mouth of the Brahma, it becomes the womb of Brahmins. It must be subject to the physical law of menstruation... What has Manu to say on this?

Just reflect a little, Dhondiba. If the four Varnas were created from the mouth, hands, thighs, and feet respectively of the Brahma, then these four limbs may be termed as the respective vaginas? What has Manu to say on this?

Dhondiba: Unfortunately nothing.

Jotiba: If the Brahmin was conceived from the mouth of Brahma, where did the foetus grow for nine months? Does Manu say anything about this?

Dhondiba: Nothing.

Jotiba: Does Manu say anything about how Brahma fed the Brahmin infant? Did he breast-feed it or bottle-feed it?

Dhondiba: Nothing.

Jotiba: It is well known that Savitri was Brahma's wife. Why, then, take upon himself the cumbersome responsibility of carrying the foetus for nine months in the mouth, and also giving birth to it and bringing it up subsequently? It appears very strange indeed!

How does the way of life manifest itself in daily life of people?

Firstly, people believe that their life is decided by their destiny.

How?

When a child is born, on the sixth day, a ritual is celebrated called as '*Chhatthi*'. A piece of paper, pencil and some vermilion is kept under the pillow on which the mother with the new born is resting. It is believed that the goddess of fate, 'Vidhata'

shall come and inscribe the fate of the child. There is saying in Gujarati, '*Vidhata na lekh kyarey mithya na jay*' (the inscriptions of goddess of fate shall never fail). During their lifetime people do perform religious ceremonies for better fate.

Is this believed in case of male and female child both?

Yes.

So it means both the boy and the girl child is received with equal importance.

No. Since the birth there is differential treatment for the child. Even the birth of both children is announced differently.

How?

The birth of the male child is announced with banging of the drum in the village, while for the girl child a metal plate is banged. In urban areas people distribute *Penda* to celebrate male child's birth, whereas *Jalebi* is distributed at the occasion of girl-child birth.

Are people equally happy with the birth either of the boy or the girl?

No, most people are not. The male is considered higher than female and, therefore, the birth of the male child is celebrated with joy. The repeated birth of the girl child forces many women to end their life unable to bear the harassment of the in-laws for bearing girl child.

What is the ideological base for such an irrational behaviour on part of people?

The behaviour that seems irrational to a logical mind is a rational behaviour to an illogical mind. People believe that son is the source of salvation not for the self but even for the ancestors. Hence a person is not considered even a proper male unless and until a son is born through him. Unfortunately, it is the woman who is held responsible for the sex of the child.

"Through a son a man gains the worlds; through a son's son he obtains eternal life; but through the son's grandson he attains the crest of the sun..."¹⁵

But how can we say that this is the belief system or a way of life with most people?

The constantly reducing ratio of women in India proves the point¹⁶. The Government had to take an extreme step of putting a ban on sex determination test, since the number of female feticide was rising at alarming rate.

¹⁵ Ibid, page 197

¹⁶ See table 1 at the end of this paper

How many cases of female feticide have been reported in India?

The state does not have any system of collection of such data on regular basis, but if we go by the trend, there is an indication that in Mumbai alone there were over 100,000 cases of the female feticide annually. Table 1 shows how the population of women is going down under various religious categories.

But how do we ascribe people's such beliefs or behaviour as a historical phenomena?

In the past, during the time of *Raja Rammohan Ray*, there was a custom of killing the girl child by drowning her in the milk. When the British had tried to stop the practice of child incest, the Brahmin mahasabha in Calcutta (now Kolkata) had said that this being the internal matter of Hindus the British had no right to interfere.

But can we say that the decreasing ratio of women as compared to men is due to the influence of caste system?

If we compare the ratio of women in countries where Islam or Christianity is the major religion to India, one will notice the difference. Can we explain otherwise why the number of women is going down in India at such alarming rate?

How does this apply to our earlier thesis that the hill people were less influenced by the caste system?

There is a clear case in Nepal. Under the caste system people here are broadly divided in two groups i.e. '*Pani Chalne jati*' (castes from whom drinking water can be accepted) and '*Pani na Chalne Jati*' (castes from whom drinking water can not be accepted).

In Nepal, geographically, people are divided as '*Pahadi*' (mountain people) and '*tarai*' (plains). Tarai region is bordering India, whereas the Pahadi is at far distance from India. The ratio of women as compared to men is much higher in Pahadi than in plains.

But isn't it clear to people in this age of technology and science that it is the male who is responsible for the sex of the child and not the woman?

In our country, where more than half the population can not even complete their primary education, how can we talk about people understanding science? But even the most educated men hold women responsible for the sex of the child. Women especially go through numerous religious ceremonies including fasts during her pregnancy to get the male child.

Has Manusmriti some explanation about the determination of sex of the child also?

Yes, it surely has.

“When the man’s semen is dominant, it turns out to be a boy; when the woman’s is dominant, a girl...”¹⁷

Does Manusmriti prescribe any rituals or ceremonies to attain a son?

Yes, it does.

“The wife who is wedded according to the law, devoted to her husband, and intent on worshipping the ancestors may eat the middlemost of those balls in the proper manner, if she wants to have a son.”¹⁸

When things are dictated and justified in such precise details, what must be the intention?

There definitely is an intention. The entire system has been nurtured to maintain the unequal power balance in society based both on caste as well as gender. The minute details spare individuals of thinking differently. The system has been designed to maintain slavery based on caste and gender.

Manusmriti does not mince words on this count.

“Even in their homes, a female - whether she is a child, a young woman, or an old lady — should never carry out any task independently. As a child, she must remain under her father’s control; as a young woman, under her husband’s; and when her husband is dead, under her son’s. She must never seek to live independently. She must never want to separate herself from her father, husband or sons; for by separating herself from them, a woman brings disgrace on both families...”¹⁹

So do the women protest against this inhuman behaviour, beliefs and practices that renders her to slavery?

Although there has been some protest that can be seen during the reformist movement, it however has had meagre influence. By and large, most women do not protest.

17 Manu’s code of law, a critical edition and translation of THE MANAVA DHARMA-SASTRA, Patrick Olivelle, Page 110.

18 Ibid, Page 121

19 Ibid, Page 146

That is very surprising. Isn't it difficult to understand the silent submission and non-protest against such humiliation, on the part of the women?

It is not surprising, given the fact that there is a system of sanction and value judgment in the cases where women do not abide by such belief system. However the sanctions are not designed in the nature of punitive measures, but they are designed in the form of lucrative. Therefore the submission to such belief system on part of women becomes like the law of nature.

"Though he may be bereft of virtue, given to lust, and totally devoid of good qualities, a good woman should always worship her husband like a god... a woman will be exalted in heaven by the mere fact that she has obediently served her husband..."²⁰

Are there similar forms of slavery for the castes considered low?

Yes, there is a clear dictate in the Manusmriti.

"A single activity did the lord allot to the Shudra, however: the ungrudging service of those very social classes ..."²¹

In the case of Men and Women, there are visible biological characteristics that make the identity clear and distinct. But in the case of different castes, are there distinct biological characteristics that can differentiate people from one another?

There are no visible different biological characteristics between people of various castes, because actually there are none. Ethnographic studies have been carried out in India to test the theory, but it has been proved time and again that there is no scientific basis for dividing people on the line of race/ethnicity.

So can people's caste be identified from their appearance?

No.

So how does one know what caste the other person belongs to?

Not until the other person says his/her caste. Every Indian through his or her socialization is told that he/she belongs to a particular caste.

20 Ibid, Page 146.

21 Ibid, Page 91

So there is no way to know the caste of a person unless and until the other person makes it known?

No. However, in society it is very simple to know what caste the person belongs to.

How?

In rural areas there are clear divisions in which the touchable localities are separated from the untouchable localities. Normally the untouchable castes are forced to live outside the village. In urban areas too where big migration have taken of the scheduled castes in search of livelihood, they can be seen ghettoized in certain isolated areas than members from other castes.

What does 'outside the village' mean?

Normally, the village in local use, contrary to the revenue definition, is referred to and understood as only that area where the touchables reside.

Why untouchables have to live outside the village?

This is due to the practice of untouchability. Manusmriti has instructed the Brahmin:

*"He must never reside in a village... or live in a kingdom ruled by a Shudra, teeming with unrighteous people, overrun by people belonging to heretical ascetic sects, or swamped by lowest-born people."*²²

What is the chief purpose of forcing them to live outside the village?

It is clearly to separate them and exclude them from civil and public life in the village by making their social interaction with others the least. It is also feared on part of the touchable to be defiled. If they lived together with the untouchable, the sexual interaction impulses would increase.

If untouchability has to do only with touch and the sole purpose of forcing untouchables was to avoid untouchability infection, could not the purpose be achieved only by banning the physical touch?

No, the untouchability extends beyond touch. Until some years ago, the untouchables were divided in three categories, **un-see-able**, **un-approach-able** and **un-touch-able**.

What does it mean?

It meant that by mere sight, approach and touch of some people one gets polluted. Therefore those who were un-see-able were forced to remain indoors until the dark.

²² Ibid, Page 127

This seems to be a thing of past. Aren't all children today studying in the same village school?

Not really. Even today, untouchability is practiced rampantly all over the country. In school, Children considered from untouchable caste are seated separately, especially when it comes to mid-day meal scheme. The Indian Institute of Dalit Studies has recently conducted a study on caste discrimination in the mid-day meal programme in schools.

But the scheme of mid-day meal is run by the State, and people are appointed by the State to run it.

Surely. And you may find that Dalits too are employed by the State to run the scheme. But mostly they are appointed as managers or storekeepers and hardly as cooks.

What would happen if all the children were seated together?

There are children who consider themselves as of higher caste simply do not eat.

But isn't it true that, in the village during the community events, such as 'Temple inauguration' or marriage, people across caste are invited for community meals?

Yes, at such occasions people across the caste are invited and people across the caste donate money for the event. But when it comes to meal Dalits are fed after every other caste has finished eating. At many occasions only Dalits are asked to carry their own plates from home.

In March 2006, the touchable organized a *Yagna* in village Transad falling under Ahmedabad district of Gujarat. While they proclaimed that the *Yagna* is being organized by the entire village, the list of representatives they released, omitted scheduled castes. They even refused to accept money from scheduled castes. The matter was reported to police who failed to take any action. The local civil court gave an injunction on the organization of the *Yagna*: the scheduled castes were to be allowed to participate. The organizers preferred to cancel the *Yagna* instead of organizing the same.

(Source: Dalit Shakti March 2006)

If most Dalits are Hindus, why would they be discriminated at such religious events?

It is simply because untouchability is a part of Hinduism wherein its ideology is internalized by all under its influence, although it has stark contradictions. The

forms of untouchability, when it comes to food or touching things, which are considered unclean, are devised and named in such a way that they carry religious connotation, making protest on the part of discriminated non-existent.

Can you please explain this?

One may find in villages a small hole in the wall near the door where a teacup or saucer is placed. This is called as '*Rampatar*', meaning the vessel of lord Ram. It is used to serve tea to people considered untouchable.

Similarly one finds a big drum played in wedding processions, but this drum is played only by untouchables. This drum is called '*Ramdhol*'. It is made out of the intestine linings of the dead animal that can be accessed only during the skinning of the dead carcass and therefore considered polluting object.

What are various other forms/subjects where untouchability is practiced?

Untouchability is widely practiced in the country even this day. One can witness this at the following spots/events in relation to the specified subject category given below.

1. Drinking water:

- a) Every caste has separate wells, or wells are separate for touchables and untouchables;
- b) Dalits have no access to water taps located in touchable area;
- c) Separate glass for Dalits exists in Public water huts, schools and even Panchayat office.

2. Food and Beverages:

- a) In Shops, Dalits are made to stand away, not to touch things, asked to put the money down and items are thrown at;
- b) Children seated separately in mid-day meal;
- c) Scavengers shall be given leftover food in lieu of his/her services, and it will be thrown from above in the basket;
- d) labourers in the farm shall be served food in separate pans;
- e) Dalits will not be invited to community meals or seated and served separately;
- f) At village tea stalls, separate cups are maintained;

- g) Beggars considering themselves of higher caste shall only accept uncooked food and money and not cooked food from untouchables;
- h) Elected Panchayat members shall be served tea in separate cups in Panchayat;
- i) Tea to untouchables, in touchable families shall be served in Rampatar;
- j) Dalits shall not be employed as cooks in mid-day meal scheme;
- k) Soda pubs too maintain separate glasses for untouchables, whereas others can drink it from bottles directly;
- l) liquor too is served in separate glasses.

I, as an author, am reminded of my personal experience of 1980. I was working with the group of people called **Majirana**, who were refugees from Pakistan and inhabited in between northern Gujarat and southern parts of Rajasthan. I lived with the community for more than a year in Deesa which fell under the Banaskantha District.

Many times in the evening all the males assembled for an alcohol drinking session called "Ravna". I noticed one day that the **Majiranas** (they believe that they are the Ksatriya descendents of Maharana Pratap) also invited a person from the scavenger community to drink. Everybody sat in a circle and one man would serve others in the circle the alcohol in a single cup. When the scavenger came in, he was asked to bring his own Rampatar. As the turn would come for the scavenger the person serving would pour alcohol for him in the Rampatar. After everybody got a serving, the person serving others too will drink one cup. I sat there for hours to find whether there was any incident under the state of intoxication where the separate cups would change hands. To my utter surprise I saw that even after consuming more than 20 cups of alcohol there was no mistake where the cups changed hands.

3. Religion:

- a) There is no temple entry for Dalits²³;
- b) Places of Dalit worship (Mata no Madh) shall not be visited by touchables;

23 Before the civil rights movement, there were separate black churches in US meant only for the blacks. As we know, Gandhi was thrown out of the train in South Africa for daring to sit in first class compartments where anyone other than the whites were not allowed. In south India too, even today, one can witness separate churches for the Dalit Christians and the non-Dalit Christians. There are separate burial grounds too for Christians converted from the touchable caste as well those converted from the untouchable caste.

- c) Food offerings to god (Prasad) shall not be shared;
- d) Untouchability in sitting arrangement to eating food shall be observed during temple inauguration and religious worship occasions (Katha/ Parayan/ Satsang);
- e) Religious services shall not be performed by touchable priests for untouchables, and the services of untouchable priests shall not be accepted by the touchables;
- f) Untouchables shall not be allowed to touch the utensils or items used in performing religious ceremony.

4. Touch:

- a) No handshaking between touchable/untouchable;
- b) Physical assault or abuses erupt at the occasions where there are accidental touches to the touchable by untouchable;
- c) No sharing of smoking pipe;
- d) No entry for untouchable in living area of the touchable house;
- e) On visiting home untouchables shall be seated on the floor and not on the chair;
- f) Touchable shall sit on the cot at untouchable house, but not until the quilt or bedspread has been removed;
- g) Smoke emanating from smoking by untouchable too is considered polluting and therefore they will be seen smoking in a way where the cigarette (*Beedi*) shall be covered by both the hands and smoke shall be released in the opposite direction to where touchables are seated;
- h) No touch to water pots and food utensils;
- i) Water sprinkles from Dalit body too is considered polluting at bathing places;
- j) Untouchable may not be allowed to touch vegetables in the shop;
- k) Touchable family sprinkle water on their family members on their return to home from travel before entry to purify them from any unknown purity they may carry;
- l) Untouchable touch to food will not be consumed by the touchable;
- m) Water is sprinkled on money at shop paid by untouchable;

- n) Teasing of untouchable women by touchable is regular feature happening out of the belief that they are vulnerable;
- o) The touch from untouchable teacher to a touchable child in school will be objected²⁴.

5. Access to Public facilities/institutions/services:

- a) Bus services: In some villages, untouchables are expected to give up their seats to the touchable;
- b) Ration shop;
- c) Panchayat office: Untouchable members will not be allowed to sit on the chair and be served tea and water in separate cups;
- d) Milk dairy: Milk from untouchable may not be accepted or they will be asked to pour it themselves in the can;
- e) Equal treatment to dalit teachers: Discrimination ranges from keeping different water pots to denial of equal participation²⁵;
- f) Chair for elected Sarpanch: Even being an elected Sarpanch the untouchable are not allowed to occupy the chair to sit;
- g) Chair for Dalit Talati (village revenue official): An untouchable Talati may not be allowed to sit on the chair;
- h) Midwife services: The services of touchable/untouchable trained midwives may not be used/offered;
- i) Primary health centre;
- j) Public bathing places: there may be separate caste-wise facilities;
- k) Washing Ghats: there may be separate caste-wise facilities;
- l) Halt at Dharamshala: untouchable may not get access to Dharamshala (places for night halt) located in the village;
- m) Postman: May not deliver post at home to untouchable²⁶;

24 An incident of this kind led the parent of the child come to school and slap the lady teacher considered untouchable in village Ambareli falling under Ahmedabad district of Gujarat. The sessions court convicted the accused and awarded imprisonment. (Navsarjan trust legal cell records)

25 In Gujarat Schools, it was observed that the untouchable teachers were unable to get the house on rent in the village where the school was located as there was no untouchable population in the village. This forced them to live in the nearby village.

26 I had witnessed in 1995 that the touchable postman would stand outside the touchable locality and deliver post to the untouchable in village Chhatriyala falling under Surendranagar district of Gujarat.

- n) Dalit postman: postman considered from untouchable caste may not be allowed to enter the house of the touchable;
- o) Burial ground: village has separate burial grounds for touchable and untouchable population aided by the state resources;
- p) Multi-purpose co-operative societies;
- q) Walk on public road: Untouchable are expected to side-step the road whenever they see touchable approaching from the other side;
- r) Sitting to gather in school: Children considered from untouchable caste seated separately;
- s) Sitting on Chaura (public square): untouchables not allowed to access and sit on the public square in the village;
- t) Gramsabha participation: Untouchables asked to sit at a distance from the touchable in the gramsabha;
- u) Gauchar (grazing) land access: Untouchable not allowed the access to Gaucher land.

6. Caste-based occupations:

- a) Disposal of the carcass: whenever there is a dead animal in the village the untouchables are summoned to dispose the carcass;
- b) Tying festoons: Festoons at the occasion of the touchable houses have to be tied by the untouchable;
- c) Saad/voice calling: Public announcement either with voice calling or at the drum beat have to be done by the untouchable;
- d) Melo: 'Melo' is the sad and inauspicious news related to somebody's death. Whenever a member of the touchable family dies, it's news to the relatives have to be delivered by the untouchable. Good news related to marriage have to be delivered by the priest;
- e) Indhoni: This is made out of a grass in the shape of a ring to support the water pot on head. The grass from which this is made (Dabhdo) is considered inferior and therefore it is handled by untouchable. Every year Indhonis have to be delivered by untouchable to the touchable families;
- f) Dhol: It means drum. The drum being made from the body parts of the dead animal have to be made by the untouchable and played too by them at the wedding occasions at touchable houses;

- g) kafan: It is the piece of cloth covering the dead body which is removed before the body is cremated. It is removed and thrown on the nearby bushes from where it has to be collected by the untouchable. The same system can be seen at the modern electric crematorium in cities;
- h) Scavenging: The practice of head loading of the human waste and disposal is still practiced as imposed caste based occupations both in rural areas as well as urban areas;
- i) Dabhdho: This inferior considered grass has multiple uses in rural society. It is put in the mouth of the human dead body before cremation. It is thrown on the rooftops at the time of the solar eclipse to save the family from the wrath arising out of the eclipse. The grass at all such occasions have to be handled by the untouchable;
- j) Datan: The wooden toothbrush have to be traditionally provided by untouchable to the touchable.

7. Practices:

- a) Calling 'Bapu', 'Baa': The untouchable have to address the members of the kshatriya caste, irrespective of their age as 'Baapu' (father) and 'Baa' (mother);
- b) Mundan on baa's death: On the occasion of death of kshatriya woman, although untouchables related to the deceased as part of *Jajmani* system are not allowed to participate in the death rituals, untouchables too shall shave off their head as a mark of observing penance;
- c) Touching feet of 'Baa': The untouchable bride coming to husband's house is taken to the elderly lady of the Kshatriya *jajaman* so that the bride can touch her feet.

8. Prohibitions/social sanctions:

- a) Inter-caste marriage between touchable and untouchable: This is not allowed and those who dare face serious consequences;
- b) In shirt/ornaments/goggles: Any dressing up of the body by untouchable which will make them look like the way touchable have dressed is opposed sometimes leading to severe atrocities;
- c) Participating Navratri garba: Dance preceding the festival of light is held separately for touchable and untouchable population. Attempts by untouchable to participate the dance of touchable can lead to severe forms of atrocity;

- d) Attending Panchayat meetings: Although elected to the panchayat, untouchable members may not be allowed to participate in the panchayat meetings;
- e) Hiring house in Non-Dalit locality: Even the most educated and wealthy member of untouchable caste may not succeed to hire a house in touchable locality;
- f) Drive through the village on vehicle: Members of untouchable caste may not be allowed to pass through the touchable locality, while riding their vehicle²⁷;
- g) Passing Non-Dalit area with dead body: A dead human body of an untouchable caste member is never allowed to pass through the main street of the village, especially where the touchables live;

Funeral Path: A dead Shudra should be carried out through the southern gate of the city, and a twice-born person through the western, the northern or the eastern gate, as appropriate...

- h) Sitting on horse: Attempts by untouchable bridegroom to mount a horse at the wedding procession can lead to severe atrocities from the touchable²⁸;
- i) Phuleku: This is a pre-wedding ceremony where the would-be bride and the groom are taken to various relatives' house with funfair. However an untouchable phuleku can never enter the touchable locality;
- j) Musical instruments for wedding: Members of untouchable caste may not be allowed to play musical instruments in their weddings.

9. Discrimination in private sector:

- a) Private doctor service in the village may not be available to the untouchables;
- b) Employment in home-based work: Aspirant youth may not get employment in the small scale home based industry located in the village that is owned by a touchable;
- c) Dalit as shop owner may not fine touchable buyers;

²⁷ Until recently, the author had witnessed that the member of the caste considered untouchable, a bank employee would alight from his scooter at the village approach road and then drag it to his house. Similarly he would drag his scooter from home till outside the village and then ride it to the office.

²⁸ Insistence of a dalit youth to mount horse led to very tense situation in the village in Rajasthan. The youth could count the horse only after the state provided 400 strong armed police force protection.

- d) Potter may deliver goods to the untouchable from a distance;
- e) Barbers may not serve the untouchable who are forced to have their own barbers;
- f) Tailor from an untouchable caste may not get business from the touchable;
- g) Hiring cooking pots for wedding: Untouchable caste members may not get the utensils for wedding on hire which are available to others.

10. Discrimination in public facility:

- a) Street lights: While all the touchable area in the village shall be illuminated with street lights provided by the Panchayat, the areas inhabited by untouchable may be found plundered in darkness
- b) Drinking water supply shall not be available to untouchable, whereas all others in the village shall have adequate supply.

If what is described above is the state of life for the untouchables, is the protest possible?

The human history all over the world is of change. The oppressive systems, may it be the apartheid, the racial divide, the colonialism, slavery, have been effectively fought and defeated by the human beings.

What have been the manifestations of the caste system that call for urgent state action?

There are several as briefly summarized below:

- a) **Untouchability practices:** The issue no more seems to be on the agenda of the state. Neither there has been resource allocation nor there has been a central programme for removal of untouchability. The state has left the issue to the judiciary.
- b) **Caste violence:** It is increasing by the very records of the state, although there is often suppression of the facts by administration.²⁹ Dalit women are growing targets of the caste violence.

²⁹ Atrocities on Dalits: A document and its evaluation, Centre for social studies, Gujarat, by Martin Macwan and Prof. Harshad Desai.

“Everyone was shot in chest. I also saw that the panties were torn. One girl was Prabha. She was fifteen years old. She was supposed to go to her husband’s house two to three days later. They also cut her breast and shot her in the chest. Another was Manmatiya, also fifteen. They raped her and cut off her breast. The girls were all naked, and their panties were ripped. They also shot them in vagina. There were five girls in all. All five were raped. All were fifteen and younger. All their breasts were cut off.”³⁰

- c) **Non-implementation of land reforms:** Post independence land reforms such as the ‘Agricultural land ceiling act’ and the ‘tenancy laws’ have been far from being effectively implemented. Redistribution of agriculture land in the context of caste system based ban on untouchables to hold land and property was the effective programme of reducing social disparity. However, political parties across with few exceptions have worked to fail the implementation of such acts as it would change the power relations and cut into the privileges that the castes hold which they represent. The most successful land reforms in the country have ensured transfer of land from one touchable caste to the other but not between the touchable and untouchable. Noted noble prize winner Gunnar Myrdal has made thoughtful reflections on the subject in his ‘Asian Drama’.
- d) **Non-implementation of minimum wages acts:** 23 % of India’s main workers are agricultural workers with a very high representation of untouchable population. Due to non-passage of the bill in parliament for over 20 Years, India does not have a uniform legislation to govern wages and working conditions of the agricultural labourers. Whereas a poor state like Himachal Pradesh has over 80 Rupees as the minimum wages, a progressive state like Gujarat has stipulated Rs. 53. Andhra Pradesh has three wage rates for its three parts. Worst, the stipulated minimum wages are not paid given surplus of labour force.
- e) **Manual scavenging:** This can be described as the India’s ‘National Shame’. In spite of the fact that the first private members bill to abolish the system was introduced in Greater state of Bombay in 1947, followed by numerous national commissions and international attention calling, the inhuman practice of head loading of human scavenge continues. National Human Rights Commission of India too has passed severe strictures to the matter, but it has no effect on the State as most scavengers employed against the provisions of law are employed by none other than the state agencies.

30 Human rights watch interview with Surajmani devi, Jehanabad district, Bihar, February 25, 1998, Broken People, Caste violence against India’s untouchables, Smita Narula, Human Rights Watch, Page 61-62.

- f) **Primary education:** As of today, 50%, untouchable children can not complete primary education, whereas 64% untouchable girls can't complete the same. The disparity in education is eye catching. **Mushahar**, a caste of untouchables in Bihar has only 0.46% literacy rate of its women. India, talking high on globalization and liberalization does not allocate more than 2% of its budgetary resources on primary education. The higher amount of resource spending is on higher education, where the beneficiaries by and large are touchables. Worst, the State has not carried out studies of untouchability practices on high drop out rate of Dalit children.
- g) **Non-implementation of reservation policy:** Whereas the policy is implemented in the sector of education, it is not implemented in the sector of employment. There are approximately 32,000 vacancies remain unfilled, despite concerns expressed by the Gujarat high court. Similarly Andhra has over 42,000 unfilled vacancies. The same is the state of all Indian states. Whereas the central government finds an excuse that this is a state subject (employment within the state services), the state government claims that they are unable to fill vacancies under the austerity measures.

How would we explain the fact that in the world of science and technology on one hand and the globalization, liberalization and privatization on the other, that the caste system finds itself surviving?

First, it has portrayed itself as a religious system. It refers to 'Justice' and 'law' as **Dharma** and 'injustice' as **Adharma**.

Secondly, Caste system is designed very intelligently. Primarily, it uses fear and temptation to keep the population under its influence.

Please explain.

It uses fear both for the touchables and untouchables. To touchables, it ensures that violation of norms on their part will result in degradation.

*"After eating an ancestral offering, if someone gives his leftovers to a Shudra, that foolish man will fall down head-first in the Kalasutra hell. If a man who has eaten an ancestral offering gets into bed with a Shudra woman that day, **his ancestors will lie in her faeces during that month.**"*

*“He should always build relationships with people of the highest possible rank and avoid anyone of a lower rank, **if he wants to raise his family to a higher rank.** By going to the people of the highest possible rank and by avoiding those who are lower, a Brahmin achieves distinction; by doing the opposite, **he is reduced to the level of a Shudra.**”³¹*

*“Let a king, if he so wishes, get someone who is Brahmin only by name to interpret the law, or someone who simply uses his birth to make a living, but under no circumstances a Shudra. When a Shudra interprets the law for a king, his realm sinks like a cow in mud, as he looks on helplessly. **The entire realm, stricken with famine and pestilence, quickly perishes, when it is teeming with Shudras, overrun by infields, and devoid of twice-born people.**”³²*

For the untouchables, it uses fear of extreme violence and destruction of their property and lives if they violate norms. It is this guideline that serves as justification for the touchable to commit violence on the untouchables.

*“...if a once-born hurls grossly abusive words at twice-born men, his **tongue shall be cut off**, for he originated from the lowest part; if he invokes their names and castes with disdain, **a red-hot iron nail ten fingers long should be driven into his mouth.** If he arrogantly gives instruction on the law to Brahmins, the king should pour **hot oil into his mouth and ears.**”³³*

*“When a lowest-born uses a particular limb to injure a superior person, **that very limb of his should be cut off....** If attempts to occupy the same seat as a man of a high rank, the king should **brand him on the hip and send him to exile or have his buttocks slashed.**”³⁴*

*“If a man of lower class deliberately torments Brahmins, **the king should kill him** using graphic modes of execution that strike terror into men.”³⁵*

How does it use temptation to influence people?

In the earlier pages what temptation it offers women. Here there is one more for the Shudra.

31 Manu's code of law, a critical edition and translation of THE MANAVA DHARMA-SASTRA, Patrick Olivelle, page 136.

32 Ibid, Page 168

33 Ibid, Page 182

34 Ibid, Page 182

35 Ibid, page 203

*“For the Shudra, on the other hand, the highest law leading to bliss is simply to render obedient service to distinguished Brahmin householders who are learned in the Veda. When he keeps himself pure, obediently serves the highest class, is soft-spoken and humble, and always takes refuge in Brahmins, **he obtains a higher birth.**”³⁶*

Lastly, is there a way to annihilate caste system?

There is.

What is the way?

First and foremost, it is education that is not limited to literacy. There is a need to promote consciousness that is based on rational and scientific thought.

Second, the state and the nation as a whole has to express its political will to abolish caste system and all its discriminatory manifestations. The fight for abolition of these manifestations has to be perceived as a precondition to development of a healthy nationalism.

Third, there has to be concrete social and economic programme of action to reduce the caste disability.

Fourth, the nation has to declare caste system and the Manusmriti along with all other literature as illegal and anti-constitutional.

Fifth, there has to be a social agitation, a reformist movement against caste system.

Why have you been using the term ‘untouchable’ throughout your paper and refrained from using the term ‘Dalit’?

Identity has been used as a measure to uplift the untouchables from the shackles of the caste system and, therefore, there has been range on names given to change the image of the people suffering disabilities of the caste system.

Gandhi introduced ‘Harijan’, Ambedkar introduced ‘depressed class’ and the State promoted the label of ‘Scheduled caste’, but it brought no change in the living conditions of these masses, 16 % of India’s population.

In search of dignity, Untouchables converted themselves to other faith, but even in their new faith they never got an equal status.

³⁶ Ibid, Page 207

Higher education and reservation made impact on their living conditions, but even as IAS officers, IPS officers and Judges they continued living at the outskirts of the village.

All these happened because with all changing names the identity never changed. There was mere change of language alone.

Under the caste system even among the untouchables there is a hierarchy where one treats the other as higher or lower and women are always treated as inferior personality.

Unless and until as a person I continue to cooperate with the belief system of the caste system, I end up strengthening the same. To be able to abolish the caste system, I have to reject those values from my own personal life. My identity that is based not on the caste values but that is based on its rejection, can only help change the system.

Therefore, once again to use the term 'Dalit' to identify 'those untouchables', will only defeat the purpose. The term 'Dalit' has to be the icon of liberation for all Indians who want to reject caste system and transform themselves into the social order where equality is the way of social, economic, cultural, religious and political way of life.

So, how would you define a Dalit?

Dalit is the person who believes in equality of all human beings, who practices equality in ones own life and who protests wherever human beings are treated unequally. Dalit therefore is not a caste identity but it is a moral position.

Table 1

Sex ratio of population by religion/SC and ST							
Female population per 1000 male							
	2001	1991	1981	1971	1961	1951	Decline/ Increase%
India	933	927*	934	930	941	947	1.48 (-)
Hindu	931	925	933	930	942	949	1.90 (-)
Muslims	936	930	937	922	935	938	0.20 (-)
Christians	1009	994	992	986	989	992	1.71 (+)
Sikhs	893	888	880	859	849	851	5.05 (+)
Buddhist	953	952	953	962	982	917	3.92 (+)
Jains	940	946	941	940	924	927	1.40 (+)
SC	936	922	932	943	957	967	3.20 (-)
ST	977	972	983	985	987	988	1.11 (-)

Source: (1) Report and tables
on page: C-14. C-14 SC, C-14 ST, SERIES-1, Census of India 2001
(2) Census of India 1951, 1961, 1971, 1981 and 1991

* Excluding Jammu and Kashmir

Table 2

Gap in literacy rate between male and female according to religious communities: 2001				
	Proportion of Indian population	Male	Female	Gap%
India: all religious communities	100	75.3	53.7	21.6
Hindu	80.5	76.2	53.2	23.0
Buddhist	0.8	83.1	61.7	21.4
Muslims	13.4	67.6	50.1	17.5
Sikhs	1.9	75.2	63.1	12.1
Christians	2.3	84.4	76.2	8.2
Jains	0.4	97.4	90.6	6.8
Others	0.6	60.8	33.2	27.6

Source: The first report on religious data, Census of India 2001

