

# CASTE MAY NOT BE RACE

**Does it mean the end of discrimination for Dalits based on Caste and descent in India?**

**Dalits : (a) In India (b) In South Asia:**

According to the Census figures of 1991, India alone has 140 million Dalits.<sup>1</sup>

However, the term 'Dalit' used here is not inclusive.<sup>2</sup>

It is estimated that adding Dalits of South Asia, the figure would be 240 million<sup>3</sup>

**Caste system and Dalits :**

This paper attempts to combine a theoretical framework along with the experiential aspects related to the caste system, so that those who are not part of it gain a **fair**<sup>4</sup> understanding. Because, it is a system that has been strengthened over the past three thousand years, pervasive enough to influence detrimentally, all the aspects of social, political, economic, cultural and religious life of both the beneficiaries as well as the victims. Its manifestations are however most modern, in the sense that its influence in

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<sup>1</sup> There have been many words used to name the present "Dalits". Pre-independence, the most popular word used was 'untouchables' which later in the political parlance was replaced with 'Depressed classes'. Gandhi used the word, 'Harijan'; the children of 'Hari'- the Hindu god (Gandhi fought tooth and nail every attempt to regard them as non-Hindu, as part of his political strategy). The Indian Constitution prefers to refer to them as 'The Scheduled Castes' (as per the Schedule prepared after Independence, to replace the earlier Schedule prepared during the British regime). Various social movements to fight the Untouchability and Caste based discrimination has concentrated in finding a common name that can tie all affected with a common ideological binding. 'Dalit' therefore has become the most acceptable word. The term is drawn from the 'Marathi' language, which simply means, "oppressed people".

<sup>2</sup> The term 'Dalit' used here includes only those recognized by the Indian constitution as the 'Scheduled Castes'. The Indian Constitution recognizes 'Untouchability' – which produces seclusion / separation for a group of persons - as an integral part only of Hinduism. The conversion, which followed as a result of various social movements of Dalits to Christianity, Islam, Sikhism or Buddhism, resulted in loss of advantages of the Constitutionally mandated Affirmative Action for the converts, even though it has become an accepted fact that the change of religion for Dalits has not meant change of social status. They continue to be discriminated against even as Christians, Buddhists, Sikhs or Muslims, often by their own religious fellow-members and the institutions. However, during the finalization of the constitution of the draft, the Sikhs were successful in including four of the Caste communities, as 'Scheduled Castes'. The mass conversion movement led by Dr. Ambedkar from Hinduism to Buddhism ended the special status of 'Scheduled Castes', for the converts, but the same has been restored lately to woo the Dalit votes, by glorifying Ambedkar. There have been at least two class action suits filed in the Supreme Court of India demanding inclusion of Christian Dalits in the same category, but the demand has been rejected.

- author's note

<sup>3</sup> The Caste system exists in the South Asian subcontinent and there only. While Brahminic Hinduism strengthened it, even gave it its full realization, Caste exists also in Muslim Pakistan and Bangladesh and among Buddhist Sinhalese. The Caste system is a social system characteristic of the subcontinent (Gail Omvedt: Dalits and the democratic revolution, page 31.)

<sup>4</sup> It has always been the privilege of the beneficiaries of a system to be in the position where they can manufacture and construct knowledge that only justifies their position. The true picture can only come from the victims. (Author's note)

public life remains unchanged<sup>5</sup> or abysmally slow, critically undiluted, irrespective of modernization and scientific innovations.

Even the **Judiciary**, whose bounden duty it is, to adhere to the Constitution and the law, are not above the influence of the caste system. The following three live stories shall explain the point, without shocking the readers.

1. A High Caste Judge in the North Indian State of Uttar Pradesh, caused his chamber to be washed with the holy water from the river Ganges to purify it, as the previous occupant of it happened to be a Dalit Judge.<sup>6</sup>
2. When a Judge of the Gujarat High Court wanted to know the police response, had the police been the victim, from a prosecutor fiercely defending police action of causing death of a Dalit through merciless beating, the response was: "**My lord, the law differs from person to person**". The prosecutor has been promoted to the bench.<sup>7</sup>
3. A Sessions Judge, convicted with charges of murder of a Dalit youth, is still in service, without being arrested. The investigating officer has gone on record to depose that the accused is interfering with the evidence.<sup>8</sup>

With this basic introduction, let us understand the Caste system and the historical discrimination<sup>9</sup> of Dalits based on Caste and descent.

**Caste** : The word came from the foreign territory by observers and scholars who tried to explain the Indian Caste system to the west. It is derived from the Portuguese and Spanish origin. In Latin, **castus** implies purity of breed.<sup>10</sup>

### **What is Caste system?**

Various scholars have done extensive research on the topic.

**Bougle**<sup>11</sup>: The Caste system divides the whole society into a large number of hereditary groups, distinguished from one another and connected together by three characteristics:

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<sup>5</sup> ..It has been assumed without much critical examination that the essential principle of Caste is mainly concerned with matters of eating and drinking...imperfectly and overlooking the fact that the above regulations are transitory in nature but those relating to marriage are remarkably stable and absolute. (People of India , Herbert Risley, pg 68)

<sup>6</sup> Times of India, date

<sup>7</sup> Excerpts from the Public Hearing document, National Campaign on Dalit Human Rights.

<sup>8</sup> Excerpts from the Public Hearing document, NCDHR.

<sup>9</sup> I do feel that so far as the Scheduled Castes are concerned they are not on the same footing as other minorities... the special reservation for Mussalmans started in the year 1892.. they practically enjoyed these privileges for more or less sixty years.. The Christians have enjoyed it for twenty eight years. The Scheduled Castes got this in the Constitution of 1935 only... unfortunately for them, they had the benefit of this only for two years., for from 1939 to.. 1946, the Constitution was suspended (Dr. Ambedkar: Writing and speeches, Vol. 13, page 852)

<sup>10</sup> People of India, Herbert Risley; Homo Hierarchicus, Louis Dumont.

<sup>11</sup> C. Bougle, Essais sur le regime des Castes, P.4; as quoted in Homo Hierarchicus, Louis Dumont, page 21.

- (a) **Separation** : In matters of marriage and contact. (In the case of Dalits, the lowest in the Caste ladder<sup>12</sup> there is an added element of **repulsion**)

**What is Separation? :**

1. In any Indian village, the Dalit houses shall be at the outskirts of village.
2. Village : locally means, the area inhabited by Caste Hindus and the main square of the village.
3. Even Ambedkar, the architect of the Indian Constitution did not get a house on rent in a Caste Hindu locality, after he had finished his studies from the Columbia University<sup>13</sup>.
4. Elected members in the local self government in a village shall not be allowed to sit on the chair, Dalit children may have to sit separately in a corner in the class, there are separate cups in the village hotels for tea for Dalits, the barber will refuse to shave or cut hair of Dalits, Dalits have to maintain a distance from the Caste Hindus on public roads and they can not enter the village temple<sup>14</sup>
5. A study conducted by Navsaran in the State of Gujarat, the home State of Gandhi, the father of the Nation (Dec. 1997) shows that the practice of Untouchability continues to influence the public life without much change.

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<sup>12</sup> It has been evidently clear that the Dalits were never part of the Caste system, but were rather outside the four-class, Caste system. In South India, they are referred as "Pancham" meaning the fifth Caste. However, politically, being 20% of the vote bank, the Congress under the leadership of Gandhi always asserted that the Dalits were Hindus. The Muslim league played the opposite tune, because non-consideration of Dalits as Hindus would ensure larger share for them in the colonial power – Authors note. "When it is remembered that on 20 August, 1917, Mr. Montagu made the famous announcement of granting responsible government to the Indians, it is easy to understand the anxiety of the Congress to placate the moderate section of the depressed classes. The conclusion therefore is irresistible; that the resolution passed by the Congress in December, 1917 was not inspired by a spirit of social justice, but by the less laudable motive of gaining political power. Tilak (the powerful Hindu leader) denounced Untouchability but did not sign the manifesto." (The history and culture of Indian people, Vol. 11, page 1003)

<sup>13</sup> Ambedkar had received a scholarship from King Gaekwad of Vadodara State on the condition that the former would be in the service of the State after his studies were completed. Ambedkar was appointed as the Military Secretary, but was constantly humiliated by the staff for his low Caste. Even the peon from the high Caste used to throw files at him from above to avoid defilement. He had to deceive people about his Caste status in order to get a house on rent. Subsequently when his Caste identity was revealed, he was thrown out with his bags. Even the King did not help him. Dejected he left both his Job and the town to start his crusade against Untouchability.

<sup>14</sup> In Madras, especially, the idea of ceremonial pollution by the proximity of a member of an unclean Caste has been developed with much elaboration. The Cochin report shows that while a Nayar can pollute a man of a higher Caste only by touching him, people of the Kamalan group, including masons, blacksmiths, carpenters and workers in leather, pollute at a distance of twenty four feet.....while in the case of Paraiyan (Pariahs) who eat beef, the range of pollution is stated to be no less than sixty four feet. Where these fantastic notions prevail and the authority of the Brahmin is unquestioned, it follows as a necessary consequence that the unhappy people who diffuse an atmosphere of impurity wherever they go are forbidden to enter the high Caste quarter of the village, and are compelled either to leave the road when they see a Brahmin coming or to announce their own approach by a special cry like the lepers of Europe in the Middle Ages. Such is the logic of intolerance in parts of Southern India. (Census report, Cochin, 1901, Vol. I., p.181)

- (b) **Division of labour** : Each group having, in theory or by tradition, a profession from which their members can depart only within certain limits<sup>15</sup>.

In spite of all modernization, some Dalits in India are still the victims of the most dehumanized and degrading system of sanitation. Over 800,000 persons, according to the Government's own records are employed as manual scavengers, one of their jobs is to carry head loads and manually dispose of the human excreta<sup>16</sup>. Many die every year due to inhaling of the poisonous gases while in the manhole. In cities like Bombay, even children are engaged in these hazardous jobs.<sup>17</sup>

- (c) **Hierarchy** : Ranking of groups as relatively superior or inferior to one another. (It determines the **power relationships**<sup>18</sup>)

"There was a high degree of coincidence between politico-economic rank and the ritual ranking of the Caste. This is a reflection of the general rule that those who achieve wealth and political power tend to rise in the ritual scheme of ranking. It is what is meant by saying that the ranking system of Caste-groups was validated by differential control over the productive resources of the village. But the correlation is not perfect, since at each end of the scale there is a peculiar rigidity in the system of Caste.. in between these two extremes, ritual rank tends to follow their economic rank in the village community"<sup>19</sup>

### **How does the Caste system operate in daily life?**

Hutton (he was an All-India Commissioner) rightly said that it is difficult to arrive at a concise definition of the Caste system.<sup>20</sup> We therefore need to understand how it affects a common person in our case, the **Dalits** in their daily life.

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<sup>15</sup> The village scavengers, who are obliged to clean out public latrines, to sweep the streets, and to remove all the rubbish, invariably belong to this class. (Dubois, Hindu manners, customs and ceremonies, page 55)

<sup>16</sup> The Caste in Hindu society is still the most powerful factor in determining a man's dignity, calling or profession. You will not find such a rigid Caste system anywhere else outside India. The problem of night soil disposal exists in every country, but it is in India alone that scavenging and sweeping are considered to be the exclusive occupations of the particular Castes. In India all kinds of work which involve some handling of dirt are allotted to some Caste or other among Harijans, e.g. (1) removal of carcasses and skinning them, (2) tanning the hides, (3) manufacture of leather goods, (4) sweeping of streets and (5) scavenging. These are all occupations which are quite essential to the well-being of the Society, but, as they involve the physical handling of dirty or quickly putrefying matter, no Non-Harijan, as a rule, will do any of the aforesaid jobs as a profession. That would be below his dignity (Report of the Scavenger's Living Conditions Enquiry Committee, State of Bombay, 1958, page 22)

<sup>17</sup> Excerpts from the Navsarjan document, "Manual Scavenging in Gujarat". The People's Union for Civil Liberties, a human right group, had filed a class action suit in the matter. The official stand taken by the Municipal Corporation of Bombay was, " Since they (the children) are employed by the contractor (the contract is awarded by the State), we are not responsible".- author's note.

<sup>18</sup> E.K.Gough, 'Criteria of Caste ranking in south India, 1959, as quoted in Homo Hierarchicus, Louis Dumont, page 31.

<sup>19</sup> F.G.Bailey, Caste and the economic frontier, pp. 266-67, as quoted in Homo Hierarchicus, page 76

<sup>20</sup> The truth is that while a Caste is a social unit in a quasi-organic system of society and throughout India is consistent enough to be immediately identifiable, the nature of the unit is variable enough to make a

## 1. Caste status is by birth :

The system has a religious sanction, which prescribes that, one's Caste status is determined by the community in which one is born; hence, it is an irreversible phenomenon<sup>21</sup>.

## 2. Childhood and Socialization :

What follows next is the social and physical separation for Dalits from the rest of the world. Socialization is a two-way process, both ways being diametrically opposite to each other.

- a) A Dalit elder has to address a Non - Dalit child with respect, while a Non Dalit child may address the Dalit elder with scorn and in a contemptuous way.
- b) Dalit children can not play in the Non Dalit locality.
- c) In schools, while in class, and during the mid-day meal, they shall be made to sit separately.
- d) After the mid-day meal in some schools, while the Non Dalit children shall be playing, the Dalit children will be made to clean the utensils.
- e) In some schools, the Non Dalit school children shall prevent Dalit Teachers from drinking water from the common pot.
- f) There have been incidents where the parents of the Non Dalit children have come to the class and beaten up Dalit teachers, including women teachers, because the latter had scolded children for not doing home work.
- g) Frustrated for being continuously discriminated, many bright Dalit children drop out from the primary schools<sup>22</sup>. Additionally, there are also economic reasons.<sup>23</sup>

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concise definition difficult.. (Hutton, Caste in India, its nature, function and origins, Cambridge, 1946, pp.44-5, as quoted in Homo Hierarchicus, page 34.

<sup>21</sup> All the mythological scriptures, which are treated by the Caste Hindus as religious scriptures (the right wing Hindu party does not leave any stone unturned to ensure that these dogmas are strengthened, and perpetuated) propagate the theory of **rebirth**. The caste status can only be changed by rebirth - author's note.

<sup>22</sup> The highest drop out rate of Dalits (above 50 %) at the primary school level are in the following 13 States/UTs: Andhra Pradesh, Assam, Bihar, Goa Karnataka, Manipur, Orissa, Rajasthan, Sikkim, Tripura, West Bengal, Dadar & Nagar Haveli, Delhi. (Black Paper of the National Campaign on Dalit Human Rights.

<sup>23</sup> The drop out rate (education) for boys is very high on account of economic reasons, in spite of government help. According to the 1961 census, the literacy rate among the Scheduled Castes at the national level was 10.27 per cent, which increased to 14.67 per cent in 1971 and to 21.38 per cent in 1981. For Dalit women the literacy rate during 1961, 1971 and 1981 has been respectively 3.29, 6.44 and 10.93 % respectively. The literacy rate in rural and urban areas in the community has been 18.48 and 36.60 per cent respectively according to the census of 1981. (The Scheduled Castes, K.S. Singh, Oxford University Press, 1999, page 12.)

- h) Children have no option but to join their parents as helping hands from early age<sup>24</sup>
- i) Scavengers, the lowest ranked community within Dalits are employed to clean the streets and toilets by the authorities to keep the city clean. However, no sanitation workers shall be employed to clean the localities where these Dalits reside. The children are therefore compelled to stay in unhygienic conditions, which will become the cause for repulsion against them by the other children in the school.<sup>25</sup>

### **3. Language :**

One of the elements that ascribe social status in the modern world is associated with the way one speaks a language. For a Dalit student, his/her dialect becomes a cause for ridicule in the educational institutions. The same however, does not apply to many other Caste groups, who happen to be Non Dalit communities.

- (a) One can witness the government records in the rural areas. The officials shall enter Dalit names in the registers, consciously in the degrading manner.
- (b) The addressing of Dalits by Non Dalits shall always be in an insulting tone and scornful and abusive Language. This ascribes to a hate speech.
- (c) Although officially the government has banned use of certain words that used to ascribe low Caste status for Dalits, the officials and police keep on using the same.<sup>26</sup>

### **4. Social seclusion sanctified by religion :**

Untouchability has been designed as the surest way to keep Dalits away from participation in public life in gross violation of the fundamental rights under the Indian Constitution. In spite of the various legislations, the Untouchability towards Dalits in public life continues unabated.<sup>27</sup>

- a) Dalits are not allowed to enter religious places, worshipped by Caste Hindus<sup>28</sup>. The same is the case of Christians converted from

<sup>24</sup> Child labour exists in 58.7 % of the communities (ibid, page 8)

<sup>25</sup> Navsarjan document on Manual Scavenging.

<sup>26</sup> Most offences registered against Non Dalits under the Atrocity Act, a special legislation, are related to public insult of Dalits by use of derogatory Language. (Atrocities on Dalits in Gujarat, Martin Macwan and Harshad Desai)

<sup>27</sup> Though Untouchability has been abolished by law, our study also shows the persistence of the Untouchability, particularly in rural areas, in relation to exchange of food and water with communities considered higher in the social hierarchy, even though commensal norms have generally weakened. (The Scheduled Castes, K.S.Singh, Oxford University Press, 1999, page 8)

<sup>28</sup> Mr. Jagjivan Ram, a Dalit from the North Indian State of Uttar Pradesh, and a powerful leader of the Indian National Congress, had visited Hindu temple in Varansi, while he was the political head of the State. On his departure, the Brahmin priests had washed the entire temple to purify it from defilement.

amongst the Dalits.<sup>29</sup> The success of Roman Catholics to attract some of the Caste Hindus is attributed to their tolerance of the Caste system.<sup>30</sup>

- b) Conversion into other religion as a social movement has not brought about equality for Dalits as seen above in the case of Christianity. The same applies to Islam<sup>31</sup> where Dalits continue with their low status<sup>32</sup>, and are deprived of their right to freely practice the religion.<sup>33</sup>
- c) Even within Buddhism, the converts led by Dr, Ambedkar, are referred as “Neo Buddhist” as separated from the Buddhist this is sadly in contrast to the fact that it was a revolutionary religion.<sup>34</sup>
- d) The possible loss of the privileges due to affirmative action, perhaps prevented many from leaving Hinduism.<sup>35</sup>

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Interestingly, Mr. Jagjivanram, who represented The All India Depressed Classes League before the cabinet mission in 1946, chose to take the opposite view than that held by Dr. Ambedkar, the representative of majority of Dalits, and other Dalits that formed an important minority of Hindus who required special safeguards. (Author's note, based on certain facts drawn from : Struggle from Freedom, Vol. 11, Bhartiya Vidhya Bhavan, 1988, page 731)

<sup>29</sup> Even Christianity has not altogether escaped the subtle contagion of Caste. Almost everywhere in India a tendency has been observed on the part of the converts from Hinduism to group themselves according to the Castes to which they originally belonged. This sometimes assumes the form of a division into two groups, the higher restricted to those who were members of the 'clean' Castes from whom Brahmans can take water, while the lower comprises all those of inferior rank. (People of India, Herbert Risley, 1915, Page 80)

<sup>30</sup> “Broadly speaking, it may be said that the Catholic Church tolerates, the Protestant condemns this idea of Caste. The practical outcome of the matter is that among high Caste people the Roman Catholic church alone has made appreciable progress.” Some missionaries of that church however dispute these conclusions. (Madras Census Report, 1911, vol. I. P.60.)

<sup>31</sup> On its social side the religion of Muhammad is equally opposed to the Hindu scheme of a hierarchy of Castes, an elaborate stratification of society based upon subtle distinctions of food, drink, dress, marriage and ceremonial usage. In the sight of God and his Prophet, all followers of Islam are equal. In India, however Caste is in the air; it's contagion has spread even to the Muhammadan; and we find its evolution proceeding on characteristically Hindu lines. (ibid, page 121)

<sup>32</sup> According to Mr. Gait the Bengal Muhammadans “ recognize two main social divisions: (1) Ashraf or Sharif and (2) Ajlaf. The first which means 'noble' or 'persons of high extraction' includes all undoubted descendants of foreigners and converts from the higher Castes of Hindus. All other Muhammadans.. and all converts of lower rank are collectively known by the contemptuous term Ajlaf, 'wretches' or 'mean people'; they are also called kamina or itar, 'base' or 'worthless'. (ibid, page 122)

<sup>33</sup> In some places a third class, called Arzal or 'lowest of all', is added. It consists of the very lowest Castes, such as the Halalkhor, Lalbegi, Abdal, and Badiya, with whom no other Muhammadan would associate, and who are forbidden to enter the mosque or to use the public burial ground. (<sup>33</sup> Census Report, Bengal, 1901, Vol. I, p. 439)

<sup>34</sup> This period of the rise of the Magadha –Mauryan States has been characterized by Ambedkar as that of the 'Buddhist revolution' which was revolutionary in transcending Vedic tribal particularism and in denying Caste and gender inferiority.(Ambedkar: Writings and speeches: Vol.3, )

<sup>35</sup> 16-17 Dec. ,1969: B.P.Mandal(Honorable member of the Parliament,U.A.): those Harijans who had left Hinduism and adopted Buddhism due to the social disabilities must not be deprived of the safeguards which were provided for the Scheduled Castes and Tribes as mere change of the religion did not improve their condition.(<sup>35</sup> History of the Parliament of India, Subhash Kashyap, Page 256, Vol, III)

- e) The marriages can only be endogamous<sup>36</sup>. Exogamy is considered a serious, intolerable social crime.<sup>37</sup> However we have to remember that the intermarriages between various castes amongst caste Hindus is not considered as serious a crime as it may apply in the case of a marriage between a Dalit man and the caste Hindu woman.
- f) What is religious is also social and what is religious is sacred<sup>38</sup>
- g) Religious sanctions are more powerful than the legal sanctions<sup>39</sup>
- h) Social acceptance of the person is conditional to the adherence of the caste ideology<sup>40</sup>. Excommunication is always coupled with violence<sup>41</sup>

<sup>36</sup> (a)The Jain laity, they are strict vegetarians, and if in preparing their food any mention is made of the word "cutting", the omen is deemed so disastrous that every thing must be thrown away... But these survivals of their ancient faith have not saved them from the all-pervading influence of caste. They have split into endogamous groups (POI, page 79)

(b) A caste may be defined as a collection of families or groups of families bearing a common name: claiming a common *descent* from a mythical ancestor, human or divine; professing to follow the same hereditary calling; and regarded by those who are competent to give an opinion as forming a single homogenous community. The name generally denotes or is associated with a specific occupation. A caste is almost invariably endogamous in the sense that a member of the large circle denoted by the common name may not marry outside the circle, but within the circle there are usually a number of smaller circles each of which is also endogamous (POI, page 68)

<sup>37</sup> Marriage between the low caste man and high caste woman earns degradation for the caste of the woman. The couple has no other way to run away from their village, far from any known contacts. There was a case in Delhi, where such a couple on their return to the village after eight years of marriage and having three children, were tortured by the Caste men. The woman was dragged in the common place of the village and gang raped for her crime.

<sup>38</sup> "The really religious beliefs are always common to a determined group, which makes a profession of adhering to them and of practicing the rites connected with them. They are not merely received individually by all the members of this group; they are something belonging to the group. and they make its unity. The individuals which compose it feel themselves united to each other by the simple fact that they have a common faith" (Prof. Durkheim, Elementary Forms of Religious Life. pp. 37-40, as quoted in Ambedkar's writings and speeches, Vol.5, page 179)

<sup>39</sup> It must be admitted that the legal and the religious sanction were both powerful engines to keep caste going. But there is no doubt that the religious sanction was the primary sanction and caste has been maintained solely by the force of religious sanction.. The legal sanction was lifted or rather done away with by the British government. Although the legal sanction is withdrawn, Caste has gone on without abatement. That could not have happened if Caste had not in the Religious sanction another and more powerful sanction independent of the legal sanction.(Ambedkar, Writings and speeches, Vol. 5, page 178-9)

<sup>40</sup> The exclusion from religious and social intercourse symbolized by the Roman interdict *aqua et igni* corresponds to the ancient Indian ritual for expulsion from caste, where a slave fills the offender's vessel with water and solemnly pours it out on the ground, and to the familiar formula *Hukka pani bandh karna* , in which the modern luxury of tobacco takes the place of the sacred fire of the Roman excommunication. Even the Caste panchayats that wield these formidable sanctions has its parallel in the family councils which in Greece, Rome and ancient Germany assisted at the exercise of the *Patria Potestas* , and in the chief of the gens who, like the matabar of a caste, decided disputes between its members and gave decisions which were recognized by the state. (People of India, Herbert Risley, page 268)

<sup>41</sup> Recently in Gujarat, Dalits in village Devaliya of Amreli Dist. underwent a social excommunication that lasted nearly three years, the State agencies merely reduced to being mute spectators. The standing crops in the lands of the Dalits were destroyed under police protection. This is what the National Human

- i) Social and religious movements have failed in doing away with the caste practices, again regarded as the creation of a divine order.<sup>42</sup>

**5. Poverty and slow growth: a result of denial of economic opportunities:**

- a) There is a correlation between the social and economic power<sup>43</sup>, whereby even with little economic power they fail to change their social position.
- b) But the masses of Dalits continue to toil, mainly as the service class for their survival<sup>44</sup>
- c) As labourers, Dalit masses continue to be exploited as if they were slaves<sup>45</sup>, even today.<sup>46</sup>

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Rights Commission had to say in its verdict in this particular case. " It is rather unfortunate that even after fifty years of independence, unabated violation of Human rights and flagrant discrimination against the Dalits is writ large, in particular, in rural India. Devaliya is only a tip of the iceberg of the atrocities flagrantly committed with impunity on the Dalits in country... Their total dependence on daily earnings from agricultural labour is the root cause of their being subjugated to indignities. Due to education and marginal cultural development, when some youths, either assert the right to equal treatment or attempt to protect the dignity of their person or of their women, or resist the perpetration of the practice of Untouchability or atrocities being committed on Dalits, they are often branded as 'Naxalites' or 'extremists'; they are implicated in false crimes and killed in false encounters. When they resist as a group, mass killings, arson of their hamlets, mass rape of their women and stripping them naked and parading them in the village are regular features (22.10.1999)

<sup>42</sup> : Founded as a sect in the twelfth century by a reformer who proclaimed the equality of all who received the eightfold sacrament ordained by him.... Begun by the close of the seventeenth century to develop endogamous sub-castes based upon the social distinctions, which their founder had expressly abjured. At the recent census, the process of transforming the sect into a caste had advanced still further. In a petition presented to the Government of India the members of the Lingayat community protested against the " most offensive and mischievous order" that all of them should be entered in the Census as belonging to the same caste, and asked that they might be recorded as.. per their caste. (People of India, 78-79, Census report of the United Province, 1901, vol.i.p.214)

<sup>43</sup> There was a high degree of coincidence between politico-economic rank and the ritual ranking of the Caste. This is a reflection of the general rule that those who achieve wealth and political power tend to rise in the ritual scheme of ranking. It is what is meant by saying that the ranking system of Caste-groups was validated by differential control over the productive resources of the village. But the correlation is not perfect, since at each end of the scale there is a peculiar rigidity in the system of Caste.. in between these two extremes, ritual rank tends to follow their economic rank in the village community (F.G.Bailey, Caste and the economic frontier, PP 266-67, as quoted in Homo Hierarchicus, page 76)

<sup>44</sup> The Scheduled Castes are mainly landless (69.9 %), with little control over resources such as land, forest and water. However the distribution of land among them, besides other factors, has led to an increase in the number of landholders (28.5 %). There has been a marked rise in the number of agricultural labourers (49.1 %), casual labourers (72 %), industrial labourers (17.3 %) plantation (6.1 %) and fishing labour (2.5 %) Child labour exists in 58.7 % of the communities.( The Scheduled Castes, K.S.Singh, Oxford University Press, 1999, page 8.)

<sup>45</sup> Throughout the whole of India the Pariahs (Dalit community in Tamilnadu) are looked upon as slaves by other Castes, and are treated with great harshness. Hardly anywhere are they allowed to cultivate the soil for their own benefit, but are obliged to hire themselves out to the other Castes, who in return for a minimum wage exact the hardest tasks from them... furthermore, their masters may beat them at pleasure; the poor wretches having no right either to complain or to obtain redress for that or any other ill treatment their masters may impose on them. In fact, these pariahs are the born slaves of India; and had I

- c) More members are required to work in Dalit families as compared to other communities, to make survival possible<sup>47</sup>
- d) The Structural adjustment program in India had adversely affected Dalits, whose major source of livelihood is labour.<sup>48</sup>
- e) There is no sign that the poverty for Dalits is going to decrease<sup>49</sup>; unless and until some drastic measures are taken.
- f) The land reforms, the legal measures to attempt redistribution of land resources, have not been implemented. The frustration in this regard has been expressed by none other than the planning commission of India<sup>50</sup> and the distinguished Members of the Parliament<sup>51</sup>

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to choose between the two sad fates of being a slave in one of our colonies or a Pariah here, I should unhesitatingly prefer the former. (Abbe Dubois, Hindu manners, customs and ceremonies, page 50-51)

<sup>46</sup> The Dalit labourers were forced to leave the employment, which they had taken up outside their village for better wages, by the Non Dalits, brought to their fields and made to work the whole day, without allowing them to have food and water. In the evening their locality was set on fire, angered by the fact that they registered a police complaint. (Atrocities on Dalits: Navsarjan document: Village Kesariya of Dist. Surendranagar, 1999.)

<sup>47</sup> According to the 1981 census, 36.13 per cent of the Scheduled Castes are returned as workers (52.60 per cent males and 18.46 per cent females). This percentage is higher compared with that of the total population. This shows great work participation among the Scheduled Castes compared with that of the total population. Of the total workers among the Scheduled Castes, more than 76 per cent are engaged in the primary sector of the economy of which a majority are the agricultural labourers (48.22 per cent)- The Scheduled Castes, K.S.Singh, oxford university press, 1999, page 10.

<sup>48</sup> `After 1991, not only the rural secondary sector, but all of non- agriculture sector suffered a rout. By 1993-94, although the shares of the secondary and tertiary sector had both recovered somewhat from the trough of 1992, the non-agriculture sector as a whole continued to provide jobs to a relatively smaller proportion of the workforce than in 1987-88 or 1990-91. (Sheila Bhalla `Trends in poverty, wages and employment in India, quoted in alternative economic survey 1991-1998.)

<sup>49</sup> Recently the Planning Commission has projected that poverty incidence ratio would reduce from 36 percent in 1993-94 to 4.4 per cent by 2012. People do not believe that in eighteen years (of which four have already passed), poverty would reduce by over 31.5 per cent points whereas in the past twenty years between 1973-74 and 1993-94 we could reduce it only by 19 points from 55 per cent to 36 per cent. Most people are skeptical in view of the fact that the rate of poverty reduction did slacken during the years of liberalization policies and increased in the years 1990-91 through 1992-93. Since the policies are likely to be more of the same variety, there is little likelihood of such a miraculous reduction in poverty actually coming about. ( P.K. Chaubey, Alternative economic survey, 1991- 1998, page 139.

<sup>50</sup> " The program ceiling (legislation of land reforms) set out in the plan had been diluted in implementation. There were deficiencies in the law and delays in its enactment and implementation resulting in large scale evasions. Several States had made provisions for disregarding transfers made after a specific date, but often these provisions proved to be ineffective and not much surplus land has been available for redistribution. The main object of ceiling which is to redistribute land to the landless (Dalits and Tribals have priority) at a reasonable price on a planned basis has thus been largely defeated. (C.M.Joshi, 1988)

<sup>51</sup> 22.6.1962: Discussion on third five year plan: Vasudevan Nair (Hon'ble member of the Parliament) called upon the government of India and the planning commission to see that the land reforms were not only introduced but also implemented in full measure.. Ram Chandra Mallik (Hon'ble member of the Parliament) asked for more funds for the removal of Untouchability and welfare of Scheduled Castes. (History of the Parliament of India, Subhash Kashyap, Vol. III, page 34)

- g) Land reforms, had they been implemented, would have certainly changed the condition of Dalits. In Gujarat they were successfully implemented because they benefited the Patels (a Non Dalit farming community who are firmly saddled in political power in the State at the present). The same was however not implemented because it was supposed to benefit Dalits<sup>52</sup>. Land reforms for Dalits, became merely political rhetoric.<sup>53</sup>
- h) The country does not have a National legislation to govern the wages and working conditions for agricultural labourers. The pressure from the land owning lobby has been successful to prevent such an act from passing for past more than twenty years. The annual wage loss due to non-payment of minimum wages for agricultural labourers, predominantly Dalits, equals to million of dollars.<sup>54</sup>
- i) Dalit labourer's rights are unprotected by law.<sup>55</sup>
- j) The wages that they earn are far behind the standards of the price index. This has increased indebtedness among the rural community. In the absence of the availability of credit from the banks, which are equally prejudiced both to the poor as well as Dalits, they depend for borrowing on the private moneylenders where the rates of interest can vary between 120 to 300 per cent.

## 6. Security and Violence :

One of the reasons for increasing violence on Dalits in India, is the awakening about their rights. The reasoning for violent attacks on Dalits by the Non Dalits is the result of their **intolerance**.

- (a) The police records suggest that while the decennial general crime rate has come down, the atrocities or the incidence of violence against Dalits have increased by over 90 per cent.<sup>56</sup>

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<sup>52</sup> Navsarjan Document on land reforms in Gujarat, 2000.

<sup>53</sup> 20.12.1960: Nehru (The first Indian Prime minister) on land reforms in Parliament: Are we to submit to things and wait till some great revolution comes to change the condition of the things? Land reform has become absolutely essential and we have been yearning for it for generations and we have been working for it. We have been committed to give effect to it without let or hindrance. If anybody comes in the way, we have to remove him. There is no other way, because millions wait and millions have been waiting for decades for this. Do you think that lawyers or any petty legal arguments are going to come in the way of these millions? (History of the Parliament of India, Subhash Kashyap, Vol. II, page30)

<sup>54</sup> Navsarjan Document on Dalit labourers, 2000)

<sup>55</sup> A typical crisis facing the labour in the informal sector is that of non-declaration of their actual work status. This could amount to their exploitation, as practically nothing could be done to respond to their legitimate demands. A deliberate attempt by the unorganized sector to maintain, and, of late, to raise the number of 'temporary workers' is a dangerous trend. At one level, such a practice reflects the rigidity and impracticability of the various age old labour regulations by their employers, and on the other, the employers continue to obtain the benefits of cost reduction through lowering of their factor payments. (Alternative economic Survey 1991-1998, page 30)

<sup>56</sup> Atrocities on Dalits in Gujarat, Martin Macwan and Harshad Desai.)

- (b) The violence on Dalits has become more organized, largely through private militias that enjoy political patronage.<sup>57</sup>
- (c) The police are too prejudiced to implement special legislation's that are framed to protect the life and security of Dalits.<sup>58</sup>

## **7. Intolerance of Non Dalits :**

As the following would suggest, the behaviour of the Non Dalits towards Dalits is irrational; that also suggests their intolerance. The following acts on the part of Dalits can make them vulnerable to violent abuse:

- (a) If the Dalit youth puts on a new dress or the youth puts the shirt in.
- (b) If they play music in the marriages, or mount a horse.
- (c) A village in Mehsana District of Gujarat had a tradition to felicitate the top- ranking student. The same tradition was stopped the year it was the turn of a Dalit student.
- (d) If they try to take part in the village festivals.
- (e) If they attempt to sit on a chair in the local government office, despite being an elected member.
- (f) If they fail to stand up and give their seat to the Non Dalit in a bus.
- (g) If they have passed on a scooter through the main locality of the Non Dalits.
- (h) A teacher from a Calcutta village complained to Gandhi in 1932, that his village Caste Hindus throttled down the meat of the dead animal in his mouth, since he gave up the same following Gandhi's call to do so. He was told by Caste Hindus, " to eat the meat of the dead animal is your religion".<sup>59</sup>
- (i) During the recent attacks against Christians in Gujarat, the dead body of a Dalit Christian was dug and thrown out of the cemetery.
- (j) If as an elected village head, they try to hoist the National flag.
- (k) If the Dalit young girls dare to enter the temple to worship the God.
- (l) If one falls in love with an upper Caste girl.

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<sup>57</sup> Broken People, Smita Narula, Human Rights Watch report.

<sup>58</sup> Atrocities on Dalits in Gujarat, Martin Macwan and Harshad Desai.)

<sup>59</sup> Diary of Mahadev Desai. (Secretary to Mr.Gandhi).

## 8. Caste and Women :

The Caste system has been as unfair to women as it has been with the Dalits, irrespective of the Caste to which they may belong. The women can really be on the receiving end if they happen to be Non Dalit widows.<sup>60</sup>

- (a) Under the Caste system: Hypergamy<sup>61</sup> is the custom which forbids a woman of a particular group to marry a man of a group lower than her own in social standing, and compels her to marry in a group equal or superior in the rank.
- (b) One of the most serious crimes against women in India today is their unnatural death, majority of them being the dowry deaths. They are burnt alive for their failure to procure bride price. In Gujarat alone, on average 7000 women are the victims of the unnatural death annually, almost all from the Non Dalit communities.<sup>62</sup> The major cause for this crime is the practice of Caste law of Hypergamy<sup>63</sup>
- (c) Dalit women continues to be sexually exploited by the Non Dalits, even though for them the former are untouchables<sup>64</sup>
- (d) Just like the Dalits, women irrespective of their caste are subjected to Untouchability in the following circumstances:
  - (1) When they are in menstruation: They can not enter the temples or the kitchen. They can not enter the room where there is an idol of the deity. They are not allowed to sleep in the proper bed so they sleep sometimes on a rough quilt.
  - (2) When they become widows: As widows they can not participate in the marriage celebrations. They can not bless the bridegroom, on his departure for the marriage procession.

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<sup>60</sup> . On pointing this (the children of the high Caste widows and the lower Caste men) out to an educated Brahman of Nowgong, Mr. Allen received the singular explanation that "the Gosains and Mohants of that district had put pressure upon householders to give away young Brahman widows in marriage to men of lower Castes to prevent the society from becoming demoralized (Census report of Assam, 1901, vol.i.,p.124)

<sup>61</sup> Sir D. Ibbetson, Census Report, Punjab, 1881, Vol.i., p. 356

<sup>62</sup> Navsarjan documents.

<sup>63</sup> Of course in practice, the system does not work in this mechanical fashion. Husbands are at a premium in the upper groups and become the object of vigorous competition; the bride-price of early usage disappears, and is replaced by the bridegroom price now paid among most of the higher Castes in India. The rich get their daughters married above their proper rank; poorer people are driven to reckless borrowing or, in the last resort, to other means, if they would avoid the disgrace of letting their daughters grow up unmarried. There are, unhappily, several ways of redressing the unequal proportions of the sexes and putting artificially straight what has artificially been made crooked. One approved way is for the parents to kill, or to make no attempt to keep them alive, all female infants except those for whom they can make sure of finding husbands. ( People of India, Herbert Risley, page 165-6)

<sup>64</sup> Hypergamy does not apply to the Dalits as the men of the high Caste are forbidden by the religion to marry low Caste women (untouchables). It does not however prevent them from molesting these women.

- (3) When they are pregnant: They can not greet a family member going abroad. As pregnant mother, they can not perform the ceremony of welcoming the bride in the family.

## 9. Dalits and Political Power :

A lot more injustice has been done to Dalits historically, by limiting or naming their problems to “**Untouchability in public life**” or “**their right to temple entry**”. Again branding both these kind of problems as the product of a three thousand year old Caste system, the State finds a safer passage for itself to vanish from the scene, transferring the onus of the responsibility to a phenomenon that is incomprehensible.

What the Dalits want is their social, economic and political rights, as equal citizens of India. Historically, in a clever way the beneficiaries of the Caste system has ensured that the Dalit rights are not recognized, rest they shall be compelled to let go some of their privileges.

This constant activity of deception, is the root cause for the total loss of faith of Dalits in the State and its agents, irrespective of the political parties that they may represent. One needs to view this in the light of history.

(a) **The National freedom Struggle** : According to the official census, the population of Dalits was around 20 %. The following has been their representation:

1. Out of a total 36 Indian members of the Legislative Council, during the years 1862 to 1888, 23 were landholders, 6 ruling princes, 3 lawyers, editor of the Hindu Patriot, 1 officiating magistrate, 1 Parsi (Zoroastrian) merchant and 1 Burmese.<sup>65</sup>
2. In the Regulations for the nomination and election of additional members of the legislative council of Governor General, 19<sup>th</sup> December 1918, which had 66 members, special representation was given to Muslims and the landholders but not to the Dalits, who numbered 20 % of the National population.<sup>66</sup>
3. It was obvious from the distribution of constituencies (Legislative Assemblies) that special consideration was shown to the Muslims, Sikhs, Europeans, Landholders and Indian commerce for representation. Mr. Montagu believed that landholders were the “ Natural and acknowledged leaders.”<sup>67</sup>

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<sup>65</sup> History of the Parliament of India, Subhash Kashyap, Vol. I, Page 36.

<sup>66</sup> History of the Parliament of India, Page 70-71, Vol. I

<sup>67</sup> History of the Parliament of India, Page 90, Vol. I

4. In 1921, out of 145 members of Legislative Assemblies, only one representative of the depressed class was nominated. (M.C.Rajah)<sup>68</sup>
5. 28<sup>th</sup> August 1928: All party report called the Nehru report: The report recommended reservations for Muslims in the Central and Provincial Legislatures and for Hindus in the North-West Frontier Province. But no mention was made about the depressed classes.<sup>69</sup>

One may see from the above, that neither the National Congress under the leadership of Mr. Gandhi, nor the social reformists, showed any concern towards securing political power for Dalits, that would have helped the Nation Building process, in a true democratic way. Their responses were however just the opposite, as one may see from the following sequence.

1. When it is remembered that on 20 August, 1917, Mr. Montagu made the famous announcement of granting responsible government to the Indians, it is easy to understand the anxiety of the Congress to placate the moderate section of the depressed classes. The conclusion therefore is irresistible that the resolution passed by the Congress in December, 1917 (to abolish Untouchability), was not inspired by a spirit of social justice, but by the less laudable motive of gaining political power.. Tilak, the popular Hindu leader, denounced Untouchability but did not sign the manifesto.<sup>70</sup>
2. Gandhi dominated the Congress since 1920 and it passed a resolution in 1921 appealing to the Hindus "to bring about removal of Untouchability, and to help the improvement of the condition of the submerged classes." Next year the Congress appointed a committee "to formulate a scheme embodying practical measures to be adopted for bettering the condition of so called untouchables through out the country." ...the committee simply passed a resolution requesting the Hindu Mahasabha (the political front of the Hindus) also to take up this matter.. In 1923, Madan Mohan Malaviya made a powerful appeal from the platform of the Hindu Mahasabha for the removal of Untouchability. But, the resolution moved for this purpose was dropped owing to the opposition of the orthodox section.<sup>71</sup>
3. "This conference resolves that henceforth, amongst Hindus, no one shall be regarded as an untouchable by reason of his birth, and those who have been so regarded hitherto will have the same right as other Hindus in regard to use of public wells, public schools,

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<sup>68</sup> History of the Parliament of India, Page 94, Vol. I

<sup>69</sup> History of the Parliament of India, Page 123, Vol. I

<sup>70</sup> The history and culture of Indian people, Vol. 11, page 1003

<sup>71</sup> Ibid, page 1004.

public roads, and all other public institutions. This right shall have statutory recognition at the first opportunity and shall be one of the earliest Acts of the Swaraj Parliament, if it shall not have received such recognition before that time"... "It is further agreed that it shall be the duty of all Hindu leaders to secure, by every legitimate and peaceful means, an early removal of all disabilities now imposed by custom upon the so called untouchable Classes, including the bar in respect of admission to temples."<sup>72</sup>

4. There were no less than five Bills introduced for regulating the temple entry. Four of these were dropped and, only one moved by Mr. Ranga Iyer was pursued in the Central Legislature on 24 March, 1933. It was strenuously opposed both outside and inside the Assembly... before the further progress could be made the house was dissolved.... Afraid to face the electorate with the issue of temple- entry the Congress discreetly omitted it in their election manifesto.<sup>73</sup>

Therefore, Ambedkar was right when he raised some basic questions, which addressed the basic concerns of Dalits in India.

1. Not very long ago, there used to be boards on club doors and other social resorts maintained by Europeans in India, which said "**Dogs and Indians**" not allowed. The temples of Hindus carry similar boards today, the only difference is that the boards on the Hindu temples practically say: '**All Hindus and all animals including dogs are admitted, only untouchables not admitted.**' The situation in both cases is on parity. But Hindus never begged for admission in those places from which the Europeans in their arrogance had excluded them. Why should an untouchable beg for admission in a place from which he has been excluded by the arrogance of Hindus?"<sup>74</sup>
2. "As a matter of fact", says Ambedkar, " a large part of the news that appeared in the week to week (regarding the opening up of temples for Dalits) was faked and was nothing but a lying propaganda engineered by the Congress men to deceive the world that the Hindus were determined to fight Untouchability. Few temples, if any, were really opened, and of those that were reported to be opened most were dilapidated and deserted temples which were used by none but dogs and donkeys"<sup>75</sup> His final question was:
3. Is temple entry to be the final goal of the advancement in the social status of the Depressed Classes in the Hindu fold? Or is it only the first step, and if it is the first step, what is the ultimate goal?<sup>76</sup>

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<sup>72</sup> Ibid, 1005; Resolution of Hindu Mahasabha on 24.September, 1932.

<sup>73</sup> Ibid, 1008.

<sup>74</sup> Ibid, 1006, Ambedkar on the temple entry.

<sup>75</sup> Ibid, 1007, Ambedkar.

<sup>76</sup> Ibid, 1006.

This last question of Ambedkar, is the beginning of demand of Dalits in India in reference to the United Nations World Conference against Racism, Racial discrimination, Xenophobia and Related Intolerance, to focus the attention of the world on the violation of their rights, affecting 160 million people.

Some may argue that Caste is not race but for a common victim of the Caste system, it does not change a bit, if he was suddenly told that henceforth you should be considered as the victim of the race and not the victim of Caste. While the theory may be questionable, but the fact of discrimination both in nature as well as scope, whether based on the ground of Race, decent or the Caste is just the same. The level of intolerance towards the victims of Race, decent or Caste is just the same.

Xenophobia, has been used largely to accuse someone of not being from the local origin. In the case of Dalits, in their own house, they have been treated as outsiders for past three thousand years, because they are perceived as second class citizens. To that extent the problem of discrimination based on Caste is more serious than the race and needs priority attention.

These concerns need elaboration.

### 1. **Caste and Race**<sup>77</sup>:

It is not important or critical for the UN world conference against Race, Racism, Xenophobia and related intolerance to decide whether Caste is different than race or whether they are the same. Rather, What is important to decide is whether:

- (a) Is there any fundamental difference between the discrimination practiced towards the victims under the rule of the Racism and the victims under the rule of Casteism?
- (b) Is there any fundamental difference between the long term impact- social, economic and political- that is produced on the victims both under the Racism as well as the Casteism?

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<sup>77</sup> (a) Caste may not be race, but the roots of caste system are in the ideology of racism. The term 'Caste' as said earlier, is derived from the Latin origin of 'Castus'. But so far as the Indian language is concerned, it is known as the 'Varna Vyavastha'. **Varna** means **colour** and **Vyavastha** means an **organized system**. The origin therefore of the system was based on the colour of the skin. With lots of intermarriages and the mixing of the blood, the criteria of colour as an indicator of differentiation changed to **breed** and **blood**.- Author's note

(b) However, the above, is not the case in many parts of South India among various caste communities, where to the contrary, the system is Matriarchal. In South India, they believe, that they belong to the **Dravidian** race; as contrary to the Aryan race. (Based on various archeologists findings, it is proved beyond doubt that there existed the civilization in the Indus Valley, much more advanced than the Indo-Aryan or the European races). Dravidians, the original inhabitants were later conquered by the incoming hordes of Aryans. There have been very strong political movements in the Southern parts of India, against the Aryan supremacy, which is equivalent to the Brahmin supremacy, of especially the north Indian Brahmins. Brahmins consider themselves as the descendents of the Aryans.

According to the Oxford dictionary, the term, "Aryan" means the following; **1** a member of the peoples speaking Indo-European (esp. Indo-Iranian) languages. **2** = Indo-European *n.* **3** (in Nazi ideology) a Caucasian not of Jewish descent; *adj.* of or relating to Aryan or the Aryans. (from Sanskrit *aryas* 'noble'.)

- (c) Are there any grounds that rule both the race as well as the Caste, whether legal, moral, social, religious, economic, cultural or political that can be justified as rational or valid?
- (d) Whether the behaviour, attitudes, actions and way of governance emerging out of the influence of Race as well as Caste, is in conformity with the spirit of the Universal Declaration of Human Rights; the basic and fundamental doctrine governing the ethics and policies of the United Nations, that has been signed by all the member Nations in one voice?
- (e) More importantly, can the discrimination whether based on race or Caste, be supported? Is it enough to say that the same can not be supported? Is not there a need to condemn the same, wherever and whenever it comes to notice, irrespective of any guises under which it is defended?

## 2. Is discrimination based on Caste the problem of India alone?

It is true that Most Dalits, the victims of the Caste system are concentrated in India. But as said earlier, the discrimination based on Caste is the problem of South Asia. The intensity and nature of discrimination may vary according to the local social and political context. The fact that there is variation in the above aspects is the proof that discrimination based on Caste although sanctified by religion, is essentially a social and political problem.

It is because of the problem being social and political that it can no more be confined to being a domestic problem. India, as a Member Nation, has expressed its support to the forthcoming World Conference on racism. At home, it has abolished Caste based discrimination; not merely branding it as "Unconstitutional", but it has ensured right to equality as a fundamental right in the Constitution. It is this gesture, and recognition of Caste based discrimination as an offence, that allows the global Human Right community and the civil society groups, to make interventions towards it as well as to scrutinize the same.<sup>78</sup>

It is this logic that had empowered India to support the anti apartheid movement of South Africa. It is this spirit of sharing common Human Right concerns, which had given moral courage to India to support the **Civil Rights Movement** led by Dr. Martin Luther King.<sup>79</sup>

It is in this context that India owes an explanation to Dalits to the following questions:

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<sup>78</sup> Max Muller: If caste is by nature religious, the English Government of India, whose principle was never to interfere in matters over and above the immediate interests of the civil order, was justified in respecting it. If on the other hand it is not, nothing stood in the way of bolder policy, in so far as it was judged just and prudent. Now, contrary to what the Hindus often imagine, caste has no place in the Veda (the religious scriptures), which, for Hindus, contains all revelation. It follows that the government could do what they liked with caste. (F. Max Muller, Chips from a German workshop, 1867, II, pp. 297, as quoted in Homo Hierarchicus, Louis Dumont, page 25)

<sup>79</sup> It was on special invitation by the then Prime minister Pandit Jawaharlal Nehru, that Dr. King was invited to India as a special guest to learn from the Indian method of "Non-violence".

- (1) Why does India deny the international or more specifically the UN scrutiny on the subject of Caste-based discrimination? Is not denial on the part of India an acceptance in itself? Denial is a position whereby one rejects the proposal keeping in mind one's interests. Denial does not necessarily question the validity of the issue.
- (2) What does India want to deny? Is it the point that Caste is not race<sup>80</sup>? Is it the point that there is no Caste system in India<sup>81</sup>? Is it the point that Dalits are not discriminated<sup>82</sup>? Or, is it the point that India wants to question, the moral power of the UN, to raise questions, regarding the Caste based discrimination<sup>83</sup>?
- (3) Often, when India takes the political position in the international forums that Caste system is an internal matter of India, what does it imply? Does it uphold the validity of the system? Does it believe that although Untouchability is regarded as "Unconstitutional", due to its domestic political considerations it does not want to defy the system? Since the root cause of the caste based discrimination towards Dalits and women, is in the Caste system, **would India declare Caste system as unconstitutional?**<sup>84</sup>

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<sup>80</sup> We must not forget that India is not yet a Nation; we must not forget that it is a congeries of races, which are not always friendly to each other: we must not forget the ancient hate, the ancient prejudice, the ancient clashing of castes and creeds which still hold India under their vice-like grip. (Hon. Babu Bhupendra Nath Basu of the Bengal Legislative Council- Statesman, 28<sup>th</sup> May, 1907)

<sup>81</sup> The whole social fabric of India rests upon caste. (Sir K. Sheshadri Iyer, Dewan of Mysore, People of India, Page 278)

<sup>82</sup> "Untouchability has been abolished by the law but the shades of it remain in the ingrained attitude nurtured by the caste system. Though the provisions of reservation in educational institutions and public services flow from our Constitution these provisions remain unfulfilled through bureaucratic and administrative deformation or by narrow interpretations of these special provisions. It seems, in the social realm, some kind of a counter revolution is taking place in India. It is forgotten that these benefits are provided not in a way of charity but as Human rights and as a social justice to a section of society who constitute a big chunk of our population who actually contribute to our agriculture, industry and services as landless labourers, factory and municipal workers. There are signs that privileged classes getting tired of the affirmative action provided by the constitutional provisions.... let us not get tired of what we have provided for our weaker sections, for otherwise, as Dr. Ambedkar pointed out; the edifice of our democracy would be like a palace built on a dung heap. If on an occasion like this Golden Jubilee of our Republic we ponder some of these issues, it would be better for some of us." (on the eve of the Golden Anniversary of our Republic, 26th January, 2000, Shri. K.R.Narayanan, President of India.)

<sup>83</sup> Nowadays Hindus often assert to the westerners that caste is a social and not a religious matter. It is clear that the motivation here is different: It is mainly a question of finding some justification for the institutions from a western point of view. (Homo Hierarchicus, Louis Dumont, page 25-26)

<sup>84</sup> It is interesting to note that the Indian reference to the system is "Varna Vyavastha" that literally means an organized system of the varnas (colour based groups) Gandhi, preferred to call it as the "Varnashram Dharma". He added the element of Dharma (Religion) and upheld its validity as a religious order, while politically calling Untouchability as the sin of Hindus. Ambedkar wanted to replace the word "sin" with the word, "Offence". For Gandhi, his stand fitted in his overall political strategy to organize Hindus as a political force- Author's note.

### 3. Is denial of a Member State, the final word?

It was evident from the happenings of the Prepcom in Geneva (1-5 May 2000) that the Member Nations have to struggle constantly to balance between the human right concerns and their own domestic political considerations. The denial and rejections often therefore are born out more from such dilemmas rather than the facts. This is not only the case of India alone. It has to be borne in mind that millions of people affected by such violations of rights await for a concrete, action-based program with hope from bodies such as the UN.

It is rather sad and unfortunate that the denials always become the starting points. This can be well balanced with the inclusion of NGOs and their representations to arrive at a final word, in the spirit that was expressed at the Geneva Prepcom.

### 4. Discrimination has much more to do than just with Race:

The Member Nations, including India, who prefer to choose non-inclusion of their country-specific problems, based on the narrow, sectarian understanding of discrimination as only the product of Racism, in the context of the upcoming world conference, need to appreciate that:

- (a) Even under Racism, the discrimination is not the result only of the racist behaviour, as it is the case of the **Mulattos in Cuba**.<sup>85</sup>
- (b) A privileged position under the Caste structure and the race structure are contradictory. A Brahmin from India shall invariably lose his Caste status and become the victim of Racism in the USA or Europe.
- (c) Even within the Caste structure, the intensity of ideological internalization and politicization may differ, to a great extent. Although the **Burakumin**<sup>86</sup> under the Caste society of Japan are discriminated against, they may be found, relatively, less psychologically oppressed than the Dalits. Yet, they continue to be discriminated against as inhumanly as Dalits.

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<sup>85</sup> Mulattos, 22 % of the Cuban population, having Negro ancestry, continue to be discriminated against just like the black population, in spite of Cuba's dreams of "classless and Race-less" society.

<sup>86</sup> The structure of society based on four castes (1603-1867) ensured that Burakumin (literally meaning people from village) remained as outcastes. Though identical with other Japanese they were reduced to traditionally "polluting occupations" (animal slaughter, tanning, disposal of dead persons and animals, beggars, prostitutes, peasants etc) were forced to live in separate settlements at times without registration. They were prevented from adopting life styles that can make them identical to non Burakumin. Segregated based on government records (*Koseki*), they were officially blacklisted. Post World War II, they were ensured constitutional provisions guaranteeing equality, but till date *de facto*, they are legally discriminated against without specific legal provision in which they can seek legal redress.(based on notes of Jacob Meerman)

- (d) Just like Race, even under Caste, the discrimination arises out of many factors as is the case of **Scavengers in Pakistan**.<sup>87</sup>
- (e) Similarly, the women in India, are they discriminated on racial or caste grounds?

In short, the discrimination can not be viewed narrowly as entertainable in the World Conference, in the purview of Race only. Doing so can, defeat the very purpose of the conference.

**UN and the International community need to recognize the caste based discrimination of Dalits:**

The only ground for non-Inclusion of Caste based discrimination in the agenda of the World Conference against Racism, Racial discrimination, Xenophobia and related intolerance, is that the same does not fall under the purview of Racism; this is mere semantics. If any person of sound mind were to consider the kind of indignities impressed on Dalits, historically under the socially sanctioned caste rule before the National Independence and at the present under the Democratic Republic, they would agree that, the problem is so severe that it needs priority attention. It affects the lives and dignity of 160 million people in India and 240 million people in South Asia. An overtly visible discrimination in the lands of the biggest democracy in the World, if considered shall show that the verbal rhetorical debate of Caste versus Race is a subject, highly inconsequential.

Martin Macwan<sup>88</sup>

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<sup>87</sup> Most scavengers in Pakistan are Christians. They continue staying in the most inhuman conditions away from other in a segregated manner. Are they discriminated because they were "Untouchables" under the Indian Caste system? Or, are they discriminated because they are scavengers and no more Hindus?

<sup>88</sup> The author of the note is a grass root activist, working on the issues of caste based discrimination against Dalits in India, for past twenty years.