

Rights of the Dalits in Indian society

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Abstract

Dalit means 'oppressed'. We are all aware of Mahatma Gandhi's campaign against untouchability. Do you know that Dr B R Ambedkar, who headed the Drafting Committee for the Indian Constitution, was himself a Dalit? The influence of these two great people is evident in the Constitution of India and in a number of laws that have followed over the years. The main ones of these are listed here:

- The Constitution of India forbids untouchability in Article 17, 1950;
- The Untouchability Offences Act, 1955;
- The Protection of Civil Rights Act, 1976, and
- The SC & ST (Prevention of Atrocities) Act, 1989.

Other than these major legislations by Parliament, several state or local laws have been framed to combat the evils of the caste system; these include the tenancy laws to protect land rights and the temple entry laws, which opened temples to Dalits, who were earlier forbidden to enter these.

Imagine your teacher telling you that you have to sit alone in a corner of the class every day and that however hard you study and however well you may score in the examinations, you will always fail. What kind of a system is that, you might ask. The caste system works somewhat like that.

Key words : Constitution , untouchability, Dalit, Hierarchy, Bonded Labour, Low Social Position.

Introduction -

What is the Caste System?

Caste System

- Hierarchy
- Separation
- Occupation
- Each Caste has a Fixes rank
- Caste do not interact or intermarry
- The work one dose depends on one's caste

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.

In Hindu society, the 'caste' 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 only in India that scavenging and sweeping are considered to be the exclusive occupations of particular castes. In India, all kinds of work that involve some handling of dirt are allotted to some caste or the other among the Dalits; these include:

- Removal of carcasses and skinning them;
- Tanning hides;
- Manufacture of leather goods;
- Sweeping streets, and
- Scavenging.

These are all occupations that are quite essential to the well-being of a society, but as they involve the physical handling of dirty or quickly putrefying matter, no non-Dalit will perform any of these jobs as a profession. That would be below his dignity.

The Problems Faced by Dalits

According to the 1991 Census figures, India has 140 million Dalits. As a group, they are more discriminated against than any other group in the country. In this section, we will examine some of the ways in which this happens.

Bonded Labour

You may perhaps have heard about the bonded labour system, which is practised in many parts of India. A poor labourer borrows money at huge rates of interest from the landlord. He has to then work for the landlord in order to pay back the money. So, he becomes a bonded labourer until he pays back the money with the interest. Most bonded labourers are Dalits. The wages given to them for such work is very low, below the minimum wages set by the government. This makes it difficult for the labourer to pay back the initial amount. All he can do is keep paying the interest. Another problem is that because he is illiterate, he cannot calculate how much is yet to be paid. The landlord keeps telling him that the money is not yet paid up. The labourer's family also joins in to help him pay back the money. Even if the labourer dies, his children have to become bonded labour in order to pay back the debt of their father.

Bonded labour has been abolished in India. It is now punishable by law. But it still happens quite often. Bonded labour often has little access to support services that would help them fight against their circumstances. Every district has a labour officer who is supposed to follow up on such cases and ensure that bonded labour does not take place. However, the follow-up action taken by the labour officers has not been found to be satisfactory.

Migration

Employment has become a major concern, especially for the poor and the landless. Without employment, a family could starve to death. Deprived of both land and employment, Dalits are forced to move to other places

to look for work. This is called migration in search of labour. They move largely from the rural areas to semi-urban or urban centers. Migration creates a large number of problems for the Dalits.

The Dalits are thus in a 'lose-lose' situation. If a Dalit does not migrate, he cannot sustain himself or his family. If he does, he faces the problems of migration. Either way, it is the Dalit who loses.

Low Social Position

In Indian languages, the caste system is known as the *Varna Vyavastha*. *Varna* means colour and *Vyavastha* means an organised system. It is, therefore, likely that the origin of the system was based on the color of the skin. With several intermarriages over the years, the criterion of colour as an indicator of difference changed to 'breed' and 'blood'. Gandhi preferred to call this system the *Varnashram Dharma*. He, therefore, took two stands:

- One, upholding its position as a religious ordering, and
- Two, politically condemning it as the 'sin' of the Hindus.

Dr Ambedkar wanted to call the caste system an 'offence', rather than a 'sin'. Both Ambedkar and Gandhi condemned the caste system, whatever the religious or other justifications that were put forward.

The caste system is peculiar to India, but this does not mean that similar systems do not exist elsewhere in the world. In Japan (1603-1867), the structure of society was based on four castes'. The *Burakumin*, or people from the village, remained outcastes. Though identified with the other Japanese, they were reduced to traditionally polluting occupations. Polluting occupations, as we have seen earlier, are those considered unclean and which lessen a person's worth – occupations like animal slaughter, tanning, disposal of dead bodies of people and animals, etc. The *Burakumin* were forced to live in isolation in separate settlements and could not mix with the others. They were not permitted to adopt a lifestyle in terms of clothes, behaviour, etc., which could put them on par with the non-*Burakumin*. They were segregated on the basis of government records (*Koseki*) and officially blacklisted. After World War II, they were ensured Constitutional provisions guaranteeing equality, but till date, de facto, they are legally discriminated against without any specific legal provision under which they can seek legal redress.

Atrocities on Scavengers

This is probably best explained by a series of stories and incidents.

In February 1999, two scavenger women were trying to fill water from a well, when they were abused by two Darbar women and told, "You *Bhangis* cannot fill water here – you will contaminate the well." The scavenger women complained to the District Superintendent of Police on February 23, but no action was taken. The Darbars attacked the two women in retaliation and looted their property. The village people, instead of helping them, declared that they stood socially boycotted. On February 28, once again, the scavengers brought their harassment to the notice of the police authorities. Only then was police protection finally provided to them and they could once again go to the well to fetch drinking water.

Meeting a scavenger first thing in the morning is considered a bad omen. In one case, the first person a shopkeeper saw regularly was a scavenger. The shopkeeper was furious. “How dare you be the first person I see in the morning!” he yelled and threw boiling oil on the scavenger. A complaint was filed against the shopkeeper under the Prevention of Atrocities on SCs & STs Act.

There are many municipalities that do not pay salaries to *Bhangi* sanitary workers for months on end. The explanation offered by them is, “We do not have money.” There is seldom any immediate redressal for the *Bhangis*.

Dalits also face a number of restrictions. Here are some examples:

Marriages

A marriage procession of a Dalit cannot enter the village from the main gate. Similarly, Dalits cannot wear jewellery or expensive and good clothes. They cannot organise musicians or a music band better than or even equal to those hired by their high-caste counterparts. Thus, they must look and behave as though they are much lower in economic status. Even their marriage ceremonies must be much simpler than those of their high-caste counterparts. There have been incidents of mass attacks when a Dalit groom has attempted to sit on the traditional horse on his way to the marriage ceremony.

Funerals

A Dalit is not free of his caste even in death. When a Dalit dies, his dead body cannot be carried to the burning ghat via the main village gate. It is thought that this will defile the village. Instead, his body must be taken to the ghat via a long detour.

A number of jobs that no one else wants to do is forced upon the scavengers even today. Here is a list of some of these jobs:

- Cleaning waste;
- Dragging away dead animals;
- Cleaning excreta from railway tracks;
- Cleaning manholes;
- Sewing up dead bodies after post-mortems;
- Cleaning wastes at hospitals and maternity rooms, and
- Announcing bad news.

Self-perception, i.e. how you would look at yourself, as well as the perception of others about you are good indicators of the social standing of a community. In the case of the scavengers, there are innumerable instances that point to their low standing in society. Here are some:

- Boys have names with meanings such as ‘waste’, ‘unclean’, ‘dusty’, ‘idiot’, etc.;
- When a scavenger is doing well, others say, ‘This *Bhangi* has crossed his limit’;
- A government scheme offers scholarships to ‘children of persons engaged in filthy and hygienic

occupations’;

- *Bhangi* children are insulted in school and, sooner or later, drop out, and
- *Bhangis* or other Dalits, even when elected Panchayat members, are not allowed to sit on chairs with the rest. They have to sit on the floor.

Deprivation of Land Rights

Ambedkar recognized that there were two important parts of the freedom struggle:

- Political freedom, or the freedom to govern ourselves and elect our own representatives, and
- Socioeconomic reforms, or ensuring less disparity between the rich and the poor and justice or the many people who have been oppressed for generations. However, he was distressed to find that with the passage of time, the efforts at socioeconomic reforms had got diluted and became less and less important. He was of the opinion that political freedom was meaningless if economic and social inequalities were to continue. Throughout India, the Dalits were looked upon as slaves by the other castes and treated very badly. In most places, they were not allowed access to land for their own benefit. They had to work for the other castes for a meager wage. They were also subject to all kinds of abuse. Even if they took up other employment, which brought them better wages, they were often forced to leave the employment in order to work in the fields of the non-Dalits. Their working conditions were often pathetic and, sometimes, they would work all day in the fields with no food or water to sustain them. In a recent case, where some Dalits of a village protested against treatment of this nature and filed a police complaint, their locality was set on fire by angry non-Dalits, out to teach them a lesson.

Land rights was one area which sought to do away with injustices of this nature. Land reforms were taken up with great fanfare at first, but gradually died down. Let us look at some of the important measures in ensuring land rights to Dalits and see if they have helped them at all. Given here are some of the important legislative measures:

The Tenancy Act

The objective of the Tenancy Act was to improve the status of tenants. A tenant was a person who worked on land without owning it. He had to pay huge sums or a large share of his produce to the landlord. The purpose of the Tenancy Act was to confer land ownership rights on 2.5 million tenants. In the original Act, the protected tenants were given the right to voluntarily purchase the land. The payment of the purchase price was regulated by law and the amount was payable in instalments spread over a period of time. However, until 1955, the Act had benefited only 2 per cent of the tenants.

However, positive trends were noticed in some states. An important example is the state of Kerala. The Kerala Government first of all acquired the land by paying the purchase price to the landowners. The State thus became the owner of the land and it then distributed it to the tenants at the purchase price. The tenants could pay the price in installments spread over a period of time. As result of this measure, the tenants did not have to lose their land.

Land Ceiling Act

The Land Ceiling Act had a twofold objective:

- To take away surplus land that was concentrated in the hands of wealthy landlords, and
- To distribute such surplus land to landless Dalits, tribal's or their cooperative societies.

Although the objectives were good, statistics have shown that state governments have not been able to declare much land as surplus. Even in cases where there have been declarations of surplus land, the governments have not been able to take possession of the land satisfactorily. And even where the land has been possessed by the governments, not too much of it has been redistributed. Studies have been done on the difference between the paper ideal of redistribution and the actual ground realities. Other land issues faced by the Dalits include:

- Land surveys and measurements have still not been completed;
- Land records have not been satisfactorily maintained and updated. Contradictory entries have been found in certain records;
- Refusal of authorities to make available copies of ledgers or the Record of Rights that aim at reducing social and economic disparity;
- Lack of enthusiasm in implementation of land reforms;
- Loopholes in the law;
- Slow and mechanical attitude towards the publicising of the law;
- Very slow pace, and
- Although there were provisions to prevent land transactions after a particular date in order to prevent people from getting around the problem of land reforms, this position was ineffective and no land was finally left for redistribution.

Thus, it can be broadly said that land rights have not been achieved for Dalits and we have a long way to go.

Problems Faced by Dalit Children

What kinds of problems are faced by Dalit children? How are they different from the problems faced by other children? Here is a summation of all the different aspects of education, where Dalit children face discrimination:

Low-caste by Birth: Since caste is imposed on a person by birth, a Dalit child is condemned to follow certain behavioral patterns imposed upon his group by others even if he/she personally wants to move away from that.

Socialization : Socialization is a process that identifies roles. Both Dalit and non-Dalit children are taught how to behave towards each other. Non-Dalit children are taught to treat Dalit children with contempt, Dalit children are taught to treat non-Dalits with respect. Similarly, a Dalit elder has to address a non-Dalit child with respect, while a non-Dalit child may address a Dalit elder with scorn and contempt.

Access and Play : Dalit children cannot go to school or play in non-Dalit localities.

Mid-day Meals : During the mid-day meal in school, Dalit children are often asked to sit separately. After the meal is over, non-Dalit children play while the Dalit children may be made to wash the plates.

Drinking Water : In some places, there are separate pots and glasses for drinking water for Dalits and non-Dalits. If a Dalit drinks from the wrong glass, he/she may be punished violently.

Dalit Teachers : In some cases where Dalit teachers have scolded non-Dalit children for not doing their homework, the parents of the non-Dalit students have beaten up the teachers for daring to scold their children.

Dropping out of School : A high percentage of Dalit children drop out of school for many reasons such as discrimination at school and being forced to join their parents and help their family at an early age due to economic compulsions.

Denial of Political Power

Dalits are equal citizens of India. What they want is their social, economic and political rights as equal citizens of India. However, the beneficiaries of the caste system, who are both economically and politically powerful, have ensured that Dalit rights are not recognized. They have a vested interest in doing so, in hanging on to the privileges to which they are accustomed.

Many Dalits have, therefore, become quite disillusioned with most political parties, irrespective of the ideology they follow, because none of them have given the Dalits either satisfactory political recognition or a voice in the democratic process.

This is not a recent phenomenon, but one which can be seen over the history of the national freedom struggle. Here is a short history of changes in representative bodies such as the legislative councils and assemblies. These were law-making bodies through which Indians could participate in the political process.

- Out of a total 36 Indian members of the Legislative Council during the years 1862-1888, 23 were landholders, six were ruling princes, three were lawyers, one was the editor of the Hindu *Patriot*, one was an officiating magistrate, one was a Parsi merchant and one was Burmese;
- In the regulations for the nomination and election of additional members of the Legislative Council, which had 66 members, special representation was given to Muslims and landholders;
- In the distribution of constituencies, special consideration was shown to Muslims, Sikhs, Europeans, landholders and Indian commerce for representation;
- In 1921, out of the 145 members of the Legislative Assemblies, only one representative of the depressed class was nominated, and
- On August 28, 1928, there was an all-party report called the Nehru Report, which recommended reservations for Muslims in the Central and Provincial Legislatures and for Hindus in the North West Frontier Province.

The Dalits' Struggle for Temple Entry

Several prominent Hindu leaders did speak out against untouchability. In 1921, the Indian National Congress moved a resolution, appealing to Hindus to bring about the removal of untouchability and to help improve the condition of the underprivileged classes. The next year, the Congress appointed a committee to formulate a scheme embodying practical measures to be adopted to better the conditions of the untouchables. The committee, in turn, passed a resolution, requesting the Hindu Mahasabha (the political front of the Hindus) to take up the 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 was heavily opposed by the orthodox section of the Mahasabha and finally dropped.

The unsuccessful resolution read: "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, 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 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."

Although there were five attempts to frame laws on temple entry, not one was successful, though there were a few small-scale successes at the regional level.

Dr Ambedkar was highly critical of this lack of success. He said that though there were several news reports of temples being opened to Dalits, these reports were fake. He termed the reports 'lying propaganda'. He insisted that few temples had really been opened to the Dalits and those that had been opened were mostly dilapidated and deserted structures used by none but dogs and donkeys.

Ambedkar was disillusioned by these efforts and converted to Buddhism. Many Dalits followed him then and they continue doing so even now.

Ambedkar's final question was: 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?

The Role of the State

Following the high ideals of Mahatma Gandhi, our nation achieved freedom from British rule and we adopted our Constitution. Although the Constitution and a plethora of subsequent laws have tried to address the problem of untouchability, the Dalits continue to be marginalized.

There have undoubtedly been certain positive steps. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is one of them. It has certain excellent provisions:

- It includes Scheduled Tribes in the jurisdiction of the Act;
- It terms economic, political and property related offences committed against the Scheduled Castes as ‘atrocities’;
- It provides for the appointment of special courts and special government prosecutors to expedite proceedings under the Act;
- It states that public servants showing negligence towards the Act will be considered offenders, and
- It states that only Special Courts are authorized to enforce all matters under the Act. However, despite the necessary legislation being there on paper, the role of the state has been far from supportive, from the point of view of the Dalits. There are many examples of this. For the purposes of our study, we have listed a few of these here:
 - Often, there is administrative bias against the Dalits and nothing is done to help them;
 - Often, in cases of atrocities, where relief material and compensation are provided, the funds and material are siphoned off and the affected Dalits get nothing;
 - Dalits find it difficult to file cases in a court of law and receive justice, and
 - Dalits and the children of Dalits are described in degrading language, for e.g., Scholarships may be given to children of parents following ‘filthy and unhygienic professions’ or words to that effect. Although the Dalit movement is strong, the State cannot forget its duty and must pay attention to this section of its people whom it has ignored for far too long.

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