

# “Eradication of Untouchability”

(A Case Study of Post Independent Karnataka)

**Dr. Vijaykumar H. Salimani**



**FIRST EDITION**

**LAXMI BOOK PUBLICATION**  
**258/34, Raviwar Peth,**  
**Solapur-413005**  
**Cell: +91 9595359435**



Rs: 550 /-

**“Eradication of Untouchability”  
(A Case Study of Post Independent Karnataka)**

**Dr. Vijaykumar H. Salimani**

© 2013 by Laxmi Book Publication, Solapur

All rights reserved. No part of this book may be reproduced in any form, by mimeograph or any other means, without permission in writing from the publisher.

**ISBN- 978-1-304-70515-0**

**Published by,**  
Laxmi Book Publication,  
258/34, Raviwar Peth,  
Solapur, Maharashtra, India

**Contact No. : +91 9595 359 435**

**Website : <http://www.isrj.net>**

**Email ID : [ayisrj@yahoo.in](mailto:ayisrj@yahoo.in)**

**Dedicated**

**To**



**Smt. Radhabai and Dr. Mallikarjun Kharge**

Hon'ble Minister for Railways

Government of India

## Chapter -1

### THE MEANING, ORIGIN, GROWTH, NATURE AND CHARACTERISTICS OF UNTOUCHABILITY

#### 1.1 INTRODUCTION

The institution of Untouchability being an offshoot of the caste system in India on the one hand and the tributary of it on the other hand has been allmqe feature of the Indian social system. Untouchability is a unique in Hindu social institution, which emerges in the remote past. The untouchables have been suffering from the stigma of untouchability' followed by servitude, illiteracy and grinding poverty. This unholy system of untouchability had serious adverse effects on the Indian society in general and the untouchables in particular; it has been vehemently opposed by many sensible persons including saints, social reformers and political leaders in the past. Eventually, the founding fathers of the constitution of India, who visualized a society based on justice, liberty, equality and fraternity, stood for. The abolition of untouchability<sup>1</sup>. in the constitution which came into force on 26th January, 1950. It is stated categorically in the constitution under Article 17 that "untouchability" is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of untouchability shall be an offence punishable in accordance with law. In consonance with this provision, the parliament, empowered under Article 35 of the constitution has passed "the protection of Civil Rights Act, 1955"; and it has been in implementation since then.

Besides, some position efforts have been made to improve the socio-economic condition of the untouchables .It is pertinent to enquiry whether the untouchables were benefited by all these efforts? So far as the matter of reservations is concerned, it is regrettable to know that except political sphere, reservations in the educational and employment spheres remained unfulfilled. Their economic condition has not marked any significant improvement irrespective of several efforts in that direction. Of course, one cannot over look the efforts made by the government in ameliorating the socio-economic condition of the untouchables, but all the efforts made by the government are insignificant compared to the magnitude of the problem.

Therefore, it requires a thorough investigation periodically into the implementation of all the laws, policies and programmes of the government in respect of the untouchables, which would be useful to the government and enlighten the public about the problems of the untouchables Therefore, the present study is obviously confined to the eradication of untouchability in post-independent Karnataka and critically reviews the working of the untouchability law and its implementation by the governmental agencies!

Indian society is divided into numerous castes and sub-castes numbering roughly over four thousands, besides the sizeable number of tribes and other

religious communities. The Hindu castes and sub-castes are broadly classified into three, the dwijas or the upper castes, which are also known in some region as “right” castes or forward castes, the middle level castes commonly known as backward castes or classes, and the lower castes or the Untouchables. These castes along with their sub-castes have traditionally been ranked in a ritual or religious hierarchy in descending order in which the upper castes are at the top and Untouchable castes at the bottom with the considerable degree of graded-inequality between the two. In fact, the position of these castes in the socio-economic and power hierarchy is by and large analogous is that in the ritual or religious hierarchy though as asymmetrical nature and diagonal relations of both hierarchies and place of various hierarchy has largely receded and is generally reduced to the private domains of one’s life. Yet, its notion still stimulates mind and actions of people and variously influences their socio-economic and power positions.<sup>3</sup>

Hence, it is a self - evident fact that untouchability, a most venomous evil of Hindu society has dehumanized a sizeable section of humanity, called untouchables. The victims of untouchability suffered a lot due to the stigma of untouchability including oppressive servitude, acute illiteracy. It even marred the progress of the nation to a great extent. Therefore, it had been vehemently opposed by many socially conscious persons including saints, social reformers and political leaders in the past. Eventually it was abolished under the Constitution of India, which came into implementation on 26th January 1950.<sup>4</sup>It is therefore, necessary to know the meaning, nature and origin of that havoc-making infamous evil of untouchability in its real perspective.

## **1.2 MEANING OF UNTOUCHABILITY:**

### **a) Maharshi V.R. Shinde:**

“A nation-wide co-institution indicating three features of often observing pollution, asking to live outside of village and not giving equal legal protection of law.”<sup>5</sup>

### **b) Mahatma M.K. Gandhi:**

“Untouchability means pollution by the touch of certain persons by reason of their birth in a particular state of family”.<sup>6</sup>

### **c) Dr. Babasaheb B.R. Ambedkar:**

“Untouchability is the notion of defilement, it is a case of permanent hereditary stain which nothing can cleanse”<sup>7</sup>

### **d) Mr. Justice N. Sreenivasan Rao:**

“The use of the work untouchability refers to the meaning of the term in the context of the historical development of the practice and does not connote its literal meaning.

“A liberal construction of the term would include persons who are treated as untouchables either temporarily or otherwise for various reasons, such as their suffering from an epidemic or contagious disease or on account of social observance such as are associated with birth or death or due to social boycott resulting from caste or other disputes. ‘Untouchability in such circumstances has no relation to the causes which relegated certain of people beyond the pale of the caste system’”<sup>8</sup>

**e) Prof. Mare Galanter:**

“In its broadest sense ‘untouchability’ might include all instances in which one person treated another as ritually unclean and source of pollution”.

“A second somewhat narrower sense of the term would include all instances in which a person was stigmatized as unclean or polluting or inferior because of his origin or membership in a particular group i.e., where he is subjected to invidious treatment because of difference in religion and membership in a lower of different caste”.

“Thus, we arrive at a third and still narrower sense of the term, ‘untouchability’ as referring only to those practices concerned with the relegation of certain groups ‘beyond the pale of the caste system’ that is confining to those disabilities imposed on groups commonly regarded as ‘untouchability’.

‘Untouchability’ then as used in Article 17, confined to invidious discrimination against certain not readily definable classes of persons”.<sup>9</sup>

**f) The Committee on Untouchability etc (Govt, of India, Department of Social Welfare, 1969) headed by L. Elayaperumal:**

“Untouchability is a basic and unique feature of the Hindu social system and order. It is generally held these days that it is an economic backwardness of the people concerned. But the simple fact is forgotten that while economic issues are present in all other countries untouchability is a unique problem confronted in this country only, it does not require much research to realize that the phenomenon of untouchability in this country is fundamentally of religious and political origin. Untouchability is not a separate institution by itself; it is a corollary of the institutions of the Caste system of Hindu Society. It is an attitude on the part of a whole group of people. It is a spirit of social aggression that underlies this attitude”.<sup>10</sup>

**g) Dr. M.C.J. Kagzi:**

“It connotes the caste action or practice of non-touching of the members of the lowest caste Hindus. It means separation, segregation and isolation of such persons from the higher caste Hindus. It means keeping the Harijans untouchables away from, and outside the main social stream from misplaced fear of pollution, requiring them to keep themselves aloof from places of public resort and also temples, it accompanies social segregation, economic isolation, and non-entry into educational institutions, disqualification for the

learned profession trade and industry. It impels absence of social inter-course, and forbids a marriage between a higher castes Hindu with a low caste Hindu. It results in socio-economic discrimination, loss of status, absence of civil personalities and civil liberties, perpetual social boycott. It is so to say discrimination, segregation, disability, inequality, liability caused only by low caste birth.<sup>11</sup>

### **1.3 THE ORIGIN OF UNTOUCHABILITY:**

It is necessary to inquire into the causes of the origin of untouchability. There are altogether four theories advanced for the explanation of the origin of untouchability. They are discussed hereunder in brief.

#### **a) The Theory of Taboo:**

Every caste Hindu, believing in Vedas, believes in varnashram, caste system and caste purity or taboo. It is stated in the purushasookta part of the Rig-Veda, that Brahmin, Kashtriya, Vaishya and Sudra were created by God respectively from the mouth, arms, thighs and feet. The untouchables however, were not savarnas. Hence, in the hierarchy of the caste system they were more degraded and treated as outcastes, untouchables, whose touch was considered to be profane.

The *Bhagwad Gita* narrating the duties of each and every Varna states categorically - "by worshiping in through the performance of his own duty (Dharma) man attains perfection." Performing one's own duties or Dharma was, thus, made essential for salvation<sup>12</sup>. Therefore, none could afford to challenge the Dharma revealed in the religious books. Ultimately, the habit of untouchability formed *Achar* Dharma of all the caste Hindus.

Thus, Hindus have no explanation as to the origin of untouchability; at the most they try to explain it in terms of fictitious belief in caste purity, taboo and inequality of castes. Therefore, the theory of taboo fails to explain the origin of untouchability.

#### **b) Race and Occupation Theory:**

Stainly Rice propounded the theory of race and occupation for explaining the origin of untouchability<sup>13</sup>. According to him the untouchables was non-Aryan and non-Dravidian aboriginals. They were conquered and subjugated by the Dravidians first and thereafter by the Aryans. Accordingly, there were two invasions of India, first by the Dravidians and second by the Aryans, reduced them to mere 'serfs' and assigned to them only menial or filthy occupations.

According to Babasaheb Ambedkar, this theory presupposes the homogenous nature of Aryans, whereas they were divided into Rig-Vedic Aryans and Atharva-Vedic Aryans. The Dravidians were not racially different from the aboriginals. There is no record that the vanquished became untouchables. According to anthropometry test the untouchables resemble

the high caste people; most of the name of Kul and Gotra also are identical to those of the untouchables. The filthy and unclean occupations, which the untouchables performed, were common to all human societies but this practice could not come into existence elsewhere.<sup>14</sup>

**c) Multi - Causal Theory:**

According to V.R. Shinde there were five different causes of the origin of untouchability<sup>15</sup>. They were:

1. Those who were living by performing filthy or unclean occupations were treated as untouchables.
2. Those who were independent entities but later on were vanquished in the wars and became untouchables.
3. Those who were Buddhists and non-believers in God, superstitions and Vedas and did not accept the supremacy of Brahmanism were made untouchables.
4. The tribals not living like civilians also came under this category.
5. The marriage of a high caste female with a low caste male was called Pratiloma marriage and it was prohibited. Those who performed Pratiloma marriage in contravention of the Dharma Shastras were boycotted and discarded as untouchables.

**d) The Broken Men Theory:**

According to Dr. Babasaheb Ambedkar the untouchables were the Broken Men.<sup>16</sup> The primitive society was mainly tribal. At a later stage they became settled as soon as they switched to agriculture as a means of their livelihood. However, all the tribes did not settle simultaneously. Some tribes were still nomadic when others settled down.

There were intra-tribal wars as well as wars between settled and nomadic tribes. The causes for the intra-tribal warfare were (i) stealing cattle, (ii) stealing women, and (iii) stealthy grazing of cattle in the pastures belonging to others. On the other hand, the causes for the war between settled people and nomadic tribes were (a) the nomads found it more advantageous to fight against the settlers and steal their wealth, and (b) the settlers were unable to defend themselves from the nomads who were naturally more militant and aggressive.

Intra - tribal wars gave rise to divisions among tribes. The defeated tribes were broken into groups. Hence, there always existed in primitive times a floating population constituting groups of Broken Tribesmen. On the other hand, the settled versus nomadic war caused loss of property and lives among the former. They were facing acute problem of defense from certain aggressive tribes. Thus the Broken Men were in need of shelter and food whereas the settled were in need of protection of the property and persons. Consequently, they had to come to certain settlement and form an agreement for protecting each other's interests. "Although we have", he states "no

written text of contract coming down to us from antiquity we can say that the two struck a bargain whereby the Broken Men agreed to do the work of watch and ward for the 4 settled tribes and the settled tribes agreed to give them food and shelter. Indeed it would have been unnatural if such an agreement had not been made between the two specially when the interest of the one required the cooperation of the other”.

The primitive settlers, however, were not so liberal as to admit the aliens into their area; hence they allotted the land outside the village to the nomadic tribes. From the protection or strategic point of view, their settlement outside the village was necessary so as to face the prospective dangers. Obviously, because of their living outside the village they were called Antyaja or Antyavasin.

The second reason for the origin of untouchability according to Dr. Babasaheb Ambedkar was the contempt for Buddhism, the religion professed by the Broken Men. The Broken Men who were segregated from the village people must have been inclined to embrace Buddhism, which was based on liberty, equality and fraternity. The village people who remained in the Hindu fold accepted the supremacy of the Brahmins:

Whereas the Broken Men discarded the supremacy of the latter and continued to profess Buddhism. This caused strife between the two communities, which ended in suppression of the Broken Men and downfall of Buddhism in the later period.

According to the Babasaheb Ambedkar the third reason for the origin of untouchability was the habit of beef eating by the Broken Men. The untouchables became habituated to eating flesh of cows, whereas the touchables gave up the same. Even at the later stage the Brahmins not only gave up this diet, but also became purely vegetarian so as to outsmart the Buddhists professing the principle of non-violence and compassion to all men and animals. “Unfortunately, beef eating instead of being treated as a purely secular matter, was made a matter of religion. This happened because the Brahmins made the cow a sacred animal. This made beef eating sacrilege. The Broken Men being guilty of sacrilege necessarily became beyond the pale of society”.

However, there maybe three important questions in this respect which need discussion. They are, why did the caste Hindus, especially Brahmins hate only Buddhists? What made the Broken Men who were Buddhists, continue beef eating? Why did they accept filthy occupations in return for the protection of caste Hindus?

1. Buddhism stands for an egalitarian model of society as opposed to Varna model. Buddhist Shramanas were not hereditary. This was in contrast with the theory of hereditary superiority of Brahmins. The Buddhist opposed the supremacy of Brahmins. Buddhism propounded liberty, equality and fraternity.

Although there were several Brahmin *Bhikshus* in Buddha's *sangha*, they left the *Sangha* when Buddhism lost royal patronage and when they came to know that they were unable to impose supremacy by Buddhist way.

2. The Broken Men were habituated to eating beef. They could not have it even after accepting Buddhism. They were allowed to eat flesh of cows, which had died natural death. On the other hand, the Brahmins, in order to establish their supremacy used to practice non-violence and vegetarianism.

3. The Broken Men had lost their importance as far as protection of the village is concerned owing to the fact that the states or kings started assume the responsibility of the protection of the villages. This must have caused a loss of profession on the part of the Broken Men, resulting in the loss of source of livelihood. Therefore, the Broken Men had to resort to filthy occupations and beef eating. Thus, untouchability arose out of contempt and hatred towards the Broken Men who were Buddhists. It was however, imposed on them by all cunning and coercion. They became gradually victims of caste prejudice, state apathy, acute poverty and inherent ignorance.

More recent theories have made attempts to combine into coherent explanatory generalizations of such components as race and the concern for racial purity when races interact, the subjugation of diverse groups by the technologically superior Aryans, the division of labour as migrant Aryans settled down adopting agricultural and then urban ways of life, they incorporated new tribes, new guilds and new religious sects into Aryan society. Though each theory can find some support in the existing evidence, they all must cover enormous gaps in the evidence with conjecture or broad generalization. Thus, while there may be sufficient evidence to rule out some theories or give plausibility to others, it cannot establish on to the exclusion of others.

Therefore, the quest for the origins of caste, untouchability, and of specific Dalit castes ends in speculation, uncertainty and frustration. It does not provide much that is of decisive significance for setting the political and ideological battles of today.

The same however, is not true of the nature and growth of untouchability under different periods. In this case the source materials are more abundant and reliable relating to the nature and growth of untouchability.

#### **1.4 THE NATURE OF UNTOUCHABILITY:**

Untouchability means pollution by the touch of persons born in a particular caste or family. It is generally seen that this practice of untouchability is peculiar to Hindu society.

Dr. Ambedkar in his book, *The Untouchables, Who are they?* Discussed the origin of untouchability. He starts with the proposition that,

“The Hindu civilization could hardly be called a civilization. It is a diabolical contrivance to suppress and enslave humanity”. Along with the development of the notion of defilement, primitive society had developed certain purificatory media and purificatory ceremonies for dispelling impurity. Primitive society had another method to get rid of impurity. This was to transfer it to another person. Therefore, it can be concluded that “there are no people, primitive or ancient, who did not entertain the notion of pollution”.

“Untouchables”, as a name generally applied to persons in the lowest classes of Hindu society, is of relatively recent origin. It first appeared in print in 1909, the word is a literal translation of the Hindi word *अचूत*. The Webster’s dictionary vividly describes “untouchables” as “a member of a large hereditary group in India having traditional Hindu belief and quality of defiling by contact the persons, food or drink of a member of a higher caste, and formerly being strictly degraded and restricted to menial work”.

From its very inception, the term has been hated, as it amounted to a degrading appellation for the people concerned. Notwithstanding, the use of the term has sometimes been advocated for psychological and political reasons; for instance B.S. Murthy while recording his opinion on the merit of various expressions observed, “Perhaps the best of these is untouchable as it will remind him of his fallen state by a constant sting”. Similarly, Dr. Ambedkar used the term in the titles of his various books to highlight the degrading position of the people and to arouse sympathy for their political rights. His highness Gaikward of Baroda who took a deep interest in the matter, also advocated the term for its clarity. To him the words, “depressed classes” which had just begun to appear and “lower castes” were not satisfactory as they were too elastic. However, the word has now disappeared from ordinary parlance following widespread education and constitutional provisions.

It is a fact that no one is an untouchable because of his birth or because he follows a particular profession, which he does by honest living. Great thinkers and social workers like Raja Rammohan Roy, Dr. Ambedkar, Mahatma Phule, Mahatma Gandhi and others have all along expressed themselves against the practice of untouchability. The untouchability observed and practiced in the society could be stated to be an act of inhumanity. It has no basis or religious theory. Religious principles, which are broad and universal, are one thing and customs, which arise out of \ changing social conditions another. Social reformers, religious preachers and other enlightened thinkers tried to dissuade people from following the evil practice of untouchability. It is common knowledge that the evil of untouchability has divided the society and impeded our progress as a nation.

Throughout Indian history, the evil of untouchability has been attacked by social and religious reformers, but it was largely through the provisions of the Constitution that the nation’s conscience was awakened and the uplift of scheduled castes became a major issue in national life. The four orders of society as seen in the “Purushasukta” denote not only the origin of

the classes but the divine justification of the order of society.

According to Dr. Ghurye, special rights for the higher classes and disabilities for the lower ones were almost a universal feature of a class society. It is, however, not only through legal measures that the evil of untouchability is being tacked, but efforts to erase it from the minds of the people have been made by focusing their attention on the degrading effects of social segregation and the injustice of social inequality. People are being systematically educated in this respect and made to realize that untouchability is a crime on social, moral and economic grounds. As a welfare state is wedded to socialistic ideals, the government has now assumed greater responsibility for the well-being of the Scheduled Caste. It is committed to the removal of all traditional disabilities that have stood in the way of their betterment and progress. "The most distinctive feature of the Hindu culture was the religious elementary. Religion was interwoven with the Hindu system of law. The social basis of civilization was the joint family, the village community and the caste system. The last was regarded as divinely ordained and has religious sanctions".

Thus untouchability is a corollary of the caste institutions. It did not arise out of any personal fault or idiosyncrasy on the part of an individual. Practically it was an attitude on the part of caste Hindus. A spirit of social aggression underlines this attitude. Doctrinally they were not part of Hindu society, while (existentially) they were an integral part of the local communities. In fact, exploitation or slavery was not unknown to any society in the past because economic needs in different forms were present in all countries. However, untouchability was a unique problem that was confronted only in India.

### **1.5 THE CHARACTERISTICS OF UNTOUCHABILITY:**

Although there is no authentic, statutory or explicit definition of the offence of untouchability as such, the due analysis and interpretation of the definitions given by various authorities cited above may reveal and elucidate the characteristics of "Untouchability". They are:

#### **a) Caste and Untouchability:**

It is said that the institution of untouchability is not an independent institution in itself. According to the L. E. Perunal Committee, "untouchability is not a separate institution by itself; it is a corollary of the institution of the caste system of Hindu Society"<sup>17</sup>. According to C. Parvathamma, "untouchability is part and parcel of Hindu religion and Caste System."<sup>18</sup> According to V. S. Naragolkar "Untouchability is largely an outgrowth of the system of caste and caste in its turn is the illegitimate child of the concept of Varna"<sup>19</sup>

Mr. Justice Nasirullah Beg also states that, "the evil of 'untouchability' is not a separate institution by itself. It is corollary of the institution of the Caste system warp and woof of Hindu Society".<sup>20</sup> Even it

was stated by P.R. Thankur, one of the hon'ble members of the Constituent Assembly itself, "Untouchability is nothing but the symptoms of the disease, namely, the Caste system. It exists as a matter of caste system.<sup>21</sup>In the light of these observations and the inter-relation between Caste and untouchability in the present situation one may, *Prima Facie* conclude that untouchability is a corollary of the caste system. At this juncture it is necessary to take into account the definition of caste. According to Senart, Caste is, "a corporate group, exclusive and in theory at least, rigorously hereditary. It possesses a certain traditional and independent organization, a chief and a council, and as occasion demands it meets in assemblies endowed with more or less full authority. Often united in the celebration of certain festivals, it is further bound together by a common profession and by the practice of common customs, which bear more especially upon marriage food, and, various cases of impurity. Finally, it armed, in order to assure its authority, with a jurisdiction of fairly wide extent, capable by the infliction of certain penalties, especially of banishment, either of revocable, enforcing the Power of the Community".<sup>22</sup>

According to Sir H.Risley, "A Caste may be defined as a collection of family or groups of families bearing a common name which usually denotes or is associated with specific occupations, claiming common descent from a mythical ancestor, human or deviance, professing to follow the same professional callings and are regarded by those who are competent to give an opinion as forming a single homogeneous community".<sup>23</sup>

According to Dr. B.R. Ambedkar the "idea of pollution" is by no means a peculiarity of caste as such. It usually originates in priestly ceremonialism and is a particular case of the general belief in purity. Consequently its necessary connection with caste may be completely denied without damaging the working of caste. The "idea of pollution" has been attached to the institution of caste only because the caste that enjoys the highest rank is the priestly caste, while we know that priest and purity are old associates, we may therefore, conclude that the "idea of pollution is a characteristics of caste only in so far as caste has a religious flavour".<sup>24</sup>

Thus untouchability is not the corollary of the caste system.

1. Caste system is based on Veda, Manusmriti and other religious scriptures, whereas untouchability is based on traditional contempt of Buddhism, and continuation of beef eating by the so-called untouchables.
2. When a Brahman keeps social distance from other caste man he observes caste system but where he keeps social distance from the person and imposes social and religious disabilities on a so-called low caste man, he observes "untouchability".
3. Caste system divides the Hindu society, originally in four Varnas, and later on into thousand of castes and sub-castes: whereas "untouchability" divides the Hindu society into 'touchable' and 'Untouchables' or caste Hindus and Scheduled Castes.

4. Every touchable is under the illusion of “purity” of himself and his caste. Hence the interest of a touchable to protect from the untouchable is his ‘purity’ whereas an untouchable has no such interest to protect from others. Still the so-called untouchable thinking that he is superior observes untouchability in respect of the other supposedly low caste untouchable. This practice came into existence by way imitation of untouchability observed by the caste Hindus in respect of all the untouchables.

5. Caste system prescribes certain rules of “internal” behaviour as a distinct unit as such from other castes: whereas untouchability is a rule of “external” behaviour with the so-called lower castes.

6. Caste system is comparatively ancient than the institution of untouchability

7. Untouchability is abolished by the Constitution of India and enforcement of any restriction, disabilities or limitations on the ground of “untouchability” is an offence punishable by law: whereas caste system remained untouched.

Undoubtedly, caste system has consolidated the institution of untouchability by enforcement of several disabilities and restrictions under the fictitious belief of “purity”. As such caste and untouchability are so interwinded with each other that one cannot safely bifurcate them. However, the minute’s observation reveals that the reality is different: both are separate institutions, at least at their inception.

#### **b )Unique Feature of Hinduism:**

It is generally observed that untouchability is a unique feature of Hinduism. In the words of Bhagwan Das, “untouchability is an integral part of Hinduism. This is the first lesson a Hindu learns from his mother in his cradle and tries faithfully to follow till his last day on earth.<sup>25</sup> According to C.Parvatamma “Untouchability is part and parcel of Hindu religion and caste system. The Hindu philosophy of karma and transmigration of soul denied the individual the freedom to attempt betterment. On the contrary Dharma consisted in ‘conforming to karma’ supposed to be the consequence of one’s past acts.<sup>26</sup> The karma theory, however, has its roots in the philosophy of Geeta, which states that man attains spiritual perfection by worshipping God through performance of one’s own duties as decided by religious scripture. Consequently all the Hindus, including touchables and untouchability strongly believed that there is no salvation except by complying the rules of caste system as propounded and interpreted by the Brahmanas who had the right to that effect. Almost all the religious Gurus and Pujaris believed in the sanctity of untouchability and they have practiced and enforced several disabilities based on untouchability. Even as recently as 1969, Shri Shankracharya of Jagannathpuri is said to have stated and justified the practice of untouchability as a matter of religion in the Vishwa Hindu Dharma Sammelan held at Kashi, Banaras.<sup>27</sup> Therefore, it is necessary to inquire into the fact whether or not untouchability is a part of principles of Hinduism.

Although there is no one founder, one sacred book, or a way of worship of Hinduism, Hindus by and large are a identifiable group of people who claim to be Hindus and who observe certain principles and practices distinguishable from other religions. In this sense Hinduism is a religion.

Untouchability, which was originated initially in the contempt and hatred of Buddhism by the Brahmanic forces became a part of Hindu social habit observed only by Hindus, as such it became a part of Hindu religion. It has, no doubt, intruded into other religions, but it may be by imitation. Untouchability is nowhere found, either as a part of principle or custom, as it appears in Hindu social system.<sup>28</sup> In this sense untouchability is a unique feature of Hinduism.

Now, even an orthodox Hindu also cannot lawfully defend untouchability on the ground of religion, because apart from being discarded so by many sensible and authoritative Hindus, it has been abolished by the Supreme Law of the land i.e., the Constitution, which is an embodiment of the conscience and consensus of the people of India, including the Hindus.

**c) Permanent Stain:**

Untouchability is described as a sin, blot, curse and stain imposed on a group of people by another group of people. It has sustained a number of jolts, but it is unimpaired. It is deeply rooted in the minds of the caste Hindus that untouchability is but a religious act. It is their misconceived belief in the pollution or defilement by the touch of untouchables that does not permit them to discard the "custom" of untouchability, without looking into its rationality. They have developed certain ways and means of getting rid of that defilement, if by mischance they happen to touch the untouchables. If they perform certain rites or acts, they become clean. Pouring of Panch gavya, sprinkling of water and bathing in the holy rivers are the important rites, which "cleans" the polluted objects, and such purificatory rites also become the part and parcel of the "institution" of untouchability.

It is a misconceived belief that the so called untouchables are ab initio untouchables, as such there is not a single rite or act which may purify them. Thus, they were subjected to the agony of untouchability permanently. The orthodox caste Hindus still think that it is but a 'permanent stain' on the part of the untouchables, remaining unaffected either by educational, economic or cultural development.

**d) Unapproachability, Unseeability and Untouchability:**

Unapproachability is an aggravated form of untouchability. L.S.S.O Malley accounts that the untouchables were not allowed to stand within the distance of 8 yards for Kammalanas, 12 yards for Iluvans or Tiyas, 16 yards for Pulayans and 32 yards for the Paraiyas or Parihas. They had to maintain certain distance in Rajasthan also. If a Brahman did not see or know about the arrival of an untouchable, the latter had to say loudly "Payse of Parayase" (keep distance) in the streets.<sup>29</sup>

Even unseeability, another aggravated form of untouchability was prevailing in South India. According to Hutton, in a district of Tinnevely there was class of unseeables-a caste of washer men, known as Purada Vannan, who washed the clothes of untouchables castes, as such they were doubly polluted. They had to work between midnight and day break and were not allowed to come out during the day time because they very sight of them was polluting.

During the discussion on the relevant article in the Constituent Assembly Mr. H.V. Kamat moved the amendment saying that, “after the word ‘untouchability’ the word ‘inapproachability’ be inserted. But Sardar Vallabhabhai Patel while opposing, said “I do not think it is right or wise to provide for such necessary corollaries and, therefore, I do not accept this amendment”. The motion was adopted. This indicates that inapproachability and unseeability are the ‘corollaries’ of untouchability’.

**e) Slavery and Untouchability:**

Slavery is a status of the slave who is “a creature without any rights or any status whatsoever: who is or may become the property of another as a more chattel, the owner having absolute power of disposal by sale, gift, or otherwise, and even to life or death, over the slave, without being responsible to any legal authority.<sup>30</sup>

According to Manu, the following seven categories of persons were slave.<sup>31</sup>

1. Persons who were made captive in the war;
2. Persons serving for their daily bread;
3. Those who were born in the house as Dasi Putra;
4. Those who were bought;
5. Those who were presented by others;
6. Persons who were inherited from ancestors;
7. Those who were enslaved by way of punishment.

Manu states that slaves were not eligible to hold property. They were forbidden to be witness except when the other witnesses fail too so. The Brahmanas were allowed to eat the food offered by the slaves. They were free to perform the work, which they desired to perform. Manu, however, restricts the intercourse with the female slaves.

But, afterwards, they were supposed to be impure, and they were not allowed to remain at a distance of seventy two paces from a Brahmana and a Nair. In Travancore some of the untouchable castes were literally slaves or slaves and were given away, bought, sold and mortgaged like other property till 1885. Hence the untouchables were regarded as slaves. However, the difference between untouchability and slavery is discernible.

Untouchability, according to Dr. B.R. Ambedkar arises out of the contempt of Buddhism and continued habit of beef eating by the Broken Men: where as slavery has its origin in the capture of defeated men, sale, or transfer and birth to a Dasi. Slavery is quite ancient whereas untouchability is

a later invention. Slavery is universal but untouchability is a special feature of Indian (Hindu) society only. Untouchables were not only untouchables, but they were unapproachable and unseebles also; where the slaves were allowed to perform domestic services in the houses of their masters: in addition to other work. Slaves were property of their particular master or owner, only they had the control and domination over the, where as the untouchables were the servants of all the high caste Hindus, controlled and dominated by all the villages.

Untouchability was a permanent stain, but slavery was not so. They were eligible to be free provided they fulfill certain conditions, for examples, “the war captives were allowed freedom if they replace other persons, the debtors were allowed to be free of the payment of debt is made. They were set free if they saved the life of their master. But in all these cases of liberation, the tacit concert of the master was necessary for the slave to be free”.

In 1972, the East India Company issued a proclamation against dealing in slaves in British India. The slavery Abolition Act of 1843 has abolished it. Indian penal code inter alia provides severe punishment for nay dealing in slaves, under Sanctions 370-371 which states that “any one who imports, exports or removes, buys, sells or disposes of any person, as a slave, or accepts, receives or detains against his will any person as a slave, is punishable with imprisonment of either description for a term which may extend to seven years, and also fine”. The Constitution of India under Article 23 (I) states, “Traffic in human beings and beggar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law”. Thus, all the newer forms of slavery viz., “Traffic in human beings”, “beggar” and other similar forms of “forced labour” are prohibited and any contravention of this provision is made an offence punishable in accordance with law. Later on the Indian Parliament has passed “the suppression of immoral traffic in women and girls Act, 1956” and “the bonded labour system (Abolition of Act, 1976)” to deal with certain forms of slavery.

On the other hand the history of the eradication of untouchability starts from 1938 with the Madras Temple Entry Act. The Constitution of India abolished untouchability under Article 17 and declared it as an offence punishable has passed. “The Protection of Civil Rights Act, 1955”, which deals with the offence. Thus, slavery and untouchability are treated as two separate offences, both punishable by law, under the respective Acts.

**f) Impurity and Untouchability:**

Untouchability is coincided with the notion defilement, pollution or impurity. Manusmriti, the basic law of the Hindu society refers to a number of instances or events and persons as the sources of impurity. They are:

**i. Impurity based on birth:**

Manu treats birth as a source of impurity.<sup>32</sup>This type of impurity falls on the parents alone.<sup>33</sup> However, the impurity of mother will last for ten day after the birth of a child<sup>34</sup> and the father shall become pure by bathing.<sup>35</sup>The father shall be impure during three days of the birth of a child of a remarried female. In case of miscarriage a woman was treated as impure for as many<sup>36</sup> days as months elapsed after conception.<sup>37</sup>

**ii. Impurity based on Death:**

The impurity based on death was very 'extensive in its range'. All the members of the family of the deceased person were treated impure for ten days or until the bones were collected or for three days or one day only.

**iii. Impurity based on Menstruation:**

Manu treats the period of menstruation as an event of defilement. Menstruating woman becomes pure only by bathing after the menstrual secretion has ceased to flow. When a Brahman happens to touch a menstruating woman becomes pure by bathing.

**iv. Impurity based on Territory:**

Manu believes in territorial impurity. He states that the country of the Mlechhas or barbarians was impure for the performance of the sacrifices<sup>38</sup>. The lands of territories fit for the performance of sacrifices were:

- 1) Brahma Varta: the land created by the Gods, which lies between the two divine rivers i.e., Saraswati and Drishdavati.
- 2) The Land of Brahmarshis: It consists of part of Kurus, the land of Matsyas, Panchalas and Surasenakas.
- 3) Madhya Desha: The country, which lies between the Himavat and the Vindhya, to the east Prayaga and the west of Vinasana, the place where the river Saraswati disappears.
- 4) Arya Varta: The territory between the Himavat and the Vindhya, which extends as far as the eastern and western oceans. The country other than mentioned above was the Mleccha land, which was impure and unfit for sacrifices. Manu states that twice born men should not dwell therein. The Sudras were permitted to settle anywhere. It was the order of Manu that Brahmanas should not live in a country where the rules were for Sudras.

The impurity based on territory, however, came to an end in the long past. As far as voyage to European countries there were restrictions and persons in breach of restrictions had to undergo the penance of Panchgavya for making him pure.

**v. Impurity based on Occupation:**

Manu treats certain occupations as of low status, many be performed by low castes or high castes. Persons engaged in lower occupations were treated impure at the Shradha or Sacrifices.<sup>39</sup> Their food was forbidden<sup>40</sup> and they

were disqualified to be witness.<sup>41</sup> However, occupational impurity was restricted to certain areas of social behaviour only. There is no reference to sweeper and scavenger in the category of castes based on impure occupations: Now days we not find occupational impurity except that of Scavenger, whose caste and occupational treated as most impure and untouchable.

**vi. Impurity based on Character:**

According to Manu adultery, prostitution, homicide, mixed marriage etc., were immoral and punishable acts. The son of the adulteress was excluded from Shraddha.<sup>42</sup> The food given by the prostitutes was treated as impure.<sup>43</sup> The homicide of Brahmana was Mahapataka, hence, the food given by such prisoner was forbidden.<sup>44</sup> The food given by the outcaste and the association with was forbidden.<sup>45</sup>

**vii. Impurity based on Sex:**

According to Manu women were the source of impurity. Hence they were not allowed to recite Veda.<sup>46</sup> Their presence at the sacrifices was to defile it.<sup>47</sup> The food given by a woman at the time of sacrifices and by a woman having no male relative was impure.<sup>48</sup>

**viii. Impurity based on Physical Unsoundness:**

Persons who were physically sound were eligible to perform religious rites. The mad, dumb, deaf, deformed and blind persons were the source of "impurity or defilement at the time of Shraddha".<sup>49</sup>

**ix. Impurity based on Mixed Marriages:**

Manu in conformity with Vedas state that there were only four varnas. Each varna was an endogamous group. Marriages outside one's own varna were not allowed. The progeny of mixed marriages or varna samkara, were treated as outside the Chaturvarna, and impure.<sup>50</sup>

**x. Impurity based on Conversion:**

The type of impurity is a later development. Those who convert to Islam or Christianity from amongst the Hindus were treated impure and outcasted on the ground of conversion. When thousands of Hindus were forcibly converted to Islam during the Moplah Rebellion in Malabar in 1921, the Hindus outcasted en masse all those innocent converts. They remained out of communication until they had undergone the rite of Panchagavya (i.e., testing the nauseous mixture of five products of the cow- cow-dung, cow-urine, milk, curds and ghee) and had to pay the fees demanded by the Brahmanas for performing that ceremony.<sup>51</sup>

**g) Attitude of Social Aggression:**

Untouchability is observed not only against an individual or few individuals, but it is observed against a group of individuals: "chuffed" up as

untouchables. A group of so-called high caste people observes untouchability against all the fictitious low caste people. Hence the Elayaperumal Committee observes that untouchability “is an attitude on the part of a whole group of people. It is a spirit of social aggression that underlies this attitude”. According to Bhagwan Das, “untouchability is not merely touch-me-notism, it is much more. It is a prejudice much stronger than the racial prejudice and more dangerous because it is invisible”<sup>52</sup>

**h) Offence against Humanity:**

There are several categories of offences, e.g., offences against human body, offences against property, offence against the state etc. The offence of untouchability may rightly be categorized as an offence against the human values and humanity.<sup>53</sup> Untouchability reduces persons to mere slave or chattel who have no civil personality or importance. The untouchables according to Dr. B.R. Ambedkar “have their very person confiscated. The socio-religious disabilities have dehumanized the untouchables and their interests at stake are therefore, the interests of humanity”.<sup>53</sup> Untouchability is a ‘stigma’ attached to innocent persons. It is not a “blot” on Hinduism but on the humanity as a whole. It is but indignity to and degradation of human beings with no cause as such.

**i) Untouchability as a Relational Phenomenon:**

Untouchability necessarily indicates the- relations between the caste Hindus at one hand and the so-called untouchables on the other. Untouchability as a relational phenomenon implies the strained relations between these two groups of touchables and untouchables. The touchables look down upon the untouchables with hatred, contempt, and envious attitude, whereas the untouchables regard the touchables as a dominating, superior and a powerful group. Sometimes they are meek, sometime although express their resent to untouchability, they are weak. The institution of untouchability does not allow them to have cordial relations amongst them. Sometimes these strained relations reflect in the attitude of “touch-me-notism” some time in the “notion” of untouchability and some time in the caste prejudice and atrocities. The most orthodox caste Hindus observe “touch-me-notism”, the less orthodox but more jealous observe “notional” untouchability, and the intermediate castes forming land owner class resort to caste prejudice and atrocities.

**j) Untouchability is a Set of Certain Forms and Practices:**

Following categories or sets of certain forms, practices and behaviour manifest untouchability.

**i. Physical and Notional:**

Physical and notional untouchability is, obviously, based on religious

misbelieve, superstitions and contempt for the untouchables. The forms of untouchability are touch-me-notism, inapproachability and unseeability. Forms of notional untouchability are sense of superiority, racial or caste purity on the part of caste Hindus and an attitude of apathy, hatred and indifference towards untouchables. The belief in superstitions, of example thinking untouchable as a matter of disgrace, bad omen and a source of some calamity or danger to men and animal.

**ii. Overt and Covert:**

Overt and covert forms and practices of untouchability are mainly based on caste purity, contempt, prejudice and jealousy. Overt forms include not allowing the untouchables to draw water from a common well, not allowing entry in temples, not allowing entry in Hotel, not admitting in school and not allowing to sit with others in school, not allowing equal seat in the Panchayat, not allowing in Public entertainment, insult by caste abuses, not allowing to wear foot wears or ornaments, not rendering services, not selling goods and social boycotts, not permitting to use common burial grounds etc., Covert form include not allowing worship or pooja in temples which is done at the hands of Brahmin alone; washing tap after the untouchables use of it; using different crockery in hotels or such places, discriminatory treatment in school and offices, avoiding temple, hotel, water source, etc.. after the entry or use by untouchables, claiming public as well as a private well, not fulfilling the reserve quota in the educational institutions and in the employment's, discrimination in sanction of loan, grants and such facilities, not admitting untouchables in the co-operatives, not giving houses on rent, encouraging others to observe untouchability, preaching or historical grounds: ex-communication of those touchables who do not believe in untouchability: injury to the dignity and feeling; filling wrong and concocted cases; the act of not allotting fertile land to untouchables while distributing surplus and gain land, calling names by filthy manner, etc.

**iii. Contextual and Relative:**

The contextual and relative forms and practices of untouchability are primarily based on ceremonial purity, benefits and protection of interests and the fear of apathy by their fellowmen. Contextual forms of untouchability' are found in the strict observance of the evil in the religious ceremonies, rituals marriage ceremonies, funerals etc., and being liberal in the public functions in the emergencies such as fire, floods, loot, Hindu-Muslim riots. Even they may not observe at all in caste of sec enjoyment, election campaigning, working on the farms and industries, in tours, playing cards or even while enjoying drinks. Thus, untouchability observed in one context may not necessarily be observed in other context. Hence, they are called as contextual forms. So far as relative forms are concerned the magnitude of untouchability offence may be more or less based on each situation. More the poor, more the magnitude of untouchability and less the poor, less the

untouchability. If the untouchable is more politically influential, less would be magnitude of untouchability, and person of less or no political influence, more the untouchability. If an untouchable is more Sanskritized modernized or westernized the magnitude of untouchability would be more. There would be difference in the degree of untouchability in respect of comparatively high caste untouchable performing clean occupation and unclean occupations as the case may be. Thus, the magnitude of untouchability may be different in case of different individuals depending upon their 'relative position in the society. So far as the degree of untouchability is concerned there would be difference in this situation.

**iv. Exploitive and Oppressive:**

Exploitative and oppressive form and practices of untouchability are mainly based on fraudulent and criminal intentions, vengeance, and discriminative attitudes. Exploitative forms of untouchability may include less or average wages, charging more rates of interests, land grabbing, property grabbing, not providing employment and compelling to do forced labour, and compelling the untouchable to engage him in the cattle grazing, scavenging and getting the hereditary duties done from them. Oppressive forms such as loot, arson, beating, killing, rape, obstructing processions and compelling the ladies to have naked parae and other terrorizing atrocities are also in vague.

The above made description is not sufficient. It merely shows the way of categorizing the forms for untouchability, but it does not give almost all the forms and patterns of behaviors. It is, however, difficult to describe and predict about the nature and forms of untouchability, as the institution of untouchability is dynamic one. It may, at the most, change its shape or form of its manifestation, according to the change in outer situations, but maintains its substance in tact. In the words of Mahatma Gandhi, "untouchability is a snake with a thousand mouths through each of which it shows its poisonous fangs."<sup>54</sup> It defies definition.

**k) Poverty, Illiteracy and Untouchability:**

It is argued that untouchability is but virulent form of poverty and illiteracy, as such once these problems are solved, the problem of untouchability would automatically come to an abrupt end.<sup>55</sup>Of course, the economic and educational development may help in minimizing the gravity of the problem, but cannot root out it. "In the caste society", C. Parvathamma states "it is social inequalities and no economic inequality that is predominant."<sup>56</sup> Hindu Society is based on caste system, as such caste and its relative status occupies importance and not their economic condition. According to Dr. Mumtaz ali Khan, "So far as access to social, religious and private activities is concerned, literacy has no relevance since there is a very high percentage of discrimination in respect of the literate also."<sup>57</sup> Even who are rich, educated and bestowed with some status are being subjected to the

same humiliation as the poor, illiterate and ordinary persons only on account of untouchability.

Therefore, it can be said that even though untouchability is linked with poverty and illiteracy, it would not go with the eradication of them. Untouchability is an independent institution, coupled with prejudice and hatred in respect of a section of people. Had it originated out of poverty and illiteracy, it would have been equally observed in case of poor and illiterate caste Hindus also. But they are not discriminated on the ground of untouchability. So far as untouchables are concerned, untouchability is the cause and poverty and illiteracy made the problem of untouchability more severe and complicated and are intermixed to a greater extent, they are by no means one and identical.

#### **I). Victims of Untouchability:**

Any reference as to untouchability would not be complete unless the victims of untouchability are identified. The word 'untouchables' appears at the first in the Census Report 1911, where in the Hindu population was divided into three categories, i.e., (1) Hindus (2) Animists and (3) Tribals, and the depressed classes or untouchables. The untouchables are known as outcastes, panchamas, depressed classes, adi-Hindu, exterior classes, Scheduled Castes, etc.

According to the International Webster New Encyclopaedic Dictionary, untouchable means, "A member of the lowest caste in India whose touch was formerly considered defilement by Hindus of higher caste". According to L.S.S.O. Malley, "untouchable is a name of comparatively recent origin applied generically to persons in the lowest classes of Hindu society". It implies that they cannot be touched by orthodox Hindu of higher caste without consequent contamination; but the idea among Hindus themselves is that the untouchables cannot touch others without making them impure; the position in the words of a Hindu writer is not, "Their touch means contamination, water touched by them is polluted". They are also commonly referred to as "the depressed classes" and are sometimes called the "out castes" or "the outcaste Hindus" as distinguished from higher castes, which are referred to as "Caste Hindus".

According to instructions of the then Government of India for taking the 1931 Census depressed castes were those "contact with whom entails purification on the part of high caste Hindus. It is not intended to that the term should have any reference to occupation as such but to those castes which by reason of their traditional position in Hindu society are denied access to temples, for instance or have to use separate wells or are not allowed to sit inside a school house but have to remain outside, or which suffer similar social disabilities. These disabilities vary in different parts of India, being much more severe in the south of India than elsewhere. At the

same time the castes which belong to this class are generally known and can in most parts of India be listed for a definite area, though perhaps the lists for India as a whole will not coincide.

J.H. Hutton prescribes the following tests so as to ascertain whether or not a particular caste is untouchable. They are as under:

- (1) Whether the caste or class in question can be served by clean Brahmana or not
- (2) Whether the caste or class in question can be served by barbers, water-carriers, and tailors etc, who serve the caste Hindus.
- (3) Whether the caste in question pollutes a high, caste Hindus by contact or by proximity
- (4) Whether the caste or class in question is one from whom hands a caste Hindu can take water
- (5) Whether the caste or class in question is debarred from using public conveniences, such as roads, ferries, wells or schools
- (6) Whether the caste or class in question is debarred from the use of Hindu temples
- (7) Whether the ordinary social intercourse as well educated members of the caste or class in question will be treated as an equal by high caste men of the same educational qualifications
- (8) Whether the caste or class in question is merely depressed on account of its own ignorance, illiteracy or property, and but for that, would be subjected to no social disparity.
- (9) Whether it is depressed on account of the occupation followed and whether but for that occupation it would be subjected to no social disability.<sup>58</sup>

In sum, those who were once upon a time Broken Men, who were later on called as depressed classes, exterior castes and untouchables and who are now legally known, as Scheduled Castes and untouchables and who are now legally known, as Scheduled Castes or the converts to other religions are the possible victims of untouchability.

On the basis of the above discussions it can be said that untouchability is a part of practices of Hinduism, developed historically. Although it is a unique feature of Hindu social order, it has intruded in other religions also by way of imitation. It is not touch-me-notism but a nation of defilement, contempt and hatred towards a section of people called untouchables. It was however, imposed on them by all cunningness and coercion. Although, it is linked with caste, poverty and illiteracy, it is a separate institution at least at its emergence. It is as a permanent stain different from slavery and the nation of impurity. Undoubtedly, it is legally abolished, but in fact it is being observed by almost all the orthodox caste Hindus throughout the country in respect of observed by almost all the orthodox caste Hindus throughout the country in respect of all the so-called untouchables legally known as Scheduled Castes and Scheduled Tribes convert to other religions. As a mental attitude it is manifested through

several acts which include, a) prevention from entering any place of public worship, b) Enforcement of disability with regard to access to watering place, public charitable institutions, public conveyance and such other places, c) Restriction to use jewellery and finery, d) refused to admit to hospitals, educational institutions and hostel, e) social boycott, f) Discrimination to the prejudice of untouchables in certain public places, private places and institutions, g) obstruction to exercise any right or claim h) Ex-communication of such persons who do not believe in untouchability, i) preaching or professing untouchability on religious or philosophical ground, j) insult and molestation of the ex-untouchables, k) compulsion to do some acts such as scavenging, veth-bigar, etc., and l) perpetration of strictness on the ex-untouchables as a reprisal or revenge of having exercised their legitimate rights.

#### REFERENCES

- 1) Ram Nandu, Beyond Ambedkar, Essays on Dalits in India, Har Anand Publications, New Delhi, 1995.
- 2) Kshisagar, R.K., Dalit Movement in India and Its Leaders, M.D. Publications, New Delhi, 1994.
- 3) Shinde, V.R., Bharatiya Asprushyancha Prashna (Marathi), Social Welfare Department, Government of Maharashtra, Bombay, 1976, p.3.
- 4) A. T. Hingorant (Ed.), My Philosophy of Life by Mahatma Gandhi, Pearl Publications, Pvt. Ltd., Bombay, 1961, p.146.
- 5) Ambedkar, B.R., The Untouchables, Bharatiya Boudha Shiksha Parishad, Shravasti, Gonda, U.P., 1969, pp. 1-26.
- 6) AIR 1958, Mysore 84, (Devarajjah v. Padmanna).
- 7) Prof. March Galanter, "The Abolition of Disabilities and Untouchability and the Law" in Mahar Michel (ed.), The Untouchables in Contemporary India, The University of Arizona Press, Arizona, U.S.A., 1969, p. 243.
- 8) Report of the Committee on Untouchability, Economic and Educational Development of the Scheduled Castes and Connected Documents, 1969, p.1
- 9) Kagzi, M.C.J., Segregation and Untouchability Abolition, Metropolitan Book Co. Pvt. Ltd., New Delhi, 1976, p. 207.
- 10) The Bhagavad Gita, Ch. IV, Gita Press, Gorakpur.
- 11) Stainly Rice, Hindu Customs and Their Origin, George Allen Publishers, London, 1937, p. 15.
- 12) Ambedkar, B.R., The Untouchables, p. 58.
- 13) Shinde, V.R., Op. Cit., No. 3, p. 79.
- 14) Ambedkar, B.R., Op.Cit., No.12, p.44
- 15) Report of the Committee on Untouchability, Op. Cit., No. 3, p. 2.
- 16) Parvatamma, C., Case for Indian Untouchables, United Asia, 20 (5) Sept-Oct 1968, p. 45.
- 17) Nargolkar, V.S., "Removal of Untouchability, Goals and Attainments", Bpr Indian Journal of Social Work, Vol. XXX, No.3, Oct,

- 1968, p. 18.
- 18) Beg Nasirullah, J., Rights of Minorities under the Indian Constitution, Buddha Vihar Publications, Lucknow. 1976, p. 19.
- 19) Constituent Assembly Debates, Vol. III, p. 403.
- 20) Senart Emile, Caste in India, Datta Book Centre, New Delhi, 1979, p. 20.
- 21) Risley, H.H., The People of India, Thacker and Company, Bombay, 1915, p. 67.
- 22) Ketkar S. V., The History of Caste in India, Cosmo Publications, New Delhi, 1979, p. 15.
- 23) Bhagwan Das, "Untouchables and Buddhism", Bheem Patrika, Jhullunder, Punjab, 1975, p.23.
- 24) Parvatamma, C., Case for Indian Untouchables, United Asia, 20 (5) Sept-Oct, 1968
- 25) Nargolkar, VS., "Removal of Untouchability, Goals and Attainments", Indian Journal of Social Work, Vol. XXX, No. 3, 1969, p. 19.
- 26) Williams Monier, Hinduism, Society for Promoting Christian Knowledge, London, 1894, p. 12.
- 27) O' Malley, L.S.S., Indian Caste Customs, Vikas Publishing House, New Delhi, 1974, p. 147. Ibid., p. 148
- 28) Ibid., p. 148.
- 29) Hutton, J.H., Caste in India, Oxford University Press, Bombay, 1969, p. 206.
- 30) Buhler, G., The Laws of Manu, Ch-I-I, Motilal Banarasidas Publications, New Delhi, 1964, p. 64.
- 31) Ibid., p. 65.
- 32) Ibid., p. 66.
- 33) Ibid., p. 72.
- 34) Ibid., p. 73.
- 35) Ibid., p. 81.
- 36) Ibid., p. 82.
- 37) Ibid., v-65.
- 38) Ibid., p. 64.
- 39) Ibid., p. 93.
- 40) Ibid., p. 95.
- 41) Ibid., Ch.III-45, V.66.
- 42) Ibid., Ch.V, 85.
- 43) Ibid., p. 17.
- 44) Ibid., p. 18.
- 45) Ibid p 19.
- 46) IbidI p. 22.
- 47) Ibid., p. 24.
- 48) Ibid., Ch. Tv. p. 61.
- 49) Ibid., Ch. Vm, p. 65.
- 50) Bhagwand Das, "Untouchables and Buddhism", Bheem Patrika, Jullandar, 1975, p.23.

- 51) Mangudkar, M.P., Dr. Ambedkar and Parliamentary Democracy, Maliwale Colony, Poona, 1976, p. 13.
- 52) Hingorani, A.T., Op. Cit., No. 4, p. 161.
- 53) Shri R. Achutan, A member of the Committee on Untouchability etc., (1969) was of this opinion; please see his note of dissent published in the Committee s Report 1969, p.VIII
- 54) Parvatamma, C., Op. Cit., No. 24, p. 38. .
- 55) Khan Mumtaz Ali, Scheduled Caste and Their Status in India”, Uppal Publishing House, New Delhi, 1980, p. 142.
- 56) Hutton, J.H., Op. Cit., No. 29, p. 14.

\*\*\*

## Chapter – II

### DALIT MOVEMENT IN KARNATAKA

It is a well-known fact that “Untouchability” a most venomous evil of Hindu Society, has dehumanized a sizeable section of humanity, called untouchables. The victims of untouchability suffered a lot to the stigma of Untouchability including oppressive servitude, acute illiteracy, grinding poverty, degraded status and sinister contempt. It even marred the progress of the nation to a great extent. The caste Hindus could successfully exploited the ignorance and helplessness of the untouchables to such an extent that they were made to believe that it was most religious and divinely instituted and resistance to it would bring divine wrath. Thus, their voice could not be audible; rather it was savagely suppressed until recently. The main objective of the Dalit Movement in Karnataka was to liberate the historically known untouchable classes from the most oppressive practice of untouchability, observed unscrupulously by the caste Hindus and to bring the former on par with socio-cultural level of the privileged classes, so that they could be brought to the national mainstream. Hence, the present chapter makes an attempt to probe the reasons for the outbreak of Dalit Movement in Karnataka.

#### 2.1 THE REASONS FOR THE EMERGENCE OF DALIT MOVEMENT IN INDIA:

##### a) Land Settlement:

Before the advent of the British in India there was no individual peasant proprietorship over the agricultural land. The land belonged to the higher caste owners who were either absentee or non-cultivating owners. At the middle the intermediary class of cultivation existed and at the bottom, the landless labourers were there to actively cultivate the land for their masters. The landless labourers, to a great extent, belonged to the untouchable castes. Thus, there was a relationship between caste hierarchy and differential rights in land.<sup>1</sup> The untouchables castes were landless labourers or serfs or slaves subject to hire or sale or transfer varying from place to place. The feudal lords were to collect the land tax from the village heads for the king on commission basis.

Lord Cornwallis, the then Governor-General of Bengal, introduced the famous Permanent Land Settlement in the year 1793 for Bengal, Bihar and Orissa and later extended it to north Madras. Accordingly, landlords were appointed to collect land revenue under the permanent settlement. The tax was calculated to be ten-eleventh of the existing total payments of the cultivators and remaining on-eleventh was left to the landlord as his share. The purpose of the Permanent Zamindari Settlement was in the option of R.

Palme Dutta “to create new class landlords after the English model as the social buttress of English rule. It was absolutely necessary to establish social basis for their power through the creation of new class whose interests, through receiving a subsidiary share in the spoils (one-eleventh in the original intentions) would be bound up with the maintenance of English rule”.

Sir Thomas Munro introduced Ryotwari System (individual peasant proprietorship) in 1520 when he was the Governor of Madras, Ryotwari system was made applicable, a part from Madras to Bombay, Sind, Berar and Assam. It was a direct settlement with the cultivators.

Thus, Permanent Zamindari Settlement was prevalent in Bengal, Bihar and Orissa and northern part of Madras forming 19 percent of the total area of British India, Temporary Zamindari Settlement was prevalent in the United Provinces, the Central Provinces (CP) part of Bengal and Bombay, and the Punjab forming 30 % of the total area of British India.

The new land system, however, had reaching effects on the socio-economic condition of India. Those effects can be epitomized here as.

1. The new land system marked a departure from the traditional village autarchy.
2. Revenue was settled on the holdings of land and not on the produce. Hence it becomes compulsory to pay the revenue irrespective of good or bad harvest.
3. When the agriculturists were unable to pay the revenue due to famine or otherwise, there were compelled to borrow loan from the moneylender at an exorbitant rate of interest and pay the revenue.
4. Land being recognized as private property, it became a commodity subject to mortgage, lease, sale or purchase.
5. This system gave rise to absentee landlordism. The leasee or sub-lease or tenants were to cultivate the land.
6. Due to the law of succession by primogeniture, land was subjected to fragmentation.
7. The new land system gave rise to money lending and thereby to exploitation.
8. Landlords inclined towards commercialization of land got market facilities also.
9. The new land system gave rise to new judicial system in place of old village Indicial system.
10. Land became the subject matter of state activity. Protection of land and defense of village were taken over by the state.
11. Due to loss of village autarchy and state intervention in the land system. The village lost their age-long isolation. They were linked with the state through administrative machinery and means of communication.

#### **b) New Industries:**

Industry is one of the agents of social change. There was steady growth in the

export of raw cotton. In 1813 it was 9 million pounds. In 1833 it rose up to 32 million pounds and in 1844 it rose to 2.7 million pounds. Indigo Industry came into prominence under the British. Jute Industry also continued prospers from 1833 to 1850. The Assam Tea Company started its work from 1845. Steel coal and leather industries also flourished.

The first spinning and weaning mill in India was established by Covarjee Banarjee in 1845. Dwarkanath Tagore purchased an English colliery in 1836. The Broach Spinning and weaning mill was started in 1855. By 1861 the number of such mills which were in actual operatic of a new industrial India. Even this progress in industries mustent caste and communities, were employed in the respective individual establishments.<sup>2</sup>

#### **c) Means of Communications:**

Communication has a greater role to play in the process of social change. Railway is a major means of communications. During the Governor Generalship of Lord Dalhousie (1848-56) the Railways made a dent in India. In 1855 the East Indian Railway Company completed 21 miles railway line from Calcutta to Ranigunge and the great Indian Peninsular Railway Company comprising 37 miles railway line from Bombay to Kalyan. In 1856 the Madras Railways completed 65 miles railway line from Madras to Arcot. Other means of communications were also being developed simultaneously.

#### **d)New Education:**

The advent of new education in India in the first half of the 19th century had definitely marked the beginning of the new age in India.

The main features of the new education are summarily started as under:

1. The state had directly assumed the responsibility of spreading education among the people. Henceforth, several centers of learning were established at the initiative of the state.
2. The new education was imparted through the educational institutions specially manned by well-education and trained teachers.
3. It was more or less uniform throughout British India.
4. The objective of new education was to educate Indian people in the new knowledge and new values, so that they could be fit, not only to serve the administration, but to serve the nation in bringing about a new awakening among the people.
5. The new education was imparted through the English medium. Therefore, the educated Indians could get access to a wider universe and knowledge.
6. Indians could learn modern science and technology, which gave them a new vision and enabled them to in bide the spirit of criticism. .
7. The Indians, through English education, could get acquaint with the western social, political and economic philosophy, especially the philosophy of liberty, equality and fraternity.
8. The new education was deliberately made available to all the people irrespective of their caste, sex or religion. It marked the abolition of

monopoly of a few privileged castes in the field of education.

9. The new education was based on secularism. It was not meant for spiritual salvation, but for mundane living.

10. The new education was more systematic, deliberate and well planned.

While tracing out the history of education in British India, it is necessary to take into account certain landmarks in the educational development. The Calcutta Madras was established by Warren Hastings in the year 1781 for the study of Persian and Arabian along with Muslim theology and Law. The next important institution was Sanskrit College at Benaras established in the year 1792 by Jonathan Dnhaer during the rule of Lord Cornwallis.

It was Sir Charles Grant (1864-1823) who at first in 1797 advocated the introduction of English education among the Indians. The Charter Act of 1813 directed the British Government to provide annually a sum of not less than one lakh rupees for the promotion of knowledge among the inhabitants of British India.

The Hindu College was started at Calcutta in 1817, the Chairman of which was Sir Edward Hyde East. Raja Ram Mohan Roy started Anglo-Hindu School at Calcutta in 1816 and a Vedant College in 1816.

The Bombay Education Society founded by Archdeacon Barnes started six schools - four in Bombay city, one in Surat, and one in Broach, in 1820. Lord Elphinstone the co-operation of eminent Indian leaders like Jagannath Shankar Shastri, Murkute and others.

A Board of Public Instruction was established at Madras in 1826 through which one school at every district and at some Talukas was started in the Madras Presidency. One central school was started at Madras. During this period a controversy was in vogue on the issue of medium of instruction in the schools. There were two schools; one was of Anglicists and other of Orientalists. The former was protagonist of English medium whereas the latter was of Sanskrit and Arabic languages; ultimately, the problem was settled in favour of English during the period of Lord Bentinck in 1835 as per the minute submitted by Thomas Babington Macaulay, the President of Board of Education.

After 1835, education started slowly spreading among the people. However, a few of them were taking benefit of modern education. The educationists were of the opinion that benefits of education would be available to the common masses according to the "Theory of Downward Filtration". Most of the girls and the children of the untouchables could not reap the educational benefits. It was Mahatma Phule who could start schools for girls and untouchables. In Bengal, John Drinkwater Bethune and Ishwar Chandra Vidyasagar took active interest in spreading education among the girls. In December 1850, the Hindu Balika Vidyalaya was started at Calcutta. Ishwar Chandra Vidyasagar established a free school in Birsiha, his native place in 1853. The strength of schools founded by him rose up to 20 till 1856.

During the period of Lord Dalhousie, Sir Charles Wood, the then president of the Board of Control, presented his educational Dispatch, dated 19th July 1854, which is supposed to be the Magna Carta of education in India. The object of wood's dispatch, English was exclusively accepted as medium of instruction at the higher of collegiate level. However, at the primary and secondary levels both English and vernacular languages were allowed as medium of instruction as per the option of the students. Accordingly, the theory of "Downward Filtration" was discarded and mal education policy was adopted.

In order to manage the affairs of the college education three Universities were founded in the year 1857, the University of Calcutta on 24th January 1857, the University of Bombay on 18th July 1857, and the University of Madras on 5th September 1857. This naturally gave a momentum to education in India.

**e) Press and Publications:**

In 1799 Lord Wellesley appointed a censor and framed the rules to punish those who infringed the rules. Lord Hastings, however abolished the press censorship in 1818 again Certain restriction were imposed on the press in 1823 by the Governor General Adam, subsequently Lord Matcalfe made the law in 1835 giving freedom to the press.

The history of the Press in India starts from the publication of the Bengal Gazette in 1780. Some of the important newspapers and journals, which existed during the first half of the 19th Century, were:

1. 'Samachar Darpan':- was established by Baptist Mission at Serampur in 1818. Its editor was S.C. Marshman.
2. 'Sambad KaumodirC'.- was started in 1821 by Raja Ram Mohan Roy. It was in Persian.
3. 'Bombay Samachar'1:- was published in 1822 in Gujarati by Fardooniji Murzam from Bombay.
4. 'Enquirer':- was started by Krishna Mohan Banarjee in English in the year 1840.
5. 'Digdarshan':- was started by Balshastry Jambhekar in Marathi in the year 1840.
6. 'Dnyanodaywas started in 1842 at Ahmadnagar. Its editor was Henry Balantine.
7. 'Prabhakaf: - was started by Bhan Mahajan in the year 1841.
8. 'Dnyan Patrika': - was started from Poona in the year 1849.
9. 'Tatvaboldhini Patrika':- was published by Akshaya Kumar Dutt in the year 1844.
10. 'Rast Goftar':- in Gujarathi was started in 1851 by Dodhabhai Naorji.

During the pre-mutiny period a good amount of literature came out in several vernacular languages in addition to English. In 1801 William Carey wrote Grammar of Bengali and in 1815 h wrote 'Bengali-English Dictionary'. Raja Ram Mohan Roy wrote 'Toohphat-at-Muhauddin ' in

1803, Vedant Gootra in 1815, 'Hindu Narika Adhikarohka Hanosi' in 1823, Vajrasoochi in 1827, etc., Elephantine founded, "the native school book and school society", in 1820 to publish the text books. In 1831 molerwork wrote "Marathi - English Dictionary". At this Inncture with slow wrote 'Tamil Dictionary? Ishwar Chandra Vidyasagar wrote 'Banglas Itihas' in 1848.

It is difficult to gauge as to how far the press and publication in India contributed to social change in those days when most of the people were illiterate. However, it could be said that their existence might have not gone without having any bearing on social change. At least some educated people must have been influenced by the existing literature.<sup>3</sup>

**f) New Legal System:**

Previously, there prevailed canonical law in India. In the civil matter the Hindus were governed by the code of Manu and usages and the Muslims were governed by the Muslim law. Both the communities held that the law of their respective communities was revealed by God himself and it was perfect and final. The Hindu law was administered by the caste Panchayat of village Panchayat and the learned Brahmins and the Muslim law were administered by the Qazis. The criminal law for both the communities was administered by the qazis. In the administration of justice, there was no equality before law nor there equal protection of law. The higher castes enjoyed more privileges and the lower castes were underprivileged. The laws, especially the Hindu laws were more discriminatory and unjust. Punishment was very severe and harsh. Thus, the previous legal was not in conformity with the ethical standards or those of justice.

With the advent of the British in India, the new era of legal system came into existence slowly but steadily. Previously the law was revealed by the religious text, but later on the hereditary Pandits or Qazis administered it, as the case may be. Later on it was administered by the learned and trained judges.

The Governor-General-in-Council was empowered to make the laws for British India. Under the Regulating Act 1773, the counsel consisted of four members, but its strength was revised to 12 under the Act of 1853.

Till 1823 three Supreme Courts were established on each at Calcutta, Bombay and Madras. There is jurisdictions was limited to the respective town and the British subjects in India. The common law, which prevails in England, was in operation with certain exceptions and modifications. Out side three Courts were established. The Courts here bifurcated into two — Civil Courts and Criminal Courts. At the time of the mutiny the highest Court was Court of Munsif and the highest Court at the provincial level was Sadar Divani Adalat. As for as criminal matter was concerned Court of District Munsif of Assistant Sessions Judge was the lowest court and Sadar Nizamat Adalat or Sadar Fouzdari Adalat was the highest court in each province.

Under the Indian High Courts Act, 1861, the High Courts of

Judicature established on each at Calcutta, Bombay and Madras and the Supreme Courts and the Sadar Courts were abolished.

During the pre-mutiny period, the Hindu law and usages were appointed in civil matters in which Hindu were involved. The Mohammedan law and usages were applied in civil matters in which Muslim were involved. However, for both, Hindus and Muslims in the criminal matters, the Mohammedan law with certain modifications, was in operation. In cases where no specific law or rule was in existence, the judges were to act according to justice, equity and good conscience.

After the mutiny came to an end the Indian Penal Code 1860, the code of criminal procedure 1861, and the civil procedure code 1859 came into universal application. Those who qualified, as barristers were to appear in the Supreme Courts and those who obtained the sanad were to appear in the other courts as pleaders. The laws made before the mutiny and which were important from the social change point of view are:

1. The Regulation XVII passed on 4th December 1829 declared Sutte system to illegal in the Bengal Presidency. Similar regulation was passed in Madras on 2nd February 1830 and in Bombay.
2. The Bengal Regulation XXI of 1775 and Registration III of 1804 declared infanticide to be murder and punishable as such.
3. The Act V 1843 made slavery illegal in India.
4. The Caste Disabilities Removal Act was passed in 1850 according to which the renunciation of the Hindu or Islam religion was not to entail loss of property on the part of the converts to Christianity.
5. The Hindu Widow-Remarriage Act (Act XV of 1856) was passed on 26th July 1856. It legalized the marriage of widows not with standing any custom or rule of Hindu law.

**g) Democratic Process:**

Till the outbreak of the mutiny in 1857 there was no development of democratic process in India. However, certain principles, which were introduced in the administration, had definitely paved the way for democratic process.

During this period the theory of separation of power came into implementation though in a limited way. The executive branch was headed by the Governor-General in center and Governor General in the provinces. Under the Act of 1833 the Governor Generals Council consisting of four members was to act as a legislative body. It was expanded in 1853, which included 12 members. The Governor - General at Council was empowered to make laws for the territory under the East India Company. Judiciary was recognized as a separate branch Of the Government. Though the British-Government was not fully representative, It was responsive. It slowly and steadily responded to the rising aspirations and expectations of the people in general.

The state is generally said to be the catalyst of any change. It is obviously true in India. It provided a suitable situation for the rise of "Dalit Consciousness".<sup>5</sup>

**h) Anatomy of Change:**

Change may take place when any form or structure or value loses its utility or when its absurdity comes to the knowledge of the people. Change, however, cannot be temporary, spatial or isolated change is generally vertical and horizontal. It may occur in the higher class and comes down to the lower class. It is horizontal in the sense that it may conform to all the classes or groups or associations simultaneously.

However, changes are conveyed from one class or field to another through the mechanism of mutual interaction, imitation of one by another, percolation or filtration from one to another and through direct contact. In a country like India, where 'castes' are closed, how could there be interaction? How the changes which were occurring in the higher castes might have percolated down to the lower castes, is a question. In a closed society also changes can be transmitted according to the above said process: but its process is always slow through steady. The material conditions may be useful in accelerating the process of change. During the pre-mutiny period, because of the material conditions changes could take place in almost all the fields of social life. The process of social change continued in operation in future. This caused a necessary environment for the changes in the structural and natural values of the so-called untouchables. The consciousness amongst the Dalits had ignited the gunpowder in 1857, as such the explosion took place in the form of rebellion. However, the British forces successfully suppressed the Mutiny.

Subsequently, the British Government took over the charge of Indian administration from the British East India Company, by an Act for the better Government of India, passed on 2nd August 1858. The queen's proclamation to that effect was formally issued on 1st November 1858 by Viscount Canning, the first Viceroy of India at a special Darbar at Allahabad.

The queen's proclamation states that "we desire to be our royal will and pleasure that none in any way favored, or disqualified by reason of their religious faith or observance, but that all shall alike enjoy the equal impartial protection of the law, and we do strictly charge and enjoin in all those who may be in authority under us that they abstain from all interference with the religious belief or worship of any of our subjects on pain of our highest displeasure".<sup>6</sup>

It is during the post-mutiny period, the Dalit protest could be developed as a systematic movement for the liberation of Dalits. The movement was, however, led by the able Dalit Leadership and supported by the suitable socio-political circumstances.

At the later stage Dr. Babasaheb Ambedkar launched a strong, nationwide and relentless struggle for the liberation of Dalits from the bondage of Untouchability. He said very emphatically that, "Annihilation of Untouchability is my Birth Right", and believed that "lost rights are never regained by begging and by appeals to the conscience of usurpers, but by relentless struggle".<sup>7</sup> Thus, he prepared his brethren for the struggle and injected a new vigour in the against the orthodox forces. Ultimately, the movement became successful under his able leadership. It implies that the able and objective oriented leadership based on mass support and relentless struggle will certainly bring about desired social change in a given situation.

Although Dalit protest was inherent in the origin of untouchability itself. It became a systematic movement during the post-mutiny period. It is during this period that the movement became more organized, vocal and vigorous. It was however, based on the strong foundation composed of several social, economic, political and religious factors existing in the pre-mutiny period. Further, it was well nourished at the post-mutiny period by several factors. Obviously, under the able Dalit leadership of Dr. Babasaheb Ambedkar the movement became successful in constitutionally securing abolition of untouchability and ushering in a new era of justice, liberty, equality and fraternity.<sup>8</sup>

The Dalit protest in Karnataka was inherent in the origin of untouchability itself. It became a more organized, vocal and vigorous and systematic movement under the able leadership of B. Shyamsunder.<sup>9</sup> Under the able leadership of Shri. B. Shyamsunderj the main objective of the Dalit Movement in Karnataka was to liberate the historically known untouchable classes from the most oppressive practice of untouchability, observed unscrupulously by the caste Hindus and to bring the former on par with socio-cultural level of the privileged classes, so that they could be brought to the national mainstream.

## **2.2 THE DALIT MOVEMENT IN KARNATAKA:**

The weaker section in general and the Scheduled Castes, in particular, have been subjected to numerous types of disabilities in the country since time immemorial. They have been socially degraded, economically exploited, politically subordinated and educationally deprived by the dominant castes and classes. In a world, the history of these people in the caste-ridden society in Karnataka is a history of their continuous suffering and oppression. They suffered from multiple deprivations. The dalits have suffered pre-eminently from three kinds of deprivations.<sup>10</sup>

- a) Sociocultural
- b) Material and
- c) Political.

The long history of relative deprivation, discrimination and exploitation led to the emergence of the Dalit protest movement in Karnataka and other states. These people oppressed and exploited for centuries together, have come to the forefront with a new awakening and consciousness. The Dalits have launched various types of protest movements all over the country, with varying degrees of success and failures. The Dalit consciousness that had been brought about by various factors existing in the pre-mutiny period could get a momentum in the post-mutiny period. It was properly institutionalized and formed into a mass-based movement, which could be reckoned with as a force. The dalits who were determined to regain their human personality and human rights had to ceaselessly struggle against the traditional social order and the unsympathetic attitude of the government. They had to go through the process of dialectism.

Moreover, intense social ferment is a characteristic of the twentieth century Indian society. The British rule in India and the changes induced by it (impact of western values, economic, occupational changes, introduction of wage economy, democratic politics with its emphasis on egalitarianism and numbers, increased mobility made possible by modern communications etc), undermined the basis of old social order.<sup>11</sup> This resulted in the awakening of a section of the population deprived and exploited for centuries. Increasing consciousness led them on the path of struggle for social mobility, a search for economic security and social status. This process had generated social conflict often culminating in violence. A favorable environment for the emergence of protest of the Dalits was created by Mahatma Jyothiba Phule, Baba Saheb Ambedkar and others. Similarly, non-Brahmin movement and attempts of the untouchable castes to organize for social and political purpose have occurred in Karnataka and other parts of India.

Before independence, a number of reform movements were launched by the upper castes to mitigate the social evils but they could not bring about any substantial changes in the Hindu social structures, as their measures were not so strong as to overcome the age-old prejudices. Despite the efforts made by the social reformers, the Dalit found it necessary to launch a movement of their own. It is observed that such movements have occurred among the Backward Classes in India, undoubtedly under the stresses and strains of diverse social and cultural circumstances.<sup>12</sup> It is observed that the movements which were initiated by outsiders; the movement in which the Dalits participated have consciously and voluntarily brought about a sea-change in their socio-cultural identity and self-definition. Such movements are the result of conscious efforts on the part of the deprived to mitigate their deprivation, secure justice and demonstrate their power. Thus, the Dalits are fed up with the established system and disappointed with the performance of social reformers to their cause. They, therefore, started a protest movement on their own under the

leadership of Dr. B.R. Ambedkar from 1919 onwards.

Admittedly, the Backward Classes and Scheduled Castes in Karnataka have generated their own movements to extricate themselves from inequality and oppression of the society. To understand and analyse these movements in their structure and dynamics, means and ends, we have to place them in historical context and probe into their genesis, development and maturation. Like any movement, Dalit Movement in Karnataka region is a social movement. It is a protest movement in the strict sense of the term. It is a social movement with wider objectives carried out by the Dalit themselves for their complete liberation. Dr. B.R. Ambedkar was highly dissatisfied with the existing social order that was in operation. He awakened a feeling of dissatisfaction in the minds of his people. This phenomenon had a big impact on the Karnataka region. And when this feeling was shared by his followers in this region, a social movement began for some changes to be achieved, some innovation to be made in the social system. The Dalit Movement in Karnataka region was rested upon the following premises:<sup>13</sup>

1. Collective behaviour.
2. Leadership.
3. Ideology.
4. Changed orientation.

This movement in Karnataka region has a theoretical support also. While studying the genesis of Dalit Movement in Karnataka, we find that the theory of 'Relative Deprivation' is more rewarding than others. It gives an answer as to why a particular stand is taken by a section of society at a particular juncture.<sup>14</sup> It was the perception by the Dalits of their rapidly deteriorating socio-economic situation that gave rise to a feeling of deprivation in relation to other sections of society. The concepts of "Relative Deprivation", "Protest Ideology" and "Opposition Reference Group" proposed by M.S.A. Rao, in understanding the ideology of a movement were found useful while analyzing the movement led by the Dalits of Karnataka.<sup>13</sup> It was a protest against the Hindu Caste System based on relative deprivation, which was most severe for the least privileged group when compared with the most privileged groups which became, for this reason, an opposition, reference group for the deprived. The members of the concerned group in Karnataka region did not want to initiate the reference group but to challenge attack and wrest away from them their monopoly in economic, social, political and educational fields.

#### **a) Dalit Movement in Mumbai-Karnataka:**

Dalit Movement in Karnataka would be incomplete without mentioning the Dalit activities in Mumbai Karnataka during the first few decades of twentieth century. Dr. B.R. Ambedkar and Mahatma Jyothiba Phule were the inspirational sources for these activities. Way back in 1851 itself, Mahatma Jyothiba Phule has established a special school for the girls.

By establishing a school he wanted to prove to the Dalit community that education is the only solution for their socio, economic problems, during the 3000 years of Dalit history it was the first time that a social reformer has established a separate school for the emancipation and empowerment of Dalit Students.<sup>16</sup>

The efforts of Dr. B.R. Ambedkar and Mahatma Jyothiba Phule had a long lasting impact on the area of Mumbai-Karnataka especially in Belgaum district. The branches of “Rashta Veera” and “Satya Shodaka” with their earnest effort helped to spread the views and literatures of Dr. B.R. Ambedkar and Mahatma Jyothiba Phule. The other Dalit leader who fought for the emancipation of Dalits were Balwanth Rao Warale, Devaraya Ingale, M.B. Nadkarni, Parushuram Paddanna, Ratnappanna Suryavanshi, Laxinani Kamble, M.N. Mane, and other. Among all these Dalit leaders it was Mr. Devaraya Ingale who not only convinced Dr. B.R. Ambedkar to tour the area of Mumbai-Karnataka but also facilitated him at Belgaum and Nippani.<sup>17</sup>

Though, Mysore region in Karnataka was suffering from the lack of leadership, but the Dalit Movement in Mumbai-Karnataka was more active and vibrant thanks to the efforts and impact of Dr. B.R. Ambedkar and Mahatma Jyothiba Phule. Hence, it becomes clear that Mumbai-Karnataka was the only region, which readily responded for the call of Dr. B.R. Ambedkar. The frequent tour made by Dr. B.R. Ambedkar had instilled a sense of dedication and enthusiasm among the Dalit activists in the districts of Belgaum, Bijapur and Dharwar. For this reason, the above mentioned districts have witnessed the Dalit struggles, which were quite similar to the struggles in Maharashtra. The Dalit leaders like Shankaranand Shastri Hongal, Balwanth Rao Varale, and S.N. Mane were the ardent and dedicated followers of Dr. B.R. Ambedkar. In pursuit of his cherished goals Dr. B.R. Ambedkar has established the organization by the name “Bahishkrit Hitakarini Sabha” at Belgaum in 1924.

Thus, the Dalit Movement in the region of Mumbai-Karnataka was influenced by Dr. B.R. Ambedkar and Jyothiba Phule. It was the first instance, where the Dalits are united for the first time influenced by Mahatma Jyothiba Phule. It was the first instance, where the Dalits are united for the first time. Influenced by Mahatma Jyothiba Phule, the famous Dalit activist of the region, Devaraya Ingale tried to abolish the surnames which were indicative of their castes. To abolish the Devadasi system, to ban the eating of the flesh of dead animals and other revolutionary reforms through his writings and fights. Balwanth Rao, H. Varale is another big name in the Dalit Movement of Belgaum district. He played a major role in the fight against the untouchability he established the hostels for Dalit students in the areas of Nippani, Hukkeri, Dharwar and Bijapur.

#### **b) The Birth of Bhim Sena:**

In 1968 April 29, while celebrating the 77<sup>th</sup> Birthday of Dr. B.R. Ambedkar, “Bhim Sena” was born in a big rally at Gulbarga. It was

Shyamsundar, an ardent and dedicated associate of Dr. B.R. Ambedkar who founded the Bhim Sena. He was born in Aurangabad of Maharashtra, lived in Hyderabad of Andhra Pradesh but worked most of his time in Karnataka. It was a parallel organization to the Dalit Panthers of Maharashtra. This organization had the aim of meeting violence with violence. Bhim Sena was successful in terrorizing the minds of landlords and caste Hindus.

With the birth of “Bhim Sena” in Gulbarga the influence of Shyamsundar expanded to the entire country. When the “Bhim Sena” was evolved into a strong outfit in South India, later it expanded to the states of Uttar Pradesh, Haryana and Punjab. It was one of the most important organizations in the Dalit Movement. Choosing the fighting is the only way for empowerment, Bhim Sena has put four demands before the country. They were 1) to provide 25% of villages in every taluka to the dalits 2) separate constituencies for dalits 3) the establishment of separate university for dalits in every state 4) the establishment of separate political organization of dalits. The main objective of the Bhim Sena was the empowerment and emancipation of Dalits, other backward castes and minorities.

Accordingly, the Dalit Movement in Karnataka is very much indebted to Shri. B. Shyamsunder, who was a legend in his life time- a scholar, orator, thinker, philosopher, poet, agitator, writer and a parliamentarian - a rare combination in one person. If Dr. B.R. Ambedkar is universally recognized as the undisputed leader of the Indian untouchables, the credit for transposing many of his revolutionary thoughts into an action - packed programme goes to Shyamsunder and his formidable organization Bhim Sena, around 2 lakh strong self - defense force of militant, dedicated Scheduled caste youths, which created a tremendous impact particularly in the three states of Karnataka, Andhra Pradesh and Maharashtra.<sup>18</sup>

He was born at Aurangabad on December 18, 1908 in Scheduled Caste family, the son of Baddula Manickyam, a railway head constable. He passed his B.A. from Osmania University and after studying law he soon jumped into Youth and Trade Union Movements and from then onwards; it was a mighty Saga of Stormy, endless battle. Shyamsunder was a man of sterling qualities, a child at heart, though a man of steel when it came to the question of striking at those who harmed the untouchables. A true friend and a devoted follower of Dr. B.R. Ambedkar, he went a step further and successfully fought for the cause of the Dalits. India, he said, “belongs to the Dalit and they alone shall rule it”.<sup>19</sup> He gave Dr. Bhimrao Ambedkar’s name to his Bhim Sena which unlike many other Senas that sprang up at that time, stood for noble and upright causes. Indeed, the Bhim Sena could be considered the father of the Dalit Panther movement of Maharashtra and for that matter of the entire Dalit Movement in India.<sup>20</sup>

The entire untouchable population of the three districts of Karnataka region Gulbarga, Bidar and Raichur owe their position to the historic role played by Shyamsunder and the Bhim Sena.<sup>21</sup> The untouchables in these areas may have remained as poor and backward, as their counterparts in the

rest of the country, but nowhere else could one see such tremendous awareness and awakening among the Dalits. The Bhim Sena has succeeded in striking terror into the hearts of the caste Hindus and particularly those of the landed gentry. Scheduled caste youth can now walk with their heads held high. This is no mean achievement and no parallel to this can be found anywhere in the whole of South India and that is why even Congress leaders of this area, unanimously acknowledge the contribution of Shyamsunder. The Scheduled Caste youth in these parts are well versed in Ambedkar literature. They are also conscious of their rights as human beings. The politically powerful landed gentry will now have to think twice before resorting to brutalities against the untouchables. The Bhim Sena created havoc for the Hindus in Karnataka region. The state government led by Nijalingappa and then by Veerendra Patil—both Lingayats, kept a close watch on its movements and filed several cases against Bhim Sena leader, who had publicly asked untouchables to burn the “Hindu Gods” and “Holy Scripture” that were responsible for the creation of untouchability.<sup>22</sup> Despite the best efforts of the Government, it could hardly make a dent on the Bhim Sena movement which had grown to giant size.

Shivaram Mogha of the Republican party of India said that Shyamsunder revolutionized the entire Scheduled Caste youth in this area.<sup>23</sup> While Dr. B.R. Ambedkar, followed Buddha’s non-violence, Shyamsunder wanted violent changes. That was the reason why unlike Dr. B.R. Ambedkar, he did not embrace Buddhism. He mixed the philosophy of Buddhism, though he did not like to adopt that religion. He did not join the R.P.I., since it enjoyed the support of the caste Hindus and had political ambitions. That is why, he wanted the Bheem Sena to be confined to social and Cultural Revolution through which alone, he believed that salvation to the Dalits could be found. The Bheem Sena follow uniformity was inaugurated on April 29, 1968 at a big rally in Jagar, in the heart of the Gulburga city, to coincide with the 77 Birth Anniversary of Dr. B.R. Ambedkar.<sup>24</sup> It grew quickly in strength. The total strength of Bhim Sena was put at 2 lakhs, each member paying 10 paise a month as subscription. They were being given Military training in self-defense by ex-servicemen. The Bhim Sena had its own constitution and flag. The District Chairman was nominated by the President of the Bhim Sena. On the first Sunday of every month, the Bhim Sena leaders visited taluka headquarters and when caste Hindu atrocities occur the Bhim Sena provided the self-defense force. It had its own intelligence service, adult education team and a census service. The whole movement might have lasted just six or seven years but it virtually created a revolution in the minds of the Dalits to whom it gave new courage and confidence to fight back against caste Hindus fascist tendencies. But it was tragedy that such a glorious career of Shyamsunder came to an abrupt end and the Bhim Sena found no worthy leader to carry the torch of socio-economic revolution hit by Shyamsunder. It was a pity that all the top leaders of the Bhim Sena soon deserted it to find berths in cosy corners,

leaving the movement in disarray and the youth in disillusion.

**c) The “Boosa Controversy”:**

The Dalit Movement in Karnataka got a new dimension when the government under the leadership of D. Devaraj Urs, came into power in Karnataka. The government, which was in power during the period of 1972-80 organized the dalits, other backward castes and minorities against the power game played by the dominant lingayat and Vokkaliga castes. Under the leadership of D. Devaraj Urs many, reformist and developmental programmes were launched for the empowerment of Dalits. Among these land reforms, ban on excreta carrying over the head, the encouragement to small-scale industries, and the formation of backward class development commission were the important ones. The future counsel of Dalit Movement decided during this period. The reservation in the educational system and the conflicts among the landlords and landless agricultural labourers led to the creation of Dalit literature, which played a dominant role in the Dalit Movement.

Later the Dalit Movement in Karnataka took a decisive turn when the then minister B. Basavalingappa involved in the famously called “Boosa Controversy”. This incident has not only resulted in the widespread caste conflicts in the state but also led to the unity and the organization of Dalit writers and intellectual from the different walks of life. In February 1973, while speaking at the function in Mysore, the then Minister B. Basavalingappa harshly criticized the Hinduism and its practices. But this speech led to the widespread strike, protests and processions all over the state. Many students agitations were launched in support and against of his speech through the state. Finally, this single speech at Mysore cost the Ministership in the government for B. Basavalingappa.

Thus, moved by the “Boosa Controversy” the Dalit students, writers and intellectuals have involved in various thought provoking sessions like seminars, conferences and debates and to find to a suitable solution for their problems. In this regard in 1972, they formed the “Karnataka Dalita Kriya Samithi”. (KDKS) and with the formation of “Dalita Sangharsha Samithi” (DSS) in 1974 various other federations involving the writers, intellectuals, students and workers sprang up.<sup>25</sup>

**The Formation of “Karnataka Dalita Kriya Samithi”(KDKS):**

The “Karnataka Dalita Kriya Samithi”(KDKS) which was formed in 1972 under the leadership of D.M. Thimmarayappa of Dommalur, Shri D.M. Thimmarayappa of Dommalur has been involved in a number of dalit agitations with the active support of activists like V.T. Rajashekar, O.Sridharan, O.Rajanna, Shivamia, Dasappa, Narayana Swamy, Gopalayya, K.Chandrasekha, Chidanand, V.Munivenktappa, M.Chandrasekhar, Mutyalappa, Ramakrishna, Shamanna, D.K. Kemparaju, A.S. Rajan and

others. Shri D.M. Thimmarayappa was the force behind the organization of first “Bhandaya Sahitya Sammelana” in 1979. This group has lent a valuable support and cooperation to the various reformist and developmental programmes launched by the then minister B. Basavalingappa in the Shri Devaraj Urs government. Moreover, this lends a valuable support to the various popular dalit agitations all over the state.

**d) Dalits and Dalita Sangharsha Samithi: (DSS)**

Moved by the Ambedkar thoughts, J.P. Movement and the Dalit Panthers, few Dalit educated people have formed the “Dalita Sangharsha Samithi” at Bhadravathi in 1974 under the guidance of Dr. Krishnappa. The other members who were with Prof. Krishnappa were T.Rajanna, S.T. Raju, Veerayya, N.Giriappa, Chandraprasad Tyagi, Borayya and others. In 1992, this organization has been renamed as of “Karnataka Dalita Sangharsha Samithi”(KDSS). This was the most important stage in the Dalit Movement of Karnataka after the dropping of B. Basavalingappa from the ministership in 1973 following the “Boosa Controversy”.

The following were the objectives of the Dalita Sangharsha Samithi (DSS)

1. To deal with the problems of Harijans, and tribals.
2. To bring unity among the Dalits and tribals and work for the eradication of Caste System
3. To undertake various small scale ventures like, poultry, diary and etc with the assistance from government for increasing the economic position of Dalits.
4. To establish finance corporations for Dalits to keep them away from the clutches of money lenders and landlords.
5. To work for the harmony and unity of caste Hindus and the Dalits.
6. To own a printing press and launch the dailies and weeklies for the awakening the Dalits and other depressed people.
7. To work for the socio, economic, educational and political improvement of Dalits.

In 1993 DSS has expanded its operations to the state level and even had its own constitution. The units of DSS were established in every district to fight against the student problems, atrocities on Dalits in rural area and land grabbing by the landlords. This successful movement of DSS has resulted in the creation of vast amount of Dalit literature. This movement had a long lasting impact on the socio, economic and educational fabric of the state.

The “Dalit Sangharsha Samithi” (DSS)’s fight against the land grabbing by the caste Hindus and the landlords are quite successful and famous ones. The agitations and struggle like Sidlipur of Bhadravathi (1977), Honnali (1979), Bidirekavalu (1979), Chandagodu (1979), Medkinalu

(1987) Mohammad Nagar of Koppal taluka (1985), Nagasamudra (1985), Mavaguna palli (1985), Devalapura (1985) are the important ones. Moreover, various camps and training programmes by the DSS for Dalit students and intellectuals have not only resulted in the discipline among the cadre of DSS but it instilled among them a sense of courage to fight against the social evils. Whenever the castes Hindus have committed atrocities on the Dalits the DSS has been successful in awakening the government against the atrocities through its agitations and fights. For example, the incidents like, the submission of Venkata Swamy Commission report, the ban on Gandhi film, Munivenkata Swamy incident, the distribution of fraudulent caste certificates the ban on the processions at Aaroli Huligemma at Raichur district, Chinchuramapura Devi at Gulbarga district, Chandragutti Gutteva in Shimogadistrict, were the few to name. In protest against the 1987's Bendigeri incident in which 5 dalits were forced to eat the human excreta for a simple crime. In the agitation process about 1 lakh Dalit youths were participated.<sup>26</sup>

Various types of protests launched by the Dalits in different parts of the Karnataka region are basically to protest against discrimination, exploitation, degraded social status and numerous types of atrocities inflicted on them by caste Hindus and others. The movement led by Dr. B.R. Ambedkar has spread largely among the Dalits of Karnataka had produced a highly conscious generation of educated and militant youth. Dr. B.R. Ambedkar did develop a wide range of techniques for mobilizing the untouchables, which in the long run, enabled them to take mass action. As stated earlier, a service of protests waged by the Dalits have brought about sea change in their lives. The following are some of the important incidents recorded in the history of the Dalit Movement in Karnataka.

The below given incidents are the landmarks in the history of Dalit Movement in the Karnataka region. All these incidents have united the dalits under the single umbrella to fight for their just cause. In all these incidents, majority of the participants were dalits and very few non-dalits have participated and showed sympathy for the just cause of dalits and for their struggle. Though most of the progressive organizations, progressive persons did not participate in these revolutionary incidents, but still the below given events managed to grab the attention and popularity which they deserved to be explain briefly.

**e) Struggle for Land at Sidlipur of Bhadravathi (1977):**

Sidlipur is a small village in the taluka of Bhadravathi in which a land of 33 acre was sanctioned for the Dalit population of the village. But the local landlord of the village has occupied the village granted for the Dalit population and refused to handover the same land to them. This injustice has stirred a "SatyaGraha" on 21-11-1977. At the same time the Dalit activists in

the neighboring showed solidarity with the cause of Dalits of Sidlipur and when they took the procession from Bhadravathi to Shimoga the Dalits from the 20 villages were participated in the procession against the forcible occupation of land by the landlord.

This struggle for land at Sidlipur at Bhadravathi taluka went for one year and four months and finally their effort paid off when the Government of Karnataka has passed the special act putting ban on the occupation of land allotted to Dalits. Due to this verdict and the act about two lakh acres of land was returned to Dalit families in the entire state of Karnataka. Thus, this struggle against the local landlords has not only got the attention of the government but also instilled a sense of confidence among the Dalit community.<sup>27</sup>

**f) Bidire Kavalu Incident:**

Bidire Kavalu is a small village in the taluka of Arisikere, where the Dalit population and other backward caste population have occupied the 800 acres of government land for the cultivation. All these people who occupied the 800 acres of land were landless agricultural labourers who were working in the fields of local landlords for hundreds of years, without owing a single piece of land. Hence, the Dalits and other population living in the Bidire Kavalu not only occupied the land but also without any communal or caste background participated in the tilling, tank formation and other agricultural related activities. After the long struggle with the government authorities they were successful in getting the occupied land.<sup>28</sup>

**g) The Struggle for land at Chandagodu: (1979)**

On 24-7-1979 the Dalits belonging to the village of Chandagodu occupied the 300 acres of land for the cultivation. Before that the local landlords and the caste Hindus have occupied the 400 acres of land in the village. The land occupation by the Dalits was supported by the district unit of the Communist Part of India. As a result the 60 Dalit families of the Chandagodu were given 5 acres of land per family which was nearly worthy of 5 lakh rupees. Before the allotment of land by the government, the Dalit activists have toured the 70 villages of the taluka and organized the local Dalit men and Women for the struggle. Encouraged by the land occupation and grabbing of land in the Chandagodu village, the Dalits in the village of Kooduvalli village of Chickmagalore taluka too occupied 75 acres of land.<sup>29</sup>

**h) The Struggle for Land at Medikinal: (1987)**

Medikinal is a small village in the taluka of Lingsugur of Raichur district. In this village the majority of the population was belonged to the dominant Lingayat Community who were the owners of land in the village of Medikinal. The Dalits and other backward castes were minority in the village and have to work in the field of landlords for a wage decided by the landlords. If they did not opt for the wage fixed by the landlords they would be

assaulted, or prohibited from the village as a result the Dalits in village were forced to work at the rate decided by them.

As a result the Dalits of the village occupied the land near by the tank and after a prolonged struggle they were successful in getting the 67 acres of land but they were forced to keep away from the villagers in all social functions and interactions. The local politician did not come to the rescue of the Dalit Community but supported the decision of dominant caste Hindus and the landlords.<sup>30</sup>

**i) The Struggle for land at Mohammad Nagar: (1987)**

The Dalits and other people from the villages of Basapur, Shivapur, Bandi Harlapur, Hatti Vatti, Narayan pet, Rajarampet and Mohammad Nagar were participated in this struggle for land against the landlord

Mr. Sushil Kumar who was basically from Rajasthan ad was running a Sugar Factory. In the year of 1954 he has taken the land on lease from the government for running a Sugar Factory but over the years he occupied the nearby land and finally had the control of over 3770 acres of land. Moved by the injustice and the exploitation by the landlord, the Dalits in the region started their movement in the year of 1985.

But enraged by the movement of the Dalits, the landlord Sushil Kumar exploded a Bomb in the Dalit colony in which 20 goats ad 90 shed of Dalits were gutted in fire. The arsonists supported by the landlord put fire to the shed of Dalits and ransacked their valuable things and belongings. Later the government intervened in the struggle and the case in the High Court.<sup>31</sup>

**j) Naked Procession of Dalit Devotees at Gulbarga District:**

It is well-known fact that the age-old Hindu religion is still bereft of inhuman religious processions and the vested interests. That were exploiting innocent people since time immemorial are still existed in the society. The ignorance, innocence and the lack of knowledge among poor people, especially of dalits have been cashed very intelligently by these vested interests under the name if religion and practices. Devadasi system, i.e., naked procession and other such inhuman and humiliating religious practice were invented by these vested interests to satisfy their hidden sex urge and the adultery. One such inhuman religious practice was in practice in the village of Chinchansoor of Gulbarga district. The main Goddess of the village was “Mahapura Devi” who still commands thousand of Devotees. But under the pretext of Goddesses, a highly insulting and humiliating religious practice was carried out in which the virgin girls belonging to the scheduled caste and tribes had to take religious procession to the temple of Goddess without wearing a single cloth. They have to remain there for five Tuesdays and five Fridays. After their brief staying in the temple they would be forced

to share bed with the rich and caste Hindus. After such an insulting and humiliating practice, they would be called as Devadasis (but, virtually they will be called as prostitutes). But no sensible person or politician raised a single objection to this barbaric practice. But it was inevitable for the Dalits of fight for their own cause.

All the responsible Dalit leaders and their organizations in Gulbarga district tried hard to create awareness about such an inhuman and barbaric religious practice. In process, they had to face lot of resistance and opposition from the caste Hindus and vested interests. Finally, they were able to stop this inhuman and barbaric religious practice from the village of Chinchunsoor of Gulbarga district.<sup>32</sup>

**k) Struggle to Name Gulbarga University in Dr. Ambedkar's Name:**

Since the inception of the University in the year 1980, various Dalit leaders and organizations launched a intense agitation to name the Gulbarga University in the name of Dr.B.R. Ambedkar. But many of the vested interests and other persons who were against dalits and their cause, opposed to the views expressed by various Dalit leaders and organizations and engaged in parallel agitation to name the University after Basaveshwara. Though, none of the university in Karnataka is named after Dr. B.R. Ambedkar, but the opposition to this incident is unjustified and unwarranted. Now, fortunately this agitation slowed down and both the factions have been compromised over the issue. But the attention it grabbed all over the state this had made the Dalits to unite for their cause.<sup>33</sup>

**l) The desecration of Ambedkar Idols:**

It is a well-known fact that attacks on Dr. B.R. Ambedkar's Idols were reporting from all over the country over along period of time. One such incident was happened in Bangalore, Karnataka, when the son of B.T. Lalita Nayak, the then Minister in Karnataka good poured the liquor on Dr. Ambedkar's Idol. This desecration of the Idol of Ambedkar created a lot of stir all over the Karnataka. Various Dalit leaders and organizations in the Karnataka region especially in Gulbarga and Bidar also took the processions and expressed their unhappiness about the incident. It created a lot of spark in the hearts of every sensible Dalit's and thousands of them took to the streets in protest against the desecration of the Idol of Dr.B.R. Ambedkar.

**m) Hosur village incident 1978:**

Attacks on Dalit's have been occurring since time immemorial. But the dalits had no other option but to suffer it silently without any protest and agitations against oppresses rule of the caste Hindus and elites. On 22-10-1978, a Dalit agricultural labour was attacked in a land controversy at Hosur village, Chittapur Taluka of Gulbarga District. The caste Hindus and the elites of the village tied him to a tree And beat him until he fell

unconsciousness. Enraged by the attack on fellow Dalit, various leaders of Dalit organizations launched the agitations regarding this issue and pressurized the police and authorities to take the action. Pressurized by the various protests and agitations over the issue, the government took stem action against the culprits of the incident.<sup>34</sup>

**n) Honagera village incident: 1978**

On 24-6-1978, the caste Hindus and elites of the village Honagera that lies in the Yadgir taluka of Gulbarga have beaten the pregnant Dalit women and stripped her dresses. At the same time they attacked the husband and relatives of that women, who came to her rescuer. This incident provoked lot of agitations and protests all over the state. Even many progressive organizations and progressive people also protested over this matter. Many of the state level periodicals and weeklies have also condemned the attack on pregnant Dalit women and pressurized the government to take stem action against the culprits. At this juncture, many Dalit organizations and their leaders have also condemned the incident in the strongest words and pressurized the government to take the suitable action against the culprits. Moved by the agitations and protests over the incident, the government has launched investigation and arrested the culprits.<sup>35</sup>

**o) Salgar village Incident 1978:**

On 3-5-1978, the caste Hindus and elites of the Salgar Village, which lies in Gulbarga District, attacked the dalits for taking drinking water in the village tank. They not only attacked the dalits in the village, but also destroyed their habitats and looted their belongings. Enraged by the attacks on their fellow dalits, various Dalit organizations and their leaders have launched serious agitations and protests over this incident and forced the government to take serious action against the culprits in the village of Salgar. This incident has created a lot of stir among the people of the state.<sup>36</sup>

**p) Alguda Village Incident 1979:**

Alguda village, which lies in the Basavakalyan Taluka of Bidar district, witnessed an attack on dalits on 12-06-1979 over the issue of providing separate cup

For Dalit to drink tea in a hotel. Moreover, the dalits were forbidden to enter into the hotel. As per the complaint filed by the Dalits over the matter, the then sub-inspector arrived in the village and arrested the owner of the hotel who practiced untouchability. Enraged by the arrest of their fellow being, the caste Hindus and elites of the village attacked the vehicle in which the police were traveling. Even they attacked the sub-inspector, P. V. Kambli as he was a Dalit. After this incident many of the dalits in the village were attacked by the caste Hindus in retaliation. Terrified by the attacks on dalits, many of the Dalit families even migrated to the

distant places like Hyderabad in search of their livelihood. This attack on dalits had provoked lot of stir and protests all over the state. Many state and national level leaders condemned the barbaric attack on dalits and requested the government to take strong action.<sup>37</sup>

**q) Fight against the attacks on Dalits in Shahapur 1997:**

On 19-8-1997, Shahapur town in Gulbarga district witnessed the riots between caste Hindus (Lingayaths) and dalits following the incident in which a Dalit youth kissed a Lingayat girl in public. This foolish and unacceptable behaviour by Dalit youth gave the opportunity to the caste Hindus to attack and loot the innocent's often-poor dalits. Many progressive Dalit organizations like D.S.S., R.P.I. have condemned the misbehaviour of the Dalit youth in the strongest words and urged the police to take serious action against the culprit. But this condemnation by the various Dalit leaders and organization did not deter caste Hindus to launch an attack on the lives and property of innocent dalits. In this mad rage against the poor and innocent dalits, the caste Hindus put fire to the every bank, shop complex, Auto and STD booths belonging to the Dalits. Even after this destructive attack, many of the culprits who participated in these destructive activities threatened the Dalits of more serious consequences. This incident once again showed the naked aggression of the caste Hindus over the poor dalits.

Many important Dalit organizations in the District, like D.S.S. have not only condemned the attack on Dalits, but also started processions and agitations to force the government to arrest the culprits who were sheltered by their fellow politicians and police officers. Hence, D.S.S. has organized at Divisional level really "Shahapur Chalo" to force the government to arrest the attackers. The main demands of the dalits and their organization were (1) to arrest the attackers participated in the incident; provide compensation to the dalits who have lost their property and lives, (2) to provide rehabilitation to the dalits who became destitute after this incident. Following the strong processions, agitations and public rallies by the D.S.S. government has arrested some of the culprits and fulfilled most of their demands. This example shows the necessity of strong unity and bondage between the Dalits.<sup>38</sup>

**r) Fight against the removal of Ambedkar circle in Kumsi Village:**

To weaken the organization and its strength and unity among the dalits, many caste Hindus were playing tricks since time immemorial. Most of the times they tried to desecrate Ambedkar Photo's, Idol and many other symbols, which represents Dalit community and their strength. The same type of incident happened in the Kumsi Village of Gulbarga district in which the police publically removed the circle name after Dr. B.R. Ambedkar. This unprecedented and unwarranted action on the part of police has created lot of doubts and concern in the minds of the dalits. To show their dissatisfaction

and protest over the removal of the Ambedkar circle In Kumsi Village, D.S.S. had organized a procession condemning the removal of the Ambedkar circle and forced the government and concerned authorities to reinstall the Dr. B.R. Ambedkar circle at the earliest and suspend the police who were involved in this incident.<sup>39</sup> The government has appropriate accordingly measures.

**s) Grand Meeting of Dalits at Shahapur on June, 4, 1998:**

On September 25th 1987, Dalit Sangharsh Samitis in Gulbarga district has began its functioning in the Shahapur Taluka of Gulbarga district. This taluka level Dalit Sangharsh Samiti organization was attended by thousands of activities and supports. Since from the date of its inception in the taluka of Shahapur, D.S.S. has been fighting against the inequality, untouchability and casteism in the Shahapur Taluka of Gulbarga District. This taluka D.S.S. organization has taken enough care to establish D.S.S. unit in every village and Hobli of Shahapur, which has given the Dalits new confidence and the self-respect. This organization has launched 27 days fast to provide 18% of amount of money reserved for Dalits in ever department and KADA Office. It has also fought for the cause of establishing Hostels for the college students in Shahapur and stressed the need of establishing hostels to increase the literacy level of the Dalits in the Taluka of Shahapur. Thus, with such a history of fight and struggle against the inequality and untouchability, the Shahapur Taluka Branch of D.S.S.<sup>40</sup> is fighting hard to protect the interests of Dalits in the Taluka.

**t) Struggle against the Amendment of the Constitution:**

The Gulbarga district branch of D.S.S. has organized massive rallies; agitations and processions against the proposed amendment to the Constitution by B JP led Central Government. During these processions and agitations, the leader of the D.S.S. maintained that B.J.P. led Central Government has been making conspiracy to exploit the special provisions meant for the Dalits in the Constitution. They alleged that the fascist forces and the central government have been planning to rewrite the Constitution according to their will and with under the pretext of Constitutional Review. At the same time, they invited all the Dalits oppressed, classes, progressive persons and the minorities to unit and save the Constitution from the clutches of the fascist forces. In this regard, the Gulbarga District branch of D.S.S. has organized a Massive meeting of Dalits, oppressed, classes, minorities and progressive persons on 26-01-2000 at Veerashaiva Kalyana Mantapa, Public Garden, Gulbarga. In this meeting, they had a discussion on the proposed amendments to the constitution and its effect on the Dalits and other backward communities. Finally, at the end of the meeting they decided to oppose the proposed amendments to the constitution by the central government and determined to remain united in opposing the proposed amendments to the constitution.<sup>41</sup>

**u) Public meeting condemning the Communal Attitude of the Central Government on Dec.**

**6,2000:**

The Gulbarga District branch of D.S.S. had organized a big public meeting in Gulbarga on Dec. 6,2000 at Jagat circle to protest against the communal attitude of the Central Government. They alleged that under the patronage of the central government, various communal forces like Vishwas Hindu Parishad, Bhajrang Dal, Rashtriya Swayam Sevaka Sangh, have been destroying secular fabric and principles of the nation for their narrow political gains and benefits. They further alleged that under the Prime Ministership of Shri. Atal Bihari Vajpayee, lot of attacks have been launched against the country's democratic, social and educational institutions have been communalized. In this regard, the Gulbarga District branch of D.S.S. has organized this massive public meeting in which few ministers and the State Convener of the D.S.S. were present on the occasion.<sup>42</sup>

**v) Procession against the insensitive state Government:**

On September 22,2003, the Gulbarga branch of D.S.S., has organized a massive procession against the insensitive government, as the state government was careless and negligent about the suicides of the farmers and the starvation death in the drought prone areas. The leaders of the D.S.S. have complained that state is under severe drought and farmers were committing suicide under the burden of credit from the moneylenders. But the state government led by Shri. S.M. Krishna, is more interested in celebrations and jublations. They further alleged that the starvation death in the Katarampur village of Koppal district should have opened the eyes of state government. But still the state government has not taken enough measures to prevent such deaths in future. In this procession, the leaders of the D.S.S. asked the government to provide either employment or the minimum wage to the unemployed rural labour. Hundreds of activists of D.S.S. participated in this procession.<sup>43</sup>

**w) Fight against the practice of untouchability in Mid-day Meals Scheme:**

On 22-7-2003 the Gulbarga District branch of D.S.S. has organized a public meeting protesting against the practice of untouchability in mid-day meals scheme implemented in the various schools of the district. The leaders of the D.S.S. complained that untouchability has been in practice in various schools where mid-day meals under the scheme in some of the schools. At the same time, there are some instances in which the parents of the school children have raised objection to the food prepared by Dalit cooks. The leaders of the D.S.S. who spoke on the occasion told that the practice of untouchability is unacceptable in the civilized society. At the same time, they sense the conspiracy of the caste Hindus and the vested interests to keep the

Dalit out of the school. Hence, all the assembled leaders and activists of the D.S.S. pressurized the government and put the demands to continue the mid-day meals programme and the scheme should be effectively implemented like Dalit students should not be separated from the rest of the students while providing meals. At the same function, they protested against the sudden hike in the fees of the professional education. They complained that Dalits were deliberately kept out of the professional course by deliberately raising the fees of the professional courses.<sup>44</sup>

**X) Procession to gain Hostel facilities:**

The Gulbarga branch of D.S.S. has organized a procession protesting the negligent attitude of the government in providing the Hostel facilities to the backward districts like Gulbarga, Raichur, Bidar, Bellary and Koppal. In the procession, it was alleged that the hostels in these districts were in a bad condition and government has not been taking any actions to improve the conditions of the Hostels in these areas. Moreover, during the financial year 2000-2001, government has sanctioned 146 lakh rupees under the non-plan expenditure. During the year 2001-2002, it just increased to Rs.2 lakhs. But in the year 2002-2003, no money was sanctioned for this purpose. In this regard, Gulbarga district has to receive 300 lakhs in the current year. But, due to the negligent and careless attitude of the concerned Legislators, MPs and the District In charge Minister; the above-mentioned amount has not been received. Hence, during this procession, the Dalit organizations have pressurized the government to take the necessary action to improve the condition of the Hostels in the district.<sup>45</sup>

**y) Atrocities of Dalits in Nimbarga village of Gulbarga district:**

During the year of 2003, Nimbarga, a small village in Gulbarga district witnessed a series of attacks on Dalits for few days. These inhuman and barbaric attacks on Dalits were launched when the youth belonging to the Dalit community, allegedly molested a girl belonging to the upper castes. Under this pretext, the caste Hindus of the village systematically attacked the lives and assets of Dalits. Even they did not show mercy on women and children. After the initial inactivity the district administration has sent the forces to protect the asset and lives of the Dalits. But due to the negligence and the inaction of the District administration, the culprits, belonging to the upper castes, have destroyed assets worth lakhs of rupees belonging to the Dalit community. This bizarre incident succeeded in uniting all the Dalit organization parties under a single umbrella to protest against the attacks on Dalits. All Dalit organizations and parties like D.S.S., B.S.P. and R.P.I. units of Gulbarga district not only actively participated in the processions but also pressurized the government to provide security to the Dalits in Nimbarga village. Many important leaders of the Dalit organizations criticized the inability of the government to provide security to the oppressed and backward people. At the same time, they threatened to launch more

agitations against the inability of the government. After these serious protests and agitations, government has organized various peace meetings in the village and convinced the leader's belongings to the both communities to maintain peace in the village.

### **2.3 THE STUDY OF DSS, RPI AND BSP:**

Soon after the death of Dr.Ambedkar, certain epoch making events took place in Dalit movement. One was the formation of the Republican Party of India and the other was the genesis of Dalit Sangharsh Samithi, and Dalit Panther Movements. Some other events led to the origin of Dalit Sahitya Movement, the emergence of Dalit Rangabhoomy (Dalit theatre), B ANCEF (The All India Backward SC, OBC and Minority Communities Employees Federation). Bahujan Samaj Party and Bharatiya Republican Party. However, most successful among them, are D.S.S., R.P.I. and B.S.P.<sup>46</sup>

The D.S.S. like the Dalit Panthers in Maharashtra dates back to 1974. Dalit Panthers activities in Maharashtra provided the inspiration for D.S.S., in Karnataka, but the linkage has always been neither ideological nor organizational. In making the transition from one state to another, the movement cut across differences in caste and religion, as well as language, in the year of 1974, Dalit Educated early days, Dalit Sangharsh Samithi was organizing protest marches, conventions of Dalit students and writers. The Dalit Sangharsh Samithi started a weekly "Pancham, which focused attention on the problems of the Dalits and gave publicity to the activities of the Dalit Sangharsh Samithi. Samithi during its early days has taken social problems and land disputes on the top priority.

In February 27, 1982, the Dalit Sangharsh Samithi did one thing by offering Dhama in front of the house of Dalit MLAs and MPs, to protest against their inaction in the case of raising atrocities against the Dalits. The Dalit Sangharsh Samithi is broad based, mass based and a cadre based organization, it has its own constitution. The D.S.S. workers actively participated in the campaign of 1983 Assembly elections and worked for the defeat of prominent Dalit leaders like C.M. Armugum in KG.F. And P. Venkataraman, then Minister of Social Welfare in T.Narasipura.

Dalit Action Committee is an offshoot of the Dalit Sangharsh Samithi missing verify on personal differences. During 1985, in the name of 'Panchama' lakhs of rupees were collected as advertisements from excise contractors. This paved way for starting a new commercial weekly 'Sangathi'. The office beafers of Dalit Sangharsh Samithi become owners of the said weekly. They have worked for Janata Party and Left Parties during 1985 Assembly elections. This decision has created confusion among many activists. Ultimately, activists of Dalit Sangharsh Samithi protested against the decision, resulted in the division of the Dalit Sangharsh Samithi for their

selfish and ambitious motives. Caste Hindus, who are along with the organization in the name of progressive and leftist philosophy, have played their role in weakening the organization. This shows that caste Hindus joined this organization only for the sake of name and fame.<sup>47</sup>

**a) Bahujan Samaj Party: (BSP)**

Kanshi Ram is a dynamic leader who has gained all India significance by establishing the Bahujan Samaj Party: (BSP). Since his childhood when he experienced the sense of discrimination in accordance with the four varnas, he felt very unhappy and dissatisfied with it. He did want a change, as early as possible, but he could not do so at that point of time. He needed an organization, a forum, funds and manpower to achieve his great aim.

Kanshi Ram found an ally in Mayavathi dynamism and energy which could prove useful to propagate in ideology of B.S.P. Consequently, in North India, several branches were inaugurated and sincere and hard working persons were appointed in several positions.. As a result of his efforts and the efforts of Mayavathi the B.S.P. began to flourish in the estimation of the people. Numerous Dalits thronged under the banner of Kanshi Ram who apprised them of their basic and fundamental rights and advised them not to rest until their goal achieved. They could understand soon that here was a leader who could do much for them. Both Kanshi Ram and Mayavathi delivered speeches heard by lakhs of people in U.P. M.P. Rajasthan, Punjab, Maharashtra, Bihar and elsewhere. They were fully apprised of their socio, economic, political, cultural and educational rights and ways and means through which they could achieve their goals. So much so, they posed several workers of B.S.P. in prominent areas in Delhi and in the state capitals where they could raise their slogans in accordance with the manifesto of their party. The results of his efforts were favorable. Mayavathi became the Chief Minister of U.P. twice and did well during her tenure. In the parliamentary election Kanshi Ram and B.S.P. could capture a few states, which gave them some political status. They are very hopeful that they would do better in the coming years and would like to act either independently or would have coalition with another party of their choice.

Thus, it is evident that Kanshi Ram on the whole is doing well. He has chosen the north and northwest regions as his field of activity, but his party has gained reputation in other regions of Indian subcontinent as well. Kanshi Ram very often rated as a man of the masses in northwest and north India, he has own the hearts of the common as well as the economically weaker sections of our society. He is of firm view that such weaker sections should be given all the privileges to that they could raise their economic standard.

In his speeches, he quoted Dr. B.R. Ambedkar's philosophy of life, and showered much praise on him. His philosophy of life had been a severe attack on sheer injustice meted out to the economically weaker sections of the people. Kanshi Ram is well conversant with the administrative set up of the U.R state where his second-in command Mayavathi was the Chief Minister twice. He guided and advised the chief minister on numerous issues facing the state. There were mostly developmental schemes having bearing on agriculture, peasantry, and education, Panchayat Raj etc. Several new districts were carved out from the Tehsil level and the number reached up to 86 districts. The whole administrative machinery was overhauled and well-planned schemes of development were made. Young, efficient, and dynamic officials were appointed to execute plans in the rural areas.

The Bahujan Samaj Party has generated a new spirit in other states with the enthusiasm of Kanshi Ram. Again people were apprised of their basic and fundamental rights, which indeed could elevate their socio, economic status. The main idea is to make the people of Dalit community fit to realize their social worth and put in efforts to elevate their status from several angles.

**b) Republican Party of India:**

The Republic Party of India came into existence out of the All India Scheduled Castes Federation by changing the latter's name in October 1957. After the death of Dr. Ambedkar, the founder of the party N. Shivraj became its leader till his death in 1964. It held several sessions over a period of time. The first session of the RPI took place at Nagpur in October 1957, the second in 1959 at Aurangabad, the third in 1961 at Aligarh, the fourth in 1963 at Ahmedabad, the fifth in 1966 at Delhi, the Sixth in 1969 at Nagpur and the Seventh in 1975 at Pune.

The Republic Party accords acceptance to the fundamental tenets of the Indian Constitution such as justice, freedom, equality and brotherhood for the citizen of India. It aims to achieve these objectives through the medium of parliamentary democracy. Some of the objectives of the party mentioned below reflect an interest in the Dalits of India.

1. To organize the oppressed and others, in particular the Buddhists, the Scheduled Castes, and other backward castes.
2. To organize the small farmers, landless labourers, industrial workers, and other workers dependent on wages.
3. To work for ensuring justice for the minorities.
4. To fight against the atrocities committed on the Dalits and to get their disabilities removed.

The Republic Party did some good work and tried to represent and get the problems of the Dalits resolved. Its leaders like B.K. Gaikwad, B.C. Kamble, Shri Dighe, G.K. Mane, Harishrao Sonule, Dattakatti, N.Srinivas, K.V. Parmar and others were elected to the parliament in 1957- The Republic Party worked on many fronts effectively such as 1) to voice their concern on the atrocities committed on Dalits and to make them conscious 2) innovation of Samata Sainik Dal founded by Dr. Ambedkar in 1928 was made 1957 at Nagpur to have a volunteer corps to maintain discipline within the party 3) A plan was worked out to establish a women's organization 4) The Republic Party also made its contribution to establish Dalith Sahitya Sangh, the first convention of which was held under the leadership of B.C. Kamble on 2nd March 1958 at Bombay. 5) The All India Republican Students Federation was also established by the Republic Party of India 6) The Republic Party had played an important role in forming worker organization. 7) RPI also worked to propagate the teaching of Lord Buddha. 8) The historical landmarks that took place in the history of this party were offerings of Satyagrahas of landless in 1953, 1958 and in 1964. This was largely because of the leadership of Dadasaheb Gaikwad. Unlike the other leaders of the Republic Party he had a peasant base. Under the Gaikwad's able leadership two massive Satyagrahs were held, the first in 1954 in the marathwada area of Maharashtra and the Second in 1959 around Nasik, Jalagoan, Dhulia and Ahmadnagar. Nearly 50,000 workers courted arrest in 1959. As a result some land was distributed to the landless.

Thus, it is evident that the Republic Party kept the welfare of the Dalits as its central focus. It is also evident from the various satyagrahas that the party expressed its concern for social and political issues as also for economic issues. The Republic Party played an important role to generate awareness and register protests whenever the time demanded. Unfortunately the tempo and the revolutionary zeal of the party leaders were constantly on decline. Moreover, after Dr.B.R. Ambedkar's death there was a clash of egos between B.C. Kamble and B.K. Gaikwad. As a result Kamble disassociated from the parent body and formed his own group taking away from some of the leaders. Thus, the entire history of splits, reunions and renewed splits in RPI has no ideological basis, but they are due to clash of personalities and personal political ambitions. This led to the participation of the Dalits in the various political activities of the congress party. Infact, the party failed to recognize the root cause of the problem of Dalits and the leaders made choice according to their political convenience. They have nearly no contacts with their community of their problems, only they use every available opportunity on public platforms to talk something about the plight of the Dalits. They used this as a banner to promote self-interests. They have shown no inclination to organize the Dalits or to do some educative and constructive work. All this and the suppressive conditions of the Dalits gave birth to the new Dalit Organisations.<sup>48</sup>

#### **2.4 DALIT MOVEMENT IN KARNATAKA: ITS ACHIEVEMENTS:**

1. Dalit Movement in Karnataka provided courage to fight against the ghastly incidents Perpetrated on the Dalits
2. exploded the myth that the untouchables are mute and passive;
3. Caused up roar against the unjust castes system;
4. Initiated a debate on Dr. Ambedkar's ideology;
5. It compelled the government to fill the backlog posts in various depts.;
6. It contributed significantly towards the Dalit Literature;
7. It was able to create a counter culture and separate identity.
8. It has made popular the term "Dalit" in preference to terms like Harijans and untouchables; and
9. Dalit movement in Karnataka captured the imagination of the younger generation, projected a militant image through their tactics of confrontation.

#### **2.5 DALIT MOVEMENT IN KARNATAKA: ITS FAILURES:**

1. There is a substantial gap between their goals and the efforts to achieve them;
2. Dalit Movement in Karnataka is lacking basic organizational infrastructure;
3. It failed to link itself with other parallel movement;
4. Cadre building programme was totally neglected in the Dalit movement of Karnataka;
5. It suffered from lack of funds, so much necessary to build effective organizations.
6. No solid efforts were made to understand the rural position of the Dalits for example, the Dalit relationship to the land.
7. These movements mostly confined to urban areas. Local leaders working in small towns and rural belts found it difficult to establish contacts with their urban-based leaders. Therefore, there always remained lack of coordination among the leaders and the activities.
8. Many time this movements adopted a very passive way of protest.
9. The unilateral decision-making in the Dalit organizations oriented the cadre from the important decisions in the Dalit Movement.
10. The usage of soul and mean language by the cadre and activities of the various Dalit organizations have alienated the active sup [port and cooperation of the common public.
11. The lack of transparency in financial transactions of the various Dalit organizations succeeded in creating discussions in the Dalit Movement of Karnataka.
12. The Immature leadership, lack as unity and the opportunities in the leader of the Dalit organization resulted in the various splits and weakened the Dalit Movement in Karnataka.

## REFERENCES

1. Kshirsagar, R.K., Dalit Movement in India and Its Leaders, (1994), M.D. Publications, New Delhi, p. 18.
2. Ibid., p. 19.
3. Register General and Census Commissioner of India, "Primary Census Abstract—Scheduled Castes", Part-II B (ii), Series -1, Census of India, Controller of Publications, New Delhi, 1981.
4. R.P. Dhawan, How to Erase Untouchability, (R.P. Bookwala, New Delhi, 1979), p.66.
5. A.C. Pradhan, The Emergence of the Depressed Classes, (Book Land International, Bhubaneswar, 1986), p.1.
6. G.S.Ghurey, Caste and Race in India, (Popular, Bombay, 1979, Reprinted), p. 166.
7. V.R. Shinde, Bharatiya Aspruch Prasna, (Marathi), 1979 Edition, p. 3.
8. A.T. Hingorani (Ed), My Philosophy of Life, by Mahatma Gandhi, p. 146.
9. B.R. Ambedkar, the Untouchables, p. 126.
10. Dr.Sanjay Paswan and Dr. Pramanshi Jaidev (Ed), Encyclopedia of Dalits in India: Movements, Kalpaz Publication, 1992, p. 22.
11. Ibid., p. 24.
12. Kshirsagar, R.K., Dalit Movement in India and Its Leaders, (1994), M.D. Publications, New Delhi, p. 45.
13. Ibid., p.65.
14. Ibid., p.43.
15. Dr. Sanjay Paswan and Dr. Pramanshi Jaidev (Ed), Encyclopedia of Dalits in India, Kalpaz Publications, 1992, p. 23.
16. Ibid., p. 67.
17. B. Kuppaswamy, Backward Class Movement in Karnataka, Bangalore University, Bangalore, 1978, p. 24.
18. Ibid., p. 76.
19. Report of the Second Backward Classes Commission, Vols. 1, 2 & 3, Government of Karnataka, Bangalore, 1986.
20. Muni Venkatappa, Dalit Movement: An Appraisal, Vicharawadi Publications, Mysore, 1988, p. 34.
21. Ibid., p.56.
22. Shridharan, UDSS and BSP under the Light of Dr. Ambedkar's Thoughts", Dalita Sangharsha Samithi (State Committee), Bangalore, p. 13.
23. Kshirsagar, R.K., Dalit Movement in India and Its Leaders, M.D. Publication Pvt. Ltd., New Delhi, 1994, p. 63.
24. Oommen, T.K., Protest and Change - Studies in Social Movements, Sage Publication, New Delhi, 1990, p. 255.
25. Rao Raghavendra, "Dalit Movements in Contemporary India", Kerala Sociologists, Journal of the Kerala Sociological Society, Vol. XVII, No. 1, 1989, p. 9.
26. Malick, S.C, Dissent, Protest and Reform in Indian Civilization, Indian Institute of Advanced Studies, Simla, 1997, p. 20.

27. Chandala, a Social Movement among SC/ST in Karnataka and Influence of Dr. B.R. Ambedkar, Chaitra Publications, 1992, p. 67.
28. Ibid., p. 68.
29. Ibid, p. 69.
30. Ibid., p. 70.
31. Op.Cit., No. 1 p. 71.
32. Ibid., p. 72.
33. Op.Cit., No. 2, p. 74.
34. Ibid., p. 75.
35. Ibid., p. 76.
36. Op.Cit., p. 77.
37. Ibid. p. 77.
38. Deccan Herald 20-08-1997, p. 3, Col. 6.
39. Chandala, Karnataka Dalita Chaluvalli Mattu Dr. B.R. Ambedkar, (Kannada) Charitra Prakashana, Chikkarupathi, 1992, p. 85.
40. Deccan Herald, 5-6-1998, p. 4, Col. 3.
41. Deccan Herald, 27-01-2000, p. 4, Col. 8.
42. Deccan Herald, 07-12-2000, p. 3, Col. 5.
43. Prajavani, 23-9-2003, p. 4, Col. 3.
44. If a Karnataka (Kannada Daily) 23-7-2003, p. 5, Col. 8.
45. Samyukhtha Karnataka (Kannada Daily) 23-6-2003, p. 4. Col. 3.
46. Kshirsagar, R.K. Dalit Movement in India and Its Leaders”, (1994), M.D. Publications, New Delhi, p. 93.
47. Ibid., p. 96.
48. Ibid., p. 102.

\*\*\*

## **Chapter – III**

### **DR. B.R. AMBEDKAR AND GANDHIJTS ROLE IN THE ERADICATION OF UNTOUCHABILITY**

Untouchability has remained a complex social problem for several decades, particularly since Independence, it has assumed critical significance because of the confluence of several factors. In India, we have on one hand, a competitive economy and polity enlisting the participation of citizens on secular lines, and on the other hand, there is a reassertion of traditional inscriptive values and institutional ethos, including the advocacy of social discrimination on the basis of caste, region, religion and language. Both these forces contend for legitimate and supremacy.

In these conflicting situations, one traditional ascription based institution is Untouchability. Despite administrative and legal measures, and the spread of education, industrial employment opportunities, and such other modern forces, the question of Untouchability reappears again and again in the contemporary Indian social milieu. Many scholars have argued that the nature of Untouchability has changed substantially. This is true, and there are evidences to support this contention. The problem is why the issue of Untouchability should surface so frequently despite the penetration of modern secular forces? An answer to this question requires rigorous enquiries into several dimensions of Untouchability. One dimension is the assessment of the ideology or the theoretical approach of the leadership of the Untouchables in the past. Obviously, the two great leaders who devoted a significant part of their life towards the question of Untouchability are Gandhi and Ambedkar. The present chapter explores their viewpoint on Untouchability, methods they followed to remove it and their rationale behind selection of these methods.

#### **3.1 GANDHI'S METHODS FOR THE REMOVAL OF UNTOUCHABILITY:**

Gandhi disagreed with Ambedkar that Untouchability could be removed by the force of law. According to him "It can only be removed when the majority of Hindus realize that it is a crime against God and man and are ashamed of it... It is a process of conversion, i.e., to say purification, of the Hindu heart." Gandhi believed that law should be brought in only when someone hinders or interferes in the progress of reform.

Although Gandhi realized the gravity of the issue, yet he was feeling the pulse of the majority community. He wanted to be practical in his approach. Though he convinced of the imperative need for reform of the

caste-ridden society, his formidable task was to convince others and also to produce realistic change in attitudes; the struggle was bound to be long and any significant change would need continuous effort. He knew that centuries old prejudices and superstitions could not die in a moment. He realized that Ambedkar was impatient and had every right to be so. All that Gandhi wanted his opponents, including Ambedkar; to appreciate was that any reform movement to uproot Untouchability had necessarily to be a hard and long process.

Gandhi understood the fragilities of his fellowmen and their inborn orthodox attitudes, which could only be eliminated gradually. He told caste Hindus “brute force will not sustain Untouchability. It would bring about revulsion of feeling in favour of the suppressed classes.”<sup>1</sup> He wanted to arouse the conscience of caste Hindus by practicing equality to thought and deed. A sizeable section of the Untouchables were weavers, scavengers and cobblers. By weaving Khadi (hand spun cloth) himself and making the weaving of Khadi by the elite a necessary and noble occupation, he intended to rise the dignity of the Depressed Classes, while directly attacking British economic interests of exporting mill made cloth from the United Kingdom. Discussing spinning, Gandhi said, “It is time that we got out of this superstition that some occupations are beneath the dignity of men.”<sup>2</sup> Likewise, he cleaned his toilet to raise the status of scavengers. Gandhi asked his followers, most of who were castes Hindus, to do the same. But he did not make it compulsory for the caste Hindus to do this work. While discussing scavenging in his Sabarmati Ashram (Hermitage), Gandhi stated: “I love scavenging. In my Ashram, and eighteen year old Brahman lad is doing the scavenging cleanliness”.<sup>3</sup> He organized groups of caste Hindus to clean the streets along with Untouchables. Addressing the Karachi Sikh League in 1929, Gandhi stressed the importance of the work sweepers did in the towns. There was no disgrace in performing this work. “Everyone must be his own scavenger... we should, from our very childhood have the idea impressed upon our minds that we are all scavengers, and the easiest way of doing so is, for everyone who has realized this, to commence Bread Labour as a scavenger. Scavenging, thus intelligently taken up, will help one to a true appreciation of the equality of man”.<sup>4</sup>

Gandhi was deeply disturbed when a dangerous proposal was made for conversion of the Untouchables to other religions. He wrote, “A remedy suggested to ‘Untouchables’ is rejection of Hinduism and wholesale conversion to Islam or Christianity. And if a change of religion could be justified for worldly betterment, I would advise it without hesitation. But religion is a matter of the heart. No physical inconvenience can warrant abandonment of one’s own religion. If the inhuman treatment of the Panchamas were a part of Hinduism, its rejection would be paramount duty both for them and for those like me who would not make a fetish even of religion and condone every evil in its sacred name. But, I believe that Untouchability is no part of Hinduism. It is rather its excrescence to be

removed by every effort. And there is quite an army of Hindu reforms who have their hear ridding Hinduism of this blot. Conversion, therefore, I hold, is no remedy whatsoever".<sup>5</sup>

Gandhi believed that the Untouchables should adhere to their ancestral religion and those who threatened to renounce Hinduism were betraying their faith. He wrote, "Those who use the threat (of conversion) do not in my humble opinion know the meaning of religion. Religion is a matter of life and death. A man does not change his religion as he changes his garments. He takes it with him beyond his grave".<sup>6</sup> Gandhi's logic was that conversion was not a practical proposition as most of the Untouchables were intensely bound to Hinduism. The remedy was to diagnose the disease and remove its cause by formulating effective remedies and not to dispense temporary palliatives. Gandhi dismissed the threat of conversion by Ambedkar as an "empty bombshell", as the faith of the Untouchables remained unshakeable in spite of persecution, and to them 'religion is not a matter of barter.

Gandhi's exhorted the Untouchables to reform their social habits, which were repugnant to the caste Hindus. In his speech at the Suppressed Classes Conference at Ahmedabad in May 1921, he advised the Untouchables to "realize that you are cleaning Hindu society. You have, therefore, to purify your lives".<sup>7</sup> He wanted the Untouchables to become better men, women and children. They should live in a clean and decent manner, give up vices like gambling, eating of carrion and leavings from the plates of caste Hindus, and by their own purity, make the caste Hindus ashamed.

Gandhi advised social workers in this field to devote their energies (i) promotion of cleanliness and hygiene among the Untouchables, (ii) improve methods of scavenging and tanning, (iii) giving up of carrion and beef if not meat altogether, (iv) giving up of intoxicating liquors, (v) inducing parents to send their children to day schools, wherever they were available and parents themselves to attend night schools wherever such were open and (vi) abolition of Untouchability amongst themselves.

Curiously enough, Gandhi, though cleaning his toilet and freely mixing with the Untouchables, was not considered as an Untouchable by the Hindu masses. Although he did his level best to openly perform all the work on an Untouchable, yet lakhs of Hindus touched his feet, virtually worshipped him, and addressed him as Mahatma (Great Soul). This transformation in the general mood of the Hindus showed that Gandhi's reform movement has widespread support.

Gandhi did not precipitate a violent reaction to his reform movement from the strong Hindu orthodoxy. In approaching the issue of Untouchability, Gandhi added fresh thoughts, attitude and values. He did not want to use coercion on the orthodox as he considered "this gross and simple superstition of Untouchability as a part of their faith". He wanted to soothe their feelings by reaching their "reason through the heart". He believed that

“the method of reaching the heart is to awaken public opinion. Public opinion for which one cares is a mightier force than that of gun powder”<sup>8</sup>

In Gandhi’s view, Hindu temples were the bastions where Untouchability was considered as the essence of religion. Hence, an important step in this salvation of the Untouchables lay in temple entry.

Gandhi’s initial concept was that it was inconsistent with the movement for removal of Untouchability to build separate temples and schools for the Untouchables. Later, his experience taught him that on practical consideration, better results would be achieved by erecting separate temples and model schools for the suppressed classes, side by side with the attempt to have the existing temples and schools thrown open to them.

The Vykom Satyagraha of 1924-25 in Travancore State offered Gandhi his first opportunity to act publicly on behalf of Untouchables. Though Gandhi was not the initiator of the campaign to remove the prohibition against the use by the Untouchables of the roadway passing the temple at Vykom, he was in contact with the campaign leadership. He visited the area during the second year of the Satyagraha to negotiate with the temple and state official. Gandhi’s negotiations with the Nambudiri Brahmin trustee of the Vykom temple revealed Gandhi’s powers of persuasion. The temple authorities yielded and the road past the temple was opened to all. However, Untouchables were not allowed to enter the temple itself until 1936.

The Vykom Satyagraha foreshadowed many aspects of subsequent Gandhi and activity. He showed his marvelous senses of compromise when the question of temple entry at Guruvayur arose in 1933. Finding stiff resistance, he thought it better to divide the entry timings in the Guruvayur temple whereby caste Hindus would visit the temple during certain hours and others in the remaining hours. For the sake of compromise, he did not oppose purification of the temple idols by the caste Hindus every time after the visit of the Untouchables.

Some critics of Gandhi wanted him to take up the economic and political upliftment of Untouchables in preference to matters such as temple entry and sharing of public wells, Gandhi’s reply was that the root cause of the present malaise was that temple entry and drawing of water from wells were prime factors in the daily life of Untouchables. The economic uplift and political emancipation would come of its own later, as a logical consequence.

With a view not to disturb the orthodox Hindus, Gandhi deliberately kept interdining and intermarriage between caste Hindus and Untouchables as separate issues, and refused to relate them with the reform movement in the early twenties and thirties. He did not regard interdining and intermarriage as essential for the removal of Untouchability. He wrote, “Let me tell you that in my own clan all the members do not interdine. In certain cases among our Vaishnava families they do not use others utensils or even cook food on fire fetched from others kitchens. You may call this practice superstitious, but I

do not regard it as such. It certainly does no harm to Hinduism. In my Ashram, Dudhabhai, one of the 'Untouchable' inmates, dines with the rest without any distinction. But I do not recommend anybody outside the Ashram to follow the example. Again, you know the esteem in which I hold Malaviyaji, I would wash his feet. But he would not taste food touched by me; Am I resent it is a mark of contempt? Certainly not, because I know that any contempt is meant".

The following quotation sums up his attitude on interdining and intermarriage: "Though there is in Varnashrama no prohibition against intermarriage and interdining, there can be no compulsion. It must be left to the unfettered choice of the individual as to where naturally be a tendency, so far as marriage is concerned, for people to restrict the marital relation to their own Varna".<sup>9</sup>

Gandhi, therefore, delinked these two issues of interdining and intermarriage from religion and projected these purely as social customs. He did not consider these as important instruments to bring about universal brotherhood. His argument was that even amongst caste Hindus, there was no compulsion that a brother should dine with his brother or a father with his son. There were families where some members were vegetarians, others non-vegetarians and there was no family interdining. Likewise, marriage outside the caste, even amongst caste Hindus, was rare. He was not against such thing being done voluntarily and on the basis of mutual trust and agreement. In this refrain, he wrote that "interdining and inter-caste marriage are in no way essential for the promotion of the spirit of brotherhood or for the removal of Untouchability. At the same time, a superimposed restriction would undoubtedly stunt the growth on any society".<sup>10</sup>

He did not expect dramatic results through inter-caste marriages because he felt that "every reform moves at the proverbial snails' pace. To be dissatisfied with this slowness of progress betrays ignorance of the way in which reform works". It was possible that if an educated Harijan girl married a caste Hindu, the educated Harijan girl would be cut off from within; besides, the Harijan community, where educated girls were few, would lose the benefit of her education by such inter-caste marriages. To this, Gandhi's answer was that "it is certainly desirable that caste Hindu girls should select Harijan husbands".<sup>11</sup> In his view "The marriage of a caste Hindu girls should select Harijan is better than that of a Harijan girl to a caste Hindu. If I had my way I would persuade all caste Hindu girls... to select prince. Old prejudices are difficult to shed... They have to be overcome with patience... Every mixed marriage will tend in varying degrees to remove the stigma attached to such marriages. Finally there will be one caste... I have not succeeded in marrying of a single Harijan girl to a caste Hindu so far after my declaration. I have a caste Hindu girl who ate her father's wish has offered to marry a Harijan lad of her father's selection".<sup>12</sup>

This was obviously with reference to Ambedkar's cry for intermarriage and interdining as a major remedial step for the removal of

Untouchability. Interestingly, in 1948, Dr. Sharda Kabir, a caste Hindu, married Ambedkar.

### **3.2 UNTOUCHABILITY AND SWARAJ:**

Gandhi was ensured that the vast organization of the Indian National Congress was utilized for the struggle against Untouchability. But the first priority was Independence. The August 1920 issues of *Young India* contained spirited writings in defense of non-cooperation. Gandhi stated his policy firmly—first things and no dissipation of energy. His justification of the non-cooperation movement for Swaraj, when Untouchability waited to be removed, was: “If as a member of a slave nation, I could deliver the suppressed classes from their slavery without freeing myself from my own, I would do so today. But it is an impossible task. A slave has not the freedom even to do the right thing. Hence, though the panchama problem is as dear to me as life itself, I rest satisfied with an exclusive attention to national non-cooperation. I feel sure the greater included the less”.<sup>13</sup>

In his Presidential address to the Indian National Congress, 1924 session at Belgaum, Gandhi said: “It has been suggested that the programme turns the Congress into a purely social reform organization. I beg to differ from that view. Everything that is absolutely essential for Swaraj is more than merely social work and must be taken up by the Congress.”<sup>14</sup>

In *Young India*, Gandhi interpreted the 1931 Congress resolution on Untouchability: “There will be no Untouchability. The Untouchables will have same rights as any other. But a Brahman will not be made to touch anybody. He will be free to make himself Untouchable and have his own well, his own temple, his own school and whatever else he can afford, so long as he used these things without being a nuisance to his neighbours”.<sup>15</sup> Evidently, Gandhi did not want to lose the cooperation of the orthodox Hindus as well as the Untouchables in the struggle for freedom.

For Gandhi, freedom was not an end in itself—it was a means to an end; social justice for all. As he wrote in *Young India*: “Slave holders ourselves, we have no business to quarrel with our own slaver if we are not prepared unconditionally to enfranchise our own slaves. We must first cast out the beam of Untouchability from our own eyes before we attempt to remove the mote from that of our master”.<sup>16</sup> Swaraj was as much for the ‘Untouchable’ as for the ‘Touchable’.

This removal of Untouchability was the passion of his soul. He made it a cause above everything else. The volume of his writings on Untouchability whether in *Young India* or the *Harijan* or in other publication is stupendous. There were not many days when he did not write on this subject or talk about it as a virtual ritual. Most of his writings were answers to questions on Untouchability asked by all and sundry day in and day out.

The dimension, which the concept of Untouchability and its practice had acquired in India, was bewildering. In every society, there were classes who did such work as scavenging, tanning, weaving and other menial jobs,

yet they were not people whose touch would cause pollution. At best they could be termed as unclean but when they washed themselves and put on proper dress, they were treated in society as other human beings, varying degrees of social status notwithstanding. In India the problem was that a certain class of people by reason of their birth in a particular caste performing the specified professions was condemned for life to Untouchability. As Gandhi wrote in 1932, "Bhangis, Dhedhs, Chamars and the like are contemptuously looked down upon as Untouchables from birth. They may bath for years with any amount of soap, dress well and wear the marks of Vaishnavas, read the Gita every day and follow a learned profession, and yet they remain Untouchables. This is rank irreligion fit only to be destroyed... We find such barriers erected everywhere in the world, but here we have been mainly concerned with the Untouchability which has received religious sanction in India, and reduced lakhs and crores of human beings to state bordering on slavery".<sup>17</sup> Gandhi, therefore, could not draw on the social or political experience of any other nation. Therefore, he had to devise his own methodology based on truth and non-violence to eradicate this way of life, which had been superimposed on the lowest category of the Varna system.

As aptly put by Louis Fischer, "Gandhi's mind was a battle field in which caution contended with passion. Ready to die fighting for a principle, he preferred to arbitrate and compromise. He was a natural fighter and a bom peacemaker. Gandhi's criteria were not the usual criteria of politics. His leadership did not depend on victories".<sup>18</sup>

However, Gandhi felt that his views on Untouchability were misunderstood by Ambedkar. Gandhi's leadership on the issue of Untouchability was challenged by Ambedkar. Himself from the Untouchable rank, Ambedkar toiled for the amelioration of the Untouchables and made it his mission. He considered Gandhi's tactics of placating orthodox Hindus and removing Untouchability at the same time as paradoxical.

### **3.3 AMBEDKAR AND UNTOUCHABILITY :**

Unlike Gandhi, who was a caste Hindu, Ambedkar, born as an Untouchable, faced social ostracism right from his childhood. Although the doors to educational advancement were not closed to him, there were several reminders of his caste and he suffered personal humiliation. He did not disassociate himself from his caste background even when his living quarters, attire and lifestyle were on another plane from that of his caste fellows. Ambedkar strove to free himself of his hereditary handicaps and this effort he extended to his entire community.

Early in life, he became aware that the Mahar community and other Depressed Classes were denied legitimate human rights by oppressive social custom. Ambedkar gave a graphic of the plight of the Untouchables in the following words: "The Hindu society insists on segregation of the Untouchables and will not allow the Untouchables to live inside Hindu

quarters. This is a fundamental feature of Untouchability as it is practiced by the Hindus. It is not a caste of social separation, a mere stoppage of social intercourse for a temporary period. It is a case of territorial segregation and of a cordoned sanitarian putting the impure people inside a barbed wire, into a sort of cage. Every Hindu village has a ghetto. The Hindus live in the village and the Untouchables in the ghetto".<sup>19</sup> Ambedkar concluded that Untouchability was a unique phenomenon unknown to humanity except among the Hindus. He considered that the "present caste system with its invidious distinctions and unjust dispensations is one of the greatest sources of our communal and national weakness".<sup>20</sup>

#### **3.4 AMBEDKAR'S METHODS FOR REMOVAL OF UNTOUCHABILITY:**

Ambedkar availed of every opportunity to demand political rights and safeguards for the Depressed Classes. When in 1918-19 the Southborough committee, set up to recommend Franchise Reforms, toured India, Ambedkar gave public testimony to plead for the political rights of the Depressed Classes. Ambedkar, who was only 28 years old at that time, submitted a written Statement to this Committee. Explaining the social divisions in India, describing the position of Untouchables, analyzing constituency-wise population of Untouchables in Bombay Presidency and recommending that the Untouchables of the Presidency should be allowed to elect 9 members in specified constituencies, this was a bold attempt to provide for communal electorates for the Untouchables in such numbers as would enable them to claim a modicum of social redress. Ambedkar also submitted a Supplementary Statement in which he analysed the total number of seats for the composition of the legislative council in Bombay and showed how this proposal could be fitted into the total scheme. Ambedkar was examined by the committee, when he acquainted the members with the position of the Untouchables and his proposal to reserve 9 seats by separate communal election for the Untouchables on the basis of their population.

Although Ambedkar's testimony was logical, the Bombay Government recommended that no special representation be given to the Depressed Classes. This was because of the difficulty in defining these classes and the lack of electorates of "Sufficient Intelligence". However, for the first time, one nominated seat for Untouchables was reserved in the province of Bombay.

Ambedkar's campaign for political rights for the Untouchables gained momentum in the 1920s and 1930s. The Simon Commission (Indian Statutory Commission) provided a golden opportunity to Ambedkar to plead the case of the Depressed Classes. In 1928, he prepared two classic documents for the purpose, viz., (1) Statement concerning the safeguards for the protection of the interest of the Depressed Classes as a minority in the Bombay Presidency and (2) Report on the Constitution of Bombay Presidency. Here he held communal electorates to be an evil and advocated

adult suffrage. “Those who agree with me will admit that adult suffrage should be introduced not only because of its inherent good but also because it can enable us to get rid of the evil, is a lesser evil than communal electorates. Adult suffrage, which is supported by political justice and favoured by political expediency, is also, I find, demanded by a substantial body of public opinion”.<sup>21</sup> He further stated, “For communal electorates do tend to the intensification of communal feeling and that they do make the leaders of the two communities feel nor responsibility towards each other, with the result that instead of leading their people to peace., they are obliged to follow the momentary passions of the crowd. The Mohammedans who have been insisting upon the retention of the communal electorate take their stand on these grounds. In the first place they Mhatthe interests of the Mohammedan community are separate form those of the other communities, and that to protect these interests, they must have separate electorates. His existence of separate interests of the Mohammedan community is therefore a myth. What exist are not separate interests but special concern in certain matters”.<sup>22</sup>

Assuming however, that separate interest exists, the question arises: are they better promoted by separate electorates than by general electorates and reserved seats? According to Ambedkar, “My emphatic answer is that the separate or special interest of any minority are better promoted by the system of general electorates and reserved seat then by separate electorates... the best system is the one under which the Mohammedan candidates could be elected by the suffrage of the Hindus and the Hindu candidates elected by the suffrage of the Mohammedans. The system of joint electorates is to be preferred to that of communal electorates, because it is better calculated to bring about that result than the system of separate electorates. At any rate, this must be said with certainty that a minority gets a larger advantage under joint electorates that it does under a system of separate electorates. With separate electorates the minority gets its own quota of representation and no more. The rest of the house owes no allegiance to it, and is, therefore, not influenced by the desire to meet the wishes of the minority. The minority is thus thrown on its own resources and as no system of representation can convert a minority into a majority, it is bound to be overwhelmed”.<sup>23</sup> On the other hand, “Under a system of joint electorate and reserved seats, the minority not only gets its quota of representation but something more. For, every member of the majority if not a member of the minority, will certainly be a member for the minority. This, in my opinion, is a very great advantage which makes the system of mixed electorates superior to that of separate electorates as a means of protection to the minority”.<sup>24</sup> As we shall see subsequently, Ambedkar kept changing his views on this issue.

In other words, all that Ambedkar demanded was protection through adequate representation for the Depressed Classes. “For it must be admitted”, he said, “that population is a measure by which to evaluate the representation that is to be granted to any community”. He further demanded, “It must however, be recognized that the strength of the community cannot be taken

as a sole factor in determining matters of this sort. The standing of the community is no less an important factor to be taken into account in determining its quota of representation... It follows from the recognition of the principle the lower the standing of the community the greater is the electoral advantage it must get over the standing of the community the greater is the electoral advantage it must get over the rest. There can be no two opinions that the standing of the Depressed Classes, both educational and economic, is the lowest in this Presidency".<sup>25</sup>

Ambedkar submitted another statement on behalf of the Bahishkrita Hitakarini Sabha (Depressed Classes Institute of Bombay) to the Simon Commission. This statement related to the education of Depressed Classes in Bombay Presidency and made the following propositions:

1. That the education of the Depressed Classes shall be recognized as the first charge on the revenues of the Province and that an equitable and just proportion of the total grant for education should be earmarked for the benefit of the Depressed Classes.
2. That the right of the Depressed Classes to unrestricted recruitment in the army, navy and the police shall be recognized without any limitation as to caste:
3. That for a period of 30 years the right of the Depressed Classes for priority in the matter of recruitment to all post, gazetted as well as non-gazetted in all civil services shall be recognized.
4. That the right of the Depressed Classes to the appointment of a special Inspector of Police from amongst themselves for every District shall be recognized.
5. That the right of the Depressed Classes to appeal to the Government of India in cases of violation of these rights by the Provincial Government shall be recognized and the Government of India shall be given the power to compel the Provincial Government to conform to the law in matter.

He explained to the Indian Statutory Commission that the terms Depressed Classes and Untouchables were synonymous and stressed, "The first thing I would like to submit is that we claim that we must be treated as a distinct minority, separate from the Hindu community. Our minority character had been hitherto concealed by our inclusion in the Hindu community, but as a matter of fact there is really no link between the Depressed Classes and the Hindu community. Secondly, I should like to submit that the Depressed Classes minority needs far greater political protection than any other minority in British India, for the simple reason that it is educationally very backward, that it is economically poor, socially enslaved, and suffers from certain grave political disabilities, from which no other community suffers".<sup>26</sup>

Ambedkar was searching for a method by which he could awaken the Untouchables. Holding Conferences seemed to him best suited for awakening the Untouchables and for mass support. He attended the first such conference in Mangaon in Kolhapur in 1920. As stated earlier Shahu

Maharaj attended this Conference and announced prophetically, "You have found your saviour in Ambedkar".<sup>27</sup> This Conference was presided over by Ambedkar. Later in the same year, another Conference of Depressed Classes was held at Nagpur with Shahu Maharaj as President. Ambedkar spoke at the Conference and urged political representation by election and not by nomination.

In 1924, a Provincial Depressed Classes Conference was held at Barshi in Sholapur district, where a resolution to form a central organization for the task of the amelioration and uplift of the Depressed Classes was passed. In the same year, the Bahishkrita Hitakami Sabha (Depressed Classes Institute) was formed in Bombay with Ambedkar as Chairman of the Council of Management. The purpose of this organization was to hold conferences for the welfare of the Depressed Classes, as well as to spread education, improve economic conditions and represent the grievances of the Depressed Classes. Another organization called Samaj Samata Sangh (Social Equality League) was established in Bombay in the late 1920s with Ambedkar as President, which stressed on inter-caste activities and published a newspaper. It prompted ceremonies such as Vedic weddings and the sacred thread ritual for Untouchables.

In a Conference held at Nipani in 1925, Ambedkar commented at length on the Vykom Satyagraha. His comments showed appreciation of Gandhi's efforts but his criticism that Gandhi did not enforce non-practice of Untouchability and non-rejection of scriptures on which the orthodox based their opposition was forewarning of a less optimistic and conciliatory attitude in the future. Ambedkar noted that the orthodox Brahmins at Vykom had used scriptures to justify their position to Gandhi. He considered these scriptures an insult and said, "Either we should burn these scriptures or verify and examine the validity of their rules regarding Untouchability".<sup>28</sup> Two years later, at a Conference at Mahad, the threat of burning the scriptures turned to action, but only after an attempt to claim the right of using a public source of water was frustrated.

Conferences continued to be held at regular intervals, of which the most significant was at Mahad in December 1927. The Mahad Municipality had declared open the Chowdar Tank to the Untouchables. Yet the Untouchables could not exercise their right. In March 1927, Ambedkar presided over a Conference of the Kolaba District Depressed Classes and urged thousands of his followers- to march to the Chowdar Tank for drawing and drinking water. Engaged by the wide spread rumours about the plan of the Untouchables to defile the Chowdar Tank, caste Hindus attacked the Untouchables. The Mahad Municipality revoked its earlier resolution. Ambedkar treated this as a challenge and decided to launch a Satyagraha in the last week of December 1927. It was in this background that the Mahad Conference was held on 25th December 1927. Ambedkar at the Conference said, "Should we fail to assert our right as human beings and citizens, we shall have to remain fallen forever".<sup>29</sup> After the march started, the District

Magistrate of Kolaba advised the Untouchables not to precipitate the crisis as a suit, filed by the leaders of the Government, and the battle shifted to the Court. After nearly ten years, the Bombay High Court decided in favour of Ambedkar.

In his Presidential address at this Conference, Ambedkar espoused the abolition of social disabilities. "This Conference is held to unfurl the banner of Equality and thus be likened to the National Assembly in France convened in 1789. Our Conference aims at the same achievement in social, religious, civil and economic matters".<sup>30</sup> The movement was not only for the removal of disabilities but also to bring about a social revolution that would remove all man-made barriers of caste by providing equal opportunities to all to rise to the highest position, making no distinction between man and man and to provide civic rights to all. "If we achieve success in our movement to untie all the Hindus in a single caste we shall have rendered the greatest service to the India national in general and to the Hindu community in particular".<sup>31</sup> The existing caste system "with its invidious distinction and unjust dispensation is one of the greatest sources of our communal and national weakness. Our movement stands for strength and solidarity, for equality, liberty and fraternity".<sup>32</sup> Ambedkar wished to carry on the movement as peacefully as possible. However, "our determination to remain non-violent will to a large extent depend upon the attitude of our opponents. We are not the aggressors and that our oppressors for generations should accuse us of aggression, is a strange thing. We refuse to be controlled and bound by the 'Shastras' and Smritis composed in the Dark Ages and base our claims on justice and humanity".<sup>33</sup> At the Conference, four resolutions were passed. According to Ambedkar, "They reveal a new outlook which the Untouchables had acquired".<sup>34</sup> The first resolution declaring the rights of a Hindu revealed the profound thinking of Ambedkar and is reproduced in full:

### **3.5 RESOLUTION I - DECLARATION OF THE RIGHTS OF A HINDU:**

This Conference is in full of the opinion that the present deplorable condition of the Hindu community is only an illustration of how a community becomes fallen by reason of its tolerating social injustice, following erroneous religious beliefs and supporting economic wrongs. The fall of the Hindu community is due entirely to the fact that the masses have not cared to know what the birth-rights of a human being are and much less have they cared to see that they are recognized and not set at naught the base acts and deeds of selfish people. To know what are these birth rights of man and to endeavor to see that they are not trampled upon in the struggle between man and man and class and class, are the sacred duties of every person. In order that every Hindu may know what are in the opinion of this Conference the inalienable birth-rights of man, this conference to issue the following proclamation containing a list thereof -

1. All Hindus have the same social status from birth. This equality of social

status in an attribute, which they retain till death. There may be distinctions and differences between them in point of their functions in society. But that must not cause differences in their social status. This Conference is therefore opposed to any action -whether in the political, economic or social field of life- which would result in producing a difference in social status.

2. The ultimate aim of all political, economic or social changes should be to maintain intact the equal status of all Hindus. That being the view of the Conference, the Conference strongly disapproves of all literature of the Hindus, whether ancient or modern, which supports in any way the pernicious doctrine of inequality underlying the Hindu social system.

3. All power is derived from the people. The privileges claimed by any class or individual have not validity if they are not granted by the people. This Conference, therefore, repudiates the social and religious privileges enjoyed by some classes of Hindus as much as they are founded upon the Vedas, Smritis and Puranas and not upon the free consent of the people.

4. Every person is entitled as his birth-right to liberty of action and speech. This liberty could be limited only for the purposes. Further this limitation can be imposed only with the sanction of the people and not by any injunction of the Hindu Shastras. This Conference, therefore, repudiates all restraints on religious, social and economic freedom imposed upon the thought and action of the Hindus in as much as they are imposed by the Shastras and not by the people.

5. Hindus can be deprived of their rights other than their birth-rights only by law. What is not prohibited by law, a Hindu must be free to do and what is not obligatory by law, a Hindu must not be forced to do. For this reason there must be no obstruction to persons using public roads, public wells and tanks, public temples and all other public utilities. Persons, causing obstruction in matters where law has laid down no prohibition, are in the opinion of this Conference enemies of the public.

6. Law is not a command of an individual or a body of individuals. Law is the people's prescription for change. That being so, law to be respected, must be made with the consent of all and must have equal application to all without any distinction. Social divisions if they are necessary for the ends of society can only be made on the basis of worth and not of birth. This Conference repudiates the Hindu caste-system firstly as being detrimental to society, secondly as being based on birth and thirdly as being without any sanction from the people."<sup>35</sup>

This memorable Declaration foreshadowed the Fundamental Rights enshrined in Part III of the Constitution of India, of which Ambedkar was one of the main architects.

### **3.6 THE SECOND RESOLUTION RELATED TO THE BURNING OF THE MANU SMRITI:**

“Taking into consideration the fact the fact that the laws which are proclaimed in the name of Manu, the Hindu law giver, and which are

contained in the Manu Smriti and which are recognized as the Code for the Hindus are insulting to persons of low caste, are calculated to deprive them of rights of a human being and crush their personality. Comparing them in the light of the rights of men recognized all over the civilized world, this conference is of opinion that this Manu Smriti not entitled to any respect and is undeserving of being called a sacred book and to show its deep and profound contempt for it, the Conference resolves to bury a copy thereof, at the end of the proceedings, as a protest against the system of social inequality it embodies in the guise of religion".<sup>36</sup>

As a symbol of rejection of the caste system, which was the basis of Untouchability, a copy of the Manu Smriti was burnt ceremoniously in full view of the Conference. In his assessment of the Resolutions, Ambedkar stated, "These resolutions were absolutely revolutionary in character. The courage shown in passing these resolutions, it will be admitted, is more than a reply to the allegation of timidity that was leveled against the Conference on account of having resolved to suspend civil disobedience. The burning of the Manu Smriti was a deed of great daring. It was an attack on the very citadel of Hinduism. The Manu Smriti embodied the spirit of inequality which is at the base of Hindu life and thought just as the Bastille was the embodiment of the spirit of the ancient regime in France".<sup>37</sup>

After the Mahad Conference, Ambedkar realized that mass action produced unity and courage and this is seen in his role in the temple Satyagrahas that followed. Pune and Nasik were the sites of the temple entry movement. The impetus for temple entry grew out of the Mahar movement, but he name used, "Temple Satyagraha", and the technique of non-violent direct action came from the teaching of Gandhi. Neither Gandhi nor any of his associates, however, were involved with the Mahar efforts.

In 1929, the Mahar Satyagraha was initiated to gain entry to the Parvati temple in Pune. Although Ambedkar's name was shouted by the marchers, he was not present. The Congress disapproved the Satyagraha and decided not to support it. Although there was no direct confrontation between Ambedkar and Gandhi on his issue, yet the failure of the Satyagraha and the lack of Congress support increased distrust between Ambedkar and his followers and Congress and Gandhi.

The longest Satyagraha for temple entry took place at the Kalaram temple at Nasik, 1930-1935. Organised by Ambedkar and the local Mahar leaders, the Kalaram Satyagraha involved thousands of Untouchables in a five-year attempt to enter the temple and to participate in the annual temple procession. As in the case of the Parvati Satyagraha, this attempt was also unsuccessful. This not only caused further disillusionment with the Satyagraha method of the Congress but also led to the strengthening of separatist political stance among the Untouchables. The Satyagraha ended with Ambedkar's announcement at Yeola, in 1935 that he no longer considered himself a Hindu.

Ambedkar's approach to the problem of Untouchability was

naturally militant and that of a victim. History had convinced him that nay application of external balms would not heal the wounds suffered by his community over the centuries. The approach of reform envisaged by Gandhi within the existing social structure was impractical to Ambedkar who wanted and independent identity for his community with significant political rights and safeguards in relation to its population, based on the principles of liberty, equality and fraternity. He was afraid that the monolith of the Indian National Congress would exploit the politically backward classes for its subtle political ends. He was more concerned about the practical steps for the emancipation of the Untouchables rather than the expression of pious wishes, lip sympathy and use of utopian language.

The cause of the Untouchables was the mission of both Gandhi and Ambedkar. However, their views were quite divergent. Gandhi wanted the Untouchables to remain within the Hindu fold and sought their amelioration by reforming the caste Hindus and purification of the Hindu heart. Ambedkar wanted the Untouchables to help themselves by becoming aware of their rights, organizing themselves politically and demanding political and legal rights. The stage was set for a clash between these opposing views.

### **3.7 DIFFERENT VIEWS, ONE MISSION:**

As is well known, Mahatma Gandhi was not only a great advocate for the abolition of Untouchability but made it his life's mission. The intensity of his commitment to this cause can be gauged from his statement to the Minorities Committee at the Round Table Conference, London, in November 1931, on the subject of giving separate electorate to the Harijans or Scheduled Castes. The question had arisen because Ambedkar had earlier presented a memorandum to the Committee, saying that if there was to be universal suffrage, he was ready to accept joint electorate with reservation of seats for Scheduled Castes, but in the absence of universal suffrage, he would insist on separate representation for them. In answer, Gandhi addressed the Committee thus.

We do not want on our registers and census to classify untouchables and untouchables in perpetuity. I would rather see Hinduism dead than Untouchability living forever. I wanted resist this separation of a class of innocent people with al my might, may be with my blood. These words completely disarmed Ambedkar who had to grudgingly admit that he was not he sole custodian of the Harijan's interest.

Despite their common mission of abolishing Untouchability, Gandhi and Ambedkar had huge differences of opinion on the proper means to achieve their goal and on other related issues as well. In order to understand any individual, we must comprehend him relation to his roots and past. Thus a comparison of he family background, upbringing and life- experiences of these two great leaders will help to reveal the reason for their divergent views.

To begin with, their very origin and upbringing could not have been

more different. Ambedkar was born as the fourteenth child in an untouchable family belonging to the Mahar Community. He was a victim of severe caste prejudice and social discrimination from birth. He also suffered because of the extreme poverty and low social status of his parents. Who were compelled to live in conditions of near slavery and to take out a meager living by performing degrading menial jobs? They ate carrion, indulged in the abuse of alcohol and occasionally sought solace in the tamasha (folk theatre). The indignities suffered by the Mahars Haunted Ambedkar throughout his life, making him a hostile and relentless critic of upper caste Hindu society and greatly influencing his outlook and work, he grew up a complicated personality and so continues to be a riddle even after so many years of talks, discussion and debate about him.

As against this, Gandhi, a high-born Bania, did not experience the humiliating sting of Untouchability in his childhood nor economic deprivation therefore, though his deep hatred of the repugnant practice of Untouchability was never in doubt, it grew, so to speak, out of a moral concern and lacked the edge of anger and urgency evident in Ambedkar's hatred of it.

Further being Maharashtrai, Ambedkar began his mission to combat the ills of Hindu society, fully acquainted with rich history of social reform movement in Maharashtra, shaped both by Brahmins and non-Brahmins alike. The former included the poet Kashavsut, Mahadev Govind Ranade, R.B. Bhandarkar, Gopal Ganesh Agarkar, Gopal Krishna Gokhale, N.G. Chandavarkar and the latter Jyotba Phule, Vithal Raoji Shinde and the maharajas of Kalhapur and Baroda- both of whom were responsible for Ambedkar's education in India and abroad. Since Gandhi was born in Gujarat, he had a different regional background.

Again, while both Ambedkar and Gandhi were trained as lawyers, their attitudes to law, as an instrument of social justice, were very different. While the former reposed full faith in it and constantly sought to sharpen it; the latter had not much use for it and emphasized instead a moral regeneration of individuals and societies on a voluntary basis. Thus for Gandhi, unlike Ambedkar, legal intervention to reorder civil society along more human lines was anathema. He never believed that it would work.

Further, for obvious reason, Ambedkar was deeply skeptical of the Hindu religious faith and openly hostile to its rituals and superstitions.. Gandhi, too, despised rituals and superstitions, but remained firmly within the confines of Hinduism, believing in the doctrine of re-birth and the essential efficacy of the Chaturvama (four caste) system. While Ambedkar regarded Untouchability as the distilled by-product of the iniquitous caste system, Gandhi sought to debunk it as merely a grotesque distortion of Hinduism because chaste Hinduism has not sanction for Untouchability.

They also had different temperaments and more significantly, held radically opposed worldviews. Ambedkar's worldview, nourished by his knowledge of the history of the social reform movement in Maharashtra and

his economic and legal studies in the United States and Britain, was rooted in the Enlightenment. To him fraternity and equality were the basis of liberty. He trusted the instrument of the state to bring about social and economic change and chose to be guided by reason and not by faith. He placed the individual at the very center of the social order.

Gandhi's worldview, on the other hand, was rooted in morality; he was indifferent to economic mechanisms and political arrangements. He prized the qualities of self-abnegation and mercy. Unlike Ambedkar, he regarded the community, rather than the individual, as the basic social unit. For much the same reason, he favoured the village against the city and, by extension, seemed to lay greater store by agricultural and agriculture-related activities than by industrial expansion.

On the contrary Ambedkar urged his followers to desert the villages, take to urban life and modern education- he himself founded several educational institutions- and organize themselves politically.

As soon as above, Gandhi passionately championed the cause of the Dalits. This dealt a psychological blow to upper caste Hindu society which was no mean accomplishment. Another one of his great achievements was the attaining of independence from British colonial rule through non-violent means. His inability to prevent the partition of India is looked upon by some as his greatest failure. This is, however, a highly controversial subject. With regard to Ambedkar, the framing of the Constitution and restoring to the Dalits their dignity are his greatest triumphs. But his inability to create a viable political entity to promote his cause; his failure to build an effective second - rank leadership of the Dalits and, finally, the limited success he achieved when he sought to get the Dalits converted to Buddhism en masse in 1956 (a mere two months before his death) were his tragedies. It may be said that while Gandhi was the product of an age, Ambedkar represented a problem. Though different, they were united in their concern to abolish Untouchability and set up a new social order. Baba Ambedkar represented their anger and indignation in ample measure, but while doing so, did not for a moment forget that he was an Indian first and everything after.

Let us first note down the similarities between the two great leaders: Gandhi and Ambedkar. Both were staunch nationalists. Gandhi was a leader of great eminence, commanding and directing the nationalist movement. Ambedkar also struggled for national independence and the liberation of the masses from the colonial rule. Both Gandhi and Ambedkar were social reformers to the core. In fact, the basic framework of their thought was firmly rooted in their belief that religion is a necessary social fact, higher than human material institutions in spiritual terms and a principal source of human liberation, dignity and equality. Thus. "Dharma" or religion was dearer to both of them. On that score, there was no basic difference between them.

But from this point onwards, their differences arose, For Gandhi, Hinduism was an ideal religion and Chaturvama useful scheme for social and

religious fulfillment. To him Untouchability was an aberration or distortion arising out of a peculiar historical situation. But here also, he evaluated the practice of Untouchability more as moral degradation. He condemned Untouchability in unequivocal terms. But he also believed that it is possible to remove Untouchability and return to the Vedic conception of Hinduism by appealing to the saner instincts of man. Gandhi, as a moralist, wanted a Hindu society minus Untouchability. Methods for achieving this were persuasion, peaceful struggle, moral education, preaching and demonstration. He did not want the untouchables to become militant and violent on this issue. He feared that militancy or antagonism among the untouchables and the touchables would lead to disunity and disaffection. Such a consequence was unwelcome to Gandhi as a nationalist.

Ambedkar was a more pragmatic, cautious and astute leader. Being an untouchable himself, he was closely aware of the humiliation and degrading conditions of the untouchables both in rural and urban areas. He became sharply aware that secular forces like education and urban-industrial occupations would do a great deal in equalizing the status of the untouchable with that of the touchables. All the same, he always considered religion as an inevitable liberating force in life. For some years he fought for reforming the orthodoxies of Hindus through "Satyagrahas" for temple entry. And later, he embraced Buddhism with a belief that Untouchability would vanish once they changed their religion. Thus, in his ideology and approach there was always some ambivalence. While promoting education and legal protection for the Untouchables, he displayed an acute modern-liberal-rational sense. But, all these efforts were secondary in so far as his criterion of liberation was concerned. And that criterion was a religious one.

Thus, whatever differences existed between the two, they were minor or marginal ones. Of course, Ambedkar was a step ahead of Gandhi because he saw the fulfillment of the goals of equality, freedom and dignity by mobilizing the masses, i.e., the Untouchables. He assumed their leadership and fought for their cause throughout his life. He also emphasized material institutional benefits for the upliftment of the Untouchables. So, Ambedkar believed in collective action. This collectivity was that of the Untouchables alone, obviously because the issue at the center was that of Untouchability.

Both Gandhi and Ambedkar linked Untouchability to the religious sphere as a main lever. They did not specifically relate the Untouchability problem, with the emerging socio-economic reality, i.e., the breakdown of feudal institutions and the spread of colonial capitalist rule. In other words, their analysis of the problem of Untouchability was not complete. Gandhi tried to view it more in religious-moral terms while Ambedkar first tried to view it in historical terms but later sought a solution in the religious realm.

## REFERENCES

1. Young India, 29 April, 1927.
2. Presidential Address of Mahatma Gandhi at 39th Indian National Congress, Belgaum, 1924.
3. Young India, 4 May, 1921.
4. M.K. Gandhi from Yeravada Mandir - Ashram Observances, p.25.
5. Young India, 27th October, 1920.
6. Ibid.
7. Young India, 4 May 1921.
8. Young India, 19 March 1925.
9. Harijan, 16 November, 1935.
10. Ibid.
11. Ibid.
12. Ibid.
13. D.G. Tendulkar, Mahatma, Life of Mohandas Karamchand Gandhi, Vol. H, p. 6.
14. Presidential Address of Mahatma Gandhi, at 39th Indian National Congress, Belgaum, cited in S.M.H.F.M.I., Vol. III, Part-II (1922-29), p. 495.
15. Young India, 1.
16. Young India, 1.
17. Ibid
18. L. Fischer, p. 237.
19. B.R. Ambedkar, The Untouchables - Who were they and Why They Became Untouchables, p. 26.
20. Ibid.
21. Ambedkar, B.R., Annihilation of Caste, Dr.Babasaheb Ambedkar: Writings and Speeches, Vol. I, Government of Maharashtra, 1979, p. 43.
22. Ambedkar, B.R., States and Minorities, Buddhavihar, Risaldar Part, Lucknow, 1978, p. 45.
23. Ibid., p. 46.
24. Ibid., p. 47.
25. Ambedkar, B.R., The Untouchables, Bharatiya Boudha Shiksha Parishad, Jetavan Mahavihara, Shravasti, Balarampur, Gonda (U.P.), 1969, p. 64.
26. Ambedkar, B.R., Op.Cit. No. 22, p. 47.
27. Ibid., p. 48.
28. Ibid., p. 54.
29. Ambedkar, B.R., Who were the Shudras? Thakur and Company Ltd., Rampart Row Publications, Bombay, 1947, p. 32.
30. Ibid., p. 35.
31. Ibid., p. 36.
32. Ambedkar, B.R., Op.CitNo. 21, p. 52.
33. Ibid., p. 54.
34. Ambedkar, B.R., Op.CitNo. 25, p. 71.
35. Ibid., p. 74.

36. Ibid., p. 76.  
37. Ibid., p. 80.

\*\*\*

## Chapter – IV

### CONSTITUTIONAL AND LEGAL PROVISIONS WITH REFERENCE TO ABOLITION OF UNTOUCHABILITY

It is believed that Untouchability was practiced in India since Manu's times. How far it was justified at that time could be a debatable point. But no one would justify Untouchability on any ground in the present society. Many saints and social reformers started preaching against the practice of Untouchability centuries ago but the abolition of Untouchability by legislation was attempted for the first time in the fourth decade of this century, when popular governments assumed power in the respective States, which were known as provinces under British India under the Government of India Act 1935. Such Acts were enacted in a few States but they did not aim at the complete abolition of Untouchability. They made some enabling provisions in an attempt to give entry to the backward classes into the temples.

It is significant that during the days of the national struggle for Independence under the leadership of Mahatma Gandhi, the removal of social disabilities was an integral part of the constructive programmes launched to ameliorate the poor and the downtrodden. It is a widely acclaimed and a well-known fact the Mahatma Gandhi always used to stress the relevance and importance of this issue to build a harmonious nation. On the eve of Independence, various provinces and States enacted many acts for the removal of social disabilities. Hence, the present chapter makes an attempt to chronicle these acts and other measures enacted during the Pre-Independence and Post-Independent India and would probe the contribution and impact of these acts in the abolition of Untouchability.

#### **4.1: THE BRIEF HISTORY OF LEGAL AND CONSTITUTIONAL PROVISIONS:**

Isolated Government action to protect the lower castes from disabilities may be found as early as the mid-nineteenth century. As reform activity, on behalf of and political activity by Untouchables multiplied, resolutions and orders confirming the right of Untouchables to equal use of governmental facilities, schools and wells, were passed in Bombay and Madras, as well as in some of the progressive Princely States. In 1923, the Bombay Legislative Council resolved that the untouchables be allowed to use all public watering places; wells, schools, dispensaries etc.<sup>1</sup>

It was only after Mahatma Gandhi's fast, (1932), in opposition to the Communal Award Provision of separate electorates for Untouchables that the Congress leaders were willing to countenance the positive use of law for

providing various facilities to the Untouchables.<sup>2</sup> As a result, between 1932 and 1936 a number of temple entry and anti-disabilities bills were introduced in the Central Legislative Assembly and in the Madras and Bombay legislatures.

In 1938, the Madras Legislature passed the first comprehensive and penal Act to remove social disabilities, making it an offence to discriminate against untouchables not only in regard to publicity-supported facilities, such as roads, wells and transportation but also in regard to “any other secular institution” to which the general public was admitted including restaurants, hotels, shops etc.<sup>3</sup>

In 1938, for the first time, British India Government intervened to secure the opening of temples to Scheduled Castes when Bombay and Madras provinces passed Temple Entry Acts.<sup>4</sup> Madras again took the lead in enacting a comprehensive Temple Entry Act, making it a criminal offence for any person to prevent any Hindu from entering or worshipping at any temple. The British rulers in pre-Independence India never thought over the caste problem in India seriously. However, many saints and social reformers preached against the practice of Untouchability centuries ago. It is worth while to remember that Acts passed by States were not aimed at abolishing Untouchability completely.

After 1938 followed the Bombay Harijan (Removal of Social Disabilities) Act 1946 (Bombay Act no. X of 1947) which was passed by the Bombay<sup>3</sup> legislature for the removal of social disabilities from which Harijans suffered with regard to the enjoyment of social and secular amenities of life. Section of the Act declared custom, usage or law, for the time being in force, or the decree or order of a Court, or anything contained in any instrument, to the contrary, every place of public worship which is open to Hindus generally or to any section and castes of Hindus, and no Hindu of whatsoever section or class, shall, in any manner be prevented, obstructed or discouraged from entering such a place of public worship, or from worshipping, offering prayers there, or performing any religious service therein in the like manner and to like extent as any other Hindu of whatsoever section or class may so enter, worship prayer or perform.<sup>6</sup>

Custom or usage to the contrary no Harijan shall, merely on the ground that he is a Scheduled Caste, be eligible for office under any authority constituted under any law or be prevented from enjoying the amenities described by clauses 9b (I) to (iii) thereof. The other section of this Act made suitable provisions to enforce statutory rights conferred on Scheduled Caste.

Following the Poona Pact, Mahatma Gandhi speeded up his campaign among caste Hindus to mitigate the evils of untouchability. It was in the course of this campaign to promote improvement and upliftment of the untouchables that he bestowed on them the new name “Harijan”, meaning “Children of God”, which he took from a peon by a saint in his native State Gujarat. The new name was intended to give dignity to the untouchables and to impress on caste Hindus the need to admit these unfortunates into the

Hindu fold.<sup>7</sup> But due to the rift between Mahatma Gandhi and Dr. Ambedkar, very few among the Scheduled Castes liked to be called "Harijan". Nobody took it in the proper spirit. According to them, it just meant getting another name instead of a caste name, but a name that meant the same thing i.e., untouchables. Therefore, the followers of Dr. were rather more critical than other Scheduled Castes in their reaction to this term. Even though the Scheduled Castes in their reaction to this term. Even though the Scheduled Castes did not like the term Harijan, it was freely used and is still being used by caste Hindus.

Dr. Ambedkar, as a leader of the Scheduled Castes, submitted an exhaustive note on political and social safeguards he suggested the establishment of non-parliamentary irremovable executives both in the union and in the units. He pressed that the Scheduled Castes should have a minimum representation according to their population ratio in the legislatures, ministries, municipalities and local boards. Those representatives were to be elected through separate communal electorates. Dr. Ambedkar further suggested that the Scheduled Castes should have a minimum share of the posts in the various public services in proportion to their population.<sup>8</sup>

On the social side, Dr. Ambedkar was especially concerned with that he called social boycott. He suggested stringent punishment for social boycott and for promoting, instigating or threatening social boycott. For the amelioration of the condition of the Scheduled Castes, he suggested provisions of funds in the budgets of the union and State Governments for higher education, secondary education and for education abroad of members of this community, the settlement of the Scheduled Castes in separate villages (dropped later on), and the setting up of a settlement commission for this purpose. Jagjivan Ram, a prominent leader of the Scheduled Castes supported these suggestions. He also argued for special ameliorative measures like Housing Board to allot suitable plots and provide good houses.<sup>9</sup>

Presenting the draft of the Constitution to the Assembly, Dr. Ambedkar, referring to the article on safeguards for minorities, observed that all the minorities including the Scheduled Castes have loyally accepted the rule of the majority, which is basically a communal majority, and not a political majority. He further stated that whether the minorities will continue or vanish must depend upon the habit of the majority of discriminate against the minority. The advisory committees of the Constituent Assembly accepted the reservation for Scheduled Castes and Tribes only due to their peculiar position, for a period of ten years. Dr. Ambedkar wanted it for a longer period. Voting for the abolition of communal reservation after ten years was practically unanimous.<sup>10</sup>

#### **4.2 PROVISION IN THE CONSTITUTION:**

After the Independence the Constituent Assembly, which

deliberated over the finalized the Constitution of India, inserted numerous and generous clauses which were meant to protect specially the Scheduled Castes. The Constitution has provided facilities and privileges for the people belonging to Scheduled Castes and Scheduled Tribes. It was done with a view to ensure social progress to those sections of our people who were kept under conditions of backwardness in all spheres of life due to some historic reasons. Therefore, the President of India has been empowered under the Constitution to issue orders specifying the Castes or tribes for the purpose of facilities and privileges granted under the Constitution and Parliament has been given the authority to amend such orders by enactments.

In the light of this, the President had issued the Constitution (Scheduled Castes) Order 1950 and Constitution (Scheduled Tribes) Order 1950, so the list of Scheduled Castes is now continued in the Constitution (Scheduled Castes) order, 1950 as amended from time to time. -Thus, it is clear that Scheduled Castes shall have the same meaning as clause of 24 of Article 366 of the Constitutional and “Harijan” means a member of a caste, race or tribe deemed to be a Scheduled Caste under the Government of India (Scheduled Castes) order.

According to the provision of Article 341 of the Constitution the President of India is empowered to notify the list of Scheduled Castes. The Constitution Scheduled Castes Orders 1950, stressed that no person who professes a religion different from Hinduism shall be deemed to be a member of a Scheduled Caste. It was modified in 1956 and persons professing Sikhism were also deemed to be a member of a Scheduled Caste.

In the preamble itself we have the provision to secure to all our citizens: Justice, social, economic and political; liberty of thought, expression, belief, faith and worship; Equality of status and opportunity; whereby the concept of disabilities arising out of the practice of untouchability in earlier period finds no place in our solemn pledge for united and integrated India.

Article 15 prohibits discrimination on grounds of religion, race, caste, sex or place of birth. Clause 1 states; “The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. Clause 2 states “No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them be subjected to any disability, liability, restriction or condition with regard to

- a) Access to shops, public restaurants, hotels and places of public entertainments; or
- b) The use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.

Clause 3 states nothing in this Article or in Clause 2 of Article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes vide 1st Amendment

Act, 1951.

Article 16, Clause 4 highlights, “Nothing in this article shall prevent the state from making any provision for the reservation of appointments or post in favour of any backward class of citizens which, in the opinion of the state, is not adequately represented in the services under the state.

Article 17 states “Untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of ‘Untouchability’ shall be an offence punishable in accordance with law.

Article 19, Clause 1, sub-clause (g) provides the right to practice any profession, or to carry on any occupation trade or business.

Article 23, Clause 1, states “Traffic in human beings and beggar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

Article 25, Clause 2, sub-clause (b) states, “Nothing in this article shall affect the operation of any existing law or prevent the State from making any law providing for social welfare and reform or the throwing open of Hindu religious institutions of public character to all classes and sections of Hindus.

Article 29, Clause 2 refers “No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them”.

Article 38, Clause 2 states “The State shall, in particular, strive to minimize the inequalities in income and endeavor to eliminate inequalities in status, facilities and opportunities, not only among individuals, but also amongst groups of people residing in different areas or engaged in different vocations.

Article 46, states, “The State shall promote with special care the educational and economic interests of the sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.

Article 164, Clause 1, keeps provision that in the States of Bihar, Madhya Pradesh and Orissa, there shall be a minister in charge of tribal welfare who may in addition be in charge of the welfare of the Scheduled Castes and backward classes or any other work.

Article 330, Clause 2 states. “The number of seats reserved in any

State or Union Territory for the Scheduled Castes or Scheduled Tribes under clause 1 shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State or Union Territory in the house of the people as the population of the Scheduled Castes in the States or the Union Territory or of the Scheduled Tribes in the State or Union Territory or part of the State or Union Territory as the case may be, in respect of which seats are so reserved, bears to the total population of the state.

Article 334, states that reservation of seats and special representation to cease after forty years from the commencement of the Constitution.

Article 335, states that claims of Scheduled Castes and Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the union or of state.

Article 338, clause 1 states, "There shall be special officer for the Scheduled Castes and Scheduled Tribes to be appointed by the President Clause 2, It shall be the duty of the special officer to investigate all matters relating to the safeguard provided for the Scheduled Castes and Scheduled Tribes under this Constitution and report to the President upon the working of those safeguards at cause all such reports to be laid before each House of Parliament". As to clause 3 in this Article references to the Scheduled Castes and Scheduled Tribes shall be construed as including references to such other backward classes as the President may, on receipt of the report of a Commission appointed under clause I of Article 340, by order specify and also to the Anglo-Indian Community.

According to Article 341 clause 1 the President may with respect to any State (or Union territory) and where it is a State... After Consultation with the Governor... thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purpose of this Constitution be deemed to be Scheduled Castes in relation to that State (or Union Territory, as the case may be). Clause 2 says Parliament by law may include in or exclude in or exclude from the list of Scheduled Castes specified in a notification issued under clause I any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

Article 366 states, in the Constitution, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say; according to clause 24 Scheduled Castes means such castes and races or tribes as are deemed under Article 341 to be

Scheduled Castes for the purpose of this Constitution.

The Constitution Scheduled Castes Order, 1950, Clause 3, states that 'notwithstanding anything contained in Paragraph 2, no person who professes a religion different from the Hindu or Sikh religion shall be deemed to be a member of the Scheduled Castes'.

“So the Constitution for the first time provided an infrastructure of the law practically taking away the powers from the States in the area of untouchability and Scheduled Castes, giving authority to the Parliament under the provisions of Article 35 and also giving the power of the President and the Parliament to issue lists as to who could be categorized as Scheduled Castes”.

#### **4.3 KA KALELKAR COMMISSION:**

The first Backward Classes Commission was set up by a presidential order on January 1, 1953 under Article 340 of the Constitution of India and it submitted its report on March 30, 1955. Prime Minister Jawaharlal Nehru laid a copy of the report with a memorandum of action taken before the houses of Parliament on September 3, 1956. The Commission also prepared a list of 2399 backward castes or communities for the entire country, 837 of these were classified as “most backward”. The Registrar General and Census Commissioner of India assisted the Commission in making population projection of 1930 backward castes or communities.<sup>11</sup>

#### **4.4 UNTOUCHABILITY OFFENCE ACT :**

The second step taken by the government was to enact the Untouchability (Offences) Act, 1955. Accordingly, Parliament is empowered to make a law prescribing punishment for practicing Untouchability. The Untouchability (Offences) Bill 1954 was later adopted as the Untouchability (Offences) Act, 1955. The Bill was referred to the Joint Select Committee in September 1954. Finally, the Act was passed by Parliament on May 2, 1955, and received the assent of the President on May 8, 1955. The Act came into force from June 1, 1955. The Act declares certain acts as offences, when done on the ground of “Untouchability” and prescribes punishments for:

1. Refusing admission to any person to public institutions.
2. Preventing any person from worshipping in any public temple.
3. Disability of access to any shop, source of water, place of services, etc.

Under the provisions of this Act, it is an offence to not permit a person to enter any religious or public place or draw water from a common well or tank on account of Untouchability. Denying entry on the basis of caste to any restaurant, educational institution, hospital or even dharmashala has been declared an offence. This Act made it an offence to enforce occupational profession and trade disabilities.

The Act says that it is an offence to refuse to sell goods or services to a Harijan, only on account of his being a Harijan. It says that molesting, injuring or annoying a person organizing a boycott of or taking any part in the ex-communication of a person who has exercised the rights accorded to him as a result of the abolition of Untouchability, are offences. Further, the Act provided that, the imposition of disabilities is made a crime punishable by a fine up to Rs. 5001, or imprisonment for a period of six months or both.<sup>12</sup> Higher penalties have been prescribed for subsequent offences. The onus of proving innocence has been thrown on the accused. The offences under this Act are cognizable and compoundable.

The Act contains one further novel and notable feature. It provides that where any of the forbidden practices is committed in relation to a member of a Scheduled Caste, the Court shall presume, unless the contrary is proved, that such act was committed on the ground of "Untouchability".<sup>13</sup> In other words, the burden of the proof lies on the accused and not with the prosecution.

Ever since the Act came into force there has been criticism inside and outside Parliament that this Act is not serving the purpose for which it was enacted and the punishments awarded under this act were too few and inadequate. The law suffered from many loopholes. As a result, the majority of the cases were ignored by the authorities or ended in compromises under pressure. Owing to the multiplication of incidents of atrocities a Commission was appointed under the Chairmanship of Shri. Elay Perumal in 1965. One of the main objectives of appointing this Committee was to study the various aspects of Untouchability, in particular the working of the Untouchability Offence Act, 1955. This Commission submitted its report in 1969. Of course, there was no total agreement among the members of the Committee as to the cause of Untouchability and how to eradicate it. However, the report clearly revealed that the guardians of the law who were expected to take cognizance of the offences under the Act were mostly ignorant of it. Copies of the Act were not even available at many of the district offices. Some cases were deliberately delayed in order to subject the Scheduled Castes people to various hardships, so that they might be tried out as a result of procrastination and might not be left with any energy and resources to contest the cases.

Accordingly the Untouchability Offence Act was amended. A bill was introduced in Lok Sabha in April 1972. This bill with comprehensive amendments as proposed by the Joint Select Committee of Parliament in September 1976 with certain modifications in order to plug the loopholes in the working of the Act.

#### **4.5 THE PROTECTION OF CIVIL RIGHTS ACT 1955:**

This new Act is known now as "Protection of Civil Rights Act" (PCRA). In this Act the term 'Civil Rights' has been defined as any right accruing to a person by reason of abolition of Untouchability under

Article 17 of the Constitution. The object of this Act is to prescribe punishment for the preaching, practice and propagation of Untouchability and for matters connected herewith.

The followings are the Salient features of the Amended Act:

1. All the Untouchability offences will continue to be cognizable. Hitherto Untouchability offences could be compounded but these have been made non-compoundable under the Amended Act.

2. Every offence except where it is punishable with imprisonment for a maximum term exceeding three months may be tried summarily.

3. Direct or Indirect preaching of Untouchability or its justification on historical, philosophical or religious grounds or on the ground of any tradition of the caste system or any other ground has been made an offence under the Act.

4. Privately owned places of worship which is, in fact, allowed by the owner thereof to be used as a place of public worship along with such lands and subsidiary shrine appurtenant to such privately owned places of worship as is allowed by the owner thereof, to be used as a place of public religious worship.

5. Whoever prevents any person from exercising any right accruing to him by reason of the abolition of Untouchability under Article 6 of the constitution or; molests, injures, annoys, obstructs or causes or attempts to cause obstruction to any person in the exercise of any right or molests, injures, annoys or boycotts any person by reason of his having exercised any such right; or by words, either spoken or written, or by signs or by visible representation or otherwise incited or encourages any person or class of persons or the public generally to practice Untouchability in any form whatsoever; or insults or attempts to insult, on the ground of Untouchability, a member of the Scheduled Castes; have been brought to the purview of cognizable offence.

6. Whoever compels any person, on the ground of Untouchability, to do any scavenging or sweeping or to remove any carcass or to flay any animal or to remove the umbilical cord or to do any other job of similar nature shall be deemed to have enforced a disability arising out of Untouchability.

7. A public servant who willfully neglects the investigation of any offence punishable under this Act shall be deemed to have abetted an offence punishable under this Act. However, no court shall take cognizance of such offences of abetment except with the previous sanction of the government in connection with whose affairs the public servant is employed.

8. The State Governments have been empowered to impose collective fines upon the inhabitants of any area where such inhabitants are concerned in or abetting the Commission of Untouchability offences.

9. The provisions of the Probation of Offenders Act, 1958, shall not apply to any person below the age of fourteen years who is found guilty of having committed any offence punishable under this Act.

10. Whoever on the ground of Untouchability refuses to sell any goods or refuses to render any service to any person at the same time and place, and on the same terms and conditions at or which such goods are sold or services are rendered to other persons in the ordinary course of business shall be an offence.

11. It is the duty of the State Governments to ensure that the rights accruing from the abolition of 'Untouchability' may be availed of by the concerned persons. The State should provide legal aid, appoint officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of this Act; the setting up of special courts for the trial of offences under this Act; provision for a periodic survey of the working of the provisions of this Act with a view to suggest measures for the better implementation of the provisions of this Act etc.

The Central Government shall, every year, place on the table of each House of Parliament, a report on the measures taken by itself and by the State Governments in pursuance of the provisions of this section.

Under the old Act punishment for Committing Untouchability Offences was imprisonment, which may extend to six months or fine upto Rs. 500 or both. Under the Amended Act punishment for Untouchability offences has been considered enhanced and both imprisonment and fine will now be simultaneously awarded for such offences as detailed below:

First Offence: The minimum punishment will be imprisonment for one month and fine of Rs.100 and the maximum imprisonment for six months and fine of Rs.500.

Second Offence: The minimum punishment will be imprisonment for six Months and fine of Rs.200 and the Maximum imprisonment for one year and fine of Rs.500.

Third and Subsequent : The punishment may range from imprisonment for one Offence year and fine of Rs.500 to imprisonment for two years and fine Rs.500.

#### **4.6 THE WORKING OF PROTECTION OF CIVIL RIGHTS ACT IN KARNATAKA STATE:**

In Karnataka State the protection of civil rights used to be monitored by Civil Rights Enforcement Cell, which was created in 1974 and started functioning in 1975 under a Superintendent of Police. During 1978, a DIG's post was created; in 1980 four regional cells were created at Bangalore, Mysore, Belgaum and Gulbarga. In 1988, IG's post was created. In 1992, Directorate has been formed as per Government Order No. HD234 PBC 92 dated 20-11-1992. Directorate is aided by an Additional DGP, who is assisted by 1 IGP, 1 DIG, 7 SPs, 9 DSPs, 35 Pis and 26 PSIs. Out of 7 SPs, 6SPs are in charge of 6 police ranges in the state and one SP is in charge of Bangalore city to supervise the enforcement and implementation of civil rights of the weaker section of the society. As per the provisions, investigating officers are of the DSP rank, and the DSPs are entrusted with the work of enquiry. Unit officers collect the information and sent reports to the ADGP for consolidation, to be sent to the State Government, Central Government and the National Commission for SCs and STs.

It is necessary to identify the areas where the ex-untouchables are subjected to "untouchability" so as to task stringent measures for eradicating untouchability from such areas. The Government of Karnataka has identified Bangalore, Kolar, Mysore, Mandya, Tumkur, Gulbarga and Bijapur districts as untouchability prone areas in the State. A Committee under the Minister of Law, Social Welfare and Backward Classes has been constituted to review the working of the PCRA. Such Committees are also established at District and sub-divisional level.

#### **4.7 SCHEDULED CASTES AND SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT 1989:**

The Scheduled Castes and Prevention of Atrocities Act 1989 (PAA) came into force on January 1,1990. The main aim of the act was to prevent the commission of offences of atrocities against the members of the Scheduled Castes and Scheduled Tribes, to provide for special courts for the trial of such offences and for the relief and incidental thereto be taken into consideration.

##### **Definition of SC/ST (PA) Act of 1989:**

In this Act, unless the context otherwise requires:

- a) "Atrocity" means an offence punishable under section 3.
- b) "Code" means the code of criminal procedure, 1973 (2 of 1974).
- c) Scheduled Castes and Scheduled Tribes shall have the meanings assigned to them respectively under Clause (24) and Clause (25) of Article 366 of the Constitution.

What Clause (3) of the Constitution (Scheduled Castes) order, 1950 contemplates is that for a person to be treated as one belonging to a Scheduled Castes within the meaning of that order, he must be one who professes either Hindu or Sikh religion.

A declaration of one's belief must necessarily mean a declaration in such a way that it would be known to those whom it may interest. Therefore, if a public declaration is made by a person that he has ceased to belong to his old religion and has accepted another religion, he will be taken as professing the other religion. In the face of such an open declaration, it would be ideal to enquire further as to whether the conversion to another religion was efficacious.

The word "Profess" in the Presidential order appears to have been used in the sense of an open declaration or practice by a person of the Hindu (or the Sikh) religion. Where, therefore, a person says, on the contrary that he has ceased to be a Hindu, he cannot derive any benefit from that orders.

According to this the under the below given circumstances or the reasons there will be a punishment for offences of atrocities.

#### **Offences of Atrocities:**

Punishment for offences of atrocities'<sup>4</sup>

#### **1. Whoever, not being a member of a Scheduled Casts or a Scheduled Tribe:**

- i. Forces a member of a Scheduled Caste or a Scheduled Tribe to drink or eat any inedible or obnoxious substance;
- ii. Act with intent to cause injury, insult or annoyance to any member of a Scheduled Caste or a Scheduled Tribe by dumping excreta, waste matter, carcasses or any other obnoxious substance in his premises or neighbourhood;
- iii. Forcibly removes clothes from the person of a member of a Scheduled Caste or a Scheduled Tribe or parades him naked or with painted face or body or commits any similar act which is derogatory to human dignity;
- iv. Wrongfully occupies or cultivates any land owned by, or allotted to, or notified by any competent authority to be allotted to a member of a Scheduled Caste or a Scheduled Tribe or gets the land allotted to him transferred;
- v. Wrongfully disposes a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights over any land, premises or water;
- vi. Compels or entices a member of a Scheduled Caste or a Scheduled Tribe to do begging or other similar kinds of forced or bonded labour than any compulsory services for public purpose imposed by Government;

vii. Forces or intimidates a member of a Scheduled Caste or a Scheduled Tribe not to vote or to vote for a particular candidate or to vote in a manner other than provided by law;

viii. Institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe;

ix. Gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or a Scheduled Tribe;

x. Internationally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;

xi. Assaults or uses force on any women belonging to a Scheduled caste or a Scheduled Tribe with intent to dishonour or outrage her modesty;

xii. Being in position to dominate the will of a woman belonging to a Scheduled Caste or a Scheduled Tribe and use that position to exploit her sexually to which she would not have otherwise agreed;

xiii. Corrupts or fouls the water of any spring reservoir or any other source ordinarily used by members of the Scheduled Castes or the Scheduled Tribes so as to render it less fit for the purpose for which it is ordinarily used;

xiv. Denies a member of a Scheduled Caste or a Scheduled Tribe any customary right of passage to a place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which other members of public or any section thereof have a right to use or access to;

xv. Forces or causes a member of Scheduled Caste or a Scheduled Tribe to leave his house, village or other place or residence, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

**2. Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe:**

i. Gives or fabricates false evidence intending thereby to cause or knowing it to be likely that he or she will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is capital by the law for the time being in force shall be punished with imprisonment for life and with fine; and if an innocent member of a

Scheduled Caste or a Scheduled Tribe be convicted evidence, the person who gives or fabricates such false evidence, shall be punished with death;

ii. Gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he or she will thereby cause, any member of Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is capital but punishable with imprisonment for a term of such years or upwards, shall be punished for a term which shall not be less than six months but which may extend to seven years or upwards and with fine;

iii. Commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause damage to any property belonging to a member of a Scheduled Caste or a Scheduled Tribe, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine;

iv. Commits mischief by fire by fire or any explosive substance intending to cause or knowing it to be likely that he will hereby cause destruction of any building which is ordinarily used as a place of worship or as a place for human dwelling or as a place for custody of the property by member of a Scheduled Caste or a Scheduled Tribe, shall be punishable with imprisonment for life and with fine;

v. Commits any offence under the India Penal Code (45 of 1960) punishable with imprisonment for a term of ten years or more against a person or property on the ground that such person is a member of Scheduled Caste or a Scheduled Tribe or such property belonging to such member, shall be punishable with imprisonment for life and with fine;

vi. Knowingly or having reason to believe that an offence has been committed under this chapter, causes any evidence of the commission of that offence to disappear with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall be punishable with punishment provided for that offence; or

vii. Being a public servant, commits any offence under this section shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence.

viii. Being a public servant, commits any offence under this section shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence.

### **3.Punishment for neglect of duties:**

Whoever, being a public servant but not being a member of Scheduled Caste or a Scheduled Tribe, willfully neglects his duties required to be performed by him under this Act, shall not be less than six months but which may extend to one year.

#### **4.Enhanced punishment for subsequent conviction:**

Whoever, having already been convicted of an offence under this chapter is convicted for the second offence or any offence subsequent to the second offence, section shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence.

#### **5.Forfeiture of property of certain person:**

i) Where a person has been convicted of any offence punishable under this Act, the special court may in addition to awarding any punishment by order in writing, declare that any property, movable or immovable or both belonging to the person which has been used for the commission of that offence shall stand forfeited to Government.

#### **6.Presumption as to offences:<sup>15</sup>**

In a prosecution for an offence under this Act, if it is proved that

a) The accused render any financial assistance to a person accused of, or reasonably suspected of committing, an offence under this Act, the special court shall presume, unless the contrary is proved, that such person had abetted the offence.

b) A group of persons committed an offence under this Act and if it proved that the offence committed was a sequel to any existing dispute regarding land or any other matter, it shall be presumed that the offence was committed in furtherance of the common intention or in prosecution of the common subject.

#### **7.Conferment of Power:**

i. That State Government may be at its best to prevent any offence against the untouchable, throughout the Special Court And Police Officer. The special court offers the police officers power to investigate, assert and prosecute the offender in their specified area.

ii. All officers of police and all other officers of Government shall assist the officer referred to in sub-section (1) in the execution of the provision of this Act or any rule, scheme or order made there under.

iii. The provisions of the code shall, so far as may be applied to the exercise of the powers by and officer under sub-section (1).

**Exterment:**

**8. Removal of a person likely to commit offences:<sup>17</sup>**

Where the special court is satisfied, upon a complaint or a police report that a person is likely to be included in "Scheduled Areas" or 'Tribal Area' as referred to an Article 244 of the Constitution, it may be order in writing, direct such a person to remove himself beyond the limits of such area, and not to return to that area from which he was directed to remove himself for the specified period, not exceeding two years, as may be specified in the order.

**9. Procedure on failure of a person to remove himself from area and enter thereon after removal:<sup>18</sup>**

- a) If a person to whom a direction has been issued under Section 10 to remove himself from any area;
- b) If the person banished by the Special Court for temporary period, returns to the specified area before the specified time, the Special Court may give order for his arrest;
- c) The Special Court can, any time, order the person to return to the specified area from which he has been banished, for a temporary period.

**10.** Taking measurements and photographs, etc., of persons against whom order under Section 10 is made. The Police Officer can take the measurement or photograph of a person against whom an order has been passed under Section 10.

**11. Penalty for non-compliance with order under Section <sup>10</sup>:**

Any person contravening an order of the Special Court made under Section 10 shall be punishable with imprisonment for a term, which may extend to one year and with fine.

**12.** Special Court as per the chapter IV 14 X 22 for the purpose of providing for speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the official Gazette, specify for each district a court of session to be a Special Court to try the offences under this Act.

**13. Special Public Prosecutor:** For every Special Court, the State Government shall by notification in the Official Gazette, specify a Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that court.

**Miscellaneous:**

**14. Power of State Government to impose Collective Fine:**

The Provision of Section 10A of the Protection of Civil Rights Act, 1955 (22 of 1955) shall, so far as may be, apply for the purposes of imposition and realization of collective fine and for all other matters connected therewith under this Act.

**15. Preventive action to be taken by the law and order machinery:**

The District magistrate and the Police Officer may take necessary actions to prevent any atrocities likely to be caused by the people other than Scheduled Castes and Scheduled Tribes of his jurisdiction for maintaining peace and order.

**16. Duty of Government to ensure effective implementation of the Act:**

The Atrocities Act enables the common man to avail himself of justice. It also provides the expenses to the victims and witnesses during investigation period. After the trial rehabilitation of the victims is done, special officers are appointed for that purpose for effective implementation. The committee is appointed by the State Government. Safety and security measures are to be taken for the victims of the atrocities. The Central Government also takes necessary steps and helps the State Government in this process for the well being of the victims.

1. The Atrocities Act enables the common man to avail himself of justice.
2. This Act offers the expenses of traveling and maintenance to the witnesses and victims during the period of investigation.
3. The victims are provided economic and social rehabilitation by this Act.
4. During the period of prosecution of investigation, this Act appoints the officers.
5. This Act declares it to befit to set different committees at the State Government level.
6. For better implementation of this Act, there is a provision of periodic survey.
7. This identification of the locality where the members of Scheduled Caste and Tribe are subject to the Atrocity Act.

**17. Protection of action taken in good faith:**

If the State or the Central Government takes certain measures in good faith no legal action is to be taken against them.

**18. Power to make rules:**

1. The Central Government may by notification in the Official Gazette, make rules of carrying out the purposes of this Act.
2. Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total

period of 30 days. If both Houses agree in making any modification in the rules or both Houses agree that the rule should not be made, the rule shall thereafter have effect, only in such modified form or be of no effect, as the case may be; so, however, that nay such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### **5.8 STEPS FOR ENHANCING THE IMPACT OF PREVENTION OF ATROCITIES ACT:**

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 came into force on January 30, 1989 but it should be remembered that the same class of persons who perpetrated atrocities in the past would have to be tackled under the new law. These persons belong to power groups in society and especially in rural areas they would continue to have the power to influence investigation. The present study has shown that a large number of atrocity cases have been characterized by delay in visits to the scene of crime, and tardy investigation, lukewarm prosecution, protracted pendency and a high percentage of acquittals. If the same fate is not to befall atrocity cases and the PAA, special steps will have to be taken on the following lines:

- 1) **Publicity;** A leading commentator on human rights in India has stated. "It is a sad commentary on our commitment in justice that the historic measure seeking to restore democratic human rights to the Scheduled Castes and Tribes has virtually unnoticed", widespread publicity will have to be done through all the media highlighting the offences and punishment covered by the Act.
- 2) **Translation:** An enactment in the English language will not be understood by the common man, especially Scheduled Castes and Tribes in the rural areas. Translation into Hindu and the regional languages should be speeded up.
- 3) **Printing and distribution:** A sufficiently large print order should be given and copies of the Act should be distributed so that they are available in every police station in the country.
- 4) **Training:** Orientation training in the provision of the Act should be arranged for magistrates, prosecutors and police. Seminars should be arranged in which the objectives of the Act and the manner of its implementation are fully discussed.

#### **5.9 THE WORKING OF SCHEDULED CASTES AND SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT IN KARNATAKA STATE:**

The Administrative set up to deal with offences under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 is concerned, the first information report in this regard is lodged before the jurisdictional police station. After the case is being registered under the Act, the jurisdictional Deputy Superintendent of Police who finalise the

investigation takes up the investigation. The offences coming under the Protection of Civil Rights Act 1955 are being registered in the jurisdictional police station and is investigated either by the police Sub-Inspector of the Circle Police Inspector depending on the gravity of the offence, and accordingly the investigation is completed. In addition to the functioning of the local police the DCRE is authorized to do general supervision of the crimes coming under this Act, monitor the cases and act as a watchdog. In this regard, the local police and the DCRE are functioning in close coordination. The DCRE also taken up investigation of cases coming under the SC/ST (PA) Act if referred either by the Government or the DG & IGP. The Law & Order problems, which arise out of the commission of offences under these Acts, is maintained by the local police and the District Administration. The judicial set up in the state to deal with the offences coming under the provisions of the Scheduled Castes and Scheduled Tribes (PA) Act, the charge sheet is filed before the Jurisdictional JMFC Court. The JMFC Court committees the case to the Special Court (Sessions Court) here the trial is conducted accordingly. The Public Prosecutor who is attached to this court conducts the prosecution cases on behalf of the State. The judicial set up deals with offences under the Protection of Civil Rights Act 1955, after the investigation of the case charge sheet is filed before the jurisdictional JMFC Court where it will be tried in accordance with law. The Asst. Public Prosecutor, who is attached to this court, represents the case on behalf of the State.

The investigation of cases coming under SC/ST (PA) Act 1989 is done by the Deputy Superintendent of Police of concerned Sub-division, In addition to the investigation of these cases; the Deputy Superintendent of Police is entrusted with the work of maintenance of Law & Order, VIP bundobast duty, supervision of work of several police stations, which comes under his jurisdiction. The Deputy Superintendent of Police is also monitoring the crimes and inspecting such police stations. Due to this, the investigation is delayed. The delay in investigation is also caused by the delay in obtaining Caste Certificates and the Medical Certificates (Wound certificate or P.M.E. Report in case of death) as very often the concerned officials are not supplying the said certificate to the investigating officer well in time. To overcome these delays it is advisable to delegate the power of investigation of at least of the cases of atrocities to the Police Inspector, Instead of Deputy Superintendent of Police, depending on the gravity of the offences. This will certainly help expedite's disposal of the cases. It may however, be needed an amendment to the Rule 7 Sub. Cl.2 of SC/STs (PA) Rules 1995. For the purpose of supplying Caste Certificates and Medical Certificate (Wound Certificate) the concerned authorities may be directed strictly in this regard.

a) The main reason for low rate of conviction is because of the heavy pendency in the courts due to which the trial will be continued for a long period. To overcome this problem it is advisable that the Special Courts

should deal the cases coming under the SC/ST (PA) Act 1989 exclusively. This will help to improve conviction rate.

b) The witnesses and the victims are not paid traveling allowance and daily allowance as required by the SC/ST (PA) Act Rules 1995. The non-payment of Court Attendance Bata makes the witnesses lose their interest in attending the court and deposing the evidence as per the prosecution case. Under such circumstances, there is every possibility that witnesses will be won over by the accused, which will result in acquittal of the case. To overcome this difficulty, in all atrocity cases, the court attendance bata should be paid to the witnesses. A Special Budget provision may also be made to meet the expenses on court attendance bata, traveling allowance etc. This measure will help in improving the rate of conviction of these cases.

c) The poor quality of investigation in some cases is also one of the reasons for low conviction rate. To overcome this, it is advisable that the supervisory officer should be strictly directed to monitor and supervise the investigation done by the I.O. clearly. During the stage of investigation the investigating officer should be directed to keep in touch with the Public Prosecutors and seek advice from them.

The main reason for large pendency of these cases in the court is that the court is heavily burdened with other cases coming under the come it provision of the Indian Penal Code, Special Acts etc. As the Special Courts now functioning are also dealing with other cases, the cases filed under this Act are pending for a long time and not coming for trial. To overcome this difficulty it is advisable to write the High Court concerned and request to instruct the Special Courts to try cases of atrocities exclusively. If the Special Courts created under the Act deal atrocity cases only, then the large pendency of these cases will be reduced in the courts.

The State Level Vigilance and Monitoring Committee is constituted under Rule 16 of Sc/ST(PA) Rules 1995 under the Chairmanship of Hon'ble Chief Minister and is functioning. The District Level Vigilance Committee is also constituted at each District Level under the Chairmanship of Deputy Commissioner is functioning.

There is awareness amongst the members of Scheduled Castes and Scheduled Tribes about the provisions of the Act. The Officers of the Dist. Police as well as the officers of the Directorate of Civil Rights Enforcement are visiting the villages and Harijan Colonies within their respective jurisdictions periodically and the people are being enlightened about the provisions of the Act. During these visits their grievances are also heard. The District Superintendent of Police also convenes meeting of the members of the SC/STs periodically to hear the grievances and during such meetings, the members are also made aware about the legal provisions of the SC/STs (PA) Act 1989 and P.C.R. Act 1955 A total of 4 cases registered under Sc/ Sts (PA) Act 1989 were withdrawn by the State Government. All the four cases were withdrawn by the State Government in Public Interest. There are no such difficulties in administering the implementation of the Acts.

#### **4.10 LEGAL AID SCHEME:**

The Legal Aid scheme in the State is governed by the Karnataka Legal Aid Advice Rules, 1977. All the poor persons including SC and ST whose income is below Rs.5,000 per annum are eligible to get legal aid. The State Government has appointed Advocates as Legal Advisors since 1976. A Separate Legal Aid Cell has been established in the High Court to render legal aid to the needy persons.

#### **4.11 GRANTS TO VOLUNTARY ORGANIZATIONS:**

Untouchability being a social evil needs the adoption of social measures along with the legal measures for its eradication. Therefore, it has been the policy of the Central Government, since 1953 onwards to sanction grants to some of the voluntary organizations in the field of social work for propagating anti-Untouchability policy of the Government amongst the so called high caste people. The grants are given for every year directly to the All India voluntary organizations by the Union Ministry of Home Affairs. The broad principles that have been laid down for sanctioning grant-in-aid are as follows:

- 1) The organization should be of an all India-character.
- 2) It should be able to contribute 10 to 20 percent of the total cost of the Scheme as its share.
- 3) Such organizations should not accept financial assistance for the same scheme from more than one source.
- 4) Such organizations should not levy fees or collect any amount from the beneficiaries.

Obviously, the Grants were given to the Voluntary organizations to launch a vigorous propaganda against untouchability, highlight the provisions of the law of untouchability, organize such functions and programmes which may be useful for bringing social equality, social cohesion and National integration: and adopt such other measures which may be helpful in uplifting the ex-untouchables socially, economically and culturally to the level of caste Hindus.

#### **4.12 ENCOURAGEMENT TO INTER-CASTE MARRIAGES:**

Inter-Caste Marriages would certainly bring the caste-barriers and untouchability to ruin. Therefore, the scheme of encouragement to such couples who perform inter-caste marriage was started initially by the state Governments of Gujarat, Kerala, Maharashtra and Tamil Nadu in 1970. Now the Scheme of giving monetary incentive to the couples performing inter-caste marriage is in operation in Andhra Pradesh, Assam, Bihar, Gujarat, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Orissa, Tamil Nadu, Tripura, Uttar Pradesh, Goa, Daman and Diu and Pondicherry.

However, due to lack of sufficient statistical information in this respect, it is difficult to state how many couples got the benefit of this scheme. As well as, it is difficult to state how many inter-caste marriages

were solemnized between the Scheduled Castes and caste Hindus. It is difficult to say that a meager monetary help amounts to encouragement to such marriages.

In India, the Hindu society finds itself stratified permanently. The caste has rigidly divided the Hindus into various birth-based categories. One has to remain confined to the caste in which one is born and accept its advantages and disadvantages. The untouchables live on the fringe of society. They are denied social and economic justice by the people from the so-called "upper class". They suffer from numerous stigmas, social and economic, which are attached by birth itself. In order to confront such a situation, the framers of the Indian Constitution have made certain provisions, which seem to be inadequate to grant social and economic justice to the depressed and oppressed people. But mere passing of the Bill and making an Act will not be able to stop atrocities on Scheduled Castes and Scheduled Tribes. We have to find out the root cause for the atrocities, which are being perpetuated on them. If we make a proper analysis of it, we will see that social, economic and educational backwardness are the main reasons as to why atrocities are being perpetuated on them. Therefore, the legal and constitutional provisions enacted by the Government are not yielding the expected results in the abolition of untouchability. Therefore, the next chapters critically evaluate the eradication of untouchability in Karnataka by probing the functioning of the laws of untouchability and the coordination between the various law implementing agencies of the government in the eradication of untouchability.

## REFERENCES

1. G.S. Sharma, Legislation and Cases of Untouchability and Scheduled Castes in India, Allied Publishers, Bombay, 1975, p. 2.
2. Mahar, Michael» J. (Ed), Untouchables of Contemporary India, The University of Arizona Press, Arizona, 1972, p. 36.
3. Marc Galanter, "Untouchability and the Law", Economic and Political Weekly, Annual Number, January 1969, p. 131.
4. Mahar, Michael, J., Op.Cit. No. 2, p. 43.
5. Mahar, Michael, J., Op.Cit. No. 2, p. 46.
6. Mahar, Michael, J., Op.Cit. No. 2, p. 49.
7. Gandhi, Mohandas, K., The Removal of Untouchability, Bharatan Kumarappa, (ed.), Navajivan Publishing House, 1954, p. 56.
8. Rajsekhariah, A.M., B.R. Ambedkar: The Politics of Emancipation, Sindhu Publication Private Ltd., Bombay, 1971, p. 68.
9. Ram, Jagjivan, Caste Challenge in India, Vision Books, New Delhi, 1980, p. 43.
10. Rajsekhariah, A.M., J. Op.Cit. No. 8, p. 72.
11. Report of the Backward Classes Commission, 1953, Ministry of Home Affairs, New Delhi - 1955, Chairman Shri Kakasaheb Kalalkar.
12. Swaroop Vishnu, the Protection of Civil Rights Act, 1955, With Rules, R.K. Publications, Kanpur, 1980, p. 32.
13. Ibid., p. 36.
14. Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Eastern Book Company, Lucknow, 1993, p. 6.
15. Dr. S. Krishna Murthy, A Law Relating to Prevention of Atrocities on the Scheduled Castes and the Scheduled Tribes in India, R.R. Publisher, Bangalore, 1984, p. 24.
16. Ibid., p. 29.
17. Ibid., p. 34.
18. Ibid., p. 41.
17. Ibid., p. 46.

\*\*\*

## Chapter –V

### ERADICATION OF UNTOUCHABILITY IN POST-INDEPENDENT KARNATAKA

The social structure of our society is based on caste and class inequalities, ignorance and illiteracy, untouchability and superstitions. We have firmly decided to fight against all these enemies of a just society by democratic- constitutional-legal means. Therefore, it is the responsibility of the law enforcement machinery, which involves administration, police and judiciary to implement the laws of the state honestly. Of course, the successful working of the law depends on the harmonious, expeditious, honest and purposeful functioning of these three departments of the Government.<sup>1</sup> Therefore, it is desired to inquire into the functioning of the law enforcement machinery, so far as implementation of the law of untouchability is concerned, with special reference to the Protection of Civil Rights Act, 1955 and Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act of 1989. This would help us in knowing how far the law and the law enforcement machinery are instrumental in bringing justice to those who were denied it so far on account of untouchability.

#### 5.1 THE INCIDENCE AND PRACTICE OF UNTOUCHABILITY IN KARNATAKA:

The below given as well as explained tables and graphs explain the incidence and practice of Untouchability in Karnataka. The number of violent crimes, the number of cases registered under the PCR and Scheduled Castes/ Scheduled Tribes (Prevention of Atrocities) Act of 1989, the number of cases remaining pending, the number of cases given compensation and the amount of rupees given as compensation to the victims of untouchability are explained as under.

**Table -1**

**The comparative details of the cases committed against SC/ST in Karnataka during 2001 & 2002**

Year	IPC		SLL		TOTAL
	Violent Crimes	Other Crimes	PCR Act	PA Act	
2001	254	201	107	1187	1749
2002	220	473	101	1233	2027

Source: S.C.R.B, Govt, of Karnataka, Bangalore.

The above-mentioned table no. 1 reveals the comparative details of the cases committed against Scheduled Castes/ Scheduled Tribes in Karnataka during the year 2001 and 2002. The close observation of the above given data would inform us the grave situation in which the Scheduled Castes/ Scheduled Tribes are living in Karnataka. According to this table in the year 2001, 254 violent crimes and 201 other crimes were committed against Scheduled Castes/ Scheduled Tribes while another 107 cases of violation of PCR Act and a staggering amount of 1187 cases are booked under the PA Act of 1989. This higher number of cases booked under PCR Act and PA Act of 1989 highlight the incidence and uninterrupted practice of untouchability in Karnataka State. The relative increase in the number of cases booked under the PA Act of 1989 in year 2001 to 2002 signifies the growing practice of Untouchability and atrocities on the Scheduled Castes/ Scheduled Tribes in the State of Karnataka.

**Table -2**  
**Statement showing the number of offences under different crime heads reported, in which SC/ST were the victims in the year 2001 & 2002 in Karnataka State.**

Sl.No.	Crime Head	Year 2001	Year 2002
1	Murder	26	27
2	Dacoity	1	5
3	Rape	24	27
4	Kidnapping & abduction	2	4
5	Arson	24	3
6	Hurt	177	154
7	Other Crimes	201	473
8	P.C.R. Act	107	101
9	P.A. Act (SC /ST)	1187	1233
TOTAL	1749	2027	

Source: S.C.R.B, Govt, of Karnataka, Bangalore.

The table no. 2 informs about the number of offences committed under different crime heads reported, in which SC/ST were the victims in the year 2001 & 2002 Karnataka State. According to this table, in year 2001, 26 murders were committed in which the victims are totally Scheduled Castes/ Scheduled Tribes, and the number of murder has been increased to 27 in the year 2002. While 24 cases of rape were committed in year 2001 and the number of rapes on Scheduled Castes/ Scheduled Tribes increased to 27 in the year 2002. The number of kidnapping and abduction of Dalits was 2 in

year 2001 and has been increased to 4 incidents in year 2002. The other crimes committed on Dalits were 201 in year 2001 and the same have been increased to 473 in the year 2002. While the cases booked under the P.C.R. Act remained relatively stagnant in the year 2001 and 2002, the cases booked under P.A. Act (SC/ST) of 1989 have been increased from 1187 to 1233.

The continuous increase in the number of atrocities on the Dalits and the number of cases booked or registered under the P.C.R. Act and PA Act (SC/ ST) notify the vulnerability and the dangerous situations faced by the Dalits Communities living in the state of Karnataka.

**Table – 3**

**Percentage share and variation of crimes committed against SC/ST to total crimes in Karnataka State.**

SI. No.	Year	Total Crimes (State)	Crime committed against SC/ST	Percentage of Crime against SC/ST to total crime
1	2001	109098	1749	1.60
2	2002	113699	2027	1.78

Source: S.C.R.B, Govt, of Karnataka, Bangalore.

The above drawn table no. 3 reveals the percentage share and variation of crimes committed against Scheduled Castes/STs to total crimes committed in Karnataka during the year of 2001 and 2002. According to this table the total number of crime committed in the year 2001 were 1, 09,098 in which the crimes committed against Scheduled Castes/STs were 1,749. It means the percentage of crime against Scheduled Castes/ STs to total crimes in the Karnataka was just 1.60. But the data pertaining to the year 2002 have another different story to tell. From the above given table it becomes clear that in the year 2002, the total crimes in Karnataka were 1,13,699 in which the crimes committed against Scheduled Castes/ STs were 2027 and the percentage of crime against Scheduled Castes/STs to total crime has been increased to 1.78.

After analyzing the above figured table it can be deducted that not only the number of crimes in the state are increasing but the crimes committed against Scheduled Castes/STs and the percentage of crime against Scheduled Castes/ STs are also goes on increasing as justified by the data shown for the year 2001 and 2002. But due to the fear of retaliation and retribution very few people would dare to register the cases under the PCR and PA Act of 1989.

Graph - 1

Incidence of Crimes under IPC Committed against SC/ST during 2001-2002.

Page no.147

Graph - 2

Incidence of Crimes under IPC Committed against SC/ST during 2001-2002.

Page no.147

Graph - 3

Percentage Share of various crimes Committed against Sceled Caste / Tribes in 2002.

Page no.147

**Table – 4**  
**Commissionerate / District wise percentage contribution under P.C.R.**  
**& SC/ST (P.A.) Act cases committed against SCs/STs during 1998.**

SI. No	Unit / District	P.A.	PCR	Total	Percentage
1	2	3	4	5	6
<b>I</b>	<b>Commissionerate</b>				
1	Bangalore city	41	1	42	3.71
2	Mysore	2	1	3	0.26
3	Hubli-Dharwad city	5	1	6	0.53
<b>II</b>	<b>Central Range</b>				
1	Banglore Dist	28	13	41	3.62
2	K.G.F.	11	0	11	0.97
3	Kolar	91	6	97	8.56
4	Tumkur	49	3	52	4.59
<b>III</b>	<b>Eastern Range</b>				
1	Bellary	51	0	51	4.50
2	Chitradurga	64	7	71	6.27
3	Davaangere	34	0	35	3.09
4	Sliinioga	14	0	14	1.24
<b>IV</b>	<b>Western Range</b>				
1	Chickmagalur	31	0	31	2.74
2	D.K.	13	1	14	1.24
3	Udupi	15	0	15	1.32
4	U.K.	22	0	22	1.94
<b>V</b>	<b>Northern Range</b>				
1	Bagalkot	42	0	42	3.71
2	Belgum	36	1	14	1.24
3	Bijapur	77	0	77	6.80
4	Dharwad	15	0	15	1.32
5	Gadag	4	0	4	0.35
6	Haveri	11	0	11	0.97
<b>VI</b>	<b>North Eastern Range</b>				
1	Bidar	8	1	9	0.79
2	Gulbarga	116	29	145	12.80
3	Koppal	60	12	72	6.35
4	Raichur	50	15	65	5.74

<b>VII</b>	<b>Southern Range</b>				
1	Chamaraj anagar	13	1	14	1.24
2	Hassan	55	3	58	5.12
3	Kodagu	8	0	8	0.71
4	Mandya	39	0	39	3.44
5	Mysore Dist	29	3	32	2.82
<b>VIII</b>	<b>Karnataka Railways</b>	0	0	0	0.00
	Total	1035	98	1133	100

Source: S.C.R.B, Govt, of Karnataka, Bangalore.

The above given table no.4 informs about the District wise percentage contribution under P.C.R. & SC/ST (P.A.) Act cases committed against Scheduled Castes /STs in Karnataka during the year of 1998. According to the data shown in the above drawn table it can be concluded that Gulbarga district tops the list with highest number of PCR and PA Act related cases committed against Scheduled Castes /STs in the State of Karnataka. Because 116 cases of PCR Act and 29 cases of PA Act of 1989 were committed on the Dalits of Gulbarga district, which is 12.80 percent against the total number of cases, committed in the state of Karnataka during the year of 1998. Kolar is the next district, which is second in terms of cases of PCR and Scheduled Castes/ST (P.A.) Act committed on Dalits. In Kolar district 91 cases of PCR Act and 6 cases of PA Act were reported during the year of 1998. And it is 8.56 percent against all the cases committed in the state. Bijapur tops the list with third place with 77 cases of PCR Act was committed and no cases of PA Act were found during the year of 1998 and its percentage is 6.80 against all the districts of Karnataka. On the other hand 64 cases of PCR Act and 7 cases of PA Act were found in the district of Chitradurga which was in a fourth position with the percentage of 6.27 among all the districts.

When we analyze the above mentioned table below given conclusions can be drawn.

1. In the Commissioner ate which consists of Bangalore, Mysore and Hubli-Dharwar city, it is in the Bangalore city where highest number of PA and PCR Act cases, 41 and 1 respectively were reported with the percentage of 3.71
2. In the Central Range, it is in the Kolar district where highest number of PA (91) and PCR Act (6) cases were committed on the Dalits and it tops the list in the Central Range with the percentage of 8.56 among overall districts of Karnataka.
3. In the Eastern Range, it was in the Chitradurga district where 64 cases of PA Act and 7 cases of PCR Act were found, which is highest in the western range.

4. The Chikmagalore district, which lies in the Western range lead the list with 31 cases of PA Act, committed on the Dalits.
5. The Northern Range was led by Bijapur district where 77 cases of PA Act were found during the year of 1998.
6. In the North Eastern Range the practice of untouchability and the atrocities on Dalits was found highest in Gulbarga district, where 116 cases of PA Act and 29 cases of PCR Act were found with the highest percentage of untouchability incidence and atrocities committed in the Karnataka State.
7. In the Southern Range, it was in Hassan district where 55 of PA Act and 3 Cases of PCR were reported, which were highest in the Southern Range.
8. Finally, a total no of 1133 cases (1035 of PA and 98 of PCR Acts) of PA and PCR Acts were committed in Karnataka state during the year of 1988.

**Table -5**  
**Commissionerate / District wise percentage contribution under P.C.R. & SC/ST (P.A.) Act cases committed against SCs/STs during 1999.**

SI. No	Unit / District	P.A.	PCR	Total	Percentage
1	2	3	4	5	6
<b>I</b>	<b>Commissionerate</b>				
1	Bangalore city	43	5	48	4.27
2	Mysore	9	0	9	0.80
3	Hubli-Dharwad city	6	0	6	0.53
<b>II</b>	<b>Central Range</b>				
1	Banglore Dist	44	12	56	4.98 I
2	K.G.F.	6	0	6	0.53
3	Kolar	72	0	72	6.41
4	Tumkur	53	0	53	4.72
<b>III</b>	<b>Eastern Range</b>				
1	Bellary	41	0	41	3.56
2	Chitradurga	73	7	80	7.12
3	Davanagere	35	0	35	3.11
4	Shimoga	5	0	5	0.44
<b>IV</b>	<b>Western Range</b>				
1	Chickmagalur	26	0	26	2.31
2	D.K.	9	0	9	0.80
3	Udupi	15	0	15	1.33
4	U.K.	8	0	8	0.71
<b>V</b>	<b>Northern Range</b>				

1	Bagalkot	14	0	14	1.21
2	Belgum	34	2	36	3.20
3	Bijapur	69	0	69	6.14
4	Dharwad	17	2	19	1.69
5	Gadag	10	0	10	0.89
6	Haveri	12	0	12	1.07
<b>VI</b>	<b>North Eastern range</b>				
1	Bidar	19	1	20	1.76
2	Gulbarga	137	14	151	13.43
3	Koppal	65	7	72	6.41
4	Raichur	69	21	90	8.01
<b>VII</b>	<b>Southern Range</b>				
1	Chamaraj anagar	30	3	33	2.94
2	Hassan	48		49	4.36
3	Kodagu	14	0	14	1.25
4	Mandya	35	0	35	3.11
5	Mysore Dist	28	3	31	2.76
<b>VIII</b>	<b>Karnataka railways</b>	0	0	0	0.00
	Total	1046	78	1124	100

Source: S.C.R.B, Govt, of Karnataka, Bangalore.

The table no. 5 reveals the District wise percentage contribution under P.C.R. & Scheduled Castes/ST (P.A.) Act cases committed against SCs/ STs in Karnataka during the year of 1999. From studying the above table, it can be concluded that again it is in the district of Gulbarga where highest number of i.e., 137 cases of PA Act and 14 cases of PCR were committed on the Dalits and it leads the entire state with the percentage of 13.43, which is higher than the percentage in 1998. During the year of 1999, not surprisingly, it was in the Raichur district where 69 cases of PA Act and 21 cases of PCR were committed which placed Raichur district in second position with the percentage of 8.01. The third highest numbers of atrocities on Dalits were found in Chitradurga district where 73 cases of PA Act and 7 cases of PCR Act cases with the percentage of 7.12 were registered.

The other few conclusions, which could be drawn from the above table, are

1. In the Commissionerate of Bangalore city, 43 cases of PA Act and 5 cases of PCR Act were reported during the year of 1999. And it is highest among the Commissionerate consisting of Bangalore City, Hubli-Dharwar and Mysore.

2. In the Central Range the highest number of atrocities on Dalits was reported from the Kolar district where 72 cases of PA Act of 1989 were found during the year of 1999.
3. In the Eastern Range the highest number of atrocities on Dalits was reported from the Chitradurga district where 73 cases of PA Act and 7 cases of PCR Act were reported during the year of 1999.
4. In the Western Range the higher number of atrocities on Dalits was reported from the Chickmagalur district where 26 cases of PA Act of 1989 were reported during the year 1999.
5. In Northern Range, the highest cases of PA and PCR Acts were committed in Bijapur district where 69 cases of PA Act were reported during the year of 1999.
6. In the North Eastern Range, it is in Gulbarga district where the highest number of cases of PA and PCR Acts were committed on the Dalits.
7. In the Southern Range the highest number of atrocities related to PA and PCR Act were reported from the Hassan district where 48 cases of PA Act and 1 case of PCR Act were reported during the year of 1999.
8. Finally, a total no of 1,124 cases (1046 of PA and 78 of PCR Act) of PA and PCR Acts were committed on Dalits during the year of 1999.

**Table-6**  
**Commissionerate / District wise percentage contribution under P.C.R. & SC/ST (P.A.) Act cases committed against SCs/STs during 2000.**

Sl. No	Unit / District	P.A.	PCR	Total	Percentage
1	2	3	4	5	6
<b>I. Commissionerate</b>					
1	Bangalore city	47	9	56	4.92
2	Mysore	3	1	4	0.35
3	Hubli-Dharwad city	12	0	12	1.05
<b>II. Central Range</b>					
1	Banglore Dist	59	13	72	6.32
2	K.G.F.	2	0	2	0.18
3	Kolar	57	0	57	5.00
4	Tumkur	41	5	46	4.04
<b>III Eastern Range</b>					
1	Bellary	126	10	136	10.51
2	Chitradurga	44	11	55	4.25
3	Davanagere	53	3	56	4.33
4	Shimoga	23	0	23	1.76
<b>IV Western Range</b>					
1	Chickmagalur	31	0	31	2.40
2	D.K.	9	0	9	0.70

3	Udupi	14	0	10	1.08
4	U.K.	9	0	9	0.70
<b>V</b>	<b>Northern Range</b>				
1	Bagalkot	32	0	32	2.47
2	Beleum	49	1	50	3.86
3	Bijapur	46	0	46	3.55
4	Dharvavad	22	0	22	1.70
5	Gadag	9	0	9	0.70
6	Haven	28	0	28	2.16
<b>VI</b>	<b>NorthEastern range</b>				
1	Bidar	36	1	37	2.86
2	Gulbarga	75	3	78	6.03
3	Koppal	64	3	67	5.18
4	Raichur	102	40	142	10.97
<b>VII</b>	<b>Southern Range</b>				
1	Chamarajanagar	32	0	32	2.47
2	Hassan	42	1	43	3.32
3	Kodagu	11	0	11	0.85
4	Mandya	34	0	34	2.63
5	Mysore Dist	31	1	32	2.47
<b>VIII</b>	<b>Karnataka railways</b>	0	0	0	0.00
	<b>Total</b>	1187	107	1294	100

Source: S.C.R.B. Govt of Karnataka, Bangalore

The table no.6 reveals the District wise percentage contribution under P.C.R. & Scheduled Castes/ST (P.A.) Act cases committed against SCs/ STs in Karnataka during the year of 2000, it is in Gulbarga district where highest number of cases related to PA Act of 1989 and PCR were reported.

In Gulbarga district 140 cases of PA Act and 11 cases of PCR were reported in year 2000 and its percentage is 13.26, which is highest when compared to the other districts in the state. The second highest numbers of PA and PCR Act were found respectively. The percentage of atrocities committed in Raichur district is 9.31, which is second highest among all the districts of Karnataka. Surprisingly, the third highest number of cases of PCR and PA Act were reported from the newly created district of Koppal where, 73 cases of PA Act and 2 cases of PCR were found contributing its percentage of 6.58 which is third highest among all the districts of Karnataka for the year of 2000.

At the same time the following deductions can be drawn from the above table.

1. In the Commissionerate of Bangalore city, 47 cases of PA Act and 9 cases of PCR Act were found and it is highest, when compared to the other Commissionerates of Mysore and Hubli-Dharwar.
2. In the Central Range, the highest number of atrocities and cases of PA and PCR Act were reported from the Bangalore District where 59 cases of PA Act and 13 cases of PCR Act were reported for the year 2000.
3. In the Eastern Range, the highest number of atrocities and cases of PA and PCR Act were reported from the Bellary District where 67 cases of PA Act and no cases of PCR Act were reported for the year 2000.
4. In the Western Range, the highest number of atrocities and cases of PA and PCR Act were reported from the Chickmaglore District where 49 cases of PA Act and no cases of PCR Act were reported for the year 2000.
5. In the Northern Range, the highest number of atrocities and cases of PA and PCR Act were reported from the Bellary District where 45 cases of PA Act and no cases of PCR Act were reported for the year 2000.
6. In the North Eastern Range, again it was in the district of Gulbarga where the highest number of cases (140 of PA Act and 111 of PCR Act) related to PA and PCR Acts were found.
7. In the Southern Range, the highest number of cases related to PA and PCR Acts were reported from Hassan district where 53 cases of PA Act and no case of PCR were reported.
8. Finally, in the year of 2000, there were 1,139 cases of PA and PCR Act were reported from the Karnataka State in which 1,062 were PA Act of 1989 and 77 were related to PCR Act.

**Table-7**

**Commissionerate / District wise percentage contribution under P.C.R. & SC/ST (P.A.) Act cases committed against SCs/STs during 2001.**

SI. No	Unit / District	P.A.	PCR	Total	Percentage
1	2	3	4	5	6
<b>I</b>	<b>Commissionerate</b>				
1	Bangalore city	72	8	80	6.18
2	Mysore	6	2	8	0.62
3	Hubli-Dharwad city	13	0	13	1.00
<b>II</b>	<b>Central Range</b>				
1	Banglore Dist	69	8	77	5.95
2	K.G.F.	5	0	5	0.39
3	Kolar	52	6	58	4.48
4	Tumkur	48	9	57	4.40
<b>III</b>	<b>Eastern Range</b>				
1	Bellary	126	10	136	10.51
2	Chilradurga	44	11	55	4.25

3	Davanagere	53	3	56	4.33
4	Shimoga	23	0	23	1.76
<b>VI</b>	<b>Western Range</b>				
1	Chickmagalur	31	0	31	2.40
2	D.K.	9	0	9	0.70
3	Udupi	14	0	10	1.08
4	U.K.	9	0	9	0.70
<b>V</b>	<b>Northern Range</b>				
1	Bagalkot	32	0	32	2.47
2	Belgum	49	1	50	3.86
3	Bijapur	46	0	46	3.55
4	Dharwad	22	0	22	1.70
5	Gadag	9	0	9	0.70
6	Haven	28	0	28	2.16
<b>VI</b>	<b>NorthEastern range</b>				
1	Bidar	36	1	37	2.86
2	Gulbarga	75	3	78	6.03
3	Koppal	64	3	67	5.18
4	Raichur	102	40	142	10.97
<b>VII</b>	<b>Southern Range</b>				
1	Chamarajanagar	32	0	32	2.47
2	Hassan	42	1	43	3.32
3	Kodagu	11	0	11	0.85
4	Mandya	34	0	34	2.63
5	Mysore Dist	31	1	32	2.47
<b>VIII</b>	<b>Karnataka railways</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.00</b>
	<b>Total</b>	<b>1187</b>	<b>107</b>	<b>1294</b>	<b>100</b>

Source: S.C.R.B, Govt. of Karnataka, Bangalore.

The table no.7 reveals the District wise percentage contribution under P.C.R. & Scheduled Castes/ST (P.A.) Act cases committed against SCs/ STs in Karnataka during the year of 2001. According to the data related to 2001 .The highest number of cases related to PA and PCR Acts were reported from the Raichur district, which comes under the North Eastern Range of Karnataka State. As per the above-mentioned table, 102 cases of PA Act and 40 cases of PCR Act were reported from the Raichur district, which has the highest percentage of 10.97 among all the districts of Karnataka for the year 2001. On the other hand the second highest number of

atrocities on Dalits and cases related to PA and PCR Act were reported from the Bellary District of Eastern Range of Karnataka State. As per the data presented in the above table, 126 cases of PA Act and 10 cases of PCR Act were reported from the district of Bellary, which had the percentage of 10.51, which is second highest among all the districts. Surprisingly, the third highest number of cases related to PA and PCR Act was reported from the Commissionerate of Bangalore city, where 72 cases of PA Act and 8 cases of PCR Act were reported. The findings from the other ranges of the Karnataka State are being explained as under.

1. The Commissionerate of Bangalore city has witnessed a high number of cases related to PA and PCR Act of 1989 when compared to the Commissionerates of Mysore and Hubli-Dharwar cities. In the Commissionerate of Bangalore city, 72 cases of PA Act and 1 cases of PCR Acts were found.

2. In the Central Range, the highest number of cases of PA and PCR Act were reported from the Bangalore district where 69 cases of PA Act and 8 cases of PCR Act were found.

3. In the Eastern Range, the highest numbers of cases were found from the Bellary District where 126 cases of PA Act and 10 cases of PCR Act were reported.

4. In the Western Range, the highest numbers of cases were found from the Chickmaglore District where 3 \ cases of PA Act and no cases of PCR Act were reported.

5. In the Northern Range, the highest numbers of cases was found from the Gulbarga District where 75 cases of PA Act and 01 cases of PCR Act were reported.

6. In the North Eastern Range, the highest numbers of cases were found from the Gulbarga District where 75 cases of PA Act and 03cases of PCR Act were reported.

7. In the Southern Range, the highest numbers of cases were found from the Hassan District where 42 cases of PA Act and 01 cases of PCR Act were reported.

8. Finally, a total number of 1294 cases of PA and PCR Act were reported in the Karnataka State during the year 2001. In which 1,187 cases were related to PAAct of 1989 and 107 cases were related to PCR Act.

**Table-8**

**Commissionerate / District wise percentage contribution under P.C.R. & SC/ST (P.A.) Act cases committed against SGs/STs during 2002.**

Sl. No	Unit / District	P.A.	PCR	Total	Percentage
1	2	3	4	5	6
<b>I</b>	<b>Commissionerate</b>				
1	Bangalore city	93	3	98	7.35
2	Mysore	15	3	8	0.60

3	Hubli-Dharwad city	9	0	9	0.67
<b>II</b>	<b>Central Range</b>				
1	Banglore Dist	143	11	154	11.54
2	K.G.F.	8	1	9	0.67
3	Kolar	62	5	67	5.02
4	Tumkur	59	6	65	4.87
<b>III</b>	<b>Eastern Range</b>				
1	Bellary	116	27	143	10.72
2	Chitxadurga	39	8	47	3.52
3	Davanagere	22	2	24	1.80
4	Shimoga	17	0	17	1.27
<b>IV</b>	<b>Western Range</b>				
1	Chickmagalur	38	0	38	2.85
2	D.K.	17	0	17	1.27
3	Udupi	17	0	17	1.27
4	U.K.	3	0	3	0.22
<b>V</b>	<b>Northern Range</b>				
1	Bagalkot	31	1	35	2.62
2	Belgum	28	0	28	2.10
3	Bijapur	42	0	42	3.15
4	Dharwad	24	0	24	1.80
5	Gadag	7	0	7	0.52
6	Haveri	17	1	18	1.35
<b>VI</b>	<b>NorthEastern range</b>				
1	Bidar	23	1	24	1.80
2	Gulbarga	81	5	86	6.45
3	Koppal	75	4	79	5.92
4	Raichur	110	18	128	9.60
<b>VII</b>	<b>Southern Range</b>				
1	Chamaraj anagar	18	0	18	1.35
2	Hassan	37	1	38	2.85
3	Kodagu	16	0	16	1.20
4	Mandya	46	0	46	3.45
5	Mysore Dist	27	1	28	2.10
<b>VII</b>	<b>Karnataka railways</b>	0	1	1	0.17
	<b>Total</b>	1233	101	1334	100

Source: S.C.R.B, Govt, of Karnataka, Bangalore.

The table no. 8 reveals the District wise percentage contribution under P.C.R. & Scheduled Castes/ST (P.A.) Act cases committed against

SCs/ STs in Karnataka during the year of 2002. According to the data related to 2002 .The highest number of cases related to PA and PCR Acts were reported from the Bangalore district, which comes under the Central Range of Karnataka State. As per the above-mentioned table, 143 cases of PA Act and 11 cases of PCR Act were reported from the Bangalore district, which has the highest percentage of 11.54 among all the districts of Karnataka for the year 2002. On the other hand the second highest number of atrocities on Dalits and cases related to PA and PCR Act were reported from the Bellary District of Eastern Range of Karnataka State. As per the data presented in the above table, 116 cases of PA Act and 27 cases of PCR Act were reported from the district of Bellary, which had the percentage of 10.72 contributing to its second position among all the districts. Surprisingly, the third highest number of cases related to PA and PCR Act was reported from the Raichur District, where 110 cases of PA Act and 18 cases of PCR Act were reported. The findings from the other ranges of the Karnataka State are being explained as under.

1. The Commissionerate of Bangalore city has witnessed a high number of cases related to PA and PCR Act of 1989 when compared to the Commissionerates of Mysore and Hubli-Dharwar cities. In the Commissionerate of Bangalore city, 93 cases of PA Act and 5 cases of PCR Acts were found.
2. In the Central Range, the highest number of cases of PA and PCR Act were reported from the Bangalore district where 143 cases of PA Act and 11 cases of PCR Act were found.
3. In the Eastern Range, the highest numbers of cases were found in Bellary District where 116 cases of PA Act and 27 cases of PCR Act were reported.
4. In the Western Range, the highest numbers of cases were found from the Chickmaglore District where 38 cases of PA Act and no cases of PCR Act were reported.
5. In the Northern Range, the highest numbers of cases was found from the Bijapur District where 42 cases of PA Act and no cases of PCR Act were reported.
6. In the North Eastern Range, the highest numbers of cases were found in Raichur District where 110 cases of PA Act and 18 cases of PCR Act were reported.
7. In the Southern Range, the highest numbers of cases were found in Mandya District where 46 cases of PA Act and no cases of PCR Act were reported.
8. Finally, a total number of 1334 cases of PA and PCR Act were reported in the Karnataka State during the year 2001. In which 1,233 cases were related to PA Act of 1989 and 101 cases were related to PCR Act.

**Table - 9**  
**The details of No. of Atrocities and Compensation paid during 2001-2003 in Karnataka State.**

<b>Sl. No.</b>	<b>District Name</b>	<b>No. of Atrocities during 2001-2003</b>	<b>Compensation paid during last three years, (in Rs.)</b>
1	Bangalore city	162	33,75,250.00
2	Bangalore (Rural)	180	43,39,440.00
3	Chitradurga	99	38,45,000.00
4	Dhavan gere	203	19,56,000.00
5	Kolar	268	61,93,350.00
6	Tumkur	144	13,95,685.00
7	Shimoga	88	32,21,750.00
8	Mysore	96	16,26,030.00
9	Chamaraj anagar	52	10,40,250.00
10	Mandya	127	21,19,500.00
11	Hassan	103	38,41,640.00
12	Chickmangalore	112	37,68,000.00
13	Koorga	51	15,28,500.00
14	South Kannada	36	9,72,000.00
15	Udapi	33	5,53,000.00
16	Bijapur	164	47,83,250.00
17	Bagalkote	98	18,61,950.00
18	Dharawad	120	30,44,000.00
19	Gadag	24	8,40,000.00
20	Bijapur	164	47,83,250.00
21	Haveri	62	15,75,000.00
22	Karvar	U	1,77,500.00
23	Gulbarga	149	51,18,750.00
24	Raichur	209	16,83,000.00

25	Koppal	178	20,05,000.00
26	Bellary	338	66,68,750.00
27	Bidar	169	10,45,250.00
	Total	3374	7,04,38,775.00

Source: Department of Social Welfare, Govt. of Karnataka, Bangalore.

The number of atrocities and the amount of compensation paid to the victims in all districts of Karnataka during the period of 2001-03 can be explained from the above drawn table no.9. As per the data mentioned in the table, the District of Bellary has witnessed the highest number of atrocities i.e., 338 of them on the Dalits and an amount of Rs. 66,68,750.00 has been paid as a compensation during the period of 2001-03. On the other hand the district of Kolar has witnessed 268 incidents of atrocities on Dalits and the compensation paid to the Dalits was Rs. 61, 93,350.00 during the period of 2001-03. The newly created district of Davangere has also been affected by the atrocities on Dalits, because as much as 203 atrocities were reported from the district of Davangere. In reference with the 203 atrocities were reported from the district of Davangere, a compensation of Rs. 19, 56,000.00 has been to the victims of atrocities during the period of 2001-03. Whereas as much as 180 atrocities on Dalits were occurred in Bangalore Rural district and an amount of Rs.43,39,440.00 has been paid as compensation to the Dalits during the last three years from 2001-03.

From the analysis of the above table it becomes clear that the atrocities on Dalits is almost prevalent in all the districts of Karnataka irrespective of the efforts and laws made and being implemented by the Government. Though the number of atrocities is relatively low in districts like South Canara, Udupi and Karwar but there are some districts like, Bellary, Kolar, Davangere, Gulbarga, Bijapur, Koppal, Raichur and Bidar where the atrocities on Dalits are at a high rate and are increasing with the passing of every year. Therefore, these are the areas or districts, which need strict vigilance and attention from the law implementing agencies and the Government.

**Table - 10**  
**The details of Compensation paid for Atrocities during the period 1999-2000 and 2003-2004 (October)**

Year	No. of Atrocities Committed	Amount of Compensation (in lakhs)
1999-2000	1,208	175.78
2000-2001	1,430	200.00

2001-2002	1,222	215.00
2002-2003	1,904	370.44
Total	5,664	961.22
2003-04 (2003-October end)	1,370	302.62
<b>Grand Total</b>	7,034	1263.84

Source: Department of Social Welfare, Govt. of Karnataka, Bangalore.

The incidence and prevalence of atrocities on Dalits in Karnataka and the amount paid to the victims of these atrocities could be well understood by the above mentioned table. The close look at the data mentioned in the table would reveal the fact that the numbers of atrocities on Dalits have been on the rise, except during the year of 2001-2002 when there was relative decline in the number of atrocities on Dalits. But there was a sudden rise of atrocities on Dalits in the year 2002-03, as 1,904 incidents of atrocities were reported and an amount of 370.44 lakhs rupees were distributed as a compensation among the victims of these atrocities. During the period of 1999-2003 a total of 5,664 cases of atrocities were committed on Dalits and an amount of Rs.961.22 lakhs of compensation has been distributed among the Dalits. It shows that every year the atrocities on dalits were on the rise irrespective of the strong measures and actions on the part of Government and law implementing agencies. If we add the 1,370 cases of atrocities reported till October end of 2003, the total no of atrocities committed on Dalits rises to 7,034 and the amount of compensation to Rs.1,263.84 Jakh during the period from 1999-2003.

**Table-11**  
**Compensation paid for Dalits under SC/STs (Prevention of Atrocities)**  
**Act of 1989 for the year of 2003-04 (31-03-2004 end)**

Sl.No.	District Name	State level (in Lakhs)	1 <sup>st</sup> Installment 1 (in Lakhs)	3 <sup>rd</sup> Installment (in Lakhs)	Total (in Lakhs)	Request for Addition Aid (in Lakhs)
1	Bangalore city	8.00	5.00	3.00	16.00	20.00
2	Bangalore (Rural)	10.00	10.00	3.00	23.00	18.00
3	Chitradurga	8.00	0.00	3.00	11.00	15.50
4	Dhavanera	6.00		3.00	9.00	10.00
5	Kolar	12.00	6.00	3.00	21.00	20.00
6	Tumkur	6.00	6.00	3.00	15.00	18.00
7	Shimoga	4.00	3.00	3.00	10.00	10.00
8	Mysore	6.00		3.00	5.00	10.00
9	Chamaraj nagar	2.00		3.00	5.00	10.00
10	Mandya	6.00			6.00	
11	Hassan	8.00	4.00	3.00	15.00	13.00
12	Chikmangalore	8.00	2.00	3.00	13.00	10.00
13	Kodagu	4.00		2.00	4.00	2.00
14	South Canara	2.00		2.00	4.00	2.00
15	Udupi	2.00	1.00	2.00	5.00	4.00
16	Belgaum	2.00		2.00	4.00	
17	Bijapur	8.00	3.00	3.00	15.00	18.00
18	Bagalkot	4.00	6.00	3.00	13.00	20.00
19	Dharwar	6.00	4.00	3.00	13.00	20.00
20	Gadag	2.00		2.00	4.00	4.00
21	Haveri	2.00	1.00	2.00	5.00	5.00
22	Karwar	2.00		2.00	4.00	6.00
23	Gulbarga	8.00	8.50	3.00	19.50	20.00
24	Raichur	6.00	3.00	3.00	12.00	14.00
25	Koppal	8.00	3.00	2.10	13.10	10.00
26	Bellary	8.00	6.00 12.50	3.00	19.50	12.00

27	Bidar	2.00	1.00	2.00	5.00	5.00
28	Social Welfare Office			5.90	5.90	
	<b>Total</b>	<b>150.00</b>	<b>75.00</b>	<b>75.00</b>	<b>300.00</b>	<b>324.50</b>

Source: Department of Social Welfare, Govt, of Karnataka, Bangalore.

From the above table it becomes clear that during the year of 2003-04 (till March end) a total amount of 300 lakh rupees have been distributed among the victims of untouchability in the State of Karnataka. Among all the districts of Karnataka, Bangalore Rural District is the highest receiver of compensation i.e., 23 lakh and has demanded the additional aid of 18 lakh from the Government. On the other hand the district of Kolar has received an amount of 21 lakh rupees from the Government and has made a request for the addition grant of 20 lakhs from the government. While the districts of Gulbarga and Bellary have received an equal amount of compensation of 19.50 lakh each and have made a request for the additional grant of 20 and 12 lakh respectively. Thus, it becomes clear that though government has been making enough efforts and distributing heavy amount of compensation among the victims of untouchability, but the amount of additional aid sought by the different districts of Karnataka reveal the fact that a large number of victims or cases are unpaid or needs the compensation from the Government. Therefore, it becomes imperative for the government to curb the practice of untouchability in all parts of the state.

**Table-12**  
**Information of offences under SCs & STs (Prevention of Atrocities) Act 1989**

Sr. No.	Nature of offence	YEAR									
		1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
1	2	3	4	5	6	7	8	9	10	11	12
1	<b>Murder Attempt to Murder</b>	05	10	17	36	32	33	50	52	46	46
2	<b>Grievous Hurt</b>	19	33	33	54	66	64	57	77	43	45

3	<b>Rape</b>	06	05	08	18	16	19	21	15	13	30
4	<b>Arson</b>	05	05	05	18	2	4	10	52	05	09
5	<b>Dacoity</b>	01	-	01	02	02	05	02	03	04	03
6	<b>Outraging Modes of women</b>	08	16	21	22	44	40	41	20	35	47
7	<b>Abuse and insult</b>	127	160	162	219	259	354	388	458	414	412
8	<b>Others</b>	174	262	375	370	498	563	540	526	460	404
	<b>Total</b>	<b>345</b>	<b>491</b>	<b>622</b>	<b>439</b>	<b>929</b>	<b>1092</b>	<b>1109</b>	<b>1203</b>	<b>1020</b>	<b>996</b>

Source: Department of Social Welfare, Govt, of Karnataka, Bangalore.

The above given table would inform about the details of offences committed under Scheduled Castes/STs (Prevention of Atrocities) Act of 1989 in Karnataka during the period of 1990-1999. According to this table, during the period of 10 years from 1990-1999 a high number of 8,546 offences were committed and registered under the Scheduled Castes/STs (Prevention of Atrocities) Act of 1989. Among all the 8,546 offences committed and registered under the Scheduled Castes/STs (Prevention of Atrocities) Act, a high number of them i.e., 2,953 cases were related to abuse and insult to the victims or Dalits.. This shows the widespread prevalence and practice of untouchability in the state of Karnataka. Moreover the high number of abuse and insult cases registered during the recent years of 1997 (458), 1998(414) and 1999(412) signify the increasing practice of untouchability in the state of Karnataka.

**Table-13**  
**Information of offences under Protection of Civil Rights Act 1955**

Sr. No.	Nature of offence	YEAR									
		1990	1991	1992	1993	1994	1995	1996	1997	1998	1999
1	2	3	4	5	6	7	8	9	10	11	12
1	Murder Attempt to Murder	01	-	02	-	01	01	05	01	03	02

	r										
2	Grievous Hurt	22	06	06	01	07	18	12	02	01	-
3	Rape	02	-	01	-	-	-	04	02	01	-
4	Arson	01	01	01	01	01	-	-	02	-	-
5	Dacoity	02	-	-	-	-	-	-	-	-	-
6	Outraging Modesty of women	03	03	02	04	02	01	03	01	05	05
7	Abuse and insult	215	162	119	128	117	132	113	106	62	73
8	Others	324	253	163	160	179	134	141	124	103	102
	Total	<b>580</b>	<b>425</b>	<b>294</b>	<b>294</b>	<b>307</b>	<b>286</b>	<b>278</b>	<b>238</b>	<b>175</b>	<b>180</b>

Source: Department of Social Welfare, Govt, of Karnataka, Bangalore

The above given table would inform about the details of offences committed under the protection of Civil Rights Act of 1955 in Karnataka during the period of 1990-1999. According to this table, during the period of 10 years from 1990-1999 a high number of 3, 057 offences were registered under the protection of Civil Rights Act of 1955. Among all the 3,057 offences registered under the protection of Civil Rights Act of 1955, a high number of them i.e., 1,227 cases were related to abuse and insult to the victims or Dalits. This shows the widespread prevalence and practice of untouchability among the upper castes and deplorable condition of Dalits in the state of Karnataka. However, the gradual decrease in the number of offences under the protection of Civil Rights Act of 1955 over the years from 1990-1999 is a welcome change.

**Table-14**  
**Information Regarding Withdrawal of Cases under SC/STs (Prevention of Atrocities) Act 1989 Year from 1990 to 1999**

Year	No. of cases registered	No. of cases withdrawn
1	2	3
1990	345	
1991	491	02
1992	628	

1993	739	
1994	929	
1995	1,092	02
1996	1,109	
1997	1,203	
1998	1,020	
1999	996	
Grand Total	8,552	04

Source; Department of Social Welfare, Govt, of Karnataka, Bangalore.

The above given table would inform about the information regarding withdrawal of Cases under SCs & STs (prevention of atrocities) Act 1989 in Karnataka during the years from 1990-1999. According to this table, during the 10 years from 1990-1999 a total no of 8,522 cases were registered under the Scheduled Castes/STs (Prevention of Atrocities) Act of 1989. But surprisingly, the rate of withdrawal of cases registered is very low. It was only negligible amount of cases were withdrawn from the court due to various reasons. In the year 1991 among the total number of 491 booked cases, only 2 cases were withdrawn. Likewise, in the year of 1995, among the total number of 1092 cases only 02 cases were withdrawn form the court. This low level of withdrawal of cases id very important or the effective implementation of the Law of Untouchability in particular and the eradication of untouchability system is general.

**Table-15**  
**Information Regarding Withdrawal of Cases under Protection of Civil Rights Act of 1955 - Year from 1990 to 1999**

Year	No. of cases registered	No. of cases withdrawn
1	2	3
1990	580	-
1991	425	-
1992	294	-
1993	294	-
1994	307	-
1995	296	-
1996	278	-
1997	238	-
1998	175	-
1999	180	-
Grand Total	3,067	-

Source: Department of Social Welfare, Govt, of Karnataka, Bangalore

The above drawn table would inform about the information regarding withdrawal of Cases under Protection of Civil Rights Act of 1955 in Karnataka during the years from 1990-1999. According to this table, during the ten years from 1990-1999 a total no of 3,067 cases were registered under the Protection of Civil Rights Act of 1955. But surprisingly, in the last ten years from 1990-1999 no case was withdrawn from the court. This is a good sign in the implementation of the law of implementation.

**Table - 16**  
**Cases under Protection of Civil Rights Act, 1955**

Year	No. of Offences registered	Investigation Completed	% of column (3) to column(2)	investigation completed	Cases closed by police after Investigation Court or Off.	Charges Sheets Filed	Cases decided by the Courts	Cases Acquitted	Cases Compounded Informally	Cases Convicted	Percentages of conviction	Cases Pending in the Court
1	2	3	4	5	6	7	8	9	10	11	12	13
1990	726	717	98.76	669	112	605	56	536	15	05	0.89	49
1991	507	504	99.40	436	83	121	637	360	06	01	0.27	54
1992	103	394	97.76	334	89	305	252	240	09	03	1.19	53
1993	355	348	97.18	303	92	256	208	205	02	01	0.48	48
1994	345	341	98.84	290	93	248	177	171	05	01	0.56	71
1995	259	255	98.45	223	62	193	126	115	09	02	1.58	67
1996	229	224	98.24	163	65	159	106	103	02	01	0.94	53
1997	223	202	90.58	133	35	167	78	74	03	01	1.28	89
1998	123	121	98.37	83	43	78	22	21	01	-	-	56
1999	110	109	99.09	70	27	82	08	06	02	-	-	74

The above mentioned table no. 16 explains the true nature and incidence of the practice of untouchability in Karnataka. The above drawn table would reveal the No. of offences registered, investigation completed, cases closed by police after, charge sheets filed, cases decided by the courts,

cases acquitted , cases compounded, cases convicted and percentage of conviction in related to the number o cases registered under the Protection of Civil Rights Act of 1955 for the period from 1990-1999. According to this table, the number of cases registered under the PCR Act of 1955 was 726, in which the number of investigation completed is 717 at the percentage of 98.76. Among all the registered 726 cases, the charge sheets were filed on only in 605 in which only 05 cases were convicted at the percentage of 0.89. The situation in year 1991 was no different form the early year, as 507 cases were registered, 504 cases were investigated, and 121 charge sheets were filed, finally among all these cases registered 360 cases were acquitted and only 01 case was a convicted at the percentage of 0.27. The high number of acquittals and the low number of conviction reveal that all is not well with the implementation of untouchability in Karnataka State.

In the year 1992, the number of cases registered under the PCR Act of 1955 were 403, the number of cases in which the investigation is completed is 394, only in 305 cases charge sheets were field, and in 240 cases the accused were acquitted, only 3 cases were convicted at the percentage of 1.19. In year 1993, 355 cases were registered, in 348 case investigation completed, only 01 case was convicted at the percentage of 0.48 percentage which is the second lowest during the period of 10 years. The identical situation can be seen in the year 1994 when 345 cases were registered, 171 cases were acquitted, and only 01 case was convicted at the percentage of 0.56. During 1995, the numbers of cases registered are 259, in 115 cases accused were acquitted and 02 cases were convicted at the percentage of 0.58. According to this table, during the period from 1996-1999, the trend of high registration of cases, high rate of acquittals of the accused and extremely low rate of conviction of the accused can be seen. Also the period from 1990-1999 has witnessed the high number of cases pending in the, which delays the justice for the accused.

Thus, it becomes clear form the table that the cases registered under the Protection of Civil Rights Act of 1955 has witnessed the high number of acquittals of the accused, low rate of conviction of the accused and high number of cases remaining pending at the courts. The percentage of conviction is quite abysmal when compared to the high number of cases registered under the PCR Act of 1955.

**Table-17**  
**Details of cases under Scheduled Castes and Scheduled Tribes**  
**(Prevention of Atrocities) Act, 1989**

Year	No. of Offences registered	Investigation Completed	% of column (3) to column(2)	Out of Col.3 investigation completed	Cases closed by police after Investigation	Charges Sheets Filed	Cases decided by the Courts	Cases Acquitted	Cases Compounded Informally	Cases Convicted	Percentages of conviction	Cases Pending in the Court
1	2	3	4	5	6	7	8	9	10	11	12	13
1990	339	336	99.11	295	41	295	279	267	11	01	0.35	16
1991	515	507	98.44	458	79	428	397	378	14	05	1.25	31
1992	672	661	98.36	597	94	565	453	442	03	05	1.10	112
1993	829	791	95.41	731	103	688	497	482	03	09	1.81	191
1994	1030	1064	97.61	964	186	878	514	488	17	09	1.75	364
1995	1327	1297	98.10	1185	289	1008	501	484	16	01	0.19	507
1996	1227	1193	97.22	1046	251	942	324	306	14	04	1.30	618
1997	1355	1323	97.63	1187	258	1065	239	232	05	02	0.83	826
1998	1219	1200	98.44	1062	251	949	96	90	06	00	00	853
1999	1128	1083	96.01	974	264	819	50	48	01	01	2.00	769

The true nature of the cases registered under the Scheduled Castes/ Scheduled Tribes (Prevention of Atrocities) Act of 1989 is being explained by the above drawn table 17. The above drawn table would reveal the No. of offences registered, investigation completed, cases closed by police after, charge sheets filed, cases decided by the courts, cases acquitted, cases compounded, cases convicted and percentage of conviction in related to the number o cases registered under the Protection of Civil Rights Act of 1955

for the period from 1990-1999. From analyzing the above drawn table it becomes clear that the high number of cases were registered under the PA Act of 1989, but the cases in which the accused acquitted are high, resulting in the low rate of conviction of the acc used. At the same time a high number of cases are remained pending in the cases waiting to be decided by the courts, and a significant number of cases registered under the PA Act were compromised informally. The data shown in the different columns of the table indicate the lackluster performance of the law implementing machineries in the implementation of Scheduled Castes/ Scheduled Tribes (Prevention of Atrocities) Act of 1989.

The reasons and factors contributing for the ineffective implementation of the untouchability laws in Karnataka is explained and critically analyzed in the below given words.

## **5.2 HINDRANCE OR BOTTLENECKS FOR THE ERADICATION OF UNTOUCHABILITY IN KARNATAKA:**

From analyzing the above mentioned tables and graphs showing the number of atrocities committed, registered, investigation completed, accused acquitted and the ratio of conviction of cases to the registered, the cases remained pending in the courts it can be said that the eradication of Untouchability in Karnataka is suffering from the inherent weakness in the law and in its law implementing machineries. Though, the eradication of untouchability in Karnataka is not a failed venture or programme but still it is not providing the results, which were expected of them. When the number of incidents of atrocities and the incidence of untouchability is still practices in remote parts of the state, now it is a high time to critically evaluate the laws of untouchability and its implementing machineries. From studying the situation of the eradication of untouchability in Karnataka, the below mentioned hindrances or bottlenecks can be seen in the laws of untouchability and its various implementing machineries of the Government of Karnataka. The hindrances or bottlenecks for the eradication of Untouchability in Karnataka can be explained as under.

### **1. Lack of Harmonious Co-operation and Co-ordination:**

It seems on the study of the working of the machinery for the implementation of the law of untouchability that there is lack of harmonious co-operation between the Government and Administration, Police Department and the Judiciary. Had there been co-operation between the administration and the police in this respect what was the need of amendment in Section 10 of the PCR Act in 1976, which categorically states that one who willfully neglects to investigate any offence under the Act would commit an offence of abutment punishable under the Act. On the other hand, the administration has not provided adequate staff for undertaking prompt investigation right upto recently.

The Police after investigation submit the cases to the courts having jurisdiction 1 to try the case but very few of them end in conviction. The judiciary says that sometimes the evidence is not independent and convincing to prove the case beyond a reasonable doubt. The meager number of conviction itself reveals the quality of investigation and the standard of prosecution.

It is the policy of the Government to give the benefit of 'presumption' in favour of Scheduled Castes, but in some cases the courts interpreted the provision in such a way, which could not fulfill the purpose of the Government. The Government thinks that the cases should be disposed of expeditiously but they remain pending for several months.<sup>2</sup>

There could be many areas of non-co-operation between these organizations of the law implementing machinery. Further, there is lack of co-ordination also a there is no such institutional arrangement to that effect.<sup>3</sup> Recently almost all the states have constituted the committees ant various level so as to secure co-ordination between the law implementing agencies.

In the words of the syndicate of SVP National Police Academy 'it is quite necessary that all three facts of the criminal justice system function in proper co-ordination and understanding. The three wings of the criminal justice system have got to play their respective roles effectively. Lack of mutual co-ordination, understanding and consideration will upset<sup>6</sup> the rhythmic flow of the whole system itself. The respective areas of operation of the three wings of the criminal justice system are will demarcated and the three functionaries have got to be co-ordinated amongst them and integrate their respective efforts in furtherance of a common object. Mere legislative view of things, abstract and extreme approach insisting on a technical angle would result in the failure of justice".

## **2. Lack of Policy Propagation:**

The successful working of the law or any policy of the Government depends on the information and knowledge of the law of the policy on the part of its implementing machinery and the general public. All the people should know the rewards of the implementation and the punishments for the breaches of any law or policy; for its successful working. Of course, ignorance of law is no excuse; as such no offender can take the plea of ignorance of law in his defence. However, it is necessary to give a good publicity to the law of untouchability as a whole for the information of the public at large. Of all the agencies of giving publicity to the law of untouchability the Ministry of Information and Broadcasting and the All India Voluntary Organization are of great importance.

## **3. Lack of Sincere and Honest Efforts:**

The lack of sincere and honest efforts in the real perspective on the part of the machinery for the implementation of the law of untouchability can be attributing to the attitude of the Government towards the problem of

Scheduled Castes. The attitude of the Government forms pivotal position in the implementation of any law of policy; as such it requires radical change.

#### **4. Fear of Reprisal among Dalits:**

It is fact that, almost all the untouchables, especially living in rural areas are more or less, susceptible to untouchability. The form may be different but the substance would be the same. On this background, the proportion of offences under PCRA in respect of the population of Scheduled Castes seems to be insignificant. However, it should be borne in mind that the low frequency of offences cannot be criteria of judging the magnitude of the problem of untouchability, because most of the Scheduled Caste due to fear of boycott does not report the matter to the police station.

#### **5. Delay in Registering Cases:**

It seems that the victims of untouchability report a majority of cases after a gap of certain period after the commission of an offence. It is observed that Dalits do not immediately lodge the complaint after the incident. They do so only after consulting their leaders, which causes delay and at times colour their version. Such a delay is viewed adversely by the courts.<sup>5 6</sup> While locating the cause of delay in reporting the cases the syndicate group states that Dalits may have a lack of faith in police due to which they may prefer not to approach the police straight way. Petitions probably, therefore, are being sent to the Government and the consequent red-tape may be causing the delay.

The delay in reporting of cases may be attributed to some extent, to the fact that a majority section of Scheduled Castes is uneducated, as they have to consult on legal consequences of any case with their friends and leaders and they have to get the complaint drafter through them.

Another reason for delay in reporting may be the fact that they do not perceive the possibility of adverse effect on the case of delayed reporting.

It seems that due to lack of sufficient courage and due to adverse socio-economic, atmosphere they do not prefer to submit the complaint immediately after the commission of an offence. They prepare their mind to lodge the complaint only after proper guidance and encouragement from others to do so, hence delay.

#### **6. Misuse of PCR Act:**

It as been allegedly said that the PCR Act is being misused on large scale by the Dalits by way of fling false cases under the act against the caste Hindus with who their relations are strained.<sup>6</sup> Probably it may be true in few cases. But it can be generalized. It is a fact that most of them lack knowledge of the law, courage to face the consequences of such act and capacity to prosecute successfully against the dominant caste Hindus. Even if a more politicalised untouchable thinks to file a false case against a caste Hindu, he cannot do so successfully, because the case has to pass through the stages of

investigation before going to court, and unless the case is Prima facie true the investigating officers would not challenge such case to the court.

The number of cases registered every year with the police reveals that they were numerically meager as compared to the population of Dalits who are in general susceptible to untouchability. This indicates that the PCR Act is not being misused, but it is hardly used by the Dalits.

#### **7. False Filing of Cases by Caste Hindus:**

It is also said that sometimes the caste Hindus file false cases against their rival amongst the caste Hindus in the village by inducing the susceptible Dalits as a tool in their hand and misuse the PCR Act.<sup>7</sup> But, for this, blame should be given to the caste Hindu who exploits the susceptible Dalits for their selfish and revengeful motive, not to the untouchables. As and when they become fearless and free from domination of caste Hindus, they would not accept to be tool in their hands.

#### **8. Attitude of Police:**

The attitude of the police personnel towards the problem of Dalit, plays a greater role in their functioning, although there are standing orders to promptly, expeditiously and sincerely investigate the case, the police personnel make unreasonable delay in investigation.. Although the duty has been cast upon them to supervise the prosecution, they do not faithfully supervise. Therefore, a majority of cases end in acquittal. However, this attitude cannot be generalized. There are few instances and some cases under PCRA reveals that the police played an important role in detecting the culprits and booking them very skillfully, and promptly.

While taking into account the attitudinal factor, one cannot neglect the political factor, which may influence the police personnel. The political leaders and elites in the society generally try to protect some vested interest with the ulterior motive of political gain. Although it is difficult to prove the magnitude of the influence in the police personnel, but it is fact that they try to intervene with the functioning of the police and many times successfully attempt in maneuvering the things in their favour. The police personnel also are more or less susceptible to undue influence; otherwise they may suffer in this or that way. Therefore, it is but imperative to give a fresh thought to the matter of proper orientation of the police personnel.

#### **9. Pendency of the Cases:**

It is said that justice delayed is but justice denied. So far as the cases under PCRA are concerned this is very much true. Most of the cases remain pending for this or that reason. It seems that a considerable number of cases were pending in the courts for one or two years and even over two years. It is difficult to establish an exact relationship between the cases ending in acquittal and the lengthy period of disposal, and the cases ending in conviction and the short period of disposal. However, it is found that the time

factor has some natural bearing on the disposal of the cases. It seems that during the pendency of the cases for a longer time the accused successfully tries to manipulate the things in his favour by pressure or undue influence. The complaints also feel to compromise than to contest the cases. His poor economic condition does not permit him to take the rounds of the courts for each and every hearing. Consequently, his anger for insult, his morale, his determination and support become weak and ultimately he is compelled to compromise out of the court.

The main reason for large pendency of these cases in the court is that the court is heavily burdened with other cases coming under the come it provisions of the Indian Penal Code, Special Acts etc. As the Special Courts now functioning are also dealing with other cases, the cases filed under this Act are pending for a long time and not coming for trial. To overcome this difficulty it is advisable to write the High Court concerned and request to instruct the Special Courts to try cases of atrocities exclusively. If the Special Courts created under the Act deal atrocity cases only, then the large pendency of these cases will be reduced in the courts.

#### **10. Deliberate delay:**

Some cases were deliberately delayed in order to subject the Scheduled Castes people to various hardships so that they may be tried out as a result of procrastination and may not be left with any energy and resources to contest the cases. And probably it may be one of the reasons for delayed disposals of the cases.

#### **11. Causes of the Acquittal:**

It is but a fact that every year a good number of cases under PCR Act end in acquittal. Hence, it is necessary to inquire as to why the cases end in acquittal. The Committee on Untouchability headed by E. Elayaperumal has enlightened on the causes of the acquittal in their report.<sup>8</sup> Their findings can be summarized as under:

- i) The complaints are compelled under duress to compromise the case, as such they come to compromise.
- ii) The complaints fail to produce sufficient cogent evidence to convince the judge. It is because of their socio-economic backwardness and apathy of caste Hindus towards them: which becomes hindrance in getting independent evidence for them.
- iii) Procedural lacuna comes in the way of social justice, the police officers do not undertake expeditious and flawless investigation; nor do they have the interest to do so\*
- iv) The cases end in acquittal mainly because of the apathetic attitude of the Magistrates. They do not trust the evidence given by the Scheduled Castes saying that they are “interested witness”.

The syndicate study “on Implementation of the Protection of Civil Rights Act” (1980) bears the following reasons for the acquittal of the accused persons.

- i. No independent witness comes forward to corroborate the complainants version.
- ii. Generally the complaints are not lodged immediately after the incident, and delay is viewed adversely by the courts.
- iii. Due to poverty and fear or retaliation from the rich accused the complainants do not contest the case strongly.
- iv. False or exaggerated cases are reported due to group faction in the villages, “Very often on group instigates a Harijan to lodge a report against the other and in this group hostility, social justice suffers”.
- iv. Due to fear of retribution of reprisal or future promises the complainant thinks to withdraw the case by keeping himself away from the witness box.
- v. The complaints are not lodged on the ground of untouchability. This indicates that justice was not given expeditiously irrespective of the police or the Government in this respect. Generally the cases pending for a longer time end in acquittal as the persons accused get sufficient time to manipulate the things or weaken the witness in their favour.

#### **12. No Undue benefit of the Provision:**

It is allegedly said that the Scheduled Castes taking undue benefit of the provision of “presumption” under section 12 of the act, lodge innumerable false and concocted complaints with the police against the caste Hindus.<sup>10</sup> But an inquiry into the truth of this argument reveals that it is false and based on wrong assumption. The number of cases registered every year under the PCR act in proportion to the population of Scheduled Castes was numerically meager. The number of cases ending in convictions as compared to the cases registered was very few ranging from 2 to 13 percent every year.

This is more than sufficient to prove that the allegation made against the Scheduled Castes that they take undue benefit of the provision of presumption is a unbelievable statement.

#### **13. Malpractices in the Judiciary:**

Judiciary is not machinery to work without men. Persons having legal knowledge, intellectual abilities character and experience are appointed to impart justice according to law with impartiality and objectivity. Our social structure is full of social, economic and cultural inequalities as such it has every potentialities to influence the minds of public men including judges. Therefore, the Dalits who are underprivileged are likely to suffer more. Therefore, the Dalits who are underprivileged are likely to suffer more. Therefore, it can be said that Law makes its presence felt and yet justice continues to elude them. Of course, it is not the question of showing favour to the ex-untouchables, but interpreting the legal provisions in such a way,

which will serve the purpose of law and the ends of justice. There is much more scope for change in attitude of the judges in the areas of reliance on some evidence and discarding other, resorting to unwanted interpretations and awards of punishments. Judges are at the apex of the criminal justice system and if they work with objectivity and credibility the ideas of social justice enshrined in the constitution will not be far away from the common people.

#### **14. Low Rate of Conviction:**

The main reason for low rate of conviction is because of the heavy pendency in the courts due to which the trial will be continued for a long period. To overcome this problem it is advisable that the special Courts should deal the cases coming under the SC/ST (PA) Act 1989 exclusively. This will help to improve conviction rate.

The poor quality of investigation in some cases is also one of the reasons for low conviction rate. To overcome this, it is advisable that the supervisory officer should be strictly directed to monitor and supervise the investigation done by the I.O. clearly. During the stage of investigation the investigating officer should be directed to keep in touch with the Public Prosecutors and seek advice from them.

#### **15. Non-Payment of TA/DA to the Witnesses:**

The witnesses and the victims are not paid travelling allowance and daily allowance as required by the SC/SR (PA) Rules 1995. The non-payment of Court Attendance Bata makes the witnesses lose their interest in attending the court and deposing the evidence as per the prosecution case. Under such circumstances, there is every possibility that witnesses will be won over by the accused, which will result in acquittal of the case. To overcome this difficulty, in all atrocity cases, the court attendance bata should be paid to the witnesses. A special Budget provision may also be made to meet the expenses on court attendance bata, traveling allowance etc. This measure will help in improving the rate of conviction of these cases.

Though the Constitution of India has banned the practice of untouchability in any form to remove the social stigma of untouchability, but the finding of the study confirms that untouchability is still practiced extensively in many villages, especially in relation to hotels, temples, saloons, laundries, drinking water wells, etc. It is true that its rigidity has diminished very much in economic areas such as shops and hotels, in some villages nearer to the city. This is not because of the presence of the untouchability laws. It is mostly because of the effects of industrialization, education and urbanization. The untouchability laws are ineffective in the sense that it is very rare that the poor Scheduled Castes could pick up courage to challenge the caste Hindus under whom they generally work. Besides, this, they have also the problems of finances and lawyers to fight

their case in the Courts. As described earlier, protection under the laws has not helped the Scheduled Castes in any substantial way.

It is therefore, for consideration whether untouchability laws are effective agents of social change. Laws by themselves are proved to be ineffective. Nevertheless, it does not mean that there is no need for such protective laws. What is important is that the laws must be effective and should be implemented properly so that some change could be brought about in the society. Thus, social legislation does have some role in social change.

It is felt, that the existing untouchability laws have to be suitably modified. A few suggestions in this direction are:

1. Untouchability should be made a cognizable offence.
  2. Cases brought to the courts; under the untouchability laws should be made non-compoundable.
  3. Punishment for the offenders should be deterrent.
  4. Temple management committees should have representatives from the Scheduled Castes.
  5. Hereditary priests should be abolished and radical changes introduced by appointing the priests without reference to caste.
- In Other words, priesthood shall not be the hereditary property of caste Hindus only.
6. Schools should be set up, in the midst of the residential areas of the caste Hindus, particularly the Brahmins and Lingayats.
  7. Cooperative societies, village panchayats and common playgrounds should be located either inside the residential areas of the Scheduled Castes or nearer to such areas.

The effects of creating these institutions on the social mobility in the villages will be far reaching, though there might be initial resistance and reluctance on the part of the caste Hindus. As time passes on, adjustment to new situations would naturally become possible.

It seems that presently the Governments are showing a deeper concern with the problems of the untouchables than that it was doing previously. However, it could not fully secure the sincere and expeditious implementation of the law in question and policies or programmes for the improvement of socio-economic condition of the ex-untouchables from the State Governments had their concerned officials. Of course, the financial allocation made so far under each plan was inadequate as compared to the magnitude of the problem of poverty stricken untouchables. Besides, the laws, policies or programmes meant for the improvement of their socio-economic condition could not reach to the people because many of them had no knowledge of the same due to illiteracy and poor propagation system.

The Commissioner for S.C. and S.T. and such other agencies which are expected to objectively evaluate the working of the law in question and recommend to the Government for taking necessary steps for safeguarding the rights of the untouchables are least heard and less cared by the Central

and State Governments. The present precarious socio-economic condition of the untouchable's ables indicates that the Central and State Governments and their respective laws enforcement machinery at the administrative level lack firm determination to take necessary stringent action for the amelioration of the socio-economic condition of the untouchables.

The Police Department, especially at the lower level seems to be apathetic towards the problems of the untouchables. Of course, it cannot be attributable to the caste character of the Police Department, but it is fact that a majority of high caste officers cannot realize the magnitude of their problems. Although the number of cases registered with Police under PCRA seems to be sizeable one. They are very meager as compared to the vast community, which is susceptible to untouchability. Although arrest of the offenders is not legally imperative, it is necessary to do so in order to create a necessary apprehension in the mind of the prospective offenders. In most of the cases arrest is not made and even if it is made the arrested persons are released on bail immediately. Numerically more acquittals of the offenders in the courts indicate the quality of the investigation as well as the pendency of cases for investigation indicates the efficiency and concern of the Police Personal in this respect.

Of course, law and judiciary are the fountain of justice and nothing but justice. However, numerically more acquittal pendency of the cases in the courts, awarding less deterrent punishment to the convicts and some of the unwanted interpretations given by the honourable judges exemplifies an indifferent and technicalities oriented attitude of the judges in this respect.

It seems that the judiciary could not fully realize the fact that the castes Hindus generally take undue benefit of the socio-economic situation in which Dalits live today. Of course, the poor prosecution, ignorance of law and lack of legal aid on the part of the victims of untouchability result in failure of cases in the courts.

As it is said either in the chapter, there is minimum co-operation and co-ordination between the agencies of the law enforcement which results in failure of justice. Now, the question is whether providing mere skeleton apparatus of law enforcement, which fails to provide justice, would absolve the Government from its responsibility of securing justice to the victims of untouchability? Of course, Mr. Justice P.N. Bhagwati has rightly observed in this respect that "whether any fundamental right which is enforceable against private individuals such as, for example, a fundamental right enacted in Article 17 or 23 or 24 is being violated, it is the Constitutional obligation of the state to take the necessary steps for the purpose of interdicting such violation and ensuring observances of the fundamental right by the private individual who is transgressing the same. Of course the person whose fundamental right is violated can always approach the court for the purpose of enforcement of his fundamental right, but that cannot absolve the state from its Constitutional obligation to see that there is no violation of the fundamental right of such person, particularly when he belongs to the weaker

section of humanity and is unable to wage he belongs to the weaker section of humanity and is unable to wage a legal battle against a strong and powerful opponent who is exploiting him".<sup>12</sup>

#### REFERENCES

1. Ghosh, S.K., Protection of Minorities and Scheduled Castes, Ashish Publishing House, New Delhi, 1980, p. 155.
2. Report of the Syndicate Studying or Implementation of the Protection of - Civil Rights Act, SVP National Police Academy, Hyderabad, 1980, p. 34.
3. Ibid., p. 42.
4. Ram, Nandu, Law and Atrocities on Weaker Section in India. Indian Bar Review, Vol. X, No. 3, 1983, p. 468.
5. Report of the Syndicate Studying, Op.Cit. No.2, p. 39.
6. Report of the Syndicate Studying, Op. Cit., No.2, p. 41.
7. The Illustrated Weekly of India, September 10-16, 1978, p. 42.
8. Report of the Syndicate Studying, Op.Cit. No.2, p. 44.
9. L. Elayaperumal, Report of the Committee on Untouchability, Economic and Educational Development of the Scheduled Castes and Connected Documents, 1969, p. 146.
10. Bhargava, T.N., Research Paper on The Problems of Untouchability in India and the Union Legislation, SVP National Police Academy,; Hyderabad, p. 17.
11. It was argued by some of the Caste Hindus during the Marathwada University renaming agitation, which erupted throughout Marathwada Region in August 1977 as retaliation to the demand of the Scheduled Castes and other radicals and liberals for the renaming of the University after Dr. Babasaheb Ambedkar.
12. AIR 1982, SC 1473, People's Union for Democratic Rights v. Union of India.

\*\*\*

## CHAPTER – VI

### CONCLUSION AND SUGGESTIONS

The careful study of the cases under Protection of Civil Rights Act and Atrocities Act, which were implemented in Karnataka, reveals that despite civil rights granted to the Scheduled Caste people, some cases have been investigated and some have been dismissed. The policy of protective discrimination in general and the Protection of Civil Rights Act and Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act of 1989 in particular were aimed at giving special treatment and special protection to the Scheduled Castes who are socially, economically and politically very weak. But in reality only making the policies for the welfare of Scheduled Caste and Scheduled Tribes and enacting laws for their protection is not going to help in improving the socio-economic conditions dignity of these people. The process of integration of these people in the mainstream is insufficient and needs to be given a different dimension by bringing the higher and lower caste people together. There should be some kind of binding force, which should really bring all the castes of the Hindu society together.

As far as Karnataka is concerned, as described in earlier chapters it has a fine legacy of social reform stalwarts like Shri Basaveshwar, Kanakadasa, and Purandaradasa. And B. Shyamsundar. This reform movement had been continuing for centuries. But the desired effects of this movement were not experienced by the Scheduled Caste people in Karnataka today still are unaware of the rights, which are included in the Indian Constitution and the Protection of Civil Rights Act and Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act of 1989. It is due to lack of awareness and knowledge about the laws that the Hindu society, specially the Act and Scheduled Castes, have become handicapped. Secondly, even now many known and unknown social reformers of different abilities are working to stop and condemn the social segregation or discrimination in Karnataka. They have been struggling for the cause of social justice in urban and rural areas the state. In Urban areas, the cases of atrocities are less as compared to the cases, which take place in rural areas. The main reason of the increasing number of cases of atrocities in rural area lies in the vested interest of the rival groups or individuals. Thirdly, the cases take place for the purpose of domination over one another in villages. A number of youths are unemployed. They tend to create disturbances and disharmony in the village community. The real nature of the cases never comes to the surface level and confusion is created. Sometimes the police authorities do not ensure the safety and security of the Schedule Caste people in villages.

It has already been mentioned in earlier chapter that a responsive police administration is the prerequisite for ensuring that the Schedule Caste

victims get redress under the laws meant for the purpose. It is an acknowledged fact that the Schedule Caste victims usually approach the police station in fear and trepidation. The researcher opines that delayed investigation, faulty and delayed charge sheets, lukewarm prosecution and protracted proceedings - all have contributed to a high percentage of acquittals in the cases under the Atrocity Act. Unless special steps are taken, the fate of the cases registered under the Protection of Civil Rights Act and Scheduled Caste/Scheduled Tribes (Prevention of Atrocities) Act of 1989 will remain unchanged.

The study shows that the Government is right in legislating the useful and necessary laws. But the same laws can be/are used to disturb social peace. Thus, the laws that should help in creating social peace are pursued in wrong spirit to destroy the peace and harmony. That is solely because the society is uneducated, backward and illiterate. Petty desires dominate the minds of the mischief mongers in the rural areas. They misuse the backward and downtrodden people for some selfish aims, gains and power politics. The Schedule Caste people also become a "willing" prey in the hands of such mischief mongers. They are economically weak, socially backward and politically unaware. Selfishness and narrow mindedness make such victims play into the hands of the power seekers and as a result a good law is misused. This can be changed by the spread of literacy among the large population of the backward people. Political awareness, employment opportunities and the status of equality and dignity can slowly change the whole situation. Education of the masses is the only solution to this great problem. The careful perusal of the case in the present investigation and their analysis show that social, economical and educational backwardness are the main reasons why atrocities are being perpetuated on the Schedule Castes in the rural areas. The entire SC/ST population in the country is not fully educated. It is due to the literacy programmes that they are able to know many things about the laws and also what has been going on in the country. The Government of Karnataka is launching several schemes to uplift the status of these people. The government of Karnataka wants to enhance their status in the society by conferring many educational and economic benefits on them through various schemes. Here, it would be in the fitness of things to suggest that launching schemes for improving the status of these people is not going to help in solving their problems. The need of the hour is to make the people literate and educate them in such a way that discrimination can have no scope in the Hindu society.

Based on the findings of the present study, the following suggestions are made by the researcher for the effective working and implementation of laws of untouchability, which would bring the eradication of untouchability in Karnataka.

### **SUGGESTIONS:**

1. The present law implementing machinery seems to be inadequate and inefficient to bring about social equality. In this respect suggestion are given as under.

i) Although failure of law is not attributable to the caste character of the law implementing machinery, it is necessary to fill up the reservation quota in the police and judiciary, so as to create a sense of confidence amongst the ex-untouchables and create a necessary apprehension in the minds of the caste Hindu.

ii) Every Police Station should have an Assistant Police Sub- Inspector in charge of the cases in which the ex-untouchables are involved, with necessary staff and establishment so as to ensure prompt investigation.

iii) The investigation done by such officer under the sub-inspector or station officer should be confirmed by the officer not less than the rank of Deputy Superintendent.

iv) Instructions should be given to all the Police Station Officers that they should acknowledge the receipt of the complaint in a particular proforma showing date, time nature of offence, etc., under the complaint. Such receipts can be used to ascertain the facts regarding the registration of the case, date, time etc., whenever the plea of late submission of the complaint is raised in defence.

v) In case of physical to the victim of untouchability medical certificate from the Civil Surgeon should be sought immediately and that should be read over the complaint. If the accused is drunk at the time of commission of the offence he should be examined medically and an additional offence under the relevant Act should be registered against him.

vi) Special prosecutors who are well versed in the PCR Act and IPC should be appointed to deal with the cases in which the ex-untouchables are involved, at the lower as well as higher courts.

vii) Special Courts should be set up at least one in each district to facilitate expeditious justice, under Section 15A of the PCR Act. However, it is necessary to set up such courts where untouchability is not observed or where instances of its observance are very few. These special courts should deal with the cases under PCRA, and the cases of atrocities under IPC in which the ex-untouchables are victimized at the hands of caste Hindus or non-Scheduled Castes.

viii) Legal aid should be made available to all the ex-untouchables involved in any case. Such aid should be sufficient to contest the case at the lower as well as at higher court, and the procedure of availing the same should be simple and easy. It is found that most of the victims have not even heard the name of Act. They do not know that there is a provision, which can protect them. In initial stage, the population belonging to Scheduled Castes and Scheduled Tribes should be made aware about the Act and its provision through camps, Posters, documentary films, etc.

2. A good majority of the accused under PCRA goes unpunished.

Following suggestion can be given in this respect:

- i) It is observe that most of the law-implementing officers presume that the cases under PCRA are false and based on village political rivalries. It may be true in some cases. But until such cases are proved, false in the court, how one could hold such opinion. The wrong presumption naturally leads them to arrive at wrong conclusions. Therefore, proper orientation of such officers is needed so as to change their attitude in favour of the complaints.
- ii) It seems that certain cases are compounded outside the court. It is unlawful. It is certain that unless there is some pressure or undue influence on the victims of untouchability, they would not come to settlement of the case. Both the parties, however, deceive the police and judiciary by giving false evidence before the court. Therefore, strict legal action should be taken summarily against the hostile complainant. As well as action should be taken against the accused for exercising undue influence over the prosecution and defeating the ends of justice.
- iii) It is submitted that a bond of good behaviour should be taken from the accused as soon as the case is registered against him: so as to avoid the chances of pressure and atrocities on the ex-untouchables immediately after the cases is registered.
- iv) The victim of untouchability under PCR Act and IPC should be entitled to compensatory discrimination and damages. It is submitted that technical points like delays of short duration in lodging the complaint, recording of FIR not on the information given by complainant, but on the basis of investigation, lack of particulars in the complaint, some minor contradictions in evidence of the witnesses should be overlooked in the interest of justice.

3. It is submitted that untouchability is rooted in the attitude of hatred for a section of humanity; as such it should be eradicated completely and not partially. The PCR Act attempts to root out untouchability and restore the civil rights of the victims of untouchability in the public life leaving private one untouched. The public places like well, temple, school. Hospital, shops, streets, etc., are covered by the Act but he private places like house and private premises including well or tap, temple or place of worship are not covered by the PCR Act.

When untouchability is a “crime” it is immaterial where it is committed. A crime is a crime whether it is committed at a public place or at a private place. Hence any discrimination on the ground of untouchability even at the private places should be covered by the penal law. Suitable amendment to that effect, however, would be most appropriate and in consonance with the provisions of the Constitution. The Constitution under Article 17 states, “Untouchability is abolished and its practice in any form is forbidden...” It is not said that untouchability is abolished only at public as well as private places. However, the PCR Act, which is based on article 17 of the Constitution, fulfils the Constitutional object partially. Therefore, suitable

amendment should be made in the Act, so as to cover all the private places also in order to “abolish” untouchability.

However, it does not mean that all the private places should be open to untouchables, but it means any discrimination on the ground of untouchability at such places should be legally abolished. It is not against individual liberty whatsoever, because no one has any right to discriminate prejudicial to a member of the society merely on the ground of untouchability either under the Constitution or religion or public policy.

4. It is submitted that Section 7(1) of PCR Act needs suitable amendment so as to cover the Scheduled Castes convert to Christianity by that section. A great majority of offences are registered under this section, but most of the accused are acquitted, because the Scheduled Castes converts are not beneficiaries under the said section. The said section reads, as, “whomever insults or attempts to insult, on the ground of ‘Untouchability’ a member of Scheduled Caste...”. The complainant is required to prove that he belongs to Scheduled Caste under the order of the President under Article 341 of the Constitution. When the accused proves that the complainant does not belong to Scheduled Caste by reason of his conversion to Buddhism or Christianity the case fails.

Many of the Scheduled Caste has converted to Buddhism in order to erase the stain of untouchability, which has been a part of the practices of Hinduism. Their protest is against untouchability and graded inequality, based on caste system. Whoever abuses and insults them on the ground of untouchability and caste they would not tolerate. The abusing words or. Any act which insult a member of Scheduled Caste will equally insult a member of Scheduled Caste converts of Buddhism. Even, the converts have shown their rejection to the inhuman practices of Hinduism by their conversion. Hence, abusing by caste name etc., would be more insulting to such persons. Moreover, the said sub-section contravenes the principle of equality, because throughout the PCT Act there is no such reference, but it appears only in the said section. Therefore, the wording “a member of Scheduled Caste” should be deleted from sub-section 7 (1) (d).

5. It is submitted that section 10A under PCR Act which contemplates collective fine on the residents of untouchability prone-area should be deleted. It is not used and undesirable provision, which has the tendency to obstruct communal harmony.

6. There is no explicit provision in the Act, whether the imprisonment to the convict is simple or rigorous. Hence it is necessary to provide clearly that the convict should be liable to rigorous imprisonment.

7. It seems that the punishment provided under the Act is inadequate to deter the prospective offenders. Therefore, it should be raised from on month’s minimum, imprisonment to six months and six months maximum imprisonment to one year. The fine also should be increased from minimum rupees one hundred to five hundred and from maximum rupees five hundred

to one thousand. The punishment under Section 7(1) and 11 of the PCR Act should be increased in that proportion.

It is submitted that an additional provision of banning the practice of carrying night soil on one's head in baskets or buckets should be inserted in the PCR Act. Obtaining the services of the ex-untouchables in such manner should be treated as an offence of "compulsory labour under Section 7(a) of the Act.

8. There must be harmonious co-operation between the administrative official, police officials and judicial officials for the proper implementation of the law. It seems that at present it is lacking. The committees set up at present can secure such co-operation. Apart from the state and district level committees such committees should be established at taluka level also.

9. Independent evaluation of the working of the Act is essential so as to know whether or not the purpose for which the law in question has been made is being accomplished. The Commissioner for Scheduled Castes and Scheduled Tribes is a Constitutional authority to evaluate the working of various safeguards in respect of the weaker sections. It seems that he is unable to fulfill his constitutional obligations due to inadequate staff at the headquarters and lack of field officers. It is submitted that his constitutional status should be restored, he should be provided with adequate staff and field offices for his expeditious working.

10. Due publicity to the law is essential for its proper implementation which can be secured by the Ministry of Information and Broadcasting and social welfare ministries in the states instead of All India Voluntary Organizations.

11. In order to achieve the purpose underlying Article 17 of the Constitution it is necessary to adopt some positive measures for the economic and educational development of the Scheduled Castes in addition to punitive measures.

12. The feeling of brotherhood must be generated in the minds of different communities for breaking the vicious circle of casteism. Slogans and proclamations are not enough to create a harmonious community. In other words, only saying that "we are all brothers and sisters" is not going to help us establish social justice. What is preached must be practiced. It means action and thought must go hand in hand. A powerful reason behind inequality is the caste system itself. Therefore, our main concern should be to abolish the stigma of caste system.

13. The researcher is led to suggest one more thing that inter-caste marriages could be one of the solutions, which can be offered to abolish the caste system completely. A number of youths should come forward and go in for inter-caste marriages. This will give rise to a new social order where caste will have no scope to exist. The existing incentives given by the Government are inadequate. More incentives should be given and the knowledge of the schemes with regard to the inter-caste marriages should be made available and known to the masses. The younger generation should be encouraged by the Government by way of providing employment opportunities to those who go in for inter-caste marriages.

Whether the offence of untouchability would continue in spite of punitive measures as other offences? It would not be so, provided that the orthodox caste Hindus realized that it is most unreasonable, immoral, irreligious, disadvantageous, and punishment is severe and certain if they commit it. Whether the matter of abolition of untouchability should be left to the agents of social change like education, modernization, industrialization, sanskritization, democratization, etc., it will not be useful to rely entirely on the agent of social change, as they are considerably slow in bringing about desired social change in the society. Of all the remedies of the eradication of untouchability, law is more effective. Therefore, the law of its abolition ought to be free from defects and it should be implemented sincerely and expeditiously so as to achieve the goal of social equality. If every individual in the society adopts the above-suggested measures, the spirit of equality will prevail and we can make India more strong and united. We will really have realized the dream of Rabindranath Tagore as stated in the following lines:

“And into that heaven of freedom my father, let my country awake.

## BIBLIOGRAPHY

### Reports :

- Report of the Backward Classes Commission, 1953, Ministry of Home Affairs, New Delhi - 1955: Chairman: Shri Kakasaheb Kalalkar.
- Report: Scavenging Conditions Inquiry Committee, Ministry of Home Affairs, New Delhi -1961, Chairman: N.R. Malkani.
- Report: Committee on Customary Rights to Scavenging, 1965 Department of Social Welfare, 1969, New Delhi -1961, Chairman: N.R. Malkani.
- Report of the Committee on Untouchability, Economic and Educational Development of the Scheduled Castes and Connected Documents, (30-1-1996) (LElayaperumal: Chairman).
- Report of the Committee on the Welfare of SC and ST Sixth Report, July 1970.
- A Research Paper on the Problems of Untouchability in India and the Union Legislation (III Advanced course) SVP National Policies Academy, Hyderabad: BhargavaT.N.
- Report of the Backward Classes Commission, Govt, of India, 1980, Chairman:
- Report of the National Police Commission, 1980.
- Report of the Committee on Untouchability, Economic and Educational Development of the Scheduled Castes and Connected Documents, 1969.
- Reports of S.C.R.B. Govt, of Karnataka, Bangalore.
- Report published by Department of Social Welfare, Govt, of Karnataka, Bangalore.

### Books:

- Anant, S.S., (1979), "Changing Caste Hindu Attitudes towards Harijans: A Follow up after Four years", in Main Currents in India Sociology – III Cohesion and Conflict in Modern India, G.R. Gupta (ed.), Vikas Publications, New Delhi.
- Appadorai, (1979), Towards a Just Social Order, S.Chand & Co., New Delhi.
- Austian, Granvile, (1974), the Indian Constitution Corner Stone of a Nation, Oxford University Press, Oxford.
- Banaji, D.A., (1933), Slavery in British India, Tarapoorwala Sons Con., 1 New Delhi.
- Ballav Rebati, T., (1992), Dalits: A Sub Human Society, Ashish Publishing House, New Delhi.
- Beteille, Andre, (1972), Unequality and Social Change, Oxford University Press, Bombay.

- Beg Nasirullah, J., (1976), Rights of Minorities under the Indian Constitution, Buddha Vihar Publications, and Lucknow.
- Bharadwaj, A.N., (1979), Problems of Scheduled Castes and Scheduled Tribes in India, Light and Life Publishers, Tilak Street, Paharganj, New Delhi.
- Buhler, G., (1964), the Laws of Manu (1886), Motilalal Banarasidas, Bungalow Road, Jawahar Nagar, New Delhi-6.
- Chaturvedi, A.N., (1984), Deep & Deep, D-1/24, Rajouri Garden, New Delhi.
- Chandala, A., A Social Movement among SC/ST in Karnataka and Influence of Dr.B.R Ambedkar, Chaitra Publication, Chikkarupathi.
- Cohn, B.S., (1969), “The Changing Status of a Depressed Caste”, in Rural Sociology in India, A.B. Desai (ed.), Popular Publication, Bombay.
- Dewan, R.P., (1979), How to Erase Untouchability, R.P. Bookwala, New Delhi.
- Dushkin, L., (1972), “Scheduled Caste Politics”, in The Untouchables in Contemporary India, J.M. Mahar (ed.), The University of Arizona Press, Arizona.
- Emile Senart, (1915), Caste in India, Thacker and Company, Bombay.
- Galanter March, (1984), Competing Equalities: Law and the Backward Classes in India, Oxford University Press, and New Delhi.
- Galanter March, (1969), “The Abolition of Disabilities-Untouchability and the law” in Mahar Michel (ed.), The Untouchables in Contemporary India, The University of Arizona Press, Arizona, U.S.A.
- Gandhi, M.K., (1954), The Removal of Untouchability, Navjivan Publishing House, Ahmedabad.
- Ghosh, S.K., (1980), Protection of Minorities and Scheduled Castes, Ashish Publishing House, H-12, Rajouri Garden, New Delhi.
- Ganba, Q; P., (1983), Dimensions of Social Justice, National Publishing House, Paoja Ganj, New Delhi.
- Ghurye, G.S., (1961), Caste, Class and Occupation, Popular Book Depot, Bombay.
- Ghuiye, G.S., (1969), Caste and Race in India, Popular Prakashan, Bombay.
- Hingorant, A.T., (1961), My Philosophy of Life by Mahatma Gandhi, Pearl Publications, Pvt. Ltd., Bombay.
- Issacs, H.R., (1965), India’s Ex-untouchables, Asia Publishing House, Bombay.
- Iyer Krislma, V.R., (1980), Some Half Hidden Aspects of Indian Social Justice, Eastern Book Company, 34, Lalbagh, Lucknow.
- Jatav, D.R., (1979), Dr. Ambedkar’s Role in National Movement, Boudhe Sahitya Sammelan, New Delhi.

- Jeevaratanam, A.G., (1973), Political Implications of Untouchability Karnaraka Press, Hyderabad.
- Kagzi, Mangal Jain, (1976), Segregation and Untouchability Abolition, Metropolitan Book Co. Pvt. Ltd., I, Netaji Subhashchandra Marg' New Delhi.
- Kamble, J.R., (1979), Rise and Awakening of Depressed Classes in India, National Publishing House, 23, Daryaganj, New Delhi.
- Kamble, N.D., (1983), Atrocities on Scheduled Castes in Post-Independent India (Unpublished), Institute for Social & Economic Change, Bangalore.
- Kamble, N.D., Deprived Castes and their Struggle for Equality, Ashish Publishing House, India.
- Keer, Dhananjay, (1971), Dr. Ambedkar: Life and Mission, Popular Prakashan, (1971), Bombay.
- Ketkar, S.V., (1979), History of Caste in India, Cosmo Publications, New Delhi.
- Khan Mumtaj Ali, (1980), Scheduled Castes and Their Status in India, Uppal Publishing House, New Delhi.
- Kshirsagar, R.K., (1994), Dalit Movement in India and Its Leaders, M.D.Publications, New Delhi.
- Kshirsagar, R.K., (1989), Untouchability in India- Implementation of the Law Abolition, Deep and Deep Publications, New Delhi.
- Kuppaswamy, B., (1979), Social Change in India, Vikas Publisher, New Delhi.
- Krishna Murthy, S., (1984), A Law Relating to Prevention of Atrocities on the Scheduled Caste and the Scheduled Tribes in India, R R. Publishers, Bangalore.
- Malick, S.C., (1997), Dissent, Protest and Reform in Indian Civilization, Indian Institute of Advances studies, Simla.
- Mudroch, J., (1977), Review of Caste in India, Rawat Publications, 11, Gopinath Garden, Jaipur.
- Mukherjee, H.N., (1981), Gandhi, Ambedkar and the Extirpation of Untouchability, People's Publishing House, New Delhi
- Nandu Ram, (1995), Beyond Ambedkar, Essays on Dalits in India, Har Anand Publications, New Delhi.
- Omvedt Gail, (1994), Dalits and the Democratic Revolution - Dr B.R. Ambedkar and the Dalit Movement in Colonial India, Sage Publications, New Delhi.
- Paswan Sanjay & Jaidava, (2002), Encyclopedia of Dalits in India, Kalpaz Publications, New Delhi.
- Prakash, D.R., (1972), How to Erase Untouchability, R.P. Bookwala, New Delhi.

- Pravathana, C., (1984), Scheduled Castes and Scheduled Tribes: A Socio- Economic Survey, Ashish, New Delhi.
- Pradhan, A.C., (1986), the Emergence of the Depressed Classes, Bookwala International, Bhuvaneshwar.
- Ram, Jagjivan, (1980), Caste Challenge in India, Vision Books, New Delhi.
- Saksena, H.S., (1981), Safeguards for the Scheduled Castes and Scheduled Tribes, Uppal Publishing House, New Delhi.
- Shah Ghanshyam, Politics of Scheduled Castes and Scheduled Tribes (Adivasi & Harijan Leaders of Gujarat), Vors & Co. Publishers Pvt. Ltd, 3, Round Building, Bombay.
- Sharma, G.S., (1975), Legislation and Cases of Untouchability and Scheduled Castes in India, Allied Publications, and Bombay.
- Shetty, V.T. Rajshekar, (1978), Dalit Movement in Karnataka, the Christian Literature Society, Madras.
- Shinde, V.R., (1976), Bharatiya Asprushyanchä Prashna (Marathi), Social Welfare Department Government of Maharashtra, Bombay.
- Singh Parmanand (Dr.), (1982), Equality, Reservation and Discrimination in India, Deep and Deep Publications, Rajouri Garden, New Delhi.
- Srinivas, M.N., (1962), Castes in Modern India and Other Essays, Asia Publishing House, Bombay.
- Stainly Rice, (1937), Hindu Customs and their Origin, George Allen Unwin, London.
- Swaroop Vishnu (1980), The Protection of Civil Rights Act, 1955 with Rules, R.K.Publications, F-13/1, ShantiNagar, Kanpur.