Chapter-1
Law as an Instrument of Social Change -

A Sociological Study of The Scheduled Castes and the Scheduled Tribes
(Prevention of Atrocities) Act, 1989 in Gujarat

Introduction:-

Indian Society was divided into four categories since time immemorial and the same system was and is well known as "Chaturvarna system." Originally such divisions were based on merit and performance with no concept of high and low with regard to the functions and duties, the people used to perform as per their aptitude and liking as well as expertise and skill before and during Vedic period. Gradually the system degenerated into various castes with the concept of high and low, touchable and untouchable and plethora of do's and don'ts completely restricting the upward social mobility and even the horizontal social mobility crippling people's pride and self-esteem of various segments of Indian Society who were degraded in lower social strata called Shudra and Atishudra categories. A pyramidal stratified social structure with absolutely no social mobility was thus born.

Due to caste system in India, the development of individual and development of his personality were and are totally restricted and not only the social mobility was and is adversely affected but even national unity and integration too were and are badly affected which in past resulted in the occupation of this country by various foreign forces taking advantage of fragmented Indian Society which remained non-cooperative in safeguarding of its borders. Their participation in defence of their country
too was socially banned, for example only one caste or varna whose members considered themselves as Kshatriyas were allowed by social order to possess and use weapons. Unless such rigid caste based hierarchy is changed with changing times, the conflict arising out of such caste hierarchical practices would certainly go on harming the Indian society and its progress, development, unity and integrity of the nation.

In order to create a society which is free from caste prejudice and hatred, various social legislations were brought into force, few before independence and a couple of them after independence. The caste based untouchability (touch-me-not-ism) is a stigma to Indian Society which is not known to exist anywhere in the world in the same mode, manner and form as it existed in India. Not only it divided people on caste lines but it also encouraged the concept of high and low, pious and profane which socially, economically, politically, educationally and religiously degraded lower castes, communities and tribes to such an extent that such people belonging to such lower strata could not feel that they are human beings but considered themselves as sub-human beings and at times their plight was worse than animals. Thus, the hierarchical social order based on Chaturvarna and multiplicities of numerous castes brought such evil as elaborated above.

A very strange legal structure was created in history of Indian society by various Smrutis / Samhitas to enforce unjust, unfair and unreasonable social and religious practices of this land on caste lines. The sentences / punishments / penalties for the same offence or misconduct were different for Brahmins and Shudras and other strata of the Society based on caste-hierarchy. Such unjust legal structure solidly stood till the advent of foreigners' rule in India. The Muslim or the British rulers
did little for effective law/legislation for social change related to abolition of caste. The independence of nation brought new hope and cheers for millions of people in India who suffered unimaginable miseries and hardships, atrocities and highhandedness at the hands of people who were hierarchically higher in the societal pyramid of the Indian Society. Various societal social reform movements too played a significant role in this direction. But the part played by the provisions of Indian Constitution really outshined all other social activities done by social organizations or social movements. For the first time legal remedies for the wrongs committed against downtrodden people were made available to them in a perfect codified manner guaranteeing their honour and upliftment and at the same time providing for punishment to people who used to indulge in caste based discrimination and outrageous conduct, humiliating and degrading the so called low caste people of India. The Constitution of India gave a new voice to them which kindled the hope for a dignified existence to them. It gave the definition of the Scheduled Castes and the Scheduled Tribes as under:

**Constitutional definition of SCs/STs and Various relevant Constitutional provisions about them :**

The "Scheduled Castes" and "Scheduled Tribes" shall have the meanings respectively assigned to them in clauses (24) and (25) of Article 366 of the Constitution of India."

The Article 366 (24) of the Constitution of India defines Scheduled Castes as under:

"Scheduled Castes" means such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 to be Scheduled Castes for the purpose of this Constitution;
The Article 366 (25) of the Constitution of India defines Scheduled Tribes as under:-

"Scheduled Tribes" means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 342 to be Scheduled Tribes for the purpose of this Constitution; Let us also exactly know what these Constitutional Articles No.341 and 342 are:-

Article-341. Scheduled Castes.- "(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 purposes of this Constitution be deemed to be Scheduled Castes in relation to that State or Union Territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or parts 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-342. Scheduled Tribes.- "(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 tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union Territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1)
any tribes or tribal communities or parts of or groups within tribes or tribal communities, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification."

Article 17 of the Constitution abolished untouchability and forbidden its practice in any form by a special Law which was enacted in the year 1955. It was named as "The Untouchability (Offences) Act, 1955, (22 of 1955). The title of the Act was changed by the Parliament by an Amendment Act in 1976. The Act is now called “The Protection of Civil Rights Act, 1955.” The expression 'Civil Right' is defined as 'any right accruing to a person by reason of the abolition of untouchability by Article 17 of the Constitution.' The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Act No.33 of 1989) [11th September, 1989] was passed by Parliament providing stringent punishments and more safeguards for the protection of the Scheduled Castes and the Scheduled Tribes. The object is "An act to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes, to provide for special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto. The Act was enforced i.e. from 30th January, 1990 vide S.O. 106 (E) dated 29th January, 1990. This Act does not repeal the Protection of Civil Rights Act, 1955. Both these Acts are now in force for the protection of the rights of Scheduled Castes and the Scheduled Tribes in India.

Since the above social legislation equally affects both the Scheduled Castes and the Scheduled Tribes and Caste Hindus as well, the topic assumes tremendous importance and the same is contemporarily relevant, socially important and legally beneficial and culturally enriching.
the available knowledge and material information in this regard which prompted me to lay my hands on for a Ph.D. degree on this subject. A critical analysis of the topic through empirical social studies as to the effectiveness of above social legislation as an instrument of social change in a planned and desired direction and manner will certainly be of tremendous importance to all concerned in this regard. This will certainly give a new thought to the victims as well as perpetrators of atrocities on the Scheduled Castes and the Scheduled Tribes to at least rethink on the topic in national interest as well as their own personal interest. This will create an awareness among affected members of the Scheduled Castes and the Scheduled Tribes about the tentacles and stranglehold of tradition, religion, customs, mores and practices based on caste-system which go counter to their human and natural as well as constitutional and legal rights in a free and a democratic society.

Such study will certainly be useful to vast majority of people engaged in building an egalitarian Indian Society free from all sorts of exploitation and ridiculous discrimination prevalent in this vast country at present in its various forms and nauseating practices based on old and outdated as well as harmful social and religious ethos. Other types and forms of social change being voluntary and merely persuasive in nature and character can, sometimes may help bring in social change to certain extent in an uncertain manner but social change through the instrument of Law is exact, specific and entailing punishment for deviant behaviour and acts of individual and groups, it certainly ensures the change for the better and the same provides largely enough legal remedies for violations of law on social change. Thus its importance is unique in brining justice to the people who suffered inequalities, injustice, unfairness and
unreasonableness almost in all walks of their lives right from birth to death, cradle to cremation. It will include new insight to the Sociological understanding for the Social Problem of Indian Society.

The empiricism of study requires to be focussed on the victims and perpetrators both, so that effective remedial measures and proactive measures can be suggested. The caste-ism and untouchability are really dents on the Indian society and its normative social order. Though the social dent and stigma are obviously and apparently irreparable in near future but that should not deter us from making scientific efforts in right and proper direction to mitigate the severity of social problems of deprivation faced by the Scheduled Castes and the Scheduled Tribes and to think of appropriate measures to alleviate the sufferings caused to the victims of caste-system to the maximum extent possible. In absence of scientific and empirical studies, the social problem of caste-ism cannot be addressed properly and effectively and hence need to carry out research on the topic in question is urgently called for and the same would be useful to the Indian Society to a great extent.

In modern societies laws are made to control the behaviour of the individuals and institutions whereas, as observed by Vidya Bhushan and D.R. Sachdeva, "In primitive societies the folkways, mores and customs suffice to control the individual behaviour since there is unquestioned compliance with them but in modern civilized societies customs tend to loosen their hold with the result that laws are enacted by the State to control the individual. The transition from custom to law is just a part of the general rationalisation in modern society." Thus law becomes necessary to ensure order in the society.

**Definition of law.** The laws are variously defined by the scholars.
According to Summer "Laws are actually codified mores." Kant\(^3\) defined it as "a formula which expresses the necessity of an action." \(^4\) Krabble defines Law as "the expression of one of the many judgements of value which we human beings make by virtue of our disposition and nature." \(^5\) Green Arnold defined "Law is a more or less systematic body of generalised rules, balanced between the fiction of performance and the fact of change, governing specifically defined relationship and situations and employing force or the threat of force in defined and limited ways." \(^6\) According to Duguit, laws are "the rules of conduct normal men know they must observe in order to preserve and promote the benefits derived from life in society." \(^7\) According to MacIver and Page "Law is the body of rules which are recognised, interpreted and applied to particular situations by the Courts of the State." \(^8\) B.N. Cardozo says "Law is a principle or rule of conduct so established as to justify a prediction with reasonable certainty that it will be enforced by the Courts if its authority is challenged." \(^9\) Max Weber feels that "Law is an order, the validity of which is guaranteed by the probability that deviation will be met by physical or psychic sanction by a staff specially empowered to carryout this Sanction" \(^10\) Hertzler comments, "Law in effect structures the power (super-ordinate-subordinate) relationship in society; it maintains the status quo and protects the various strata against each other, both in Governmental and non-governmental organisations and relationship." \(^11\) According to Roscoe Pound, "Law is an authoritative canon of value laid down by the force of politically organised society." \(^12\) Anthony Giddens says "Laws are norms defined and enforced by Governments."

   Austin defined law as "the Command given by a superior to an inferior." \(^13\) Some define "Law as the Command of Sovereign or the dictates
of the State." Sociological view believes that "Law as the rules of right conduct." Laws are the general conditions of human activity prescribed by the State for its members.

Roscoe Pound stated, "Law must be stable and yet cannot be stand still." The law is often used as an instrument of social reform. The Untouchability (Offences) Act, the Hindu Code Bill, the Sarda Act, the Prohibition Act are examples in this context.

Vidya Bhushan and D.R. Sachdeva observed that "Thus Law does not always lay behind the times. One great merit of law is that it adapts itself to the changing needs of society and maintains stability when the rapid alterations disturb the relations in society. Law helps the society assimilate the changes by adjusting group advantages and injuries resulting from them. Finally the law may become an advanced instrument of social change on a national as well as international level by affecting the social frame work in which relations take place. However, if law is greatly in advance of, or greatly behind, the trends of change in the society, it remains unenforceable. If it is in harmony with the processes of change, it accelerates and institutionalises changes."

The various "Pressure groups" exercise considerable influence on law-making organs. Practically all legislations are passed to satisfy the demands of certain groups presented to the legislature directly or indirectly, which demands will be recognised in Law depends to a large degree upon the power of the groups which make the demands. Political parties themselves are a combination of pressure groups. The legal groups today are the product of the pressures of the most powerful groups in the society. By powerful groups is meant effective power in terms of the number of votes at the disposal of the group, the amount of money it can
command, the effectiveness of the organisation, the skill of its lobbyists, and the support it is able to secure from public opinion. Despite the directive from the Supreme Court, the Rao Government did not think it politically wise to enact a uniform Civil Code.\textsuperscript{16}

**Definition of social change:** Thus various definitions of law give us an insight as to how closely the same is related to society and social change. After going through the definitions of law let us now understand the definition of social change. As defined by Lundberg and others "Social Change refers to any modification in established patterns of inter-human relationship and standards of conduct."\textsuperscript{17} The definition is very apt and properly encompasses all ingredients of the social change. The established pattern of inter-human relationship between Caste Hindus and Scheduled Castes was that of touch-me-not-ism as the same was thought to be polluting them i.e. the Caste Hindus. The social change in the above dogmatic stratification really called for modification in the changing and already changed social scenario following independence in 1947 and following coming in force the Constitution of India. The standards of conduct of Caste Hindus were required to change in time with Constitutional provisions. Thus modification in established patterns of inter-human relationship and standards of conduct was brought through legal means mainly the Constitution of India, the equal laws like I.P.C.(Indian Penal Code)/ Cri.P.C.(Code of Criminal Procedure) / Evidence Act etc. and finally and especially through the Untouchability (Offences) Act, 1955 and the Protection of Civil Rights Act, 1955 (Amended with new name in 1976) and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 which is now the subject matter of this thesis.
Vidya Bhushan and D.R. Sachdeva observed, "Change is the law of nature what is to-day shall be different from what it would be to-morrow. The social structure is subject to incessant change … Society is an ever changing phenomenon, growing, decaying, renewing and accommodating itself to changing conditions and suffering vast modifications in the course of time." The word "change" denotes a difference in anything observed over some period of time.

"Social change is a term used to describe variations in, or modifications of, any aspect of social processes, social patterns, social interaction or Social Organization." Jones. According to Mazumdar, H.T. "Social change may be defined as a new fashion or mode, either modifying or replacing the old, in the life of a people, or in the operation of a Society." As per Gillin & Gillin, "Social changes are variations from the accepted modes of life; whether due to alteration in geographical conditions, in cultural equipment, composition of the population, or ideologies and whether brought about by diffusion or inventions within the group." As per Davis, "Social change is meant only for such alterations as occur in social Organisation, that is, structure and functions of Society." According to Merril & Eldredge, "Social change means that a large number of persons are engaging in activities that differ from those which they or their immediate forefathers engaged in sometime before."

MacIver and Page gave a very appropriate and fitting definition of social change. According to them, "Social change is our direct concern as sociologists are with social relationships. It is the change in these relationships which alone we shall regard as social change."

As per M.D. Jenson, "Social change may be defined as modification in ways of doing and thinking of people."
Lundberg and others define it as, "Social change refers to any modification in established patterns of inter-human relationships and standards of conduct." As per Anderson and Parker, "Social Change involves alteration in the structure or functioning of social forms or processes themselves." Ginsberg M. defined it as "By Social change, I understand a change in social structure e.g. the size of a society, the composition or balance of its parts or the types of its organisation."

From the above definition it can be summed up that basically social change refers to the modifications which occur in the life patterns of people. The topic of this thesis is about the social change which is brought about by definite intention through the medium of law which is used as an instrument for social change in a particular social direction. Social change does not apparently refer to all changes going on in the society.

The changes in technology, agriculture, dairy, farming, science etc. may not be included in the term "social change." Social change is limited to alterations in the field of social relationships. Social relationships are social processes, social patterns and social interactions. As per Vidya Bhushan & D.R. Sachdeva, "Social change will mean variations of any aspect of Social processes, social patterns, social interactions or social organisations. It is a change in the institutional and normative structure of society."

After going through definitions of Social change, it is pertinent to know the nature of social change. Social change is universal phenomenon as the same occurs in all societies. Society is never static. Both primitive as well as civilised society also undergoes changes. The process of change may be fast or slow depending upon people concerned. Social change is community change as the same involves not single
individual but more people are concerned with it. It is a change which occurs in the lives of many persons in entire community. The speed of social change differs from society to society. Though the same occurs in all societies, its speed differs from society to society as its speed is not uniform. As experience shows, social change in urban areas is faster than in rural areas. The speed of social change differs from age to age. The speed of social change to-day is faster than it was in medieval times. This is because factors which cause social change, do not remain uniform or even their existence may not be there. The factors like industrialisation, urbanisation, education etc. give impetus to social change.

Social change occurs due to an essential social requirement because change is the law of nature. Social change is also natural. Its occurrence is either in natural course or as a result of planned efforts. By nature human being desire change and change thus becomes necessity. Definite prediction of social change is not possible as the same depends upon our attitudes, ideas, norms and values and same cannot be 100% predicted. Social change has chain reaction sequences as change in one aspect of social life affects other parts also. For example if an inter-caste marriage takes place, either of the spouse’s side will not accept it, their caste fellow will resent it, other side will accept it, Government will grant monetary benefits to such couple, village people may not accept it, urban people will not bother about it. Thus many types of reactions are noticed in social change. Social change results from the interaction of a number of factors. The monistic theory does not provide an adequate explanation of the complex phenomenon of social change. A single factor can trigger a change, but such triggering is made possible by other factors. The modification of one part affects other parts also. Social changes are chiefly
those of modification or of replacement and hence the same can be put into two categories i.e. (1) modifications or (2) replacements. For example our ideas about untouchability, women's rights, religion, marriage, sex, government and same may undergo further modification or replacement in future. Mere replacement can also cause change. Horses, camels, elephants etc. have been replaced by automobiles. Such change also helped, particularly in Indian context to reduce the sin of untouchability to a great extent. The person whose mere body touch could pollute Caste Hindus and therefore touch-me-not-ism had emerged, got automatically wiped off from the psyche, heart and mind of the people of India. One can imagine to what an extent such replacement brought about social change and brought people together knowingly or unknowingly for the good of the people. Similarly old ideas have been replaced by new ideas. The germ theory of medicine has replaced older views of the cause of death. Democracy has replaced aristocracy.

There are certain theories of social change which are based on direction and causes of social change. Let us first examine the direction of social change. Earlier sociologists believed that primitive people's society is static but subsequently they realised that in such society also changes have occurred though the space and speed of change may be slower as compared to other advanced class of various societies.

**Theories of Social Change:**

**Theory of Deterioration:**

Some believe that in the olden days men lived in a perfect state of happiness and such a time was golden time for man. Indian people admire "Satyug" like anything and always found lamenting that society has deteriorated in "Kaliyug" a time not so desirable and full of all sorts of
deceit, conceit, cheating and fraud. According to Indian mythology, man has passed through four ages (1) Sat Yug (2) Treta Yug (3) Dwapar Yug and (4) Kali Yug. The Sat Yug was the best age in which man was honest, truthful and perfectly happy. Thereafter degeneration and deterioration began to take place. The modern age of Kali Yug is the worst period wherein man is said to be deceitful, treacherous, false, dishonest, selfish and consequently unhappy. This concept is found in Hindu mythology, according to which Sat Yug will again start after the period of Kali Yug is over.\(^{30}\)

But looking to various wars fought between different Kings and Emperors in those times, we come across many examples wherein deceit, treachery, falsehood, dishonesty, selfishness and all vices even from today's point of view were order of the day and even there were no regulatory mechanism to check the same. There was no room for rights of women, rights of Dalits and noble principles of Liberty, Equality\(^{31}\) and Fraternity which are noblest cornerstones of to-day's polity. It all depends on how we view the primitive, the past and the present time. It is very difficult to arrive at any definite conclusion in absence of empirical and analytical studies on the subject.

**Cyclic Theory :-**

Some sociologists like Spengler\(^{32}\) believe that society has a predetermined life cycle and has birth, growth, maturity and decline. Modern society is in the last stage. Indian Saints and many religiously inclined people too have the similar belief like one Spengler has about societal changes. As history repeats itself, so also society after passing through all these stages, returns to the original stage, whence the cycle again begins. This concept is found in Hindu Mythology according to
which Sat Yug will again start after present Kali Yug is over. Spengler analysed the history of various civilisations including the Egyptian, Greek and Roman and concluded that all civilizations pass through a similar cycle of birth, maturity and death. He felt and observed that Western civilization is now on its decline which is unavoidable. According to F. Stuart Chapin, the different parts of culture go through a cycle of growth, vigour and decay. Arnold J. Toynbee, the noted English historian, has also propounded a cyclical theory of the history of world civilization. He maintained that civilizations pass through three stages corresponding to youth, maturity and decline. He was also of the view that our civilisation, although in the state of final downfall, can still be saved by means of proper guidance by the "creative minority" by which he meant a select group of leaders who withdraw from the corrupting influences, commune with God, become spiritually regenerated and then return to inspire the masses.

**Linear Theory :-**

Some social thinkers like Comte subscribe to the linear theory of social change. According to them, society gradually moves to an even higher state of civilisation and that it advances in a linear fashion and in the direction of improvement. Auguste Comte postulated three stages of social changes - (1) The Theological (2) The Metaphysical and (3) The Positive. In the first stage man believed that supernatural powers controlled and designed the world. In the second stage man tries to explain phenomena by resorting to abstractions. In the third stage man seeks the explanatory facts that can be empirically observed. Herbert Spencer maintained that "human society has been gradually progressing towards a better state."
The causes of social change:-
Deterministic Theories of Social Change.

The deterministic theory of social change is widely accepted theory of social change among contemporary sociologists. According to this theory there are certain forces, social or natural or both, which bring about social change.

The term "Social change" itself suggests nothing as far as its direction is concerned. It is generic term describing one of the categorical processes.

Law and sociological issues are intimately related to each other. Sociology is the study of man in society. Law controls and regulates actions of human beings in society and it is, therefore, a subject of great importance for this study. There is however, difference of approach of a sociologist and of a lawyer to the subject of law. A lawyer is concerned with rules that men ought to obey, he is not interested in knowing how and to what extent these rules govern the behaviour of ordinary citizens. A sociologist, on the other hand, is interested in law as a social phenomenon. We try to understand law as a social phenomenon in this study. Our chief concern in sociology is not with the law/rules themselves as such but with whether they are observed or not and in what way and what was the necessity to enact them. A Sociologist's study of law from this angle has been given title of Sociology of Law or Sociological jurisprudence. Jurisprudence has assumed a new meaning that laws are to be made for men and the law makers and its executors are to take into consideration the human and social aspect while making or executing it.
Introduction of the subject

Change is the rule of society. Society forms its own code of conduct, its norms to be followed by its members and at times and at many times expects wholehearted compliance and submission to societal norms as set by the society or its various groups or sub-groups. Such stereotype adherence to societal norms may be beneficial one as well as detrimental also to few depending upon circumstances that prevail in certain situation. Such situation, in fact call for or compel members of the society to rethink about the existing structure and its inadequacy to meet the requirements of the emergent situation, new possibilities which necessitate bringing about change in the established societal order of the day. Modern period social changes are the product of new thinking on various matters where people feel social changes are need of the hour to meet the requirements of emergent situations. For example, the idea of high and low based on prescribed social stratification of Hindu Society on dogmatic prejudiced contemplation and consideration was in toto and overwhelmingly accepted even by the victims of such a rigid social arrangement and a cry for a change for better and humanitarian treatment almost never arose even from the side of the victims of social rigidity permitting no change and acceptance of status quo ante without challenging or even questioning its validity from social, human, religious, ethical or even legal and logical point of view. But slowly and gradually wind of social change did start sweeping through such mutually accepted regimental and unjust social order. In fact social change is a complex phenomenon. Social tradition is never a script that is followed slavishly by people. Social change at times appears to be contra-cultural for example dacoits have their own culture. Age old caste based culture is quite contra to the new culture taking shape on
the basis of liberty, equality and fraternity.

Social changes can be brought about by various methods. The social change can be brought by preaching of religions, by launching social reform movements like one done by Raja Ram Mohan Roy, Swami Dayanand Saraswati, Justice Ranade, Shahu Maharaj, Jotiba Phoole, Gandhiji, Dr. B.R. Ambedkar and other such prominent social thinkers. But such efforts have no legal obligations or force of law for remedial measures in cases where individuals do not agree to a prescribed social behaviour and conduct. Such optional, sweet will obedience was found not bearing desired fruits in right direction and therefore need arose to formulate laws purely to bring about social change prescribing and providing necessary penal mechanism in case of not confirming to change and violating provisions of such law which aimed at social change from extant social process as procedures and practices. A cursory quick look back on history of Dalits/Scheduled Castes/Harijans/Depressed Class/Shudras/Ati-Shudras/Atiyajas as they were variously called or addressed contemptuously by fellow Indians will give an interesting scenario of social change that took place during the passage of time and would be of immense importance from this study's viewpoint.

Every seventh person in India is a Scheduled Caste. The Scheduled Castes have been oppressed right from Post Vedic period, and hence positive discrimination, protective discrimination, affirmative action (American Concept) and occupational mobility in their favour for their upliftment are warranted. In spite of reform movements in ancient and medieval times, they continued to remain the most backward and deprived groups in society. Society was comparatively flexible during the Rig Vedic period, however, with the passage of time, the Varna system and Caste
system both became very rigid. The condition of untouchables worsened day by day and they used to be oppressed and exploited by the higher castes. Most of the social reformers in India except very few have not played any specific and effective roles in removing caste, varna, untouchability or the disabilities they placed on the members of untouchable segments of Indian society. However specific roles played by such few Social Reformers in India from Raja Ram Mohan Roy to Dr. B. R. Ambedkar who left an indelible imprint on the social life of the people about the caste, varna and untouchability are mentioned below:

(1) Raja Ram Mohan Roy (1772-1833)

He was pioneer among the social reformers of the 19th century India. Reforms undertaken by him had significant and universal appeal with lot of opposition from the orthodox Caste Hindus of those days. He believed in modernization of India. So far as this study is concerned, the main focus will be on the Varna, Caste, Untouchability and Social Change particularly in this regard and other such relevant matters wherein these social reformers might have significantly contributed for further improvement in the social system of the country. The proper surname of Raja Ram Mohan Roy was Bandopadhya. Roy was a title given to them on later years. He was instrumental in convincing Lord William Bentinck, Governor General (1828) and Bentinck openly declared that Suttee (Sati) was a matter of disgrace for the British rulers. Suttee had to be abolished. Ram Mohan Roy convinced him that Suttee was not a part of the Hindu Shastras. The regulation prohibiting suttee was passed in 1829. His reforms were mainly pertaining to Suttee, Child marriage, Education etc. but it seems he had not touched varna, caste, untouchability etc. in his social reform movement but it is true that there was no one before Ram
Mohan Roy who made a sincere effort to inspire the intelligentsia to organise a reform movement for social progress which meant an all round regeneration. He died in Bristol, England in 1833.

(2) Ishwar Chandra Vidhyasagar:- (1820-1891)

He mainly concentrated on problems of education. He worked for the success of widow remarriage. He laid stress on women's education. No contribution on reforms about varna, caste and untouchability, caste-based discrimination and disabilities arising out of the same.

(3) D.K.Karve (Dhondo Keshavkumar Karve) (1858-1928)

He worked for women's regeneration. No contribution in the field of removal of caste, removal of untouchability, removal of caste-based discrimination and caste-based disabilities arising out of the same. His main thrust was on women's education.

(4) M.G.Ranade (1842-1901)

Mahadev Govind Ranade was born in Niphad, in Nasik District, Bombay Presidency on 18th January, 1842. He was one of the protégées of British officers. He pleaded for religious education in schools. No contribution in removal of varna, caste, untouchability, discrimination and disabilities arising out of caste system and faced by the untouchables. Ranade founded the Prathna Samaj.

(5) Guru Nanak Dev (Born on 15th April, 1469-died on 22nd September,1539)

He was born into a Kshatriya family. He advocated Hindu-Muslim unity. Nothing special done against caste or untouchability. The following Bhaktas (Devotees) of medieval period were not social reformers as such but in their devotional songs and speeches they preached equality, brotherhood and oneness of God etc.
### Table N0.1-1

**BHAKTAS OF MEDIEVAL INDIA**

<table>
<thead>
<tr>
<th>Sr.No</th>
<th>Name</th>
<th>Province</th>
<th>Dates</th>
<th>Caste/Occupation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Kabir</td>
<td>U.P.</td>
<td>b. A.D. 1398</td>
<td>Weaver</td>
</tr>
<tr>
<td>2.</td>
<td>Ravidas</td>
<td>U.P.</td>
<td>Contemporary of Kabir</td>
<td>Chamar</td>
</tr>
<tr>
<td>3.</td>
<td>Ramanand</td>
<td>U.P.</td>
<td>b. A.D. 1017</td>
<td>Bairagi</td>
</tr>
<tr>
<td>4.</td>
<td>Parmanand</td>
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<td>Sadna</td>
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(6) **Keshavchandra Sen (1838-1884)**

He started a society for the social welfare of the women. Girls' schools were opened, adult schools and normal schools started to function. He devoted his times in books and started a Weekly called "Sulabh Samachar." He was spiritually inclined and was drawn to meditation and religious quest.
After Keshav came to Brahmo Samaj, the sacred thread of the high castes was discarded. Gradually inter-caste and inter-provincial marriages were legalised. There was no stigma about marriages between higher and lower castes as far as the Samaj was concerned. The Tagore family and Adi Samaj took a longer time to accept inter-caste marriage as they looked for a Brahmin Surname. But with years the irrational attitude was abandoned as caste eradication was a basic reform of the Brahmo Samaj. The orthodox Hindu Samaj gradually realised how harmful the practice of dowry was and how irrational was the caste persecution but it took some time before the traditionalists started supporting inter-caste marriages. The reformers insisted on monogamy, forbade child marriage, encouraged widow re-marriages and inter-caste marriages. The younger generation pointed out that he was not following what he was preaching. Keshav had built up about 124 institutions. Dayanand Saraswati visited Bengal as he was eager to meet Keshav.

(7) Jotirao Phooley (April 11, 1827- November 28, 1890) 44

He was Mali. He was named Joti which means a flame. The worthless profligate Peshwa Bajirao-II lost his "Gadhi" (Throne) which upset the fates of the Brahmins who were reduced to utter degradation. The Maratha Empire long worn out by the disease of the deep rooted caste jealousies and dissensions and was overpowered by the superiority of British power. Almost all the Maratha leaders were rotten to the core and ignorant of the stream of world progress and world thoughts. The principle of heredity in military, diplomatic and Governmental services even at village level and in occupation which regulated the life of both the State and the individual in society, led to degradation and degeneration.
Elevation of the Brahmins and that too mainly of the Chitpavan Brahmins to eminent positions, political and social and elimination of the men of other communities however able and strong, from these offices, was the rule of the day. Bajirao-II lavishly fed about forty thousand pauperised and worthless Brahmins who flattered him as their Lord. The Brahmins adulated Bajirao-II as an incarnation of Krishna or Shivaji. In times of the famine the Government of Bajirao-II helped only the Brahmins.

Joti was not a path-follower; he was path-finder. Joti was found walking along with a marriage procession of his Brahmin friend. The Brahmins could not tolerate it. Some blue-blooded orthodox Brahmins recognised him and were infuriated at the thought of the outrage of a Mali, a low caste boy had committed by walking with the terrestrial Gods, the Brahmins. They bawled out: "How dare you walk along with Brahmins? You Shudra! You have violated all caste rules and inflicted an insult on us. You are not our equal. You should have thought a hundred times before behaving like this. Get behind; otherwise go away. People have nowadays lost all shame. They violate caste rules; they are growing arrogant under this British Raj." Joti was perplexed, dazed and perturbed. He came home and narrated the whole incident to his father who said that he had seen non-Brahmins humiliated and trampled under an elephant's feet. The poor untouchables were the worst sufferers in Brahmin ruled Maharashtra. Every untouchable was required to walk through the streets of Poona with a branch of leaves tied to his waist and pot hanging from his neck in which to spit if he wanted to; but could not enjoy even this liberty of walking in the streets in the early morning or late evening, least his long shadow defile the Brahmins, Govindrao, father of Joti concluded. Joti listened to his father who advised him to preserve the old customs and not to incur
the wrath of the Brahmins. Joti resolved to rebel against the debasement of the society, to throw off the shackles and to fight the grossest vices and petrified customs reared in the name of the religion which exercised an evil influence on Hindu society. He resolved to release the lower castes from their debasing thraldom and to regenerate them. The taint of social inferiority provoked a galling sense of injustice and revolt was the natural reaction to it. He felt that social slavery is worse than political slavery.

Joti said to himself that he was well educated; he knew what was good and what was evil. He belonged to the religion to which Brahmins belonged. Then what led them to believe that he was inferior to them? Was it religion that made them act like that? But the religion was the relation between Man and God. He then came to the conclusion that the Brahmins enjoyed power as a priestly class and they also head the caste system. So he realised that the caste was the bane of the corporate life, the enemy of solidarity, of organized and cultural life and Brahmin was the outer form of its expression. In order to annihilate Brahmanism that condemned the non-Brahmins to perpetuate subordination and humiliation, he ruminated, heredity as the basis of society must be discarded.

The caste system was solid, unbreakable and enduring because the lower classes had no education, they had respected this mental slavery for ages. Joti, therefore resolved to raise the banner of revolt against the mental slavery and to throw open the gates of knowledge to the lower classes by disseminating education among them.

Jotiba (Joti was called 'Jotiba' by his friends and people. The suffix 'ba' shows respect and endearment.) at the age of 21, decided to emancipate Hindu women from thraldom. Education is the prerequisite of the speedy social change. With the education comes the critical attitude
and a desire for self respect. He opened school for girls. Jotiba himself tells us what he did on the eve of starting the first girl's school. "The low castes Mahars, Mangs, Chambhars etc." he narrates, composing a great part of my countrymen, being sunk deep in ignorance and misery, the Lord was pleased to excite in me a desire to better their conditions through means of education. He also opened a low caste female school. A school started by a non-Brahmin, a Shudra and for the girls of Shudras and Ati-Shudras! The stronghold of orthodox Brahmins raised an outcry against this act, which was to them horrible and sacrilegious. They said knowledge and learning was seeking shelter in Shudra homes. It was against the will of God, religion and society to teach the Shudras who had no right to education according to scriptures and teaching girls was the worst kind of sacrilege, a horrible outlandish attack on Hindu religion. Women and the Shudras had no right to education. A woman by nature was regarded as a frail, untrustworthy, wicked, thoughtless, lewd person. If a woman was educated she would elope with anybody, would easily be led astray, will destroy happiness at home. For a women to receive education meant a sacrilegious act against the caste and the society. If a girl received education her husband would die prematurely.

Jotiba threw a challenge to the Manusmriti. He declared:
"Follow me, falter not now,
Down with Manusmriti's injunctions,
Education imparts you happiness,
Joti tells you with confidence."

As Jotiba did not conform to social traditions, the tradition mongers shouted: "Orthodoxy is our doxy! Our religion is in danger. Jotiba is an enemy of society. He is nobody and a descendant of generations of
nobody's!"

As Jotiba could not get a teacher to help him, he took the help of his wife Savitri whom he had taught at home. The Brahmins threw mud, dirt, stones at her when she was on her way to school.

Jotiba's genius was in rebellion against the prevailing decayed customs and worn-out social traditions. The Brahmins exerted pressure on Jotiba's father Govindrao. They said to Govindrao with rage in their eyes: "Your son has been disgrace to religion and society. So is his shameless wife. You are incurring the displeasure of God. In the name of religion and God we command you to stop this or drive him out." Poor gardener Govindrao asked his son to "leave either the school or the house." Jotiba told his father frankly: "Even at the risk of my life I shall not give up the cause." Father replied after a dreadful silence for a while. "Then go where you like" he said grimly but "leave my house together with your wife whom I am unable to keep under the same roof."

The first school for Hindu girls was started in Calcutta in 1819. The American Mission started one in Bombay in 1824 when the teacher had to go everyday to the house of his pupils and bring them to school. Every child was paid for attending the school. The American Mission started girls' schools in the neighbourhood of Poona in 1840. There was a girls' school in Poona kept by the Scottish Missionaries. Jotiba was the first Indian to start a girls' school in August, 1848. This was a great achievement. The gates of knowledge were opened to the lowest of the low for the first time in India during her history of three thousand years. Jotiba was the first Indian to effect this miraculous change in India.

Mahatma Gandhi while he was in Yeravada Jail in May, 1933 paid worthy tribute to this precursor of great movement and said that Jotiba
was a real Mahatma. Total 48 girls' schools were established at the behest of Jotiba at various places in Maharashtra. Jotiba was not only the first saviour of a suppressed people in modern India, but he was also a saviour of the reformers.

No Brahmin has ever become a universally loved man. A man devoid of truth cannot be a saint. The cow eats excrement and the Brahmin call it a mother. Formerly Brahmins ate horses and cows as yajnya sacrifice. The Antyajas are brothers to Brahmins, but they harass them and even use them as a sacrifice to Gods. The 'mantras' and 'jaaps' bring about rain are nothing but sheer nonsense, nor do they beget children. If Mantras could produce children no Brahmin would die childless. Without Mantras even widows give birth to the children. Jotiba's teaching can be summarised as under:-

"Belief in one God, right conduct, equal rights, abolition of the caste system, equal rights to men and women and brotherly conduct towards all" this is the epitome of his teaching.

Jotiba said in Sarvajanik Satya Dharma: "All religious works are written by men and they do not contain truth from beginning to end. Changes were made by certain obstinate men in these works to suit certain occasions and the requirements of the times. So religions have not become equally helpful to all and they give rise to all divisions and cults full of hatred and envy."

Jotiba said, "To enjoy the company of the prostitutes or to attend teaparty, or to feast on drink and mutton and then to observe untouchability in regard to one's co-religionist is no virtue. To observe caste system is no virtue. The caste system is a fraud. Annihilate the idea that a Brahmin is sacred at all time, at all places. Originally there was no caste system.
The Aryans, the Brahmins introduced it for their own selfish ends. If a sweeper is to be classified a lowly man then one's mother should be classified a member of that class. The caste system should not be based on occupation either. A Brahmin boy may not be as meritorious as the first Shankaracharya and a Chamar boy may be as virtuous as the first Shankaracharya."

Of morality Jotiba says: "Had Ravan been of a different species of society, he would not have been invited to the competition arena which was held to select a spouse for Sita. The Ramayan is not a true history. It consists of fabricated tales and conveys no moral lessons. He says that the conduct of Rama and Krishna did not befit a God. The Bible is open to all, the Koran is open to all. Believers in the Bible and the Koran have no fears. The Vedas are not open to all because believers in them are afraid of the weakness in these scriptures being exposed. In short Jotirao Phoole fought for social justice throughout his life. He believed in equality and equal rights of women, the Shudras and the Ati-Shudras. He believed in free social interaction among members of all religious communities and castes. He not only believed but made necessary efforts to provide education for the lower castes. Through his "Satya Shodhak Samaj" he challenged many Brahmin privileges, customs and traditions which were creating inequality in the society. Mahatma Phooley created militant mood in the minds of Shudras and Ati-Shudra in Western parts of India.

(8) Swami Dayanand Sarawati

Swami Dayanand Sarawati was born in an orthodox Audichiya Brahmin family, in a village named Tankara, the erstwhile princely State of Morbi in Gujarat in V.S.1881 (=A.D.1824). His original name was
Mool Shankar (Moolji) and also Daya Ram. His father's name was Karshanji Tiwari. Dayanand felt that the citadel created by the Brahmins was root of all evils of Hinduism. Therefore he felt the supreme importance of speaking the truth, the naked truth and the whole truth. He held that the Varna (Caste or class or order of an individual) is determined by his merits (Qualifications) and actions and not by birth. This was the greatest service rendered by Dayanand to the cause of religious and intellectual as well as social freedom in India in modern times and this alone entitled him to be called the saviour of Hindu India. He rejected idolatry entirely not as a harmless error but as positively sinful. This idea of Swami injured the hearts of the Brahmins and they began to criticise the young reformer. Dayanand had no faith in caste system as it had prevailed in the country with infinite gradations. He however accepted four-fold functional divisions of society wherein the thinkers, the seers and the teachers occupied the highest place. Swami Dayanand established "Arya Samaj." He strongly advocated the need for educating women on equal terms and defended their rights to study Sanskrit and Vedas.

An issue was raised before Dayanand whether the food cooked by a Shudra would be eaten by a Brahmin which becomes contaminated if touched by the Shudra. Dayanand declared such arguments as absurd and said, "How can you object to eat food cooked by or touched by Shudras when you eat many food articles such as sugar, vegetables etc. not only touched but prepared by the so called lowest castes and even by the Muslims?"

Social philosophy of Swami Dayanand Saraswati:-

Swami Dayanand, a great reformer clarified his social philosophy in the introductory paras of the "Satyarth Prakash." Though
I was born in Aryavarta (India) and live in it, yet just I do not defend the falsehood of the faiths and religions of this country, but expose them fully; in like manner, I deal with the religions of other countries. I treat the foreigners in the same way as my countrymen. Dayanand arrested the process of social and spiritual decay.

"The Vedas do not enjoin 'Shraadha' to the dead ancestors. Respect and reverence for the living elders in the family is 'Shraaddha.' There is no mention of 'tilak' (Vermilion mark on forehead) and 'Chaap' or 'Kanthis' in the Vedas. Besides idol worship in temples of other places, religious pilgrimages to the sacred places; the system of caste; enforced widowhood; child marriage; untouchability; painting the forehead, arms and other parts of the body; tying 'Kanthes' and 'Rudraksha' rosaries; disallowing Shudras, women and others to read the Vedas or have them read are all practices and observances against the spirit and letter of the Vedic philosophy. The Vedas teach worship of one God and equality of all men before Him, 'Mukti' or 'Moksha' to be gained only by one's good deeds and never by intervention of anyone."

Dayanand Saraswati was poisoned by the cook, named Jagannath of Maharaja of Jodhpur. The Maharaja of Jodhpur was reprimanded by Dayanand for neglecting his official duties because of his infatuation for a dancing girl of the palace. It was this girl who bribed his cook to poison Dayanand. When the cook was arrested and produced before Dayanand, he got him released saying that his mission in life was to liberate people and not to enslave them. He also gave him money to escape to Nepal so that he is not punished by the Maharaja! The unusual generosity towards the murderer symbolises Dayanand's humane approach in all matters relating to the freedom of man. His great concern had always been to
liberate the people from their self-imposed shackles, the slavery of religious superstitions and social taboos.

Cobweb of outmoded traditions, meaningless rituals, harmful customs had made the life of Hindus a complex and miserable existence. The Brahmin controlled every aspect of daily life of a Hindu from birth till death. If he wanted to travel he must consult the priest for auspicious days. If he decided to marry or start a business or enter his own house, he could not do so unless the Brahmin approved of the time and date.

Swami Dayanand was deadly against any differential or preferential treatment being given owing to the birth of any person in a high or a low Varna or low caste or profession. According to him, the Varna-Vyavastha rested on 'guna,' 'karma' and 'swabhav' (quality, action and temperament) and not on birth. According to him it was due to greed or bad 'Sanskaras,' associations, training, character etc. that the varna of every individual was determined. Cleanliness, good qualities and habits enable a person who is born in a Shudra family to enter higher varna. Uncleanliness makes every person untouchable, whether born in a Brahmin, Kshatriya, or a Vaishya family while cleanliness makes every person born in a Shudra family touchable. An untouchable becomes touchable as soon as he cleans himself by washing his body, clothes etc.

Swami Dayanand's movement not only aimed at eradicating the evils that bedevilled the society, but it was also an effort at laying the foundation of a caste-less and class-less society where all men enjoyed equal opportunities and privileges. Swami Dayanand was appalled by the religious bigotry of the high priests of society and how they exploited the people to promote their personal and parochial interests. The high priests were trying to perpetuate the caste hierarchy to exploit the masses in the
name of the religion. Swami Dayanand initiated his movement to put an end to such exploitation and to create a social order where every individual was free to pursue his faith without let or hindrance. Dayanand's movement was aimed at elevating man from the depths of superstition and blind adherence to tradition to a level of reasoning where he would search for the solutions to his problems by questioning the self. Spontaneous love and affectionate consideration for animals and downtrodden was the life-long mission of Swami Dayanand.

Swami Dayanand gave the resounding slogan "Back to the Vedas." This indeed was the bedrock of his social and religious reforms. In fact, a large part of his "Satyarth Prakash" is a critique of Hinduism having deep linkage with caste-based birth in a particular family, idol worship, various kinds of miracles, pilgrimages, exploiting priests, holy man, several types of leaders and sects.

(9) **Swami Vivekanand**  
He did nothing regarding caste, caste-based discrimination and untouchability. On the contrary he supported caste system. His main task remained religious preaching.

(10) **Periyar E.V. Ramasamy (September 17, 1879 - December 24, 1973)**  
Erade Venkata Ramasamy was businessmen, politician and a social activist and social reformer of south India. At a young age he witnessed numerous incidents of racial, caste and gender discrimination. Periyar joined the Indian National Congress in 1919 but resigned in 1925 when he felt that the party was only serving the interests of Brahmins. Periyar propagated the principles of rationalism, self-respect women's rights and eradication of caste. He opposed exploitation and
marginalization of the non-Brahmin indigenous Dravidas people of South India and the imposition of what he considered, Indo-Aryan India. His work has greatly revolutionized Tamil society and has significantly removed caste-based discrimination. Periyar is also responsible for making statements on the Tami language, Dalits and Brahmins and for endorsing violence against Brahmins. The citation awarded by the UNESCO (1970) described Periyar as "the Prophet of the new age, the Socrates of the South East Asia, father of social reform movement and arch enemy of ignorance, superstitions, meaningless customs and base manners."

Periyar was of the view that the first duty of the Government is to run the social organisation efficiently and that the philosophy of religion was to organise the social system. He felt that for progress of the people in the country, great social changes were necessary and a good Government could be formed only after making those changes. He thought that under the existing social system, there was and there could be no means of removing the hardships of the people even to a small extent regardless of who came to power. He felt that the evils of untouchability, discrimination based on birth, superstitions and blind belief should be done away with. He launched a "Self-Respect Movement."

(11) Dr. B. R. Ambedkar (1891-1956) 48

He was born on 14th April, 1891. His grand-father Maloji Sakpal was Havaldar in Bombay Army of the East India Company. His father Ramji Sakpal also joined the army as a civilian teacher and became Headmaster with the rank of Subedar Major. Bhimrao, as the boy was named was the fourteenth child of his parents. Of 14 children of Ramji and Bhimabai, only five survived - three sons and two daughters.

Being an untouchable by birth, Bhim faced and experienced as
a child the same humiliations and difficulties which every untouchable had to face in those days.

He received good education and academically he was highly qualified. He was awarded Masters of Arts for his thesis "Ancient Indian Commerce" on 2nd June, 1915 by the Columbia University. In June, 1916 his Ph.D. thesis "National Dividend for India: A historic and analytical study" was accepted by the Columbia University.

In October, 1916 he joined London School of Economics and Political Science for the Degree of M.Sc. (Economics) and D.Sc. (Economics). He also joined Gray's Inn or Law for the degree of Bar-at-Law. He was awarded the Degree of Doctor of Philosophy by Columbia University on 8 June, 1917. The same year he was called back by the Maharaja of Baroda, his benefactor as the duration of his scholarship granted to him was over. He returned to India on 21st August, 1917 without accomplishing his desired object. According to the bond, he was to serve the Baroda State for ten years. He was appointed as Military Secretary to the Maharaja Sayajirao Gaekwad. But soon Ambedkar had to leave Baroda in sheer disgust in view of the continued harassment and ill treatment at the hands of the caste-ridden society. Drinking water was not available in office. His subordinates kept distance from him. Even the peon, fearful of pollution threw files and papers on his desk from a distance. In Baroda no one was willing to give accommodation to him. As the Diwan of Baroda expressed his inability to do anything in the matter, Ambedkar resigned and left Baroda in disgust. So he returned to Bombay in November, 1917.

In November, 1918, Ambedkar was appointed as Professor of Political Economy in Sydenham College of Commerce and Economics,
Bombay at a salary of Rs.40/- per month. Even here in the temple of learning, he was treated as a pariah by the caste Hindu Professors and was not allowed to drink water from the pot kept in the Professors' common room.

In 1920 he resigned from his job and rejoined London School of Economics and Political Science and also Gray's Inn for Law. Next year he was awarded the degree of Master of Science in Economics by the London University and in 1922 he was called to Bar. In 1923 he was awarded the D.Sc. degree in Economics.

Dr. Ambedkar always raised voice for the upliftment of the untouchables in our society. He felt that in the matter of pollution, there is nothing to distinguish the Hindus from the Primitive or ancient People. He studied Hindu scriptures and objected to wherever he found degrading remarks against the untouchables and the Shudras. He was very strong critic of Manusmriti which prescribed various indignities for the Shudras almost in all matters of human life. Manu had made a provision for getting rid of defilement by transmission through a scapegoat namely by touching the cow or looking at the sun after sipping water. The curse of untouchability has its roots too strong to be easily uprooted. The non-Hindu society only isolated the affected individuals. They did not segregate them in separate quarters. The Hindu society insists on segregation of Untouchables. The Hindus will not live in the quarters of the untouchables and will not allow the Untouchables to live inside Hindu quarters. This is a fundamental feature of Untouchability as it is practised by the Hindus. It is not a case of social segregation, a mere stoppage of social intercourse for a temporary period. It is a case of territorial segregation and of a cordon sanitaire putting the impure people
inside a barbed wire into a sort of a cage. Every Hindu village has a ghetto. The Hindus live in the village and the Untouchables live in the ghetto.

World-over, there has never been a case of permanent impurity based on the rule 'once impure, always impure.' Persons were treated as impure by Non-Hindu communities and they were even cut off from social intercourse but there has never been a case of persons having been put into permanent segregation camps. A whole body of people have been treated like this by the Non-Hindus communities also at certain places but they were strangers outside the fold of the kindred but there has never been a case of a people treating a section of their own people as permanently and hereditary impure as is done by the caste Hindus in India.

The first shot to herald the freedom of the untouchables was fired by Dr. Ambedkar in 1927 at Mahad, in Kolaba district of Maharashtra. The Kolaba district is now renamed as 'Raigad' to honour the memory of Chhatrapati Shivaji. In 1923, the Bombay Legislative Assembly had passed a resolution moved by S. K. Bole, a prominent social reformer in those days, that the untouchables be allowed to use all public watering places, wells, Schools, dispensaries etc. In pursuance of this resolution, the progressive Municipality of Mahad resolved in 1924 that the local Chowdar Tank be thrown open to the untouchables. However, the caste Hindus did not allow them to take water from the tank. This prompted Dr. Ambedkar, the liberator and the emancipator of the down-trodden, to launch an agitation to exercise the right of free access to the Chowdar Tank. In response to his call, more than ten thousands men and women assembled at Mahad on 19 March, 1927. Next day the delegates began their March from the venue of the Conference to the Chowdar Tank to assert their right of drinking water from the Municipal Tank. Ambedkar
was at the head of the procession. Ten thousand volunteers followed their leader in a file of fours wading through the streets of Mahad in a disciplined and peaceful manner, the procession reached the Chowdar Tank. Dr. Ambedkar, the most gifted and qualified untouchable ever born in India, asserted the right of the suffering humanity by drinking water from the forbidden Tank. Most of the volunteers also followed suit and vindicated their right. This was truly an historic event. Never before the so the called untouchables had demonstrated their determination to assert their right in such a glorious manner. The participants of the procession returned to their venue of Conference peacefully. Meanwhile a rumour spread that Ambedkar and his men were planning to enter into the Veerashwar temple. The fanatic caste Hindus attacked unarmed men, women and children and mercilessly beaten them up. The commando attack on the 'Pandal' was followed by attacks on splinter groups of the delegates returning to their villages. In spite of all this beating and humiliation, Ambedkar advised his followers to be calm and not to retaliate. Thus first part of the epic struggle of the victims of untouchability was over. Soon after news came that the orthodox Hindus had performed a tank-purification ceremony which they thought had been polluted by Ambedkar and his people. In the meanwhile the Mahad Municipality revoked on 4 August, 1927 its resolution in accordance with which the Chowdar Tank was thrown open to the untouchables. Hence the untouchables decided to besiege Mahad again. Accordingly thousands of Satygrahis reached Mahad on 2nd December, 1927. This time more than fifteen thousand untouchables turned up for the Mahad agitation. Ambedkar, the saviour of the downtrodden while addressing the mammoth gathering said, "At the outset let me tell those who oppose us that we did not perish because we could not
drink water from this Chowdar Tank. We now want to go to the Tank only to prove that, like others, we are human beings." The conference then passed a number of resolutions aimed at social, religious and political upliftment of the down-trodden people. One of the resolutions related to Manusmriti, an old Hindu scripture which preaches inequality and directs molten lead to be poured into the years of the Shudras if they dare to hear or read the Vedas. The condemnation of Manusmriti was not only confined to a verbal resolution but the copy of it was also ceremoniously burnt, in a specially dug pit, in front of the 'Pandal.' "This act" says Keer, "was one of the greatest sacrilegious blows ever since the days of Luther upon the egoistic bigots, custom-mongers and no changers on earth. December 2, 1927 is, therefore, a red-letter day in the annals of India as it was on this day Ambedkar burnt the Smriti and demanded a new one in order to reshape the Hindu Code governing the life of so vast a people.

In the initial stage of his career he adopted methods of Satyagrah. These methods proved effective. However from 1927 to 1935, he helped organise campaigns to force the opening of Hindu temples to untouchables. The Amravati Satyagrah in 1927, Parvati temple entry Satyagrah (Poona) in 1929-30 and five year long Satyagrah for temple entry at Nasik that ended in 1935, are well known in this respect. It may be noted that these efforts were conducted in the Gandhian style of Satyagrah and Ahinsa, which aimed at gaining religious and social rights for the untouchables and emphasised more on internal reforms than on changing the Indian society. It is evident that he wanted to awaken the untouchables for their social uplift. He wanted to generate the spirit of equality in them. He advocated the abandonment of customs and practices associated with untouchability and asked the untouchables to lead a clean life. He was
instrumental for signing the Poona Pact which provided for reservation of seats for the downtrodden community in the general Hindu constituencies.

Dr. Ambedkar was a fine speaker and a prolific writer. He was a nominated member of the Bombay Legislative Council from 1926 to 1934. Here he could support Bills for the socio-economic upliftment of his community. In the Round table Conference, he was an official nominee and demanded concessions for his community. In early 1940s he organised the All India scheduled Castes Federation as a Political Party. For his meritorious services to the nation, he has been awarded Bharat Ratna (Posthumously) in 1990.

Dr. Ambedkar spent his whole life for the upliftment of Harijans in Indian sub-continent. After he finished his educational career, he had the realisation that substantial measures are needed for the improvement of the socio-economic conditions of the Backward Classes. He fought for their basic rights in our society and thus gained success in his mission. Dr. Ambedkar had done a yeo-man's service to the cause of the Depressed Classes. His independent thinking and action has brought about phenomenal change in the status of the depressed Classes. He has not only infused confidence in them but he has also awakened the caste Hindus. Ambedkar's personality, erudition and capacity to lead and organise would have by themselves marked him out as an outstanding assets to our Nation. But in addition to that the inestimable services he had rendered to our Motherland in trying to stamp out untouchability and the results he has achieved in instilling a manly spirit of self-confidence in millions of the Depressed Classes, constitutes an abiding, patriotic as well as humanitarian achievement. He was one of the framers of Indian constitution through
which he abolished untouchability and made many provisions including political reservation and reservation in public services to uplift the downtrodden people of India. The Constitution was adopted, enacted and given to the people of India on 26th November, 1949. Member after member in the Parliament expressed his appreciation of the work done by the Drafting Committee and praised Dr. Ambedkar for successfully drafting and piloting the Constitution of free and independent India. Some members hailed him as modern Manu (Law-giver) while others showered upon him the choicest words of praise.

After his sad demise on 6th December, 1956, Jawaharlal Nehru, the first Indian Prime Minister of India, in an obituary said, "But I imagine the way he will be remembered most will be as a symbol of the revolt against all the oppressive features of Hindu society."

He was a rebel against the injustice in the status-quo, the sphere was social or economic.

Dr. Ambedkar passed away peacefully in sleep in early morning of Thursday, 6 December, 1956 in Delhi. About ten lakhs people participated in funeral procession. Acharya Atre, Marathi Editor, addressed the unprecedented condolence meeting. In the end, Acharya Atre, raising his hands towards the sky and said: "Oh God of the sky! Come and see, you will never witness such a scene in future." Dr. Ambedkar’s life was great, his death proved even greater than that.

The obituary expressed by Dr. Ram Manohar Lohia very correctly portraits the contribution of Dr. Ambedkar as under:-

"Dr. Ambedkar came as Messiah for the untouchables of India. He was one of the greatest nation-builders. He was a great crusader for social equality. He was against oppression and exploitation of any kind
in any shape. Because of caste-system, India was enslaved. Caste is the greatest hindrance in the progress of our country. Dr. Ambedkar fought gallantly against caste system so that there could be a feeling of brotherhood among all Indians. If the Indians wish to strengthen and maintain national unity, they have to destroy the evil of caste. Without destroying caste, the Parliamentary democracy cannot survive in this country. Like Dr. Ambedkar, we must create among us courage, confidence, fearlessness and will to change the society. We must get rid of all disparities of caste, creed or colour. Dr. Ambedkar was such a great leader whose ideals, philosophy of life, wisdom and intellect, compassion, service and sacrifice will continue to show light to the Indians for centuries to come." Dr. Zakir Hussain stated: "...Dr. Ambedkar commanded the esteem and admiration of his friends and adversaries alike. A giant among intellectuals, in legal acumen and Parliamentary skill, he had few equals among his contemporaries. Dr. Ambedkar will be remembered for ever as one of the Chief architects of Independent India's Constitution, as one of the ablest administrators of high calibre and integrity and as a founder of Neo-Buddhism in modern India."

He resigned as Union Law Minister over his differences mainly on Hindu Code Bill. He claimed that the Hindu Code was the greatest social reform measure ever undertaken by the Legislature. No law passed by the Indian Legislature in the past or likely to be passed in the future can be compared to it in point of its significance.

Dr. Ambedkar visualised that Hindu society was static, untouchability was recognised by Hindu religion and caste was the cornerstone to the arch of Hinduism. He left Hinduism and embraced the religion of Gautam Buddha. Dr. Ambedkar was a giant among intellectuals and
a social reformer. At a very early stage of his career he realised, in a serious way, the pitiable conditions of the untouchables. He made up his mind to devote his whole life for the socio-economic upliftment of the downtrodden people. He was of the view that "One must distinguish between the freedom of a country and the freedom of the people in the country. The words, such as society, nation and country are just amorphous if not ambiguous terms..." According to him, political democracy must be based on social democracy."A democratic form of Government," he says, "Presupposes a democratic form of society."

In his historic speech in the Constituent Assembly on 25 November, 1949, Dr. Ambedkar said:

"We must make our political democracy a social democracy as well. Political democracy cannot last unless there lies at the base of it social democracy. What does social democracy mean? It means a way of life which recognizes liberty, equality and fraternity as the principles of life." Continuing further, he said in a prophetic tone: "On the 26th January, 1950, we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. In politics we will be recognising the principle of one man one vote and one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value. How long shall we continue to live the life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structures of political democracy."
Dr. Ambedkar was a social rebel. He rebelled against the absurd notion that the position of each individual in this life has been determined by his merit or demerit in his previous births, and that his place in the social organism is irrevocably fixed and cannot be changed. He fought bitterly against the protagonists of inequality and exploitation, and made heroic efforts to inspire the down-trodden classes to raise the banner of revolt against the Hindu social system. He stirred the conscience of both the oppressed and the oppressors alike, fought gallantly against the die-hards and ultimately succeeded in breaking the shackles of slavery of the servile classes." He belonged to Mahar Community. As seen above, he was highly educated who devoted his life to the problem of untouchability and wrote extensively on the subject. He worked with untouchables before independence. He made them aware of their social rights - the causes of their poor condition and the ways of improvement. He exhorted them not to succumb to the pressures of high castes. He advised them to receive education and move to other respectable occupations.

After independence, 2nd stage of his life began which left permanent indelible imprint on the history of India. As seen above he was appointed Chairman of the drafting committee of the Constitution of India. He was successful in giving new turn to history and to the conditions of untouchables. He was most genuinely concerned with the plight of the untouchables and also of the plight of Indian women - two groups of society whom he regarded as oppressed.

(12) Mahatma Gandhi:- (October 2, 1869 - January 30, 1948)

He was the first Indian Social reformer to carry on an organised movement at national level against the untouchability practised towards the oppressed castes. He involved Indian National Congress in the task
of development of untouchables and for removal of untouchability from the society. He advocated and persuaded the Hindus to allow untouchables’ entry into Hindu temples, schools and other public places. He had concrete construction plan of social work for Harijans. He admitted Harijans in his own Ashram against very stiff resistance and opposition from the caste Hindus and especially the industrialists who used to donate money to run the Ashram but he was very firm and did not budge at all from his commitment for the cause of upliftment of the Harijans. He believed in the Chaturvarna System and was not in favour of occupational mobility and he rigidly believed that one should not change the occupation of one's varna which he gets by birth. There was lot of change after he came in contact with Dr. B. R. Ambedkar in 1931 as observed by a sociologist Mark Lindley. Mark Lindley believes that Gandhiji met Dr. Ambedkar in 1931 and thereafter his (Gandhiji’s) thoughts on caste and varna changed. Dr. Ambedkar believed that the caste and untouchability can be removed from the society by two methods/ways: (1) By Inter-caste marriages and (2) by Religious conversion. Gandhiji was status quoist in the initial stages of his life and believed that one must marry in one's own caste only and that he should never change his religion howsoever lofty the other religion might be, but subsequently changed his stand and declared that he will bless only those couples who enter into inter-caste marriage and he will never give his blessings to couples who enter into wedlock in their own caste. So far as religion is concerned he declared: "Untouchability is a blot on Hindu religion and it is the duty (Dharma) of every Hindu to remove it." The firmest determination to abolish untouchability took place in the minds of both these great Indian leaders i.e. Gandhiji and Dr. Ambedkar from their own bitter personal experiences. So far as Gandhiji was
concerned the bitter experience was at Maritzberg in South Africa where he was thrown out of the railway compartment even though he had purchased 1st class railway ticket, due to racialism prevalent in South Africa. When he pleaded before the Superintendent of the concerned Railway Station he was retorted: "Mr. Gandhi, do you allow untouchables in your country to sit beside you? So saying his request was turned down by the White British Station Superintendent. Gandhiji took a firm decision to make sincere efforts for abolition of untouchability when he returned to India from South Africa. Dr. Ambedkar had countless bitter experiences but the worst was at Baroda when though he was Military Secretary of the Maharaja of Baroda, the peon used to throw files and papers on his table for the fear of being polluted due to the touch of an untouchable and finally he was ousted from a house when the fact became known that he was an untouchable. Before boarding train for Bombay, he sat in Kamati baug, a public garden near Kala Ghoda in Baroda along with his baggage and wept incessantly due to the inhuman treatment meted out to him in Baroda due to untouchability and caste based insults and humiliation he faced in Baroda and firmly decided to do his best to ameliorate the untouchables from such deplorable social conditions. Both these great Indian leaders did their best in the field of social change and their contribution in this regard is truly historic and un-comparable with any political leaders of India till-date.

(13) Christian Missionaries:-

They were the first to highlight the fact that untouchables were denied education and this was the main cause of their low status and poverty. Missionaries played pioneering role in opening the gates of knowledge to lower and untouchable castes in India prior to independence.
during British rule. The first school for Hindu girls was started in Calcutta in 1819. The American Mission started one in Bombay in 1824 when the teacher had to go every day to the house of pupils and bring them to the school. Every child was paid for attending the school. The teacher's pay depended on the number of pupils he brought to school. The American Mission started girls' schools in the neighbourhood of Poona in 1840. There was a girls' school in Poona kept by the Scottish Missionaries. As it was a Christian girls' school, it could grow. Jotiba was the first Indian to start a girls' School in 1848. Thereafter the various Missionaries opened educational institutions throughout India and they made good contribution in the field of education in India.

Some social organisations like (1) Param Hans Mandali (2) The Bombay Native Education and (3) The Gujarat Sansar Sudhara Samaj did contribute their mite in the field of Social Reforms. Other lesser known social reformers like Bal Shastri Jhambleka, Gopal Hari Deshmukh, Gopal Genesh Agarkar, V.R.Shinde, A.V.Thakkar, Mama Saheb Fadke, Shahu Chhatrapti, Durga Rama Mehta, Ranchhod Das, Girdharbhai, Nand Shankar Tulja Shankar, Naval Ram Lakhi Ram Pandya, the Gujarati poet Narsinh Mehta in one way or the other contributed in the field of social reforms to a considerable extent.

The law especially social law i.e. social legislation always aims at social change in a desired manner and direction with intent to replace, annul or curtain certain social practices. The people in a democratic system, desire such changes in society through their elected representatives. The law, thus comes into existence and is employed as catalyst for social change, needless to say which provides for certain formal punitive mechanism, threat and fear so created by such law certainly bring social change in a
desired manner to a great extent provided its implementation is done sincerely, honestly and with desired commitment and dedication by the agencies concerned with this task which becomes legal task from social task after passage of such law by the Legislature.

Anthony Giddens in his "Sociology" says that "social change is difficult to define, because there is a sense in which everything changes, all of the time. Everyday is a new day; every moment is a new instant in time." The Greek Philosopher Heraclitus pointed out that a person cannot step into the same river twice. On the second occasion, the river is different, since water has flowed along it and the person has changed in subtle ways too." Man is wedded to certain ideologies regarding sex, education and religion. On account of his dogmatism and ideologies he is not prepared to change his institutions.

Thus it can be seen that "change" whether it is "Social change" or other change is a process and not an incident. It is a continuous process which requires continuous observation to understand the same for appropriate measures whenever or wherever such measures are required to be taken. Ogburn gave the concept of 'Social Lag' or 'Cultural Lag' and divided it into material and non-material culture. He said, "People have changed their methods of cultivating the soil, but not the method of owning the land."

The subject of this Study is "Law as an instrument of social change - A Sociological study of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989." The first point that strikes our mind is why such a law was required to be enacted by Indian Parliament and what was the aim and objective of such law which mandates social change by an instrument of law. The second question that strikes our mind
is what was the social scenario in India which compelled such a strict legal measure on social front?

As is well known to all, Hindu society is based on the principle of hierarchical social order permitting virtually no upward social mobility. If a triangle is formed of divisions of Hindu society, in a socially stratified manner, following picture will emerge which will succinctly portray the entire social order on which Indian Hindu social structure's edifice is created:-

![Stratification of Hindu Society (Triangle)](image)

Caste-wise estimated population of India: Brahmins 3%, Kshatriya 4.9%, Vaishyas 5%, Scheduled Castes 16.2%, Scheduled Tribes 7%, OBC 52% - rest is religious minorities like Muslim, Christians and Sikh etc.

The above rigid, dogmatic division of society did not permit even an iota of upward social mobility. The Brahmins who are at the top in the pyramid enjoy all sorts of freedom, liberty and social mobility upward, downward and horizontal but the same is denied to the other strata in the pyramid and totally and absolutely denied to the lowest strata i.e. Shudras and Ati-Shudra. However to slacken the opposition to Varnavyavastha (Varna-arrangement) Sloka⁴⁹ as mentioned below too were cleverly
provided to befool the general public and to provide an eyewash to the grave injustice and disabilities caused to the low born people:-

जन्मानां जायते शूद्रः संस्काराद्विज उच्यते।
वेदाध्ययनादू विप्रस्तु ब्रह्मज्ञानादू प्रातानां।

All are born Shudras by birth. Then they are called "Dwij" when they acquire culture (sacraments). They become 'Vipra' by study of Vedas and they are called 'Brahman' when they acquire Supreme Knowledge (Brahmagnya).

This claim is absolutely misleading as this was never implemented. This Sloka (Stanza), ex-facie indicates about prevalence of social mobility and negates the caste or varna based rigidity which is in fact not true. See following social arrangements:-

"No janoi (Sacred thread worn by Brahmins) to Shudra. Without janoi no Vedadhayan is permitted, No Brahmagyan (Supreme knowledge) without Vedadhayan."

So such claims contained in some scriptures appear as a programme of eyewash only and it hardly provides any real solace to the Shudras. Even the protagonists of caste/varna system have laid down principles as to how to name the new born. The system says that Brahman's name should be auspicious (Mangalkam), the Kshatriya name should be awe-aspiring (Balyukta), the Vaishya's name should be wealth oriented (Dhanyukta) whereas the Shudra's name should be contemptuous and nauseating (Jugupsa prerak). Therefore we find only Shudra's name such as "Kachra", "Khodio", "Uko", "Gandio," "Gabhlo" etc. The Shudras were not even permitted to keep good names of their children. There was ban on good-naming of the Shudras. This is seen even to-day so far names of all castes are concerned. The Shudras were forced to accept such unjust
social order as fate accompli till slightly before the dawn of independence.

**Religious basis / foundation of Chaturvanya System :-**

For clarity of Subject under Study, it is essential to know about the emergence of "Chaturvarna" and "Caste System" of Indian society. Very clear and unambiguous references about Chaturvarna system are available in Bhagavad Gita as under:-

**Gita Chapter-4-Sloka No.13**

Lord Krishna says that "according to the three modes of material nature and the work associated with them, the four divisions of human society are created by me. And although I am the creator of this system, you should know that I am yet the non-doer, being unchangeable."

The Lord says that he had created the Chaturvarna (Fourfold division) not on the basis of one's birth but on basis of one's merit and performance (Guna + Karma) but the system seems to have degenerated into rigid divisions determined by birth and birth alone which created all ills and inequalities of all sorts in the society. As per Lord Krishna, there was complete social mobility in his creation as he says in Chapter-18 Sloka No.41 which is as under:-

**Gita Chapter-18-Sloka No.41**

"Brahmanas, Kshatriyas, Vaishyas and Sudras are distinguished by the qualities born of their own natures in accordance with the material modes, O chastiser of the enemy."

This division is based not on birth but on work (Karma) and work
is decided as per the natural inclination and interest of the individual. The Lord has further described what type or sort of qualities each individual in each division should have in this same Chapter No. 18 as under:

Gita Chapter-18-Sloka No.42

"Peacefulness, self-control, austerity, purity, tolerance, honesty, knowledge, wisdom, righteousness—these are the natural qualities by which the Brahmanas work."

Thus Brahman is not one who is born in a Brahman family but one who possesses above nine prescribed virtues by his natural endowment and personal achievement. The second layer in the Chaturvarna i.e. Kshatriyas'-virtues are mentioned as under:

Gita Chapter-18-Sloka No.43

"Heroism, power, determination, resourcefulness, courage in the battle, generosity and leadership are the natural qualities of work for the Kshatriyas."

Thus it can be seen that one who is born in a Kshatriya family is not a Kshatriya but one who possesses above seven qualities is a Kshatriya. Similarly Lord Krishna describes the qualities of Vaishya and Shudra as under:

Gita Chapter-18-Sloka No.44

"Farming, cow protection and business are the natural work for
the Vaishyas and for the Shudras there is labour and service to others."

Here again, distribution of occupation is as per his nature and work cum-performance with innate qualities and same is not birth related which subsequently became the order of the day with absolute rigidity leaving zero scope of any upward social mobility which resulted in unjust social order based on inequality and deprivation to large sections of the Indian society and which subsequently degenerated in caste and which did not remain restricted to four fold divisions but resulted in multi-divisions running in hundred and thousands, each caste being ascribed a social status and rank on the basis of birth and such birth bench mark can never be changed till death and thereafter too leaving absolutely no chance to social mobility at all. Such a tight and rigid divisions of members of (Hindu) society perhaps not existed anywhere in the world. This made Indian Society pluralist and a heterogeneous entity with many inner contradictions, conflicting interests and mutually exclusive ideologies and differentiated mind-set leaving less or no-chance even for ordinary social interaction and social relations with one another. Almost on all social occasions, right from birth to death, cradle to graveyard or cemetery, that being differently earmarked for each caste or community in each village, indicates caste based exclusion. "We are different" "We are separate" and "We are different, separate and therefore higher than you" attitude besieged entire Indian population which continued till date. Such mindset, thinking and attitudes are not in tune with the new era and are not compatible with current democratic environment which endears the principles of Liberty, Equality and Fraternity. This led the Indian society into undesirable diversity which adversely affected social solidarity and fragmented its social fabric which created social heart burns in each individual and each
varna or caste. The Hindu caste orientation was not/is not complimentary but conflicting one. This led to the diversity and complexity of Indian society which called for remedial social measures from age to age and from time to time. The social group, caste or varna which is autocratically ascribed lower social status with entangling social disabilities nursed greater heart burns than those social groups / castes or varnas which were absolutely free from any such stigma which were in the fate of the Shudras and Atishudras.

From Shri Krishna's account, it seems that after Vedas, the Varnic or Casteist degeneration seems to have set in the system which compelled him to clarify about the system and emphasise the principles of liberty, equality and fraternity in very clear terms. He advocated that there is no difference between dog and Brahmin and both should be treated equally and seen at from equipoise manner. His philosophy of above equality is reflected in Chapter-5 of Bhagavad Gita as under:–

\begin{quote}
विद्या विनय सम्पन्ने ब्राह्मणे गवि हर्षिति ।
शुनि चैव श्वपाके च पण्डिता: समर्द्धिनाः ॥ १८ ॥
\end{quote}

Gita Chapter-5-Sloka No.18

The humble sages, by virtue of true knowledge, see with equal vision a learned and gentle Brahmana, a cow, an elephant, a dog and a dog-eater (outcaste).

**Rigvedic reference to creation of Varna:**

However accounts available about varna and caste and disabilities arising out of them are quite horrific from all angles including human angle. The Hindu caste system has been characterised by a rigid system of ascribed hierarchy. The traditional Hindu Theory is expounded in the tenth Mandala of Rigveda,\(^ {58} \) which explains the theory of evolution
of four 'Varna' in the famous 90th hymn, known as "Purush Sukta" which says:- “The Brahman was His mouth, the Rajanya (Kshatriya) was His arms, that being "Vaishya" was His thighs and the "Shudra" sprang from his feet.” During Rigvedic period social and economic condition of Shudras was not very bad. Vaishyas were fighting and Shudras were tilling the land. Even the rules of inter-dining and inter-marriage were not so strict. Inter varna marriages were permissible. The brides were acceptable even from low dynasty / clan.

"कन्या रत्नम् दुष्कुलादपि ग्राह्मम्।"

The bride is like a jewel and hence she can be accepted even from the lowest family of any class or caste. This shows the acceptability of brides from even lower strata of society by members of so called higher strata. But during post vedic age, the caste system grew strong and some of the examples of such strictness and caste rigidity are as under:-

1. The milk to be used for oblation was not allowed to be mixed by a Shudra.
2. He was not to be addressed by a person consecrated for sacrifice.
3. Not allowed even to be present in the hall where sacrifice was being offered.
4. Shudra was untruth itself - The Satapatha Brahma.
5. Baudhayan mentions the uneasiness that a Shudra husband suffers whose wife is a mistress of an Aryan.
6. Vashishta quotes that a woman of the black race meaning a Shudra - was meant only for enjoyment and not for furtherance of any higher motives.

(Baudhayan, 151)
Punishment for Shudra prescribed by Apastambha:

(1) He shall erect hut in the forest, restrain his speech, carry on his stick the skull of the person slain, like a flag and cover the space from his naval to his knee with a quarter of a piece of hamper cloth.

(2) He may, go to seven houses only crying who will give alms to an Abhishasta (one accused of moral sin). If he does not obtain anything in seven houses, he must fast. This penance must be performed for twelve years.

i. Fasting.

ii. Living in jungle.

iii. Tending cows.

Different punishments for different faults:

The punishments were generally so long, so tedious and humiliating that people feared to mix with the Shudras. This led to the seclusion of the fourth class. Yet from time to time Brahmins tried to prevent the mixture of races. As if they were scared that mixture en-mass might produce a class who might defy their own low status or question 'the ultimate status of the Brahmins.' Elaborate rules were, therefore laid down about the penance for mixing with lower castes. For having physical relations with untouchable woman or for drinking from the wells or vessels defiled by untouchables, for partaking of their food, punishment prescribed by Apastambha are as mentioned above.

To justify their lower status and sanction to punish them for crime committed, Hindu Mythology traces the norms as narrated by different Gods themselves.
(1) Shudras were called 'Padaja' meaning 'born from the feet' and repeatedly wrote that God created Shudras to be the 'Slave of all.'

(2) A Shudra was to be supported, to be fed, to be clothed with the remnants and castaways and food and raiment by the three varnas.

(3) Manu Says -
"Chandala should wear the clothes of the dead."

(4) V asishtha declares him to be a burial ground. He says - the Vedas must not be recited in his presence, no advice must be given to him, nor the remnants of the offerings to the God. Holy laws must not be expounded to him, nor he be asked to perform a penance. He was denied the right of investiture and consequently the first stage of the individual life - the Brahmacharya or the studentship.

However, the so called untouchables were not entirely excluded from the worship. They could worship the images of the Avtars of Vishnu.

(5) Hiranya Sindhu quotes a passage of Devi Puran that authorises the 'Antyaja' to establish a temple of 'Bhairava.'

(6) The Bhagawata Puran says that even 'Antyajas' were pured by listening to the praises of names of Hari.

(7) The Doms and Matangs had their own deities known as the 'Yakshas. '

They followed what Robert Redfield has labelled the 'Little Traditions of Hinduism.'

This was probably allowed in order to keep Shudras within the Hindu fold. Since the influence of Buddhism and Jainism during this period
was increasing and the former opened their doors even to Chandals, Pukkasas, who it was proclaimed, could attain even 'Nirvana.'

It therefore became necessary to at least allow 'Shudras' to worship, for if they left Hinduism, they could also have stopped respecting Brahmins and might have changed their occupation in course of time.

In Hinduism, certain low castes were forced to stick to their profession and were not allowed to change their occupations. The privilege of worship was restricted up to their own homes and temples and they were not allowed certain rituals and sacrifices allowed to higher castes only. They could not kindle the sacred fire and thus even their marriage was not regarded as a sacrament, intended for the fulfilment of religious duties but only as a Sexual Union. Out of eight forms of marriages, the two forms recommended for them are entirely devoid of religious content. In fact, one of them may be termed as rape and the curious justification offered for this prescription is that the Shudras are not particular about their wives. (Baudhayan p. 207).

A Shudra committing adultery with women of the first three varnas had to suffer capital punishment, the severity of which increased with the caste status of woman violated.

Illicit physical relationship with the females of lower castes by males of higher castes was however not regarded as a serious offence. The only punishment for such deed, was to reduce the male and his children, having relations with 'lower caste' female to the status of the female, whereas in the case of lower caste male committing similar crime with higher caste female, he could be killed brutally.
### Table N0.1-2

**Crimes and Punishments based on Varna and not on offence.**

<table>
<thead>
<tr>
<th>No.</th>
<th>Crime Description</th>
<th>Punishment</th>
<th>Chapter No. &amp; Slok No. of Manusmriti</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Slaying of a Brahmin by a Non-Brahmin</td>
<td>Death and confiscation of all his property.</td>
<td>8/267</td>
</tr>
<tr>
<td>2</td>
<td>Slaying of a Kshatriya</td>
<td>Fine of 1000 Cows.</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Slaying of a Vaishya</td>
<td>Fine of 100 Cows.</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Slaying of a Shudra</td>
<td>Fine of 10 Cows.</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Kshatriya abuses Brahmin</td>
<td>100 Pan (रुपया) Fine.</td>
<td>8/267</td>
</tr>
<tr>
<td>6</td>
<td>Vaishya abuses Brahmin</td>
<td>150 Pan (रुपया) Fine.</td>
<td>8/267</td>
</tr>
<tr>
<td>7</td>
<td>Shudra abuses Brahmin</td>
<td>To be killed (capital punishment)</td>
<td>8/267</td>
</tr>
<tr>
<td>8</td>
<td>Brahmin abuses Kshatriya</td>
<td>50 Pan (रुपया) Fine.</td>
<td>8/268</td>
</tr>
<tr>
<td>9</td>
<td>Brahmin abuses Vaishya</td>
<td>25 Pan (रुपया) Fine!</td>
<td>8/268</td>
</tr>
<tr>
<td>10</td>
<td>Brahmin abuses Shudra</td>
<td>12 Pan (रुपया) Fine.</td>
<td>8/268</td>
</tr>
<tr>
<td>11</td>
<td>Shudra hurls filthy abuses on two varna (Dwij varnas)</td>
<td>Chop off his tongue</td>
<td>8/271</td>
</tr>
<tr>
<td>12</td>
<td>If Shudra utters the name and caste and abuses the dwij varna</td>
<td>Very hot iron rod of ten fingers length should be pierced into his mouth.</td>
<td>8/271</td>
</tr>
<tr>
<td>13</td>
<td>If a Shudra preaches religion to Brahmin</td>
<td>The King should pour highly boiled oil in his mouth and ear.</td>
<td>8/272</td>
</tr>
<tr>
<td>14</td>
<td>If Brahmins and Kshatriyas abuse each other</td>
<td>Brahmins-350 Pans' fine.</td>
<td>8/276</td>
</tr>
<tr>
<td>15</td>
<td>Vaishya and Shudras abuse each other</td>
<td>Vaishyas-350 Pans' fine.</td>
<td>8/277</td>
</tr>
<tr>
<td>(16)</td>
<td>Who steals Brahmins’ cow, yokes cow for cultivation and kidnappers of other animal</td>
<td>Half leg should be chopped off.</td>
<td>8/325</td>
</tr>
<tr>
<td>(17)</td>
<td>Adultery</td>
<td>Brahmin-No punishment Others-Capital Punishment</td>
<td>8/365</td>
</tr>
<tr>
<td>(i)</td>
<td>Adultery - by lower varna woman with highervarna man.</td>
<td>(i) No punishment No fine.</td>
<td></td>
</tr>
<tr>
<td>(ii)</td>
<td>Adultery - by upper varna woman with lower varna man.</td>
<td>She should be strictly controlled inhouse.</td>
<td>8/365</td>
</tr>
<tr>
<td>(iii)</td>
<td>If lower varna man adulterating with higher varna's woman</td>
<td>To be killed (Capital punishment)</td>
<td>8/366</td>
</tr>
</tbody>
</table>

**Height of Punishment for women**

| (18) | If a woman for arrogance of her caste or virtues disrespects her husband भतारं घंघरेर् (पति की मर्यादा में न रहनेवाली) | In the presence of many people in a fair, the King should let loose dogs on her to be finished by eating her flesh. | 8/371 |
### Adultery Discrimination on varna.

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<table>
<thead>
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<tbody>
<tr>
<td>1.</td>
<td>If a Shudra enjoys a woman of dwij varna who has no husband.</td>
<td>1. His penis should be chopped off.</td>
</tr>
<tr>
<td>2.</td>
<td>If he enjoys a woman of dwij varna who has no husband.</td>
<td>All limbs of his body should be chopped off. His property should be confiscated.</td>
</tr>
<tr>
<td>3.</td>
<td>If a Vaishya does intercourse with a Brahmin woman who has no husband.</td>
<td>3. One year imprisonment.</td>
</tr>
<tr>
<td>4.</td>
<td>If Kshatriya does this same sin.</td>
<td>4. 1000 Pans' fine. His head should be soaked in donkey's urine and shaved off.</td>
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### Rape

<table>
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<tr>
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<th>Punishment for Brahmin</th>
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<tr>
<td>1.</td>
<td>1000 Pans' fine. (Rape permitted with a 1000 pans)</td>
</tr>
<tr>
<td>2.</td>
<td>500 Pans' fine</td>
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</tbody>
</table>

### (20) Rape

If a Brahmin commits rape on Brahmani who has a husband.

### (21) If intercourse is with consent of the Brahmani

Punishment for a Brahmin is only shaving of his head and that will be treated as capital punishment for him.

### (22) In adultery case

Punishment for a Brahmin is only shaving of his head and that will be treated as capital punishment for him.
<table>
<thead>
<tr>
<th></th>
<th>Description</th>
<th>Punishment</th>
<th>Page</th>
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</thead>
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<tr>
<td>23</td>
<td>If adultery is committed by person other than a Brahmin</td>
<td>Capital Punishment</td>
<td>8/379</td>
</tr>
<tr>
<td>24</td>
<td>Brahmin, if committed all sins and offences</td>
<td>No capital punishment should be done. He should be extermed (banished) from the country with his body intact with all his wealth.</td>
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<tr>
<td>25</td>
<td>If a Brahmin commits adultery with Kshatriya or Vaishya woman with husband.</td>
<td>1000 Pans' fine.</td>
<td>8/384</td>
</tr>
<tr>
<td>26</td>
<td>If a Kshatriya or a Vaishyan commits adultery with a Shudra woman.</td>
<td>1000 Pans' fine.</td>
<td>8/384</td>
</tr>
<tr>
<td>27</td>
<td>If a Vaishya commits adultery with a Kshatriyani without husband, or unmarried Kshatriyani or Vaishya woman.</td>
<td>500 Pans' fine.</td>
<td>8/384</td>
</tr>
<tr>
<td>28</td>
<td>If a Brahmin enjoys a Kshatriyani or Vaishya or Shudra woman without husband.</td>
<td>500 pans' fine.</td>
<td>8/385</td>
</tr>
<tr>
<td>29</td>
<td>If he enjoys an Antayaja woman</td>
<td>1000 Pans' fine.</td>
<td>8/385</td>
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</tbody>
</table>
Brahmins are authorised to usurp the wealth of Shudra. If such social arrangement ordained in scriptures is man-made, there is yet scope for change, improvement and correction but if it is advocated that the same is God-made and divine, then there is no scope for any remedy as it is shown to have been directly made by Brahma, the God.

Similarly as punishment, the Brahmins and Kshatriyas, in spite of the fact that they were land-owing class, were free from any taxation.

Not only punishment, not only taxation but even dress code, dress order was also different and caste based in India.

**Discriminatory Dress Code**

(1) Chandals - Supposed to wear the undergarment of red colour around which a belt was tied, about his dirty upper garment and an earthen pot was to be tied around his neck so that if he spits, he should spit in the pot, for, his spit on the floor might defile upper caste Hindus.

(2) Sweepers - In Gujarat they were supposed to tie a broom at their back, like a tail so as to wipe the floor on which they walked.

Many such rules on dress code are described at length by Panini and Fa-Hien.

Kautilya stated that a Shudra must not acquire wealth because thereby he causes pain to Brahmins. He further states that:-

1. A Shudra called himself a Brahmin shall have his eyes destroyed by poison and shall have fine of 800 Panas.
2. If he violated a Brahmin woman, he should be burnt alive.
3. It was necessary to keep them impoverished in order to keep their social condition low.
4. Therefore, not only were they supposed to pay taxes on one hand and were poorly paid for the work they did but even the rate of interest
for them was the highest.

5. Kautilya stated that a Brahmin should be charged 2% interest, a Kshatriya 3%, a Vaishya 4% and a Shudra 5%.

The list of such caste based/varna based disabilities are almost endless stretching to each and every aspect of human life affecting its dignity and honour adversely. Various Rishis and Brahmans made new rules as per their own cynicism and hatred for Shudras. There is hardly any Sanskrit composition which has not been tampered with or altered or added to, by the Brahmans. The period of Islamic invasion was the period of Brahminic reaction. To save themselves from the attack of the new religion and to stop conversions, Hindu religious leaders became even more conservative. Bhakti Cult preached and stressed that caste was no bar to religious salvation.

(1) Kabir
(2) Nanak
(3) Tukaram
(4) Ravidas
(5) Chandidas
(6) Mulukdas and many more preached equality but the Bhakti Cult popularised devotion more than spreading the message of caste equality.

In the Maratha country, under the rule of Peshwas, untouchables were not supposed to enter the city at the prime time of the day, for at that time of the day, the shadow falls along on the floor and that might defile caste Hindus in bigger area with longer coverage. The Peshwas had issued a proclamation that the untouchables should not enter into Poona town after 15=00 hrs till 09=00 next morning. James Forbs said that, “In 1783
A.D. in Bharuch (A district of Gujarat State now) the Marathas (Peshwas) issued a Proclamation that Kasai (Butcher), Dhed and Chandal Castes shall not step out from their houses after 09.00 A.M. in the morning."65 Whereas in Poona, only for 6 hrs, i.e. from 09=00 to 15=00 (9 AM to 3 PM) they were permitted to move out from their houses. But in Bharuch, they could come out from their houses only for little less than three hours in the morning i.e. from 6-00 to 8.55 hours during day time. This is in fact incarceration of poor downtrodden people without any crime. A cruel caste based confinement in deed! (Note:- Here the word ‘Dhed’ is only reproduced from the historical writings in order to show the gross injustice done to that caste and not to show any disrespect to it. This is used in their favour and and not against them.)

In Madras66, and especially in Malabar, certain castes had to keep a stated distance between themselves and a Brahmins and other high castes.

A Shanar - a toddy tapper of Tamilnadu - contaminated a Brahmin if he approached the latter within twenty four paces. The Washer man and Barber who served the general body of villagers were not allowed to render services to the untouchable castes.

Still more shocking was the role for toddy tappers of Malabar and the east coast Izhavas and Shanars. They were forbidden to cover the upper part of their body and above the waist. In case of women also, until 1865, they were obliged by law to go with upper part of the bodies quite bare, if they belonged to Tiyan or other lower castes.

In Gujarat, they were not allowed to carry umbrellas. In some of the Southern areas, they were not to wear shoes or gold ornaments, to milk cows so much so they were not to use the ordinary language of the country.
Such hellish condition covering each and every aspect of an untouchable's life was in vogue in Indian Society when British arrived in India. British rule, in theory, was secular and the new system of education was open to all. The law courts also made no caste distinctions. All were equal before law. The British being foreign rulers did not want to interfere in the existing social system, but still at times unknowingly or sometimes knowingly they influenced and reformed the system to an extent.

The Christian Missionaries in fact were among the first to attack the caste system and drew attention towards the position of untouchables. They also started schools for untouchables.

In 1850 The Caste Disabilities Act was passed which provided that a person does not forfeit his ordinary rights of property, by loss of caste or change of religion. An uniform system of law provided equal opportunities of justice for all castes which untouchable were earlier deprived off. According to Act of 1827, a marriage between two persons of different castes was considered valid provided it was a registered marriage and by Act of 1923 even the right of property, membership of a joint family or the right to adoption were restored to those who had lost these due to marriage in another caste. No direct Act was passed to remove untouchability, but from time to time interests of the members of Scheduled Caste were protected.

In 1856 - A Mahar boy was refused admission to a Government School at Dharwal. The Governor-in-Council ruled that fully aided Government Schools, admission will be open to all without distinction. The East India Company employed Mahars, Mangs, Kolis, Dhuska, Doms and Dhanuks in its army. This helped to promote their status and freedom from traditional degrading occupation and offered opportunities to
education. The East India Company apparently provided compulsory education for its Indian Soldiers and their dependents. This was very important since the Mahars were not admitted to other schools. Subedar Ramji Sakpal, father of Dr. B.R. Ambedkar was a full-fledged teacher trained at a school established by the Government.

The notion of hierarchy is operative among Harijans too. A Chamar gets polluted by the touch of a Mahar. He would sprinkle water on himself to purify before entering his house.

The term 'Depressed Classes' had been used in the Census Report of the year, 1921. The term 'Depressed Castes' was used before 1930 but since the enactment of Government of India Act, 1935, they had been consistently referred to as Scheduled Castes. "It was only in 1932, that this word was officially defined as the untouchables." - Harold Issacs.

In 1931, Gandhiji gave them a new name "Harijan" - meaning "Children of God" which was previously given, in his devotional songs, by Narsinh Mehta, a Gujarati poet from Junagadh district of Gujarat. Thus, the word 'Harijan' was first used by the Gujarati great Saint Narsinh Mehta, a Nagar Brahman who defied his whole community and claimed the 'untouchables' as his own. Gandhiji adopted the term from him. Gandhiji said, "Harijan" - a man of God and we (caste Hindus) are 'Durjan' (Men of evil).” Dr. Ambedkar did not like this name and proposed the words 'Protestant Hindus' or 'Non-conformists.' Our Constitution refers to them as recommended by the Simon Commission, by the term 'Scheduled Castes.'

As observed above, the laws in India were based on the principles of inequality, the procedure and practices too were faulty, unjust, unfair and unreasonable as they differently dealt with people on the basis of their
castes and not on basis of their merit or on any other reasonable and logical yardstick. P.K.B. Nayar in his "Sociology in India" says that the western legal system introduced the principle of equality before law, procedures of evidence, modern Courts and trained legal practitioners.

From 1773 to 1835, a dual legal system was practised in India in which the major emphasis was on adopting the communal-legal systems of the Hindus and Muslims and English procedure in Courts. During the British period also, the tribal councils, caste panchayats and village panchayats continued to operate effectively. Involvement of the privileged in deviance broadly has two dimensions - abuse of influence and abuse of authority / status.

Thus it can be seen that the Sociological theory of "Social exclusion" of Dalits seems to have been followed firmly and fanatically with ferocious zeal, zest and gusto by the caste Hindus in India. Social exclusion refers to ways in which individuals may become cut off from full involvement in the wider society. The Dalits were thus made victims of Social exclusion, Economic exclusion, Political exclusion, cultural exclusion, educational exclusion and exclusion from all public/State services as well. The word "exclusion" implies that someone or something is being shut out by another. Such all encompassing exclusion led to the creation of various types of backwardness and also created 'Lag' everywhere which is differently named by the sociologists like 'social lag,' 'Cultural lag' etc. Here is a question of "community lag" that means that not 'lag' in one aspect of social life but multiplicity of 'Lag" in all aspects of "Dalits' life."
Reasons for selection of the topic:-

The topic of my Ph.D. study is "The Law as an instrument of social change - A Sociological study of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 in Gujarat." As we know, in this world everything changes and nothing remains absolutely static in its entirety. Similarly social setup changes, social norms change, social mores, traditions, customs and social structure also continuously undergo changes. For bringing about social change in a desired way, the above legislation was enacted by Indian Parliament in the year, 1989. More than two decades have gone since then and a need is really experienced to evaluate the said Law from Sociological point of view and empirically study its efficaciousness as an instrument of social change. As the subject touches to the very vast majority of people in our society, its social study and analysis would quite prove very useful to the academicians, law enforcement agencies, judiciary, Police, Government and all concerned in this regard. This prompted me to lay my hands on this subject. Moreover the topic and subject has lot of current usefulness and applicability and it does affect Indian people to a great extent almost daily. Conclusions arrived at after analytical study will certainly be of immense importance and value. Even based on our study and experience in this field, new directions and suggestions can be put forth for correct application and implementation of the law wherever the same is found lackadaisical or inadequate or deficient. With all these ideas in mind and with above aim and objective, I selected the subject in question after lot of deliberation with my Guide Professor Dr. M. H. Mawana. His guidance, direction and motivation helped me to arrive at a decision to select the said subject for my Ph.D. degree.
Reasons for selection of area (locale) of study.

The subject "Law as an instrument of Social Change - A Sociological study of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 in Gujarat" is a very vast one and really it is not possible to cover entire State of Gujarat for this study. Therefore I needed to limit the area of my study to Ahmedabad City and Ahmedabad Rural District only. Ahmedabad City is a Metropolitan City and going to acquire the status of a Megha City in very near future. Ahmedabad City is not only cosmopolitan City but it is also heterogeneous city which provides ample scope to cover all types of people with whom we are concerned in this study.

Statement-1

Statement showing offences registered under Atrocity Act on Scheduled Castes for the period from 1-1-1999 to 31-12-2006 (8 Years) in most atrocity prone districts of Gujarat State.

<table>
<thead>
<tr>
<th>Year</th>
<th>Rajkot Rural</th>
<th>Mehsana</th>
<th>Bhavnagar</th>
<th>Ahmedabad Rural</th>
<th>Kutch</th>
<th>Junagadh</th>
<th>Surendranagar</th>
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<td>M 2 2 9</td>
<td>M 2 2 122</td>
<td>M 1 1 175</td>
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<td>R 3 4 3</td>
<td>R 4 3 4</td>
<td>R 1 2 3 4</td>
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<td>Year</td>
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</table>

| Total serious crime | 53 | 63 | 68 | 44 | 59 | 77 | 60 | 62 |
| PCRA Cases          | 1  | 0  | 0  | 0  | 4  | 0  | 0  | 3  |

Abbreviations: - M=Murder, GH=Grievous Hurts, R=Rape, A=Arson.
In Gujarat State, looking to the offences registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 in above eight years, the most affected districts from point of view of atrocities committed on the members of the Scheduled Castes and the Scheduled Tribes are - (1) Ahmedabad Rural District (2) Bhavanagar (3) Mehsana (4) Banaskantha (5) Surendranagar and (6) Junagadh. Out of above six atrocity-prone districts of the State of Gujarat, I have selected Ahmedabad Rural District and from the most atrocity-prone Cities of the State, Ahmedabad City being the most atrocities-prone city, I have selected Ahmedabad City besides Ahmedabad Rural District for my study in question. Both will provide me good chance to compare ground realities in urban and rural areas of the State of Gujarat and also the impact of industrialization and urbanization on caste system in the State. Due to the preponderance of the Scheduled Castes in both the places i.e. Ahmedabad City and Ahmedabad Rural District, main concentration of this study will be on the Scheduled Castes only who are the inhabitants of these two places. However responses are solicited from the respondents on common concerns of both the communities i.e. the Scheduled Castes and the Scheduled Tribes.

Among cities, Ahmedabad City is highly affected and is very prone to atrocities being committed on Scheduled Castes. Ahmedabad City even crosses the atrocity cases of Baroda City, Surat City and Rajkot City combined together as the total offences of Ahmedabad City are 385 for a period of eight years from 1-1-99 to 31-12-2006 whereas the total offences of Baroda City, Surat City and Rajkot City for the said period are respectively 122+86+165=373 - a dozen crime less than Ahmedabad City. To have a balanced and even handed research, I have decided to carry
out above study in Ahmedabad City limits as well as in the limits of Ahmedabad Rural District so that a comparative and an analytical scrutiny of offences committed against the Scheduled Castes may lead to fruitful sociological conclusions.

In view of above scenario and in view of reasons advanced as above, finally I have selected following geographical field of study in Gujarat state:-
(1) Ahmedabad City,
(2) Ahmedabad Rural District.

Ahmedabad Rural District topped in atrocity related crimes in entire State in the year 1999 and 2000 and that unfortunate record has still not been broken by any District or City of the State of Gujarat so far as offences under "The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989" are concerned and that is how significantly the same is included in my study in question.

The selection is based purely on commission of larger number of offences on members of the Scheduled Castes by Caste Hindus in these geographical areas. Why in these areas only such crimes are phenomenally high which also requires a separate and thorough probe by some agency for some remedial measures in the matter.

The types of atrocities are mainly on caste based insults coupled with physical assault and causing of various types of injuries including hurt, grievous hurt and culpable homicide and murder. The main type of atrocity against Dalit woman is kidnapping and rape. This atrocious conduct of caste Hindus against Dalits is also based on or due to Varnic or caste values of Hindu religion. Cultural mores and ethos of Hindu cultural and social form is directly or indirectly responsible for various sorts of atrocities being committed on the Scheduled Castes and the
Scheduled Tribes.

After sixty four years from the time of independence of the country, the touch-me-not-ism related to caste has decreased to a considerable extent both in urban and rural areas. The urban area has almost become free to a great extent from the menace of untouchability and certainly this is a very positive Social Change but in rural areas still untouchability fairly exists in its various forms. It is really very difficult or impossible to show at which place Gujarat stands so far as atrocities are concerned as correct position cannot be ascertained simply on the basis of registration of offences. Certainly Gujarat's place can be ascertained vis-à-vis other states in-c-with registration of atrocity cases but this cannot be the real picture as Police force is not equally responsive in all States and the registration of such cases is also not free and fair. However, Gujarat's rank is 6th in India in crimes against the Scheduled Castes and 5th in India in crimes against the Scheduled Tribes. The rank of Gujarat State with respect to each offence like murder, rape, arson, hurt, kidnapping and abduction, dacoity, robbery and offences under the Protection of Civil Rights Act, 1955 (PCRA) and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and other offences is worked out and is shown in Statement 2 and 3 below:-
## Statement-2

**Rank of Gujarat State in India about incidence of atrocity crimes against the S.Cs. among 28 States and 7 Union Territories.**

<table>
<thead>
<tr>
<th>SL. No.</th>
<th>Year</th>
<th>Murder</th>
<th>Rape</th>
<th>Arson</th>
<th>Hurt</th>
<th>Kidnapping &amp; Abduction</th>
<th>Dacoity</th>
<th>Robbery</th>
<th>PC-RA</th>
<th>SC/ST (Pre. Of Atrocity)</th>
<th>Other Offences</th>
<th>Total of Offences</th>
<th>Rank of Guj. in all Offences</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2000</td>
<td>5</td>
<td>12</td>
<td>6</td>
<td>6</td>
<td>3</td>
<td>3</td>
<td>2</td>
<td>9</td>
<td>8</td>
<td>4</td>
<td>58</td>
<td>5.80</td>
</tr>
<tr>
<td>2</td>
<td>2001</td>
<td>8</td>
<td>13</td>
<td>7</td>
<td>8</td>
<td>5</td>
<td>2</td>
<td>2</td>
<td>6</td>
<td>9</td>
<td>7</td>
<td>67</td>
<td>6.70</td>
</tr>
<tr>
<td>3</td>
<td>2002</td>
<td>5</td>
<td>13</td>
<td>4</td>
<td>6</td>
<td>4</td>
<td>1</td>
<td>2</td>
<td>10</td>
<td>9</td>
<td>6</td>
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<td>6.00</td>
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<tr>
<td>4</td>
<td>2003</td>
<td>9</td>
<td>12</td>
<td>4</td>
<td>5</td>
<td>5</td>
<td>2</td>
<td>1</td>
<td>8</td>
<td>9</td>
<td>6</td>
<td>61</td>
<td>6.10</td>
</tr>
<tr>
<td>5</td>
<td>2004</td>
<td>11</td>
<td>11</td>
<td>6</td>
<td>6</td>
<td>5</td>
<td>3</td>
<td>1</td>
<td>8</td>
<td>8</td>
<td>5</td>
<td>64</td>
<td>6.40</td>
</tr>
<tr>
<td>6</td>
<td>2005</td>
<td>11</td>
<td>11</td>
<td>7</td>
<td>6</td>
<td>6</td>
<td>1</td>
<td>2</td>
<td>9</td>
<td>7</td>
<td>5</td>
<td>65</td>
<td>6.50</td>
</tr>
<tr>
<td></td>
<td>Total of Ranks</td>
<td>49</td>
<td>72</td>
<td>34</td>
<td>37</td>
<td>28</td>
<td>12</td>
<td>10</td>
<td>50</td>
<td>50</td>
<td>33</td>
<td>375</td>
<td>37.5</td>
</tr>
<tr>
<td></td>
<td>Avg. Rank of Gujarat State</td>
<td>8.16</td>
<td>12.00</td>
<td>5.66</td>
<td>6.16</td>
<td>4.66</td>
<td>2.00</td>
<td>1.66</td>
<td>8.33</td>
<td>8.33</td>
<td>5.50</td>
<td>62.46</td>
<td>6.25</td>
</tr>
</tbody>
</table>

Gujarat State's rank is 6th in the county so far as atrocity related cases pertaining to the Scheduled Castes are concerned.

## Statement-3

**Rank of Gujarat State in India about incidence of atrocity crimes against S.T. among 28 States and 7 Union Territories.**

<table>
<thead>
<tr>
<th>SL. No.</th>
<th>Year</th>
<th>Murder</th>
<th>Rape</th>
<th>Arson</th>
<th>Hurt</th>
<th>Kidnapping &amp; Abduction</th>
<th>Dacoity</th>
<th>Robbery</th>
<th>PC-RA</th>
<th>SC/ST (Pre. Of Atrocity)</th>
<th>Other Offences</th>
<th>Total of Offences</th>
<th>Rank of Guj. in all Offences</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>2000</td>
<td>2</td>
<td>5</td>
<td>3</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>0</td>
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<tr>
<td>2</td>
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<td>4</td>
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<td>1</td>
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<td>10</td>
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<td>5.00</td>
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<tr>
<td>3</td>
<td>2002</td>
<td>3</td>
<td>7</td>
<td>7</td>
<td>3</td>
<td>8</td>
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<td>1</td>
<td>4</td>
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<td>8</td>
<td>49</td>
<td>4.90</td>
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<tr>
<td>4</td>
<td>2003</td>
<td>9</td>
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<td>6</td>
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<td>3</td>
<td>2</td>
<td>0</td>
<td>7</td>
<td>8</td>
<td>45</td>
<td>4.50</td>
</tr>
<tr>
<td>5</td>
<td>2004</td>
<td>7</td>
<td>7</td>
<td>5</td>
<td>6</td>
<td>7</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>7</td>
<td>7</td>
<td>48</td>
<td>4.80</td>
</tr>
<tr>
<td>6</td>
<td>2005</td>
<td>10</td>
<td>10</td>
<td>6</td>
<td>7</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>8</td>
<td>9</td>
<td>56</td>
<td>5.60</td>
</tr>
<tr>
<td></td>
<td>Total of Ranks</td>
<td>37</td>
<td>42</td>
<td>25</td>
<td>30</td>
<td>29</td>
<td>7</td>
<td>6</td>
<td>9</td>
<td>41</td>
<td>45</td>
<td>271</td>
<td>27.10</td>
</tr>
<tr>
<td></td>
<td>Avg. Rank of Gujarat State</td>
<td>6.16</td>
<td>7.00</td>
<td>4.16</td>
<td>5.00</td>
<td>4.83</td>
<td>1.16</td>
<td>1.00</td>
<td>1.50</td>
<td>6.83</td>
<td>7.50</td>
<td>45.16</td>
<td>4.51</td>
</tr>
</tbody>
</table>

**Rank @ 6 Per Year**

**Rank @ 5 Per Year**

*Note:* In the year 2000: 25 States and 7 Union Territories.  
From 2001 onwards: 28 States and 7 Union Territories.  

So far as Scheduled Tribes are concerned, the rate of the crimes or the rank of Gujarat State comes to No.5 in entire country as can be seen from above statistics.
Gujarat is a very progressive State and one of the well administered States of India, despite that its record, as seen from above Statement-1 with respect to crimes against Scheduled Castes and Scheduled Tribes is not in consonance with its otherwise very progressive status.

As per statement showing offences against the Scheduled Castes registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 in the State of Gujarat, previously in the year 1999 and 2000 consistently three districts i.e. Mehsana, Bhavnagar and Ahmedabad Rural were badly affected whereas from 2002 to 2006 the scenario has completed undergone a change and the crime theatre has now shifted to other three districts - namely Banaskantha, Surendranagar, and Junagadh which have consistently shown high incidence of atrocity crimes against Scheduled Castes but they have not crossed the highest number of crimes taken place in Ahmedabad Rural District. This sudden shift in such crimes in said geographical locations of the State also calls for a sociological scrutiny but my study is restricted only to the geographical locations of Ahmedabad City and Ahmedabad Rural District of the State of Gujarat. Looking to the comparison with other urban areas i.e. other cities of the State like Baroda, Surat and Rajkot Cities, Ahmedabad City is the worst affected so far as crimes against Scheduled Castes and the Scheduled Tribes are concerned. In Ahmedabad City such crimes are higher as compared to all the above three cities' crimes put to-gather. Similarly Ahmedabad Rural District's record of such crimes so far has remained unbeaten in the whole State.

On the basis of recorded crime and authenticate information available, sample of study is selected as mentioned above and the selection
of sample is thus based on statistical information gathered from the office of the Additional D.G.P. (Weaker Sections) Gujarat State, Gandhinagar who is officially repository of all such information.

It is decided to carry out study at two places namely- (1) Ahmedabad City in urban area, and (2) Ahmedabad Rural District in rural area of the State of Gujarat. For urban respondents an abbreviation "U" is used and for rural respondents an abbreviation "R" is used in this study.

As discussed with my Guide Professor, initially it was decided to collect information from about 300 respondents both from Ahmedabad City and Ahmedabad Rural District. Thus total three hundred number of samples was fixed for the study but I collected information from 367 total respondents from Ahmedabad City and 44 total respondents from Ahmedabad Rural District and the grand total of all the respondents comes to 411. The Study would thus mainly be restricted around Ahmedabad City and Ahmedabad Rural District. The study will also scrutinize the basic attitudes of the main castes who indulge in such atrocity related crimes and their mind-set for such crimes. The respondents' selection was based on random sample method and the form of collection of data was a well structured written questionnaire, specimen of which is appended to this study. The aim of this sample selection is to see that an input is collected which is mostly representative in character. Since atrocities on Dalits are generally committed by caste Hindus only, no need is felt to study it religion-wise as atrocities committed by people of other faith is quite few and most negligible. The factors like religion, belief, caste, education, orthodoxy and modernity in connection with commission of atrocities would also be examined in the study under reference.

**Importance of study on subject and its usefulness in Sociology:**

The importance of this study on the selected topic is tremendous
in contemporary times as it is a burning social issue and burning social problem with which almost entire Indian Society is concerned on daily basis in one way or other which increases its sociological importance manifold. Other social issues like marriage, dowry, divorce, widow remarriage, family - joint and nucleus, child marriage, female foeticide etc. have limited social compass whereas “The law as an instrument of social change and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989’s” Sociological study has really wider scope and more importance as the same covers vast majority of Indian people and the same would be useful to them in one way or other. They will be either victims or perpetrators in the said social order. The victims will find remedies from this study for their social affliction, social distress and social problems whereas the perpetrators will understand the rigours of law as an instrument of social change and need on their part to either adjust to the new social changes or face the punitive reprisal from the legal enforcement of this social legislation. It would certainly provide a quick deterrence to them which will force them to adapt to the emerging new societal norms of behaviour brought about by the said legislation aiming at change in general and social change in particular. This is not optional change, normal change, automatic change or natural change but this change is through the medium of law with the might of the state and failure to change on the part of the citizens is viewed very seriously visiting punitive measures coupled with harsh consequences including confinement in jail, penalty and even banishment from your habitat and vast geographical areas of several districts adjoining around it. This is for compulsory change mandated by law which is used as a weapon, as an instrument to drive society in a particular direction to achieve the aim and objective in a desired and pre-conceived manner fitting with the Constitutional concept of the
country which provides guidelines in which the country is to be taken ahead towards the fulfilment of its national goal.

How important the topic is can be gauged from the rigidity, inflexibility and inhumanity with which the caste system operates in India with oppressive magnitude and for understanding this, which other way could be more specific than to have a look at the statement of objects and reasons of the said Act? The same is as under:-

"Despite various measures to improve the socio-economic conditions of the Scheduled Castes and the Scheduled Tribes, they remain vulnerable. They are denied number of civil rights. They are subjected to various offences, indignities, humiliations and harassment. They have, in several brutal incidents, been deprived of their life and property. Serious crimes are committed against them for various historical, social and economic reasons.

2. Because of the awareness created amongst the Scheduled Castes and the Scheduled Tribes through spread of education etc. they are trying to assert their rights and this is not being taken very kindly by the others. When they assert their rights and resist practices of untouchability against them or demand statutory minimum wages or refuse to do any bonded forced labour, the vested interests try to cow them down and terrorise them. When the Scheduled Castes and the Scheduled Tribes try to preserve their self respect or honour of their women, they become irritants for the dominant and the mighty. Occupation and cultivation of even the Government allotted land by the Scheduled Castes and the Scheduled Tribes is resented and more often these people become victims of attacks by the vested interests. Of late, there has been an increase in the disturbing trend of commission of certain atrocities like making the Scheduled Castes persons eat inedible substances like human excreta and attacks on and mass killings of helpless
Scheduled Castes and Scheduled Tribes and rape of women belonging to the Scheduled Castes and the Scheduled Tribes.

Under the circumstances, the existing laws like the Protection of Civil Rights Act, 1955 and the normal Provisions of the Indian Penal Code have been found inadequate to check these crimes. A special legislation to check and deter crimes against them committed by non-Scheduled Castes and non-Scheduled Tribes has, therefore, become necessary.

3. The term 'atrocity' has not been defined so far. It is considered necessary that not only the term atrocity should be defined but stringent measures should be introduced to provide for higher punishment for committing such atrocities. It is also proposed to take specific preventive and punitive measures to protect the Scheduled Castes and Scheduled Tribes from being victimized and where atrocities are committed to provide adequate relief and assistance to rehabilitate them."

The Social change intended to be brought about by the instrument of law has certainly brought the social change to an extent and, my view is to sociologically assess the extent of such change and the effectiveness of the law as an instrument of social change as compared to other ways and means, methods and manners to effect social change in existing societal order and people's resistance or adaptation to such social change. Such subject of study may also lead to revelation of such social facts which are still unknown to society. Social change is a general term which refers to change in the nature, the social institutions, the social behaviour or the social relations of a society or community of people. The law also brings about change in social institutions, the social behaviour or the social relations of a society or community of people. This change is attempted in a most positive manner and in a manner that moulds society and its
normative order or value system keeping in view the changing social, political and economic scenario of the country. Need to democratize people and institutions also requires social change and law as an instrument of social change becomes all the more relevant in this context. Equality is inherent in democracy which may perhaps not be the case in other systems of governance. Equality may thus be inherent in democracy but may not be prevalent as a matter of fact due to caste based rigidity of the society which calls for urgent social change. If such a social change does not take place in a natural way by the general awakening of the people then the law as an instrument of social change becomes inevitable and need of the hour, which will change and regulate the conduct of the people in a desired manner and direction.

The social change can be classified into four categories:-

(1) Slow, gradual, incremental and evolutionary; in this it might be barely noticeable.

(2) Fast, radical, sudden and revolutionary; it might even take place by surprise.

(3) Wide scope, affecting almost all people in a society.

(4) Limited in scope, affecting only a small number of people.

The social change by the instrument of law comes in category No.2 & 3 above. The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 wants to bring change fast, it is radical in nature and sudden and revolutionary also. It has taken many people by surprise also as not only general illiterate public but even highly educated lot too is not fully aware about the implications of the law in their behaviour and conduct towards members of these communities. Its scope is wide and it is affecting all people in a society and therefore it has tremendous usefulness in the society as well as in sociology. Democracy insists on
removal of disparities whereas the age-old caste system in the country is diagonally opposed to it and hence requirement of law as an instrument of social change assumes importance and its usefulness in Sociology gets precedence also over other forms of Social change. Caste System as such is an oppressive social structure and therefore change is not only socially desirable but it is also the democratic requirement as the democracy is generally and always based on the principles of Liberty, Equality and Fraternity. The orthodox social thinking in India wants social harmony, stability and equilibrium with special and solid insistence of social status quo which is in stark contrast to basic democratic values and principles mentioned above.

Problems, hindrances & impediments in the study and their remedies:

The main hindrance or impediment is paucity of time. Therefore time management on the part of researcher of this subject is called for. Since law is a vast and very deep subject so also social change and therefore special efforts are required to be made to be very precise, concise and restrictive also so as to avoid undue repetition while analyzing background materials. Another hindrance is about selection of method and covering of geographical area of research. The same can be sorted out by consulting and deliberating with the Guide-Professor. Third constraint is expenses involved. The same can be met from personal savings of the scholar.

The study involves field work which has its own hindrance or impediments. Various types of people are required to be contacted for the research. Their easy unavailability is also a problem. Local leaders' and leading citizens' help and assistance would be sought to counter all such hindrances and impediments. The level of understanding the topic of research by the respondents is also an impediment in smooth and quick
completion of the study. The respondents may be available, may not be available or simply be non-cooperative. They are required to be persuaded and get their willing cooperation in this endeavour. Even if the respondents are available, it may so happen that they are not cooperative and may not give correct information for any reason which they may think fit.

Selection of Geographical areas for study

![Map of India showing different states and territories](image)
As untouchability associated with atrocities on the Scheduled Castes and the Scheduled Tribes is widely prevalent in society, in entire India, I needed to restrict the sphere and scope of my study to a reasonably approachable geographical area of this vast country so that the problem can be properly and adequately covered with focussed attention on its prevalence and legal measures and even proactive measures adopted by the State to eliminate the atrocious conduct of its citizens so far as this social problem is concerned. I selected Gujarat State for my study and research so far as social change with respect to the atrocities and law against the same is concerned. Again the Gujarat state being a vast geographical area, I decided to limit my study and research to certain districts which register maximum offences so far as the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 is concerned. As mentioned earlier, to get a balanced picture of the problem of untouchability and atrocities, both urban and rural areas were needed to be covered and hence I selected Ahmedabad City and Ahmedabad Rural District.
District for the purpose of my social research study in question.

In India, the social norms and values change from State to State and even District to District or even Taluka/Tehsil to Taluka and Village to Village and Castes to Castes and even Sub-castes to Sub-castes. The social structure is also at times found different on above grounds. The human behaviour and social organisation, human values, caste, creed and religious values or normative order based on these aspects are at variance with people differently located in different geographical areas.

The thrust of this study would be on the types of atrocities and causes thereof. The five inquisitives 'Ws' i.e. 'Why', 'Where', 'When', 'Whom' and ‘How’ of the offence of atrocities will be the focus of attention in this study and research. Why the atrocities are committed? Where are they committed? When are they committed? By who are they committed? How are they committed? And how can they be prevented including proactive, protective and preventive measures which are considered necessary by the people and the Government in atrocity prone areas and the status of the victims or the perpetrators of such behaviour.

The aim of study is also to concentrate on the cultural form of atrocity and to gauge the cultural norms of the people which bind them to such behaviour, though the same may look normal from their point of view but from legal and sociological point of view the same may quite appear to be a deviant social behaviour. Similarly social form, mode and characteristic of atrocious behaviour of upper caste Hindus towards the members of the Scheduled Castes and the Scheduled Tribes is also focus of attention of my research study. All these matters would be proved/disproved statistically through extant research. It is also the intention of this study to decide the place of Gujarat State so far as this study is concerned in connection with commission of atrocities on the members of the
Scheduled Castes and the Scheduled Tribes. The Gujarat State is a progressive state and its place and rank vis-a-vis other States of the Union of India is also required to be found out and the same would be of scholarly interest and of interest to all including common man so far as commission of atrocities on the members of the Scheduled Castes and Scheduled Tribes is concerned.

It would also be my endeavour to find out the amount and intensity of untouchability in Gujarat and especially in selected locale of the State for this study. The untouchability and atrocities connected with land, water, drinking water, use of public utility services, cultural activities and the 'Jajmani' System would be covered in this sociological study under reference.
In urban area, Ahmedabad City tops the list in such crimes compared to Baroda City, Surat City and Rajkot City and hence it is selected for this study.

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