CHAPTER II

CONCEPT OF EQUALITY AND DIMENSIONS OF EQUALITY AND
SOCIAL INEQUALITY AND UNTOUCHABILITY

2.1 CONCEPT OF EQUALITY

Modern societies provide citizens with greater social and political rights, a higher standard of living, more leisure and better vocational opportunities.¹

With the increasing democratisation of governments, the fundamental problem has been to pull down the barriers of segregation and to offer equal opportunities to all. The aim of democracy is to eliminate manmade, socially fostered, discrimination that has enlarged for some and has restricted for others the avenues that lead to education, income and advancement.² A democratic system which seeks to combine general social justice with opportunities for the articulation of a natural individual distinctiveness marks an attempt, as Bryce observed:

"to reconcile this Natural Inequality as a fact with the principles of Natural Inequality as a doctrine and is one of the Chief Problems which every government has to solve".³

¹. The Glorious Revolution of 1688 and American war of Independence of 1776 were inspired by social concern.
"All men are naturally in a state of equality, wherein all the power and jurisdiction in reci-
procal, no one having more than others; there being nothing more evident than that creatures
of the same species and rank, promiscuously born to all the same advantages of nature and the use
of the same amongst others with out subordination or subjection."1

Rousseau has distinguished between the two kinds of inequalities in his often quoted passage in "Discourse on
Equality" with out caring to see what causes them, or as to
how they could be minimized, so that social equality is
maximized.

Thus Equality is a word of passion and power. It
proceeds on the premise that all men are created equal and
they must be treated so. Equality - Liberty - fraternity
were the watch words of French Revolution.2 There is hardly
any constitution in the world which does not contain the pro-
visions relating to equality. It has become an accepted,
important constitutional value throughout the world, espe-
cially after the Second World War. It has been assured by
the Universal Declaration of Human Rights, International
Covenant on Human Rights and other International Covenants.

2.11 EQUALITY AND JUSTICE

The Vedas and Sutris have spoken highly of equality
and brotherhood e.g., of Vashishth ‘Kutumbikam’. The philo-

2. French Revolution of 1789 were inspired by Social Concern
sophical implication of this formulation is that the whole world is a family. This was the motto of Vedic civilisation, which is indicated in the Yajur Veda:

"As I (God) have proclaimed this salutary Vedic Vani for the benefit of whole humanity, for Brahmins, the Kshatriyas, the Sudras, the Vaishyas, so you O Men, preach to all."

In the Bhagavad Gita, Lord Krishna too has spoken of the equality of all souls when he said:

"The four classes (Varnas) were created by me on the basis of 'guna' i.e., ability, and the 'Karma' i.e., deeds, performed by an individual and not on the basis of paternity".

The notion of equality therefore is not that everyone should have equal rights but that each one should have the rights of his status in life and perform his duties accordingly. No one is above the law of dharma, not even the king. The smritis extensively codify the various duties enjoined. In the Manusmriti it is stated that Dharma, when violated, verily destroys, dharma when preserved preserves; therefore Dharma should not be violated lest the violated dharma destroy us.

In the concept of the Buddhist Sangha there is the principles of equality and equality for all. Manu has called the sudras as 'Chandalas' and has mentioned their habitation outside the village. It is, therefore, inferred that people

so designated, lived apart from others and were held as untouchables, Brahmanas – the learned ones, played the predominant role in the society and were installed at the top of the social ladder, while sudras were thrown at the base of social structure and henceforth social inequalities and injustices started.

Right from the beginning of the nineteenth century there have been efforts by enlightened Indian philosophers to bring about social reforms. A pioneer amongst these philosophers was Raja Ram Mohan Roy who championed the cause of Hindu women for inheritance along with other reforms like 'Stridhana' and 'Varnasrama-Dharma'. He introduced the most liberal principles of justice and equality which found sanctions in the old codes as well; thus paving the way for a philosophical synthesis between eastern and western social values. These concepts were sought to be postulated against the common background of universal humanity.¹

Tilak was so opposed to untouchability that in 1928, he addressed the All India Depressed Classes Conference in the following words:

"God is for all, taint finds no room in the eyes of God, why should we then recognize it? It is a sin against God so say that a person is untouchable, who is not so to God Himself and if God were to tolerate untouchability, I would not

recognise Him God at all. Untouchables must cease to be untouchables. This is a matter only of social usage and the social usage must change."1

Tilak desired to rally the Hindu masses under one political flag, because he had realised the importance of mass action for social, political and philosophical purposes. 2

Mahatma Gandhi was very articulate when he said:

"All must have an equal opportunity. Given the Opportunity, every human being, has the same possibility of spiritual growth."3

Gandhi was a great apostle of justice and equality as he fought against the social evils of racialism, imperialism, communalism and untouchability. Gandhi supported his conception of absolute equality on the basis of meta-physical philosophy of non-dualism, according to which essentially, all people are aspects or modes of the same spiritual entity. He says "Untouchability is not a sanction of religion---scriptures cannot transcend Reason and Truth".4 and again:

"Let us not deny God by denying to a fifth of our race the right of association on an equal footing."5

1. Ibid., p.407.
2. M.B. Kolaskar (Ed), Religion and Social Reform, 1902, p.XIV.
Gandhiji wanted to be reborn as an untouchable to experience and share the agony and the anguish of being an untouchable so that his creed and conviction could reach up to the level of authenticity which would provide a sound basis for his philosophy of humanism and unity with God.

Afterwards, Jawahar Lal Nehru, who had not done any philosophical study of the origins of the Hindu caste structure, adhered to the thesis of some western philosophers, that the caste system originated in a racial desire of the Indo-Aryans to preserve their purity.¹ He emphasised that the original meaning of the term 'varna' was colour.² In his presidential address to the Indian National Congress at Lahore in January, 1929 besides the urge for justice and equality, Nehru clearly revealed his thinking when he said that "India will have to accept socialism if she seeks to end her poverty and inequality."³ He further declared "To-day politics has ceased to have much meaning and the most vital question is that of social and economic equality."⁴ He gave more importance to the achievement of social and economic equality rather than depending on oral political utterances and assurances for the uplift of masses. Nehru was of the

2. Ibid, p.94.
view that a democracy means equality and democracy can
flourish in society based on equality.

Apart from all sorts of age old social evils, Social
justice requires abolition of inequalities which result from
inequalities of wealth and opportunity, race, caste and reli-
gion. Fundamental Rights and Directive Principles of state
policy contain several provisions for providing social justice
to masses in general.

2.2 DIMENSIONS OF EQUALITY: EQUALITY CONSISTS OF THE FOLLOWING
DIMENSIONS:

2.2.1 SOCIAL EQUALITY

The term 'Social Equality' is a composite idea and
it is rather difficult to define it in the strict sense of
the term. Social equality in general denotes the kind of
mutual courtesy and respect which men show one another when
each feels the others to be as good as himself. It has always
been treated as a concept and described in many ways. The
concept denotes a philosophy of life and sets a way in which
all social life should behave. Further this concept is belie-
vied to be of a revolutionary import.1 Social equality is
supposed to dwell mainly in the abolition of all sorts of

1. The glorious revolution of 1688 in England with its
achievement in the Bill of Rights, 1689 and the American
war of Independence with its fruition in 1776.
inequalities which are the concomitants of all different types of inequalities of wealth, opportunity, race, caste, religion, distinction and title. Even regarding the social, economic and political equality as a three-fold classification of equality, it is difficult to conceive the latter two as independent and apart from society. Social equality includes both the economic and political equality.

2.22 ECONOMIC EQUALITY

Economic equality pertains to the material conditions of life; and since much of social inequalities arise from a difference in the material conditions of life, the deeper roots of social equality are to be found in economic equality. The class struggle is a struggle in social structure itself. The history of all hitherto existing societies is the history of class struggle. Economic equality is not a programme of the prosperity of an individual or some individuals in particular but aims at the improvement of economic position of all the down trodden social classes. The social welfare theory of state which takes a comprehensive view of the State's activities includes both social and economic equality, economic equality is of course meant equality in the possession of articles of material value, that is wealth.

2.23 POLITICAL EQUALITY

Political equality is meant an equality of right to share in the distribution of power and equal opportunity in the participation of public affairs and in the decision making process either by way of holding office or by selecting an authority to participate in the making and executing, not simply of the laws by which he himself is to be governed, but of the laws which are to control the actions of others as well. Whatever may be the essential basis of the state's power and authority, people have the undoubted right to demand as efficient a government as can be obtained. If this be so, no individual can claim a political authority or privilege as a right, save as he can demonstrate that he possesses both the capacity and the disposition properly to exercise it when obtained. The rule of justice here to be laid down is that rights should be distributed according to the capacities and the dispositions of the individuals who are to exercise them.¹

Thus, political equality consists of the ability and liberty of the individual to share directly or indirectly in the administration of each body, institution or establishment serving his needs. It is, obvious that political equality observes the social needs and is a part of social equality. In all fairness to the tremendous import of this basic concept, it can be conceded that it is really difficult to define it in accordance with the strict rules of logic. The

¹. Willoughby, Social Justice, p.54-55
different types of equalities are essential to bring out the real social equality.

There are general senses in which equality may be interpreted namely, Spiritual, Natural and Civil.¹

2.24 SPIRITUAL EQUALITY

Aristotle and Plato while not perhaps explicitly repudiating the idea of spiritual equality, laid no emphasis upon it. In fact, inasmuch as they held that individuals had an existence as persons only as members of the state, their intrinsic worth as persons could hardly have been clearly recognised. Thus, while the physical and mental differences between individuals were clearly recognised and repeatedly drawn, little or no mention was made of the essential spiritual likeness which underlies these differences. The natural result of this was that these mental and physical differences were so emphasized as to divide men into classes almost generically distinct.²

The Constitution has abolished inequality based on caste system and a Brahmin has no rights greater than the rights enjoyed by a Sudra under the Constitution and the Law. This is a great achievement. But this has to be translated into reality by using the constitution and law as instruments of social engineering by down trodden sections by continuous peaceful struggle and effort.

2. Ibid., p.36.
2.25 NATURAL EQUALITY

According to the theory of natural equality, strictly conceived, all men and women are naturally, that is when born substantially and potentially equal, physically and mentally. Whatever inequalities subsequently appear must, if we accept a doctrine of natural equality, be conceived to be due to differences in education and other objective conditions of life.¹

2.26 CIVIL EQUALITY

By Civil Equality is meant legal equality, the possession of equal rights in the sphere of private law by all the members of a given body politic. Such an absolute and universal equality has never been attempted in any system of jurisprudence, nor would it be possible of establishment without leading to the greatest evils. The reason for this is that not all individuals, irrespective of age or sex, are equally capable either of putting civil rights to their proper use, or of satisfactorily fulfilling the corresponding civil obligations. Thus, in all communities, even in those where the doctrines of freedom and equality have received the widest acceptance, it is found that minors are released from many of the legal obligations that are placed upon adults, and correspondingly, deprived of privileges or capacities which their majors enjoy.

¹. Ibid., p.40.
2.3 CONSTITUTIONAL CONCEPT OF SOCIAL EQUALITY AND JUSTICE

The philosophy of social equality and justice is based on humanitarianism, liberation and democracy. Liberalism of the 18th and 19th centuries emphasised the emancipation of the individual as a basis of individual development and the 20th century democracy provided recognition of human beings as worthy of respect, rights and responsibilities. This philosophy is enshrined in the Constitution which is the supreme law of the land. Mere political democracy in India would have failed because our society is based on a graded social and economic inequality. The philosophy of Social equality is specifically mentioned in the Preamble and elaborated particularly in parts III, IV and XVI of the Constitution. Social equality and justice are to be evolved through the rule of law. For this philosophy of social equality, the Indian Constitution laid down certain steps i.e., it declares that our objective is to usher in a new social order, where social justice will reign supreme.

2.31 CONSTITUTIONAL PROVISIONS ON EQUALITY

Articles 14 to 18 deal with the right to equality under the Constitution. Articles 14, 15 and 16 confer

1. Part III - Fundamental Rights.
2. Part IV - Directive Principles of State Policy and
3. Part XVI - Special provisions relating to certain classes.
positive equality in certain matters where as Articles 17 & 18 seek to remove of practices relating inequalities. Article 14 lays down that "the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India". Article 15 prohibits discrimination by the State against a citizen only on the grounds of religion, race, sex or place or birth. Equality of opportunity, subject to reservations in favour of deprived groups, has been guaranteed under article 16. The commitment of the Constitution to eradicate untouchability finds emphasis in article 17 which abolishes untouchability and makes it an offence punishable by law. Article 18(1) lays down that the State shall not confer any title not being a military or academic distinction.

2.4 SOCIAL INEQUALITY

Traditional Hindu society was a hierarchical and Caste dominated Society. Inequalities based upon 'Varna' (Caste) started taking roots from Smriti period. Manu was particularly harsh towards Sudras and women. Reference to "Chandals" as untouchables appear in his scriptures. The medieval period was marked with the further development of impassable walls of caste system and worsening of status of untouchables.
Inequality arises out of some form of domination. It is a social or power relationship characterized by domination by an individual, group, or class over the others. Inequality is a common feature among human beings. It arises because of differences in natural qualities like height, weight and abilities. There are also artificial or imposed inequalities, unrelated to functions abilities, based on sex, race, descent etc. Raphael points out¹ that artificial inequalities cannot be so removed. These inequalities among humans are reflected in social inequalities. The two universal sources of inequalities in societies are evaluation and some degree of organization in a society.²

2.5 UNTOUCHABILITY

In addition to the Varna hierarchy, there are groups among Shudras who are condemned as "Untouchables" (Chandalas). In many areas they were regarded as being outside the Varna order and designated as Panchanamas. But Kane says that this is against the Smriti tradition.³ According to Manu the dwelling of Chandalas shall be outside the village and their wealth was dogs and donkeys.

2. Andhra Betelle, Inequality among Men, p.11.
The offspring of a Brahman woman and a Shudra was considered as an untouchable. They were regarded as untouchables by birth. Those engaged in unclean occupations like scavenging, tanning were treated as untouchables. Similarly certain persons belong to different religious groups like Bauddhahas were considered as untouchables. Dr. Ambedkar was of the view that untouchability arose sometime in 400 A.D. as a result of the struggle for supremacy between Brahminism and Buddhism.¹ Those persons guilty of certain acts like murder of a Brahmin or drinking intoxicants were also condemned as untouchables.

2.51 UNTOUCHABILITY AND SOCIAL JUSTICE

The Untouchability is a unique feature of Hindu Social life.² And it is an assumption that it is a corollary of the institution of caste system in Hindu society.³ It has proved to be a greater curse -- than slavery⁴ and gave rise to many social injustices and inequalities, Gandhiji described this in the following words.

"I do not want to be reborn. But if I have to be reborn, I should be born as untouchable, so that I may share their sorrows, sufferings and the effronts levelled at them in order that I may endeavour to free myself from that miserable condition."

Untouchability is worse than poverty. It is a curse and a stigma. It is a contempt of humanity and divinity. It is undemocratic and against all concepts of socialism and national integration. It is a negation and repudiation of equality, fraternity and liberty and social justice. Social contempt is intolerably suffocating and disgusting. Though legally it has been abolished, it still prevails and is practised, in many areas particularly in rural India.

It is viewed that if the Harijans in India accepted the legitimacy of the caste system, the large scale conversions to Buddhism, Christianity, Islam and Sikhism would not have taken place. Dr. Ambedkar, the crusader against untouchability himself left Hinduism and adopted Buddhism along with large number of low caste people. He characterised the caste system as irrational and tyrannical and pointed out that:

"the root of the untouchability is the caste system, the root of the caste system is religion attached to Varna ashram, and the root of Varna ashram is Brahmanical religion" 2

The origins of caste system in India are shrouded in mystery. The most predominant and widely popular theory traces it to the Aryan invasion of India and links it to the process by which the invaders could subordinate the indigenous inhabitants and integrate them as peasants and slaves within a stratified society.

So the philosophical analysis starts with as to what is caste? Caste is a system in which a person’s membership in the society is mediated through his/her birth in a particular group which is assigned a particular status within a broad social hierarchy of such groups.

The unequal status of the Negroes in the U.S.A. is due to the fact that the Whites have greater access to economic privileges and political power. Likewise, the low status of Harijans in India is not divinely ordained. High caste Hindus have manipulated political power and economic privileges and, therefore, they dominate and exercise authority over those who do not have these privileges.

In the caste-ridden and economically imbalanced Indian society, 'Socio-economic justice' would be effective only through 'protective discrimination' and where initial advantage is given as an equilizer to those who are socially and economically backward. Constitution provides 'Protective
discrimination,\textsuperscript{1} to the socially, economically and educationally backward communities of the society for their advancement. The prevailing socio-economic conditions in the society require that the doctrine of 'equality in fact'\textsuperscript{2} must be taken into consideration for the realisation of social justice, that is, the concept of social justice must, of necessity, be based on the doctrine of social 'equality in law' and the 'equality in fact'.\textsuperscript{3}

Thus the Caste system is a bigger evil in the country and untouchability is one of the aspects of this system. The protection of Civil Rights Act\textsuperscript{4} deals with untouchability alone overlooking its root, the caste system. It should not be forgotten that:

"any attempts to remove untouchability without striking at the root of the caste system is simply to treat the outward symptoms of a disease or to draw a line on the surface of water."\textsuperscript{5}

\textsuperscript{1} Clauses (3) & (4) of Article 15, Art.16(4), 29(2), 45 & 340 of the Constitution provide protective discrimination.

\textsuperscript{2} Subba Rao defines the doctrine 'Equality in fact, in clear terms. In his views "The concept of equality" in practice can only be worked out by accepting two principles: (1) to give equal opportunities to every citizen of India, to develop his own personality in the way he seeks to do and(2) to give adventitious aids to the under-privileged to face boldly the competition of life.


\textsuperscript{4} Untouchability (Offences) Act, 1955 had been amended and it is known as Protection of Civil Rights Act, 1976.

\textsuperscript{5} Report of the Committee on Untouchability, 1975-76, p.1.
The evil of untouchability is most inhuman and a negation and repudiation of equality, fraternity, liberty and social justice. Though legally it has been abolished, it is unfortunately still being practised.

Amongst all social inequalities none is more vicious, more heinous than those imposed by the castesystem. Of all the available alternative strategies for the improvement of status of scheduled castes in India, it is felt that it is only the acquisition of political power which will enable the scheduled castes to improve their status. Implicated in this understanding is that protest, by the scheduled castes' own effort, will eventually lead to an enhancement of their status.

It is feared that the ideals of social equality as enshrined in our Constitution may remain unrealised for another few decades. Of course, it cannot be denied that some progress in one form or the other has been made. It has been observed that:

"although hierarchy has yielded to stratification, a fundamental distinction to alter property relations has impeded democratisation." 1

Among non-scheduled caste leaders the most prominent role has been played by Gandhi. It was Gandhi who gave the name "Harijans", (Sons of God) to the Scheduled Castes and

wanted them to be treated as the fourth Varna. But the greatest appeal came from Dr. Ambedkar, who was a highly educated man belonging to Mahar Caste.

After Gandhi, hardly any social reformer or a social movement, as was witnessed in the 19th Century, has emerged. No matter how benevolent and progressive a government be, or sagacious its leadership no pluralist democratic society can entrust everything to its care without slipping into dangerous waters. Therefore, the new society in India has to set for itself the task of massive social reforms through education and other forms of communication. Eradication of social inequality within the whole social frame work demands not an honest assessment but honest action. With a view to providing benefits to the lowest sections of Hindu Society, the British identified the untouchables by listing them under a schedule in 1935, thus the untouchables became scheduled castes to be eligible for the benefits of protective discrimination.\(^1\) The whole philosophy of social equality as enshrined in our Constitution is directed to convert the obscurantist and traditional Indian mind into a modern rational mind.

Our community must be exposed to the realities of modern democratic liberalism and must learn to live on the

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basis of absolute social relations purely by reason. But, the message of social justice, based on rationality, must be strenuously practised and carried not only to big places, but to small hamlets and this task must be attempted consistently and persistently until we dispel the obscurantist mist. The need of social equality has been perhaps never felt so much as it is being felt today.

No system of social equality could succeed without economic equality. Freedom from hunger, want, poverty and fear can never be assured without economic emancipation. Therefore, the future of social equality largely depends on the extent to which it can be guaranteed economically. Man-made barriers carved in the name of caste, creed, social status or sex and practised in our society must be erased in free India. Ancient scriptures could not be allowed to be interpreted and exploited by a handful of self-seeking priestly clans for their selfish ends.

In view of the above it can be concluded that of all the available strategies for the improvement of the status of the scheduled caste, it is the protest movement by the scheduled castes themselves which has the greatest possibility of success. Whether they belong to a schedule caste or...
A Scheduled Tribe, they all share in common the deprivation of privileges and power.

Hence, an attempt is made in the next chapter to study the historical background of division of society, stratification and rigidity of these divisions and culmination into caste system leading to social inequality and untouchability and deprivation of social status to certain sections of people.
"It is certain that at all levels of the social hierarchy the average well-being has increased, although not always at the most equitable rate. The malaise from which we suffer is therefore not due to any increase in the number or intensity of the objective causes of our sufferings. It attests not a greater economic misery but an alarming moral misery."

EMILE DURKHEIM.