Chapter - I
It is perhaps true that the most frequently mentioned peculiarity of the Hindu society is the institution of caste or the caste system. Social institutions that resemble caste in one respect or the other are also found elsewhere, but it is only in India that it has a religious sanction. It is for this reason that the caste system has survived in a far perfect form in India than anywhere else. Hocart\(^1\) however, considers that the Indian caste system is not an isolated phenomenon but a species of a very widespread genus. Comparable form still exist in Polynesia and Melanesia, and its traces can also be seen in ancient Greece, Rome, and modern Egypt. Hutton\(^2\) finds analogous institutions which resemble caste in one form or the other in various parts of the world like Ceylon, Fiji, Egypt, Somali, Ruanda and Urundi in modern Africa and Burma. Ghurye traces elements of caste outside India like Egypt, Western Asia, China, Japan, America, Rome and Tribal Europe. It is true that social and racial differences in some form or the other do prevail in other parts of the world, but the kind of system found in India is characterised more by its specific unique features like the complexity, elaboration and rigidity than by such features which it shares with caste structures elsewhere. The caste system that has developed in India is the natural result of the interaction of a number of geographical, social, religious and economic factors not found elsewhere in conjunction. It is the peculiarity of India that it recognised the social differences inherent in human nature and gave them an institutional and mystic form with a religious and spiritual background.

It is difficult to define what a caste precisely connotes. The word 'caste' comes from the Portuguese word 'Casta', signifying breed, race or kind. The Portuguese of the sixteenth century applied the term indiscriminately to the various social and occupational groups found in the subcontinent, and this confusion has continued to the present times. On the one hand, the term is used to describe, in the broadest sense, the total system of social stratification peculiar to India, on the other hand, it is used to denote three more or less distinct aspects of this system, i.e. varna, jati, and gotra. Varna is not the same
thing as jati, the former representing the four-fold division of society which the authors of the Dharamsatras sought to derive from one or other of the four varnas. By contrast the gotra, or clan, described by Hutton as "an exogamous unit of individuals descending from a single ancestor", cuts freely across jati lines and possibly across Varna lines. To this confusion of interlocking hierarchies may be added a fourth division when dealing with South India, where by the time of the Chola period (AD 850-1267) there had occurred a great and still unexplained bisection of the Sudra Varna into the "Jatis of the left hand" and the "Jatis of the right hand", a division that still exists today and is reflected in the continuing rivalry between Jatis of opposing hands. Careless use of the English word "caste" has been the source of considerable confusion. Manu distinctly says that there are only four varnas, Brahman, Kshtriya, Vaisya and Sudra and there is no fifth varna, while he admits of over fifty jatis.¹

The Hindu religious belief that "all human beings are not born equal" is deeply entrenched in the psyche of the upper-caste Hindus, leading them to see themselves as a superior race destined to rule and the untouchables or Dalits are an inferior race born only to serve. This belief stems from the fact that the creator created these varnas from different parts of his body i.e. the Brahmin was born from his mouth, the Kshatriya from his arms, the Vaishya from his thighs and the Sudra from his feet. He created Brahmins with Gayatri (metre); the Kshatriya with Trishtubb, the Vaishyas with Jagti and the Shudras without any metre. It is believed that in the beginning there were only three varnas and the fourth varna (Sudra) is an outcome of the fight between Brahmins and Kshtriyas for the supremacy in the Varna (caste) hierarchy.² The caste of a person is determined by his birth. It also determines the occupation. Salvation can be achieved by doing one's own work. It is the duty of a Brahmin to impart knowledge. The son of a barber should be a barber. It is his karma.

'Dalit' refers to the downtrodden, broken, or oppressed. Increasingly, those whom others have called untouchables, depressed classes, Harijans
(Children of God), or scheduled castes are adopting 'dalit' as a name for themselves. Dalit is a caste rather than a class label, it applies to members of those menial castes which have carried the stigma of untouchability because of the extreme impurity and pollution connected with their traditional occupations. An attempt is made in this chapter to trace the origin of the dalits and the circumstances responsible for their plight. There are some archaeological and literary sources which throw light on the origin of the dalits. But the information available is scattered. The concern of this study is how today's dalits over a period of time, have been reduced to such a plight. Most of the scholars agree that the present condition of the dalits is the result of the long process of our country's history through which they have been reduced to their present state of "sub-human" or "no people" (dalit state) existence of misery and poverty.

The moot point in this regard is to identify the time or period when the dalits of today started losing their identity. The Rigveda is the earliest written literary source of the ancient history of India. A large part of the text has been addressed to Lord Indra, which narrates a fierce war encounter having taken place among different groups. Two opposing forces may be seen in the Rigveda: first on whose behalf the hymns of the Rigveda are addressed to different gods and, second, against whom the same are addressed. Ramprasad Chanda observes, "the hymns reveal two hostile peoples in the land of the seven Rivers now called the Punjab - the dinar worshipping Arya and deva-less and the riteless Dasyu or Dasa". The archaeological sources also help in reaching the historical roots of the dalits. Archaeological literature, certainly, has not been written keeping the dalit in mind but it throws much light on the ancient people of India. The "Ancient Cities of the Indus" edited by Geogory L. Possehl is a superb work of reference. It includes the main research paper written between 1924 and 1997 and contains, among others, the works of the famous pioneer archaeologists like John Marshall, Ernest Mackay, Mortimer Wheeler and the well-known Indian archaeologists S.R. Rao, Gurdip Singh and
B.M. Pandey. Four aspects are covered namely (a) that it was a well-established civilization, (b) the nature of the people, (c) the date of the civilisation and (d) how it met with its end.

The **Rigveda and the Archaeologists**:

A number of attempts have been made to correlate the information based upon the *Rigveda* and the archaeological works. These attempts have been made by historians like N.N. Bhattacharyya. N.N. Bhattacharyya\(^9\) in his work on Ancient Indian History and Civilization has rejected Wheeler's view that the Aryans first destroyed the Harappans and then erected their own settlement on the same site. On that basis, later scholars have fixed the date of Harappa civilisation as 1750 B.C. not 1500 B.C.\(^1\)

Regarding the *Sudras* appearing as a social class engaged in the service of the three higher *varnas*, the Rigvedic society did comprise men and women slaves who acted as domestic servants, but they were not so considerable as to constitute the service *varna* of the *sudras*. The first and the only reference to the *Sudras* as a social class in the *Rigveda* is to be found in the *Purusasukta* which recurs in the nineteenth book of the *Atharva Veda*.\(^2\)

Here it is pertinent to know why the fourth *varna* came to be referred as *Sudras*. It appears that just as the common European word "slave" and the Sanskrit "*dasa*" were derived from the names of conquered peoples, so also the word *Sudra* was derived from a conquered tribe of that name.\(^3\)

According to Manu, the ancient Indian law-giver, untouchability is the punishment for miscegenation, between a member of a high caste and that of a low caste or an outcaste. The children of such an unequal pain become untouchables, and the greater the social gap between the two parents, the lower the status of their children. The consequences are also more severe if the mother is of the superior caste. Thus, the offspring of a Brahmin father and a *Shudra* mother is called *Nishada*; the child becomes a fisherman. The offspring of a *Shudra* father and a Brahmin mother is called *Chandala*, he is the most degraded of all mortals.\(^4\)
J.H. Hutton, eminent anthropologist and author of one of the best books on caste, *Caste in India* (1963), locates the origins of caste in the taboos and divisions of labour in the pre-Aryan tribes of India as well as in their efforts at self-preservation in the face of invasion. In his opinion untouchability is the consequence of ritual impurity. Von Fuerer-Haimendorf, another eminent anthropologist believes that untouchability is an urban development and is the result of an unclean and ritually impure occupation. Once untouchability had developed in urban or semi-urban settlements, its gradual movement to the villages was inevitable for it is everywhere the towns which set the standard.

According to some scholars, the origin of untouchables starts from the *vedic* period, i.e. the coming of Aryans to India during 2500 B.C. to 2000 B.C., and from the writings of *Rigveda* which was written during 1200 B.C. to 1000 B.C. so in the early *vedic* time, it is said that, all men were equals and there was no trace of untouchability as we see it today. According to *Rigveda*, in those days, perfect brotherhood was prevalent. In course of time when the Aryans, having grown in overwhelming number scattered and colonised throughout the whole of Aryavartra they divided themselves into four divisions according to their different qualities (*guna*) and actions (*karmas*) in order to organise their society and set it upon sound basis. This four fold division has been a pre-dominant feature of Hindu social fabric. Historically, untouchability was the social fruit of the Aryan conquest of India. In the process of social interaction, a portion of the indigenous conquered population was incorporated into the Aryan fold. The most backward and despised section of this incorporated population, it appears constituted the hereditary caste of untouchables. But many read a kind of caste structure with four *varnas* in the *Rigvedas*, in its *Purusha Sukta*. Though doubts exist about the status of the *Purusha Sukta* as an integral part of the *Rigveda*, it is certain that functional division of society was known at the time of the *Rigveda*. The existence of the four fold division of society in Iran, viz., *Athravans, Rathaestars, Vastria*
Fshouyants and Hinti corresponding to the four varnas in India, must have been known to the early Aryan colonizers, and a functional division of society on similar lines could have been practised. So untouchability as we now understand, was non-existent during the vedic period. The reference about four varnas which we find in Purusha sukta of Rigveda does not necessarily suggest the Brahminical supremacy over the three other varnas. It rather suggests that all the four groups are equally important for the preservation of total human race or Purusjati. Head, hand, thigh, leg, etc. are all vital aspects of human physiology and a balanced composition of all these is obviously necessary for the continuance of man. Therefore, the so-called religio-philosophical outlook of vedas seems to have been more directed towards human welfare in socio-ethical plane. Any reading of transcendental, mystical and supernatural theological concept of divinity regarding caste can be said as an unwarranted interpolation from without the distinction concerning four varnas is from the standpoint of certain qualitative standards (Guna, Karma and veda) and it need not be interpreted in terms of birth. This point has been very much supported in the Upanishadic period when one finds not only non-Brahmins like Kshatriya, even Vaishyas and Sudras were duly accepted as Brahmins in the social plane on account of their qualitative mark and excellence.17

In the later vedic period this caste system was not absolutely rigid; rather, it was a mid-way between the laxity of the Rig vedic Age and the strong rigidity of the age of the Sutras. The term varna was now used in the sense of caste not in the sense of colour in this age. In the sutra period caste system was rigid. Untouchability had begun to creep in. The probability seems to be that in vedic times the varnas were classes rather than castes, and that post-vedic scholars, looking for authority for the caste system in the earliest vedas, have interpreted the nature of the varna in term of the caste system as they knew. In the puranic period i.e. 3rd century A.D. to 1000 A.D., due to certain economic forces the people belonging to higher castes indulged in lower occupations and naturally they were declared as outcastes and once they lost their position, it
was not possible for them to regain it. Stuart Piggot, a British archaeologist and author of prehistoric India has put forward a thesis that even before the Aryan arrival in India from the North-West, the Harappan civilisation might have developed a caste system. He is however, quite certain that the concept of caste as known in the later literature is quite unknown in Rigveda.\textsuperscript{18}

So in the later vedic period, specifically in the period of \textit{smritis} and \textit{sutras} we find little restrictions in interactions. There is the possibility that in this phase of development of human civilization, the healthy spirit of equality, gave place, in course of time to the tradition bound caste system and then again to the institution of untouchability which divided the Hindu, wrapped their thinking and eroded the structure of the community. The Hindu scriptures interpolated the concept of \textit{varna} and legitimised the concept of \textit{chaturvarna} and gave it a divine origin. Those who did not recognise this system - mostly indigenous people who had their own Gods, religion and social system as well as those who opposed or violated this system were outcaste and were put aside the pale of Hinduism. They were forced to live outside the towns and villages and were treated as untouchables.\textsuperscript{19}

Gradually as the Hindu \textit{varna} system grew fashionable, strong strict measures were adopted to enforce it. Social intercourse and intermarriage were prohibited. Society became strictly endogamous and was divided into watertight compartments. Those who violated the law of endogamy were excommunicated and were forced to live outside the community. In consequence they had no option other than the low and degrading occupations. The four-\textit{varna} system was over time ideologically refined by orthodox brahmans. The \textit{Dharmasutras}, which were compiled between 600 and 300 B.C., represent the crystallization of these efforts by the orthodox brahmans whose homeland was the upper-Ganga basin. However, from the very beginning, the four \textit{varna} system was filled with contradictions. Therefore, the brahmans had to revise the basic principles to conform to the realities of daily relaxation of the rules.\textsuperscript{20}
Ambedkar's thesis on the origin of untouchability, as expounded in his book "The Untouchables" (1948) is an altogether novel one. There are two roots from which untouchability has sprung: (a) contempt and hatred for the broken men, as for Buddhism by the Brahmins, (b) continuation of beef-eating by the Broken Men after it had been given up by the others. Ambedkar tries to explain what he means by Broken men. He proposes an ingenious hypothesis: when primitive society began to settle down and to cultivate, certain tribes remained nomadic and warlike. They began to attack the settled tribes as the latter were wealthier. In addition, they had grain which the nomads wanted but did not possess. The settled men needed defenders as they had lost their warlike spirit. They employed 'Broken men' - defeated nomads, and stray individual who needed protection and shelter. These became mercenaries of the settlers, but were not allowed to stay within the settlement. They were kept at a distance, as they belong to a different tribe. They were treated with disrespect. Ambedkar provided supporting evidence for such a process from Ireland and Wales. This difference was that in those countries the outsiders were absorbed into the settled community after nine generations. This did not happen in India, for the Hindus had contempt for the Broken Men who were Buddhists and beef-eaters. There was, thus, a deep social cleavage between the masters and their servants. Ambedkar believes that the root cause of untouchability lies in a pronounced cultural or racial difference of contempt and hatred coupled with a close economic dependence of the inferior society on the superior one.

Stephen Fuchs proposes a new theory regarding the origin of untouchability. According to him, the above proposed theories as well as various others presented by a number of Indologists seem to suffer from one great defect: they do not penetrate deeply enough into the past of the dominant Indian peoples. They restrict themselves unduly to happenings in India. It is true that the caste system and untouchability developed after the arrival of the Aryans and, most probably of the Dravidians in India, is unique and not found elsewhere in the world, and that nowhere in the world are untouchables found
in such vast numbers about 138 millions. Yet, the roots must be sought in an age when both population groups lived on the steppes of Inner Asia, where the animal-breeding societies developed a pronounced hierarchical structure. These animal breeders gave up cultivation completely and regarded manual work of any kind as unworthy of a shepherd and warrior. They also developed a social structure of their own, an extended joint family system with a patriarch at its head in whom all power was vested.

The Aryans who invaded India and disrupted the native civilization were not necessarily superior warriors but they were aggressive and had sophisticated military technologies and military virtues. After hundreds of years of intense martial conflict, the Aryans succeeded in subjugating most of the northern India. Throughout the vanquished territories, a rigid caste-segmented social order was established and the Blacks (called Shudras) were reduced to slaves, to cater to the requirements of their conquerors. This new order was thoroughly racist, with the whites on top, the mixed race in the middle, and the overwhelming majority of black people at the bottom. In fact, the Aryan term, varna, denoting one's societal status and used interchangeably with caste, literally means colour or complexion and reflects a prevalent racial hierarchy. Servitude to Whites became the basis of the lives of the black people of India for generations. With the passage of time, this brutally harsh, colour-oriented, racially based caste system became the foundation of the religion that is now practiced throughout India. The greatest victims of Hinduism have been the untouchables. Indeed, probably the most substantial percentage of all the black people of Asia can be identified among India's 160 untouchables. These untouchables number more than the combined populations of England, France, Belgium and Spain. The existence of untouchability has been justified within the context of Hindu religious thought as the ultimate and logical extension of karma and rebirth. Indus believe that persons are born untouchables because of the accumulation of sins in previous lives. Hindu texts describe these people as
foul and loathsome, and any physical contact with them was regarded as polluting.\textsuperscript{24}

The caste system is known for its denouncement of the \textit{Ati shudra} castes. Although discrimination toward classes like the \textit{candala} was widespread in ancient India it does not seem likely that the members of these classes were grouped together to form a distinct social stratum (\textit{varna}). Furthermore, the percentage of discriminated classes is considered to have been rather small in ancient India. Conversely, in the medieval Deccan, discriminated castes were grouped together as \textit{Ati Shudra} and treated as a distinct social stratum. Moreover, the percentage of discriminated castes was also much higher than in ancient India. This means that the medieval discrimination which was quite different from its ancient predecessor was formed during this period. Nonetheless, pinpointing the exact period of formation of this medieval discrimination is very difficult; the period between the eighth and twelfth centuries might reasonably well be presumed as being the formative era. We know, in fact, that Indian society in general began to change from the bottom in the seventh or eighth century, and this social transformation gave rise to the predominant features of medieval India such as the village community and the 'district (\textit{pargana}) community by the twelfth century. The shaping of medieval discrimination in the Deccan was also an unmistakable part of the general social transformation depicting this period, and, in particular, discrimination against \textit{Ati Sudra} castes in the later medieval Deccan was a direct development of this medieval system of discrimination.

The term \textit{dalit} really denotes the abysmally low status to which a certain section of the people are reduced. They are forced to live like that. A \textit{dalit} is not considered part of the society. The \textit{dalits} are required to perform menial and degrading jobs and even if they perform other jobs, it is not socially recognised. They are considered as the source of pollution to the extent that if a higher caste Hindu is touched by an untouchable or even had a \textit{dalit}'s shadow across them, they consider themselves to be polluted and have to go through a
rigorous exercise of rituals to get themselves clean. The plight of *dalits* is so miserable that every hour, two *dalits* are assaulted, every day three *dalits* are raped and two *dalits* are murdered and two *dalits* houses are burnt". They are the most exploited segments of society.

Untouchability is used and practised to perpetuate atrocities, violence, exploitation, discrimination, violation of rights of the distressed and downtrodden. Segregation is *writ* large on the social life, places of worship, education, housing, land ownership, use of public wells, roads, buses, etc.

- In most of the upper caste (rich) families the servants are *dalits*. After the servant has cleaned the room, pots and pans, one of the family members will sprinkle 'holy' water to purify all that has been touched by the servant.
- *Dalits* are not allowed to wear shoes; if they wear, they have to take off their shoes the moment they meet a higher caste person.
- In rural areas, *dalits* are not allowed to ride cycle in the localities of higher caste people.
- The *dalits* mainly live in the peripheries of the village.
- In general, *dalits* are not allowed to sit at the bus stop. They have to stand and wait till the upper caste people have entered the bus and they are not allowed to sit in the bus even if these are vacant seats.
- Even after half a century of independence even the educated among the *dalits* are not free to get a house for rent of their choice to live in.
- People can touch a cat, they may touch a dog, they may touch any other animal, but the touch of these human beings will cause pollution.

The very survival of 250 million untouchable and tribals is at stake because of complete lack of respect for human dignity and equality on the part of high caste Hindus. Indeed, violation of the *dalits* fundamental rights is a daily phenomenon despite the protection guaranteed by the Constitution of India and the human rights Instruments. Although social stratification exist in almost all societies, the caste system is quite unique to the Indian society. Sanctioned by religio-philosophical system, the *dalits* are socially placed
outside the four-fold caste system and they are referred to as the fifth caste (Panchanas), even when they live as outcastes. Perhaps nowhere else in the world has inequality been so elaborately constructed as in the Indian institution of caste.27

The rot lies at the root, the caste system, where the upper castes enjoy the privileges. Its presence is felt in every sphere. Since the system has a religious sanction the state regulations have become meaningless. In the medieval period, the shudras and the untouchables were denied the human rights of education, equality and liberty. The Islamic message of brotherhood was replaced by political expediency and the Muslim rulers created a new class of sudras and noblemen from the caste Hindus, they did not confer these privileges on the untouchables. The rulers, perhaps, thought that they would have to face opposition of the caste Hindus if they conferred privileges on the untouchables and even in the Maratha empire, though the untouchables, especially Mahars, fought heroically against the Mohammedans, they were not rewarded. Even Shivaji could not abolish the system of untouchability.

During the 11th and 12th centuries, the number of castes, sub-castes and mixed castes increased greatly with the influence of Jainism on the Vaisyas, which made them confine themselves mainly to trade, commerce and lending. The position of the sudras had improved a great deal. As the Vaisyas believed in the doctrine of Ahinsa, the position of the Sudras gradually improved, both economically and socially. Their lot further improved when the reformist movement like Jainism and Saivism welcomed them in their fold. But, intellectually they remained rather backward, because higher education was largely restricted to the elite, the Brahmanas and the Kshatriyas.28

The advent of the Afghans and Moghuls in the sixteenth century had a considerable impact on the Hindu social system. The immediate reaction, however, of the Afghan and Moghul conquest was the exodus of some people to the South. Those who remained behind became more exclusive and tried to protect themselves by early marriage and further strengthening the caste
system. The Portuguese occupation of some parts of India in the early sixteenth century gave rise to fresh conversions of Hindus into Roman catholics. When Hindu kings conquered the areas occupied by Muslims or Portuguese rulers, Muslim and Christian converts freely got themselves reconverted to Hinduism. All these further increased the number of castes.

The Muslim invaders continued to come and go with their leaders like Sultan Mahmud of Ghazni and Mohammad Ghori. After the slave Dynasty, India was ruled by different Muslim rulers and dynasties, Khiljis, Sayyids, Suris, and the Moghuls. During the long period of Muslim domination in India, one would have expected some changes in the lot of the dalits as Islam upholds the principle of equality of all human beings. But that was not to be.

A number of well known research works have confirmed that Muslim society itself was divided into a number of different grades/classes, through not exactly like the Hindu caste system. The highest grade, which is comparable to the Hindu 'twice-born' upper castes were Ashrafs, Shaikhs (chiefs), Mughals and Pathans (corresponding to Hindu Kshtriya). The middle group was made up of those who have clean occupations. The last group included the converts from the untouchables, who do scavenging, sweeping and other menial tasks. This division among the Muslims was confirmed by later historians and scholars. J.S. Grewal observes that the "differences on the basis of religion or race or occupation were reflected in the morphology of cities and towns. Urban centres were divided into separate quarters for the various social groups. On the outskirts of towns generally lived the scavengers, the leather dressers and the poor beggars... The respectable social groups among Muslims lived apart from the common populace......" Why did the caste distinctions continued during the Muslim period in India? There was no change in the position of even those dalits who embraced Islam? "Acculturative influence of Hinduism" can be one reason. The other possible reasons "are those elements in Islam itself which support such distinctions". Intiaz Ahmad, in the introduction to his edited work 'Caste and Social Stratification
Among the Muslims', has summarised these elements (based upon traditions) in these words:

(a) an Arab was superior to a non-Arab.
(b) among Arabs, all Quraishities were of equal social standing in a class by themselves, and all other Arabs were equal irrespective of their tribes.
(c) among non-Arabs, a man was by birth the equal of Arabs, if both his father and grandfather were Muslims, but only if he were sufficiently wealthy to provide an adequate mahr (endowment).
(d) a learned non-Arab was not equal to an ignorant Arab, even if he was a descendant of Ali, "for the worth of learning is greater than the worth of family", and
(e) a Muslim Kazi or theologian ranked higher than a merchant and a merchant higher than a tradesman.

Besides Islam, during the Muslim period, there were other religions as well. The religions which came from outside India included Christianity, Judaism and Zoroastrianism. Christianity was first to arrive and Judaism and Zoroastrianism came around the same time when Islam entered India. The indigenous religions which came into existence during the Muslim period were Lingayatism and Sikhism. Baha's religion, which originated in Iran with its founder Baha'u'llah (1819-92), is to be found in the Malwa region of Central India. As far as Judaism is concerned, there were two ancient settlements of Jews, one in Cochin and the other in and around Bombay in Western India. Historically their presence in India is confirmed from A.D. 1020 onwards. Jewish scholar, Shalva Weil, observes that "in terms of the larger order or ranking, both these groups individually have had to internalise caste perceptions in order to provide legitimisation to their ascribed status. As intermediaries in a ranked order of things between the local king and inferior castes, they have both, individually, shared what Fullar (1976) has termed a common "orthopraxy" with Hindu, while at the same time retaining theoretical adherence to the egalitarianism of the Judeo-Christian tradition". Jews, both of
Cochin and Bombay are divided into two main castes or jatis known as gorajews and kala Jews. According to Mandelbaum, these two groups of Jews, "did not interdine or intermarry, though they did worship in the same synagogues. Those of the higher jati claimed poorer Jewish ancestry. The lower, they alleged, was of mixed origins".\(^{32}\)

The forefathers of the Parsees were allowed by the local king Sanjan Jadi Rana to settle in a place named Sanjan in Gujarat under subject to certain conditions, which they accepted. Since the Parsees did not believe in conversions there was no chance for them to influence the social order based on caste system. So Parsees or Zoroastrianism may be considered to be more or less unconcerned with the problem of the dalits.

The other religion which came into prominence during the Muslim period was Sikhism, which also upholds the concept of egalitarianism. The founder of the Sikh religion, Nanak, "did away altogether with caste distinctions and ceremonials". But there are a number of testimonies available to establish that by the time of the first half of the nineteenth century, the caste hierarchy among the Sikhs became the order of the day. While summing up the discussion on caste hierarchy among Sikhs, Ethne K. Marenco says; "the many sources show that the Sikhs maintained caste practices, despite the fact that their religious dogma was against caste... The original converts to Sikhism were striving for upward mobility. This type of corporate caste mobility, where whole groups converted to a religion that promised them an escape from their low caste position, has occurred more than once in India, and it was the phenomenon which was involved in the original conversion of Jat Hindu or Chuhra and Chamar Hindus or Chuhra Muslims (Mazhabis) to Sikhism".\(^{33}\)

An egalitarian religion which came from outside is Baha'i. Its members are limited to Malwa villages in Central India and also it has got indigenised fully under the influence of Hindus. Therefore the Baha'i religion made very little positive contribution. A quotation from the work of W. Garlington will be helpful to clarify this point further: "by presenting
Baha'u'llah as an *avatar* who has come to revitalise Hinduism rather than
denounce it. Baha'i teachers do not make declarants forsake their Hindu
heritage, and in effect they can psychologically remain Hindus: they are Hindus
who believe in the *Yugavatar*. Baha'u'llah. On the normative level the Baha'i
Faith is an egalitarian religion, all believers are considered equal in the eyes of
God, and therefore they all assume a similar status - that of God's servant. This
ideal is in direct contrast to the traditional Hindu view as practised in Malva
villages, whereby an individual is ranked according to his status group
(caste)..."

The next important period of Indian history is the British. Technically this period
began with the inauguration of the East India Company (London) in 1599. But for the
first 150 years, the East India Company showed interest only in business and trade. It was only from 1744 onwards that Lord
Robert Clive turned it into a military power. In 1857, for the first time, a major
revolt took place in the Indian (British) Army dominated mainly by upper
castes which some of the historians see as the outcome of the threats to the
religious practices. After crushing the revolt, the British with a proclamation by
Queen Victoria in 1858 transferred political authority from the Company to the
English Crown. The British, however, maintained *status quo* as far as social
and religious aspects of life were concerned. It was acknowledged that "due
regard may be had to the civil and religious usages of the native...". They
recognised the integrity of caste organization and held that social privileges of
the membership of a caste were to be wholly within the jurisdiction of the
caste. This was more or less their avowed policy till the first war of
independence in 1857. The Rising opened the eyes of the administrators of the
country as well as of the students of British Indian history to the potentialities
of caste. It was almost the unanimous opinion of persons connected with the
Government of India that the root causes of the rising were to be found in the
fact that the Bengal Army was composed largely of the higher castes, and that
the safety of the British domination in India was closely connected with
keeping the Indians divided on lines of caste. Some officials like Sir Lepel
Griffin thought that caste was useful in preventing rebellion, while James
Kerr\textsuperscript{35}, the Principal of the Hindu College at Calcutta, commented in 1865 as
follows: "It may be doubted if the existence of caste is on the whole
unfavourable to the permanence of our rule. It may even be considered
favourable to it, provided we act with prudence and forbearance. Its spirit is
opposed to national union". The maxim of 'divide and rule' began to be
preached by historians and journalists alike. Major General H.T. Tucker, while
giving evidence before the Special Commission presided over by Lord Peel,
appointed to suggest reorganisation of the Indian Army after the Rising of
1857, insisted on the necessity of keeping the country under British domination
through the policy of dividing and separating into distinct bodies the
nationalities and castes recruited to the Army. Because the Rising was largely
the work of soldiers of the high caste, Brahmins and Rajputs, there was a
clamour in England that the high-caste sepoys should be removed. It is perhaps
no coincidence that in the post Rising period, a large number of the British
intellectuals, most of them being members of the Indian Civil Service,
conducted studies of the various caste groups in different parts of the country.
But for these studies, which provided a wealth of data on the life, customs,
manners and religious beliefs of different castes, our knowledge about them
would not have been complete. It is, however, a matter of debate whether these
intellectuals were solely inspired by their intellectual curiosity or were guided
by their administrative zeal to tighten the grip of British rule in India, in
particular to find out about "the impact of Hinduism on the perpetuation of the
ritual imbalances in the Indian caste system, the relation between clean castes
and scheduled castes and scheduled caste occupation, scheduled castes and
Hindu religion, etc."\textsuperscript{36}

Initially, the British did not intervene in matters relating to caste.
However, there was a change in its policy in the second half of the 19th
century, specially after the rising, to a policy of active interference in caste
matters so that the traditional hierarchical organization of caste became almost irrelevant. This policy was given a new orientation in the twentieth century, when the demand for independence gained momentum, to widening the existing cleavages and fostering separation and new alignments in the hierarchy so that they could perpetuate their rule by dividing and sub dividing the Hindus on the basis of caste as well.

The impact of British rule on the traditional Indian caste system was broadly as follows -

1. The rigidity and orthodoxy of the caste hierarchy started breaking down, and at the same time, an all round hardening of the system ensued.
2. The process of upward social mobility not only suffered a severe jolt but actually a downward mobility ensued.
4. Caste became a tool in the political, religious and cultural battles that the Hindus fought amongst themselves.

Thus, whatever measures they initiated in their 200 year rule, especially after 1857, in administrative, legislative, economic, educational and above all, in political fields, were aimed at achieving those objectives. The British Government assiduously nursed, rather than ignored, the spirit of caste in their actions and policies enunciated during this period. Though the British Government recognised the integrity of caste for internal affairs, they did not protect the institution in all matters. At first the British authorities wanted to sustain traditional Hindu and Muslim Laws. After 1864 a new policy was adapted and the British Courts, administering a uniform criminal law removed from the purview of caste many matters that used to be erstwhile adjudicated by it. Questions of assault, adultery, rape, and like were taken before the British courts for decision, and the caste councils in proportion lost their former importance. Even in matter of civil law, such as marriage, divorce, etc. though the avowed intention of the British was to be guided by the caste-customs
slowly but surely various decisions of the High Courts practically set aside the
authority of caste. A number of decisions of the High Courts did emboldened
the non-brahmanic castes to dislodge the Brahmins from their monopoly of
priesthood. In Bengal and in North India generally it is now settled that there is
no office of priest recognised as such in law, and a householder may employ
anyone he likes for the performance of any priestly service and pay the fees to
him. A similar view has been to taken in the Madras presidency. When the non-
Brahmin reformists started the practice of performing their religious rites
without the aid of the Brahmin priests, the latter lodged a complaint asking for
an injunction against the persons so violating their rights. The High Court of
Bombay decreed that people could engage any priest they liked, and were not
at all bound to call for the services of the hereditary priest; but unlike the High
Court of Madras, they decreed that the hereditary priest must be paid some fees
by way of compensation. Ghurye^**, therefore, comments that this opened the
way to the dissolution of the only bond holding together the diverse castes, viz.
the employment of common priesthood.

The Caste Disabilities Removal Act of 1850 struck at the roots of the
caste system. The Act did not remove civil disabilities existing among castes
that facilitates conversion to another religion or admission into another caste.
Notwithstanding any custom of caste disinheriting a person for change of caste
or religion, the Act provided that a person does not forfeit his ordinary rights of
property by loss of caste or change of religion.

Under the British colonial rule, various lawsuits were brought by
native Indians into the law courts established by the British. The most difficult
law suits for the British judges to decide were those pertaining to Hindu family
law which included marriage, divorce, succession, adoption, guardianship and
maintenance. The problems were not only intermingled with Hindu religion but
were deeply related with the various customs of each caste, which were quite
unfamiliar to the British judges.^^ Anticipating these difficulties, Warren
Hastings, the then Governor of Bengal, initiated reforms in the judicial system
providing that in all suits regarding inheritance, marriage, caste and other religious usages shall be decided as per the personal laws of the parties.⁴⁰

Although Hastings made it a rule to apply *Shastra* as such to law suits among Hindus and this rule was followed in British India at large, the rule was not easy to practise in a specific law suit because *Shastra* as such included various law books, classical as well as medieval, and there existed among them no concrete jurisprudence. Therefore, 'Brahmins' 'Pandits' well versed in *Shastra* were posted in the judiciary (king's Courts set up in the Presidency Towns of Calcutta, Madras and Bombay with jurisdiction over lawsuits among British citizens and among native Indians residing in the Presidency Towns) as well; in the *Sadr Divani Adalats*. The Pandits were required to submit the 'Report' pertaining to the specific case known as *vyavastha* to the courts. This gradually led to the emergence of Hindu Law. The Hindus Law was, consequently, not the pure classical Brahmanical law itself but adjusted with the British judicial administration. In this sense, the Hindu law was the law produced under British colonial rule for administrating jurisdiction over Hindu subjects. This Hindu law contained a kind of legal fiction. In it, Hindu society of the nineteenth century was presumed to be composed of four *varnas*, namely, *Brahman, Kshtriya, Vaishya* and *Sudra* in consequence of its being based on classical Brahmanical laws like Manu-smriti. In addition, the four *varnas* were equated with castes so that Hindu society in the nineteenth century was assumed to be a 'caste society' to comprise four 'castes' according to Hindu law.⁴¹

In case of *Bhola Nath Mitter Vs. Emperor*, the Calcutta High Court awarded penalty in an adultery case. The accused was a man who had intercourse with a *Dom* woman. (*Dom* was thought to be a depressed caste). This Dom woman had married a *Kayastha* man following the Hindu marriage ritual. (*Kayastha* in Bengal was considered to belong to the *Shudra Varna*). In the trial, the accused claimed to be not guilty on the ground that marriage between a *Shudra* man and a woman of a depressed caste was not legal hence
the charge of adultery could not be applied to the accused. The Calcutta High Court rejected his plea by declaring that both Kayastha and Dom belonged to the Shudra 'caste' and the marriage between a Kayastha man and a Dom woman was legitimate.\textsuperscript{42} Similar marriages between a shudra man and a woman of a depressed caste were decided as being legal by other High Courts like the Madras High Court also.\textsuperscript{43}

An example of social discrimination against the depressed castes covered and kept intact by the legal fiction of the Hindu Law was the problem of 'temple entry' of the depressed castes. In 1908, the legal committee of the Privy Council decided in an Appeal from the Madras High Court that the custom of excluding a depressed caste from entry to a Hindu temple was legal. This was a suit brought against Shanars (Shanans) who forcibly entered the famous Meenatchi (Minakshi) Temple of Madura (Madurai) in a procession bearing torches and music. Shanans, traditionally palm distillers, were supposed to be a depressed caste but in the latter part of the nineteenth century they began to try to improve their social status by abandoning palm distilling and taking to other professions like trading. For the first time in 1874, they asked for the right to enter Minakshi temple but were denied. After their sporadic attempts to enter Minakshi Temple had failed, they decided to force their way into the temple on 14 May, 1897. The hereditary trustee of the temple, the Zamindar of Ramnadu, sued Madura District Court for a declaration that Shanans were not entitled to enter the temple, and an injunction to restrain them from so doing as well as compensation of Rs. 2500/- for the purification ceremony needed for the temple as it was defiled by their entry. The subordinate Judge of Madura who decided in favour of the plaintiff on the ground that entry of Shanans into the temple had been rejected by custom, observed that 'Courts of Law have recognised and enforced customs of this character although they may be repugnant to generally conceived notions of what is just and proper. It is not for this court to examine whether the doctrines or usages obtaining in a particular temple are defensible
from a logical or equitable standpoint in the light of modern enlightenment and civilization. Shanans appealed to the Madras High Court but their appeal was dismissed. They then appealed to the Privy Council which affirmed the judgement of the Madras High Court.44

During the British period a number of movements were launched for the uplift of the dalits. Before the British, during the Muslim period the Bhakti Movement helped the cause of the dalits, particularly in the spiritual sphere. This happened mostly through the Bhakti Saints, who either were non-Brahmans or themselves were dalits. The efforts of most of these movements during the British period were limited to reform rather than aimed at total change. But there were some personalities, who were involved directly in the struggle either for change or reform among dalits. They include Jotiba Phule, Ambedkar and Gandhi. Among these, the first two were for the total uplift of the dalits, Gandhi's work was limited to reform, more within the Hindu Society. Ambedkar dedicated his work "who were the Sudras' to Phule and writes, "the Greatest Sudra of Modern India who made the lower classes among Hindus conscious of their slavery to the higher classes, who preached the gospel that for Indian social democracy was more vital than independence from foreign rule". Phule belonged to the Mali caste. In 1873 he formed an Association named Satyashodhak Samaj with the definite purpose of "asserting the worth of man irrespective of caste." He encouraged through his writings a revolt against the tyranny of the caste system. His revolt was "against caste in so far as caste denied ordinary human rights to all". In 1851, he started a primary school for the so-called untouchables in Poona. He criticised the Manusmriti because he realised that it was the most weighty stumbling block in the way of social change. Phule "made efforts to unite all the non-Brahmin dalits. Ambedkar and Gandhi, however, approached the problem from different angles which had an impact on the history of the dalits for years to come.
The British Government, which was at that time also trying to help all other communities such as Muslims, Christians, Anglo-Indians, and soon, excluded them from the definition of depressed classes, while bestowing on them special benefits, such as giving them separate communal electorates. In 1931 a Special Committee was set up to draw a 'schedule' of the castes and classes covered under the depressed classes. Also at the same time, the Round Table Conference was called in London. At the Conference, Ambedkar demanded separate electorate for the depressed classes, whom he always referred to as 'untouchables'. At this conference, he also proposed that the untouchables be called "Protestant Hindus" or "Non-conformist Hindus." But Gandhi objected to Ambedkar's demand for separate electorates. By that time, of course, Gandhi had also introduced his favourite term "Harijan" to be used in place of untouchables. As Gandhi and Ambedkar did not agree with each other at the Round Table Conference, no final decision was taken. Finally, the whole matter of a separate communal electorate was left to the Chairman of the Conference, Prime Minister Ramsay MacDonald, who in 1932 issued the Communal Award. In this he also replaced the expression "Depressed Classes" with "Scheduled Castes." (From then on the untouchables of India were known as "Scheduled Castes"). Later the same expression was included in the Government of India (Scheduled Castes) Order, 1936. Gandhi opposed the Communal Award because of the fear of their getting separated from Hindu fold. He went on fast unto death which prompted Ambedkar to agree to make certain modifications in the Communal Award in a manner satisfactory to Gandhi. According to this agreement in place of the separate electorate, Joint Electorate for the scheduled castes with the caste Hindu majority was accepted.\textsuperscript{45} This, according to Upendra Baxi, was a defeat for a political liberal Ambedkar by his shrewd opponent Gandhi. "Gandhi gambled on Ambedkar's self-restraint and won" says Baxi "the costs of the victory would have to be recorded by untouchable historians of future India." In this way one more chance of effective liberation and freedom was lost by the dalits.\textsuperscript{46}
Gandhi dominated the Indian political scene for well over a quarter of a century (1920-1948) and by and large influenced most of his contemporaries. There were very few who differed with him, and fewer still who challenged his supremacy. Ambedkar was one of those few prominent Indian leaders who clashed with Gandhiji. He clashed with the Gandhi not for any personal reasons but on account of the ideological differences and his approach to the problem of the untouchables. For Ambedkar, the cause of the untouchables was the first and the foremost. From the very beginning, Ambedkar was of the view that the problem of the depressed classes was a political problem. Emphasizing this he said in the Round Table Conference on 20 November 1930:

"We are often reminded that the problem of the depressed classes is a social problem and that its solution lies elsewhere than in politics. We take strong exception to this view. We hold that the problem of the depressed classes will never be solved unless they get political power in their hands. If this is true, and I do not think that the contrary can be maintained then the problem of the depressed classes is, I submit, eminently a political problem and must be treated as such".47

Impressed by the weighty arguments of Ambedkar, the Round Table Conference decided in principle to treat the untouchables as a separate unit, and to give them special representation in the future set up of India. But the matter could not be finalised as the Congress had not participated in the first session of the Round Table Conference. Gandhi participated in the second session of the Round Table Conference as the sole representative of the Congress. In his very first speech on September 15, 1931, Gandhi opposed the special treatment for the untouchables, and said, "the Congress has reconciled itself to special treatment of Hindu-Muslim Sikh tangle. There are historical reasons for it, but the Congress will not extend that doctrine in any shape or form. I listened to the list of special interests, so far as the untouchables are concerned I have not yet quite grasped what Ambedkar has to say. But, of course, the Congress will
share the onus with Ambedkar of representing the interests of the untouchable are as dear to the Congress as the interests of any other body or any other individual throughout the length and breadth of India. Therefore, I would most strongly resist any further special representation".  

In 1944, when India was on the threshold of freedom and negotiations were going on between the Congress and the Muslim League to arrive at a settlement, Ambedkar wrote a letter to Gandhi saying that in addition to the settlement of the Hindu-Muslim problem, the settlement of the problem of the untouchables was necessary if the Indian political goal was to be achieved. On his reply on 6 August, 1944 Gandhi regretted his inability on the plea that to him the question of the depressed classes was of a religious and social reform".  

A good number of modern Social Reformers have condemned the institution of caste in the strongest terms. The most vocal amongst them was Har Dayal. He observes, "caste is the curse of India. Caste, in all its forms, has made us a nation of slaves. Priestcraft and caste have slain us, India can never establish and maintain a free state so long as caste rules in our Society".  

Strangely enough, Gandhi, who had set 'Purna Swaraj' as his goal not only believed in caste system but even went to the extent of justifying it. In an article in the Navajivan in 1921 he said that he was opposed to all those who were out to destroy the caste system, and summarised his views as follows:

"1. I believe that if Hindu society has been able to stand, it is because it is founded on the caste system.

2. I believe that inter-dining or inter-marriage are not necessary for promoting national unity.... Taking food is as dirty as act as answering the call of nature... Just as we perform the act of answering the call of nature in seclusion so also the act of taking food must also be done in seclusion.

3. To destroy caste system and adopt western European social systems means that Hindu must give up the principle of hereditary occupation
which is the soul of the caste system. Hereditary principle is an eternal principle. To change it, is to create disorder...... It will be a chaos if every day a Brahmin is to be changed into a Shudra and a Shudra is to be changed into a Brahmin". Ambedkar, on the contrary, believed,

(1) That caste has ruined the Hindus;

(2) That the reorganization of the Hindu society on the basis of Chaturvarna is impossible because the Varna Vyavastha is like a leaky pot or like a man running at the nose. It is incapable of sustaining itself by its own virtue and has an inherent tendency to degenerate into a caste system unless there is a legal sanction behind it which can be enforced against every one transgressing his varna.

(3) That the Hindu Society must be reorganized on a religious basis which would recognise the principles of liberty, equality and fraternity;

(4) That in order to achieve this object the sense of religious sanctity behind caste and varna must be destroyed.

Ambedkar's verdict that the caste has ruined the Hindu society does not seem to be difficult to sustain in view of the very grave and fundamental drawbacks pointed out by him. In brief, his indictment of the caste system runs as follows:

"1. Practically speaking in a class structure, there is on the one hand, tyranny, vanity, pride, arrogance, greed, selfishness and on the other, insecurity, poverty, degradation, loss of the liberty, self-reliance, independence, dignity and self-respect.

2. These caste are anti-national because they bring about separation in social life. They are anti-national also because they generate jealousy and antipathy between caste and caste.

3. A society, which rests upon, the supremacy of one group over another irrespective of its national or proportionate claims inevitable leads to conflict.
4. The group set-up prevents an individual from acquiring consistency of mind which is possible only when society has common deals, common models. His thoughts are led astray and this creates a mind whose seeing unity s forced and distorted.

5. The group-set-up leads to stratification of classes. Those who are masters remain masters and those who are born in slavery remain slaves. Owners remain owners and workers remain workers. The privileged remain privileged and serfs remain serfs.

6. The caste system is a system which is infested with the spirit of isolation and in fact it makes isolation of one caste from another a matter of virtue".52

Although many other nations are characterized by social inequality, perhaps nowhere else in the world has inequality been so elaborately constructed as in the institution of caste in India. In independent, despite constitutional mandate, caste system prevails in all its forms and manifestations. It is more predominant in the countryside then in urban areas and more in the realms of kinship and marriage than in personal interactions. The *dalits* are deprived of education, right to possess assets and right to posses weapons to protect themselves. The practice of untouchability was abolished by law in 1950, yet the *dalits* experience the agony of untouchability in all walks of life. One can not understand the pain of being a *dalit* unless he or she experiences it.53

Many status differences in Indian society are expressed in terms of ritual purity and pollution. Notions of purity and pollution are extremely complex and vary greatly among different castes, religious groups, and regions. However, broadly speaking, high status is associated with purity and low status with pollution. Some kinds of purity are inherent, or inborn, for example, gold is purer than copper by its very nature, and similarly a member of a high ranking Brahman is born with more inherent purity than a member of low ranking sweeper caste. Unless the Brahman defiles himself in some extra
ordinary way, he will always be purer than a sweeper. Other kinds of purity are more transitory, a Brahman who has just taken a bath is more ritually pure than a Brahman who has not bathed for a day. This situation could easily reverse itself temporarily, depending on both schedules, participation in polluting activities, or contact with temporarily polluting substance. Purity is associated with ritual cleanliness - daily bathing in flowing water, dressing in properly laundered clothes of approved materials, refraining from physical contact with people of lower rank, and avoiding involvement with ritually impure substances.

No one practices untouchability when it comes to sex. Rape is a common phenomenon in rural areas. Women are raped as part of caste custom or village tradition. According to dalit activists, dalit girl have been forced to have sex with the village landlord. In rural areas, "women are induced into prostitution (Devadasi system) which is forced on them in the name of religion". The prevalence of rape in village contributes to the greater incidence of child marriages in those areas. Early marriage between the age of ten years and sixteen years persists in large parts because of dalit girls' vulnerability to sexual assault by upper caste men; once a girl is raped, she becomes unmarriageable. Dalit women are also raped as a form of retaliation. Dalit women face the triple burden of caste, class and gender. Dalit girls have been forced to become prostitutes for upper caste patrons and village priests. Sexual abuse and other forms of violence against women are not uncommon and the police is a silent spectator.

Because of the insurmountable problems they faced in remaining within the Hindu fold, the dalits always try to switch over to other religions in search of equality and dignity. Buddhism was one of their first alternatives as it rejected caste system and the authority of the Vedas. The arrival of the Christian missionaries to India especially after the sixteenth century provided an occasion for many dalits to embrace Christianity. The Portuguese Padroado, the English Christian merchants, the French and the Irish missionaries and
others converted thousands of *dalits* to their faith. It must be noted that economic benefits also played a major role in these conversions. For the *dalits* who lived in extreme poverty the economic benefits as a result of conversions provided the much needed relief. Many of them were labelled as "wheat Christians" or 'milk powder Christian' but in truth hundreds of *dalits* escaped starvation solely due to the humanitarian efforts of these missionaries. But it is also true that many of the missionaries were instrumental in maintaining the caste system in the Indian Church. Just a casual look at the history of the Indian church reveals how the missionaries tolerated and accepted the caste system in a subtle way. The missionaries had to make compromises in order to escape the wrath of the upper caste converts. The equality and the human dignity promised by Christianity has remained only a dream in the case of the millions of *dalit* Christians.\(^{54}\)

The plight of *dalits* even in the post-Independence era remained by and large unchanged. This is evident from the following:


**The Constitution (Scheduled Castes) Order, 1950.**

The Constitution of India under Article 341(1) provides that the President of India, "...by public notification, to specify the castes, races or tribes or parts or of groups within castes, races or tribes which shall, for the purpose of this Constitution be deemed to be Scheduled Castes..." Again, the Constitution without defining in Article 366(24), only refers back to the power given to the President of India in Article 341. But once the President has issued such an order, the list prepared on the basis of Article 342(2) or scheduled castes can be changed only through an Act of Parliament. While exercising the
powers conferred under Article 341(1), the President of India promulgated an Order in 1950, known as the Constitution (Scheduled Castes) Order 1950. The order almost re-enacted the list of the Constitution of India (Scheduled Castes) order, 1936. Concerning the Scheduled Castes the Constitution has followed the basis the British Government laid down in 1936. This applies not only to the list, but also to the criterion, which the British Government used to define "Scheduled Caste", because the same is followed by the order of 1950. On that basis, the third paragraph of this order reads. "Notwithstanding anything contained in paragraph 2, no person who professes a religion different from Hindu, shall be deemed to be a member of a Scheduled Caste". This paragraph was changed in 1956 by parliament to "Hindu or Sikh" and again in May 1990 it was changed by the Parliament to "Hindu or Sikh" or "Buddhist".

So the positions of the President and Parliament are the same as that of the British Government in 1932-36, because it has used "religion" as the criterion to define the scheduled castes, but a political party like Bhartiya Janta Party (BJP) has a still more orthodox and biased criterion in regard to the scheduled castes, or the *dalits*. On June 12, 1990 at Thiruvananthapuram, L.K. Advani stated his party's stand that it is opposed to any move by the V.P. Singh government to extend reservation to converts to Islam and Christianity from scheduled castes and scheduled tribes. It had supported the extension of reservation to scheduled castes/scheduled tribes to Buddhism because under the Constitution Buddhists and Sikhs and Jains were classified as Hindus and that reservation to converts to other religions would violate the recommendation of the Constituent Assembly. This is the basic contradiction India has, which the Constitution of the country and those responsible for its implementation are faced with, because the view expressed above, and decisions based on such views, not only violate the fundamental rights [Article 15(1)] but also raise the question of human rights based on the principle of equally.
Report of the First Commissioner for Scheduled Castes and Scheduled Tribes for the period ending 31st December, 1951:

The Constitution of India stipulates under Article 338(1) to appoint a Special Officer for the scheduled castes and scheduled tribes and "it shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for the scheduled castes and scheduled tribes under the Constitution and report to the President on the working of those safeguards at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament". Under this provision, the President of India appointed L.M. Shrikant as the first Commissioner (Special Officer) on November 18, 1950. The Report states that caste in Hindu society is still the most powerful factor in determining a man's dignity. Such a rigid caste system is not found anywhere else outside India. All such professions involve handling of the so-called dirty jobs like tanning and skinning of hides, manufacture of leather goods, sweeping of streets, scavenging etc are allotted to some castes, also known as Harijans, who are about 5 crores according to the latest figures available. It further observes, by the force of habit the Harijan (dalit) has lost his self respect to such an extent that he regards his work to which his caste is condemned not as a curse from which he must protect. He has not much courage to seek another job in field or factory. He has thus become lazy in mind and body and callous to his own condition, and he will not educate his children.\(^\text{56}\)

Shrikant, as the first Commissioner, undertook an extensive tour to get first hand information about the dalits, on whom he spent much space in his report, while describing what he had observed and has seen personally, he writes, the main reason for this is that Harijans (dalits) have no courage to come forward either to draw water from the common wells or to go to shops, public restaurants, hotels etc. as they are generally economically dependent on non-harijans in one way or the other. At places where offences committed under these Acts have not been made cognizable, it is very difficult for the
scheduled caste people to take any action against culprits because the police are incapable of taking any action if a report is made to them”.

Shrikant’s view again gets support from the Report of the Commissioner for Scheduled Castes and Scheduled Tribe of April 1985 March, 1986. This report, 35 years after the first report of 1951, proves that these atrocities against the *dalits* continue as in 1950-51 or before. These reports show that historically the development of the *dalits* problem is continuing on the same pattern as in the past.

**Report of the Backward Classes Commission, 1980 (Mandal Commission):**

This commission was constituted under the Chairmanship of B.P. Mandal on January 1, 1979 and the report of the Commission was submitted on December 31, 1980. The Commission's terms of reference included, determining the criteria for defining the socially and educationally backward classes, recommending steps for the advancement of the socially and educationally backward classes of citizens so identified, and examining the desirability or otherwise of making provision for the reservation of appointments or posts in favour of such backward classes which are not adequately represented in public services at the Union and state levels.

Marc Galanter in his work, Competing Equalities : Law and the backward classes in India, observes, India's system of preferential treatment for historically disadvantaged sections of the population is unprecedented in scope and extent. India embraced equality as a cardinal value against a background of elaborated, valued, and clearly perceived inequalities. Her constitutional policies to offset these proceeded from an awareness of the entrenched and cumulative nature of group inequalities. The result has been an array of programmes in the form of compensatory discrimination.

The above analysis makes it clear that

1. The *dalits* are the descendant of the earliest settlers of India.

2. The problems of the *dalits* can be traced to 1500 B.C. For more than 3500 years they have suffered and continue to suffer multiple
oppressions, which have always been supported by religion, directly or indirectly.

3. Because of the long history of oppression the *dalits* have even lost their self identity of full human beings, which they have now accepted "as a part of the natural order of things" or "as a privilege".
References
7. Sarajit Kumar Chatterjee, op.cit., p. 12.
9. **Walter A. Fairservis Jr., 1967**: It does suggest that the Indus valley civilization was an indigenous development that arose out of the evaluation of developed village cultures in a favourable environment. It emphasize the sub-continental roots and the consequent "style" which gives the civilization its uniqueness; **Ernet Mackay, 1935**: Who were these people who built Mohenjodaro and Harappa? No definite answer can be given at present to this question, though it is certain that they were a pre-Aryan race, for their cities were flourishing some thousand years before any Aryan-speaking people had entered India, which took place according to modern ruling about 1500 B.C.; **Mortimer Wheeler, 1953**: Thus of the twelve seals for which any sort of dating can be postulated, seven may be Sargonid, one pre-Sargonid and four of the Larsa or later period. On current dating the maximum period required to cover these possibilities would be 2500-1500 B.C. with a strong focus on 2550 B.C.
15. J.H. Hutton, The origin of the position of the exterior castes is partly racial, partly religious and partly a matter of social custom. There can be little doubt but the idea of untouchability originates in taboo.


25. Human Rights Education Movement in India.


27. www.dalitsolidarity.org/untouchability2.htm


32. James Massey, *op.cit.*, p. 26


43. Manickam Vs Poongavanamal. 66 M.L.J. 543.
45. Sarajit Kumar Chatterjee, op.cit., p. 68.
46. Cited in Ibid., p. 80.
48. Ibid., p. 11.
49. Ibid., p. 12.
52. Cited in Ibid., p. 15.
53. www.dalitsolidarity/reality.htm
54. www.India_resource_tripod_com/social.htm
56. Ibid., p. 40.
57. Ibid., p. 41.
58. Ibid., p. 39.
59. Marc Galanter, Competing Equalities : Law and The Backward Class In India, Oxford University Press, Delhi, 1984, p. 42.