Meaning, Nature and development of Untouchability

The constitution has declared untouchability as an offence punishable by law\(^1\), but it has not defined the said offence. The Parliament which subsequently has passed the Protection of Civil Rights Act, 1955 to deal with cases of untouchability also failed to provide the definition of untouchability. In the absence of its clear definition it is difficult to determine whether or not the given facts constitute untouchability. Therefore, it is proposed to define untouchability with all its essential ingredients in the light of definitions given by various authorities stated here under.

**DEFINITION OF UNTOUCHABILITY**

**Maharshi V.R.Shinde**

"A nation-wide institution indicating three features of often observing pollution, asking to live outside of village and not giving equal legal protection of law."\(^2\)

**Mahatma M.K.Gandhi**

"Untouchability" means pollution by the touch of certain persons by reason of their birth in a particular State of family."\(^3\)

**Dr. Balasaheb B.R.Ambedkar**

"Untouchability is the notion of defilement, pollution, contamination and

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1. The constitution of India, Article 17.


the ways and means of getting rid of that defilement. It is a case of permanent, hereditary stain, which nothing can cleanse. (1948)⁴

**Mr. Justice N. Sreenivas Rao**

"The subject-matter of Article 17 is not untouchability in its literal or grammatical sense but the practice as it had developed historically in this country.

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

A literal construction of the term would include persons who are treated as untouchables either temporarily or otherwise for various reasons, such as their suffering from an epidemic or contagious disease or on account of social observation such as are associated with birth or death or due to social boycott resulting from caste or other disputes.

‘Untouchability’ in such circumstances has no relation to the causes which relegated certain classes of people beyond the pale of the caste-system.(1958)⁵

**Prof. Marc Galanter**

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

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⁵ AIR 1958, Mysore 84.(Devarajiah v. Padmanna).
A second somewhat narrower sense of the term would include all instances in which a person was stigmatised as unclean or polluting or inferior because of his origin or membership in a particular group i.e. where he is subjected to invidious treatment because of difference in religion and membership in a lower or different caste.

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

'Untouchability' then, as used Article 17, is confined to invidious discriminations against certain not readily definable classes of persons."(1969)⁶

**The Committee on Untouchability etc., Headed by L. Elayaperuma**

"Untouchability is a basic and unique feature of the Hindu Social system and order. It is generally held these days that it is an economic backwardness of the people concerned. But the simple fact is forgotten that while economic issues are present in all other countries, untouchability is a unique problem confronted in this country only. It does not require much research to realise that the phenomenon of untouchability in this country is fundamentally a religious and political origin. Untouchability is not a separate institution by itself, it is a corollary of the institutions of the Caste system of

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⁶ Mahar Michael (Ed.) The Untouchables in Contemporary India.
Hindu Society. It is an attitude on the part of a whole group of people. It is spirit of social aggression that underlines this attitude.”(1969)\textsuperscript{7}

**Dr. M.C.J. Kagzi**

“It connotes the caste action or practice of non-touching of the members of the lowest caste Hindus by the caste Hindus. It means separation, segregation and isolation of such persons from the higher caste Hindus. It means keeping the Harijans untouchables away from, and outside the main social stream from misplaced fear of pollution, requiring them to keep themselves aloof from places of public resort and also temples. It accompanies social segregation, economic isolation, non-entry into educational institutions, disqualification for the learned profession, trade and industry. It impels absence of social inter-course, and forbids a marriage between a higher caste Hindu with a low caste Hindu. It results in socio-economic discrimination, loss of status, absence of civil personalities and civil liberties, perpetual social boycott. It is so to say discrimination, segregation, disability, liability caused only by low caste birth.”(1976)\textsuperscript{8}

**NATURE OF ‘UNTOUCHABILITY’**

Although there is no authentic, statutory or explicit definition of the offence of untouchability as such, the due analysis and interpretation of the

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definitions given by various authorities cited above may reveal and elucidate the nature and constituent elements of 'untouchability'. They are:

(1) **Caste and Untouchability**

It is said that the institution of untouchability is not an independent institution in itself. According to the L. Elaya Perumal committee, "untouchability is not a separate institution by itself, it is a corollary of the institution of the caste system of Hindu Society."\(^9\) According to C. Parvathamma, "untouchability is part and parcel of Hindu religion and Caste system."\(^10\) According to V.S.Nargolkar "Untouchability is largely an out-growth of the system of caste and caste in its turn is the illegitimate child of the concept of Varna."\(^11\)

Mr. Justice Nasirullah Beg also states that, "the evil of 'untouchability' is not a separate institution by itself. It is corollary of the institution of the Caste system warp and woof of Hindu Society."\(^12\) Even it was stated by P.R.Thakur, one of the hon'ble members of the Constituent Assembly itself, that "Untouchability is nothing but the symptom of the disease, namely, the Caste system. It exists as a matter of caste system."\(^13\)

In the light of these observations and the inter-relation between Caste and untouchability in the present situation one may, prima facie, conclude that

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untouchability is a corollary of the caste system. But the question is whether untouchability really is the outcome of Caste system?

At this juncture it is necessary to take into account the definition of caste. According to Senart, Caste is, “a corporate group, exclusive and, in theory at least, rigorously hereditary. It possesses a certain traditional and independent organisation, a chief and a council, and as occasion demands it meets in assemblies endowed with more or less full authority. Often united in the common profession and by the practice of common customs which bear more especially upon marriage, food, and various cases of impurity. Finally, it is armed, in order to assure its authority, with a jurisdiction of fairly wide extent, capable by the infliction of certain penalties, especially of banishment, either absolute or revocable, enforcing the Power of the Community.”

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

According to S.V.Ketkar, “A caste is a social group having two characteristics (1) membership is confined to those who are born of members and includes all persons so born (2) the members are forbidden by

15. Risley, H.H., The People of India, p. 67 [Thacker and Company, Bombay]
an inexorable social law to marry outside the group. Each one of such
group has a special name by which it is called.”

On the basis of these definitions, it can be said with G.S. Shurye
that the main features of the caste system are (I) segmented division of
society, (ii) based on hierarchy, (iii) restriction on feeding and social
intercourse, (iv) Civil and religious disabilities and privileges of the
different sections, (v) lack of unrestricted choice of occupation, and (vi)
restriction on marriage. However, it is not specifically mentioned here
that untouchability is a constituting element of caste system. Undoubtedly,
caste system generates the feeling of “superiority” or “inferiority” in the
minds of caste-based society, but that does not mean “untouchability”.

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

Thus untouchability is not the corollary of the caste system.

(1) Caste system is based on Veda, Manu Smriti and other religious scriptures, whereas untouchability is based on traditional contempt of Buddhism, and continuation of beef eating by the so-called untouchability. (2) When a Brahmana keeps social distance from other caste man he observes caste system, but where he keeps social distance from and imposes social and religious disabilities on a so-called low caste man, he observes “untouchability”.

(3) Caste system divides the Hindu Society, originally in four Varnas, and later on into thousands of castes and sub-castes; whereas “untouchability” divides the Hindu Society into “touchables” and “untouchability” or caste Hindus and Scheduled Castes.

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

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

(6) Caste system is comparatively ancient than the institution of untouchability. (7) Untouchability is abolished by the Constitution of India and enforcement of any restriction, disabilities or limitations on the ground of “untouchability” is an offence punishable by law; whereas caste system remained untouched.
Undoubtedly, caste system has consolidated the institution of untouchability by enforcement of several disabilities and restrictions under the fictitious belief of “purity”. As such caste and untouchability are so intertwined with each other that one cannot safely bifurcate them. However, minute observation reveals that the reality is different; both are separate institution, at least, at their inception.

**Unique Feature of Hinduism**

It is generally observed that untouchability is a unique feature of Hinduism. In the words of Bhagwan Das, “untouchability is an integral part of Hinduism. This is the first lesson a Hindu learns from his mother in his cradle and faithfully to follow till his last day on this earth.” 19 According to C.Parvattama, “untouchability is part and parcel of Hindu religion and caste system. The Hindu philosophy of karma and transmigration of soul denied the individual the freedom to attempt betterment. On the contrary Dharma consisted in ‘conforming to karma’ supposed to be the consequence of one’s past acts.” 20 The karma theory, however, has its roots in the philosophy of Geeta, which states that man attains spiritual perfection by worshipping God through performance of one’s own duties as decided by religious scripture. 21 Consequently all the Hindus, including touchables and untouchables strongly believed that there is no salvation except by complying the rules of caste

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19. Balley L.R., (Ed.) Thoughts on Dr. Ambedkar, p.23 Article by Baghwan Das "Untouchables and Buddhism" (Bheem Patrika, Jullunder, Punjab 1975 Ed.)


system as propounded and interpreted by the Brahmanas who had the right to that effect. Almost all the religious Gurus and Pujaris believed in the sanctity of untouchability and they have practised and enforced several disabilities based on untouchability. Even as recently as 1969, Shri Shankaracharya of Jagannathpuri is said to have stated and justified the practice of untouchability as a matter of religion in the Vishwa Hindu Dharma Sammelan held at Kashi, Banaras. Therefore, it is necessary to inquire into the fact whether or not untouchability is a part of principles of Hinduism. Here the important question is, what is Hinduism? What are the main features of Hinduism?

In his attempt to define Hinduism, Sir Monier Williams resorts to its etymological genesis and states that the word “Hindu” has a territorial, rather than religious significance. “That part of the great Aryan race” says Monier Williams. “which immigrated from Central Asia, through the mountain passes into India, settled first in the districts near the river Sindhu(now called the Indus).” The Persians pronounced this word Hindu and named their Aryan brethren Hindus. The Greeks who probably gained their first ideas of India from the Persians, dropped the hard aspirate, and called the Hindus ‘Indoi’. Further, he observes that although there developed several sects and sub-sects, thoughts and isms, it is “all-tolerant, all-compliant, all-comprehensive, all-absorbing.”

According to B.G.Tilak, “Acceptance of the Veda with reverence, recognition of the fact that the means or ways to salvation are diverse, and

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23. Williams Monier Sir, Hinduism, pp 1, 12. (Society for Promoting Christian Knowledge, London 1894)
realisation of the truth that the number of gods to be worshipped it large, that
indeed is the distinguishing feature of Hindu religion.”24 According to
V.D.Savarkar “Hindu” is a person who adores India- from Sindu river to
Sindhu ocean, as a holy land; and “Hinduism” is comprehensive of all the
Vedic and non-Vedic religious sects.25

As Dr. S.Radhakrishnan observed, “the Hindu Civilization is so called,
since its original founders or earliest followers occupied the territory drained
by the Sindhu (the Indus) river system corresponding to the North-West
Frontier Province and the Punjab. The people on Indian side of the Sindhu
were called Hindus by the Persian and the later Western invaders. The term
‘Hindu’ had originally a territorial and not a credal significance.”26 Thus, while
defining Hinduism no Scholar has stressed on untouchability as a
distinguishing feature of Hinduism.

Even it has been explicitly said by Swami Vivekananda that , “We are
orthodox Hindus but we refuse entirely to identify ourselves , with ‘Don’t
Touchism ‘, that is not Hinduism, it is in none of our books , it is an orthodox
superstition which has interfered with national efficiency all along the line.”27
According to V.D.Savarkar, justification of untouchability as a part
of Hinduism is impossible, as such this Tradition should be destroyed as a

24. Samagra, Tilak, Vol. 6, p.79 (Marathi) (Prakashan Samiti, Maharastra Hindu Sabha, Pune 1964)

25. Samagra Savarkar, Vol. III p. 483 (Marathi) (Prakashan Samiti, Maharastra Hindu Sabha,
Pune 1964).


Almora, Himalayas, 1924.
According to Mahatma Gandhi, “untouchability is a phenomenon which is peculiar to Hinduism only and it has got no warrant either in reason or in Shastras.” At the root of the malady of ‘untouchability’ says Golwalkar Guruji, “lies the belief among the common masses of people that it is a part of dharma; and transgressing it would be a grave sin. This religious perversion is the chief reason why this pernicious practice has continued to stick to the popular mind till now.”

It has been rightly observed by honourable Shri Gajendragadkar C.J. in Shastriyagna-punish dasji v. Muldas (1966) that “unlike other religion in the world, the Hindu religion does not claim any one prophet, it does not worship any one God, it does not subscribe to any one dogma; it does not believe in any one philosophic concept fact it does not appear to satisfy the narrow traditional features of any religion or creed. It may badly be described as a way of life and nothing more.” It is all assimilating and comprehensive of all creeds and untouchability, is founded on “superstition, ignorance and complete misunderstanding of the true teachings of Hindu religion.” In this respect the Committee on untouchability headed by L. Elayaperumal(1969) observes that untouchability “has nothing to do with the Hindu religion in the sense of spiritual principles. Unfortunately, however, the basic principles of Hindu


30. Gowalkar, M.S., Bunch of Thoughts, p.461. (Jagrana Prakashan, Kempegowda Nagar, Bangalore, 1980)

religion do not form the governing part of our life in society. It is really the law or codes of rules and regulations that has been mistaken as religion. 32

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

Untouchability which was originated initially in the contempt and hatred of Buddhism by the Brahmanic forces became a part of Hindu social habit observed only by Hindus, as such it became a part of Hindu religion. It has, no doubt, intruded into other religious, but it may be by imitation. Untouchability is no where found, either as a part of principle or custom, as it appears in Hindu social system. 33 In this sense untouchability is a unique feature of Hinduism.

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

(3) Untouchability is described as a sin, blot, curse and stain imposed on a group of people by another group of people. It has sustained a number of jolts, but it is unimpaired. It is deeply rooted in the minds of the caste Hindus that untouchability is but a religious act. It is their misconceived belief in the


33. In Ceylon Tamil Scheduled Castes were treated as untouchables by the Tamilians in Ceylon.
pollution or defilement by the touch of untouchables that does not permit them to discard the "custom" of untouchability, without looking into its rationality. They have developed certain ways and means of getting rid of the defilement, if by mischance they happen to touch the untouchables. If they perform certain rites or acts, they become clean. Pouring of Panch gavya, sprinkling of water, and bathing in the holy rivers are the important rites which "cleans" the polluted objects and such purificatory rites also become the part and parcel of the "institution" of untouchability.

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

*The Practice Developed Historically*

According to Justice N. Sreenivas Rao, “the use of the word ‘untouchability’ refers to the meaning of the term in the context of the historical development of the practice and does not connote its literal meaning.” Therefore, it is necessary to know in what sense the practice of untouchability has been referred to as a historically developed practice, which period of history-ancient, medieval or modern has witnessed the origin and development of this “misplaced fear of pollution”? 

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Of course, no social institution develops all of a sudden in its entirety. Untouchability is also not an exception to this rule. It developed slowly through ages. Its history can be traced out in the following stages:

(a) Pre-Manusmriti Period: (Before 185 BC)

In order to trace out origin of untouchability the Pre-Manusmriti period has been divided into (1) Vedic period, (2) Brahmana-Aranyake Period, (3) Upanishad period, (4) the Epic period, and (5) the Jaina and Buddha period.

(1) Vedic Period: Purush Sookta which is a part of Rig Veda states that “From the face of the ‘Virat-Purusha’ were born the Brahmins(thinkers). From His hands the Kshyatriyas(Kings), from his Thigh the Vaisyas(Traders), and from his ‘feet’ the Sudras(servant of man).”

The hymn reveals, although irrationally, the genesis of the four Varnas. The origin of the Varna itself reveals the position or status of each Varna in relation to other. However, there is no reference as to untouchability in the Rig Veda or in the remaining three Vedas. All the four Vedas i.e. Rig Veda, Yejur Veda, Sam Veda and Athrva Veda include hymns invoked to the God and the Rishis. They reveal that there was a neck to neck struggle between the two contending groups of warriors – Brahmanas and Kshyatriyas. Ultimately the Brahmanas regained the power and vanquished the rival group.

Besides all the four Vedas refer to Asuras, Dasas, Dasyus and Rakshasas with hatred and contempt, except a few hymns of Rig Veda. It is said that they were “weaponless” and “godless” as such the Brahmana’s

“impetuous Hero” could defeat them. Naturally, the victor must have snatched away all the “Civil Rights” from the vanquished and made them slave. But it is not certain whether the vanquished were subjected to untouchability.

(2) Brahmana-Aranyake Period: The Brahmanas, especially, the Satpath Brahmana refers to the conflict between the Brahmanas and Asuras at several times. It states, “the gods and the Asuras, both of them sprung from Prajapati, were once contending for superiority. The gods vanquished the Asuras and yet these afterwards harassed them again.”

They were in conflict with each other, because:

(i) the language of the Asuras were unintelligible.

(ii) Asuras or Rakshasas were “roaming” throughout the country. They did not adopt “settled” life.

(iii) Asuras were having iron, silver and gold.

(iv) Asuras used magic or witch-craft.

(v) Asuras were creating obstacles while Brahmanas were performing sacrifices.

(vi) Both of them wanted to acquire supremacy.


36. Ibid., Part-II p. 32

37. Ibid., p.16

38. Ibid., p. 105.

39. Ibid., p. 135.


41. Ibid., pp. 54, 59, 153.
(vii) Asuras did not agree to share the territory equally amongst themselves and Brahmanas. Asuras rather “grudgingly” replied “as much as this Vishnu lies upon, and no more, we give you.”

(viii) They were not agreeable on the issue of ‘inheritance’.

(ix) The Rakshasas were persuading the woman of the Brahmanas.

(x) The Brahmanas were not teaching Vedas to the Asuras because of their strained relations with Asuras. But in Satpatha Brahmanas also there is no information regarding the origin and the practice of untouchability.

(3) Upanishad Period: The Upanishadas state, “the Devas and Asuras struggled together, both of the race of Prajapati”. At one place it is said that father may tell the doctrine of Brahma to his eldest son or to a worthy pupil. “But no one should tell it to anybody else, even if he gave him the whole sea gilt earth, full of treasure, for this doctrine is worth more than that.” This simply reveals that the eldest son of a Brahmana and a ‘worthy pupil’ were eligible to acquire the acknowledge and not others. This cannot be the disability imposed on account of ‘untouchability’.

42. Ibid., p. 59.
43. Ibid., Part IV, p. 257.
44. Ibid., Part II, p.35.
45. Muller, Max F., The Upnanishadsa, p.4 (Motilal Banarasidas, Delhi, 1884, 1965)
46. Ibid., p. 44
(4) The Period of Epics – Ramayana and Mahabharata: In the period of Ramayana the Brahmanas were treated as Bhoosur or Gods on earth. Those who were the worshippers of Rama they were getting a higher status than others e.g., Sabari, who was of Sabara low caste. Rama, however, could not tolerate the acquisition of knowledge by a Sudra sage named Shambuka, who was leading a austere life and doing Tapasya in the vicinity of Vindhya Mountain. When a son of a Brahmana dies, some Brahmanas complained to Rama that due to Shambuka’s non-observance of the rules of Dharma and doing Tapasya, the son of a Brahmana died. They convinced Rama that it was against the varna system and hence he should be punished. Consequently Rama sentenced Shambuka to death.

Thus Shambuka’s killing by Rama may be because of his imprudence, ignorance and superstition but not on account of untouchability. Had Rama observed untouchability he would have not lived in the company of Vanaras, low caste men like Hanumana and others, nor he would have accepted the reception by Sabari, a low caste woman.

According to Shantikumar Nanooram Vyas, “No untouchables or Chandalas are mentioned in the original Ramayan. Only in the legends of the Balkanda and Uttarkanda, which are of questionable validity, stray references are made to Chandalas as the lowest in the social scale and the most degraded beings of the time. From the legend of Trisanku it can be gathered that

48. Ibid., pp. 1029-30(Uttar Kandam).
49. Ibid., Aranya Kandam.
untouchability or chandalhood sometimes resulted from excommunication, from the Varna-asrama society, for committing certain grave crimes. For example when Trisanku expressed his desire to let some one other than the Vasistha officiate at the sacrifice, the sons of Vaisistha, in their rage, pronounced curse on him to become a chandala. Seeing him then transformed all the ministers ran away, and a pandemonium followed. This story shows firstly that chandalhood was not hereditary but could be occasioned by some grave breach of conduct, and secondly that a chandala was one whose society or propinquity was shunned by the higher castes and hence an untouchable.  

It is equally difficult to say that there was untouchability during the Mahabharat period. There is a story of Ekalvya, a Bhill by caste, who having rejected to teach archery by Dron as on Kshyatrias were eligible to learn it according to varna system, stated to learn it at his own keeping an image of Dron in front of him. 

He could acquire the art of war more perfectly than the disciples of Dron, Kauravas and Pandavas. Hence they became envious and jealous of Ekalavya and complained against him to Dron. Dron, in order to make Ekalavya incapable to use arms asks the latter to cut the right finger and give the same to him as Gurudakshina. Ekalavya compiled. This story simply reveals that a low caste man was not capable to learn archery.

There is a story of Charvaka in Shanti Parva. Charvaka who was


52. Ibid., (Shanti Parva) pp. 206-10.
called to be Rakshasa came at the Ashvamedha sacrifice being done by Yudhisthara after the successful war with Kauravas, and asked them whether it was a true victory that achieved after killing later's own brothers. Then Lord Krishna, irritated by such uttering cursed him that he would die at the hands of Brahmans. Then the Brahmans killed Charvaka. It may be because of the fact that Charvaka was the founder of Lokayata school of philosophy which was materialistic and anti-brahmanic in nature.

Lord Krishna while teaching Geeta to Arjuna states that the four orders of society viz. Brahmans, Kshyatrias, the Vaisya and the Sudras, were created by him. He, however, did not refer to any fifth varna or caste of untouchables as such. Therefore, one can safely conclude that there was no “untouchability” in the period of Ramayana and Mahabharata.

(5) Jaina and Buddha Period: (A) Jaina Sutras refer to a number of castes and sub-castes. Accordingly there were four kinds of gods who gave birth to a number of castes and sub-castes. It states that, people became either Gods or Asuras “in accordance with their actions”.

It refer to a story of Harikesa-Bala, a chandala son, who became monk was not allowed to take sacrificial food by the Brahmans; Kausali, a sage’s daughter Bhadra convinced those Brahmans to treat him equally with the monks of higher castes.

54. Jacobi Herman, Jaina Sutras, II, p.225. (Motilal Banarshidas, Delhi, 1964)
55. Ibid., p.5
It reveals that in the time of Jains sutra the number of castes was swelling up and the Brahmanas were inclined to observe the rules of purity at the sacrifices.

(B) Lord Buddha vehemently opposed the caste system which was prevailing in his period. Buddha states in Vasisth-sutra that distinction based on caste is ‘unnatural’. He states in Assalayan Sutra that the claim of Brahmana to have born form the mouth of Brahma is not true and according to Esukari Sutta Brahmana had no authority to decide the occupations of other castes. Set Ketu Jataka records that a Chandala surpassed his Brahmana rival student and chandala person by name ‘Jagali’ taught to Viswamitra sage. Esukeri said to Vasetha that “what is important is higher ideas and not noble birth- No caste, no inequality, no superiority, no inferiority, all are equal.”

Jaina and Buddha philosophies do not discriminate on the ground of castes. Whether it can be said that others were discriminating during their periods on the basis of castes? The answer would be affirmative; otherwise how did they preach against caste discrimination. It is, however, difficult to say that there existed ‘untouchability’ during the period of Jaina and Buddha, as there is no clear and substantial evidence to that effect.

56. Viyogi Pandit Mohanlal Mahato, Jatak Kalin, Bharatiya Sanskriti (Hindi) p. 3 (Bihar Rashtra Bhashya Parishad, Patna).
57. Ibid., p.3
58. Ibid.,
59. Ibid., p.377
60. Ibid., p.120.
61. Ambedkar, B.R., Buddha and His Dhamma, p.129 (People’s Education Society, Bombay)
Thus there is no trace of the custom of untouchability during the pre-Manusmriti period.

(b) Manusmriti Period

It is said that Manusmriti was written by Manu in the period of Pushyamitra sung, who revolted against Brigdrat of Mourya dynasty in the year 185 BC.

The obvious reason for the creation of Manusmriti was that till the time of Manu a number of “intermediate” castes came up in addition to the four chief varnas as a result of the breach of marriage rules and the system of out-casting them as such they felt difficulty as to which rule they were obliged to observe. Neither such castes were knowing their status in the hierarchy of caste system nor they were knowing their assigned occupations and duties etc. Besides, there was not a single authority or a document giving final word in the cases of any obscurity and confusion. Therefore, the great sages approached Manu and requested him “to declare “precisely and in due order”, the sacred laws of each of the (four) chief castes (varnas) and of the intermediate ones.”

Hence, Manu in his attempt to settle the question finally wrote Manusmriti.

While revealing the rules of social behaviour Manu imposes several disabilities on the Shudras. But the question is whether those ‘disabilities’ were based on ‘untouchability’? It is difficult to give affirmative answer due to lack of sufficient corroborative evidence.

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According to Dr. B.R. Ambedkar, "there was no untouchability in the time of Manu. There was only impurity. Even the Chandala for whom Manu has nothing but contempt is only an impure person". Further he states that the word ‘Chandala’ was not a single homogeneous class of people, but it comprised of five different Classes of Chandalas. They were:

(i) The offsprings of a Shudra father and a Brahmin mother.
(ii) The offspring of an unmarried woman.
(iii) The offspring of union with a Sagotra woman.
(iv) The offspring of a person who after becoming an ascetic turns back to the householder’s life, and
(v) The offspring of a barber father and a Brahmin mother. 64

Further, he concludes that (1) the pollution by the touch of the Chandala was observed by the Brahmin only; (2) that the pollution was probably observed on ceremonial occasions only. 65 It is true that some impure castes might have become untouchables during the course of time; that too because of their beef-eating. 66

Regarding the references as to the fifth varna, Dr. B.R. Ambedkar states that “the Narada Smriti speaks of the slaves as the fifth class. If the expression fifth class in the Narada Smriti refers to slaves. I see no reason why the expression fifth class in Manusmriti should not be taken to have reference to

64. Ibid., p. 176
65. Ibid., p. 178.
66. Ibid
slaves. Therefore, it is not correct to say that untouchability was in practice during the period of Manusmriti. Manusmriti, however, recognises caste system, supremacy of the Brahmin and fastens the rules of sacrificial purity.

(c) Post-Manusmriti Period

The post-Manusmriti period has witnessed the origin and practice of untouchability. According to Dr. B.R. Ambedkar, there were two main causes for the origin of untouchability, viz. (1) the contempt of Buddhism, and (2) the continuation of beef-eating by the Broken Men.

It was recorded by Fa Hien, a Chinese traveller in India (399-414 AD.) that, "throughout the whole country the people do not kill any living creature, nor drink intoxicating liquor, nor eat onions or garlic. The only exception is that of Chandala. That is the name for those who are (held to be) wicked men, and live apart from others. When they enter the gate of a city or a market place, they strike a piece of wood to make themselves known so that men know and avoid them and do not come into contact with them." Thus in the beginning of fifth century the custom of untouchability was just emerging. It was observed only in respect of Chandalas, and it might not be known throughout the country.

The next Chinese traveller, Yuan Chunng, came to India in 629 AD. He records that, "Butchers, fisherman, public performers, executioners, and scavengers have their habitations marked by a distinguishing sign. They are forced to live outside the city and they sneak along on the left when going about in the hamlets."\(^{69}\) Now in addition to Chandalas some other castes also registered as untouchables.

Obviously the decline of Buddhism starts from the period of Pushyamitra Sung and becomes virtually complete in the period of Sankaracharya; who lived during A.D. 788 to 820. Sankaracharya in his final bid to exterminate Buddhism and establish the supremacy of Brahminism strongly opposed Buddhists and Buddhism, absorbed certain principles of Buddhism in Hinduism and moved Brahmanic forces against the Buddhist. He established four centres of Brahmanism at Shri Badrikedar, Dwaraka, Jagannathpuri and Shrungeri for propagation of Hinduism. He could successfully regain the confidence and reverence of the people on Vedas and Varnashrama system. Therefore, Buddhism, which was passing through a critical position due to the loss of royal patronage and incapable Bhikshus, could not sustain the attack as such it started to decline fastly thereafter. Thus, it is this period which might have given rise to the institution of untouchability.

However, the decline of Buddhism did not take place throughout the country at once. Buddhism was in existence in Western India until the

\(^{69}\) Walters, Yuon Chwang, Vol. 1, p. 147, Quoted by Dr. B.R.Ambedkar in his book “The Untouchables”, p. 198.
aggression of Mohammad Kasim of Dahir on Sindh in A.D. 711. In Bengal it was there until 700 to 800 A.D. when the kingdom of Pal dynasty came to an end. In southern India it was in existence till the emergence of Sankaracharya in A.D. 788 to 820. In Gujarat it was there till 770 A.D. and in Sthaneshwar till the end of Kingdom of Harshvardhana, A.D 647. Thus untouchability came into existence as and when Buddhism was declining in different parts in different periods.

The next important factor connected with untouchability is the continuation of beef-eating by the Broken men even after abandoning it by the Brahmanas. Buddha preached, *inter alia*, the principle of non-violence and compassion towards all the men and animals. The Buddhists who formed majority gave up killing animals and eating meat. This gave rise to a tendency of looking down upon the non-vegetarians. However, the Broken Men, who were Buddhists, did not give up beef-eating due to their 'habit' and 'poverty'. They were not allowed to kill the animals for meat either by religion or by kings, but permitted to eat flesh of animals died a natural death. Therefore, the Broken Men continued to eat beef, including that of cows.

On the other hand the Brahmanas were killing animals in the Yagnyas and in the habit of eating meat. Manu states that, "He who eats meat, when he knows the gods and manes, commits no sin, whether he has bought it or himself has killed (the animals) or has received it as a present from others." 70 Griha Sutras, especially the Sankhayan Griha Sutra states that whenever the

guests come they should be served with the meat of “a cow, goat or what(sort of food) he thinks most like(thereto).”

Due to the Buddhist principle of non-killing supported by the usefulness of the cow, bull etc to the agrarian society, most of the people were accepting vegetarianism and gaining importance in the society. Therefore, the Brahrmanas, who were once upon a time killing animals in Yagnyas and eating meat had to discontinue the same, so as to acquire the same importance in the society as the Buddhist. Consequently most of the people became vegetarian. In witness whereof Fa Hien, the Chinese traveller in India (399-414 A.D) states that, “throughout the whole country the people do not kill any living creature, not drink intoxicating liquor, nor eat onions or garlic. In that country they do not keep pigs and fouls. There are no butchers, shop and no dealers in intoxicating drink. Only the Chandalas are fisherman and hunters, and sell flesh meat.” Thus the Brahrmanas might have adopted vegetarianism only in the beginning of fifth century.

During the period of Chandragupta Vikramaditya Hinduism got royal patronage. During the reign of Goud King Sasank the Bodhi-Tree where Buddha sat for meditation was cut off. During the period of Rashtrakutas, when the Kailash cave at Ellora was carved out, Hinduism was rapidly regaining the position of supremacy through the country. The Brahrmanas in

72. Legge James, The Travels of Fa Hein p. 43.
order to beat Buddhism accepted Buddha as a Tenth incarnation of Vishnu, and accepted idol worship that developed in Mahayana Buddhism.

Sankaracharya relieved the Sudras from their degraded position and interpreted religious texts in such a way which would give them the right to acquire the knowledge of Itihasa and Puranas, at the exclusion of only Vedas. Thus they were elevated to a somewhat higher position than the previous ones.

However he brought the Broken Men, who were not ready to leave Buddhism and accept the supremacy of Brahmanas, in place of Sudras and subjected to all the restrictions, prohibitions and disabilities stated in Manusmriti in respect of Sudras.

Thus it can be said that untouchability might have originated in sixth century and spread throughout the country during sixth-eighth century.

(d) Medieval Period

An important information in this respect is available from the records of Alberuni who visited India during 1007 to 1033 A.D. He states that “After the Sudra follow the people called Antyaja, who are not reckoned amongst any castes, but only as members of a certain craft or Profession. There are eight classes of them, who freely intermarry with each other, except the fuller, shoemaker, and weaver, for no others would condescend to have anything to do with them. These eight guilds are the fuller, shoemaker, juggler, the basket and shield-maker, the sailor, fisherman, the hunter of wild animals and of birds, and the weaver. The four castes do not live together with them in one and the

same place. These guilds live near the villages and towns of the four castes, but outside them.

The people called Hadi, Doma (Domba), Chandala and Badhatau are not reckoned amongst any caste or guild. They are occupied with dirty works like the cleaning of the villages and other services. They are considered as one sole class, and distinguished only by their occupations.

In fact they are considered like illegitimate children for according to general opinion they descend from a Sudra father and a Brahmani mother as the children of fornication, therefore, they are degraded outcaste.

Every man who takes to some occupation which is not allowed to his castes, as e.g., a Brahman to trade, a Sudra to agriculture, commits an sin or crime, which they consider only a little less than the crime of theft.

All other men except the Chandala, as far as they are not Hindus, are called Malichas i.e., unclean, all those who kill men and slaughter animals and eat the flesh of cows.75

Thus by the time of visit of Alberuni the institution of untouchability came into practice almost throughout the country. During the period of Yadava king the untouchables were living outside the main gates of the villages and they had their own watering places.76

76. Panase, M.G., Yadav Kalin Maharashtra (Marathi) p. 76 (Marathi Granth Sangrahalya, Bombay 1963)
The famous saint Chokha Mahar who lived in Maharastra\textsuperscript{77} and Kanaka\textsuperscript{78} who lived in the later part of 15\textsuperscript{th} century when Vijayanagar Empire flourished were not allowed to enter the temples of Vithal at Pandhurpur and temple of Krishna at Udupi respectively. During the Muslim period the caste system became rigid and the institution of untouchability was deeply rooted due to the indifferent attitude of the Muslim rulers towards caste system and untouchability.\textsuperscript{79}

\textit{(e) Modern Period: Growth of Aggravated Forms}

Even though the origin of untouchability is traceable since the beginning of the medieval period, it became notoriously conspicuous due to its aggravated forms which came into existence in the later part of the eighteenth century. There is an important document bearing the signature of Raja Udaya Bhan Bhosala of Newase Pargana of the year 1777; which reveals a very strange fact of the genesis of the aggravated forms of untouchability in the Peshawa period in Maharashtra.\textsuperscript{80}

It was in the period of Raghunath Rao Peshawa, in whose period his ambitious wife Anadibai was the real ruler, the aggravated forms of untouchability came into existence very surprisingly. Anandibai while taking round of Poona astonished to see the big foot prints of a man in the path and

\textsuperscript{77} Kadam S.B. (Ed.) Shrisant Chokha Mela Maharaj p.55 (35-A, Bhimadiwala Building, Varli Naka,
\textsuperscript{78} Karanth, K.S., Four Great Saints of India and Spiritual Equality (Janata Vol. XXXV No. 39, Sept. 7, 1980).
\textsuperscript{79} Sundarlal, Sagar, Hindu Sanskriti me Varna Vyavastha aur Jatibhed(Hindi) p.49, (Bahujan Kalyan Prakashan, Lucknow).
\textsuperscript{80} Document found with Shri Sudhakar Pagare, Nasik.
began to think how big and energetic that man might be whose footprints were so big. She could trace out the where about of that man and went up to his residence. He was but a young, vigorous, handsome Chandranak, a son of Suryanak Mahar, who was serving as a veskar in the town. That time he was wielding the sword. When she went nearer, she became very much enchanted to see him who was chewing a pan with kasthuri or musk. His handsome personality filled in her eyes and the ecstatic sweet fragrance that the smelt made her mad, which aroused in her irrepressible lust for sexual satisfaction. She called him to her residence with the motive, but his honest and faithful father did not allow his son to go by wrong way. She was very much annoyed, her anger became violent and her mind was thinking to take revenge of that insult. Then she ordered to burn down his house. That much was not sufficient. She thought seriously that if a woman not less than her status became so mad to see him, what would happen to other high caste ordinary women, if they happen to see such a young handsome Mahar. Therefore, she got the order passed in the year 1777 that every Mahar should walk with broom to destroy the foot prints and they should bear a pot in the neck to spit in not allowing the flagrance of the pan, if any, to go away, which would otherwise lure high caste women. The order was strictly implemented since then which formed a custom in future. Since that incident their military services were also terminated and they were reduced to a mere slave caste.

Another instance is given by James Forbes, in his oriental Memoirs, which states that how the restrictions on the freedom of movement of the untouchables were imposed. It is said that, "a Maratha Proclamation issued at
Baroch in 1783 ordered that no one of three untouchable castes (Halal, Khor, Dhed and Chandal) should upon any consideration come out of their houses after nine O’clock in the morning least they should taint the air or touch the superior Hindus in the streets.”

In the beginning of the nineteenth century the caste Hindus in Travancore might have imposed the restriction on the untouchables of not wearing clothes above the waist. “As far back as 1858 there were riots in Travancore because women converts to Christianity took to wearing clothes above the waist.” It implies that even after converting to Christianity also the untouchables were not relieved of that restriction.

Slavery is undoubtedly different from untouchability but the untouchables were also used as slaves in the 18th century. “In Tranvancore some of the untouchables castes were literally slaves or serfs, and were given away, bought, sold and mortgaged like other property.”

In 1908 Shankar Linga Nandan and others were prosecuted and found guilty as they entered in a Temple in Madras State. In the beginning of 20th century, Dr. B.R. Ambedkar was not allowed to learn Sanskrit on the ground of untouchability. When he was appointed in the Military Department of Sayaji

81. O’ Malley L.S.S., India Caste Customs, p. 147 (vikas Publishing House, Delhi, 1932, 1974)
82. Ibid., p.154. 83. Ibid., p. 148.
83. Ibid., p. 148.
84. ILR 1908, Vol XXI, p. 236 (Shankarling Nandan v. Raja Rajeshwari Dorial)
85. Keer Dhananjaya, Dr. Ambedkar, Life and Mission, p.19 (Popular Prakashan, Bombay 1971)
Rao Maharaja of Baroda in 1917 after pursuing higher education in the famous Columbia University, U.S.A, the caste Hindu peons were throwing official files on him instead of giving in hands due to the fear of pollution. In village Ottappalam, Malabar, the caste Hindus killed an untouchable in 1926 when he used "upoo" word (salt) instead of 'Pulichathu' as used by the untouchables. An untouchable was severely beaten at Kamath near Nagpur in 1927 for his use of sandalwood paste on his forehead. In the same year when Dr. B.R.Ambedkar launched satyagraha with his supporters to assert the right of water of Chaudar Tank at Mahad(Kolaba District) there was a strong and violent opposition to him.

As recently as 1928, the high caste Hindus viz. Kalots, Rajputs and Brahmins including the Patels and Patwaries of villages of Kannaria, Bicholi-Hafsi, Bicholi-Mardana and of about 15 other villages in the Indore District of Indore state informed the Balais, an untouchable community of their respective villages that if they wished to live among them they must confirm to the following rules:

(1) Balais must not wear gold-lace-borded purgness.

(2) They must not wear dhotis with coloured or fancy borders.

86. Ibid., p.43.
87. Pantawane Gagadhar, Vadalache Vanshaj(M) p. 50 (Prachar Prakashan, Kolhapur, 1982).
88. Ibid., p.43.
89. See, Dr. Ambedkar : Life and Mission by Dhananjay Keer, pp. 97-10.
(3) They must convey intimation of the death of any Hindu to relatives of the deceased no matter how far away these relatives may be living.

(4) In all Hindu marriages, Balais must play music before the processions and during the marriage.

(5) Balai women must not wear gold or silver ornaments; they must not wear fancy gowns or jackets.

(6) Balai women must attend all cases of confinement of Hindu women.

(7) Balais must render services without demanding remuneration and must accept whatever a Hindu is pleased to give.

(8) If the Balais do not agree to abide by these terms they must clear out of the villages.

The Balais did not comply. Hence they were boycotted and subjected to harassment. Ultimately they had to leave their villages.90

There was a longstanding dispute between the high caste Kallar community and Adi-Dravida untouchables in Ramnad District of Tamilnadu as the latter were demanding equal Civil Rights with the higher castes. Therefore, the Kallar in Ramnad imposed eight restrictions on the untouchables in December 1930.

(1) The Adi-Dravidas should not wear ornaments of gold or silver.

(2) The males should not be allowed to wear their clothes below their knees or above their hips.

(3) The males should not wear coats or shirts or baniyans.

(4) No Adi-Dravida shall be allowed to have his hair cropped.

(5) The Adi-Dravida should not use other than earthen were vessels in their homes.

(6) Their women shall not be allowed to cover the upper portion of their bodies by clothes.

(7) Their women shall not be allowed to use flowers or saffron paste.

(8) The men shall not use umbrella for protection against sun and rain, not should they wear sandals.

But when the untouchables did not comply with the said eight prohibitions strictly, the Kallars again met together in June 1931 and framed eleven prohibitions so as to repress them completely. They were:

(1) The Adi-Dravidas and Devendra Kula velalars should not wear clothes below their knees.

(2) The men and women of the said depressed classes should not wear gold jewels.
(3) Their women should carry water only in pots and not in copper or brass vessels. They should use straw only to carry the water pots and no clothes should be used for that purpose.

(4) Their children should not read and get themselves literate or educated.

(5) The children should be asked only to tender the cattle of the Mirasdars.

(6) Their men and women should work as slaves of the Mirasdars in their respective pannais.

(7) They should not cultivate the land on lease from the Mirasdars.

(8) They must sell away their lands to Mirasdars of the village at very cheap rates and if they do not do so no water will be allowed to them to irrigate their lands even if something is grown by the help of rain water, the crop should be robbed away when they are ripe for harvest.

(9) They must work as coolies from 7 A.M to 6 P.M under the Mirasdars.

(10) The above said communities should not use Indian music in their marriage and other celebrations.
They must stop their habit of going on a horse on procession before trying the thali thread in marriage and they must use their house doors as a palanquin for the marriage procession and no vehicle should be used by them for any purpose.\textsuperscript{91}

The next incident is of Kavitha in Gujarat, which happened in 1935. "The Hindus of Kavita ordered the untouchables not to insist upon sending their children to the common village school maintained by Government."\textsuperscript{92}

Another instance occurred in village Zanu in Gujarat in November 1935. When the untouchable women were fetching water in metal pots, some caste Hindus thinking as an "affront to their dignity" assaulted those untouchables women.\textsuperscript{93}

In 1936 the Hindus of the village Chakwara in Jaipur state could not tolerate the use of ghee in the dinner by the untouchables and committed "murderous assault on defenceless untouchables" only on the ground of "untouchability."\textsuperscript{94}

No doubt untouchability was in existence since sixth century, but its forms were not so rigorous as the above started forms of modern origin were. These forms may rightly be called as aggravated forms of untouchability

\textsuperscript{91} Hutton, J.H. Caste in India, p. 206 (Oxford University Press, Bombay, 4\textsuperscript{th} Edition, 1969).


\textsuperscript{93} Ibid., p.40.

\textsuperscript{94} Ibid.
as they were more injurious, humiliating and inhuman in nature. In sum, untouchability has not come into existence all of a sudden with all its forms and practices present in recent period, but they were growing steadily and coming into existence some part of the country and spreading to other parts in a more or less degree.

**Unapproachability, Unseeability and Untouchability**

Unapproachability is an aggravated form of untouchability. L.S.S.O Malley accounts that the untouchables were not allowed to stand within the distance of 8 yards for Kammalans, 12 yards for Iluvans or Tiyas, 16 yards for Pulayans and 32 yards for the Paraiyas or Parihas. They had to maintain certain distance in Rajasthan also. If a Brahman did not see or know about the arrival of an untouchable, the later had so say loudly “Payse of Parayase” (Keep distance) in the street.\(^{95}\)

Even unseeability, another aggravated form of untouchability was prevailing in South India. According to Hutton, in a district of Tinnevelly there was a class of unseeables – a caste of washermen, known as Purada Vannan, who washed the clothes of untouchable castes, as such they were doubly polluted. They had to work between midnight and day break and were not allowed to come out during the day time because the very sight of them was polluting.\(^{96}\)

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96. Hutton J.H., Caste in India, p.81(1961)
During the discussion on the relevant Article in the Constituent Assembly Mr. H.V.Kamat moved the amendment saying that “after the word ‘untouchability’ the word ‘unapproachability’ be inserted”. But Sardar Vallabhbhai Patel while opposing, said that “I do not think it is right or wise to provide for such necessary corollaries and, therefore, I do not accept this amendment.”97 The motion was adopted. This indicates that unapproachability and unseeability are the “corollaries” of untouchability.”

**Slavery and Untouchability**

Slavery is a status of the slave who is “a creature without any rights or any status whatsoever; who is or may become the property of another as a mere chattel, the owner having absolute power of disposal by sale, gift, or otherwise, and even of life or death, over the slave, without being responsible to any legal authority.”98

According to Manu, the following seven categories of persons were slaves.99

(i) Persons who were made captive in the war;
(ii) Persons serving for their daily bread;
(iii) Those who were born in the house as Dasi putra;
(iv) Those who were bought;

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98. ILR 1880, p. 723 (726) Empress of India v. Ramkaur.
(v) Those who were presented by others;

(vi) Persons who were inherited from ancestors;

(vii) Those who were enslaved by way of punishment.

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

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

Untouchability, according to Dr. B.R. Ambedkar arose out of the contempt of Buddhism and continued habit of beef eating by the Broken Men; whereas slavery has its origin in the capture of defeated men, sale, or transfer and birth to a Dasi. Slavery is quite ancient whereas untouchability is a later invention. Slavery is universal but untouchables is a special feature of Indian(Hindu) society only. Untouchables were not only untouchables, but they were unapproachables and unseeables also; whereas the slaves were allowed to

perform domestic services in the houses of their masters; in addition to other work. Slaves were the property of their particular master or owner; only they had the control and domination over them; whereas the untouchables were the servants of all the high caste Hindus, controlled and dominated by all the villagers.

Untouchability was a permanent stain, but slavery was not so. They were eligible to be free provided they fulfil certain conditions, for example, the war captives were allowed freedom if they replace other persons, the debtors were allowed to be free of the payment of debt is made. They were set free if they saved the life of their master. But in all these cases of liberation, the tacit consent of the Master was necessary for the slave to be free.101

In 1792, the East India Company issued a proclamation against dealing in slaves in British India.102 It has been abolished by the Slavery Abolition Act of 1843. Indian Penal Code *inter alia* provides severe punishment for any dealing in slaves, under Section 370-71 which states that "any one who imports, exports or removes, buys, sells or disposes or any person, as a slave, or accepts, receives or detains against his will any person as a slave, is punishable with imprisonment of either description for a term which may extend to seven years, and also fine." The Constitution of India under Article 23(1) states: "Traffic in human beings and 'begar' and other similar forms of forced labour are prohibited and any contravention of this provision shall be an

offence punishable in accordance with law.” Thus all the newer forms of slavery viz. “Traffic in human beings”, “begar” and other similar forms of “forced labour” are prohibited and any contravention of this provision is made an offence punishable in accordance with law. Later on the Indian Parliament has passed “the suppression of immoral Traffic in women and girls Act, 1956” and “the bonded labour system(Abolition) Act, 1976” to deal with certain forms of slavery.

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

**Impurity and Untouchability**

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

1. *Impurity based on birth*

   Manu treats birth as a source of impurity.103 This type of impurity falls

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on the parents alone. However, the impurity of mother will last for ten days after the birth of a child and the father shall become pure by bathing. The father shall be impure during three days of the birth of a child of a remarried female. In case of miscarriage a woman was treated as impure for as many days as month elapsed after conception.

(2) Impurity based on death

The impurity based on death was very ‘extensive in its range’. All the members of the family of the deceased person were treated impure for ten days or until the bones were collected or for three days or one day only. It extends to other relatives and persons as follows:

(a) In case of death of a teacher, if the pupil is performing the Pitrimedha, the impurity was to last for ten days, in other case it was for three days.

(b) In case of death of teacher’s son or teacher’s wife it was to last for one day and one night only.

104. Ibid., 62.
105. Ibid., 61.
106. Ibid., 62.
107. Ibid., 63.
108. Ibid., 66.
109. Ibid., 58-59.
110. Ibid., 65.
111. Ibid., 80.
(c) In case of death of a pupil the teacher was to observe impurity for one night and two days.\textsuperscript{112}

(d) In case of the death of a friend and fellow student it was to last only for one day.\textsuperscript{113}

(e) In case of death of a Shrotriya it was for three days.\textsuperscript{114}

(f) In case of death of a king, if the king dies in the day time until the end of the day time and if he dies in the night up to the end of the night.\textsuperscript{115}

(g) In case of death of a maternal uncle or maternal relative and official priest it was to last for one night and two days.\textsuperscript{116}

(h) When people carry the corpse to the burial ground impurity lasts for ten days.\textsuperscript{117}

(i) When they touch to the corpse impurity lasts for a day and night only.\textsuperscript{118}

According to Manu all must observe these rules except (1) the king, (2) those who engaged in the performances of a vow; and (3) a Sattra.\textsuperscript{119} The

\textsuperscript{112} Ibid., 81.
\textsuperscript{113} Ibid., 71, 81.
\textsuperscript{114} Ibid., 81.
\textsuperscript{115} Ibid., 82.
\textsuperscript{116} Ibid., 81.
\textsuperscript{117} Ibid., 65.
\textsuperscript{118} Ibid., 64.
\textsuperscript{119} Ibid., 93
king being the protector of all and the other two being pure need not observe, the period of impurity. Moreover, it was not necessary on the part of the kinsman of those who died in riot or a battle, those who died by lightening, and by the kind, those who have died for the protection of cows and Brahmanas, and to those whom the king wishes to be pure in spite of their impurity.  

(3) Impurity based on Menstruation

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

Impurity based on Territory

Manu believes in territorial impurity. He states that the country of the Mlechhas or barbarians was impure for the performance of the sacrifices.  

The lands of territories fit for the performance of sacrifices were:

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120. Ibid., 95.
121. Ibid., Ch. III-45, Ch. IV-40, Ch. V-66.
122. Ibid., Ch. V.85.
123. Ibid., Ch. II-23, 24.
(a) *Brahma Varta*

The land created by the Gods which lies between the two divine rivers i.e Saraswati and Drishadvati.\(^{124}\)

(b) *The Land of Brahmashris*

It consists the plain of Kurus, the land of Matsyas, Panchalas and Sursenakas.\(^{125}\)

(c) *Madhya Desa*

The country which lies between the Himavat and the Vindhya, to the east of Prayaga and the west of Vinasana, the place where the river Saraswati disappears.\(^{126}\)

(d) *Arya Varta*

The territory between the Himvat and the Vindhya, which extends as far as the eastern and the western oceans.\(^{127}\)

The country other than mentioned above was the Mlechha land which was impure and unfit for sacrifices. Manu states that twice born men should not dwell therein. The Sudras were permitted to settle anywhere.\(^{128}\) It was the order of Manu that Brahmanas should not live in a country where the rulers were Sudras.\(^{129}\)

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124. Ibid., 17.
125. Ibid., 19.
126. Ibid., 21.
127. Ibid., 22.
128. Ibid., 24.
129. Ibid., Chapter IV-61

61
The impurity based on territory, however, came to an end in the long past. As far as voyage to European countries there were restrictions and persons in breach of restrictions had to undergo the penance of Panchgavya for making him pure.  

(4) Impurity based on Occupation

Manu treats certain occupations as of low status which may be performed by low castes. Persons engaged in lower occupations were treated impure at the Shraddha or sacrifices. Their food was forbidden and they were disqualified to be witnesses. They were categorised as given in table on next page.

However, occupational impurity was restricted to certain areas of social behaviour only. There is no reference to Sweeper and Scavenger in the category of castes based on impure occupations.

131. Buhler, G. The Laws of Manu Ch. III-152,158,160,166.
132. Ibid., Ch. IV-214,215,218,219,210,216.
133. Ibid., Ch. VIII-65.
Those who were excluded from Shraddha

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<th>Those who were excluded from Shraddha</th>
<th>Whose food was forbidden</th>
<th>Disqualified to be witnesses</th>
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<td>1. Actor, Singer</td>
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<td>5. Oilman</td>
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<td>7. Gambler</td>
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<td>8. Shepherd</td>
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<td>14. Washerman</td>
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<td>15. Dyer</td>
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Now-a-days we do not find occupational impurity except that of Scavenger, whose caste and occupation is treated as most impure and untouchable.

(5) Impurity based on character

According to Manu adultery, Prostitution, homicide, mixed marriages, etc., were immoral and punishable acts. The son of the adulteress was excluded from Shraddha. The food given by the prostitutes was treated as

134. Ibid., Ch. III-156.
impure. The homicide of Brahmana was Mahapataka, hence the food given by such prisoner was forbidden. The base born offsprings of Aryans. The food given by the outcaste and the association with was forbidden.

(6) Impurity based on sex

According to Manu women was the source of impurity. Hence they were not allowed to recite Veda. Their presence at the sacrifices was to defile it. The food given by a woman at the time of sacrifices and by a woman having no male relative was impure. The eunuchs were also excluded from sacrifices and their food was forbidden as impure.

Impurity based on Physical unsoundness

Persons who were physically sound were eligible to perform religious rites. The mad, dumb, deaf, deformed and blind persons were the sources of impurity and defilement at the time of Shraddha.

135. Ibid., Ch. IV-109,219.
136. Ibid., Ch.III-158.
137. Ibid.
138. Ibid., Ch-III-154, V-79.
139. Ibid., Ch. IX 18.
140. Ibid., Ch. IV-205,206,XI-36.
141. Ibid., Ch. IV-205.
142. Ibid., Ch. IV-205, III-150.
143. Ibid., Ch-III-161,177.
Impurity based on mixed marriages

Manu in conformity with Vedas states that there were only four varnas. Each varna was an endogamous group. Marriages outside one’s own varna was not allowed. The progeny of mixed marriages or varna samkara, were treated as outside the Chaturvarna, and impure.144

(7) Impurity based on conversion

The type of impurity is a latter development. Those convert to Islam or Christianity from among the Hindus were treated impure and outcasted on the ground of conversion. When thousands of Hindus who forcibly converted to Islam during the Moplah Rebellion in Malabar in 1921, the Hindus outcasted en masse all those innocent converts. They remained out of communion until they had undergone the rite of Panchagavya (i.e., testing the nauseous mixture of five products of the cow—cow-dung, cow-urine, milk, curd, and ghee) and had to pay the fees demanded by the Brahmans for performing the ceremony.145

“Though outcasting involves social and religious disabilities, it does not involve any loss of civil rights in British India, for the Caste Disabilities Removal Act of 1850 expressly declared that any law or usage which inflicted forfeiture of right of property, or which might he held to impose or affect any right or inheritance, by reason of any one being deprived of caste should no longer be enforceable in the courts of law”146

144. Such impure castes were near about 53.
145. O ‘Malley L.S.S., Indian Caste Customs, p. 84, 85.
146. Ibid., p. 88.
"Untouchability" that has been referred to under Article 17 of the Indian constitution is, of course, distinct from the impurity described in Manusmriti. The points of distinction can be stated as under:

(1) Untouchability is a permanent one: It is observed for all the times and for all the occasions, whereas impurity based on birth, death, menstruation, etc. is occasional. As soon as the duration of impurity is over or the stain is removed no one is expected to observe it.

(2) Untouchability is observed in respect of a whole class or caste, whereas impurity is more personal. One who becomes victim of impurity he only suffers from the stigma of impurity and on one else.

(3) Untouchability is observed in respect of certain so called low castes, by the so called high castes. Impurity is observed in respect of certain individuals irrespective of low or high castes. Almost all the savarnas or avarnas observe the rules of impurity in a more or less degree.

(4) Untouchability is not based on any reasonable grounds, whereas, impurity, with certain exception, is based on some reasonable grounds. One may justify the impurity based on birth, menstruation and miscarriage on the hygienic grounds. The practice of impurity is not harmful to the society as a whole.

(5) Untouchability, being permanent stain, cannot be removed at all. It is based on the rule that, "once impure always impure". Impurity can be given up by performing the purificatory ceremony prescribed by the Shastras, or it may come to an end automatically after the lapse of some time or it may come to an end with the death of the victim.
(6) The scope of untouchability is wider than impurity. Untouchability is observed for all the times and for all the purposes. Impurity is observed only at the time of Shraddha, or sacrifices, in respect of acceptance of food and in case of recitation of Vedas and in respect of inheritance.

(7) As far as penance is concerned, it is more severe to the untouchable offender than an impure offender. Untouchables were subjected to harsh penalty than touchables.

(8) The practice of untouchability is not so ancient as compared to the practice of impurity. In the words of Dr. B.R. Ambedkar, “while the impure as a class came into existence at the time of Dharma Sutras, the untouchables came into being much later than 400 A.D.”

(8) **Attitude of social aggression**

Untouchability is observed not only against an individual or few individuals, but it is observed against a group of individuals labelled as untouchables. A group of so called high caste people observes untouchability against all the fictitious low caste people. Hence the Elayaperumal Committee observes that untouchability “is an attitude on the part of a whole group of people. It is a spirit of social aggression that underlies this attitude.” According to Bhagwan Das, “untouchability is not merely ‘touch-me-notism’, it is much more. It is a prejudice much stronger than the racial prejudice and more dangerous because it is invisible.”

147. Ambedkar, B.R., The Untouchables p. XIV.

"the practice of untouchability was not the result of deliberate conspiracy to suppress the Sudras and the untouchables. It was just the holding on to wrong beliefs about religious purity."149

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

(I) The Theory of Taboo: Every caste Hindu, believing in Vedas, believes in varnashram and caste system. It is stated in Purushsookta part of Rig Veda, that Brahmana, Kshatriya, Vaisya and Sudra were created by the God respectively from its mouth, arms, thigh and foots. Subsequently all the Dharmasastra including Manusmriti followed Rig Veda. The untouchables, however, were not savarnas, they were known as avarnas. Hence in the hierarchy of the caste system they were more degraded and treated as untouchables, whose touch was treated profane.

The Bhagvat Gita while narrating the duties of each and every varna, states categorically that “by worshipping in through the performance of his own duty(Dharma) man attains perfection”. Performing one’s own duties or Dharma was thus made essential for salvation.150 Hence each and every one was to perform the duties of his caste or sub-caste, as and when the Brahmanas revealed time to time. No one was to challenge their authorities as they were the Gods on earth. The observance of Taboo(vital) or defilement or pollution in respect of those castes who were treated as untouchables was stated as Achar

150. The Bhagwad Gita, Ch-IV-13, XVIII-41,45,46,47,48.
Dharma of all the caste Hindus. Subsequently it became a part of the “social custom” of the Hindu social system.

Hindus have no explanation as to the origin of untouchability, at the most they try to explain it in terms of fictitious belief in caste purity, taboo and inequality of castes. This theory of taboo seems to be unnatural, unscientific and a myth, hence unbelievable and unaccept able. But this myth has played havoc. The notion of taboo or pollution generated the sense of contempt for the so called untouchables, who became so only on the reason of their fictitious “low birth.”

(2) Race and occupation theory: Stainly Rice propounded the theory of Race and Occupation for explaining the origin of untouchability. According to Rice the untouchables were non-Aryans and non-Dravadian aboriginal. They were conquered and subjugated by the Dravadians first and, thereafter, by the Aryans. Thus according to Rice, there were two invasions of India, first by the Dravadians and second by the Aryans. The Aryans vanquished the non-Aryans and reduced merely, to “serf” and assigned to them only menial or filthy occupations. Thus the difference in race and performance of filthy occupations lowered down the status of these aboriginals to merely untouchables.

According to Dr. B.R. Ambedkar, this theory presupposes that homogeneous nature of Aryans, which was not correct. They were divided into Rig Vedic Aryans and Atharvavedic Aryans. The Dravidians were not racially different from those aboriginals. We do not find any record which bears the vanquished became untouchables as such. According to anthropametry test the

untouchables resemble to the high caste people, most of the names of kul and Gotra also are identical to that of untouchables. The filthy and unclean occupations which the untouchables performed were common to all human societies. In these societies also some people must have performed such occupations. But they were not treated as untouchables. Thus, in his own words, “the theory is too mechanical, a mere speculation and too simple to explain a complicated set of facts relating to the origin of the Sudras and the untouchables.”

(3) Multi-causal theory: According to V.R. Shide there were five different causes of the origin of untouchability. They were:

i) Filthy Occupations: Those who were living by performing filthy or unclean occupations were treated as untouchables.

ii) Defeat in the Wars: Those who were independent entities, but later on vanquished in the wars became untouchables.

iii) Buddhism and Atheism: Those who were Buddhists and non-believes in God, superstitions and Vedas and did not accept the supremacy of Brahmanism were made untouchables.

iv) Leading Tribal Life: The tribals not living like civilians were treated as untouchables, and

v) Pratiloma marriages: That is the marriage of a high caste female with a low caste male was prohibited by Manu. Those who were performing Pratiloma marriages in contravention of


the order of Manusmriti were boycotted and treated as untouchables.

(4) The Broken Men Theory: According to Dr. B.R. Ambedkar the untouchables were the Broken Men. The primitive society was mainly tribal. At a later stage they became settled as soon as they switched to agriculture as a means of their livelihood. However, all the tribes did not settle simultaneously. Some tribes were still nomadic when others settled down.

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

The intra-tribal wars gave rise to divisions of tribes. The defeated tribes were broken into bits. Hence there always existed in primitive times a floating population constituting groups of Broken tribesman roaming in all directions. On the other hand, the settled versus nomadic war gave rise to loss of property and persons of the settled people. They faced acute problems of defence from certain aggressive tribes. Thus the Broken Men were in need of shelter and food, whereas the settled were in need of protection of the property and persons.

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Consequently they had to come to certain settlement and from an agreement for protecting each other's interests. Although there is no written text of a contract coming down from antiquity it can be said that the two struck a bargain whereby the Broken Men agreed to do the work of watch and ward for the settled tribes and the settled tribes agreed to give them food and shelter. Indeed it would have been unnatural if such an arrangement had not been made between the two especially when the interest of the one required the co-operation of the other.

The primitive society, however, was not so liberal to admit the alien into their area hence allotted the land outside the village to the nomadic settlers. From the Protection or strategic point of view, their settlement outside the village was necessary so as to face the possible dangers. Obviously, because of their living outside of the village they were called as “Antyaja” or “Antyavasin”. Still the untouchables live outside the village and they are called ‘Antyaja” and “Asprashya”.

The second reason of untouchability, according to Dr. B. R. Ambedkar is the contempt of Buddhism, the religion professed by the Broken Men. The Broken Men who were segregated from the village people must have thought to embrace Buddhism which was based on liberty, equality and fraternity. The village people remained in Hinduism accepted the supremacy of the Brahmanas; whereas the Broken Men discarded the supremacy of Brahmanas and continued to profess Buddhism. This caused strife between the two communities which ended in suppression of the Broken Men and downfall of Buddhism in the later period.
According to Dr. B.R. Ambedkar the third reason of the origin of untouchability was the habit of beef eating by the Broken Men. The untouchable became habituated to eat flesh of cows, whereas the touchables gave up the same. Even at the later stage the Brahmanas not only left cow flesh but became purely vegetarian so as to outbeat the Buddhist professing the principle of non-violence and compassion to all men and animals. “Unfortunately beef eating instead of being treated as a purely secular matter, was made a matter of religion. This happened because the Brahmans made the cow a sacred animal. This made beef eating sacrilege. The Broken Men being guilty of sacrilege necessarily became beyond the place of society.”

Thus according to Dr. B.R. Ambedkar the “stain” of untouchability was imposed on these people who were Broken Men, Buddhists and beef-eaters.

There may be three important questions in respect of this theory. (1) Why did the caste Hindus, especially Brahmanas hate Buddhists only? (2) What made the Broken Men Buddhists to continue beef eating? (3) Why did they accept filthy occupations in place of the protection of caste Hindus?

(1) (a) Buddhism accepted an egalitarian model of society as opposed to varna model. Buddhist shramners were not hereditary. This was contradictory to the theory of hereditary superiority of Brahmanas. The Buddhists opposed the supremacy of Brahmanas.

(b) In the ancient period there were feuds between Brahmanas and Kshyatrias, as both wanted to maintain their supremacy. Goutama Buddha did not belong to Brahmanas. He was a son of a Kshyatrias king.
(c) During his reign there arose a dispute over the use of water of Rohini between Sakya and Koliya. Siddhartha did not accept the advice of the Sangha comprising of Brahmanas to wage war against the Koliyas.\textsuperscript{155} Hence Sangha condemned Siddhartha, and Siddhartha left the throne and after a search of knowledge he founded Buddhism.

(d) In the later period Buddhism could appeal and convince the foreign invaders like Millind and Kanishka, who became Buddhist and propagated Buddhism. Naturally there might have developed hatred towards the religion adopted by the enemies of caste Hindu kings.\textsuperscript{156}

(e) Although there were several Brahmanas Bhikkus in Buddha’s Sangh, they were leaving the Sangha when Buddhism lost royal patronage and when they came to know that they were unable to impure supremacy by Buddhist way.

(2) The Broken Men were habituated to eat cow-flesh. They could not leave it even after accepting Buddhism. They were allowed to eat the flesh of cows without killing them. On the other hand, the Brahmanas, in order to establish their supremacy used to practice non-violence and vegetarianism.

(3) (a) The Broken Men had lost their importance as far as protection of the village is concerned owing to the fact that the states of kings


\textsuperscript{156} See Cultural Fellowship in India, by Atulananda Chakrabarti, p. 179. (Thacker Spink, Calcutta, 1934).
started to assume the responsibility of the protection of the villages in future.

(b) This must have caused a loss of profession on the part of the Broken Men, resulting in the loss of source of livelihood. Therefore, the Broken Men had to resort to filthy occupations.

Now in the light of the explanation of the origin of untouchability as given above, it is necessary to find out whether untouchability involves mental attitude of hatred, contempt and vengeance on the part of the caste Hindu against the untouchables. All the theories advanced for explaining the origin of untouchability reveal that untouchability was based on hatred, contempt and vengeance either it may be due to their so called low status and unclean occupation or due to their religion and beliefs or due to their habits, and low living standard.

It is submitted that there can be no growth of such a heinous institution of untouchability in the ordinary natural course of affairs. When one goes from “effect to cause” he may say that the past as well as the present precarious situation of the untouchability must have been the creation of some malice. Due to the long tradition of prevalence of untouchability the caste Hindu observe as a “social custom” but at its root there lies hatred and contempt. It cannot be called as a simple habit handed down by generations based on divine inequality and ceremonial purity.

Whether the so-called untouchables ever consented to their subjugation voluntarily? The Broken Men Theory which explains the origin of untouchability merely states how the settled people and the Broken Men
entered into an informal agreement for protecting their mutual interests at the juncture of that moment. It cannot be stated that the said agreement was for instituting untouchability. Untouchability came into existence at the later stage and not at that stage itself.

Although history does not beat the record of the resistance to this practice from the untouchables at the stage of its emergence, we can definitely say, on the basis of logical reasoning that, it was not voluntarily accepted by the untouchables. How there could be voluntary consent to such an institution which was detrimental to their own interests!

The analysis and interpretation of certain historical facts reveal that the so called untouchables had expressed their resent directly or indirectly. When the Bhakti-cult propounded spiritual equality of the the human beings, the untouchables saints like Ravidas, Chokhamela, Kanak, Nandnar, etc. were attracted towards it. They had tried to assert their right of spiritual equality, but in vain.

In order to get rid of untouchability, some of them converted to Islam and few of them became rulers e.g Kalapahad, Malik Kafoor and Khusro Khan. But when they were disappointed due to the indifferent attitude of the Muslims towards the interests of untouchables, they joined the Maratha King Shivaji and fought heroically for the establishment of his kingdom. When the Peshwas proved to be more oppressive they fought against them in 1818 at

Koregaon and won victory for the Britishers.¹⁵⁹ Some of the untouchables in order to get rid of untouchability resorted to conversion to Christianity during the British rule. Those untouchables who were victims of aggravated forms of untouchability, specially in Travancore, become Christians in large numbers.¹⁶⁰

These instances are the indicators of the antagonistic response of untouchables to the institution of untouchability. Thus, in no time of history the so called untouchables had shown their consent to this inhuman system voluntarily. It was, however, imposed on them by the caste Hindus with all cunningness and coercion. They could exploit the ignorance and helplessness of the untouchables to such an extent that they were made to believe that it was most religious and divinely instituted. Consequently they were obliged to submit to this heinous institution at their own. Thus, untouchables being deprived of all the means of retaliation, physical as well as intellectual, could not revolt against it successfully till recently.

Therefore, consent cannot be a valid plea in defence in the cases of untouchability. Even if an untouchable, due to ignorance or fear of coercion or force of custom consents to untouchability, it cannot be a free consent in the right sense.

(9) Offence Against Humanity

There are several categories of offences, e.g. offences against human body, offences against property, offences against the state etc. The

¹⁶⁰. See the Conversion of India by George Smith (London).
offence of untouchability may rightly be categorised as an offence against humanity. Untouchability reduces persons to mere slave or chattel who have no civil personality or importance. The untouchables, according to B.R. Ambedkar, "have their very persona confiscated. The socio-religious disabilities have dehumanized the untouchables and their interests at stake are therefore the interests of humanity." Untouchability is a 'stigma' attached to innocent persons. It is not only a 'blot' on Hinduism but on humanity as a whole.

**Victims of Untouchability**

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

According to the International Webster New Encyclopaedic Dictionary, untouchability means, "A member of the lowest caste in India whose touch was formerly considered a defilement by Hindus of higher caste". According to L.S.S.O'Malley, "untouchable is a name of comparatively recent origin applied generically to persons in the lowest classes of Hindu society". It implies that they cannot be touched by orthodox Hindus of higher caste without consequent contamination; but the idea among Hindus themselves is that the

untouchables cannot touch others without making them impure; the position in
the words of a Hindu writer is not, “Their touch means contamination, water
touched by them is polluted.” They are also commonly referred to as “the
depressed classes” and are sometimes called the ‘out castes’ or ‘the out-caste
Hindus’ as distinguished from higher caste which are referred to as ‘Caste
Hindus’. 162

According to instructions of the then Government of India for taking
the 1931 census, depressed castes were those “contact with whom entails
purification on the part of high caste Hindus. It is not intended that the term
should have any reference to occupation as such but to those castes which by
reason of their traditional position in Hindu society are denied access to
temples, for instance or have to use separate wells or are not allowed to sit
inside a school house but have to remain outside, or which suffer similar social
disabilities. These disabilities vary in different parts of India, being much more
severe in the south of India than elsewhere. At the same time the castes which
belong to these class are generally known and can in most parts of India be
listed for a definite area, though perhaps the lists for India as a whole will not
coincide. 163

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

(1) Whether the caste or class in question can be served by clean
Brahmana or not.

(2) Whether the caste or class in question can be served by barbers, water-carriers, tailors etc. who serve the caste Hindus.

(3) Whether the caste in question pollutes a high caste Hindu by contact or by proximity.

(4) Whether the caste or class in question is one from whose hands a caste Hindu can take water.

(5) Whether the caste or class in question is debarred from using public conveniences, such as roads, ferries, wells or schools.

(6) Whether the caste or class in question is debarred from the use of Hindu temples.

(7) Whether in ordinary social intercourse as well educated members of the caste or class in question will be treated as an equal by high caste men of the same educational qualifications.

(8) Whether the castes or class in question is merely depressed on account of its own ignorance, illiteracy or property, and but for that, would be subjected to no social disparity,

(9) Whether it is depressed on account of the occupation followed and whether but for that occupation it would be subjected to no social disability.”¹⁶⁴

If on application of above tests the response, in negative or positive as the case might be, they were treated as an “exterior caste”.

¹⁶⁴. Ibid.
Our Constitution abolishes untouchability and provides certain privileges to the so called untouchables, but does not refer to them. In this respect Dr. P.T. Borale states that "the untouchables are not mentioned, under Article 17 of our Constitution, after examining the relevant provisions of the Indian Constitution, we have come to the conclusion that only the Scheduled Castes are known to be the historically known untouchables and they are referred to as the Scheduled Castes under the Constitution." According to Prof. Mare Galanter, "Scheduled Castes" is the most recent of a long line of official emphemisms for 'untouchables." Thus the untouchables are constitutionally called as Scheduled Castes.

Scheduled Castes have been defined by the Constitution under Article 366(24), as "Scheduled Castes means such castes, races or tribes or parts of or groups within such castes, races or tribes, as are deemed under Article 341, to be Scheduled for the purposes of this Constitution."

Article 341 states "(1) The President (may with respect to any state or union territory) and where it is a state, after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purpose of the Constitution be deemed to be Scheduled Castes in relation to the state (or union territory as the case may be.)"

(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause(1) "any caste,

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166. Galanter Marc, Competing Equalities, p. 122 (Oxford University Press, Delhi, 1984).
race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.”

Article 341 and Article 366(24) both refer to “Castes, races or tribes” as Scheduled Caste. It is said that (1) the President of India is to specify the castes, races or tribes as Scheduled Caste. (2) Such specification is to be made after consultation with concerned Governors; (3) such castes be made publicly known by Public Notification; and (4) the Parliament is empowered to “include in or exclude from the list of Scheduled Caste any caste, race or tribe. Thus Article 341 merely laid down the procedure of preparing the list of Scheduled Castes, but does not specify the criteria or test of such classification. Moreover, neither the President, nor the Parliament is empowered to decide the criteria or test of those “castes, races, or tribes” for the classification as such under the Constitution.

It is, however, stated in the Constitution (Scheduled Castes) Order 1950, that “no person who professes a religion different from the Hindu or the Sikh, or Buddhist religion shall be deemed to be a Member of a Scheduled Caste.”167 According the Supreme Court in Bhaiyalal v. Harikrishna Singh (1965), has decided that “in order to determine whether or not a particular caste is a Scheduled Caste within the meaning of Article 341, one has to look at the public notification issued by the President in that behalf.”168

168. AIR 1965 SC 1557.
In *Punjabrao v. D.P.Meshram*(1965), Mudholkar, J. observed that one who 'professes' a religion other than Hindu or Sikh ceases to be a SC and cannot derive any benefit as a member of SC. Hence a SC convert to Buddhism would not be a member of SC.169 But now after the 1990 Amendment of the Constitution (SC) order 1950, a SC member who has converted to Buddhism is treated as SC.

When it was argued for the respondent that the word ‘Hindu’ is comprehensive enough to include a Buddhist and in that connection the court’s attention was invited to Explanation II to clause (2) of Article 25 of the Constitution which states that, “the reference to Hindus shall be constructed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly”, the court observed that the definition of Hindu is expanded for the special purpose of sub-clause (b) of clause (2) of Article 25 and not for other purposes. For the purposes, other than the purpose underlying Article 25 (freedom of religion and (b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus”); The Constitution(SC) order, 1950 would be applicable, which states that no person who professes a religion different from the Hindu or the Sikh religion shall be deemed to be a member of a SC.” While denying the argument put forth by the respondent the Supreme Court observed that “If it was intended that the word ‘Hindu’ used in this paragraph should have a wide meaning of similar to that in Explanation II just quoted: “There would have been no need to make mention of Sikh religion.

From the fact that a special mention is made of the Sikh religion it

would follow that the word ‘Hindu’ is used in the narrower sense of the orthodox Hindu religion which recognises castes and contains injunctions based on caste distinctions.” Thus for claiming any benefit, other than the benefits under Article 25 of the Constitution one has to prove that his caste has been included in the Presidential notification as a Scheduled Caste and he professes either Hindu or Sikh religion.

In this respect Bhagwati, J in C.M. Arumugham v. V.S. Rajgopal (1969) has provided a reasoning, stating that “It is the orthodox Hindu society still dominated to a large extent, particularly in rural areas, by medievalist outlook and status-oriented approach which attaches social and economic disabilities to a person belonging to a Scheduled Caste and that is why certain favoured treatment is given to him by the Constitution. Once such a person ceases to be a Hindu and becomes a Christian, the social and economic disabilities arising because of Hindu religion cease and hence it is no longer necessary to give him protection, and for this reason he is deemed not to belong to a Scheduled Caste. Eventually the respondent who was decided as Christian and failed to prove his reconversion to a Hinduism was adjudged as not to belong to a Scheduled Caste.

However, the Supreme Court observed in a previous case, Chathurbhuj Vithaldas Jasani v. Moreshwar Parshram (1954) that a Scheduled Caste belonging to Mahambhav Sect does not cease to be a member of Scheduled Caste as “conversion to this sect imports little beyond an intellectual acceptance of certain ideological tenets and does not alter converts caste

status."171 In this line of reasoning the Mysore High Court has decided in B. Shyamsunder v. Shankardes Vedalankar (1960) that a person who becomes a member of Arya Samaj does not cease to be a Scheduled Caste, as “Arya Samaj, unlike Christianity or Islam, is not a new religion entirely distinct from Hinduism”. Further it is observed that if, “the old order is tolerant of the new faith and sees no reason to outcaste or ex-communicate the convert and the individual himself desires and intends to retain his old social and political ties, the conversion is only nominal for all practical purposes and when we have to consider the legal and political rights of the old body. The views of new faith hardly matter.”172

It was observed in Ganpat v. Presiding Officer (1975) by the Supreme Court that mere performing marriage ceremony according to Buddhism would not be a test to cease to profess Hinduism. In their opinion, “Hinduism is so tolerant and Hindu religious practices so varied and eclectic that one would find it difficult to say whether one is a practising or professing Hindu religion or not. Especially when one is born a Hindu the fact that he goes to a Buddhist temple or a Church or A Durgha cannot be said to show that they are no more Hindus unless it is clearly proved that they have changed their religion from Hinduism to some other religion.”173

The castemen can re-admit a person ceased to be so if the converted person think to reconvert as the caste is the “Supreme Judge.” It was

171. AIR 1954 SC 236.
172. AIR 1960 Mysore 27.
categorically said by the Supreme Court in Rajgopal (1969) that "In matters affecting the well-being or composition of the caste, the caste itself is the Supreme Judge. It was on this principle that a reconvert to Hinduism could become a member of the caste, if the caste itself as the supreme judge accepted him as a full member or it".\(^ {174}\) In sum (1) a Scheduled Caste would not cease to be a Scheduled Caste when his conversion is "within Hinduism" and "not outside Hinduism". (2) Conversion to Christianity, Islam or Buddhism were conversions outside of Hinduism. (3) A Scheduled Caste would not cease to be so until and unless the castemen expel him from their caste. (4) As the castemen expel him, so also they can readmit a person ceased to be so.

Now, it is necessary to see whether the meaning assigned to "Scheduled Castes" under clause (24) of Article 366 of the Constitutions and under the Constitution (S.C) Order, 1950 has been accepted for the purpose of the protection of Civil Rights Act, 1955, the answer would be affirmative, as it has been very specifically said so under Section 2(db). Due to the lack of the definition of "untouchable" and acceptance of the meaning of Scheduled Caste as assigned to it vide the Constitution (S.C) Order 1950, under the Protection of the Civil Rights Act, 1955, the Scheduled Castes convert to Christianity and Buddhism do not derive full benefit of the said Act, although for all practical purposes as castemen their position remained as it was before their conversion.

For the purpose of the Protection of Civil Rights Act, 1955 there was a mention in the Bill under Section 2 clause (f) that "Untouchable means a member of a Scheduled Caste as defined in clause(24) of Article 366, of the

\(^ {174}\) AIR 1976 SC 839.
Constitution, and includes any other person who by custom or usage is regarded as an ‘untouchable’ by any community or section thereof.”

**Explanation I**

A member of a Scheduled Caste shall not cease to be such member if he resides in any locality other than the locality specified in relation to him in any public notification issued or any law made by Parliament under Article 341 of the Constitution.

**Explanation II**

A member of a Scheduled Caste who has been converted from Hindu religion to any other religion shall not withstanding such conversion, be deemed to an ‘untouchable’ for the purpose of Act. 175

However, the Joint Committee of the Parliament to which the Bill was referred decided after due consideration to omit the definition of untouchable along with the two explanations thereto, saying that “the deletion of the expression ‘untouchable’ would not stand in the way of attaining the subject of the Bill”.

But the courts relying more on the Constitution(S.C.) Order, 1950 as amended in 1956 have been taking a contrary view so far as the meaning of ‘untouchable’ under Explanation II in the Bill is concerned. It has been decided by the Bombay High Court that “those persons, who profess the Hindu or the Sikh religion and who belong to the castes, races or tribes therefrom the groups within castes, races or tribes there from and so notified by the President by the virtue of his powers under Article 341 shall be deemed to

175. Bill No. 14 of 1954 presented by Shri K.N.Katju, Minister for Home Affairs, on 19th December 1953.
be members of a Scheduled Caste or Castes. A Buddhist or one professing Buddhism does not belong to Scheduled Caste within the meaning of the Act."\textsuperscript{176} Of course, the same view has been taken by this court in the similar cases arisen subsequently.\textsuperscript{177}

Although philosophically Buddhism is different from Hinduism, but legally, under Article 25, Explanation II of the Constitution under Section 3 and 4 of the P.R.C.Act and under the Hindu law, such as the Hindu Marriage Act, 1955, the Hindu Succession Act, 1956, the Hindu Adaptations and Maintenance Act, 1956 and the Hindu Minority and Guardianship Act, 1956, Hinduism, inter alia, includes Buddhism.

The Scheduled Caste converts to Buddhism are not outcasted or ex-communicated by the old order or the castes to which they belonged before such conversion. Moreover, the Scheduled Castes converts to Buddhism are still being looked upon by the caste Hindus as Scheduled Caste.

If for all other purposes Hinduism includes Buddhism then what bars the courts to construe accordingly under the Scheduled Caste Order, 1950. The reasoning of the Supreme Court(1965 Meshram) in rejecting the expanded definition of Hinduism under sub-clause(b) of clause(2) of Article 25 of the Constitution for the purpose of Scheduled Caste Order,1950 on the ground that is for "Special purpose" under the Article and not for "Other purposes" seems to be unreasonable. Neither it is said so anywhere specifically or impliedly. It


should be borne in mind that the purpose of Article 25, Article 17 and the P.C.R Act is to 'reform' the Hindu Social Order. Article 15(4) and 46, 16(4) and 335 and Article 330(1) and 332(1) are aimed to develop the social, economic and political status of the Scheduled Castes who suffered the stigma of untouchability in the past. On the other hand the purpose of the Scheduled Caste Order, 1950 is to identify those castes so as to serve the purpose under several Articles of the Constitution. Therefore, the constitutional provision under Article 25 Explanation II prevails throughout the Constitution and the statutes or rules and regulations including the Scheduled Caste Order, 1950.

There is one more lame argument that, since Article 341 of the Constitution provides that the President may specify any caste or sub-caste etc. as Scheduled Caste, and the “Caste” being concomitant of Hindu religion, the reference to “Caste” under Article 341 should be constructed in relation to Hinduism. Buddhism does not accept “Caste” as such caste means only Hindu castes. Even if it is accepted so, then the question remains that is to why the criteria of Sikh religion, which is equally antagonistic of caste, has been laid down in the Scheduled Caste Order, 1950. If Sikhism or Arya Samaj or Mahanubhav Oanth does not render Scheduled Caste as not Scheduled Caste, then how Buddhism does so? Moreover, “Caste” under Article 341 as Parmanand Singh observes, need not be viewed in relation to Hinduism but as a “Secular” and “Social” group.178 It need not be construed as Prof. Marc Galanter observes, in the ordinary sense, but in the sense of a “Identifiable”

group or community which suffered a low social and ritual status in the Hindu Social Order.\(^{179}\)

Apart from fulfilling the condition of being Hindus, under the S.C. Order, 1950, the Scheduled converts to Buddhism fulfill another criteria i.e untouchability which they suffered in the past and continue to suffer at the present in the “Hindu Social Order” in its broad sense.

As inquiry into the history of the list of Scheduled Castes, specified and enclosed as the Ninth Scheduled to the Government of India Act, 1935 reveals that the basis of enlisting certain castes as Scheduled Castes was the low Social status of the so called untouchables in the eyes of the caste Hindus. The present list of Scheduled Castes is but the modified version of the list prepared in 1935.

In the opinion of Shri V.I. Muniswamy Pillai, a member of the Constituent Assembly, it was untouchability “which brought out the special name of Scheduled Castes.”\(^{180}\) In the opinion of the First Commissioner for S.C and the S.T, the Hutton’s 1931 census criteria on the basis of which the list of Scheduled Castes was prepared in 1935 “appears to hold good for purpose of specifying the Scheduled Castes.”\(^{181}\) According to Prof. Marc Galanter, “the Scheduled Castes have been chosen primarily by the criterion of low social and ritual standing.”\(^{182}\) It is but fact that the Scheduled Castes converts to

\(^{179}\) Prof. Marc Galanter suggestion that “Caste” be interpreted widely enough to include all who has been victimized by the Hindu sacral order, in his book completing Equalities, (p. 323).


Buddhism are still subjected to discriminatory treatment on account of untouchability.

Thus the Scheduled Castes converts to Buddhism have a reasonable claim to be treated on par with the Scheduled Castes.

In addition to these Categories of persons, those who have converted to a religion outside of Hinduism like Christianity or Islam or those who have no religion also suffer from the evil of untouchability.

Finally in 1990, The Constitution (Scheduled Caste) Order 1950 was amended and the above doubt and controversy was put to rest. It was expressly provided that SC converts to Buddhism shall be treated as SC.

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

Untouchability as a Relational Phenomenon

Untouchability necessarily indicates the relations between the caste Hindus at one hand and the so called untouchables on the other. Untouchability as a relational phenomenon implies the strained relations between these two groups of touchables and untouchables. The touchables look down upon the untouchables with hatred, contempt and envious attitude, whereas the untouchables regard the touchables as a dominating, superior and a powerful group. Sometimes these strained relations reflect in the attitude of "touch-me-notism" sometime in the "notion" of untouchability and sometime in the caste prejudice and atrocities. The most orthodox caste Hindus observe "touch-me-notism", the less orthodox but more jealous observe "notional"
untouchability and the intermediate castes forming land owner class resort to caste prejudice and atrocities.

### Poverty, Illiteracy and Untouchability

It is argued that untouchability is but virulent form of poverty and illiteracy, as such once these problems are solved, the problem of untouchability would automatically come to an abrupt end. Of course the economic and educationally development may help in the caste Society.

C. Parvathama states, "it is social inequalities and no economic inequality that is predominant." Hindu society is based on caste system, as such caste and its relative status occupies importance and not their economic condition. According to Dr. Mumtaz Ali Khan, "So far as access to social, religious and private activities is concerned, literacy has no relevance since there is a very high percentage of discrimination in respect of the literate also." Even who are rich, educated and bestowed with some status are being subjected to the same humiliation as the poor, illiterate and ordinary persons only on account of untouchability. Following instances would reveal this fact:

(1) On 25-5-1968, Shri Bharat Ram, a Scheduled Castes Teacher, working in the Government Primary School, Fateshpur District, Ambala (Haryana) took water from the common pot which was kept for drinking.

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183. Shri R. Achutan, A member of the Committee on Untouchability etc. (1969) was of this opinion.


purpose. The Head-Master noticed this and abused the teacher and dismantled the water pot and the glass. 186

(2) It is stated by the Commissioner for S.C. and S.T. in his 21st Report that a S.C. Gazetted Officer working in the Government of India, New Delhi, had to leave a house took on rent in August 1971 due to harassment by the landlord when his caste was disclosed. 187

(3) Maharashtra S.C. Minister for social welfare was prohibited to enter Balaji temple by the temple priest in June 1976 in Nagpur region. 188

(4) When Mr. Babu Jagjivan Ram, a S.C. minister who held important portfolios in the central government for several years, unveiled the statue of Sampurnanand at Varanasi in February 1978, the High Caste Hindu poured Ganga water on the statue thinking that it was polluted by his touch and sprinkling of Ganga water only would make it pure. 189

(5) A Scheduled Castes M.L.A. by name Mr. Eranna was not allowed to enter Shri Rangavendra Swami Temple of Mantralayam in Kurnool district of Andhra Pradesh on November 24, 1978. 190

(6) It has been reported in Sarita (1) October, 1984 that untouchability is being observed in respect of a Scheduled Caste member of the Municipal Council in a town in Devasa District of Madhya Pradesh.

188. Kamble, N.D., Atrocities on Scheduled Castes in Post-Independent India. P-224
Therefore, it can be said that even though untouchability is linked with poverty and illiteracy, it would not go with the eradication of them. Untouchability is an independent institution, coupled with prejudice and hatred in respect of a section of people. Had it originated out of poverty and illiteracy, it would have been equally observed in case of poor and illiterate caste Hindus also. But they are not discriminated on the ground of untouchability. So far as untouchables are concerned, untouchability is the cause and poverty and illiteracy are the effects of that cause. Even though poverty and illiteracy made the problem of untouchability more severe and complicated and are intermixed to a greater extent, they are by no means one and identical.

**Untouchability is a Set of Certain Forms and Practices**

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

*(1) Physical and Notional*

Physical and notional untouchability is, obviously, based on religious misbelief, superstitions and contempt for the untouchables. The forms of untouchability are touch-me-notism, unapproachability and unseeability. Forms of notional untouchability are sense of superiority, racial or caste purity on the part of caste Hindus and an attitude of apathy, hatred and indifference towards untouchables. The belief in superstitions, for example thinking untouchable as a matter of disgrace, bad omen and a source of some calamity or danger to men and animal.
(2) Overt and Covert

Overt and covert forms and practices of untouchability are mainly based on caste purity, hatred, contempt, prejudice and jealousy. Overt forms include, not allowing the untouchables to draw water from a common well, not allowing entry in temples, not allowing entry in Hotel, not admitting in school and not allowing to sit with others in school, not allowing equal seat in the Panchayat, not allowing in Public entertainment, insult by caste abuses, not allowing to wear footwears or ornaments, not rendering to use common burial grounds etc.

(3) The contextual and relative forms and practices of untouchability are primarily based on ceremonial purity, benefits and protection of interests and the fear of apathy by their fellowmen. Contextual forms of untouchability are found in the strict observance of the evil in the religious ceremonies, rituals marriage ceremonies, funerals etc. and being liberal on the public functions, in the emergencies such as fire, floods, loot, Hindu-Muslim riots. Even they may not observe at all in case of sex enjoyment, election campaigning, working on the farms and industries, in tours, playing cards or even while enjoying drinks. Thus untouchability observed in one context may not necessarily be observed in other context. Hence, they are called as contextual forms. So far as relative forms are concerned the magnitude of untouchability offence may be more or less based on each situation. More the poor, more the magnitude of untouchability and less the poor, less the untouchability. If the untouchable is more educated, less would be the untouchability and less the educated, more the untouchability. If an untouchable is more politically influential, less would be the magnitude of untouchability, and person of less or no political influence,
more the untouchability. If an untouchable is more sanskritized, modernized or westernized the magnitude of untouchability would be very meagre but in the opposite situation, the gravity of untouchability would be more. There would be difference in the degree of untouchability in respect of comparatively high caste untouchable and low caste untouchable. The same would apply to the untouchables performing clean occupations and unclean occupations as the case may be. Thus the magnitude of untouchability may be different in case of different individuals depending upon their ‘relative’ position in the society. So far as the degree of untouchability is concerned there would be difference in this situation.

Exploitative and oppressive

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

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

3. CONCLUSION

On the basis of the above discussion it can be said that, untouchability is a part of practices of Hinduism, developed historically. Although it is a unique feature of Hindu social order, it has intruded in other religions also by way of imitation. It is not touch-me-notism but a notion of defilement, contempt and hatred towards a section of people called untouchables. It was, however, imposed on them by all cunningness and coercion. Although, it is linked with caste, poverty and illiteracy, it is a separate institution at least at its emergence. It is as a permanent stain different from slavery and the notion of impurity. Undoubtedly it is legally abolished, but in fact it is being observed by almost all the orthodox caste Hindus throughout the country in respect of all the so-called untouchables, legally known as Scheduled Castes and Scheduled Castes convert to other religions. As a mental attitude it is manifested through several acts which include (a) Prevention from entering any place of public worship, (b) Enforcement of disability with regard to access to watering place, public Charitable Institutions, public conveyance and such other places. (c) Restriction to use jewellery and finery, (d) Refusal to admit to hospitals, educational institutions and hostels (e) Social boycott, (f) Discriminations to the prejudice of untouchables in certain public places, private places and
institutions, (g) Obstruction to exercise any right or claim (h) Ex-
communication of such persons who do not believe in untouchability (i)
Preaching or professing untouchability on religious or philosophical ground, (j)
Insult and molestation of the ex-untouchables; (k) Compulsion to do some acts
such as scavenging, etc. and(l) Perpetration of atrocities on the ex-untouchables
as a reprisal or revenge for having exercised their legitimate rights.