CHANGING SOCIAL RELATIONS AND ATROCITIES ON DALITS: A COMPARATIVE STUDY OF TWO DISTRICTS (MEERUT AND MIRZAPUR) IN UTTAR PRADESH

Thesis submitted to the Jawaharlal Nehru University for the award of the degree of

DOCTOR OF PHILOSOPHY

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DECLARATION

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CERTIFICATE

We recommend that this thesis be placed before the examiners for evaluation and consideration of the award of the degree of Doctor of Philosophy.

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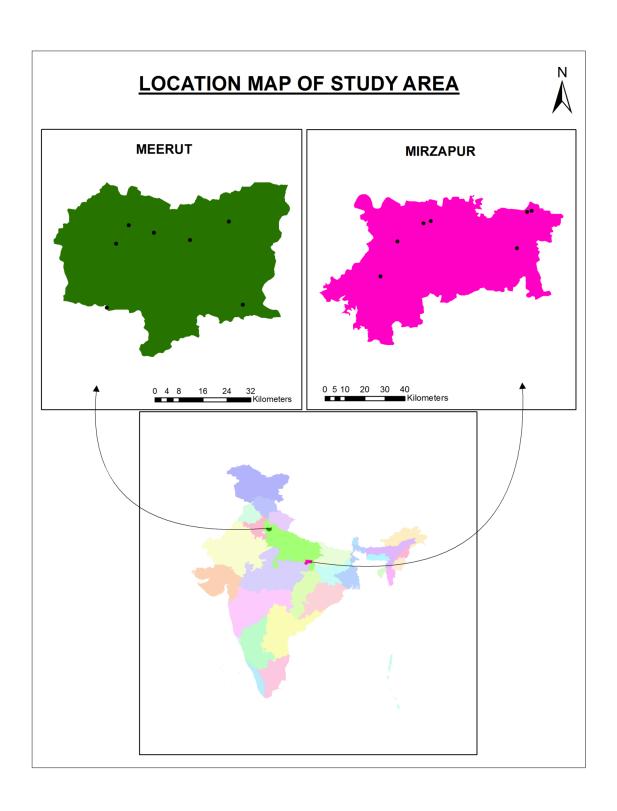
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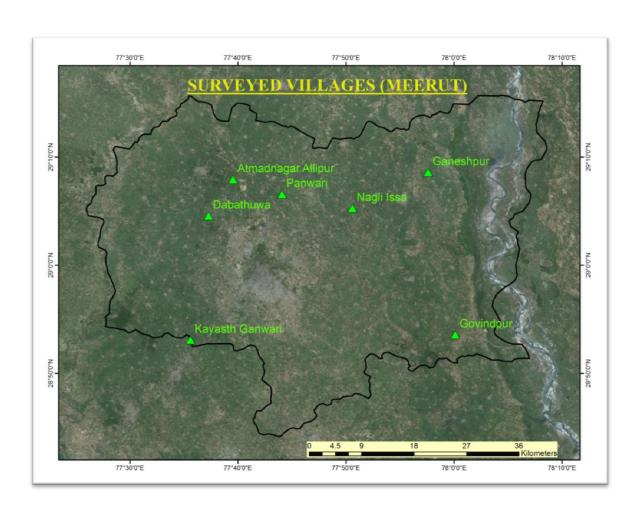
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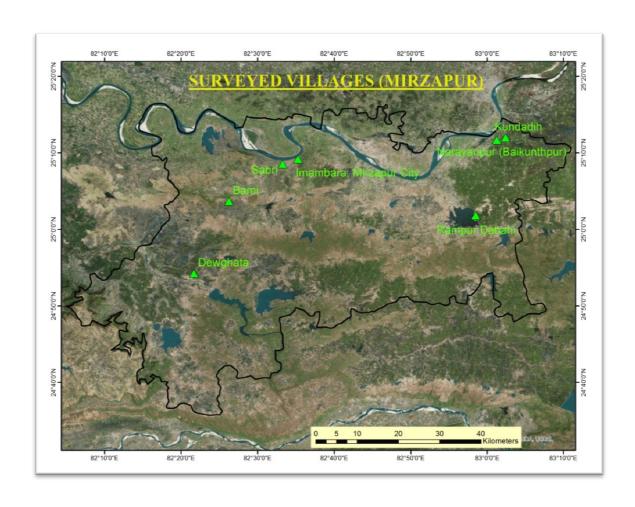
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MEERUT, UTTAR PRADESH



MIRZAPUR, UTTAR PRADESH



CHAPTER ONE

INTRODUCTION

Violence against particular sections of Dalit community is a historical as well as social fact of the Indian society. The reason for this violence could largely be found in religious or caste dimensions prevalent in the power structure. Communal violence could be seen rooted in the events of partition, caste based violence has a persistent phenomenon based on the social birth order of a community. However, the forms and intensities of caste based violence. Despite of the rising incidences of caste based atrocity² on Dalits is a recent phenomenon with its root in the age old 'ritual untouchability.' Its ideological basis is found in the Hindu religion, culture, value system, life style, inter-personal relationship. Collectively, these factors had a hegemonic control over the mind and life of Dalits in pre-independent India. With the secularization of institutional space of economy, education and polity, structural conditions were created that favored rapid social change in independent India. This social change helped in resisting the dominant beliefs and ideals of Savarnas, resulting in various conflicts and social tensions in the Indian society. Moreover access to education and law, and formation of political organizations helped in asserting a new identity which further deepened this antagonism between the two communities.³ The hegemonic dominance over the mind and life of Dalits was no longer possible, and thus different means of violence were adopted to ensure its continuance.

¹ K.B. Saxena, "Report on Prevention of Atrocities Against SCs & STs," *National Human Rights Commission* (2008): 1.

² This word has been theorized in the later section of chapter.

³Padma Velaskar, "The Politics of Untouchability and Social Change: A Study of the Scheduled Caste of Maharashtra," *Journal of Indian School of Political Economy* XII, no. 3 (2000): 84.

Against this background, this study attempts to understand the changing dimensions of Dalit atrocities in the wake of increasing access to socio-economic opportunities to Dalit communities vis-à-vis their 'other' in Uttar Pradesh. These changes have challenged the status quo of the caste Hindus and have impacted the prevalent power relations in society. At the same time, the caste Hindus have reacted with violence to this change. These atrocities can be understood through three major trends. Firstly, there has been a rise in the number of Dalit atrocities in the recent past, particularly atrocities arising out of socio-economic progress of Dalits. Secondly, there has been a change in the nature and intensity of Dalit atrocities; they have become more heinous. Thirdly, the response of the state to this social opposition, in legal terms has been positive. The state has made several laws to curtail these atrocities. However, they have largely remained ineffective because of the influence of dominant caste people, who besides exploiting the loopholes have also resorted to more nuanced and subtle methods of violence.

The 1980s added yet another aspect to the abovementioned trends. The 'newness' in the atrocities were result of the political assertion and formation of vibrant political identity of Dalits in Uttar Pradesh. This political assertion was the product of the process of democratization of Indian state after independence.⁴ Although secular democratic politics opened ways for Dalits, every move towards political equality was hampered by the caste Hindus through changed nature of violence against Dalits. Earlier the atrocities were direct and specific on the individual or the family concerned, now the current period witnesses mass violence against the entire Dalit community.

⁴ Christophe Jaffrelot, *India's Silent Revolution: The Rise of the Lower Castes in North India* (London: Hurst & Company, 2003).

To understand this change, it is pertinent to understand the 'meaning' and 'content' of different terms used in the work. The word Dalit is a Marathi word which means suppressed and exploited people. It was first used by B.R. Ambedkar to replace the legal word 'Scheduled Castes.' Another term used to address untouchables was Harijans. It was coined by Narsinh Mehta and was popularized by M K Gandhi. However, Dalit is comparatively a more politically charged word. It refers to those who have been broken, grounded down by those above them in a deliberate way. There is, in the word itself, an inherent denial of pollution, karma, and justified caste hierarchy.⁵ Over the period of time, the word Dalit has acquired new contextual meaning. For instance, according to Gangadhar Pantawane, "Dalit is not a caste. Dalit is a symbol of change and revolution. Dalit believes in humanism. He rejects existence of God, rebirth, and soul, sacred books that teach discrimination, faith and heaven because these have made him a slave. He represents the exploited man in his country". Moreover, Dalit identity not merely expresses who Dalits are, but also conveys their aspirations and struggle for change and revolution. Therefore, the term Dalit has acquired new cultural context relating to Dalitness, Dalit literature, and Dalit movement. Overlapping with the shift in contextual meaning, the 'content' of the word has also changed. Today, Dalit is a much wider term politically. For example, 'DalitBahujan' includes Scheduled Castes (henceforth, SC), Scheduled Tribes (henceforth, ST), and Other Backward Classes (henceforth, OBC). However, there has been difference over the inclusion of different categories under DalitBahujan. Kancha Ilaiah, for

⁵ Eleanor Zelliot, *From Untouchable to Dalit Essays on the Ambedkar Movement* (New Delhi: Manohar Publication, 1999), 77.

⁶ James Massey, and Bhagwan Das, *Dalit Solidarity* (ISPCK: Delhi, 1995), iv.

⁷ Gopal Guru "The Language of Dalit Bahujan Discourse," in *Dalit Identity and Politics*, ed. Ghanshyam Shah (New Delhi: Sage Publications) 96.

instance, does not include STs under the ambit of Dalit, because they don't figure in the caste system, while Kanshi Ram includes STs as well.⁸ Similarly, Ram prefers the term Bahujan then Ilaiah prefers the term 'Dalitbahujan' to explain this newly constituted identity of the most disadvantaged section of Indian society.

There is also a debate over the sharp dichotomy between Dalit identity and other Hindus. It is argued that this kind of dichotomy presents Dalits as a homogenous category, having a false unity amongst themselves. In other words, there are considerable differences amongst Dalits along caste, regional, linguistic and general cultural lines. The presence of such divisions, however, cannot dismiss the unity which has been strengthened by the atrocities which they suffer at the hands of caste Hindus. The hierarchy which exists between them is governed by the notion of hierarchy which itself is guided by the old principle of pollution and purity. The lack of any kind of material interests in maintaining a caste-based hierarchy, Dalits do not exercise any kind of atrocity. In fact it is important to realize that the concept of hierarchy is a cultural imposition, rather than their own preference. Indeed, there will be some conflict amongst them, but those conflicts cannot be termed as an act of atrocity within the Dalit community. Thus to understand what accounts as atrocious, it is important to understand the way it has been understood in the present work.

Dalit Atrocity is an important term to explain and understand the atrocities faced by Scheduled Castes in Uttar Pradesh (henceforth, UP). In the

⁸Kancha Ilaiah, Why I am not Hindu? A Shudra Critique of Hindutva Culture, Ideology and Political Economy," (Calcutta: Samya Publication), ix.

current work I have deliberately excluded OBC of UP from the category of Dalit because they are violently suppressing the SCs in the state. As we see today, Dalit has become the most accepted terminology to refer to describe the conditions of historically suppressed people in society. Even the vernacular press uses the same terminology. Ironically, it was never a familiar word for the oppressed castes in UP before BSP gained popularity in the last two decades. In fact Harijan⁹ was a more popular term. Equally used was the term "Scheduled Castes," in view of their categorization by the Indian Constitution for the purpose of reservation. Dalit is a self-given term with politically charged connotation and thus, communicates the feeling of self-respect and political assertion. It is therefore important to see the shift from Harijan to Dalit, for the term Dalit imbibes in itself a political goal. Though it is rooted in primordial identity of caste, it is a modern identity born out of the resistance to the oppression faced over the generations. This identity was consciously constructed by educated elites of excluded communities to assert themselves in politics. In this context, Kanshi Ram's statement "We have one point program: take over political power" is noteworthy. Today when this goal has been achieved (though not substantially), the long desired rosy picture of free and equal society still remains a distant reality. This is because instead of declining, the atrocity and violence against Dalit community is rising relentlessly. In this context, this study examines the atrocities over Dalits in the two districts of Meerut and Mirzapur in Uttar Pradesh through extensive fieldwork done in the said districts between November 2011 and April 2012.

⁹ For more on this term, refer to the writings of Mahatma Gandhi; Speeches and Writings of Mahatma Gandhi, (Madras: G.A. Natesan &Co.), 1922.

1.1 Conceptual analysis

It is necessary to explain the meaning of the major terms used in this study and a brief overview of some of the studies available on the issue of Dalit atrocities. The first issue is about the use of nomenclature. In this regard, the term Dalit has been chosen as a general identifier of the people about whom this study is concerned. In fact, this term has been intentionally used to replace earlier terms such as Harijan, untouchables, scheduled castes, outcastes, Achhuta, depressed castes and Exterior castes. Broadly, three reasons could be cited in support of choosing this specific term. Firstly, it reflects new consciousness, strong cohesion and solidarity despite the heterogeneous nature of the group. Secondly, as mentioned earlier Dalit is a self-given term, which symbolizes their assertiveness and self-directedness. This term has gained more 'visibility' in the political scenario. However, this 'increased visibility' of Dalits in contemporary India, as acknowledged by Andre Beteille, has been acquired at a heavy price - a rise in atrocities against them. 10 Thirdly and most importantly, the term 'atrocity' is particularly linked with the term Dalit, and not with any other words like Harijan, or untouchable. This is because words like discrimination, subordination, suppression, under privileged, which were used to explain the social status of untouchables are certainly not adequate enough to explain the conditions and status of Dalits. Indeed, the intensity and volume of suppressive actions by 'other caste' are such that it could not be explained by any euphemism, unless we use the world 'atrocity'. Therefore, it can be categorically stated that if suppression and discrimination

¹⁰ Fernando Franco, *Pain and Awakening: The Dynamics of Dalit Identity in Bihar, Gujarat, and Uttar Pradesh* (New Delhi: Indian Social Institute, 2002), 16.

were the suitable words to signify the conditions of relatively passive untouchables, then 'atrocities' is the only appropriate word to explain the relationships of assertive *Dalits* with the 'other'.

After defining and contextualizing the term *Dalit* for this study, we shall now define the term 'atrocity' that has been frequently used throughout the study. Chapter 2 of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 defines atrocity as,

Forcing a member of the SC/ST to drink inedible substance such as the human acting with intention cause injury, or to annoying by dumping excreta and other similar in the locality, taking their clothes items forcibly particularly of the women folk, forcibly dispossessing of their land and keeping them as bonded them labor and forcing them to do beggar, interfering in the rights guaranteed to them for representation public through utilizing bodies, elections, legal causing process for harassment and injury by malicious instituting false, or vexatious suits or legal proceedings against them and subjecting women folk to assault and sexual exploitation by person in position to dominate their will.¹¹

¹¹ Cited in T.R. Naval, *Law of Prevention of Atrocities on Scheduled Castes and Scheduled Tribes* (New Delhi: Concept Publishing Company, 2001).

Throughout this study, the meaning of the term atrocity shall be perceived in light of the above definition.

1.2 Statement of the problem

Uttar Pradesh is a state where Brahmins have highest population not only in terms of number but also in terms of total percentage next only to the *Chamars*. Therefore, Brahminical domination, both ideological and material, is the hallmark of Uttar Pradesh society. This domination has led to the continuation of ritual untouchability till date. Also, the Dalits of Uttar Pradesh had experienced the severest form of oppression. Of late, the number of cases of ritual untouchability is decreasing in some pockets of Uttar Pradesh because of the migration of Dalits to industrialized cities. Still the defilement of ritual principle today has resulted in punishment amounting to the death of the Dalits in some cases (which were rare in the past) in Uttar Pradesh. Also with the economic uplift of the Dalits, the nature of violence has become more severe and subtle than ever before. It is therefore pertinent to examine the factors responsible for such disturbing developments which the present study attempts to do.

The changing nature and intensity of atrocities is definitely affected by the changing socio - economic profile of Dalits vis-à-vis 'others' in the state. Uneven representation of Dalits in secondary sector i.e. industries and that too, at the lower rung positions, discriminatory access to market economy and the much debated political assertion of the hitherto excluded community in the state do not have the same kind of effect on all of the community. These social, economic and political changes are not uniform in the entire Uttar

Pradesh and there is a visible distinction between the Eastern and Western parts of the state.

1. 3 Eastern and Western Uttar Pradesh

The eastern Uttar Pradesh is an economically less developed region than its counterpart. It is not highly industrialized area and consequently has low access to market economy. On the other hand, the period of green revolution facilitated industrialization in the western region. This becomes a major factor in the asymmetry between these two regions which has affected the life conditions of Dalits and others in these two regions. D.M. Diwakar in his study of *Agrarian Transformation of Uttar Pradesh*, has observed this difference or disparity in the development of these two regions:

West Uttar Pradesh is characterized as more productive and developed than the rest of the state not only because of variations in social compositions but also because of discriminatory tenurial systems and investment pattern rooted in the history of colonial rule in British India. As a result the capitalist base of transformation in agriculture was faster in west UP... In comparison, the agriculture of east UP remained, by and large, in the trap of landlord based semi - feudal relations, which stuck to unproductive rent appropriation, which still prevails in most of the east.¹²

Interestingly, the social tensions unleashed by industrialization in these two regions are different and so is the characteristic nature of the atrocities due to these contextual social tensions.

¹² D.M. Diwakar, "Agrarian Transformations in Uttar Pradesh," *Journal of Social and Economic Development* III, no. 1 (2000): 131 - 132.

In the eastern part, atrocities based on pollution and purity is more prevalent than the western part where the economic nature of atrocities is more visible. Any assumption on the matter of declining untouchability or ritual based discrimination is farfetched, and the present study repudiates this assumption with the help of the data collected from Meerut and Mirzapur districts of Uttar Pradesh.

Not only the social, economic and political conditions of the Dalits in these two regions are different but the perpetrators of atrocities in these two regions are also different in terms of caste. In eastern Uttar Pradesh, it is primarily the Brahmins who dominate, while the western Uttar Pradesh is dominated by Jats. Jats, who have been the main beneficiaries of green revolution in Uttar Pradesh, are the main oppressors of Dalits. Dipankar Gupta, in his study of the Bhartiya Kisan Union (BKU) and the mobilization of Jats into it, he has examined the structural power governing the relationship between Jats and the Scheduled Castes. 13 He points out that the Scheduled Castes are so much despised by the Jats that it is more about 'routine repression,' rather than everyday resistance of SCs. 14 Thus, within the rise of OBCs, the economic rise of Jats and the political rise of Yadavs, have enabled them to substitute the positions of the powerful and oppressor class of Brahmins. Despite being just one notch above the Dalits in social hierarchy, Jats and Yadavs have become chief oppressor castes in Uttar Pradesh trying to suppress rising economic and political consciousness in Dalits using new modes of atrocities like property burning and political violence.

¹³ Dipankar Gupta, *Rivalry and Brotherhood: Politics in the Life of Farmers in Northern India* (Delhi: Oxford University Press, 1997).

¹⁴ Ibid.

Today, atrocities are more of an economic nature than the earlier ritualistic nature. Indeed, the Green Revolution has benefitted the land owning castes of Uttar Pradesh who being guided by the parochial mindset are reinforcing the archaic principle of social domination. Nevertheless, Uttar Pradesh has emerged as a unique state where a steady build - up of their political consciousness has culminated into the acquiring of the political power by a pro-Dalit party, the Bahujan Samaj Party (henceforth, BSP). 15 This was a major development. The BSP has successfully mobilized Dalits and helped in gaining political consciousness. Their sustained political assertiveness, however, has been responded regressively. The dominant castes have resorted to severe forms of atrocities. Two significant reasons which actually lead to atrocities in UP are competition over question of right to vote, and breaking/defilement of Ambedkar statue, which is seen as an act of disrespect to Dalits as a human. This comparative study seeks to find out how regional specificity would impact nature and intensity of Dalit atrocities and how their political and economic assertions have severed it in the two regions.

1.4 Objectives

Every author agrees that Dalit atrocities in India are a social fact. Keeping this in mind, the present study is an empirical work, but without conjectures and speculations. Therefore, this study is intended to bring in the empirical reality of Dalit atrocity in Uttar Pradesh, rather than bringing the question of caste, social stratification, the emergence of a separate Dalit identity and its consolidation. The social scientists hitherto have tried to understand either

¹⁵ The role of Bahujan Samaj Party in the political mobilization of Dalits could be understood from Christophe Jaffrelot's understanding of the BSP regime in Christophe Jaffrelot, *India's Silent Revolution: The Rise of the Lower Castes in North India* (London: Hurst & Company, 2003).

political assertion of Dalits (largely by the political scientists) and caste system or social stratification and social changes in contemporary India (largely by the sociologists) through the process of sanskritisation and westernization. ¹⁶ There is plethora of literature on the question of untouchability and upward mobility of untouchable castes in India; however, we have very few academic studies that deal with the modern phenomenon of atrocity of heinous nature on Dalits. The present work aims to fill that lacuna in Indian scholarship besides bridging the gap between the sociological and political understanding of caste. The scope of study is as vast as caste and politics in India and so it becomes an essential component of Indian political sociology.

The objectives of the study are as follows:

- To analyze the socio-economic changes taken place in the lives of Dalits and its relation to rising numbers of Dalit atrocities in Uttar Pradesh.
- 2. To examine the changing nature and intensity of atrocities on Dalits and its relation to rising socio-economic and political consciousness among the Dalits of Meerut and Mirzapur districts of Uttar Pradesh.
- 3. To examine and analyze the various other reasons behind atrocities on Dalits of Meerut and Mirzapur districts in Uttar Pradesh.
- 4. To analyze the response of the state towards Dalit atrocities in terms of various legislations and executive orders, and their effectiveness in the changed scenario.

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¹⁶ For more, Gupta, Rivalry and Change, 1997.

- 5. To study the political assertion of Dalits in Uttar Pradesh and its impact on the Dalit atrocities.
- 6. To analyze Dalit atrocities in the context of changing caste relation between Dalits and other backward castes in the post-green revolution Uttar Pradesh.

1.5 Scope of the study

The political scientists have narrowly focused on political assertion of Dalits and the dynamics of electoral politics. Politics, however, is not about elections alone. Participation in democratic politics has a direct bearing on the working of caste relations. At the same time, changing structure of social and economic relations has a direct bearing on democratic politics. Social conflict, which is at the core of changing social and economic relations, has assumed the form of terrible nature of atrocities on Dalits in the post-independence period. Unfortunately, this significant development was largely left untouched by the political scientists. Indeed, very few academic studies have been done covering this paradigm shift concerning the Dalit atrocities. In view of this major omission, the present work intends to critically examine the relationship between the improved socio-economic conditions of Dalits and the increasing number of Dalit atrocities of heinous nature. Moreover, this study is different from studies done in Sociology and modern discipline of Human Rights. In contrast to the sociologists' understanding of caste in terms of social change in the caste system, social stratification and formation of Dalit identity, the present study looks at the issue of atrocities on Dalits in the context of ongoing process of social change and political dynamics of Uttar Pradesh.

Therefore, the focus of the present work will be on exploring and explaining politics of atrocity rather than studying caste.

This study also does not come under the scope of human rights because a majority of scholars seek to define human rights basically in terms of their violation by society on the one hand and the state on the other. But atrocities on Dalits are not merely a societal violation of the rights of Dalits; rather it is the civilizational violation of their rights.¹⁷ The scope of violation of rights of Dalits arises only when there is an existence of socially recognized rights to Dalits. But historically Dalits had been deprived of their rights; therefore, the traditional human rights are inapplicable to Dalits' atrocities.

Secondly, contrary to the definition of human rights, in case of atrocities on Dalits, instead of violating the rights of Dalits, the state comes to protect these rights. For instance, state has passed several legislations in this regard. Prevention of Untouchability Act, 1955, Protection of Civil Rights Act, 1976 and prevention of Atrocities Act, 1989 are some of the prominent legislations. This action of the state is indeed a testimony to the fact that Dalit atrocities are more linked to the issue of political dynamics than to the issue of human rights. Therefore, the present study treats Dalit atrocities differently from either the sociological perception of caste or Human Rights perspective. By expanding the political understanding of caste and caste conflict, the present study expands the scope of political science and serves the need of political sociology.

¹⁷Gopal Guru, "Human Rights and Dalits: An Enquiry into the Human Rights Discourse In India," *Indian Journal of Human Rights*, January - June (1999).

1.6 Hypotheses

This study intends to test the following two hypotheses with the help of the data collected during the extensive field work done in the Meerut and Mirzapur districts of Uttar Pradesh.

First: "The rising socio-economic and political consciousness among Dalits has led to the increase in magnitude and intensity of Dalit atrocities".

Second: "The changing nature of Dalit atrocities has led to the failure of the state in Prevention of Dalit atrocities"

Operationalized Hypotheses

- 1. There is the change in the nature of atrocities on Dalit.
- 2. There has been a change in the magnitude of atrocities on Dalits.
- 3. The dominant caste in the region forms the basis of Dalit atrocities.
- 4. The changing socio-economic conditions of Dalits have a bearing on the changing nature of atrocities.
- 5. Political assertion has led to the change in the nature and intensity of atrocities on Dalits.

1.7 Research question

Sifting through these objectives, the research poses the following central question: Why the nature of atrocities on Dalits has changed in Meerut and Mirzapur districts of Uttar Pradesh?

1.8 Method

To probe into the central question, the study has focused upon the different types of atrocities on Dalits being committed in Meerut and Mirzapur districts of Uttar Pradesh, and how the nature of these atrocities have changed over a period of time. The different tools of analysis have been taken into consideration. The empirical analysis is based on the primary data collected by sample survey with the help of questionnaire and the Reports of National commission for Scheduled Castes and National Crime Record Bureau. .For understanding the social and economic changes that have taken place among the Dalits of Meerut and Mirzapur have been taken into account. Further, the attempt has been to understand the impact or the change which the changing nature of atrocities on Dalits have affected these two districts and which caste amongst the oppressed castes have been affected the most. Furthermore, to understand the impact of dalit assertion and its dynamics, Dalit autobiographies such as Joothan and Murdahiya have been used as a weapon against the atrocities of the caste Hindus. 18 Thus the narratives of pain, sufferings and awakening of the respondents have been taken into consideration to understand the phenomena of the Dalit atrocity in these districts of Uttar Pradesh. This has further been strengthened by analyzing the relationship between the retaliation by Dalits and its response by the state.

1.8.1 Sample design

The research concentrates on a survey of seven villages each from the Meerut and Mirzapur districts of Uttar Pradesh. It involves interview with 251 households from

¹⁸ Vaibhav Singh, "Autobiographies of Dalit writers are narrative of pain," *The Economic Times 03 May, 2008. https://economictimes.indiatimes.com/culture-cauldron/autobiographies-of-dalit-writers-are-narrative-of-pain/articleshow/3006014.cms*

Scheduled Caste community, out of which 126 respondents are from Meerut and 125 are from the Mirzapur district. The villages surveyed are randomly selected representing different population size of Scheduled Castes from different locations spread across the district. The representative households are chosen through a random sampling of household lists prepared during the house listing. The sample is exclusive of the Scheduled Caste communities of two districts to understand the comparison of their varied experience of atrocities in different social and economic conditions. The comparative study of atrocities includes a comparison of magnitude as well as intensity atrocity thus, every member of Scheduled Caste communities becomes the part of the sample with irrespective of their experience of milder or heinous forms of atrocities. The following section gives a detailed analysis of the number of villages and the total number of respondents in the two districts.

Table 1.1: Number of respondents in surveyed villages of Meerut and Mirzapur Districts.

	Meerut		Mirzapur	
S. No.	Village	No. of Respondents	Village	No. of Respondents
1	Nagli Issa	18	Kundadih	20
2	Panwari	17	Rampur Dabahi	18
3	Kayasth Gawdi	22	Sabri	17
4	Dabathuwa	20	Bami	20
5	Atmadnagar Allipur	20	Devghata	20
6	Ganeshpur	15	Narayanpur	19
7	Govindpur	14	Mirzapur City	11
	Total	126	Total	125

Source: Field Survey Data

The survey is based on the extensive questionnaire prepared keeping in mind the hypothesis, objective, and the central question of the research. The questionnaire includes the detailed profiles of the respondents, atrocities of social economic and

political nature, atrocities on women, mode of resistance to atrocities, impact of migration and politicization of Dalits on their social life.

The study views the issue of Dalit atrocity in the context of considerable social, economic and political changes in the lives of Dalits. It takes into account of both sociological and political perspectives in the analysis. The analysis is based on both primary and secondary sources. The primary source of data includes reports of National Commission for Scheduled Caste, National Crime Records Bureau (NCRB) reports and reports of the various commissions appointed by the state to deal with Dalit atrocities and other caste discriminations. Moreover, the data obtained through extensive field work in Meerut and Mirzapur districts of western and eastern Uttar Pradesh have been extensively used. In this context, the interviews of over two hundred fifty members of Dalit communities including victims and local leaders of Dalit organizations, political parties constitute the main source of information. To make the sample more representative, the interview schedule of over two hundred and fifty Dalits, has been designed in such a way that seven villages of each district could cover the geographical spread, percentage of Dalit population, and representation of different castes among the Dalit communities. Special care has been taken regarding the urban and rural divide as well. The data collected thus serves the study to take up the empirical dimension of Dalit atrocity both in terms of its magnitude and intensity of violation so as to make possible generalization. In this regard, some observable incidences of atrocities on Dalits in Meerut and Mirzapur are to provide empirical support to our understanding of changing dimension of these incidences. Along with the empirical evidences, the study also takes up the major theoretical issues to

understand this societal violence and caste conflicts. As regards the secondary sources, the study uses various studies on Dalits in Uttar Pradesh published in various academic journals, books, articles, magazines, pamphlets and newspapers.

1.9 Locale of the study

Uttar Pradesh has always been a politically significant place in the Indian history. Its vast, fertile Gangetic plains attracted invaders form west and central Asia. Even after independence it has continued to occupy the central position. UP elects one out of every six members to the Indian parliament. Despite being politically volatile, it has largely remained unchanged, particularly in terms of domination of one section of society and suppression of the other. For this it is important to see the social composition of the place.

In UP, Scheduled Castes constitute 23.80 percent of the total population against 20.35 percent in India.²⁰ Similarly, Scheduled Tribes population is 0.68 percent against 10.96 percent at the Centre.²¹ The relative level of deprivation of the Scheduled Castes population in Uttar Pradesh is greater as they lag behind their counterpart in rest of the India in terms of most of the socio-economic indicators. Illiteracy levels are still rampant. Against the total illiterate population (SC) of India, Uttar Pradesh accounts for 38.15 percent of the illiterate Scheduled Caste population.²² In terms of employment, there are only

¹⁹ Imtiaz Ahmad, and N.C. Saxena, "Caste, Land, and Political Power in Uttar Pradesh" in *Caste and Class In India*, ed., K. L. Sharma (New Delhi: Rawat Publication, 1994).

²⁰ Socio - Economic Census of India, 2011. http://secc.gov.in/statewiseDistrictCasteProfileReport.

²¹ ibid.

²² Ibid.

8.62 percent of households with salaried jobs, wherein, Meerut constitute for 9.94 percent of salaried household and Mirazpur constitute for 7.52 percent.²³ Nearly half of the SC workers employed in agriculture are landless laborers and the SC women, who are one third of the total female workforce, constitute 57.71 percent agriculture laborers. If the situation is analyzed with reference to caste Hindus groups alone, then the disparity levels would be even starker. Thus, the process of modernization has largely bypassed the SC population in Uttar Pradesh.

The Meerut and Mirzapur districts of Uttar Pradesh have been selected for this study because of the high concentration of Dalit population and their difference in terms of economic development of the specific regions and districts. Meerut district is located in the western region of state which has been a beneficiary of green revolution. According to the Uttar Pradesh Human Development Report, 2007, Compound Annual Growth Rate for the per capita income of Uttar Pradesh is 3.3 percent against the 6.0 percent of India in total. In 2001, Uttar Pradesh ranked 15th in the Human Development Index for major states. This rank, instead of improving, came more step up in 2005. This disparity becomes more starker when seen in terms of different states in Uttar Pradesh. Meerut ranks 6th in terms of per capita income among all districts of the state, whereas Mirzapur ranks 40 in terms of Human Development Index and falls under the Medium (0.55 to 0.59) Human Development Index. However, Meerut ranks 20th in Gender Development Index, whereas Mirzapur ranks on 35th position amongst the seventy districts of

²³ Ibid.

²⁴ Human Development Report, (Yojana Bhawan: Lucknow), 28.

²⁵ Ibid., 41.

²⁶ Ibid., 42.

Uttar Pradesh. Interestingly, despite having low level of economic development, Mirzapur does fairly good in terms of sex ratio, it has sex ratio of 897 whereas Meerut has a sex ratio of 871 which is far below the national level.²⁷

1.10 Mapping the changing nature of atrocities through a survey of literature

There exists a wide range of literature on caste system and Dalit atrocities. The main works which have been used to formulate the argument of the present study has been reviewed around the themes of historical situation of Dalits, their identity construction through political mobilization, assertion of their rights through continuous resistance, and thereby changing the course of Dalit atrocities. Oliver Menedelsohn and Marika Vicziany, in their study *The Untouchables Subordination, Poverty and State in Modern India*, have proposed two propositions which form the basic argument of the book.

First, untouchables are among the very bottom element of Indian society in both social and economic terms, and the second is, they have undergone a profound change in their view of themselves and the society around them. Whatever the truth of past assertions that untouchable accepted their own inferiority, it is our view that in recent years there has been greatly enhanced mood of assertiveness about their human and political rights.²⁸ They argue that the untouchables were subordinated people long before twentieth century politics transformed them into a category of political relevance. According to them, nature of violence against untouchables can be divided into two broad categories. First is 'traditional,' and second is the violence which flows from

²⁷ Uttar Pradesh Human Development Report, 258.; Census of India, 2011.

²⁸ Oliver Mendelson, and Marika Vicziany, *The Untouchables: Subordination, Poverty and State in Modern India* (Publication: Cambridge University Press, 1998) 1.

modern form of resistance on the part of Dalits. The second category is now dominant, and it tends to revolve around a new and still emerging social and political identity constructed over the period of present century. words, ritual based unsociability has transformed itself into caste-based atrocities.

Another important article which is significant in understanding the historical condition where Dalit oppression could be located is an article by Ghanshyam Shah. Though the article is about the situation of Scheduled Castes and Scheduled Tribes, it is specifically about Gujarat. In Hope and Despair: A Study of Untouchability and Atrocities in Gujarat, Shah probes into the forces contributing to the present situation. He argues that despite Gujarat being one of the most prosperous states in the country, unemployment in the state is increasing every year. There is a fierce competition and deep sense of insecurity amongst middle class which cut across caste. This insecurity makes them to stick together on primordial ties and perceive "the others" as their adversaries²⁹. He further argues that the practice of untouchability both in public and private sphere has not disappeared during the last five decades as expected by policy makers and secular social activities. On the contrary, atrocities against the Dalit have increased³⁰. The causes of atrocity are complex, often multiple and closely interrelated. Moreover codification of cause for atrocities based on secondary information is often problematic. Albeit there may be two broad causes of Dalit atrocities, political and 'socio-economic assertion for their civil and political right may be treated as 'political cause Apart from this there are

²⁹ Shah, Ghanshyam, "Hope and Despair: A Study of Untouchable and Atrocities in Gujarat" *Journal* of Indian School of Political Economy XII, Nos. 3-4 (2000): 460. 30 Ibid., 467.

social and economic causes, which are responsible for more than eighty percent of offences. The social causes cover a wide gamut. It includes (1) Practices of untouchability in public places. (2) Insult and humiliation of Dalits for being "untouchable" (3) Reaction to resistance by Dalits to discriminatory behavior of caste Hindus³¹.

However, the retaliation by the Dalits against these practices of untouchability and discrimination was strengthened when they were mobilized around the identity of being a Dalit. Undoubtedly, B.R. Ambedkar has been the proponent of constructing the image of Dalit and taking them outside the shackles of *outcastes*, or lower castes. But if we look through the perspective of party politics, then the rise of Bahujan Samaj Party has helped in the improvement of Dalit condition.³² Though BSP is seen as an important force for Dalit mobilization, Badri Narayan in The Making of Dalit Public in North India: Uttar Pradesh, talks about the construction of a Dalit identity through an ethnographic study. He uses different narratives about history politics in the state of Uttar Pradesh. Based upon the interview conducted in the villages of Allahabad and Mirzapur districts, Narayan argues that amongst the different groups of Dalits the perception of the nationalist history of the past of the village differ widely. The kumhars and chamars have a different interpretation. The caste identities of these two castes, thus, compete and contest sharply.³³ Despite arguing for Dalits having different interpretation of nationalist past, Narayan argue for a case where congress played a major role in bringing Dalit consciousness in Uttar Pradesh and therefore Dalit public and politics in Uttar Pradesh is somewhat a congress construct.

³¹ ibid., 468.

This point is later explored in the subsequent chapters.

³³ Badri Narayan, *The Making of Dalit Public in North India: Uttar Pradesh 1950 - Present* (New Delhi: Oxford University Press,2011) 17.

Another book, which is also set in Uttar Pradesh has examined the rise of Bahujan Samaj Party (BSP), its programs and policies and the role it has played in impacting the conditions of the Dalits. On the basis of extensive fieldwork in Western Uttar Pradesh, Sudha Pai, in her research, *Dalit Assertion an Unfinished Democratic Revolution: The BSP in Uttar Pradesh*, has empirically examined the reason behind the rise of BSP; a Dalit political party. It explains the ideology and program, strategy of political mobilization, and the electoral success of BSP. The book also explores the reason behind the failure of BSP to harness all Scheduled Caste support in the state and how it has become a political party of a particular caste (*chamars*). The electoral success of the BSP has been magnificent, but it has failed to deliver the social and economic justice to its core constituency of Dalits. She discusses about the role of BSP's parental organization such as BAMCEF and DS4 which led the movement that mobilized Dalit below the banner of BSP they also provided organizational, ideological and financial backbone to BSP.

These ideological concerns and politicization of Dalits through increased political participation also made the voices concerning the violation of human rights against Dalit atrocity stronger. Contextualizing in this frame, Gopal Guru in his article *Human Rights and The Dalits* has discussed the violation of Dalits as violation of human rights. For this, he has enquired the terms which define its definition and scope. Outlining the disagreement among scholars regarding above theme he argues "First, the disagreement on the definition and scope of human right is the broadly located into the dichotomy between the universal

and the specific"³⁴. Second it is also located in the difference between societal violence and civilizational violence.³⁵ And finally, an attempt is being made by scholars to a creative interpretation which seeks to define in terms of "right to be human" rather than human rights, and a majority of the scholars seek to define human rights basically in terms of their violation by society on the one hand and the state on the other. This article tries to understand the term 'Dalit Human right' in the theoretical, ontological and empirical perspective. Finally Guru feels the need to expand the definition of human rights to include in its ambit not only individual rights but the right of the community to move from the immediate to abstract or specific to universal.

Following this line of thought, different scholars have tried to pen down the growing assertion amongst the Dalits. For instance, Owen M. Lynch in his book *The Politics of Untouchability: Social Mobility and Social Change in a City of India* has attempted to understand the impact of independence and introduction of parliamentary democracy on the *jatav* (an untouchable caste) in the city of Agra in Uttar Pradesh. He argues that political participation of *Jatav* is replacing and is a functional alternative to sanskritisation and westernization as a means to upward mobility. Further, economic change through planned economy has provided another means for upward mobility than sanskritisation. The leather industries of Agra have helped *Jatav* to mobilize as an interest group and work as a ready-made association for the political mobilization of RPI³⁶ and Ambedkarite movement of conversion into Buddhism. He talks about

³⁴ Gopal Guru, "Human Rights and Dalits: An Enquiry into the Human Rights Discourse In India," *Indian Journal of Human Rights*, January - June (1999).

⁵³ Ibid. 20

³⁶ Owen M. Lynch, *The Politics of Untouchability: Social Mobility and Social Change in a City of India* (New York: Columbia University Press, 1969) 204.

the role of the democratic state of India as third party in the dyadic relationships of status and counter status between untouchables and non-untouchables.

Similarly Manuela Ciotti, using a class analysis argues that the *chamars* are the aspiring middle section of the society. In *Retro - Modern India: Forging the Low Caste Self(2010)*, she asserts that the *chamars* are a certain individual and communities and embrace a form of passé modernity, while remaining at the margins of what is perceived as modern in contemporary India. There has been an assertion of *Chamar* identity in Uttar Pradesh socio-political milieu, yet they are facing symbolic and psychological violence and suffer highest number of atrocities in the country. This understanding in the change in Dalit identity and the ways through which they assert their rights makes it pertinent to trace the change after the death of B. R. Ambedkar. The death of Ambedkar marked the beginning of a new kind of assertion and changing face of atrocities, which Nandu Ram in *Beyond Ambedkar: Essays on Dalits in India* has observed succinctly. The

analyze some of the change which occurred amongst the Dalits especially after the death of Ambedkar. The changes analyzed are educational, social integration, social stratification and mobility especially in urban area, atrocities, protest movements and socio-political consciousness for social identity etc., in both rural and urban areas. Professor Ram argues that

A considerable amount of change has occurred among all section of population including the scheduled castes in India since its political independence. The changes that have occurred are primarily in the, if horizontal direction and there is greater amount of resistance to the vertical changes it there are any.

Both horizontal and vertical types of changes occurred or even and urge for that among the SC are opposed by the people of all castes and communities in village³⁷.

He further says that these changes (social mobility) or even their urge is likely to promote hostility among other leading to inter group conflict and finally infliction of various types of atrocities on the Dalit³⁸. Fourth section of the book specially deals with atrocities is especially helpful in initiating any kind study on *Dalit* atrocities.

Another important work in the construction of Dalit identity is its qualitative analysis by Franco Fernando in *Pain and Awakening: The Dynamics of Dalit Identity in Bihar, Gujarat, and Uttar Pradesh.* In the work, Fernando has distinguished between two structural component of the process of identity formation of Dalits. They are 'ideological – symbolic' and 'material productive' and he examines whether there have been significant changes in the ideological–symbolic³⁹, and, in addition, whether, there changes have been matched by corresponding improvements in the Dalit's control over economic and human resources. Franco also looks into the relative change in the attitudes and economic position of non - Dalit groups in Uttar Pradesh. Citing Beteille, he argues that the 'increased visibility' of Dalits, specifically due to increased political mobilization in Uttar Pradesh, has been gained at a heavy price of increased atrocities against Dalits. The book, then, through its different articles sets the

³⁷ Nandu Ram, *Beyond Ambedkar: Essays on Dalits in India* (Delhi: Har Anand Publication, 1999) 219.

³⁸ Ibid., 220.

Fernando Franco, *Pain and Awakening: The Dynamics of Dalit identity in Bihar Gujarat, and Uttar Pradesh* (New Delhi: Indian Social Institute, 2002).

course for the identity formation, political economy base and the social relations and struggles of Dalits.

The politics of identity formation cannot be seen in isolation with the resistance and retaliation which follow it. However, to understand it clear, the present work has relied upon the conceptual underpinning of James C. Scott in understanding the different contours of resistance and its repercussions on peasants. In his book Weapon of the Weak: Everyday forms of Peasant Resistance (1985) Scott studied a Malaysian village called Sedaka. He has tried to raise larger issue of resistance, class struggle and ideological domination. He says the struggle between rich and poor in the village is not merely a struggle over work, property right, grains and cash, it is also a struggle over the appropriation of symbols, a struggle over how past and present shall be understood and leveled, and a continuous effort to give partisan meaning of local history. Scott enumerates two kind of resistance 'every day form resistance, and 'open defiance.' He argues, though latter has dominated the peasants study, but formal should be counted even more important for the actual understanding of village. This argument is essential in developing an understanding of Indian condition of Dalits. True, Dalits have not been able to afford 'open defiance' or an organized revolt historically, but they have resisted in 'off the stage' action. The accumulation of these resistances is ready to charge the scenario of Uttar Pradesh politics.

Scott argues against Gramscian concept of hegemony. Hegemony, for Gramsci is about the elite control of the 'ideology sector' of society i.e. culture, religion, education and media and thereby engineer consent of their rule also create a climate that prevent subordinate classis form thinking there

way free. 40 This shows that hegemony is inevitable because of the mental enslavement of the subordinated people the inevitability of hegemony at two levels. Firstly he said 'even if one accepts that the serf, the slaves and the untouchables will have trouble imagining social arrangement other than feudalism slavery or caste system, they will certainly not find it difficult to imagine reversing the distribution of status and reward within that social order. (E.g. Reservation policy). Secondly, if it required no great leap of the imagination to reverse the existing social order, then it should come as no surprise that it can easily be neglected. In the conclusive remark I can say that Scott's idea of every day form of Resistance is insightful and important. He deliberately denied explaining action involving the overt and collective form of resistance, which is equally important to address the class exploitation of the peasantry.

In Indian context, the work of Anupama Rao holds significant in understanding the changing nature of atrocities, the legal underpinnings of it and the resistance meted out. In the *Caste Question: Dalits and the Politics of Modern India*, Anupama Rao argues that Scheduled Castes in India are a special legal subject, protected by twin sets of safeguards measures one for protecting vulnerable subjects and other policy measure for supporting socio-economic development of this section under various provisions of the constitution and statutes. Ambedkar's response to the historical necessity to remake the Dalit self was conversion to Buddhism. It was an ethical and symbolic response to Dalits' sufferings. This ethical response together with programme of political enfranchisement was

⁴⁰ This understanding of Hegemony has been developed by Antonio Gramsci. For more, see Antonio Gramsci, *Selections From The Prison Notebooks*, Ed. and Trans. Quentin Hoare and Geoffrey Nowell Smith (London: Elec Book, 1999).

operationalized at the moment of post - colonial transition through a set of efforts, from a failed radical transformation of Hindu law to constitutional safeguard and protective mechanism to Dalits. These efforts culminated ironically in the articulation of Dalit as an exceptional legal subject marked by subalternity and at the risk of further violation.⁴¹

Another important works in terms of understanding Dalit Assertion are those of Surinder S. Jodhka and M S S Pandian. Jodhka in his article Caste and Untouchability in Rural Punjab(2002) draws our attention towards the dynamics of social change process which underlay the observable sense of autonomy in this section of the people in Punjab. He gives a picture of the empirical reality of the Dalit consciousness dissociation from such occupations and practice as are related to their stigma, humiliation and oppression, and of their distancing from the structure of social and cultural dominance of the caste Hindus. He argues that process of change could be meaningfully captured through the categories of 'Dissociation', 'Distancing' and 'Autonomy'. On similar lines, Pandian's article Dalit Assertion in Tamil Nadu: An Explanatory Note, article provides an explanatory note on increasing caste conflict between the backward castes and Dalits. What is of great importance about these caste conflicts is the changing characteristics of this violence. Pandian notes following three changing characteristics. Firstly the time taken to bring peace in situations of caste conflict has been progressively increasing in Tamil Nadu. Secondly in earlier conflicts, it was mostly the Dalits who lost their lives and property.⁴² But in recent caste riots, both the tally of deaths and the loss of property are

⁴¹ Anupama Rao, *Caste Question: Dalits and the Politics of Modern India* (Berkeley: University of California Press, 2009) 166 - 167

⁴² M.S.S. Pandian, "Dalit Assertion in Tamil Nadu: An Exploratory Note" *Journal of Indian School of Political Economy* 9, no. 3-4 (2000): 501.

more or less evenly distributed between the two castes. Finally local caste conflict does not remains local any longer. It quickly spread to other parts and engulfs a large area⁴³. The cause behind these changes is the changing configuration of power among the castes which are involved, such as Dalits have considerably gained over the years in material entitlement, while the have relatively stagnated in gaining and augmenting material entitlement. The latter are armed with a heightened sense of caste pride to establish their difference and superiority⁴⁴. With these changes in castes configuration, the Dalits (caste devendrars) in Tamil Nadu have asserted in both sacred and secular domain. This assertion has led to serious caste conflict. And the top down macro thinking of the state is evident in the manner in which it responds to caste conflicts. The response has always been one of providing the victim of caste conflict with economic compensation rather than addressing the question of uneven distribution of social power. However, it must be noted that Pandian has been reluctant in using the term Dalit for these people.

These atrocities, and the changing course of assertion and resistance amongst Dalits have not been limited to the context of Indian territory only. Eva Maria Hardtman in The Dalit Movement in India: Local Practices, Global Connections (2009) through an anthropological study of the Dalit movement, looks into the traditions of protest in the Dalit movement from early days of reform movement to contemporary writings of Dalit sahitya. She finds two conflicting traditions of caste protests. One that tries to reform Hinduism and other that tries to annihilate Hinduism. This book traces Dalit discourse across the country and focuses upon the Dalit

⁴³ ibid, 501. ⁴⁴ ibid, 504.

activities in Lucknow in terms of Buddhism and party politics in local practice and concludes that Dalit movement provides the socially and politically excluded with critical alternative public space in which they can reconstruct culturally stigmatized, or even vilified, identities and claim "right to have right" not just to social service but to human dignity, cultural difference and social equality. The book also talks about a transnational Dalit public with an example the Ambedkarites in Britain and Dalit feminism in a neo liberal world. However, what is missed in this rich scholarship around the issue is the micro analysis of the case study in question. There are different studies on the question of oppression and resistance, but no study primarily focuses on the way intra - regional disparities affect the Dalits and change the way atrocities are infected upon them. There are few scattered works on intra - regional disparities, but they have a different context altogether and the caste based atrocity is a small aspect of their work and not the primary objective. 45 Thus the present study, has attempted to work as per the research objective using the vantage point of the intra - regional disparities which form the base in Eastern and Western Uttar Pradesh and would argue that how these largely economic differences also marks difference in the socio - cultural conditions of Dalits.

1.11 Organisation of chapters

The study consists of six chapters. The first chapter is the introductory one, which briefly contextualizes the phenomenon of Dalit atrocity. Moreover, besides tracing the origin of the term Dalit, it provides a conceptual analysis of the terms such as magnitude, intensity, dynamics and atrocity used in the

⁴⁵ The works of DM Diwakar focuses on the intra - regional disparities in Uttar Pradesh and the agrarian transformation. His work has been discussed in this chapter and also the next one.

research. It also discusses the hypotheses and its variables, research questions, statement of the problem, research methodology, objectives of the study; scope of the study and locale of the study along with a brief survey of the existing literature on the topic.

The second chapter, Social Change and Structural Restraint: Uttar Pradesh in a Continuum, deals with socio-economic changes encompassing the lives of Dalits vis-à-vis 'others' in the two districts (Meerut and Mirzapur) of Uttar Pradesh. To do that it discusses the demographic profile of the state along with the demographic profile of the Dalits in the state. It also provides a detailed profile of the Meerut and Mirzapur districts of Uttar Pradesh. While dealing with the social profile of the state, the chapter traces the various socio-religious movements and the process of westernization and sanskritisation, which has a bearing on the social existence of Dalits in the state. On the question of Dalits' economic and political existence, this chapter also looks into the forces of industrialization and government policy of reservation and its impact on Dalits and their relation with other communities. Also, the chapter looks into the claimed political assertion of the Dalits in Uttar Pradesh and how it has changed the pattern of social interaction between Dalits and non Dalits and given rise to new forms of atrocities on Dalits in the last twenty years.

The third chapter, **Dalit Atrocities: Its Nature and Intensity**, discusses the cases of atrocities on Dalits of different nature such as socio-cultural, religious, economic and political. The chapter also looks into the relation between economic development and nature and intensity of atrocities on Dalits. In addition, it also analyses the role of the state as a mute spectator or

perpetrator or enforcing agency of the legal constitutional safeguards for Dalits in the state. The different nature of atrocities has been compared and analyzed with the help of graphs, and a comparison has been made with two districts – Meerut and Mirzapur. The two districts have also been compared in terms of the magnitude and intensity of different forms of atrocities on Dalits and a generalization has been made on the basis of comparison of the data collected from both the districts.

The fourth chapter, **The Logic of Dalit Atrocities**, discusses various reasons behind atrocities on Dalits. In this context, Dalits' economic uplift, political assertion, religion and religious conversion, historical reason, logic within the social structure, i.e. principle of pollution and purity, psychological reasons, state and its failure in inculcating egalitarian value in a hierarchical social order, etc. have some prominent factors. In addition, it includes cycle of social conflict arising out of the effect of migration of the lower section of the society. In fact, the large scale migration of Dalits from villages leaves the remaining Dalits (mainly the women and the old people) more vulnerable to the excesses of the tormentors.

The fifth chapter, **Dynamics of Resistance to Atrocities on Dalits**, first deals with the observable change in the phenomenon of atrocities on Dalit. The change is visible both in terms of intensity and magnitude. The comparison between the Meerut and Mirzapur provides some interesting information. For instance, it is observed that more the Dalits have asserted politically, the more violently they have been resisted. Moreover, there has been a shift from individual humiliation to community humiliation, besides the

rise in the high intensity atrocities on Dalits. The breaking or defilement of Ambedkar's statues is another notable feature in this regard.

It also discusses ways and means through which Dalits have resisted the atrocities on them. Some of the well-known tools in this regard have been the formation of Dalit organizations at grassroots levels, controlling political power through political mobilization, focus on education and claim for human dignity, countering hegemony by breaking away from the Hindu social order by means of conversion, avoiding inter-caste social and religious functions and deritualization of social life, formulating alternative ideology to de-caste public sphere, etc. Most importantly, it also looks into the effectiveness of BSP's control of political power in the state in checking and containing atrocities on Dalits.

The sixth chapter is the **Conclusion** of the study that provides a summary of the key issues discussed throughout the study. It generalizes upon the questions of atrocities on Dalit on the basis of the fieldwork done in the Meerut and Mirzapur districts of Uttar Pradesh. What is more, it also recommends some viable remedial measures so as to contain or possibly eradicate the problem of atrocities on Dalits in Uttar Pradesh.

CHAPTER TWO

SOCIAL CHANGE AND STRUCTURAL RESTRAINT: UTTAR PRADESH IN A CONTINUMM

Uttar Pradesh is politically and economically a significant part of the Indian sub continent. While statistically it is the fourth largest economy in India, socially it has a politically volatile environment. This political volatility is the result of the unchanged social relations, mainly along caste and religious lines that has resulted in persistence of suppression and domination by the powerful castes. Thus, any effort towards social change has met with violent attacks on an individual or the whole Dalit community. However, the gradual changes in the Dalit community at the level of thought have made these attacks more subtle than direct. In other words, a gradual change in he Dalit community has led to the emergence of Dalits as vanguard of new change and also a gradual sublimation of violence towards accruing more subtle forms. To understand this change, it is important to analyze the social indicators existing in UP and the extent of which they have been favorable in aiding the evolution of Dalits in their political assertion. This chapter probes the different ways in which this new political assertion could be understood. The later part of the chapter looks at different indicators of distribution of population, health, poverty, literacy, employment and land distribution to understand their condition. This analysis helps in understanding the change within the Dalit community.

2.1 Demographic profile of Dalits in Uttar Pradesh

Dalits (SC) constitute 21.4 per cent of the population in Uttar Pradesh against 16.48 percent in India. Uttar Pradesh accounts for 21.20 percent of total Dalit population in which 23.16 percent account for rural population while 12.15 percent account for urban population. However, the NSSO 55th round survey of existing available amenities to the Dalit population shows that the population is little higher than what has been accounted in the National population register. According to the NSSO data, they constitute 25.95% of rural and 15.27% of the urban population.

Table 2.1: Distribution of estimated population by social category in Uttar Pradesh

	Scheduled Caste		Scheduled Tribe		Total Population	
	M	F	M	F	M	F
RURAL	23.0	22.9	0.6	0.7	77.5	78.0
URBAN	12.8	12.7	0.2	0.2	22.5	22.0
TOTAL	20.7	20.6	0.6	0.6	77.7	22.3

Source: Census of India, 2011

The recent statistics as shown in table 2.1 discloses that they constitute almost a quarter of total UP population, second largest rural population after OBCs. But, they are at the bottom of urban population as a community in Uttar Pradesh. To understand their living conditions, different parameters such as, infant mortality rate, poverty index, land ownership, and change in literacy rate is observed.

¹A K Singh, "Social Structure and Development Process" in *Social Change in Post - Independence India*, eds. A. K. Lal and S. Sami Ahmed (New Delhi: Rawat Publications, 2001) 143.

2.1.1. Infant Mortality Rate

Infant mortality rate is defined as "the number of deaths under one year of age occurring among the live births in a given geographical area during a given year, per 1,000 live births occurring among the population of the given geographical area during the same year." It is considered as one of the most valuable indicator of social uplift for any section of society. According to the *Human Development Report*, infant mortality in the UP Dalit population is much higher than the national average.

Table 2.2: Infant and Child Mortality Rates by Caste in Uttar Pradesh and India

Community	Uttar Pradesh		India		
	IMR U5MR		IMR	U5MR	
SC	110	158.1	83.0	119.3	
ST	83.3	124.5	82.2	126.6	
OBC	105.7	142.2	76.0	103.1	
Others	82.3	112.1	61.8	82.6	
Illiterate	104.7	146.3	86.5	122.8	
Total	86.7	122.5	76.6	94.9	

Source: NFHS III 2005 - 06 and NFHS IV 2015 - 16.

Inter - community comparison shows that their condition is worrisome as they experience higher level of deprivation. Table 2.2 gives the distribution of Dalit population and their relative deprivation in terms of indicator of social development in UP.

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² Glossary of Statistical Terms, https://stats.oecd.org/glossary/detail.asp?ID=1347 (January 4, 2017).

Table 2.3: Child health and nutrition in Uttar Pradesh and India

	NFHS III		NFHS IV	
Health Parameters	UP	INDIA	UP	INDIA
Infant mortality rate	73	57	78.50	64
Under five mortality rate	96	74	78	50
Per cent of children under five underweight	42.4	42.50	41.0	35.7
Per cent of children under 5 stunted	56.8	48.0	46.3	38.4

Source: NFHS III 2005 - 06 and NFHS IV 2015 - 16.

In fact, Dalit children of UP have higher than average probability of being undernourished and underdeveloped. They have mortality rate under the age of five. Along with Table 2.2, Table 2.3 indicates the health and nutritional aspect for children in UP is far worse than the rest of India.³ This condition has not altered since the NFHS 1 data.

2.1.2. Health

In addition to infant mortality and nutrition indicators, the condition of Dalits with regard to health is miserable. Though access to health is precarious for majority of Dalits, within the community it is worse for Dalit women.

³ For more, refer to the Human Development Report (Lucknow: Yojana Bhawan), 2007.

Table 2.4: Reproductive Health Percent of Women in Uttar Pradesh and India

	NFHS III		NFHS IV	
Status of reproductive health		INDIA	UP	INDIA
Married before age 18		47.4	21.2	26.8
Percent of pregnant women 15 - 19 years	14.3	16.0	3.8	7.9
Unmet need for family planning (per cent)	23.1	13.9	18.1	12.9
Home delivery by skilled health personnel	6.8	8.2	4.1	4.3
Deliveries assisted by health professional	27.2	46.6	81.4	42.30

Source: NFHS III 2005 - 06 and NFHS IV 2015 - 16.

In this hierarchy of miserableness Dalit women have worse health indicators than others in Uttar Pradesh which already ranks lowest in terms of health and nutrition index. The apathetic attitude towards these can be deciphered from the fact that even the programmes of Dalit political parties do not mention health or nutrition-related problems which is in contrast to the programmes of the Dravidian parties in Tamil Nadu in comparative sense.⁴ Table 2.4 explains this situation.

2.1.3. Poverty and Land Distribution

The relative level of deprivation of the SC population in UP is greater as they lag behind the rest of the SC population in India. This holds true for other social indicators too. For instance, it is estimated that 43.0 percent Dalits in rural area and 42.50 percent in urban areas were living below the poverty line in

⁴ For more, see Sudha Pai, *Dalit Assertion and the Unfinished Democratic Revolution: The Bahujan Samaj Party in Uttar Pradesh* (New Delhi: Sage Publications, 2002); Sudha Pai, *Dalit Assertion: Oxford India Short Introductions* (New Delhi: Oxford University Press, 2014).

1987-88.⁵ The World Bank Report of 1999 expounds that the poverty incidence for SC and ST population was one and half times more than the other sections in overall poverty incidence in the rural and urban sectors. Causally, this incidence of poverty is directly linked with the unequal distribution of agricultural land in rural UP.

Table 2.5: Poverty Incidence for SC and other caste household in Uttar Pradesh

Caste	Rural	Urban	Total
SC	44.8	44.9	77.7
OBC	32.9	36.6	69.5
Others	19.7	19.2	38.9

Source: Ministry of Social Justice, 2005.

Among all the castes incidence of poverty of the Scheduled Castes is 77.7 per cent which is very high. 44.8 per cent of the rural counterparts live in poverty and 44.9 per cent of Scheduled castes live in poverty in urban areas. This was followed by Other Backward Classes with 69.5 per cent and other castes whose incidence of poverty is 38.9 per cent. Land is an important source of family income in rural-agrarian society like India. Not only is land a source of income, it is also a symbol of dignity, status and security in both urban and rural spheres. With regard to ownership of land in UP, nearly half of the SC workers in agriculture are landless agriculture laborers.⁶ The most important reason for high poverty incidence among the SCs is that

⁵ Ministry of Social Justice, 2005.

⁶ Socio - Economic Census Data, 2011; DM Diwakar, "Agrarian Transformation in Uttar Pradesh," Journal of Social and Economic Development III, no. 1 (2000): 116.

88 per cent of them live in rural areas and about 32 per cent of the rural SC male workers are agricultural laborers. In gendered terms, women belonging to SC who constitute one - third of the workforce make 57.71 percent of agriculture labour. Still, they are the worst hit by the social and economic conditions of the Dalit population. Examining the inherent power structures, Leela Dube in her article *Caste and Gender* argues "the unequal distribution of resources and exploitative relations of production can be understood only through an enquiry into the principles of kinship governing allocation of resources, devolution of rights to property, rights to services, and entitlements." In comparison to female agriculture laborers, only one - third (34.5 per cent) of rural SC male workers are cultivators (i.e. own some land) whereas male worker cultivator's make 61 per cent of OBCs and 68 per cent of caste Hindus. Access to land in the form of ownership is clearly an asset that SC households in rural areas require.

Table 2.6: Inequality in Land Ownership Across Social Groups

Land ownership	Scheduled Caste	OBC - General	
Population Share	24.65	74.66	
Land Share	10.53	88.95	
Average Land Size in ha	0.19	0.53	
Population Share/ Land Share	0.43	1.19	

Source: NSSO 70th Round Data⁸

⁷ Cited in Anupama Rao, Gender and Caste (New Delhi: Kali for Women, 2003), 27 - 28.

⁸ Compiled by Ishan Anand in "Dalit Emancipation and the Land Question." *Economic and Political Weekly* LI, no. 47 (2016): 12 - 13.

As we see from the Table 2.6 above, the proportion of cultivator among SC workers is lower (42.64 percent) than among other groups (56.38 percent). 84.30 percent of SC holdings are marginal holdings, and only 4.3 percent of SC holdings are above two hectares. However, the corresponding figure for other The NSSO 55th round data of UP development report group is 13.9 percent.⁹ shows similar trends in terms of the ownership of the land among different social groups. If the situation is analyzed with reference to the caste Hindus group alone, then the disparity levels will be starker. Dalits in UP live under acute poverty with little access to land. Thorat in this context has argued that "the limited access to agricultural land and capital assets is both due to the historical legacy associated with restrictions imposed by the caste system and the ongoing discrimination in land market and capital market and other related economic spheres." Even the process of modernization has largely bypassed the SC population in Uttar Pradesh leaving a vast section of Dalit population impoverished. The Tenth Five year Plan of the Government of Uttar Pradesh shows that the SC Population living below Poverty Line in the year 1993-94 was 40.85% (total) and 59.20% (SC), whereas the pan Indian incidence of poverty is 37.40% (total) and 48.90% (SC). 11

⁹ A K Singh, "Social Structure and Development Process" in *Social Change in Post - Independence India*, eds. A. K. Lal and S. Sami Ahmed (Rawat Publication: New Delhi, 2001) 149-50.

¹⁰ Sukhadeo Thorat, "Oppression and Denial: Dalit Discrimination in the 1990s," *Economic and Political Weekly* 36, no. 6 (2002): 6.

¹¹ UP Government, "Tenth Five-Year Plan," *Economic and Political Weekly* (2006): 4269.

2.1.4. Literacy Rate

It is imperative to look at the change in the literacy rate over the years among Dalits for a complete understanding of their socio - economic condition. The table below provides us with an interesting picture of the same.

Table 2.7: Change in Literacy Rate of SC in Uttar Pradesh

	Scheduled Caste		Scheduled Tribe		Total Population	
Location	M	F	M	F	M	F
Rural	71.7	47.3	66.2	42.3	76.3	53.7
Urban	75.6	58.2	74.8	58.0	80.4	69.2
Total	71.8	48.9	67.1	43.7	77.3	57.2

Source: Census of India, 2011.

From 1961 to 1991, the literacy rate of rural Dalits has almost tripled whereas the literacy rate of urban Dalits has less than doubled in thirty years. This change provided Dalits the potential for an assertion that also contributed in the rise of Bahujan Samaj Party in UP. But, inter - community comparisons show the negligible development of Dalits amongst other communities in UP as well as other states in the country.

Although the social indicators of human development are amongst the lowest in UP, there exists a regional disparity across social categories of relatively developed western and underdeveloped eastern Uttar Pradesh in almost all the indicators of human development. For instance, if we look at the literacy rate in the two regions, western UP has done better in terms of literacy rates across categories except the Muslim communities which is better in terms of literacy in

than their eastern counterpart.¹² However, the rise of Dalit parties in UP has played an important role in the voicing and politicizing the Dalit oppression. Indeed, loopholes exist, but the rise of political parties has been significant in empowering them through various constitutional means. Before the political means, there were other socio - religious attempts through which Dalits asserted their rights as a human. The next section looks into the different ways in which social change has been initiated in the Dalit community.

2.2 Phases of social change in the Dalit community in Uttar Pradesh

Explaining the rationale of Dalit movement in Maharashtra, Jogdand has reiterated.

...the quest of the Dalit movement is the leveling up the status of people and it is the real manifestation of a new consciousness among them (the Dalits). This new awakening has not only provided them basis for establishing self - respect, self - determinism, and honor among, but also a means for protesting against the domination of upper castes and classes in the society. Those groups who have joined the movement have a sense of self - respect and feeling of unity, an urge for improving their social and economic status

¹² Census 2001.

and a political awareness which may be of significant aid in the solution of India's age - old problem of untouchability. 13

In other words, the quest for equality has been at the epicenter of Dalit movements with an initial aim to annihilate untouchability. This urge for a change could be seen in the number of socio-religious movements that occurred in the country which has been witness unjust practices like exploitative social hierarchy, oppression and untouchability. These movements attempted to purify the soul of caste Hindus and generate a feeling of pity over the untouchables. Ghanshyam Shah (1980) has categorized these movements in two broad categories, reformative movements and alternative movements. The main aim of the reformative movements was the eradication of untouchability, while alternative movements emphasized on the social and economic uplift of Dalits through means of *Sanskritisation*, westernization, education and reservation policy.

Keeping this as a point of reference, the present work defines Dalit assertion in five phases, namely,

- 1. Bhakti Movement: Asserting within a Hindu Religion Domain
- 2. Sanskritisation: Adopting upper castes ways of living
- 3. Economic Uplift
- 4. Reservation
- 5. Political Assertion

¹³ P. G. Jogdand, *Dalit Movement in Maharashtra* (New Delhi: Kanak Publications, 1991), 14.

2.2.1 Bhakti Movement: Asserting within a Hindu - Religion domain

Bhakti movement was the first socio-religious movement which aimed to reform Indian society and religion. It was largely an egalitarian movement in which majority of the saints of Bhakti movement came from oppressed castes. To put it differently, Bhakti movement was the revolt of oppressed castes or Sudras and untouchables against the unequal aspects that formed the essence of Brahmanism. This movement registered a protest against the existing birth based hierarchical social order enabling the oppressed castes to transgress the social and religious boundary marked by the Brahmins.

In Uttar Pradesh, Kabir was the earliest and the undoubtedly the most prominent figure of the Bhakti movement. He was considered as the most liberated followers of Ramananda. Similar to the ecclectism he offered through his poetry, his life and death are also encompassed in the layers of mist. He is generally represented as the illegitimate son of a Brahmin Hindu widow who was brought up by a Muslim weaver. His ideas were detached from the available texts available then. He questioned the usage of texts used as a canon and tried to give a different picture about Hinduism taking into fold different religions:

The poetry of Kabir is steeped in the Bhakti religion of love. In his conception of a transcendent God he shows some Islamic influence. But his monotheism is not undiluted. There is an element of dualism in his conception of God. He believes in *Sat Purusha* (True Existence), the Creator of the world,

¹⁴ Aziz Ahmad, *Studies in Islamic Culture in the Indian Environment* (Oxford: Clarendon Press, 1964), 143.

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independent and without passion, and also in his opposite *Kal Purusha or Niranjan*, a diabolical personage with boundless strength who created the world and from whom sprang the three deities of the Triad.

What distinguishes Kabir's approach to the worship of Rama from that of the orthodox school represented by Surdas and Tulsidas is his ecclectism, his cognizance of Islam as the other great religion in India and as a stimulus and a challenge. Kabir's ecclectism, thus rejected aspects of both religions, which also made him earn the tile of *nirguna*. His works thus can be accepted by all religious sects and could also be an important source of salvation, if persuaded without any bigotry.

Another important sect of the Bhakti tradition was Satnami movement started by Ghasi Das that comprised of *chamars* in the United and Central Province of British India. The fundamental tenet of these movements was the abolition of caste, and with it the authority of the higher castes, especially of the twice born. This led to a bitter hostility between the caste Hindus (non-Satnamis) and the Bhakti group who had styled themselves in a collective as Satnamis. However, in order to gain more ground and acquire certain legitimacy, there was a tendency in the Satnamis to bring in certain cults which would increase the prestige of the group and be seen at par with the religious practices of high caste Hindus.

¹⁵ Ibid. 143 - 145.

¹⁶ Jane Dammen MacAulliffe, *Encyclopedia of Q'uran Vol. 6* (Brill, 2001), 126.

In the first place, the Satnamis were enjoined to wear sacred thread (Janeou and rosary of the sacred basil bead). Balak Das, the second son of Ghasi Das used to put diacritical marks using sandalwood paste and wear the rosary and sacred thread. The caste Hindus got extremely agitated at this practice and some of them murdered him in 1860 in the village Aurabandha near Chirhula in tehsil Mungeli, Bilaspur. Since then the revenge of that murder has led to a spiral of violence and bloodshed between the Satnamis and the Rajputs. In addition to this heinous method of killing, marriage processions by Satnamis were prohibited. When Balak Das went in a palanquin to the village Chirhula for marriage, the palanquin was seized by the Brahmans of the village. Bhujal Mahant, whose daughter was married to Balak Das, had filed a civil suit in the Nagpur High Court and had won. Similarly, when Atibal Das (Guru) tried to go through village Gullu on a horse for his marriage, the Savarnas of the village obstructed his way. The Satnamis could go through the village only when they gathered in strength for a show down.

In 1916, the Satnamis (once again) campaigned for wearing the sacred thread and using the diacritical mark. In 1917, a meeting was organized at Mungeli to adopt a strategy to acquire religious symbols. This meeting was attended by the prominent social and political leaders of the region. When Satnamis started wearing the sacred thread, the *Savarnas* once again came down heavily on them. The members of the high caste not only pulled out the sacred thread from the shoulders of Satnamis but inflicted the worst kind of physical

injuries as well. They branded the sacred thread on their shoulder, back and chest and made a mark on the forehead with red hot sickle or ladle.

As mentioned earlier, the Satnami religious movement was broadly a social uprising of newly rich *chamars*. These people by occupation worked with leather and the colonial period had brought a situation where their lot had seen some amount of prosperity and rise in income. In the socio-religious sphere, this group then sought to increase their status especially by doing away with the social gap and distance with the caste Hindus members. Therefore with establishment of their religious order, the prophets and followers of *Satnampanth* had in their agenda the augmentation of their strength by converting members from other religion and castes, preferably higher than their own. It may be noted that of the three riots between Satnamis and Hindus, two were caused by the resentment of converts from high castes being slurred as *chamars*.¹⁷

To acquire the religious symbols once again, the Satnami leaders were invited to Kanpur Congress Session of 1925 where Ravi Shankar Shukla, Sunder Lal Sharma, and Swami Shraddhanand had put the sacred thread on to their shoulder in the presence of Mahatma Gandhi and Lala Lajpat Rai. On their return from Kanpur Congress Session, they started propagating for the usage of these symbols once again. But this time, more ferocious atrocities were inflicted on them by the oppressed castes. In village Nipania near Baloda Bazar several Satnamis were beheaded. They therefore, organized themselves to take revenge and

¹⁷Awadesh Kumar, "Religious Protestant Status Improvement: A Case Study of Satnamis of Chhattisgarh," in *Struggles for Status* eds. Pimpley P., and S. Sharma (Delhi: B.R. Publishing), 179.

also threatened mass conversions to Islam. This drew the Arya Samaj leaders and Congress leaders into the movement. Peace was restored on their intervention and Satnamis were allowed to wear the sacred thread and rosary and use the diacritical marks. Though, the larger tradition of *Bhakti* movement rejected the authority of the Vedas, Brahmin priesthood, and ritual practices, it failed to recover the lost identity. The revolt continued in various forms till the eighteenth century. However, each of the revolting groups was reabsorbed in the Hindu fold. Perhaps, the last saint poet in this stream was Narsi Mehta, from Gujarat, who coined the term Harijan. ¹⁸

This devotional cult was also criticized by Ambedkar for the reason that these devotional cults only concerned themselves with equality of every person in the eyes of God, and not worked for the equally important and significant issues like annihilation of caste and untouchability. Despite this lacuna with these cults of remaining confined within the larger Hindu fold, they provide an example of the repercussions faced by Dalits whenever they try to voice their oppression through any medium; religious or political. The medieval and ancient Indian society was more religious than political; religion was the guide to individual and community life. However, this doesn't deny the impact Bhakti movement had in the liberation of thoughts of Dalits. Understanding the importance of these bhakti cults, Jagjivan Ram has written:

¹⁸ Yagati Chinna Rao, Writing Dalit History and Other Essays (New Delhi: Kanak Publishers), 147

The saints - poets of Bhakti school during the medieval period of history created awakening amongst the untouchables and the Dalits. In Bhakti, as preached by Kabir and Ravidas and other saints and poets, there was no need to visit temples, one's own pure heart was the temple. There was no need to read the mantras from scriptures, the devotional songs were enough to worship and remember God. There was no need to follow the rigorous course of rituals, but only two and a half words of love were enough to be a wise or a learned man. Bhakti cult was no doubt a great social revolution, a renaissance of Dalit awakening and Kabir and Ravidas were the champions of this social revolt, who were not spared by the Brahmans, and harassed in several ways. The unity of the Shudras and out castes made their efforts unsuccessful.¹⁹

In this situation of importance of religion, Dalits were always violently restrained whenever they tried to mark their space in the religious spaces where savarnas had monopoly control. To combat this restraint a wave of adopting the ways of life of the caste Hindus was taking place. The next section probes further into the concept of *Sankritisation* and westernisation to understand the alternative ways through which Dalits tried to gain an equal footing in an inegalitarian society.

¹⁹ Jagjivan Ram, Introduction in Sant Ravidas Aur Unka Karya by Swami Ramananda Shastri, 1.

2.2.2 Sanskritization: Adopting Upper - Castes' Ways of Living

M.N. Srinivas in *Social Change in India* argues that there are instances where Kings had the power to raise the status of castes in their kingdom. In this context, he asserts that there has always been a certain amount of mobility in the caste system which he understood by the concept of *Sanskritization*.²⁰ For him,

Sanskritization is the process by which a 'low' Hindu caste, or tribal or other group, changes its customs, ritual, ideology and way of life in the direction of a high, and frequently, 'twice-born' caste.

... Sanskritization is generally accompanied by, and often results in, upward mobility for the caste in question; but mobility may also occur without Sanskritization and vice versa. However, [it] results only in positional changes in the system and does not lead to any structural change.²¹

However this concept of social upward mobility is questionable because the whole process of *sanskritization* is not as smooth as it seems to be. To put it differently, a schedule caste cannot not become a Brahmin through merely imitating a Brahminical way of life. The actual social status of the caste concerned remains the same. There had been instances in which any attempt on

²⁰ M.N. Srinivas, "Changing Institutions and Values in Modern India," *The Economic Weekly* (1962): 137.

²¹M.N.Srinivas, *Social Change in Modern India* (Bombay: Allied Publishers, 1977), 6 -7.

the part of Dalits to improve upon their social status was thwarted by the caste Hindus by using violent means against the former.

The elders of the dominant caste in a village were the watchdogs of a pluralistic culture and value system. Traditionally, they prevented the members of a caste from taking over the hereditary occupation of another caste, whose interests would have been hurt by an inroad made into their monopoly...²²

The higher castes not only resisted the change but also laid down prescriptions for the regulation of dressing, eating, and living pattern of the scheduled castes. There had been many instances of atrocity in both pre independent India and post-independence India where imitation of the life style of caste Hindus by the Dalits had led to violent confrontation leading to loss of several lives. For instance, one of the interviewee from Mirzapur recalled the way Dalits are inhibited from wearing new clothes:

Whenever a Dalit would pass, they would spit on them or tear their clothes sometimes. This would have a higher probability of happening if they were seen in new clothes. So these small bits of happiness, the Dalits confined to themselves in their own parts of the village.

According to Dipankar Gupta, "Sanskritization is a reassertion in an extraverted form of what was till then an introverted expression of the caste's

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²² ibid., 15.

overall rejection of the position given to it by the hierarchical rule governed by the twin principles of economics and politics." He argues 'Sanskritization seen thus is an extra version of a long standing, deeply felt and believed in judgment of their caste status which was hitherto privy only to members of the that caste.²³ If we go along the definition of Sanskritization given by Gupta, it would add to more confrontation between upper and lower castes because Sanskritization is perceived as the process of assertion or an attempt of getting one's own due from the society which previously privileged section would never allow in order to continue their dominance. Thus the process of Sanskritization instead of facilitating upward social mobility to Dalits had immensely intensified the conflict between Dalits and Savarnas, leading to even more serious form of social domination.

Westernisation is another force of social change deeply valued by the sociologist and political scientist. It is considered to be liberating force by many political analysts. Therefore it is pertinent to examine the impact of westernisation on the social life of Dalits in Uttar Pradesh. *Sanskritization* and Westernisation are linked process in modern India and it is not possible to understand one without the other. ²⁴ If *Sanskritization* is the mobility within the framework of caste, then westernisation implies mobility outside the framework of caste. Briefly, westernisation means adoption of western value life style by an individual irrespective of his caste and ritual status. Broadly, it can be equated with imitation of West. This process has covered entire Indian society irrespective of

²³Dipankar Gupta, "Continuous Hierarchy and Discrete Castes," *Economic and Political Weekly* (1984):133.

²⁴ M.N. Srinivas, "Changing Institutions and Values in Modern India," *The Economic Weekly* (1962): 8

caste hierarchy. Since caste Hindus had access to education and Western value prior to oppressed caste, therefore they westernized earlier, and sometimes they considered it as their sole privilege, which should not be extended to Dalit at any cost. But, with the spread of education, industrialization and secular policies of colonial and post-independence Indian state, Dalits received opportunity to westernize. This brought resistance from the caste Hindus that followed from two quarters. Firstly, from those who had westernized previously as they considered it to be their sole prerogative that should not be extended to Dalits and secondly, from those caste Hindus who lagged behind in run of westernisation and envied those Dalits who had westernized themselves.

Westernisation coupled with industrialization brought a significant change in the life of Dalits in Uttar Pradesh. This change is found in both pre and post-independence India. Economic life of Dalits had undergone a significant change because; firstly, in the pre independence era the British attempted to provide equal opportunity in public employment to all the natives. Secondly there has been a change in the economic affairs of the country due to rapid industrialization. Tirdly, special attention has been paid by the state for the uplift of the socially and economically disadvantaged group. This change tried to rupture the earlier stagnant and dominance based relationship between disadvantaged and privileged groups of Indian Society. Naturally the status quo-ists that originally had better economic status resisted this change violently, and Dalits or the most economically disadvantaged faced atrocity of several kinds. This process of

economic change is important for the purpose of analyzing the increasing conflict between Dalits and caste Hindus.

The advent of British rule enabled the untouchables in taking full advantage of expanding employment opportunities in several areas such as railways, industrial towns and textiles center. They got new push for education and social change. The importance of this particular event lies in the fact that it exposed untouchables to western culture and new socio-political order. Ambedkar emphasizing the same writes,

Until the advent of the British, the untouchables were content to remain untouchables. It was a destiny pre-ordained by the Hindu God and enforced by the Hindu States... Fortunately or unfortunately, the East India Company needed soldiers for their army in India and it could find none but the untouchables. In the army of the East India Company there prevailed the system of compulsory education for Indian soldiers and their children. The education received by untouchables in the army... gave them new vision and a new value. They became conscious that the low esteem in which they had been held was not an inescapable destiny but was a stigma imposed on their personality by the cunning contrivances of the caste Hindus. They felt the shame of it as they never did before and were determined to get rid of it.²⁵

These changes gave rise to a new era of Dalit assertion unseen hitherto. They not only resisted the exploitative practices that were carried under the caste system but also demanded more representation and dignified living under the new system.

2.2.3 Industrialization and Economic Uplift

Along with these factors, the role of traditional skills of certain castes and gradual bringing of these skills within the market economy has proved to be of vital significance for Dalits. M Owen Lynch demonstrated this in his study of Jatavs of Agra. He explained how the changing conditions of life and development of market economy has added to the change among the Jatavs of Agra. The Jatavs of Agra were members of untouchable community and occupied a very low social status in the hierarchy of the caste Hindu society. They comprised vast majority in the city of Agra and carried out leather work as their traditional occupation. The Jatavs got a number of contracts for supplies of hides and skins. The reformist activities of Arya Samaj brought education and a consciousness of dignified rights to this group. Whereas the affiliation with market economy paved way for opening of entrepreneur ventures like cotton mills for the rich Jatav contractors. There, the weaving work was also done by the Jatavs. At the same time shoe industry also started functioning under the ownership of

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²⁵S.K. Sharma, "Caste Inequalities and Status Change Among Scheduled Caste - Some Trends," in *Struggles for Status*, eds. Pimpley Prakash, and Satish Sharma (Delhi: B.R. Publishing, 1985), 58. ²⁶ Mark Jurgensmeyer, "Ad Dharm Movement," in Harish K Puri, and Paramjit S Judge eds., *Social and Political Movements* (New Delhi: Rawat Publications, 2000).

Jatavs. These factors significantly added to economic prosperity of Jatavs of Agra. As a result of economic prosperity and advance in educational sphere, the educated young Jatav formed 'Jatav Men's Association in 1917. It's major purpose was to motivate fellow men towards education, *Sanskritization* and change in their identity.²⁷

Similar to Agra, establishment of Kanpur as a major industrial city of Uttar Pradesh had brought a significant change in the life of the untouchables. Kanpur's early industrial expansion was based on a military market for containment. The military required mostly boots' saddle and clothing. In 1863, the government Harness and Saddler factory was founded and in 1864 a cotton mill was established known as the Elgin cotton spinning and weaving co. Ltd. Second phase of industrial development happened in the period between 1915 and 1947 when large factories of fertilizer, heavy engineering goods were established. This new industrial city not only made untouchables in its vicinity economically well off, but also spread a new consciousness among them for self-respect and human dignity. It also enabled them to pursue education and form social and political organization. Without doubt these new developments gave rise to new conflict in the society leading to several unrecorded atrocity over Dalits. All these social and economic changes in the life of untouchables led to the rise of a new political consciousness among the community. Therefore, several political organizations were set up.

²⁷ Ibid.

Before we discuss rising socio-political consciousness among Dalits in the post-independence period, let us trace back their roots in the pre-independence era. Jatavs of Agra as a politically active group first raised the issue of inclusion of one of their members in the state legislative council. In 1920 one member of Jatav community was appointed as the member of legislative council and he pressed for the demand that in each district Board one member should be from their community. During 1930s and early 40s the Jatav elites started taking part in independence movement. In 1944-45 a schedule caste confederation of Agra was formed and was linked with Dr. Ambedkar's Scheduled Castes Federation. In 1958 Republican Party was formed in Agra. Thus, a new social and political structure was formed. Jatavs left Sanskrit names and their *kshatriya* ancestry. This is because *Sanskritization* is not an effective way for political participation for achieving a change in style of life and to rise in the Indian social system.

In 1950, Agra city become Municipal Corporation and elections were held for 54 members of Municipal Corporation. Republican Party won 17 seats. Six were reserved for Jatavs. Then, three Jatav members were also elected to legislative assembly. In 1962 elections, Muslims and Republican Party united. They also fought election for the office of Deputy Mayor and a Republican *Vaishya* was elected. In general political manifesto, they wanted to improve the downtrodden of India and besides it a charter of ten demands were presented to Prime Minister Lal Bahadur Shastri.²⁹ This included the demand that the portrait of Ambedkar must be given

²⁸ Ibid., 63.

²⁹ Owen M. Lynch, *The Politics of Untouchability: Social Mobility and Social Change in a City of India* (New Delhi: Columbia University Press, 2969), 474.

place in the central Hall of the Parliament. This socio-political consciousness spread beyond Agra. Similarly, Kanpur also experienced an increase in the political consciousness among Dalits.

2.2.4 Reservation in Institutional Sphere

In post independent India access to the major sectors of economy and polity through policy of reservation substantiated in the rise of socio – political consciousness among Dalits. Reservation policy in vital areas of education, employment and representative institutions like Lok Sabha, Vidhan Sabha and Panchayats helped in strengthening of this consciousness of Dalits who became vanguard of Dalit liberation.

The normative and practical basis behind reservations is that age long exploitation is the historical disadvantage that Dalits and others have faced and because of this they are unable to actualize their potential unlike others. Access to education and other jobs is important to break this age long deprived condition and living substantially. As Manjit Singh puts that education is an important factor for promoting and being self-reliant, living life with self-respect and being independent in both psychological and economic sense.³⁰

Manjit Singh, "End of Untouchability - A Legal Way?" in *Struggles for Status*, eds. Prakash Pimpley, Satish Sharma (New Delhi: B.R. Publishing), 182.

Table 2.8: Status of Reservation in Government Services

Group Services	Filled in Per cent	Un-filled Per cent		
A	8.16	-12.84		
В	10.12	-10.88		
С	15.76	5.24		
D	21.19	+.19		

Source: U.P. Annual, 1996-97³¹

The theory behind reservation in education is that the lower strata of the society, specially Scheduled Castes are incompetent to get entry or access into educational institution through normal process of recruitment. The policy of reservation opened the doors of education for the Dalits that helped in development of political consciousness of Dalit population, their politicization and ultimately gave rise to the emergence of identity politics in Uttar Pradesh. But this process of empowerment through education and job reservation has its lacunas and has been proven to be inadequate.

Programmatically various programs for education were started with the coming of BSP in power and backlog vacancies for Scheduled Castes were filled up. In education a range of scholarships were initiated for children up to high school, hostels were built for Dalit students especially girls in urban areas, ashram-type schools and coaching centers got opened as well. However, these targeted interventions appear to be aimed at children who have at least cleared

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³¹ Vivek Kumar, *India's Roaring Revolution: Dalit Assertion and New Horizons* (New Delhi: Gagandeep Publications, 2006), 216.

primary school, and completely ignore the Dalit children who are out of school. It also ignores the infrastructural quality of rural government schools in terms of teaching which is the main reason behind dropping out of children before completing their elementary levels teachers are regularly absent.³² The cumulative impact of this dropping and isolation of vast section of Dalit population from education can be understood form the literacy level. According to 1991 Census, the literacy rate among the SC population in Uttar Pradesh was 26.85 per cent, compared to 41.60 per cent among the total population. Within the low level of literacy rate for SC population, literacy among SC females was very low. In comparison to 25.31 per cent literacy among all females, only 10.69 per cent of SC females were literate. By 2001, the overall literacy rate in UP was 55 per cent. Even if we assume that the SC literacy rate increased in the 1991-2001 decade by the same percentage points, it would still make only for 40 per cent for the SC population and 25 per cent for the female SC population.

To raise the literary rates among Scheduled Castes several steps were taken by the state government of Uttar Pradesh. Recently in UP various steps were taken by the state government to raise literacy rates among Dalits. Major actions among them were working through 580 government aided NGOs, schools, establishment of Mahatma Jyotiba Phule Government Ashram School in Lucknow. Rates of scholarships were increased from Rupees 30 to Rupees 60 for high school student and from Rupees 20 to Rupees 40 for Junior high school students.

³² For more, see S.K. Mehrotra, *Universalising Elemantary Education In India: Uncaging the 'Tiger' Economy* (USA: Oxford University Press, 2005); S.K. Mehrotra, *The Economics of Elementary Education in India: The Challenge of Public Finance* (New Delhi: Sage Publications, 2006).

Infrastructure facilities like hostels were provided like construction of 164 separate hostels (125 for boys and 39 for girls) that were opened in the different district headquarters in the state. Beside this, several coaching centers were set up for helping the SC/ST candidates in their preparation for appearing in government services and other vocations like Engineering, Medical etcetera.

Apart from the government initiatives, consciousness among Dalit parents has risen towards the education of their children. They are keen and actively sending their children to good public schools for quality education. This consciousness has helped Dalit community to benefit from the government policy of job reservations. Though in the grade A and grade B services, the required quota for SC/ST has not been fulfilled. Still Dalits have benefited economically by getting jobs in grade C and D services. These job holders are now more conscious about the education of their children and the coming next generation is relatively well educated about their rights and human dignity. As far as reservation in bureaucracy is concerned, the major grievance of Dalits or the Scheduled Caste in the state has been that the various orders concerning reservation in government services in the state are deliberately violated. In supposedly and theoretically rational organization named bureaucracy, Dalits face discrimination and victimization which increases their frustration and retards the rate of their socio-economic development. In addition to the programmatic assistance in education, assistance was provided to Dalit families during sickness, marriage and other contingencies. Dalit women were provided with work under employment schemes and were the prime target of the Indira Awas Yojana. Priority was given to SC members in the case of supply to sugar mills and farmers of the SC were nominated to all the cooperative sugar cane committees. Other economic measures included granting various contracts to SCs in stone quarries and cane crushing. However, these programmes do not display any real strategy to alleviate the poverty of the Dalits.

Despite these progressive steps the situation is miserable especially when compared with other states like Kerela and Tamil Nadu. Uttar Pradesh lags behind in Dalit education in comparison to other states i.e. Kerala. The literacy rates among Dalits in Uttar Pradesh is only 26.85 per cent which is one of the lowest rate among Dalits in the country is evident from the fact that in Kerala the literacy rate among Dalits is 79.91 percent which stands at the top of the list followed by Gujarat (61.06 percent). This is so because states like Kerala and Tamil Nadu did not address the exclusion of SCs from the educational system by framing policies that targeted SCs or oppressed castes. Rather they attempted to alter the larger education system as a whole with targeting of marginalized population. It happened because the government education system received the investments that led to all boats rising with the level of the water. Targeted action, aimed only at the SCs helps when the general educational system is providing quality education; and if there is still exclusion for reasons of caste, religion or gender, then targeted action can help to pull up the excluded. Briefly, policy of reservation in Job and Education in a limited manner has contributed to the structural change in Uttar Pradesh society. This structural change has brought socio-economic consciousness among Dalit community leading to intensified conflict with previously dominant groups (Savarnas).

2.2.5 Dalit Assertion Thorough Electoral Politics in Uttar Pradesh

Uttar Pradesh has been witness to social movements that aimed at mobilizing Dalits and other backward classes for nearly four decades. Despite this rich legacy of mobilization, the condition of oppressed castes in Uttar Pradesh in basic amenities or major social indicators of development remains miserable. To put it differently, while UP has witnessed a successful rise of politicized Dalits through mobilization and capturing of political power by Bahujan Samaj Party multiple times, Dalits still remain at the lowest rung of the society in terms of indicators of social development.

The reservation policy of the state, particularly in the legislative assembly and Panchayats has led to significant structural change in power relations of the society. This has paved way for politicized Dalits to share political power in the state. In the pre-independence era, the demand for representation from oppressed castes was a demand for separate electorate like Muslims and others. After the defeat of this idea in Poona pact, then Dalit leadership half-heartedly accepted the idea of Joint electorate in single member constituency. This idea was volitionally and deliberately added in our constitution by the constituent assembly as the reservation of seats for scheduled castes in the Lok Sabha and Vidhan Sabha. This reservation initiated their political participation to a large extent. Though this reservation did not help Dalits to substantially overcome all disabilities that have

been historically imposed upon them, nevertheless it played an important role in politicization of Dalits. This happened as reservation was able to give access to Schedule Castes to get represented in a large proportion. Comparatively, poor representation of Dalits in non-reserved constituencies reveals the importance of reservation. But, for the several reasons the existing system of reservation had been criticized by politically conscious Dalits. Some of them are as follows:

- 1. One of the major problems that remain unaddressed adequately by policy of reservation is the issue of substantive representation. It has been found that in majority of reserved constituencies there is majority of non-Dalit population. Therefore in the phase of elections, the will of non-Dalit population is represented in the election. To put it differently, reservations do not represent the voice of Dalits in cases like these. For example, during 1962 elections, out of the total 76 seats reserved for Scheduled Castes, there was not a single seat which comprised of the majority of Scheduled Castes population. At the same time, out of the 111 Lok Sabha constituencies where Scheduled Castes candidates depend upon non Scheduled Caste voters for their victory. Nearly 75 per cent of the Scheduled Castes population remained outside the reserved constituencies
- 2. These reservations are only for the lower house of representation and the upper house at both national level (Rajya Sabha) and state level (Vidhan Parishad) do not have mechanism of representation through

reservation. Also as Singh points out that there is no constitutional reservation provision for Scheduled Castes to be elected to cabinet and other political posts.³³

3. Most of the reserved constituencies are represented by the members of those political parties whose dominant leadership's basic interests are in clash with that of the scheduled castes. Those Scheduled Castes legislators are helpless to influence the policies of the party and its power structure.

This situation of systemic failure of existing reservation policy in representing the interests of Dalits filled their hearts with resentment and hopelessness for the system. They looked for alternatives. So the educated and economically well new generations of Dalits tried to launch new Dalit Political parties in different parts of India. Especially in Uttar Pradesh party like BSP grew as a product of rising socio-economic and political consciousness of Dalits. This new class of politicians is more conscious about their identity and integrity and claims to uphold a political ideology which serves the interest of Dalits even if it does not liberates them from brahminical domination in total manner.

This generation of leadership is young, energetic and aware about their rights and dignity. Programmatically and in terms of actions this new Dalit leadership has used more radical methods of politicization and called post-Ambedkar and post - independence Dalit leadership as *chamcha* or stooges of the

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³³ Manjit Singh, "End of Untouchability - A Legal Way?" in *Struggles for Status*, eds. Prakash Pimpley, Satish Sharma (New Delhi: B.R. Publishing), 184.

congress party. The impact of this politicization and change in nature of political leadership is that today Dalits of Uttar Pradesh are more conscious about their political rights. The aggressive and swift politicization of Dalits has threatened the Savarnas political dominance in Uttar Pradesh. The savarna leadership has considered this politicization as threat to their political dominance. Therefore, there have been several attempts to curb the means of politicization of Dalits through symbolic acts of defilement of statues of Ambedkar in Uttar Pradesh. Dalits are taking it as contempt of their leader and the community.

Critiques argue that leadership of the Dalits has focused exclusively on capturing power. The gains to the lowest castes in real social economic and political sense have been entirely of a symbolic nature. If anything, the bursting into the open of caste-based electoral politics in the last 15 years has merely served to fuel populism in government policies. Symbolic acts of defiance of the established "manuvadi" order have been dominant in UP, without much tangible benefits for the poor and the oppressed to show for it. If anything, the mobilisation seems to have merely benefited a small minority within the oppressed castes - in the form of landholdings or reserved government jobs.

This new era of politicization and radicalization of Dalit identity in Uttar Pradesh has its roots in the radicalization and politicization of chamars during the colonial and post-colonial period. The state has witnessed the formation and activities of several political and non-political organizations. The Jatav Mahasabha is one such organization founded in 1882 whose branches as claimed by its

founder Jagdish Prasad are in Bulandshahar, Agra, Lucknow and some other districts of UP. Jagdish Prasad was a Pradhan of his village when he was inspired to set up Jatav Mahasabha, taking one from the Gujjar Mahasabha which came to his notice when he visited a village near Shahadra.

The Jatav Mahasabha became very active on the issue of Maithana episode, in 1984. The Mahasabha held panchayats (meetings) in several villages. Its membership is open only to jatavs. It is apolitical in that it does not have any political affiliation, but its membership is open to jatavs belonging to different political parties. Rules and regulations of Jatav Mahasabha lay down that five jatavs from every village elect their president; and each jatav house donates one rupee. There is a mukhiya (head) for eight villages, a president for a district, a chief to look over 51 villages, and one regional president (adhyaksha). The aims of the Mahasabha is protection of jatavs from the atrocities; removal of social evils, dowry harassment of women, setting up educational institutions and technical service centers. To give an instance, the Mahasabha intervened in a case of onesided divorce. The family of the groom was penalized to pay Rupees 20,000 to the bride's family. The groom was socially boycotted. The groom abode by the decision of the Mahasabha. After a few months, however, his social boycott was lifted.

Whenever necessary the office bearers of the Jatav Mahasabha hold meeting, and the decision is conveyed to Dalits of all villages. Interestingly, even in the absence of any initiative from these organizations, jatavs hold meetings through informal mobilisation. Such meetings discuss urgent matters relating to disputes over land, caste, harassment of women, etcetera.³⁴ In other villages like that of Meerut, jatavs held a panchayat meeting on the issue related to their political mobilisation and their assertion in the social life of their villages.³⁵ Briefly, there is a larger political background of politicization of Dalits under these regional organizations that dealt with political matter while retaining their apolitical character. The next section deals with changing socio– political situation after the rise of major political organization of Dalits, Bahujan Samaj Party (BSP) in Uttar Pradesh.

2.3 Changing socio - political situation after the rise of BSP

Early nineties saw the rise of political parties such as Samajwadi Party, and the Bahujan Samaj Party. With their coming into power, a number of reserved posts were quickly filled and government included about 15 oppressed castes in the OBC category and promised them reservations.

³⁴ Jagpal Singh, "Ambedkarisation and Assertion of Dalit Identity-Socio-Cultural Protest in Meerut District of Western Uttar Pradesh," *Economic and Political Weekly* 33, no. 40 (1998): 2611.

³⁵ Jagpal Singh, "Ambedkarisation and Assertion of Dalit Identity-Socio-Cultural Protest in Meerut District of Western Uttar Pradesh," *Economic and Political Weekly* 33, no. 40 (1998): 2616.

DALIT PERCEPTION OF BSP REGIME

120
100
80
60
40
20
0
Meerut
Mirzapur

Type

Figure 2.1: Dalit Perception of BSP Regime

Source: Survey Field Data

Reservations which were a perennial demand of the oppressed caste mobilizations in the Madras presidency since the 1920s (starting with the Justice Party) were fulfilled in case of UP only after the recommendations of the Mandal Commission. Political Parties helped in their implementation. Moreover, the constitution of the SC/ST commission was completed. Many posts at the district level, such as police station in-charge, were reserved for Dalits. Special courts for Dalits were set up in all districts for the first time, which would deal with cases related to the Protection of Civil Rights Act. Though these programmes were meant to empower the under- represented Dalits, low literacy levels hampered this opportunity of employment even against reserved vacancies. In 1991 SCs were well represented at the lowest levels of government service (Class D) - or at least proportionally represented at the lowest level. But, at all higher levels of

government service they were under-represented. To understand this under representation, it is important to look at the government school system in the
state as well the country. Though government schools are the only affordable
education giving medium to poor SC children, the education imparted in these
schools is not up to the mark and needs major changes. This however did not
form part of the agenda initially for any political parties, neither was it a concern
of the mass mobilisation programmes of the oppressed castes. Gradually the
situation started to change.

Table 2.9: Education Progress in Female

Education Progress	UP		India	
	NFHS III	NFHS IV	NFHS III	NFHS IV
Education Per cent illiterate (6+)	44.9	55.1	61.0	68.4
Percentage of attending school (6-14)	50.2	58.3	63.0	68.8

Source: NFHS III 2005 - 06 and NFHS IV 2015 - 16.

As we see from the data given above, condition of education of female children in UP and India have improved. In the females of above age 6, literacy rate increased to 44.9% in 2005 to 55.1% in 2015. While their attendance in school increased from 50.20% in 2005 to 58.3% in 2015 in UP.

Table 2.10: Sanitation and safe drinking water in Uttar Pradesh and India

Facilities	Uttar Pradesh		India	
	NFHS III	NFHS IV	NFHS III	NFHS IV
Households with improved drinking source (%)	93.7	96.4	87.6	89.9
Households with improved sanitation facility (%)	29.1	48.4	20.6	35.0

Source: NFHS III 2005 - 06, and NFHS IV 2015 - 16

Drinking water facility in UP is better than rest of India. In UP, drinking water facility improved from 93.7 in 2005 to 96.4% in 2005, but it improved only from 87.6% to 89.9% at national level in same period. Toilet facility slightly improved in UP and India.

The survey conducted for this research reveals that majority of the Dalit population not only lives in the villages but also depends upon the traditional means of livelihood. The majority of Dalit house hold is dependent upon cow dung or firewood for the cooking.³⁶

 $^{^{36}}$ This information has been taken from the data collected from the field.

Figure 2.2: Source of Energy for Cooking Food in Meerut

Therefore the argument of pro-liberalization and capitalist ways of Dalit liberation is bound to fail. The equalizing effect of market instead of providing equal footing to Dalit is adding to their situational destituteness. Figure 2.2 shows the source of energy for cooking food. This is particularly important because in contemporary analysis of economic development, per capita consumption of energy is considered as one of the most important criteria of development.

Regarding land, the leaders of the Dalit movement believe that the unequal distribution of land is the result of the inequities of the caste system, they do not advocate redistribution of land, but a social revolution. They argue that oppression by caste Hindus landlords is the fundamental reason why land relations are unequal and landless laborers are ill-treated. Hence, the argument

goes that political power should be in the hands of Dalits if oppression has to be checked and unused lands and land released by landlords who owned more than the legal ceiling should be distributed to the landless Dalits. Kanshi Ram gave the slogan that "jo jamin sarkari hai wo jamin hamari hai." In line with this argument when BSP came to power 81,500 Dalits were granted ownership of over 52,000 acres of land. Second, 1,58,000 Dalits were given actual possession of the land that was granted to them. Third, 20,000 Dalits were given about 15,000 acres of gram sabha land and all cases of illegal occupation of such land against them were withdrawn. Fourth, all tenants of more than 10 years tenancy were given bhumidari rights, which benefited many Dalits and OBC farmers. But the report by an NGO's dynamic action group states that much of the land that was distributed to the Dalits was still in the possession of landlords and the dominant section of the village. This distribution of land³⁷ invited more caste conflict and further violation of human rights of the Dalits in Uttar Pradesh.

In an another move to benefits the Dalit population as a group, an Area-based development programme called Ambedkar Village Programme was launched by the first Dalit party government in 1995 (although it was initiated earlier in 1991 by the government of the backward castes party, the SP). It was meant to be an area-based programme to provide social services (link roads, drainage, drinking water, electrification) to villages, where the Dalits were 22-30 per cent of the total population. Reservations for Dalits in panchayat bodies and their politicization helped to implement this programme. Between 1991 and 1997-98 a

³⁷ Uttar Pradesh Human Development Report (Lucknow: Yojana Bhawan, 2007), 105, 154.

total of over 25,000 Ambedkar villages were selected for these services. The idea was that funds for IRDP and NREP, earlier spread thinly through all the districts of the state, were to be concentrated in villages with a proportionally higher SC population. However, in case of these programmes also the benefits went into the hands of a small and already well-off section of the Dalits. These better off Dalits had taken advantage of the reservation of posts in the panchayats after the 73rd constitutional amendment resurrecting the panchayati raj institutions.³⁸

Apart from these programmes and policies designed for the uplift and social protection of Dalits, emphasis was also laid on the symbolic efforts to change the caste relations by building an inclusive environment. The importance of this symbolism could be understood in the statement of one of my respondents. While voicing about his discrimination, he mentioned about an old practice of tying of broom to the waist of Dalit person passing through an caste Hindus area. He asserted that the reason for such a practice is not only about impurity and pollution. In fact, such practices are intentional efforts to eliminate every kind of 'footprint' of Dalits from the history. In this light, the focus upon the symbolic aspects of the emerging political assertion becomes crucial. These ways are a medium to let the Dalits write their own history and thereby, work towards gaining the dignity they deserve as human beings.³⁹ The main task then is to construct their identity, which was done through naming of roads, institutions and other public property after the name of Dalit leaders, and by installing the

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³⁸ Sudha Pai, "Dalit Question and Political Response," *Economic and Political Weekly* 30, no.11 (2004). ³⁹ This argument has been made by many scholars like Sharmila Rege, Christophe Jaffrelot, and Anupama Rao. For more, see Sharmila Rege, *Writing Caste, Writing Gender: Narrating Dalit Women's Testimonies* (New Delhi: Zubaan, 2006).

statues of Ambedkar. Thus, the symbolic aspects of BSP could also be understood in these terms

Although the installation of a statue has *socio - cultural meanings* and is an identity marker, in recent years, it has had important political repercussions. Leaders of the BSP particularly Mayawati, during the late 1980s and early 1990s, used the installation of statues as a tool for identity building and electoral mobilisation in the state. Criticism of Gandhi and other Congress leaders as representing the caste Hindus, and the installation of statues of Ambedkar who is depicted in contrast as the messiah of the Dalits, helped the Party in creating an *alternative space* for itself during the period of Congress decline. These efforts have paved way for politicization of Dalits to an extent. Figure 2.3, shows this trend in the districts of Mirzapur and Meerut.

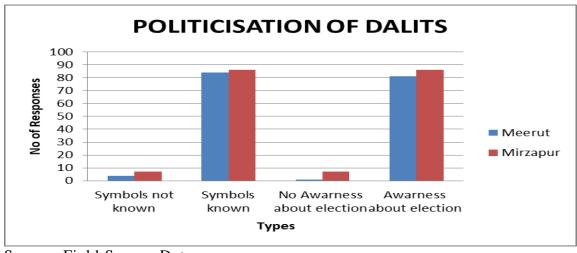


Figure 2.3 Politicization of Dalits

Source: Field Survey Data

⁴⁰ Sudha Pai, *Dalit Assertion and the Unfinished Democratic Revolution : The Bahujan Samaj Party In Uttar Pradesh* (New Delhi: Sage Publications, 2002).

⁴¹ The source of data comes from the field data survey done in the six villages of both Meerut and Mirzapur.

In other words, these symbolic actions were the public face of the problems with leakage and governance that has characterized the last 15 years of other party governments. During the period of the tenure of the Dalit party in power in 1997 alone, 15,000 statues of Ambedkar were installed. Though these acts were a way to assert their identity, it was also seen as the least valuable programme of activities of the Dalit party in power. But this criticism must not overlook that symbolic actions was a beginning of social revolution, as has been noted earlier in case of Tamil mobilisation, which was also about "maanam" - dignity. Such actions, however demands serious and well planned technical interventions because these symbols are not some art - work, but, as my respondents apprized, a matter of their dignity. The next section analyses the condition of Dalits in Meerut and Mirzapur district of Uttar Pradesh.

2.4 District profiles of Meerut and Mirzapur: A comparative study

The Meerut district of Uttar Pradesh has high concentration of Dalit population.

This district is located in the western region of state which is a beneficiary of green revolution.

In terms of scheduled caste population both Meerut and Mirzapur have high concentration of Dalit population; over half a million in each district. Interestingly Meerut has higher urban population and in Mirzapur above ninety percent of the Dalit population resides in the villages. Therefore there is a great difference in the urbanization of these two districts. There is a great gender divide between

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⁴² Sudha Pai, *Dalit Assertion and the Unfinished Democratic Revolution: The Bahujan Samaj Party in Uttar Pradesh* (New Delhi: Sage Publications, 2002).

these two district. The least urbanized Mirzapur has far better sex ratio than urbanized Meerut district. Beside this, west and east Uttar Pradesh has suffered other disparities and inequalities in terms of literacy level, sanitation, and poverty incidence. Study on these disparities by D.M. Diwakar has shown that the dimensions of intra - regional disparities, inequalities and deprivation in poor households of the state are much wider and more alarming than the aggregate level. This section throws light on these disparities through a number of parameters. The following census data shows the gender and rural urban divide of the Dalit population of these two districts.

Table 2.11: Scheduled Caste Population in Meerut and Mirzapur

Districts	Rural			Urban		
	Persons	Male	Female	Persons	Male	Female
Meerut	347463	185897	161566	276686	148301	128385
Mirzapur	613590	321829	291761	47539	25607	21932
Uttar Pradesh	35685227	18663920	17021307	5672381	3013055	2659326

Source: Census of India, 2011.

The districts of Meerut and Mirzapur not only give us a contrasting picture in terms of urban rural and gender divide but also in terms of both (a) impact of the ideas of Dr. B R Ambedkar and (b) in the subsequent rise of Dalit consciousness and assertion.

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⁴³ DM Diwakar, "Intra - Regional Disparities, Inequality and Poverty in Uttar Pradesh," *Economic and Political Weekly* XLI, no. 26 & 27 (2009): 267.

The impact of ideas and life of B R Ambedkar on Jatavs or Chamars that is politically most conscious and assertive caste among Dalits has been tremendous in Meerut district of western Uttar Pradesh. This district is of special significance from the point of view of Dalit protest and assertion of their political identity. In Meerut Jatavs form the most numerous sections of the rural poorwage laborers, poor and small peasants and leather worker. The Census of India, 1931 mentions Jatavs or Chamars as 12.67 per cent thereby making them the largest among the low castes in Meerut district. They equal Jats who constitute 12.13 per cent in the district; the largest among the dominant/ high castes. In my own survey of six villages spread across geographical boundary of Meerut district having higher, lower and average Dalit population, it came out that Chamars/ Jatav constitute the single largest caste with over eighty per cent of the population. While other castes in the Dalit category range from one to eleven per cent of the total Dalit population. The following table shows the caste distribution of my universe of study.

Caste Distribution in Meerut

Prajati Chamar/Jatav Dhobi Hela kashayb Pasi

1%

1%

1%

78%

Figure 2.4: Caste distribution in Meerut

Source: Field Survey Data.

Figure 2.4 shows, Chamar/Jatav is the largest among the SC in Meerut district (80%) and 2nd largest community is Balmiki (11%) rest of the SC community represents 1-3% of the population

Another survey conducted in eight villages of Meerut in 1984-85 show that the Jatavs are the largest constituting 27.04 per cent of the Schedule Castes. OBCs constitute 25.72 per cent and Jats as 16.49 per cent of the population. The socioeconomic conditions of Dalits in Meerut are related to the nature of their relationships with the rural rich-landlords, and rich and middle peasants, who mostly belong to the high/middle/dominant castes - Jats, Gujars, Tyagis, Rajputs, Brahmans and Muslims high castes.

The Dalits are dependent on the rural rich. The relationships of dependence are of two types: one is that of two-sided or mutual, the second is, one-sided. In the mutual dependence the Dalits and the rural rich depend on each other in particular processes or phenomena involving the relationships of dependence. The existence of such relationships depends on their mutual interests. This existence of mutuality of interests gives Dalits some bargaining capacity vis a vis the rural rich. There is no bargaining capacity with Dalits in cases of one sided dependence. These include situations like cutting grass from the fields, defecating in the fields, passing through the boundaries of the fields, throwing garbage etcetera. The existence of one-sided dependence depends on the discretion of the rural rich. The relation-ships of dependence get reflected in social, economic and political relations between the Dalits and the rural rich. The former are not allowed to cast votes, their women are molested and raped, they are forced to do

begging and asked to behave 'properly'. In Meerut, like in many parts of western UP and Haryana, the relationships of one-sided dependence play more decisive role in determining the social, economic and political relations between the rural rich and rural poor⁴⁴.

All the surveyed villages consist of more than 15 to 60 percent households of Dalit population in which jatavs form the numerical majority and comparatively have better material conditions than other Dalits. Ambedkar's birth day is celebrated with enthusiasm in most of the villages and some of them use public schools as well as bring modern modes of entertainment like DJ for this occasion.

On the contrary Mirzapur is a relatively under developed district of eastern Uttar Pradesh with high concentration of Dalit population. In terms of per capita income it's rank is 44th and overall per capita income of the region is 6269 INR. In the composite rank of amenities available to SC/ST in UP, Mirzapur ranks 35th and it has 70.08 percent of literacy. Interestingly despite having low level of economic development Mirzapur does comparatively better in terms of sex ratio, it has sex ratio of 900 whereas Meerut has a sex ratio of 885 which is far below the national level.

The field work conducted for the purpose of this study in the Mirzapur district show that Chamar population in the district constitute majority constituting seventy eight per cent of the population whereas other Dalit castes such as Pasi, Hela,

ognal Singh "Ambadkariagtion and Assortion of Dalit Idanti

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⁴⁴ Jagpal Singh, "Ambedkarisation and Assertion of Dalit Identity: Socio - Cultural Protest in Meerut District of West UP," *Economic and Political* Weekly (1994): 65-86.

Dhobi etcetera have population ranging from one per cent to twelve per cent of total Dalit population.

Caste Distribution in Mirzapur

Balmiki Bhunyar Chamar/Jatav Dhobi Kashyap Khatik Pasi

2% 2% 3% 1%

11%

80%

Figure 2.5: Caste distribution in Mirzapur

Source: Field Survey Data

Metaphorically, Mirzapur district is not only around five hundred miles away from the Meerut district of Uttar Pradesh but it is also almost five hundred years behind the former in terms of socioeconomic development and urbanization. It has less than five per cent of urban population and majority of people live under absolute poverty, illiteracy and destituteness. It has tribal population and a considerable amount of Hilly areas adjacent to Chhattisgarh and has considerable Maoist influence. The Dalit population of the region is so poor that they mostly rely upon the work done in the fields of Thakur and other middle caste for meager survival. The district is marked by little industrialization majorly in the

brick construction that is controlled by the middle castes such as Kurmis, Yadavs and savarnas such as Thakur. Dalit form the major component of the workers in this industry and get income that can only ensure their survival in quantitative sense. This life is nothing but the life of a bonded labour. The dependency discussed in the previous section between Dalits and others in the Meerut district has undergone changes with modernization of the economy in the vicinity of the national capital Delhi but the working relation between the Dalits and savarna in the Mirzapur region is still characterized by a relationship of absolute dependency for survival.

The relationship of dependency and its varying character is also a function of pattern of land ownership.

AGRICULTURAL LAND OWNERSHIP

25

20

15

10

1-2 Acre

2-3 Acre

4 and Above Acre

Below 1 Acre

Landless

meerut

mirzapur

Figure 2.6 Agricultural land ownership among Dalits in Meerut and Mirzapur

Source: Field Survey Data

It is evident that Dalits in Meerut district have large landholding of size one to two acres in comparison to Dalits in the Mirzapur district who majorly have smaller land holdings. In terms of landlessness, Mirzapur has much higher share of landless Dalit households than that in Meerut. Moreover the large share of households having less than one acre of land in Mirzapur reflects that maximum Dalit population in the region is engaged in the small farming and in the supply of labour to the savarna big landlords. These small land holding doesn't allow them to move out of the agriculture and therefore hinders their upward mobility and they live the life of perpetual poverty. In terms of ownership of agricultural land, the SCs of Meerut own more land in comparison to the SCs of Mirzapur. The data collected in the field work shows that the ownership of agricultural land below 1 acre and 1-2 acre is greater among the SCs of Meerut district whereas landless Dalits are greater in Mirzapur.

Similar trend is visible in the data about the occupation, employment and education of the Mirzapur district. The figure shows there has been significant rise in number of agricultural laborers in last thirty years. Interestingly this does not mean a decline in number of Dalits in the cultivator category. To put it differently, the population growth in the last thirty years in the region has largely been subsumed in the agricultural work leading to further division of the small land holding of the Dalits which has added their share in the agricultural workforce. It is also symptomic of the state's failure in providing education and enabling Dalits to take up new avenues of employment in the public sector and

private sector. Salaried government employment, skilled manual labour and working in entrepreneurial ventures has remained stagnant in Mirzapur.

OCCUPATIONAL STATUS, MIRZAPUR 60 NUMBER OD PEOPLE 50 40 30 20 10 0 Cultivator Other Salaried Skilled Unskilled Working on Agriculture labourer govt/private manual manual family labourer business labourer BEFORE OCCUPATION AFTER

Figure 2.7: Occupational status in Mirzapur before and after 1990

Source: Field Survey Data

Therefore population growth in the region has largely subsumed into the agriculture labor, unskilled manual labor and other petty employment related to agriculture and construction.

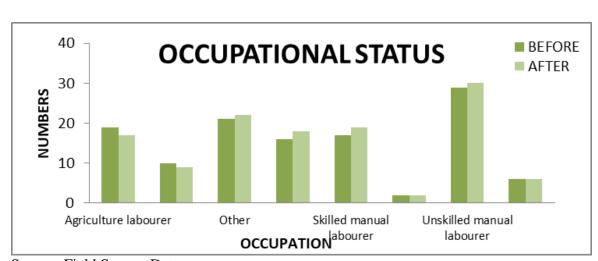


Figure 2.8: Occupational status in Meerut and Mirzapur in Comparison

Source: Field Survey Data

A temporal comparison of the occupational status of the Dalits in these two districts before 1990 and 2010 shows that there has been a minimal decline of agricultural labor, rise in the government employment, non-skilled and skilled labor and other employment. However, these were not substantive to bring major changes.

The combined outcome of the data from both districts nullify the findings of the Mirzapur just because of rapid transformation of Meerut district from agricultural economy to industrial economy and rapid urbanization. Occupational status of any modern society is also a function of the educational status of the same society.

Educational Status

100
80
60
40
20
Graduate High School Illiterate Post Graduate Technical
meerut mirzapur

Figure 2.9: Educational Status of Dalits in Meerut and Mirzapur

Source: Field Survey Data

The spatial comparison of these two districts in terms of education shows that Mirzapur lags far behind Meerut in all parameters of education and has highest number of illiterate Dalit population. The survey done in the six villages of each district reveals that in terms of technical education Mirzapur has almost zero achievement when compared to Meerut.

In addition to education and nature of economy, the structure of houses and material used in the construction is one of the indicators of material well-being of any community. Housing is an important indicator of their social and economic condition for a historically disadvantaged community like Dalits. It adds to their safety and security. A comparative study of the material used in the construction of houses in Meerut and Mirzapur puts forward further differences between these two districts. While Meerut district has seen an increase in the number of pucca houses, hard roof and brick floor in last thirty years, Mirzapur has hardly seen visible change during the same period. Most of the households in the Mirzapur district have kuchhha houses made up of grass, bamboo and paddy straw. Figure 2.10 and 2.11 about use of housing material in Meerut and Mirzapur district explain this point. Figures show that maximum houses in Meerut are made up of Bricks and concrete walls whereas in Mirzapur bamboos etcetera form the major component of roof.

HOUSING MATERIALS MEERUT

120
100
80
60
40
20
0
brick-floor mud-floor mud-fl

Figure 2.10: Housing Material in Dalit homes in Meerut District

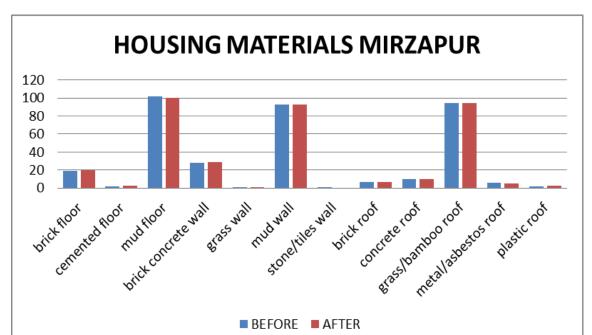


Figure 2.11: Housing Material of Dalit homes in Mirzapur

Source: Field Source Data

Along with housing material, source of fuel used in Dalit households is also an important indicator of their social and economic conditions. Figure 2.12 and 2.13, below, shows that major source of domestic fuel in both districts is firewood. Comparatively, the usage of LPG and electricity as a source of combustible energy in Meerut district is higher than Mirzapur.

cowdung/crop residue, Firewood Firewood, 5% LPG/Electricity/ cowdung/crop 10% residue, Firewood. cowdung/crop kerosene/biogas LPG/Electricity/ residue /coal 14% 1% 1% LPG/Electricity/ 17% Firewood Firewood, 48% kerosene/biogas /coal cowdung/crop 2% residue, kerosene/biogas /coal, LPG/Electricity/ 1% cowdung/crop residue, LPG/Electricity/ 1%

Figure 2.12: Fuel Usage in Dalit Homes of Meerut

Source: Field Survey Data

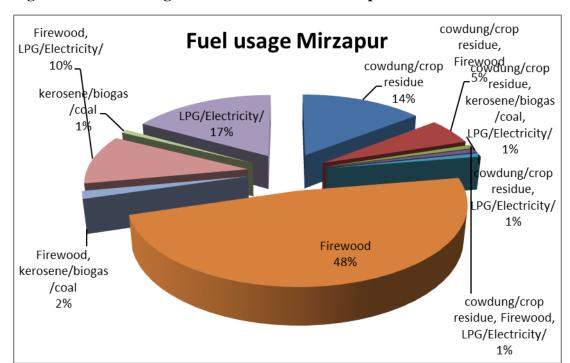


Figure 2.13: Fuel Usage in Dalit Homes of Mirzapur

Beside this, the source of drinking water and access to sanitation is considered to one of the key indicator of human development today (Figure 2.14). It has a direct bearing upon the health and hygiene of the community and all states across the globe are putting a fresh emphasis upon the issue of sanitation. The Chinese proverb that "development of any society can be measured by looking at its toilets" is proving to be globally true. In this context over the condition of the safe drinking water and sanitation facilities available to the Dalit communities of these two districts of Uttar Pradesh is poor if not pathetic. In line with previous, comparatively Meerut stands out better than Mirzapur as latter primarily relies upon well whereas in former hand pumps and tap are the major source of water.

Sources of water

70
60
50
40
30
20
10
Hand pump Hand pump, Tap River/canal/tank/pond

Figure 2.14: Sources of Water in Mirzapur

Despite the universal non availability of toilets for every Dalit household and persistent feature of open defecation, Figure 2.15, below, shows that the condition of sanitation facilities in Meerut is much better than Mirzapur because of prevalence of pucca toilets. Kuchha toilets are equally distributed in both the districts and manual scavenging still very much persistent in Meerut. Manual scavenging is little known phenomenon in Mirzapur because both Dalits and non Dalits go for open defecation compromising both health and their personal security. This situation of lack of pucca toilets and reliance over open defecation makes Dalit women vulnerable for sexual abuse and rape in Mirzapur. 45

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⁴⁵ The data collected on the question of atrocities reveals that Dalit women are often violated when they go out in the morning. This issue shall be discussed in full length in the subsequent chapters.

Sanitation and Hygiene

120
100
80
60
40
20
Kuchha
No Toilet
Pucca

Figure 2.15: Status of sanitation and hygiene in Meerut and Mirzapur

These intra - regional disparities in the course of development hints that they "are likely to widen in the absence of state intervention and narrow with politically necessary interventions, till finally the periphery becomes a beneficiary of the external economies of the core." Thus state becomes an important factor in maintaining the developmental level and thereby contributing in controlling the impact of atrocities on Dalit population in the rural area.

2.5. SUMMING UP

The chapter explained the relation between changing socio - economic profile of Dalits in Uttar Pradesh and atrocities over them in districts of Meerut and Mirzapur in Uttar Pradesh. The survey reports from government and data collected from field shows that despite nominal changes in the society, Dalits remain

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⁴⁶ DM Diwakar, "Intra - Regional Disparities, Inequality, and Poverty in Uttar Pradesh." *Economic and Political Weekly* XLIV, no. 26 & 27 (2009): 265.

structurally fixed at the lowest rung of the society. The depriving conditions of Dalits can be deciphered by reflecting upon the position of Dalits in terms of high infant mortality rate among them, health indicators, lack of land ownership and effective control over it with its effect in terms of high poverty, low literacy rate etcetera. However Dalits have not remained silent or passive through history or in present period. Instead they have been revolting through various means in the form of Bhakti movement, religious movement, by adopting westernization, through process of sanskritization. While there has been similarities in these movement in nature of aim, these differ from the political assertion of Dalits in contemporary period. To put it differently, the nature of assertion by Dalits through Bhakti movement was majorly about reforming culture through reforming the idea of God. Whereas, the contemporary assertion is about challenging them both symbolically and politically. The chapter explained the relation between rising dalit assertion and causal atrocity over them from Caste Hindus. It came out that the nature of atrocity and its intensity has increased with assertion by Dalits, the change in socio economic profile. The structural change in society brought through modernization and political assertion has been met by structural restraint to curb that change in form of atrocity over Dalits in Uttar Pradesh.

CHAPTER THREE

DALIT ATROCITY: NATURE AND INTENSITY

The curse of untouchability is like a hydra-headed monster. You take away one of its heads, and two heads come out in its place. You remove it from one place and, it appears in another place. You try to cut it in one form and it appears in another form.

- D.C. Sharma, Lok Sabha Debate, August 31, 1954

Uttar Pradesh is one of the states with high rates of atrocity against Dalits. Looking back at the figures of 2001, it is revealed that the state recorded 3,404 cases of atrocities under the Indian Panel Code (IPC) and 3,385 cases under the Dalit enactment. The picture was not different in 2000 as well. In 2000, the recorded figures were 2,696 and 2,495 respectively. In an interview given by the then Chairman of Uttar Pradesh SC/ST Commission, Sri Ram Arun, total 42000 cases of atrocities came before the commission in which 40% of cases were related to police. Peoples Union for Human Rights (PUHR) claimed that in August 2002, 4654 cases of Dalit atrocity had come to the forefront. Criticising the Uttar Pradesh Government's claim that till September 2002, there has been 3.57 % decrease in atrocity related deaths, and 17.33% decrease in the rape of Dalit women, the then PUCL Secretary said that there had been a tremendous increase

¹ Report of Public hearing organized by DAG, PEACE, IPT, PUCL, and UP, BSASAAS. 3.

² National Crime Bureau Report, 2015.

Hindustan (Hindi) Aug 27, 20902 (cited in DAG, Aug 2002 issue)

in the number of Dalit atrocity under the BSP - BJP Alliance.⁵ National Commission for SC/ST itself admitted that Uttar Pradesh recorded the highest number of Dalit atrocities in the country seeing the report of the commission it is evident that there had been a continuous increase in the number of Dalit atrocities except few exceptional instances. Coming back to the present scenario, the situation has only worsened. This increase has been noted not only in its magnitude, but there has been also a change in the nature and intensity of Dalit atrocity.

It is in this context, the present chapter investigates into the nature and intensity of Dalit atrocities in Uttar Pradesh.

3.1. Dynamics of Dalit atrocities

As mentioned in the earlier chapter, atrocities on Dalit are not a new happening. The difference lies in the way these atrocities are carried out. It is crucial to look at the pre - independence and post - independence India, to understand the difference in Dalit atrocities, its dynamics and nature. In pre - independence period, main emphasis was the social uplift of Dalit which became the primary cause for atrocities over them. Any act done for the social uplift of Dalit community resulted in violent attacks from the dominant caste. The focus gradually shifted from social to economic. As the different phases of Dalit

⁵ Amar Ujala (Hindi), 2011.

⁶ This aspect of changing nature of Dalit atrocity has been vividly discussed in the work of Anupama Rao. By questioning the standardized argument of caste being the vestige of colonial governance, Rao has revealed the dynamics of an Indian democracy by highlighting the new forms of violence and new forms of regulating caste. For more, see Anupama Rao, *The Caste Question: Dalits and the Politics of Modern India* (Berkeley: University of California Press, 2009).

assertion in the previous chapter also highlights, after independence Dalits were more in favour of gaining an upper hand in the economic sphere. Different constitutional measures, churning of a political assertion and later the opening up of the Indian market facilitated them to emphasize more on their material uplift. This effort to develop economically did not come with immediate results, but keeping in mind the historical nature of caste this effort was significant and accordingly subject to being violently stopped by the dominant castes.

More importantly, Independent India through constitutional means instilled the values of equality, liberty, and justice in every citizen irrespective of their caste, class and gender. These safeguards were an attempt to provide the minority population and the vulnerable section of society, the right to have a dignified life. Also, the first Prime Minster of India, Jawaharlal Nehru, considered the problem of caste discrimination primarily an economic one; and hoped that the eradication of poverty will also eradicate caste discrimination. In this sense, reservation policy in government jobs and education was a crucial step towards the fulfillment of this goal of the eradication of caste discrimination. Though these measures were not enough, it did help in the amelioration of destitute of Dalits.

However, these interventions by the State were in stark opposition with the discriminatory practices of the dominant castes. Therefore, this intervention for the betterment of economic condition of the Dalits was perceived by caste Hindus as a kind of 'protectionism' by state. The beneficiaries of constitutional safeguards were met with unconstitutional societal confrontation in the form of violence by

Savarnas.⁷ In other words, any kind of effort for the social or economic uplift of the Dalit community by their own assertion or through State intervention has been met with power and violence of the dominant castes in order to preserve the existing social order. This violence, however does not remain the same. Through years, the dominant castes have adopted different means and ways of violence on the Dalits.⁸ Dalit atrocity, in this sense, is a dynamic phenomenon.

Dynamics of Dalit Atrocities, in this sense, is the changing nature and intensity of atrocities and can be understood through the primarily guided by the ritual of untouchability. Untouchability in Rural India (2006) defines the different factors determining this dynamics:

This relationship is itself determined by a range of material and non - material factors. These factors include: (i) economic and political relations between different social groups; (ii) competing cultural values; (iii) resistance to discrimination by Dalits; (iv) legal prohibitions on untouchability and perceptions about whether the law will actually be enforced; (v) the degree of social legitimacy that particular practices command. While many practices of untouchability still continue consciously or unconsciously because they have become part of the 'common sense' of

⁷ Christophe Jaffreolt, *India's Silent Revolution: The Rise of the Lower Castes in North India* (London: Hurst and Company, 2006), 256.

⁸ Manoranjan Mohanty, "Kilvenmani, Karamchedu to Khairlanji: Why Atrocities on Dalits persist", http://www.boellindia.org/download-en/mohanty-amrita-corrected.pdf.

everyday life, over time there have occurred many changes in the system as well.⁹

Change in the above factors change the nature of atrocities in the socio economic, political and religious spheres by intensifying the atrocious activities performed on a Dalit. In this context, intensity of Dalit atrocity refers to the measurement of the strength of any incidence of atrocity. It should not be confused with the magnitude of atrocities. While magnitude, shows the level of atrocity; intensity shows the extent of effect of any atrocity on the victim. 10 For instance, if a Dalit boy is not allowed to take food in a hotel, it is an atrocity, and if a Dalit girl is raped, it also falls under the category of atrocity. It is evident from these two cases that the magnitude of the atrocity is the same but the 'intensity' of the atrocity is different because the rape of a Dalit woman is an atrocity of higher intensity as it has a larger social and psychological bearing on the woman as a human and also as a member of the community. It attacks the dignity of the woman as well as her community. Moreover, the rape of a Dalit woman is asymmetrical in terms of intensity as compared to the rape of non -Dalit woman. The fact that both woman have different social positioning, records the crime in a hierarchical fashion. A Dalit woman is guided by both the structures of patriarchy and caste and is a double victim.

Ghanshyam Shah, Harsh Mander, Sukhadeo Thorat, Satish Deshpande, and Amita Baviskar, *Untouchability in Rural India* (New Delhi: Sage Publications, 2006), 62 -63. To For more detailed analysis of the comparison of crime severity, refer to Kwan, Ying Keung, Ip, Wai Cheung and Kwan, Patrick (2000), 'A Crime Index with Thurstone's Scaling of Crime Severity', *Journal of Criminal Justice*, 28, p. 237-244. However, it must be kept in mind that the intensity of crime in a cast society like India of which the two districts Meerut and Mirzapur have been chosen as the case studies of this research work is dissimilar in several respects than that to be found in a caste-free society.

Table 3.1: Atrocities of higher intensity committed on Dalits of U.P.from 1989-92¹¹

S.No.	Forms of atrocities	1989-90	1990-91	1991-92
1	Murder	268	255	293
2	Rape	175	242	350
3	Beating and injury	625	784	763
4	Property burning	245	291	450
5	Denial of civil rights	235	350	465
6	Registered incidences	3371	4371	8000
7	Unregistered incidences	6708	9978	12000

Source: Mata Prasad, Uttar Pradesh ki Dalit Jatiyon ka Dastvej.

Table 3.2: Comparative incidence of rime against SC/ST During 2008 - 2012.

S.No.	CRIME HEAD	YEAR						
		2008	2009	2010	2011	2012	% CHANGE IN 2012	
1	MURDER	239	236	229	288	234	-18.75	
2	RAPE	375	317	311	397	287	-27.71	
3	KIDNAPPING & ABDUCTION	219	254	248	363	259	-28.65	
4	DACOITY	3	4	3	3	3	0.00	
5	ROBBERY	10	11	6	3	1	-66.67	
6	ARSON	53	38	29	39	40	2.56	
7	HURT	447	403	323	320	282	-11.88	
8	OTHER I.P.C. CASES	3542	3645	3795	4311	3387	-21.43	
9	PROTECTION OF CIVIL RIGHTS ACT 1955	49	61	0	0	1	0.00	
10	SC/ST (Prevention of Atrocities) Act 1989	3081	2556	1328	2013	1752	-12.97	
	TOTAL	8018	7525	6272	7737	6246	-19.27	

Source: Uttar Pradesh Crime Bureau Report, 2012.

What remains crucial is the working parameter to analyse the intensity of any kind of atrocity. It could be done by assessing the shift from the earlier ritual-based discrimination to later caste-based atrocities like rape¹², murder, etc.

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¹¹Mata Prasad, *Uttar Pradesh ki Dalit Jatiyon ka Dastvej* (New Delhi: Samyak Prakshan, 2007) 125. This table needs to be studied in tandem with the next table to understand the difference and the change throughout these years in the Dalit atrocities of higher intensity and the comparative incidence of crime recorded as per the official figures.

¹² For more, see Meena Anand, *Dalit Women: Fear and Discrimination* (New Delhi: Isha Publications, 2005).

that are intended to cause not only physical damage but most importantly to instill fear in the community as a whole. Also the intensity of atrocity would be higher when physical violence is combined with economic violence. For example, if a person is killed and his house is also burnt, the impact will be more intense than mere physical violence. And if the above-mentioned two categories of violence get extended from an individual to the whole community, then the intensity of the atrocities becomes severe. Increasing political assertion of Dalits in the state has the risk of witnessing atrocities of higher intensity.

In this frame, this chapter intends to delve into Dalit atrocities by assessing their true nature and intensity. The next section thus probes into the *changed* nature of atrocities over Dalits, with more focus on the two districts of Uttar Pradesh.

3.2. Nature of Dalit atrocities in Uttar Pradesh

Documenting the regularity of atrocities on Dalits, Anita Loomba articulates the change in the nature of atrocities.

If violence against lower castes and outcastes is rendered banal by being woven into the fabric of everyday life, it is also conducted via spectacular acts. Dalits are raped and murdered for daring to aspire to land, electricity, drinking water, and to non-Dalit partners. Inter-caste marriages, especially those between lower caste men and women of higher castes, result in murders, kidnapping, and the public

punishment of such men and (often) the women involved.

Dalit women remain subject to constant sexual assault by upper caste men. In general, caste segregation shapes India's rural landscape, as well as large parts of its urbanity. 13

In other words, Dalits, on a daily basis have to face a large number of atrocious acts of rape, murder, house burning, beating, false legal charges, etc. All this has only increased over the years. The number of cases reported for the crime against Scheduled Castes has increased from 7078 in 2013 to 8358 in 2015. The cases reported in 2015 is 18.6 percent of the total crimes reported for Scheduled Castes all over India. To understand this increasing rate of atrocities, it is crucial to probe into its different kinds. These incidences or the motive behind these atrocities can be understood in terms of the *nature* of Dalit atrocities. The nature of Dalit Atrocities could be categorized into four major spheres:

- 1. Religious Nature of Dalit atrocities;
- 2. Socio-cultural Nature of Dalit atrocities;
- 3. Economic Nature of Dalit atrocities, and;
- 4. Political Nature of Dalit atrocities.

¹³ Anita Loomba, "The Everyday Violence of Caste," *Project Muse* 43, no. 1 (2016): 220.

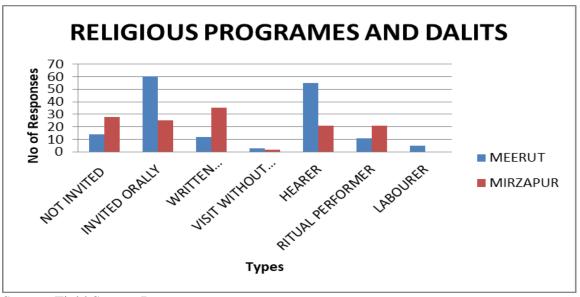
3.2.1. Religious Atrocities

The ritual of untouchability emanates from the religious practices of Hinduism and therefore atrocities of religious nature form the strongest of all kinds. Louis Dumont has explained this succinctly. Understanding through the logic of pure and impure, system and structure, Dumont affirms the opposition between the two extremes castes and confirms,

It is generally agreed that the opposition is manifested in some macroscopic form in the contrast between the two extreme categories: Brahmans and Untouchables. The Brahmans, being in principle priests, occupy the supreme rank with respect to the whole set of castes. The Untouchables, as very impure servants, are segregated outside the villages proper, in distinct hamlets (or at least distinct quarters). The Untouchables may not use the same wells as the others (barring recent local relaxations), access to Hindu temples was forbidden up to the Gandhian reform, and they suffer from numerous other disabilities.¹⁴

Louis Dumont, *Homo Hierarchicus: The Caste System and Its Implications* (New Delhi: Oxford University Press, 1999) 46 -47.

Figure 3.1: Religious programs and Dalits



Source: Field Survey Data

The point made by Dumont is visible in the Figure 3.3 where Dalits in both the districts of Meerut and Mirzapur have been casted away, or only subtly invited in any religious programme. The reason for this could be understood by seeing the proportion of Dalits *allowed* to enter into the sacred worship places of hindus. Unfortunately, "permission" for temple entry was never granted to the Dalits. In fact, it forms the widely rampant form of collective untouchability and is prevailing in almost all the states. ¹⁵ Untouchability, thus, can be analytically represented to be at the very core of Hinduism. ¹⁶ Manu, the architect of Hinduism in his book 'Manu Smriti" asserted, "A Chandala and a boar, a cock and also a dog, and a women in her course and a eunuch, may not see the Brahmin eating". The pollution from an untouchable is considered grave. The story of a young Brahmin, as told by the

¹⁵ Shah et al, *Untouchability*, 84 - 85.

¹⁶ Dumont, *Homo Hierarchicus*, 35.

Jataka, who shares the food of a Chandala met with death in despair in the deep of the forest.¹⁷

Apparently, the ideologues of Hinduism constructed a Brahminical ideology, which legitimized the subjugation of 'Untouchables'. This ideology closed the door to knowledge, dignity and civility for these people. It also established a complete hegemony where people could not think of resisting even the most heinous kind of atrocity. If they defy their social rule they were given social punishment, sometimes it was of very heinous kind. Some of the sanctions posed Hindu texts (Smritis) are still continuing and defilement of these todays cause atrocities on Dalits.

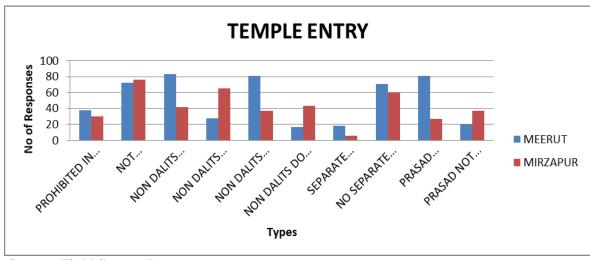


Figure 3.2: Prohibition on temple entry

Source: Field Survey Data

The study of atrocities of religious nature in the Meerut and Mirzapur districts reveals its existence. Despite material uplift of the Dalits in Meerut district, they

¹⁷ Ibid., 36.

are still prohibited (see Figure 3.2) from entering temples. Even today, a large section of Balmiki caste (manual scavengers) is still not allowed to enter temple, whereas Chamar/ Jatav in the same village are allowed in the temples. It is interesting to note that Balmikis in the Meerut district do not only face discrimination from Jats and other caste Hindus in the village, but they are also discriminated by their Dalit fellows. This also shows the heterogeneity in the Dalit community in terms of access to religious places in Meerut. The similar form of within caste discrimination is not present in Mirzapur owing to the absence of manual scavenging in the district. There almost every Dalit have to face similar kind of religious ostracism.

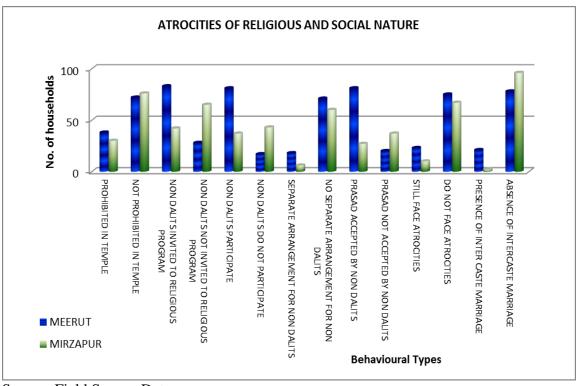


Figure 3.3: Major types of atrocities of religious and social nature

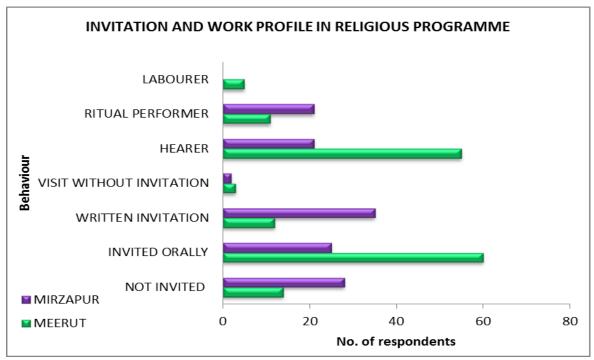
Source: Field Survey Data

¹⁸ This point is supported by the Field Survey data done in both the districts of Uttar Pradesh under study.

On the question related to the invitation of Dalits in the religious programs of temple, the Dalits in the Meerut district are more affirmative than Dalits of Mirzapur. One possible explanation to this could be their capability to contribute more in the temple programmes because their income is much higher than the Dalits of Mirzapur. There had also been cases of Dalits embracing to more puritan form of Hinduism and abstaining from eating meat, performing *pooja* (worship) every morning, and taking guru mantras from new godmen. It has also given them a new enthusiasm to participate in the temple affairs especially in the Meerut district and new media specifically television has a defining role in the revival of new puritan Hinduism in the Meerut district.

The district has also experienced a series of religious - conversions of Dalits into Buddhism, Christianity and Islam. Therefore the Hindu right organization are also taking extra care and promoting greater Dalit participation in Meerut district. Simultaneously, it is pertinent to look at the invitation and work profile in religious programme and how they are different in both the districts (Figure 3.4).

Figure 3.4: Invitation and work profile in religious programs



Source: Field Survey Data

In the Mirzapur district, Dalits face greater prohibition in terms of temple entry and their participation in the religious programs of various temples. This prohibition comes from the fact that the district continues with the feudal social structure, where Dalits are an exploitative labour to work on the field, but without any social rights. Their economic dependency disables them for these social claims as well. This district is an adjoining district of Banaras, the holy city of Uttar Pradesh and also epicenter for the Hindu religious practices. Due to the presence of many old Hindu temples, one of the famous being the temple of Hindu goddess Bindhyavasini, it largely impacts the interaction between the

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¹⁹ Source: Survey Field Data

dominant castes and the Dalits. Consequently, they are under - developed in material resources as well as get negligible opportunity for upward mobility in education and services. This has hindered their prospect of participation in the temple program and other religious affairs as compared to the Dalits of Meerut district.

The following cases regarding selective temple entry makes the point more clearly.²⁰ In 2015, *Hindustan Times* reported about the alive burning of a 90 - year old Dalit who tried to enter a temple with his family in Hamirpur district of Uttar Pradesh. He was attacked with an axe and then burned alive by putting kerosene oil on him. None of the eyewitness to the crime came to the rescue to this old man and his wailing wife.²¹

In another incident, a girl was denied drinking water from the temple in Sambhal, Uttar Pradesh by the priest, on account of her being a Dalit. When this act was resisted by the girl's father, the priest attacked him with a trident.²² Similar cases have happened in the past as well. In the year, 2000, a Dalit woman in Shahjahanpur district was killed for entering a temple. Local MLA and others protested against this.²³ This incidence of atrocity in the year 2000 shows that atrocities of religious nature are still continuing. In the same year, in a

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Amar Ujjala (Hindi), Oct. 15, 2000

²⁰ The cited incidents are from Uttar Pradesh and not specifically from its two districts Meerut and Mirzapur.

²¹ Haider Naqvi, "90-yr-old Dalit man burnt alive for trying to enter temple in UP," *Hindustan Times* Oct. 5, 2015, http://www.hindustantimes.com/india/dalit-man-attacked-set-on-fire-for-entering-temple-in-up/story-oZTmIGHAhck4jLi7lB4mMO.html (accessed January 2, 2016).

Express Web Desk, "UP: Dalit girl denied drinking water at temple, priest attacks father with trident," *Indian Express* August 10, 2016, http://indianexpress.com/article/india/india-news-india/up-dalit-girl-denied-drinking-water-at-temple-priest-attacks-father-with-trident-2965479/ (accessed May 2, 2017).

different district, Barabanki another Dalit woman was abducted when she went to pay homage to the temple.²⁴

These incidents throw light on the fact that temple entry and matters related to it, till now openly discriminates and attacks on the basis of Varna system. That is why, manu religious atrocities arise out of the protest registered by Dalits by attempting to follow the restrictive sections of Hinduism, or by not obliging to the work *given* to them by the accident of their birth. One of them is the carrying of dead cattle, a work assigned to Dalits by the varna dharma. Apart from the recent²⁵ refusal to carry dead cattle, such incidents have also happened in the past when they had refused to do this and have faced with dire consequences. For instance, In Block D, Raebareli, when Dalits refused to carry dead cattle, three houses of Dalits were put on fire, in which eleven were Dalits burnt alive.²⁶

What is interesting is the argument given by the dominant castes for marking the Dalits as the 'other.' The argument comes from the perspective of hygiene.²⁷ Dalits are allegedly thought to be the carrier of the diseases which their (caste hindus) cattle may have had. To avoid, any such harmful transmission they have to be discriminated against. Moreover, Dalit women are always alleged for practicing witchcraft and thus become a target for a public spectacle of killing. Keeping these 'religious violence' in mind, Ambedkar regarded

²⁴ Jansatta (Hindi) November 21, 2000 in DAG Report.

See, <a href="http://www.hindustantimes.com/india-news/gujarat-dalits-refuse-to-dispose-of-dead-cattle-dalits-refuse-to-dispose-of-dead-cattle-dalits-refuse-to-dispose-of-dead-cattle-dalits-refuse-to-dispose-of-dead-cattle-dalits-refuse-to-dispose-of-dead-cattle-dalits-refuse-to-dispose-of-dead-cattle-dalits-refuse-to-dispose-of-dead-cattle-dalits-refuse-to-dispose-of-dead-cattle-dalits-refuse-to-dispose-of-dead-cattle-dalits-refuse-to-dispose-of-dead-cattle-dalits-refuse-to-dispose-of-dead-cattle-dalits-refuse-to-dispose-of-dead-cattle-dalits-refuse-to-dispose-of-dead-cattle-dalits-refuse-to-d

demand-govt-protection/story-Q6Mm899ot7D7IQWEIdsfiP.html (accessed November 2, 2016).

Mata Prasad, (1995), "Uttar Pradesh ki Dalit Jayiyon Ka Dastavez," Delhi Kitab Ghar Publication, New Delhi, p.111.

²⁷ Dumont, *Homo Hierarchius*, 45.

untouchability as an intrinsic part for the construction of Hinduism and Gandhi called it 'historic corruption of Hinduism.'

However, as discussed above these attacks and atrocities by the dominant castes have been met by resistance and retaliation. In Meerut and Mirzapur, there have been different forms of retaliation by Dalits, especially on the issue of temple entry. While 11 percent of the Dalits prefer to build their separate temples, 22 percent Dalits actually engages with the dominant castes in a hostile manner. But more than half of the Dalits believe in fighting back and wish to enter the temple of their choice, instead of trying to leave the situation and find some alternative means. Figure 3.5 shows the different modes of such retaliation on discrimination at temple.

RETALIATION BY DALITS ON DISCRIMINATION AT

| cruel behaviour | TEMPLE |
| fighting |
| meeting for separate temple |
| build separate temple of the outerwall of the jats temple |
| 11% | 22% |
| 11% | 56% |

Figure 3.5: Retaliation by Dalits on discrimination at temple

Source: Field Survey Data

Ambedkar offered one single solution to get rid of this disability imposed by Hinduism, that is, conversion to Buddhism. He led a conversion movement. Many Dalits, today prefer to convert to other religion as happened in a recent incident in Meerut. The incident was reported in *The Hindu*:

A month ago, he called himself Shyam Singh. Now he declares himself "Azad" (liberated). The symbolic name not only sums up his situation, but is also his new identity....

A landless labourer, he didn't convert only because the community was denied access to a prominent Valmiki temple, located in nearby Baghpat district, to perform the traditional puja. He changed his faith also because of the "continuous threats and harassment" he and his fellow community members had to face from the local law and order officials after he persisted with his demand to have the right to perform puja at the temple.²⁸

But this form of resistance is also not a new way of registering one's protest and nor are the consequences following it. Jagpal Singh, in his article has documented an experience of a Asha Ram who has been the election commissioner of Akhil Bharatiya Baudha Sabha:

Mohammad Ali, "Denied temple access, Dalit convert to Islam," *The Hindu* March 14, 2015, http://www.thehindu.com/news/national/other-states/denied-temple-access-dalit-converts-to-islam/article6991578.ece (accessed January 2, 2016).

Master Asha Ram of Maithana Inder Singh village, now in his 50s, is a Buddhist convert. He is also the election commissioner of Akhil Bharatiya Baudha Sabha. narrated how his personal experience of humiliation in 1965 ultimately led him to convert in 1989. In 1965, I was a teacher in a school of my village. The school teachers got the invitation to attend a marriage party in the family of a high caste. After we finished eating, among all the staff members, only I was asked to lift my pattal (plate made of leaves). Being an educated person, I felt insulted. Then I realised that the Hindu society (read religion) is plagued with prejudice: a shudra, howsoever, educated he may be, does not have dignity. On the contrary, a high caste person, who is uneducated, is respected, considered worth worshipping. Having realised this, I read about Islam, did not find equality in it; met a GianiJi to know about Sikh religion. They (Sikhs) also have some sort of hierarchy. Taking inspiration from Master Amar Singh, who converted to Buddhism sometime in the 1960s, I converted to Buddhism in 1989.²⁹

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Jagpal Singh, "Ambedkarisation and Assertion of Dalit Identity-Socio-Cultural Protest in Meerut District of Western Uttar Pradesh," *Economic and Political Weekly* 33, no. 40 (1998): 2611

Similarly, in 1990s, Dalits in the villages of Meerut, Muzzaffar, Saharanpur and Gaziabad, converted to Sikhism on 26th January 1990.30 Several Dalits of Nagla village and Jangeji village of Meerut district converted to Sikhism because of atrocities³¹ by both Hindu and Muslim community of the district. In another recent event more than hundred Dalits converted to Christianity in the year 2002. According to the report printed in Sahara Samachar, despite the rule of BSP, a Dalit party they couldn't get relief from the atrocities. Dharmapal one of the converts, said that when Mayawati came to power in 1995, district magistrates helped them in the possession of their Patta land, which was allocated to them in 1984. But after the end of Mayawati's rule, their houses were looted, and burnt by Savarnas. More worse, a BSP leader Harbhajan Singh Baudh took the Patta land illegally in his possession. Since then Dalits are demanding their Patta land and in return are facing several atrocities.³² At the last resort they decided to convert to Christianity as a protest. What is unfortunate is that these conversions also don't provide them any solace. Conversion happens to get rid of all the enforced disabilities by the dominant castes, but the result remains otherwise. Even if they get converted to other religion they are not liberated. There had been several cases where converted Dalits had faced atrocity.

In an incident in Kilpal village of Jagatshingpur district of Orissa seven women who converted to Christianity were tortured, brutally beaten and

Mata Prasad (1995) op. cit. p. 121 (translated from Hindi)

³¹ Ibid., 121 (translated from Hindi)

³² Sahara Samachar (Hindi, 26 Dec 2002) in DAG Dec 2002 issue

reconverted to Hinduism by VHP in the year 2004.³³ This case was highlighted by media still there are several cases of similar kind occurring till present times, in different parts of the country which go unnoticed.

3.2.2. Social and cultural nature of Dalit atrocity

Dalit atrocity is not only a religious affair. Had it been the case, Dalit would not have suffered many serious atrocities at the hands of dominant Muslims. If Dalits are suffering only because they are the part of Hindu religion, then it should stop after conversion. Empirical evidence shows that it has not happened like that. Therefore, on these grounds it can be argued that there exists a socio-cultural fault line between Dalits and the 'other'. This 'other' includes everyone excluding Dalits, such as OBCs, Savarnas, Muslims, and Sikhs. 'Others' can be termed as 'dominant' and their culture is termed as the dominant culture. The ongoing conflict between dominant culture and Dalit's own culture, and the ever increasing tendency to challenge Savarnas' dominant culture has given rise to atrocities on Dalits. Today much of the incidence of atrocities has reason other than the ritual or religious distaste for Dalits. Neither these fights originates from the straightforward imposition of high caste authority. Rather, it largely comes from the reaction of dominant castes to the initiatives of Dalits to transform their historic condition and rise above it. But like the reaction of caste Hindus, the more Dalits have resisted their subordination, the more savage have been the reaction they have engendered by these dominant castes. The following pie - chart

Amar Ujjala (Hindi), 17 Feb. 04.

gives us a glimpse of the existing caste hierarchies within the community, despite strong Dalit assertions in the community.

METHODS OF SERVING MEALS DURING MARRIAGE 90 80 No of Responses 70 60 50 40 30 20 10 ■ MEERUT MIRZAPUR NOT SAME DALIT SIT IN DALIT SIT IN DALIT **BUFFET** SAME **DALIT SIT** UTENSIL UTENSIL A DIFFERENT THE SAME OUTSIDE THROW SERVED SERVED QUEUE QUEUE THE THEIR COURTYARD **PLATES** Types

Figure 3.6: Methods of Serving Meals During Marriage

Source: Field Survey Data

Similarly, the nature of atrocities are visible from the types of words heralded as abuses. For instance, in Mirzapur district of Uttar Pradesh, there is not a single derogatory word used for individuals belonging to oppressed castes. They emerge from the gender and geographical location of the person. In Meerut, the commonly used abuses are *chamrain*, *chamar*, *chamar siyar*, *harijan*, *madarchod - behanchod*, *chamine*, *chamarkali* (for young chamar girls), and *chamarpili* (for old chamar women). While in Mirzapur, the abuses are *chaimainiya*, *chamarin*, *chamra*, *domri*, *dhobaniya*, *pasin*, *and daumin*. In Meerut, most of the caste abuses are directed towards the women of Dalit community, with an intention to humiliate their male counterpart. Whereas, in Mirzapur district, commonly caste abuses are directed towards the caste and its naming. The abusive words aimed at humiliating the

community as a whole is more rampant in Mirzapur than Meerut. For example, harijan is not an abusive word in Mirzapur, but it is perceived as an abuse by Dalits in Meerut, which has a collective connotation.

Social and cultural nature of Dalit atrocities is quite evident from the incidence of atrocities occurring on Dalit women. Dalit women are victimized, because in a patriarchal world order, prestige is a synonym for the protection of woman's dignity. Humiliating a woman by molesting her, abusing her or raping her becomes the most convenient and structured form of atrocity to be inflicted not on an individual Dalit or Dalit family, but on the whole Dalit community. Moreover, owing to the bearing that the Dalit community has no dignity and respect of its own, a Dalit becomes an object of fetish which is by default the possession of the dominant castes and could be used and misused, abused and thrown away at their will. This should be understood in terms of the *intensity of Dalit atrocity* discussed in the previous sections. Today when Dalits are trying to challenge *Savarnas* dominance, *Savarnas* avenge it by humiliating Dalit women and making it next to impossible for registering FIR. In a report, *Scroll.in*, mentioned that,

The number of Dalit rape cases registered was consistently high between 1997 and 2002, when the state was ruled by the BJP. In fact, the highest number of Dalit rape cases – 412 cases – was registered in 2001. This was under the chief ministership of Rajnath Singh, the upper-caste leader who is currently India's home minister. This could either

show upper caste assertion over Dalits, said Narayan, or a well-functioning police force that did not overlook the complaints of Dalits.³⁴

The above figures could make sense from the following rape incidents happened mainly in the year 2000.

In the year 2000, in village Bansi, District Hardoi (UP), a 16 year old Dalit girl was abducted by upper caste youth and was repeatedly raped for 8 months. Police never registered a FIR for it, not even after the girl got pregnant. The Dalits of the village had to flee in fear of a caste - violence.

In another incident in the village Bastauli, District Gazipur (UP), four policemen raped the wife of a Dalit man and beat him up for protesting. An inquiry was forced only after the intervention of an ex-BSP minister.³⁵

However, it is not always that the culprits are always from caste hindus. Many a times they are from the dominant castes as well, especially Yadavs, an other backward caste. In their report, *Scroll.in* shows that the less number of rape cases is not because of less rapes but less number of cases registered. "In 2002-'07, when the SP was at the helm of power, the number of rape cases ranged

³⁴ Supriya Sharma, "UP Dalit women find it harder to report rape under Samajwadi Party government, records show." *Scroll.in* June 02, 2014, https://scroll.in/article/666060/up-dalit-women-find-it-harder-to-report-rape-under-samajwadi-party-government-records-show (accessed January 2, 2016).

Amar Ujjala (16 Sept. 2000), in DAG report".

between 194 in 2002 and 258 in 2004. In 2007-2012, with the BSP in government, the number rose to a high of 397 cases in 2011."³⁶

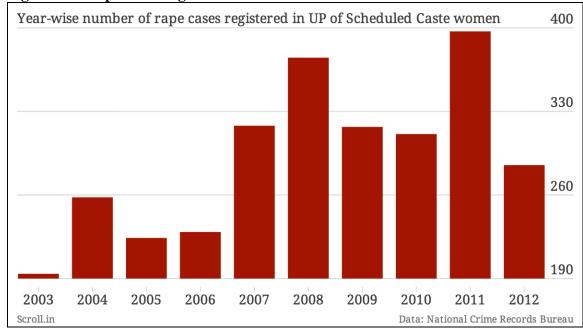


Figure 3.7: Rape cases registered in UP of Scheduled Caste women 2003-2012

Source: Field Survey Data

Moreover, there is also involvement and participation of police in such heinous crimes. The recent case of rape of two Dalit girls in Badaun is a striking example of this.

In May 2014, "Two girls, cousins and minors, from the Dalit Maurya community were kidnapped, gangraped and hanged from Katra Sadatganj's mango tree... Brothers Pappu and Avdesh Yadav are accused of gangrape and kidnapping, and constable Sarvesh Yadav of conspiracy." 37

³⁶ Sharma, "UP Dalit Women," Scroll.in.

Shalini Narayan, "Badaun gangrape: I flashed torch, I saw them drag my niece by her hair, says uncle of killed girls," *Indian Express* May 31, 2014, http://indianexpress.com/article/india/india-others/i-flashed-torch-i-saw-them-drag-my-niece-by-her-hair-uncle-of-killed-girls/ (accessed January 2, 2016).

This mainly happens because the police system is largely constituted by dominant caste which still wants to preserve their dominant culture and social status. They contribute to it indirectly by not registering the case of atrocity of women; sometimes they are directly involved in the atrocity. In the past there have been many cases where the police either have not registered the complaint, or worse have been a participant in such a crime.

In the village Birsapur, District Sitapur (UP), a Dalit woman was paraded naked by a farm owner who was a retired police officer. He also acquired the lands of Dalit illegally and had beaten up those who had protested against it.³⁸

In one incident, a Dalit youth of the village Kaharia, PIS Babhan was stripped and beaten brutally by the police and he was forced to lick spit.³⁹

Another incident of police atrocity came to the light when eight Dalit youngsters were caught on theft charges, for general inquiry. But they were kept in police station for three days and beaten and tortured.⁴⁰

Above cases of atrocities states that the police system is not performing its secular task; rather it is behaving as a part of dominant caste. This is because the mental outlook of policemen has been sourced by the *Savarna* culture. Despite education, change in the outlook of the officers is still marginal. They still behave as partisan and making ineffective the laws made for the protection of Dalits. Apart from police atrocities and atrocities on Dalit women, there are several other

⁴⁰ Hindustan (Hindi), 5 Sept 2002).

³⁸ Amar Ujjala (Hindi) Aug 26, 2000 (in DAG, report p.29)

³⁹ Hindustan (Hindi) 27 September, 2002, (DAG, issue September 2002)

atrocities such as stopping of marriage procession of Dalits by caste hindus, beating up of the Dalit who dared to sit on the cot in front of dominant caste persons, not allowing a Dalit widow for remarriage, and forcing Dalits for begging. All these forms of atrocities which have been seen in abundance forms the part of socio-cultural nature of atrocity.

3.2.3. Economic nature of Dalit atrocities

The major reason for atrocities since the 1980s, according to the National Commission is economic and political rather than purely social and cultural.⁴¹ The main economic reasons are alienation of land, or not giving the land allotted to Dalits by government, and forcing them to perform bonded/unpaid labour and refusal to pay minimum wages.⁴² Today an atrocity of economic nature is the single largest constituent of total volume of Dalit atrocities. This is due to the increased economic consciousness amongst Dalits. This new consciousness amongst Dalits has increased the competition of material resources, which can be portrayed as acting upon the ideological fault line of this new confrontation.⁴³

The genesis of this new phenomenon goes back to Nehruvian era, when Nehru took a more modern, materialist position than Gandhi or Ambedkar. Having firm faith in the socialist principles, Nehru believed that the problem of Dalits was overwhelmingly economic. As the poverty would abate, discrimination too

Sudha Pai, (2000), "Changing Socio-Eco and Pol. Profile of SC in UP," in *Journal of Indian School of Political Economy* Vol. XII Nos-3 & 4 July – Dec-2000 special issue of SCs p.419.

⁴² Ibid.p-419

⁴³ Oliver Mendeson and Marika Viczyany, p.12.

would dry up. 44 Mrs. Gandhi inherited similar view from her father. She started anti-poverty programme in the '20 point programme' including the ending of bonded labour – a matter that mostly affected untouchables and tribal. 45 Land distribution under the land reforms and ceiling Act was of course was pitiful relative to overall need for redistribution to the tiller nonetheless for the first time land was changing hands at the behest of the state, and it was mainly untouchables who were beneficiaries. Such action contributed to long-term heightening of consciousness among Dalits that their fate is not in the mere acceptance of their landlessness. 46 In some areas of Uttar Pradesh, lands were distributed to Dalits in 1984. Still there are many Dalits who do not have possession of their Patta land. This Patta land has become major cause of contention between Dalits and caste hindus resulting into several atrocities. Its repercussion is directly shown in the nature of employment they do.

However, when compared to the occupations done by Dalits in Mirzapur, Meerut Dalits are at a more advantageous position. This may be attributed to the absence of the range and high intensity atrocities committed on Dalit population of Meerut. Owing to the urban landscape of Meerut, the atrocities, here are more in subtle nature than the direct attacks done in Mirzapur.

⁴⁴ Ibid. p.14.

⁴⁵ Ibid. p.59.

⁴⁶ Ibid. p.59.

Rajni Devi of village Methitikur, District Unnao (UP) got the papers of Patta land of 11 Biswa three years back, but she has not got the land yet. Neither does the Patwari know where her land is!⁴⁷

In a similar case, Ratni w/o Jassa Singh (village Kothari Bahlolpur, Tehsil Behat) from Sharanpur was dispossessed of her land, which she was cultivating for 4 years. Both Lekhpal and Police, when approached, told her that the land does not belong to her.⁴⁸

The above cases clearly shows that the land allotted to Dalit were made to be non-possessed till the time the dominant castes didn't possess it in their name. Landlords took it with the help of administration. There are reports in newspaper that whenever Dalits tried to keep their land in their possession they have suffered various atrocities. For instance,

In a Patta dispute over a pond, a Dalit Shiva Ram of Kamalapur village Police Station, Madiyawa was killed on 30 August 2002. 49

Similar a Dalit, Ram Charan Raidas of village Likhana, P/S Kushi was shot dead because of Land disputes.⁵⁰ And a Dalit women was killed and her house was put on fire following a land dispute, in the village Chandupura, UP.⁵¹

Above cases of atrocity clearly show that the intension of the culprits are to bring economic loss to the Dalits. It was done in two ways, firstly by

⁷ DAG PUCL Report of Pub. Hearing, 13.

⁴⁸ Ibid. p.14.

⁴⁹ Hindusan (H) 31 Aug 2002 (in DAG Aug 2002), p.9.

Hindustan 29 Aug 2002, (DAG report Aug. 2002).
 Hindustan 29 Aug 2002 (DAG report Aug 2002).

snatching the property that Dalits have been allocated by governmental policies and secondly by either burning the properties they have gathered so far. Further, what could also be deduced from the above mentioned cases is that the impact of the atrocities arising out of land disputes and agricultural issues is more on the women. As the data collected from the field, in Figure 3.8 shows us that in both the districts, it is the women who have to do most of the outdoor work. In both Meerut and Mirzapur, majority of the women are agricultural wage labourers. Though there are few number of women who do not work outside their homes, others work in one or the other form outside their homes or in their own field.

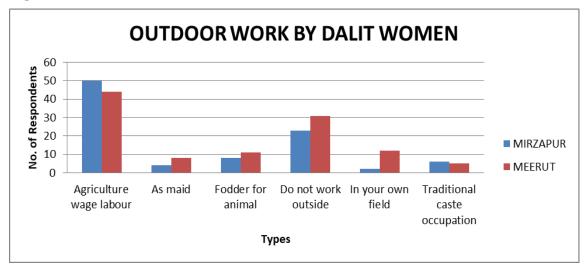


Figure 3.8: Dalit women and outdoor work

Source: Field Survey Data

In other case of Dalit atrocities of economic nature, dacoity and abduction for ransoms are also prevalent. Many time some well off Dalit shopkeepers are either abducted to cause economic loss to them or their shop are put on fire. The prime motives behind these incidences are to cause economic loss to Dalits. So that Dalits could not compete with others and remains at the bottom of society.

Moreover, the way Dalits are treated in the social sphere also tells the way their morale is lowered and thereby proves discriminatory to them even after having the opportunity to work. (Figure 3.9).

WORK & SOCIAL DISTANCE

100
80
60
40
20
0
DEMERITARY OF OR DO NOT SE ON COLUMN SE O

Figure 3.9: Work and social distance

Source: Field Survey Data

Several times, atrocities of economic nature are brought by caste hindu Government employee in various ways. For example, the cancellation of Asami Patta, or by making double entry of same Patta land in specially revenue and forest department. These days government has announced several soft loans for the alleviation of poverty of Dalits. Then it has become another reason for atrocities. Several times loans are taken by dominant caste in the name of Scheduled Caste with the help of Bank officials. At the time of payment, Dalits are put behind the bars. Sometimes bank officials give loans to Dalits and take high bribes, nearly equal to subsidy given to Dalits, thus leaving no difference in taking money from a bank and money borrowed from money lender on high and exploitative interest. When the Dalits fails to pay back these money; official takes

the undue advantage of their poverty and exploits Dalits in several ways. Lack of information and awareness on behalf of Dalits and existing corruption within the system has made them an easy prey for economic atrocities.

3.2.4. Political nature of Dalit atrocities

In Uttar Pradesh politics, two significant reasons leading to atrocities are over the question of right to vote and breaking/defilement of Ambedkar statue, which Dalits find most humiliating.⁵² These atrocities which are political in nature revolve around a new and an emerging social and political identity constructed over the period of time. The new identity was the result of one most-important change, which has taken place in the political field of Indian society, that is, democratisation and politicization. It has thrown open a new educated upwardly mobile generation of its distinct self identity as 'Dalit' and no longer prepared to suffer exploitation. This fruits of democratization, which tries to bring dignity to Dalit, is never acceptable to Savarna. This is evident from the comment of a Thakur women on the conduct of their men folk in the period before Panchayat election in UP. Night and day they are running from Chamrauti to Chamrauti----the one who used to net and beat chamars are now folding hands in front of them – bribing them, saying nice things to them. Now no chamars are being beaten scolded for their work. All this is being done just to get votes. After the elections are over, the chamars will be treated the same as they were before. This statement reveals the attitude of the orthodox Savarnas. This is also an indication towards the fact that if a Rajput can't go to Dalit's house for vote,

⁵² Sudha Pai (2000), op. cit, p.419.

then how could he allow any Dalit to become his ruler. This attitude of *Savarnas* helped in the radicalization of Dalit youths. The young generation tried to form their own political identity, which confronted with *Savarnas* political hegemony, and also resulted in many atrocities. Statue of Ambedkar was taken as means of politicization of Dalits and thus the defilement the statue leads to violent confrontations.

AMBEDKAR'S STATUE & ATROCITIES 100 90 No of Responses 80 70 60 50 40 30 20 MEERUT 10 MIRZAPUR village have village do not ambedkar ambedkar ambedkar have statue statue not statue ambedkar attacked attacked statue Types

Figure 3.10 Ambedkar's statue and atrocities

Source: Field Survey Data

Anupama Rao, has succinctly captured the importance of Ambedkar's statue for the politics of Dalit assertion.

Erecting an Ambedkar statue imitates acts venerating representations of religious and political figures, but there is a difference. The proliferation of Ambedkar statues is a claim to space with a representational economy saturated

by defied nationalist icons commemorated by the state... In this representation, Ambedkar's role as a crucial public figure for independent India merges with his signal importance in producing a new history for the Dalit community and the self. On display here is not only his singular individuality, the agentive power of self - determination to remake the Dalit self and thus challenge the social invisibility and humiliation of that community, but also the strong visual connection of Ambedkar to the constitution of the Indian polity itself.⁵³

Thus defilement of Ambedkar's statue is nothing less than an act of humiliation and is considered as an indignity. But like other forms of atrocities, this form of atrocity is also overlooked by the police despite its rampant prevalence.

In 2000, parliamentary election, Thakur prevented Dalits from casting their votes. A tension between Dalit and Thakur arose resulting in shooting in the head of an Ambedkar statue by the Thakurs. When Dalit went to police station to file case against the same, police denied registering the case.⁵⁴ This is still rampant, especially in the Mirzapur district of Uttar Pradesh. Figure 3.11 gives a glimpse of the biasness shown by the police in registering FIRs.

Anupama Rao, The Caste Question: Dalits and the Politics of Modern India (New Delhi: Permanent Black, 2009) 261.

Amar Ujjala (Hindi) 23 Apr 04; (in DAG Apr 2004 issue)

POLITICAL ATROCITIES (POLICE)

80
70
80
50
50
50
10
0
MEERUT

Police dont...

Figure 3.11: Political atrocities (Police)

Source: Field Survey Data

Similarly, in Madiyahu (Jaunpur) a statue of Ambedkar was broken off its head by some so-called miscreants. This incidence occurred on the eve of Ambedkar's birth anniversary. (14th April 2004) No Case was filed against anyone.⁵⁵ This is not the only incident of defilement in Jaunpur. Recently, another statue of Ambedkar and some Dalit activist was defiled again in Jaunpur district. This time case has been filed. What is interesting is that the case has been filed against unidentified people, when the villagers know who the person is behind this act of vandalism.⁵⁶

In other incidents of defilement, sometimes acid is thrown on the face of statues.

The political significance this symbolic aspect carries in Dalit assertion is not

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⁴⁰ Hindustam (Hindi), April 17,2004

⁵⁶ "Ambedkar statues defiled in Uttar Pradesh," *Indiatoday* August 6, 2012, http://indiatoday.intoday.in/story/ambedkar-statues-defiled-in-uttar-pradesh/1/212072.html (January 2, 2016)

hidden from the dominant castes and thus the defilement is one of the acts in any kind of violent attack on Dalit or the community as a whole. It is interesting to note that these defilements had intensified under the rule of Mulayam Singh. an OBC leader. On the other hand most of people who broke the statue belonged to the caste hindus. Police hardly take any serious action against the culprit. Earlier this -no - action' was done by not registering the case at all. But now due to a more strengthened and stronger Dalit voice, the case is registered but the report is always in the name of unknown person, despite the Dalits knowing the name of the culprit. Another important and visible aspect is the clear cut understanding between caste hindus and the so-called backward castes to limit the politicization of Dalits. Political atrocities, in this sense, become an act governed by the nexus of both *Savarnas* and Backward castes over Dalits.

In other kind of political atrocities, killing and beating of Panchayat level Dalit leaders needs special mention because they are the one who face actual hatred of dominant caste at the ground level. Panchayat election has helped in the rise of Dalit leadership at the grass root level. With reservation in the Panchayat both men and women of Dalit community, are getting opportunity to share the political power at the village level. As Ambedkar had asserted, "Villages are a sink of localism, a den of ignorance, narrow-mindedness and communalism." The dominant castes of the villages don't accept the new advance of Dalit in arena of local politics, which had been historically *Savarnas*' prerogative. Therefore they try to suppress the Dalit local leaders using any kind of means.

H. D. Malviya, Village Panchayat in India' Eco & Pol. Research Department AIICC, (New Delhi) p.258.

For instance, In the village Unano, the Pradhan, a Dalit woman of Sindhupur and her husband were brutally beaten in a school in front of several students. Later they were beheaded in the broad daylight.⁵⁸

In other incident of the same intensity, a Dalit village Pradhan (Arvind Kumar) of Bartal village, in the Navabganj police station area, was shot dead, when he was going to attend a marriage ceremony of his relative.⁵⁹

Similarly, political atrocity was inflicted upon a Dalit woman, a Panchayat member of Chinhat (block), Jagrani Chaudhari. She was molested and was threatened and warned against warning. The culprits belong to dominant castes.⁶⁰

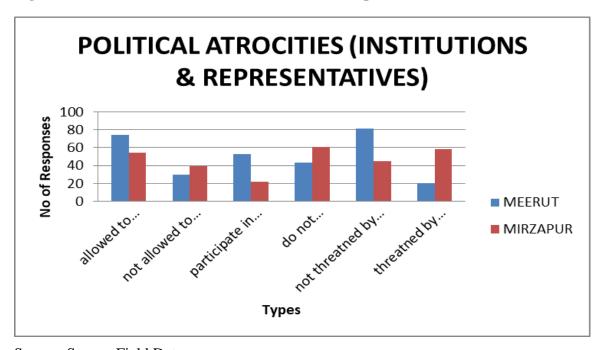


Figure 3.12: Political atrocities (Institutions and Representation)

Source: Survey Field Data

Hindustan 13 July 2003.
 Amar Ujjala, 18 Feb 2

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⁵⁹ Amar Ujjala, 18 Feb 2004. ⁶⁰ Hindustan, 16 May 2002

These kinds of cases where atrocities happen because of political participation in the institutions of representations are more rampant in the Mirzapur district (figure 3.13).

PARTY PARTICIPATION & ATROCITIES 80 70 No of Responses 60 50 40 30 MEERUT 20 10 MIRZAPUR 0 member of not a member campaign do not political party of political fearlessly campaign fearlessly party Types

Figure 3.13: Party participation and atrocities

Source: Field Survey Data

There is another several cases of Dalits political atrocities, where Dalits are not being allowed to exercise the political franchise. If they dare, they are treated severely. Many time Dalits political procession had been stopped by *Savarnas*. And sometimes, Dalit candidates are forced to withdraw their nominations from elections. The political atrocities, therefore are the most subtle and powerful form in which the voice of Dalit is suppressed.

3.3. SUMMING UP

As we have shown empirically that atrocities are rising up very sharply in UP. More than one Dalit becomes victim of oppression on everyday basis. This shows that there has been a tremendous increase in the number of atrocities as

well the nature of atrocity has also changed. To know the magnitude of atrocities the number of incidences are enough, but to know intensity of atrocities other parameters need to be taken into consideration.

The first parameter to know the intensity of Dalit atrocities is to note amount of shift that has taken place from earlier ritual based discrimination to later caste based atrocities; which has more physical violence than ever e.g. rape, murder etc. Secondly, the intensity of atrocity would be even higher when physical violence is combined with economic violence. It is clear from previous discussions that there has been a rise in above kind of atrocities which implies that the intensity of atrocities is going up.

Thirdly, if above-mentioned two categories of violence gets extended from individual to community. Then the intensity of the atrocities would be even higher. If members of Dalit community in a village are massacred in large number or their properties are burnt, then the intensity of atrocity is higher than the previous case. With the political assertion of Dalits in the state communitarian violence are increasing regularly. Looking into the reasons why there is a rise in the intensity of Dalit atrocity. Two reasons are evident, Firstly the rising socioeconomic political consciousness among Dalits which helps them to come out of historic suppressed position and challenge the dominant castes to get their due share. Secondly, the steps taken by the government to bring them up through various policies i.e., reservation, land reforms, and assertion of their rights through various laws. It has helped to come out and demand their share in political power. Since these changes are irresistible to dominant caste, Dalits fall victims of

their hatred. All the examples under different kinds of atrocity show the same picture. While the above examples are an evidence of the continued public humiliation of scheduled communities, it is important to clearly identify the more subtle, persistent and systemic forms of indignities that corrode their sense of self-worth and lead to the making of subjected personhoods. Some of these processes and forms of marking difference and instilling insecurity are evident in the ways in which children of scheduled communities are socialised into passivity, in the processes of sanskritisation, and in the representation of scheduled community members in the public sphere and their experiences in educational institutions.⁶¹

If groups communities and societies play a significant role in defining the personhood of individuals, then furthering this, by subjected personhoods I refer to the personalities and orientations in which there is an erosion of agency, and the sense of self-worth of individuals or groups is not individually defined or directed but is marked by the violence of persistent and pervasive humiliation, deprivation and indignities. Narendra Jadhav notes in his sensitive and compelling auto - biography, "caste discrimination may have changed forms, but it has certainly not changed its substance," and discrimination at the individual and collective level persists for many.

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⁶¹ A.R. Vasavi, "Caste Indignites and Subjected Personhoods," *Economic and Political Weekly* (2006): 3766.

⁶² Narendra Jadhav, *Outcaste: A Memoir* (Delhi: Rawat Publications, 2003), 267.

CHAPTER FOUR LOGIC OF DALIT ATROCITY

No! It was not like that at all.
It was different as all truths are
from the tales that get told.
Who tells the tale and who it is told to
Oft shape the truth.¹

Atrocities on Dalits are a multi-dimensional social phenomenon. The statist understanding of atrocities on Dalits is an incomplete and one dimensional explanation with a desire to intervene and reform society through legal mechanism. However, the notion of abstract power, power of the dominant castes, running beneath Indian society is in direct opposition to the legal and constitutional notion of power that is limited in its reach and nature. And this abstract power has been transcendental to the colonial and other rulers. We never had a ruling class what we had is ruling ideology. This has been well - defined in the works of B.R. Ambedkar. Seeing in this light, the failure of successive legislations has surfaced the lacuna in the way Indian state understand the phenomenon of atrocities on Dalits in India. Here, Dalit experience of atrocities expressed in the form of narratives can be important tool to understand this social phenomenon. This chapter is largely devoted to the narratives of Dalits in Mirzapur and Meerut to understand from their experience, and perspective the logic of Dalit atrocities. For this, the chapter is divided in two broad sections. The first section briefly looks over the different studies about caste, religion and untouchability, which form the base for the cycle of atrocities.

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¹ Cited in Kalpana Kannibaran, *Tools of Justice: Non - Discrimination and the Indian Constitution* (New Delhi: Routledge, 2012), 124.

4.1 The logic of dalit atrocity

The conflict in Uttar Pradesh has risen tremendously and simultaneously the new forms of Dalit Atrocities are also on the rise. Different social religious movements, political assertions and an effort to rise above the social and economic backwardness which Dalit has been forced to live in, the new Dalit consciousness has been a major factor in shaking the status quo of the dominant castes. It is argued that this new consciousness also enables some Dalits to move beyond the ghetto they have been subjected to live in throughout their lives and experience a more dignified life in the urban sphere. These attempts at breaking the maintained social order lead to newer forms of violence. This causal explanation, however, do not capture the full essence of ever growing atrocities on Dalits. What remains hidden under this explanation is the root through which these atrocities or to put it in a polite manner, this discriminatory behaviour against Dalits arise. In the colonial times, as the later chapter would show, carrying caste operations based on the theory of varnaashrama dharma and the principles of Hinduism was a smooth task. But this whole process takes a subtle role in the democratic political process of Independent India.²

We have seen in the previous chapter that dominant caste affects deeply the democratic processes of elections, and panchayats, or other political means which help in the uplift of the Dalits. Drawing in these lines, Rajni Kothari (1970) has talked about the contradictions prevailing in the dichotomy between tradition and modernity - between societies on the one hand and polity on the other. While believing that the traditional social system in India was organized

² This point has explored by Anupama Rao, *The Caste Question* (University of California Press, 2005).

around caste structures and caste identities, Rajni Kothari talks about the form that caste is taking under the impact of modern politics and what form politics is taking in a caste oriented society. He argues,

> The important thing is organization and articulation of support, and where politics is mass - based the point is to articulate support through the organisations in which the masses are to be found. It follows that where the caste structure provides one of the principal organizational clusters along which the bulk of the population is found to live, politics must strive to organize through such a structure. The 'casteism in politics' is thus no more and no less than politicization of caste. It is something in which both the forms of caste and the forms of politics are brought nearer each other, in the process of changing both.³

He then explains this by discussing about the three aspects of the caste system. First is the secular aspect, wherein he divides this aspect in two major categories of governmental and political aspect. It is to be drawn into the modernization stream was the power structure of the caste system. Second is the Integration aspects, which not only determines individual's social station, but also is a decisive factor in deciding his occupation based on his birth, i.e., the distribution of economic benefits. These two aspects were closely related: the distribution of divisible benefits was interlinked

³ Rajni Kothari, *Politics in India* (New Delhi: Orient Longman, 1970) 4 -5.

with the nature of the power system that operated. Lastly, there is an Integrative aspect to understanding caste relations in modern society which focus upon the breaking of some features of the old society such as *jajma*ni system, or the role of differentiation and summation. In other words, he opined that the actual process of interaction between caste and modern institutions was selective. It impinged on certain aspects of caste more than on others. All of these were traditional components of the caste system that got drawn into the new processes of change.⁴ Indeed these aspects try to give a picture of caste system in Indian democratic politics as one of negotiation of the Dalits with the rigid social structures. However, it fails to see the significant part the violent attacks which happen on Dalits have while negotiating with these power structures. But what is missed in explaining caste through these aspects is the ultimate logic, the structure through which caste has always been in operation.

To understand this, it is important to locate the caste system as a unique feature of the social structure in India in general and of Hindus in particular.

Following this logic within the framework of purity and impurity, and system and structure, Dumont argues that in the caste system group identity surpasses individual identity. The position of an individual in society cannot be separated from the position of his/her social group call 'jati' to which he/she belongs. He further argues that the system has been guided by the concepts of purity and pollution. It is requisite for each member of the caste to maintain any sort of relationship and interaction only within the restricted circle of 'jati,' so as

⁴ ibid. 8 - 15.

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to maintain purity in contracting marriages, exchanging food and pursuing occupation.⁵ He further asserts

The principle of opposition of the pure and impure underlies hierarchy, which is the superiority of the pure to the impure, underlies separation because the pure and impure must be kept separate and underlies the division of labour because pure and impure occupation must likewise be kept separate. The whole is founded on the necessary and hierarchical co- existence of the two opposites.⁶

On similar lines, Michael Moffat (1979) has argued about the homogenizing Hindu culture which is imposed on the Dalits. He argues that they do not have any different social and cultural forms because of their place in the hierarchy of social order. In fact, there is no separate culture of their own, as could be found in different tribal societies. He metaphorically uses the example of a Global Indian Village Culture to explain the imposition of the same principles of Hinduism on a section of the society which is not even allowed to live with dignity or being treated as a being.⁷

Therefore, caste has been irrevocably considered as a defining feature of Indian society owing to its impact not only in the cultural sphere, but also on the social, economic and institutional aspects also. Andre Beteille has argues about the same by seeing the present dichotomy in the case after independence. He

⁵ Dumont, *Homo Hierarchichus*, 41 -43.

⁶ Ibid., 45 - 46.

⁷ Michael Moffat, An Untouchable Community in South India (New Jersey: University of Princeton Press).

argues, since post- independence, Indian political scenario has been shaped by competing communities and the ascendency "acquired" by certain communities over the other.⁸ Simply put, Indian society has been more defined by the caste and communities rather than individual worth or its existence simply as human being. The free association of individuals on the basis of common values or common interests tends to be thwarted by loyalties determined by birth in a particular caste or a particular community.9 At the same time Beteille shows us the point where castes lose its influences in many significant areas of life. The ritual restrictions relating to purity and pollution, by which so much of the hierarchy of caste was sustained, are clearly in retreat, and it is highly unlikely that there will be a reversal of the trend of the last 100 years. 10 He argues for the weaker rules in the arrangement of marriage, and the weakness coming in the association between caste and occupation. For him, the domain where caste still holds a considerable place is politics. He asserts that in Indian politics the loyalties of caste are used for the mobilization of political support. 11 This view somewhat is in tandem with the views presented by Rajni Kothari in context of the association of caste within the Indian democratic processes.

Contrary to the above argument made, C. J. Fuller (1996) discussed the question of continuity and change of caste in modern India. Fuller argued that through modern India, public and political discourse about caste is dominated

⁸ Andre Beteille, "Classes and Communities," *Economic And Political Weekly* XLII, no. 11

⁹ ibid.

¹⁰ ibid.

ll ibid

by the perceived illegitimacy of 12 traditional caste hierarchy and by the need to overcome the effects of persisting caste inequality. Further he says that though anthropologists and sociologists have generally been far more confident about structural continuity of caste but the political delegitimation of caste has penetrated all levels of society, so that many ordinary Indians say that 'there is no caste left.' So what, then, does exist today? In this particular question Fuller said, the prototype against which these understandings are fashioned is the predominantly Brahmanical ideology of caste as a hierarchical system governed by rules of purity and pollution that was elaborated most fully during the British period, and manifested most completely in 'traditional' society as consolidated under colonialism.¹⁴ And for many Indians today life in a caste based village society is remembered or imagined as their past, a social and ideological reality that is now on the wane. He also argued that, when the existence and importance of a caste are acknowledged, this often takes the form of a substantialist assertion about cultural distinctiveness ostensibly inequality both between and within castes, although substantialisation is itself accompanied at the empirical level by increasing intra-caste differentiation. 15 Moreover, because cultural distinctiveness retains evaluative implications, it can also provide a coded language to refer to caste inequalities. These inequalities are widely recognized and even approved in private, but normally they cannot be legitimately endorsed in public. What may be loosely described as a substantialised version of caste largely prevails, in one guise or another. Therefore Fuller argued that identification of substantialisation as a crucial

¹² C.J. Fuller. *Caste Today* (New Delhi: Oxford University Press, 1996), 5 - 6.

¹³ ibid., 13.

¹⁴ ibid.

¹⁵ ibid., 13 - 15.

aspect of modern change in the caste system. Finally Fuller said that among the metropolitan, middle- class intelligentsia caste as constituted by cultural distinctiveness has lost much of its perceived significance as well, and it has tended to become an idiom for status distinctions which are primarily determined by class criteria.¹⁶

What becomes necessary, in this context is the question which Ghanshyam Shah has also asked. Can an individual overcome social backwardness without eradicating backwardness of caste as a whole or large part of the caste?¹⁷ Locating in the present economic and political structure he assumed that by improving one's economic condition and/or getting access to political position, Dalits can improve one's own life chances.

Keeping in reference these views, Uttar Pradesh is a fit case for the study of 'Dalit atrocity'; not because of its deeply religious and orthodox nature of society. Rather, it is a state where, there had been a tremendous gap between Dalits and caste hindus in terms of distribution of economic and social assets, these assets had worked historically as instrument of domination and oppression, where Dalit had been at receiving end. These vertical relationships underwent a partial structural transformation, of society under colonial rule due to hesitant and superficial intervention of coloniser in socio-cultural life of Indians.

This intervention was not sufficient to change Indian society unless the radicals of Indian society themselves had not adopted a policy of social reforms,

⁶ ibid., 15

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¹⁷ Ghanshyam Shah, "Social Backwardness and Politics of Reservation," *Economic and Political Weekly* (1991).

through various socio-religious-movements. As seen in the previous chapters, there had been a host of socio-religious movements in Uttar Pradesh which saw social hierarchy, oppression and 'Untouchability as an evil worth of eradication. These movements attempted to purify the soul of caste hindus and generate piety over the untouchable. This encouraged untouchables to adopt way of life prescribed by the protagonists of these movements, to achieve social equality. Since, the reach of social movement over Savarna was limited; Savarnas' couldn't cope with this new social untouchables. They considered it an encroachment over their rights of dominance over untouchables. So, this feeble attempt of transgressing, social boundary was suppressed violently, resulting into numerous atrocities over untouchables. This new advancement was treated with new form of oppression. This was the beginning of 'Dalit Atrocity' in Uttar Pradesh. Figure 4.1 and 4.2 shows the major reasons through which the intention of inflicting violence over Dalits is fulfilled and the subsequent section then discusses the different testimonies of Dalits about the same. Figure 4.1 and Figure 4.2 highlights the different reasons for conflicts in Mirzapur and Meerut. In Meerut, there are range of issues, such as Statue of Ambedkar, Party Politics, Liquor Consumption, Use of abusive words, and land over which fights happen (Figure 4.1). However, the main reason for fights or conflicts in Mirzapur are more or less related to behaviour and attitudes of the dominant castes in the district (Figure 4.2).

REASONS FOR CONFLICT - MEERUT

AMBEDKAR STATUE

3%

2% 2%

8%

8%

8%

BECAUSE OF PARTY POLITICS

LIQOUR CONSUMPTION

FIGHTING AND USING ABUSIVE WORD

LAND

NO CONFLICTS

Figure 4.1: Reasons for conflict - Meerut

Source: Field Survey Data

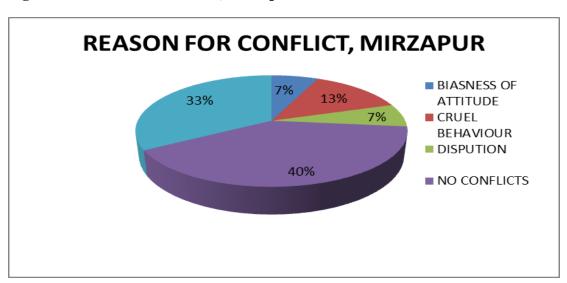


Figure 4.2: Reason for conflict, Mirzapur

Source: Field Survey Data

This beginning of 'Dalit atrocity', in pre-colonial and colonial period, of Uttar Pradesh's social history got even more intensified and diverse after the attainment of Independence on 15th of August 1947. Post - independence social life of Uttar Pradesh society has witnessed more intense caste conflict. Both the numbers of atrocity and nature and intensity of atrocity on Dalits had

undergone a remarkable change. The next section illuminates this point by documenting the narratives of the residents of Mirzapur and Meerut, as they were recorded during the field work.

4.2 Narrating their ordeal

Field work for the present study, spread over two long years, gave an opportunity to visit many villages which lie in the heart of these districts of Uttar Pradesh. Throughout this course, there was a chance to meet many people whose immense experiences, political insight and deep-seated understanding of the self, left the researcher overwhelmed and appalled. Field studies are known to be inherent with power dualism between the observer and the participant. In this context, M.N. Srinivas's method of field work was followed where he suggested that it is important for the observer to display the feelings of empathy to grasp a better understanding of the field. Further, it is important to go to the field without keeping any signs of prejudices for subject of one's research. Fortunately, this project from the very beginning involved active involvement of the participants and have made full attempts to maintain the agency of them. Besides using Srinivas, an understanding was developed about ethnography from the works and writings of Clifford Geertz. Etnography helps us to observe and note down the daily minute details of the observant or the subject. Geertz in his study of The Interpretation of Cultures (1973) has talked about the effectiveness of a "thick description," where the intent of the researcher should be to provide a detailed, in - depth description of everyday life and practice, and focus on a cultural interpretation. 18 The researcher must go beyond the mundane reporting of events and details of everyday life, and must

¹⁸ Clifford Geertz, *The Interpretation of Cultures* (London: Fontana Press, 1973), 3 - 30.

focus on the "web of meanings," or the cultural constructions in which we live. For this a phenomenological approach to ethnography is required. For instance, mere reporting of any incident of Dalit atrocity would not suffice the tenets of thick description, instead should also look out for the different body language used to describe the incident. If a caste Hindu describes or tells something about oppressed castes with a frowning face, then it is the work of the researcher to probe into the meaning of that frown and what that frown entails. This would help to explore or unveil the cultural or symbolic ways of communicating, and the research will not just be limited to linguistic boundaries or meanings. In recording the narratives of people, an attempt was made to interpret their body languages, signs, or any other form of symbolic way of communication and locate them in the culturally and socially bounded space. As seen in the previous chapters, the different kinds of atrocities, both indirect, subtle and symbolic shapes the attack on Dalits, it becomes pertinent to understand the narratives in the light of Geertz's understanding of ethnography. Below is an account of some of the experiences of these people.

Narratives from Meerut, and Mirzapur in Uttar Pradesh

Narrative 1

The first narrative of the field study involves a small village in the district of Meerut. It involves a middle aged man from the village. He was met by the researcher in course of the interactions to fill the questionnaires related to research. He answered all the questions in a very straight-forward and informed manner. After the taks was completed, he wanted to ask a couple of questions. He asked the researcher why was it that a bowl bound to a small

rope used to be put across a Dalit's neck for so long a time. Years of academic training had not only prepared me with prompt answers to questions as these but prepared me with a distinct set of answers within a specifically informed paradigm, the researcher told him that the spit of a Dalit, impure and subhuman as s/he is, was not supposed to touch the ground. He did not agree. Instead he told that the bowl was hung across the Dalit's neck so that it would keep him bowed down through his life, so that he would never be able to raise his head and his life would be spent in perpetual servitude and oppression. His insights were impressive. Then he further asked why the researheer thought was a broom tied across the Dalit's waist to his back. The researcher told him that the broom was supposed to clean the ground on which the Dalit had treaded upon. The earth is supposed to be cleaned for the fuller humans to walk upon. He did not fully agree and said that the broom was supposed to wash the footprints of the Dalit away, so that his very existence form history could be omitted. A person without footprints shall never be known to the generations to come. His role in the social schema would forever be comfortably forgotten. This man whom the researcher was supposed to question about the material aspects of the atrocities they face in everyday lives and as a general way of existence was here giving astounding perspectives into the very idea of Dalit identity.

Narrative 2

The next study involved another village from the district of Meerut. When the researcher reached the household it was early in the morning. XX was busy preparing food on her earthen stove. The house seemed to be a usual worker's

place. XX is a working woman employed in the brick-laying factory nearby. Her husband worked at the same factory. Both spent their day time in the factory. After inquiring with her for questionnaire, the conversation took a more comfortable and informal turn. I saw their kid playing nearby and had

couple of questions to ask.

Me: What is your kid's name?

XX: Rahul.

Me: Does he go to school?

XX: Yes sir.

Me: What school does he go to? Is it a government school?

XX: No Sir. He goes to a private English-medium school.

Me: (Astonished) How much does it cost you?

XX: 3000 a month.

Me: (Still more astonished) Can you afford that?

XX: We have no other way. We cannot let him not study.

Me: Is there no government school close by?

XX: Yes there is. But he refuses to go.

Me: Why?

XX: Ask him Sir.

This time researcher turned to the kid Rahul to know why he would not go to the government school. When asked him why he hesitates to go to the government school. Further, asked if it was too bad to go to. He shook his head and said it was okay. The same question was repeated.

Me: Why would not you go to the government school then?

Rahul: I do not like going to school with my plate!

XX explained to me. The Dalit students in the government school were supposed to get their own utensils for the mid-day meals. The integrity of the system of caste purity was supposed to be maintained by the children in the government institutions. The kid felt his dignity compromised. The private school saved him from this embarrassment.

Narrative 3

The next narrative to the village in Meerut. This village is of special interest given its criminal incidences. It has had a considerable record of violence involving inter caste conflict. This narrative is about Ishwar Singh from the Balmiki community. The Tyagis were generally the affluent sections whereas the Balmikis resided in the shadier and darker corners of the village. This has considerable population divided into two main communities: the Tyagis from the caste hindus and the Balmikis from the Dalit community. The main conflicts also majorly involve these two communities.

Ishwar is a 40-year old woman from the Balmiki community (though when asked she strangely said it would be about 70 since her children were married

already!). The main aim in this area was to know the stand and role of the women amidst the violent inter-caste conflicts that largely involved men. These acts of violence over time surprisingly were predominantly limited to men. The absence of women from these conflicts made their perspective about the same very interesting.

By the time the researcher reached Ishwar's home, the day had almost ended and evening had set in. She offered the researcher tea which was accepted with gratitude. This also provided with a casual environment for easy conversation. She was being asked about the women of the village and their role and opinion about the violent conflicts between the men of the two castes. The researcher wanted to know how did the women of these two communities interact with each other and what kind of relationship did they share. She told with a sigh that 'these days' there was much scope to see each other. The researcher was amused and interested. Further asked if that meant that the women from both the communities did see one other 'generally'. She agreed with a careless confidence which gave me the idea that the cordial relation between the women of the two communities has been a usual matter.

This brought more questions. She told me that women from both the communities frequently exchanged visits. Researcher asked her if they were welcome at the caste hindu households. She retorted that old days are over. These days they were not only welcome into the Tyagi households but commanded substantial respect from the younger women from these households. The young daughters and daughters-in-law of these families would give them their due share of privilege as elderly women. Here the respondent

was interrupted to bring into another interesting observation that researcher had made. Including Ishwar herself, all women in the village that researcher had interacted with had shown a tendency to escalate their age. Suppose a thirty-year old looking woman would tell her age to be 60 and so on. I pitched in and asked Ishwar why was it so. She told me that being young would make her obligated to care for the older women. Contrarily, older age would ascertain the same care and privilege from the younger ones. The social wit of the women of the village is impressive.

Now resuming the earlier conversation, she was asked that when visiting the Tyagis, whether they were offered to eat in their homes. She agreed. Further, asked if they were allowed to use the same utensils as the hosts. She replied that they were offered to eat but in separate utensils. Also, the caste hindus women though visited the Dalit homes, never ate their food. However shared gender, well exchanged friendships and a common code of age hierarchy had built a bond amongst the women of Gardi which existed simultaneously and often in conjunction to the violent conflicts.

Narrative 4

The fourth narrative is about 26-year old ZZ in the village of Q near the district of Bijnor in Uttar Pradesh. This is one of the most painful interactions throughout the course of the field study. Q is a relatively affluent village. Researcher could make out from the houses and the living conditions of the majority of people. Almost all the houses including the Dalit ones, small though might that be, were all pucca houses. The conditions of roads and the surroundings were better than the other villages those were visited. After

interacting with few people from some houses, a small mud house in a corner came into vision. That was the sole mud house, rather a hut, in the whole village and looked distinctly desolate and poor. After inquiring with few villagers researcher came to know that it belonged to ZZ. She is a single woman abandoned by her husband who had migrated to the city as wage labourer. He had left four years back and ever since had not communicated with his wife. This married woman, regarded in the village as the most good-looking woman, abandoned by her husband, uneducated, poor and without proper means of livelihood, is trying to find her way out for survival.

The account that ZZ narrated during the interaction was painful and heartbreaking. Since the questionnaire had all sorts of questions for her including certain personal ones, she was being asked if she would like to go to some other place away from the gaze of the village where she would be comfortable to speak. She agreed and invited the researcher to her house. Her house was a proof of her pathetic economic conditions.

After the general questions, she was asked if she had ever felt sexually offended. She did not seem to understand. Then asked more directly if she had been ever raped to researcher's shock that she did not know what rape was. Aagain she was asked the same question, explaining a little, if she had been sexually forced upon or had intercourse to which she had not given consent. She answered that not just once, but many times so far. Men from the affluent families (usually the caste hindus) would forcefully enter her house at night and violate her body as and when they wanted. In fact her home was not the only place where she was violated. It happened more than once in the

fields. As a means of subsistence all she had was a cow. To feed her she had to take her to the fields of others. In many cases there would be a price. And she had just one thing she could pay with her body.

This woman has faced violations in more levels than one. One she belongs to the Dalit community, a community that has already been oppressed communally in the society. Second, she is poor and uneducated. This leaves her helpless and desolate in a world of sheer competition and individuality. Third, she is oppressed in the patriarchal universe of meaning making where the body of a woman, abandoned by her husband, is the space that is produced as something that can be authoritatively entered. Rape and sexual harassment in large numbers go unreported and unnoticed.

Narrative 5

Meerut town. researcher was inquiring with a random person in the town if any cases of Dalit atrocities had happened recently around in the area. He advised to go to the local police station. On being telling him that the researcher shall anyways do that. But in his information was there anything happening around. He asked about 'Randwa Register' incidences. researcher was shocked at both the words he chose to use and the casual way of using the same. He told that couple of years ago at different places in Meerut in a week's time about 50-60 people were killed in suspicious ways. Most of the bodies were found mutilated. When police began their investigation they found some common elements among them all. They all belonged to the dominant landowning class and all of these people were unmarried single men who had crossed the marriageable age. Also most of these murders took place in the

out-houses of the families located in isolated corners in different fields. Finding these similarities in the cases, the Police in a preventive measure started making a record of all such people in the village alive suspecting some probable threat to their lives. Such single unmarried older men of the village were known by the term 'Randwa' in the village and hence the register as maintained by the Police came to be popularly called 'Randwa Register'.

Land is the primary source of livelihood in this area. It was the major source of income and a mark of social prestige. Green Revolution escalated this importance to a far larger extent. These circumstances necessitated these families to keep their land intact and undivided which was expected to keep their families' wealth and social standing unharmed. A probable reason of this division would be the sons of their families getting married and having their independent families. In an attempt to stop these developments these families increasingly started following a common course of action. Atlast one son in each family would be left unmarried so that property-related disputes and divisions could be limited to minimum. The 'wife' of a married brother was supposed to be 'shared' among all the brothers. This would satisfy everyone's sexual needs and mitigate any chance of familial disputes.

This arrangement seemed to worked well as long as the newly born children grew up. When they grew and began to understand the anomalies in their families, they protested. At such times, the unmarried sons were sent to the out-houses far in the fields. Provided with a satisfiable amount of money for every month, they could lead their lives as they wanted as long as they did not interfere in the families. This is one reason why Meerut saw a fast

growing prostituion racket at this time. These would now easily take that recourse. However, problems began to rise when tasted this new life, their demands for money constantly grew. Families could now no longer bear this and also refused to pay at all at times. At such times these men began selling their part of the land for easy money. The intention of the families were getting mitigated and the whole plan was turning to a self-defeatist strategy.

The whole incidence of finding mutilated bodies with suspicious death conditions now fits into the story.

Narrative 6

In the course of interactions in different villages in Meerut, one afternoon a person whom the researcher was talking to told me about an incidence that had happened that very day in the adjacent village. Researcher was not very keen since that village he was referring to, though closely, was not a part of the district of Meerut. But his insistence on the severity of the atrocity researcher did visit the village.

Researcher reached by early evening. That morning woman belonging to a Dalit family in the village, had gone to the forest close to the river for fetching some wood. The forest was not unknown to her, she had grown up in it. She had also not gone for the first time. But this time was not like other days. This is a village dominated by Muslim Jaats known as the 'Mulle's. Though Muslim in religion, their primary identity was Jaat (marital relations were allowed with Hindu Jaats, but not with lower caste Muslims). Three Mulle young men found her coming alone out of the forest and forced themselves

upon her for their pleasure. Three men raped her and was threatened not to speak of the incidence to anyone.

Mentally shocked and physically humiliated, the girl narrated the incidence to her father who made an immediate decision to approach the Police. By this time the members of the dominant community had already approached the family with threats against going to the Police or talking to anyone about the matter. Threats grew as they came to know about the family's decision to go to the Police. All this had happened by the first half of that same day. By late noon, now, the girl was forcefully picked up from her home by the dominant community to the central place of the village. She was publicly and forcefully displayed there. Her clothes were torn off. And multiple number of men physically assaulted and raped her to the point of death. Her nude devastated body was tied with an old tyre to the carrier of a bicycle and carried all through the village as a mark of the strength of the Mulle.

researcher had reached the village that same evening and was indignant at the acceptance of the event by the villagers and their reluctance to speak to him about the same. Researcher felt that he shall never forget the look on the father's face that day.

On a subsequent inquiry, it was found that the three men who had raped her initially, had been arrested. Justice, however, was nowhere near.

Narratives from Mirzapur, Uttar Pradesh

Narrative 7

This village was quite apparently divided into two parts. The northern part for caste hindu villagers and the southern part was for Dalit population. In fact it was not possible for researcher to reach the southern part via the northern part inspite of roads being constructed. When inquired if untouchability was still practised in the village, most of the village answered in positive. Most of the practices related to untouchability that was regard now as past are still common in this village.

In an extended conversation, researcher asked about migration. researcher wanted to know if young people go out of the village to work, in the urban areas. They say that most of the young men did go out to big cities for work. Then researcher asked if they brought back new stuff from these cities to their families. They said they did bring new gadgets, tv, radio, clothes etc from the cities to their homes especially at the times of the festivities. Further, asked them if they did show the 'other' village these new things. They said they never went to the other side wearing new clothes. They also explained me why. They said that most of the people in the other part spent their time in the local paan shops etc in the village. Whenever a Dalit would pass, they would spit on them or tear their clothes sometimes. This would have a higher probability of happening if they were seen in new clothes. So these small bits of happiness, the Dalits confined to themselves in their own parts of the village.

Narrative 8

In the course of inquiry, researcher went to meet a Dalit teacher in the village who taught in the village school itself. He took private tuitions at home in the evenings. Researcher reached his home at that opportune time.

On being asked, led by researcher previous interviews, if the Dalit children needed to get their own plates to school for the mid-day meals. He surprisingly denied. He said that all children could eat together side-by-side in the same utensils. Here, the children responded from the backdrop that they were not allowed to eat together or in the same utensils. In an attempt to keep his dignity in front of me the teacher had tried to put a picture of caste equity in his school. By this time the class was called off and the children were let go. The person who had accompanied researcher to the teacher's house and who is also a parent of a child in his school, told to ask him if he himself was as free in the school as the other teachers, especially caste hindus. Free from the children, Now he was more comfortable in his talking. He submitted to the gross humiliations he faced in school every day beginning with needing to have a different glass for drinking water to maintain the purity of the rest.

Narrative 9

One terrible and inhuman practice came to researcher knowledge during field study in this district. Whenever someone dies in a Dalit home, this brings 'impurity' to that household. In popular language this is termed as 'chutka padna'. This must be undone by feeding the whole village one day (generally

eleventh day of death or as particularly decided). This is common to most of the village households. What was new in this practice is that a part of the food, indeed a small part, is prepared in kerosene oil and is fed to the members of the family. This inhuman practice aims at purifying the already impure, and therefore doubly impure, Dalit household.

4.3 Understanding the atrocities

Sudipta Kaviraj (1997) has asserted that paradoxically the caste system had been seen as the best illustration of the strange and peculiar immutability of the Indian social order. It lay at the basis of all rumors of invincibility of the 'village community', since castes obviously existed at the time of the Vedas as indubitably as at the time of independence. 19 Yet it was also indubitably changing and restructuring itself under the pressure of electoral politics. New caste categories were being introduced into the language of politics: the Scheduled Castes, a constitutional innovation and suggestion, which was initially a caste for others, generally came to constitute a caste for themselves, a self- described and self- conscious agent of modern political action. ²⁰ Kaviraj argued that in Indian society, there is plentiful trace of historical changes in the caste structure. Most often, political power could alter the internal values of the caste system to some degree. Upstart rulers, often coming from the lower strata of caste usually found obliging Brahmins willing to read the doctrine the other way round and enunciate that those who wielded political power must be treated as virtual Kshatriyas and anoint them into a dubious but functional title to kingship. And there by the system bought

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 $^{^{19}}$ Sudipta Kaviraj, *Politics In India* (New Delhi: Oxford University Press, 1997) 20 ibid.

reprieve from destruction at the hands of those who come to acquire political power.21 He supposed that the logic of industrial development and the logic of democratic citizenship were both to work as a combined logic of individuation, dissolving primordial identities like caste and religion. However Prof. Kaviraj found that in actual happenings the introduction of democratic political processes exhibited a surprising deviation from entirely plausible picture. And the logic of electoral politics, instead of cutting at the identity and memory of caste practice, tended to remind people of them, which we can also see in the above cases. As the narratives also tells, the earlier community of asserts Kaviraj, exerted their consolidate resistance untouchables, now highlighting the idea of exploitation associated with social indignity and to confer on themselves a self- description as Dalit groups.²²

In this context, it becomes a pre - requisite to investigate about the how the significance of these political trajectories. Gopal Guru (2001) has argued that in the political arena, categories have a trajectory of their own. They travel along a path full of challenges, counter-challenges, contradictions and transformations.²³ That is why these categories and their labels change their meaning, connotation and significance from time to time and place to place, depending upon the specific socio- economic and ideological context and the politics of the users who formulate them. It is this rootedness of categories in their specific contexts and therefore in the people's consciousness that decides their nature. Since this consciousness involves progress and regression, the categories cannot be thought to be concrete and given, permanent and infinitely

²¹ ibid.

²² ibid

²³ Gopal Guru, "The Language of Dalit - Bahujan Discourse," *Dalit Identity and Politics* (New Delhi: Sage, 2001) 45.

exclusive or inclusive.²⁴ Yet in the domain of politics, these categories do not acquire an arbitrary character, they are not an aimless or passive representation of the world out there but are conscious constructions with either a positive or negative agenda as chalked out by their users.²⁵ Further, he has argues that a 'liberal' trend amongst a group of scholars, believe that it is the ancient Hindu reactionary traditions and the deep rooted prejudice against Dalits by the upper castes which has led to the protest from them.²⁶ Criticizing against this trend, he argues that it is an obscurantist's Hindu tendency to assume that the Dalit movement is limited to achieving the partial advance that it has in the socioeconomic, civic and political fields within the existing social order, without any thought regarding its radical transformation in other respects.²⁷ When Indian society was trying to release itself from the feudal ethos on that transitional process, dalits who were aspiring for the mobility of various kinds had gone through a process of emulation and Sanskritisation. He says that there is a usual tendency to view Sanskritisation as a cultural process as it had important structural ramification in that the protest orientation and counter mobilization were necessary attributes of Sanskritisation movements. But the total marginalization and annihilation of the rural dalits, Hinduisation of dalit mass and the growing crisis of the Indian welfare state fermented the questions about social mobility and relative deprivation.²⁸ Citing example of the happenings in the rural areas where the upper castes are committing brutal atrocities on the dalits and the derogatory and repressive state response, Dalits

²⁴ ibid.

²⁵ ibid

²⁶ Gopal Guru, "Dalit Movement in Mainstream Sociology," *Economic and Political Weekly* 28, no. 14 (1993).

²⁷ ibid.

²⁸ ibid

do not feel the sense of relative deprivation but of total alienation and exclusion and feel the threat of physical liquidation.²⁹ He emphatically documents the fact that Dalits are completely alienated from the resources like land water and other agricultural implements. Hence Guru asserts that the Dalits do not find any access to either the natural or human resources on the one hand and feel totally marginalized from the so called decentralization of political power in rural India on the other.³⁰

This is where the concept of social justice for Dalits hold significance. Marc Galanter in his book, Law and Society in India (1989) has aptly pointed out,

> We can visualize the judiciary as mediating between the Constitution's commitment social to great transformation and the actualities of Indian society. The court combine and rationalize various must the constitutional components of the commitment voluntarism and respect for group integrity on the one hand, and equality and non-recognition of rank ordering among groups on the other.³¹

4.4 SUMMING UP

Dalit atrocities emerge from the historical social order based on birth and caste hierarchies. Though the underlying logic remain the same, their nature and intensity has found new meaning. Now the ways find its expressions in the modern forms of Dalit assertions through legal and political institutions. The

²⁹ ibid.

³¹ Marc Galanter, Law and Society In Modern India (New Delhi: Oxford University Press, 1989), 181.

focus has entirely been on eradicating the physical characterstic of untouchabily and discrimination. What is missed in this process is the conscious or sub - conscious adherence to the societal norms of discrimination.³² Narender Kumar argues,

Thus, biased cognitive categories may persist in society and consequently, in the public institutions resulting in a modern and subtle/ sophisticated form of prejudice that might persistently shape individuals' cognitive, affective, and behavioral responses towards a particular group.³³

To understand the subtlety in the discrimination process, it is important to go beyond the idea of an institutional approach and bring the understanding of engagement with the lived experiences of the Dalit populace. The present chapter, through the narratives of the Dalits in the Meerut and Mirzapur district of Uttar Pradesh has tried to show the exact picture in which the different form and intensity of atrocities work in a manner which cannot be always captured by the legislations of the state. The logic of atrocity now functions inside the institutional structures. For instance, the state system facilitates the Dalits to reach to the highest position in the government sector, but it does not eradicate the possibility of discrimination with the person concerned. These kinds of atrocities could be seen in the denial of promotions or equal pay, despite meeting with the required eligible qualifications, or in the university space where a Dalit student or a teacher is not given the same

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Narender Kumar, "Mindsets, Memoirs, and Untouchabilty: Veracity Beyong Conventional Structures," in *Unequal Worlds: Discrimination and Social Inequality in Modern India*, ed. Vidhu Verma (New Delhi: Oxford University Press, 2015), 195.
 Ibid.. 6 - 7.

opportunity or responsibility as a caste Hindu would be given, even if the former has more eligibility for the work. Keeping this as the frame of reference, the next chapter analyses the state legislations and argues for building a tirade relationship between state, Dalits and non - Dalits to understand the phenomenon of atrocities.

CHAPTER FIVE

DYNAMICS OF RESISTANCE TO ATROCITIES ON DALITS

The root of untouchability is the caste system; the root of the caste system is the religion attached to Varna and ashram and the root of varnashram is Brahminical religion; and the root of Brahminical religion is authoritarianism or political power.

- B.R. Ambedkar, Annihilation of Caste

The previous chapters show the rising incidence of atrocities and its changed nature on Dalits. Each act of atrocity is done to preserve the status quo of the dominant castes. However, over the year the Dalit community has not only rose above this atrocious and unconstitutional behaviour, but has also become increasingly aware of their rights. This new awareness partly the result of political assertion and some economic upliftment has helped them in building their new consciousness and resist the atrocities committed against them. The state on its part has also played a pro-active role in addressing the problems of the Dalits. In this regard, various legislations enacted from time to time have played a crucial role in safeguarding the Dalits' interests. Awareness about these rights have helped the Dalits in exercising these rights as guaranteed by the Constitution and safeguarded by the state. However, the dominant castes being felt challenged by these laws that are aimed at uplifting the Dalits have adopted different

tactics to trespass these laws. Moreover, it is difficult for Dalits to make use of their newly attained awareness because exercising of the rights also means facing humiliation, ostracism, and even physical assault.¹

In light of these developments, the present chapter discusses how Dalits have resisted to the rising number and intensity of atrocities against them in two districts of Meerut and Mirzapur of Uttar Pradesh. Also, the chapter explores the extent to which the state's interventions in the form of various pro-Dalit legislations have benefitted the Dalits in these districts. Finally, it examines whether the strong presence of largely a pro-Dalit party – the Bahujan Samaj Party (BSP), which has been able to assume power for an impressive four times in the state, has helped them or not.

5.1 Dalit rights in colonial period

Unlike the post-independence responsive Indian state, the British controlled Indian state was inimical to the Dalits' grievances. The colonizers' policy was not to interfere with the customary relationships among different strata of the Indian society, especially the one concerning the upper and the lower strata. In the absence of any state intervention, the Dalits were to bear the brunt mainly in the form of ritualistic social discriminations. In other words, legal system of British India supported the subordination of untouchables by supporting certain aspects of caste order. Courts granted injunctions to restrain members of particular castes from entering temples. Sometimes

¹ Shah et al., Untouchability, 137.

compensations were awarded as in the case of Andrav Bhikaji Phadke vs. Shankar Dajicharya (1883) for purification ceremonies necessitated by pollution caused by the presence of lower castes.² In Sankaralinga Nandan vs. Raja Rajeswara Dorai (1908) the Privy Council upheld the exclusion of chamars from temples and granted damage for its purification after a careful scrutiny of their social standing.³

Thus the British criminal law as practiced in India was extraordinarily attentive to religious sensibilities. While deciding on the case about an untouchable Mahar who entered the enclosure in Atmaram vs. King-Emperor (1924), the judge cited a case which was decided in 1880. According to it, "where custom..... Ordains that an untouchable whose very touch is in the opinion of devout Hindu is pollution, should not enter the enclosure surrounding the shrine of Hindu God." And such entry was booked as a case of defilement and violation under section 295 of the Penal Code. These cases reveals a judicial notion of single articulated Hindu community in which there were authoritative opinion supplied by custom and the guided by the main text.

The second aspect of judicial support is found in instances where members of higher castes undertook themselves to "enforce" their prerogative against lower castes and later on got scot-free by attempting to invoke judicial protection. In fact, those parts of the criminal laws protecting religious

² https://indiankanoon.org/doc/441332/ (accessed January 2, 2016).

³ https://indiankanoon.org/doc/441330/ (accessed January 2, 2016).

sensibilities did not serve to protect lower castes from enforcement of higher castes. For instance, in Oudh, the Brahmins tore the sacred thread from the neck of an 'Ahir' 'Sheoshankar' who had lately started to wear it. He went to the court, and the case (Sheoshankar vs. Emperor Case), the court ruled that since he was a sudra, the wearing of it was not "part of his religion" vis-à-vis other Hindus. For the person, wearing that thread was nothing less than an assertion of a claim to higher rank irrespective of his birth. Therefore the judgment actually did not offend his religious susceptibilities, but marked a bolt on his dignity. Had the thread been torn by a non-Hindu, then it would have been an offense primarily on his religion.⁴

The above cases show that the legal system of British India was very much in favor of the caste hierarchy and did not take any considerable action to protect the oppressed casted from the upper caste domination. In fact, it is important to recall from the second chapter, that every social reform aimed at eliminating or lessening the effect of caste oppression was initiated by social reformers, or was the continuance of the syncretic traditions.

Nevertheless, the things started changing, though very slowly. It was only after 1909 that the fear of diminished Hindu majorities, and proposal for special legislative representation for "untouchables' propelled "Untouchability" from the realm of philanthropy into the political arena. In 1917, the Indian National Congress reversed its long standing policy of excluding "social"

⁴ Sheo Shankar v. Emperor, A.I.R., 1940, Oudh, 348.

reform" from its program to pass a hesitant anti-disabilities resolution. It read,

The Congress urges upon the people of India the necessity, Justice and righteousness of removing all disabilities imposed by custom on the depressed classes; the disabilities being of a most vexatious and oppressive character subjecting those classes to considerable hardship and inconvenience.⁵

Similar resolution was passed by the Bombay legislative Assembly. Anti-disabilities bill was brought in Central Legislative Assembly in 1932-33. Madras legislative assembly brought a similar bill in 1938 and ultimately Madras temple entry authorization Act was passed in 1947. Following the mood, almost all the provinces passed Acts. Though these acts did not bring revolutionary change in social life of untouchables, they helped to stop the legal support to caste based oppression to a certain extent.

However it was only after the enactment of the Constitution of independent India, an attempt is made to provide social justice to all and make a pool of equitable resources rather than following the thesis of formal equality of everyone before the law. Keeping this as a frame of reference, the next section discusses the state response concerning Dalit issues and their

⁵ Cited in B.R. Ambedkar, What Congress and Gandhi Have Done To Untouchables (New Delhi: Gautam Book Centre, 2009), 1.

subsequent impact on the improvement of their material and social conditions.

5.2 Indian State and civil⁶ rights of Dalits

Various pro-Dalit legislations which were enacted post-1947 have resulted in increased consciousness and bold assertiveness on the part of the Dalit community.

Dalits being situated at the very bottom of Indian society had faced one of the most pernicious forms of subordination to be encountered anywhere in the world. The earlier ritual-based discrimination has now assumed the form of outright 'violence'. According to the 3rd Annual Report of the National Commission for Scheduled Castes and Scheduled Tribes, though the number of atrocity cases reported during 1979 and 1980 has indicated a downward trend, the gravity of the problem can be assessed from the serious nature of offences like gruesome multiple murder of SCs, rape of their women, arson, and other criminal activities resulting in the loss of property and physical incapacitation during these years. Also, this downward trend continued in subsequent years with the number of cases declining from 4303 in 1980 to 4085 and 4087 in 1981 and 1982 respectively at the national level.

⁶ Here, the meaning of Civil is taken as is used in the book *Untouchability in Rural India*. "In this study, civil rights are defined as the legal rights of citizens, as specified in the Constitution and guaranteed by the state, that helps secure the values of positive liberty." Shah, *Untouchability*, 136.

⁷ 3rd Annual Report of the National Commission of Scheduled Caste and Scheduled Tribes, 1981.

However, at the state level, Uttar Pradesh saw a mixed trend with a considerable increase from 191 in 1980 to 224 in 1981 and a subsequent dip to 186 the very next year.⁸ It has been observed that with the improvement in the socio-economic and political conditions of these people, such heinous crimes have increased.

In light of this sorry state of affairs, the Government of India has passed many legislations and made rules for their effective implementation so as to properly address the problems faced by the Dalit community. In fact, taking note of the dreadful conditions of living, the laws were also made more stringent and dynamic to better cope with the changing nature of violence.

As these state interventions are very significant, it is important to evaluate and analyses the success and failure of such laws in the changing context. In this context, the specific laws that are to be examined are as under:

- 1. Constitutional provisions and Abolition of untouchability
- 2. Parliamentary Acts of 1955 and 1976
- 3. Parliamentary Acts of 1989 and Rules of 1995
- 4. Parliamentary Act of 2016

⁸ 5th Annual Report of the National Commission of Scheduled Caste and Scheduled Tribes, 1983.

5.2.1 Constitutional provisions and abolition of untouchability

The new Indian constitution abolished untouchability with a stroke of pen through the enforcement Art. 17 which falls under the Fundamental Rights of the constitution:

Untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of 'untouchability' shall be an offence punishable in accordance with law.

Moreover, the Parliament is authorized to make a law prescribing a punishment for this offence (Art. 35) and in exercise of this power parliament enacted the Untouchability (offence) Act 1955. The constitution goes beyond this by refusing to recognize not only "untouchability" but also discrimination based on caste, race, religion, sex or place of birth. Art. 19(5) says that scheduled castes have every right to purchase property anywhere and also to settle down and carry out any trade or business in the way they like and there shall be no restrictions on their legal occupations and movement. Further, Article 25 reads, "The Hindu religious institutions of a public charter will be thrown open to all classes and sections of Hindus". And in the provision of Article 29 of the constitution, it was stated that admission of a student to state run, managed or assisted educational institution shall not be denied on the basis of caste, creed or religion.

By Articles 330 and 334, seats have been reserved for the Scheduled Caste candidate in state legislature and also in the Parliament. Article 16 and 335 provides for the obligation of the state to consider their claims in the making of appointment to public services and reservation for them in case of inadequate representation. Art 338 and 5th schedule to the constitution say that for looking after their interest and welfare special officers will be appointed and special department will be opened.

5.2.2 Untouchability (Offences) Act 1955

Since constitutional safeguards were not enough to control the offences against Dalits, the Untouchability (offence) Act 1955 was passed by the Parliament. However, it is noteworthy that the Untouchability (Offences) Act, 1955 and Protection of Civil Rights Act, 1976 have been enacted to deal with mild offences that primarily emerge out of social disabilities only. Also, the punishments prescribed for these crimes are not much in tandem with the severity of the crime committed.

The Untouchability (Offences) Act, 1955 declares certain acts as offences when they are committed on the ground of "untouchability". It prescribes punishment for:

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

The Act also says that molesting, annoying a person, organizing a boycott or taking part in the ex-communication of a person who has exercised rights accorded to him as a result of the abolition of untouchability comes under the gambit of an offence. Further, the Act states that the imposition of disabilities is made a punishable crime with a provision of fine up to Rs. 5001 or imprisonment for a period of six months or both. Higher penalty has been prescribed for grave offences. Moreover, the Act contains one novel and notable feature, that is, the burden of proof lies with the accused and not with prosecution. An explanation was added to section 50 making a public servant who willfully neglects investigation of an offence, liable for punishment as an abettor. Section 7A was added making unlawful compulsory labour on the ground of untouchability as an offence.

This Act came into force from June 1, 1955. The experience of implementation of the Untouchability (offence) Act, 1955 showed that there were certain loopholes which made the implementation of the Act difficult. The loopholes are visible in the immediate escalation of the crimes done by the dominant castes on Dalits. The National Commission for SCs and STs

⁹ Untouchability (Offence) Act, 1955.

in its First Report of 1956-57 reported about the 'complaints of offences' for the first time. In that report, the commissioner provided six examples of what he considered to be justified complaints. He also included five cases where the facts were 'exaggerated and distorted'. The commission reported 203 cases of violence in its 1968 report. Interestingly, out of 203 cases, only 35 got convicted, however, 39 got acquitted and 52 were compromised. Thus, it is apparent that the rate of conviction was very low and the numbers of offences have gone up from a mere eleven in 1956 to 203 in 1968.

Secondly, the severity of crime has also increased. The total number of murders of SCs in 3 years of 1967, 68 and 69 was 1112 for the whole country and 556 in UP and M.P. only. By the time of twenty-first report of the National Commission (1971-73), the perception had changed so much that a larger complaints section was restyled as "cases of atrocities and Harassment"; and the term "Harijan Atrocity" become the part of vernacular newspaper. In this context, Government of India (Department of Social Security) constituted a committee under chairmanship of L. Elayaperumal to study "the various aspects of untouchability in particular the working of the untouchability (offence) Act 1955"

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¹⁰ Report of National Commission for the Scheduled Castes for the year 1956 - 57, New Delhi: National Commission.

5.2.2.1 Elayaperumal Committee Report 1969

The observation of the Elayaperumal committee was that "we are constrained to point out that during the course of our tour, we came to know that copies of the act were not even available to many of the districts offices and that many government officials had no knowledge of the provisions of this Act." The report said that the Act was not properly and effectively working because of many loopholes, such as:

- 1. 1955 Untouchability (Offence) Act does not define the term "Untouchability."
- 2. The Act forbids the denial of facilities and services on the ground of untouchability. But it is necessary to prove that the denial of facilities and services is preceded by specific intention. It is difficult to obtain convictions since state of mind are difficult to prove.
- 3. The Act is equivalent in its coverage of facilities which are used by public and are not technically "Public".
- 4. The offences under this Act are treated compounded i.e., they can be settled by a compromise between the parties concerned. This provision reduced the effectiveness of the Act because the Scheduled Caste person has to live in a village, where he or she is a minority and poor, and the caste Hindus, by exercising undue pressure or threat, see that a "compromise" is

reached. Therefore, it was necessary to amend the Untouchability (Offences)

Act 1955.

5.2.3 Protection of Civil Rights Act 1976

Based on the recommendations of Elayaperumal committee report, a bill to amend the Untouchability (Offences) Act of 1955 was passed by parliament and assented by the President in Sept.1976. This act called the "Protection of Civil Rights Act, 1976" extends to the whole territory of India. This Act provided elaborate definition of the terms used in it, unless the context otherwise require.¹¹

This Act provided elaborate description of all kind of disabilities and prescribed punishment for enforcing them. For instance, punishment for enforcing religious disabilities was imprisonment for a term of not less than six months and not more than five hundred rupees. Similar punishment was prescribed for enforcing social disabilities i.e. prohibition regarding the access to shops, public restaurants, Dharamshalas, hospitals, and other offences, which are arising out of 'untouchability'.

Whoever prevents any person from exercising any right which has been provided to him or her by the Constitution of India by reason of the

boarding house, a lodging house, a coffee house and a café. Similarly, it defined the place of public worship, shop, etc.

or public worship, shop, etc.

[&]quot;Civil Right" means any right occurring to a person by reason of abolition of "Untouchability" by Article 17; "Hotel" including a refreshment room, a boarding room, a

abolition of 'untouchability' under Art 17 of the constitution, or injuring or boycotting, insult or attempt to insult, refuse to permit such person to use, or occupy any houses or land and refuse to deal with, shall be punished. Whoever commits an offence out of revenge for a person having exercised any right occurring to him by reason of abolition of 'Untouchability'? Here the punishment shall not be less than an imprisonment of 2 years and also with fine. Unlawful compulsory labour deemed to be a practice of 'Untouchability'.

Apart from penalty and imprisonment there were other punishments i.e., cancellation or suspensions of licenses in certain cases like trade and profession. Resumption or suspension of grants made by government to manage place of Public Worship, State governments were given power to impose collective fine and there was provision for enhanced penalty on subsequent conviction. This Act also says that it shall be duty of state governments to provide free legal aid to victims, appointment of special official and special courts and to carryout periodic survey about the implementation of these laws. Therefore, the objective of this Act was to remove all kinds of social disabilities and rebuild a healthy social structure. But by this time Indian society witnessed a great change in socio-economic and political condition of scheduled castes which led to a change in the dimensions of violence against them.

The laws discussed above compelled the *savarnas* to change their tactics, the phenomena of ritual untouchability was substituted if not entirely replaced by

caste based atrocities. This substitution depended on the knowledge of the law among the Dalits and non Dalits community. Where ever there was more literacy better access to legal services for the Dalit the ritual untouchability went down in terms of number but the but other forms of atrocities especially atrocities of higher intensity went up. The field work done for the purpose of this thesis in the Meerut and Mirzapur district of Uttar Pradesh shows that Meerut district which has higher literacy rate and relatively better life conditions and access to legal aid than Mirzapur has witness the substitution of ritual untouchability by atrocities of higher intensity.

When we look at the Report of National Commission for SCs and STs we find that highest no. of atrocities had taken place in 1980s. Compared to 1968 report when 203 cases were recorded; in 1981-14,847 cases were recorded. In 1984-16,586 and in 1987 alone U.P. and M.P. witnessed 10328 cases of atrocities against 'scheduled castes'. An average 15000 incidences of atrocities occurred throughout 1980s. Not only the volume of incidences had gone up but also nature of atrocities has changed significantly. National commission in its report of April 1990 found major reasons for atrocities since the 1980s are economic and political rather than purely social and cultural. Uttar Pradesh has shown steady rise in the caste based atrocities against scheduled caste. Looking back at the figure of 1980 and 1990s gives a clear picture of the situation and builds the concrete base on which the subsequent legislations has been passed.

Table 5.1 Incidences of atrocities on SCs in UP, From 1981 to 1992

Year	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990
No. of Incidences	3825	3977	3851	4200	4135	4697	5195	5670	4778	4891

Source: Reports of National Commission for SCs/STs from 1981-1993

The national commission for SCs/STs in its report of April 1990 found that major reasons for atrocities since 1980 are economic and political rather than social and cultural. The above table shows that there has not been any decline in the volume of atrocities thus it can be argued that hitherto socio-religious atrocities, now have been substituted by the atrocities of economic and political nature. It means the ritual based atrocities has gone down in numbers due the two legislations discusses above but society has invented new ways to escape the law and commit atrocity on Dalits in UP.

The national picture of these incidences includes killings of Dalits, rape of Dalit women burning of property of the members of Dalit community. These incidents are outside the definition of the two acts discussed previously. These are the new dimension of the Dalit atrocities. The table 5.3 shows that see there is two fold increase in the incidences of Rape and property burning; within a very short period of 3 years.

Total number of registered incidences including mild to heinous crimes in 1992 was 8000. It is also reported that around 12000 cased incidences remain unregistered that year. In the fieldwork done for the purpose of the study has noticed that many of the cases go unreported, especially cases related the violence

against women where reporting of the case hurts the status of the patriarchal family. With the changing nature of crime and tremendous increase in the number of incidence, it became inevitable to bring new legislations which are why 'The scheduled caste and scheduled tribe prevention of atrocity Act, 1989 was passed by parliament and subsequently the SCs/STS (prevention of Atrocities) Rule 1995 was made.

5.2.4 The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act 1989)

In the year 1989 an Act called 'The scheduled castes and the Scheduled Tribes (prevention of atrocities Act 1989) were enacted; and in the exercise of this Act govt. of India made rules in March 1995. These two legislations have been called as hard crime model legislation because of severity of punishment. Certain behaviour which were no offence up to the passing this legislation, were made an offence and severe punishment provisions were also made for enhancement of punishment for some offence, denial of anticipatory bail of potential offenders etc. While introducing the bill in Lok Sabha, the then minister of state of the ministry of welfare, Dr. Rajendra Kumari Bajpai said, "I have had occasion to tell this house regarding the recent trend in the increase of such offence against members of SCs and ST. We are witnessing today the sign of fruits of development reaching the SC and STs. But it is not all. With the greater spread of education and with the socio-economic condition improving, the relations in society sometimes come under tension as a result of this change. Higher caste groups sometimes do not like this change, and still they are not going to tolerate the

growth and development of those who were till now working under them. Sometimes tension erupts in locality; in such situation atrocities and variety of offences are committed on member of SCs & STs.The bill is intended to prevent then atrocities". 12

Let us took at some important features of this Act. Chapter two of the Act defines atrocity as "Forcing a member of the SCs/STs to drink or eat any inedible substance as the human excreta or acting with intention to cause injury, insulting an annoying by dumping excreta carcasses and other similar items in their locality, taking their cloths forcibly particularly of the women folk, forcibly dispossessing them of their land and keeping them as bonded labour and forcing them to do beggar, interfering in the rights guaranteed to them for representation in public bodies, through elections, utilizing legal process for causing harassment and injury by instituting false, malicious or vexatious suits or legal proceedings against them and subjecting their women folk to assault and sexual exploitation by person in position to dominate their will."

This Act identified 15 kinds of atrocities and prescribed punishment with imprisonment for a term which shall not be less than six for a term which shall not be less than six months but which may extend to 5 years and with fine. If a person gives false evidences which leads to the conviction of an innocent SC/ST,

¹² Lok Sabha Debate, Vol1. No.21, Wednesday, August 16, 1989, 60

¹³ Purane, 174

for life imprisonment or capital punishment. The person who gives or fabricates such false evidence shall be punished with death.¹⁴

- If a person commits mischief by putting fire or planting an explosive substance intended to cause damage to any property belonging to SC/ST, he is punishable with imprisonment for a term which shall not be less than six months but may extend to 7 years with fine. If the property is a building which is ordinarily used as place of worship or human dwelling, the punishment is life imprisonment with fine.
- If a person being a public servant commits any offence under this section, he shall be punishable with imprisonment for a term which shall not be less than one year but it may extend to the punishment provided for that offence.
- Punishment for neglect of duties is imprisonment for not to be less than six month but which may extend to one year.
- Enhanced punishment for subsequent conviction.
- Forfeiture of property of certain persons.
- Presumption as to offence.
- Removal of person likely to commit offence.
- Special courts for speedy trials.
- Special public prosecutor.

¹⁴ T.R. Naval, *Law of Prevention of Atrocities on the SCs and STs* (New Delhi: Concept Publishing Co., 2001) 113-124.

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After implementation of this act, and rising political consciousness among the Dalits of Uttar Pradesh (with coming of BSP in power in 1993) the societal tension reached to a new level in which the severe atrocities against Dalits rose tremendously. This law could be seen in the light of the statistics of 1992 which rank Uttar Pradesh as the highest in terms of crime against Scheduled Castes.

Table 5.2 Ranking of states in terms of crime against SCs during 1992

S. No	State/UT	No of Cases/lakh population	Total no of crime in total population	
1	Sikkim	87.19	20.92	
2	Gujarat	50.97	1559.68	
3	Madhya Pradesh	47.48	4570.89	
4	Rajasthan	28.97	2204.63	
5	Kerala	24.35	702.98	
6	Chandigarh	18.87	20.00	
7	Uttar Pradesh	16.71	4892.01	
All India		13.27		

Source: Annual Report National Commission for SCs/STs 1993-94 15

In the exercise of above power confessed by sub-section (i) of section 23 of the SCs/STs (Prevention of atrocities) Act 1989 central govt. made following rules on 31st March 1995.

¹⁵Annual Report National Commission for SCs/STs 1993-94. P156-157

Some of the important features of the SCs/STs (Prevention of Atrocities) Rules 1995 include precautionary and preventive measures by state government such as state government should order District Magistrate and Superintendent of Police to review the situation which might lead to the atrocities on Scheduled Castes and Scheduled Tribes in the state. The administration should take necessary steps i.e., seize of fire arms, Setting of up the SC/ST protection cell, appointment of special officers and special courts. A panel of senior advocate in the district shall supervise the prosecution, and submit a report about the performance of special courts. Information to police officer about any offence, if given orally, shall be reduced to writing and shall be entered into book to be maintained by that police station. A free copy of such information shall be given to informant and spot inspection shall be done by an officer not below the rank of DM, SDM, SP or DSP. The investigating officer should not below the rank of DSP appointed by state government.

The 1995 rules also provisions for constitution of a state level twenty five member—vigilance and monitoring committee including, Chief Minister, Home Minister, Scheduled Caste Members of Parliament and Chief Secretary of the state. There shall be district-level vigilance and monitoring committee also. To ensure that the justice is delivered to this section of society and their poverty do not come in the way as hindrance the 1995 rules also provisions for Travelling allowance, daily maintenance expenses and transport facilities to be provided to the victim of atrocity and his/her dependent and witness. The state shall every year before 1st July, forward the report to central govt. about the measures taken

for implementing the provision of the Act and various schemes/plans framed by it during the previous calendar year. This will help the union government and the Commission for SC/ST in the preparation of the Annual Report which needs to table before the parliament.

The reports tabled before the parliament shows that the violence done to Dalits are changing in its nature and intensity also the analysis of these cases done the chapter three of this work shows that atrocities on Dalits is an empirically observable reality of the social life in India an Uttar Pradesh in general and Meerut and Mirzapur districts in particular today. The response of these legislations has varied impact on the life of Dalits in these two districts of Uttar Pradesh depending on the socio-economic development of districts. Loopholes exists in the prevailing laws, which were concealed with the recent amendments to the Prevention of Atrocities Act, 1989.

5.2.5. Amending the law

The Prevention of Atrocities Act, 1989 and 1995 was amended and came as an ordinance in May 2014 under the UPA government. It was later notified under the label of "Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Rules, 2016." The following major changes have been made to the existing law:

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¹⁶ The complete rules can be found in the annexure.

- Rationalization of the phasing of relief amount payment to victims for various offences of atrocities.
 The rules also specify relief amount for various offences of atrocities.
- Not linking payment of any part of relief amount
 with the requirement of medical examination for noninvasive kind of offences against women like sexual
 harassment, gestures or acts intended to insult the
 modesty, to disrobe, voyeurism, stalking etc.
- Provision of relief for offences of rape and gang rape.
- Increase in the existing quantum of relief amount depending upon the nature of the offence, while linking it with the Consumer Price Index for Industrial Workers.¹⁷

Apart from these amendments, several new offences were added to the law. They include, tonsuring of head, moustache, or similar derogatory acts, garlanding with chappals, dedicating a SC/ ST woman as a devdasi, hurting her by removing her clothes, or blaming for witchcraft activities amongst others. These additions holds importance in the light of the more and more heinous crimes which are being committed today. The phenomena of Dalit atrocity today is more complex than

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¹⁷https://factly.in/new-offences-of-atrocities-speedy-justice-the-amended-sc-st-prevention-of-atrocities-act-comes-into-force/. (Accessed Jan. 4, 2017).

ever before, the Dalits are not only experiencing social discrimination rooted in caste hierarchy of Hindu Social order but at the same time they are into the line of crossfire between interventionist state and archaic society.

5.3 Dalit assertion: Triangular relationship between state, Dalits, and non - Dalits

The positive legislation done by the state added a new dimension in the relationship of Dalits and non-Dalits, and Dalits today. If one the one hand Dalits are seeking protection under this legislation and resisting savarna domination, others are busy in reinventing new ways to perpetuate their domination. The situation becomes even more complex with growing social and political consciousness among the Dalits of Uttar Pradesh. The increasing consciousness among Dalit has a bearing on the social relationship of Dalits and non Dalits. The conflicts among them are intensifying and incidences of violence are increasing. The state has tried to curb down the violence against Dalits by making laws discussed above but the effort has been proved insufficient, this is largely because of the lack will to implement such laws effectively by the executives who hail largely from non-Dalit communities. There is only one thing worse than injustice, and that is justice without her sword in her hand. The is also common complaints among non-Dalits communities that these laws are often misused whereas, the Dalit respondents in this research expressed their worries about miniscule prosecution and higher rate of acquittals in the cases of prevention atrocity Act and subsequent rule. Figure 5.1 shows the perception of the

respondents in both Meerut and Mirzapur. In both the districts, majority of the respondents believe in the law and that it will bring change in their conditions.¹⁸

16
14
12
10
8
6
4
2
No change in law

Yes change in law

Figure 5.1 Perceptions about change in Law

Source: Field Survey Data

This perception about law is further strengthened by the awareness about different Scheduled Castes commissions amongst the respondents in the two districts. Figure 5.2 gives a glimpse of this awareness ratio.

 18 The data has been collected from the field and compiled using different statistical methods.

AWARENESS OF SC COMMISSION 80 70 No of Response 60 50 40 30 20 Meerut 10 Mirzapur Not aware of Aware of No report to Yes reported national national Commission to Commission commission commission on SC on SC Types

Figure 5.2: Awareness about SC Commission

Source: Field Survey Data

However, there is still much need for this awareness to turn into action so that all the cases of Dalit atrocities could be reported or could brought to the notice of the commission. The accusation and counter accusation about the law compels us to study the triangular relationship among Dalits, Non-Dalits and State in the context of resistance to Dalit atrocities.

Different theories and perspectives re-view the meaning and implications of sanskritisation. The replication of upper caste practices among the low-ranked caste groups indicates, as Moffat (1979) elaborates, a form of consensus which largely accounts for the reproduction of both the culture of the caste (with its norms and ideology of purity, pollution, hierarchy and differentiation) and the system (of exclusion, identification, rules and regulations) across generations and in different spaces. The implications or direct results of such a process are

that even the positive characteristics of Dalit culture and society are being eroded. The outstanding example of such a process is the decline of bride-price and the adoption of the practice of dowry among Dalit groups and the subsequent decline in the status of women among these groups. Barring the cases in which some low-ranked castes in Kerala have drawn on cultural, religious and political mobilization to contest and overcome indignities, most other attempts to challenge caste-based atrocities have been only partially successful. Dube observed this among the satnamis of north India, who even as they formed and charted new organizations which challenged untouchability, "also reproduced the significance of meaning(s) and power embedded within the ritual schemes of the caste order" 19

Currently many dalit activists and intellectuals deny the hold of sanskritisation over scheduled community members and assert their march towards modernity. However, not recognizing the hold of sanskritisation and its implications for the reproduction of the caste system and of subjected identities is myopic. Some scholars see such emulation of upper caste norms as a reproduction or replication of the caste system and link it to the assertion of identity and to attempts towards status parity with recognized superiors.²⁰

The socio-cultural protest of Dalits and assertion of their political identity operates at various levels. At the village level, it finds expression in "everyday

¹⁹ A.R. Vasavi, "Caste Indignities and Subjected Personhoods," *Economic and Political Weekly* 41, no. 35 (2006):3770-71.

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²⁰ Karanth, 2004

forms of resistance", through informal means, through litigation, etc. Politically, the protest expresses itself in the form of search for an alternative: their own socio-cultural organizations. Political parties or leaders. In cultural field, it is expressed through adherence to and emulation Ambedkarism, sometimes resulting in conversion; through setting up temples of Ambedkar or Ravi Das. Sometimes, the protest results in caste-clashes. The issues related to dalit protest and their identity sometimes are picked up by the dalit organizations, individuals, and political parties and extended up to the district level.²¹ Figure 5.3 shows that there have been protests and resistance by the Dalits to assert their rights and identity.

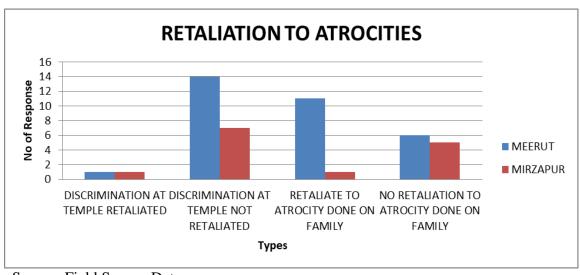


Figure 5.3: Retaliation to atrocities

Source: Field Survey Data

The jatavs, as we have seen, are politically conscious, and play an important role in local and electoral politics. Because of their numerical

²¹ Jagpal Singh, "Ambedkarisation and Assertion of Dalit Identity-Socio-Cultural Protest in Meerut District of Western Uttar Pradesh," *Economic and Political Weekly* 33, no. 40 (1998): 2611.

majority and their better economic position, they are able to harass the MBCs. In fact some respondents in Behzadka felt that the Dalits were now almost equal to the high castes and it was only the MBCs who are backward. Others pointed out that the Dalits could put up Ambedkar's statue wherever they found an open space and were free to do as they wanted. Nobody dared to stop them. An MBC respondent, a school teacher, alleged that they are not allowed to vote by the jatavs in Khanauda, and by the dominant castes in the other villages. As an MBC respondent of Khanauda village complained,

My vote was cast by them (Jatavs) forcibly in the last election (1993 assembly elections) in favor of a jatav candidate. When I asked about it they were ready to fight. If we wanted we could have asked for a repoll in our village, but I did not want to be marked and face problems later, so I suppressed my feelings and sat at home.²²

As a jatav respondent of village Maithana explained,

The BCs follow/depend on a particular caste and are slaves to them. They live and vote according to their dictates. They do not vote with the jatavs even in the

²² Sudha Pai, "Dalit Assertion in UP-Implications for Politics," *Economic and Political Weekly* 32, no. 37 (1997): 1360.

elections. In fact they do not exercise their franchise; their votes are cast by the high castes with which they live. Balmikis, on the other hand, standing at the lower end of the caste/class hierarchy, accuse both the MBCs and jatavs of infringing upon their rights. While the former oppress them, the latter do not let them vote independently. They allege they do not get any help from the government and complained that their wells, and even in the case of one of the villages, their cremation site has been usurped.²³

The Dalits of western Uttar Pradesh, particularly the jatavs, have resorted to diverse means to register their protest and also achieve improvement in their living standards. Religious conversion, supporting mainstream political parties or parties having dalit leadership and launching socio-cultural organizations are some of the strategies adopted by the jatavs to redress their grievances. Though, currently, the Bahujan Samaj Party commands the allegiance of a large number of jatavs, it should not be overlooked that the roots of self-assertion of jatavs of western UP go back to the process of Ambedkarisation initiated by the Republican Party of India in the 1960s.²⁴

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²³ ibid.

²⁴ Jagpal Singh, "Ambedkarisation and Assertion of Dalit Identity-Socio-Cultural Protest in Meerut District of Western Uttar Pradesh," *Economic and Political Weekly* 33, no. 40 (1998): 2611.

Also, it should be realized that the different ways of protest do not come by itself, the support of different political party and the official machinery which is contacted during an attack by caste Hindus play a significant role on the course of Dalit Resistance. As Figure 5.4 tells us, in Meerut 33 percent, and 40 percent in Mirzapur district prefer to contact the Mukhiya or the Sarpanch of the village to end any fight between the two communities. Thus what becomes important to understand here is that the burden to solve or avoid any kind of conflict again falls on the shoulders of the state and its machineries. This cannot be possible only by formulating policies for the welfare of the lower castes, instead those policies need to be implemented from the below.

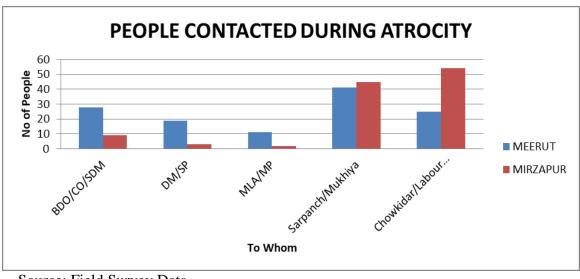


Figure 5.4: People contacted during atrocity in Meerut and Mirzapur

Source: Field Survey Data

The Dalits protest against the oppression/ exploitation through' every day forms of resistance' informally organized ways, litigation or political intervention. The rural rich oppose the resistance/protest of the Dalits by imposing sanctions against the latter: they are not allowed to defecate in the fields, to cut grass from

their fields, are prevented from passing through the boundaries of their fields, asked to pay the debt then and there itself; and in case of the small and poor peasants - they are deprived of the basic agricultural amenities, they are not provided with water from the tube wells of the rural rich.²⁵

MODES OF PROTEST

FIGHT FOR AMBEDKARS STATUTE
HELD MEETINGS
COMPLAIN TO PANCHAYAT
FORM GROUPS

6%

6%

5%
6%

39%

Figure 5.5: Modes of protest

Source: Field Survey Data

Even assertion of cultural or political identity of Dalits, which is expressed through installation of Ambedkar's statues, taking out processions to mark celebration of his birthday, etc., is met with opposition often resulting in caste clashes, leading to imposition of sanctions against the Dalits. The harassment/oppression of rural Dalits gets minimized to a large extent in the villages where they have some alternative means of livelihood either because of

25 ibid.

the nearness to the main city or due to the availability of some cottage industry at the village level. This is also true of those villages; where they form a large section of population and have alternative means of livelihood, and the villages which have the zamindari background. The presence of these factors, however, does not eliminate the harassment/oppression of the Dalits completely. Such alternatives do not eliminate all kinds of dependence. But the harassment/oppression/exploitation of the Dalits is more intense in the villages which have the bhaichara background.

If one is to believe the reports from the National Commission for Scheduled Castes (NCSC), Uttar Pradesh is among states with a higher percentage of atrocities on Dalits. Ironically, this is what the Chairman of National Commission for Scheduled Castes (NCSC), P L Punia claimed. This truly goes against the image of Uttar Pradesh as a Dalit-ruled state. One may also question whether political ascendency is enough to curb atrocities on Dalits at a social level – in brief is politics a hundred percent effective remedy against social ills? ²⁶

The end result of such persistent and widespread humiliation and indignities is that a majority of scheduled communities' persons experience what Shotter identifies as "the lack of opportunity for being." Such a process or marking highlights the combination of a cultural and political economic ethos in which

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²⁶ A.R. Vasavi, "Caste Indignities and Subjected Personhoods," *Economic and Political Weekly* 41, no. 35 (2006):3770-71.

²⁷ John Shotter, and Kenneth J. Gregen, *Texts of Identity* (London: Newbury Park, 1989), 162.

scheduled com-munity members are constantly in a state of contest with others for the "very nature of (their) being, for the kind of person(they) would feel (they) would like to be."28 Given these trends and conditions it is urgent that the further erosion of the personhood of dalit youth be halted and Dalits be scaffold into an agenda in which their agency and sense of self-worth is asserted. The importance of personhood as "a status conferred upon one by others, and if others do not take one's expressions of self seriously, if they do not respond to your utterances and other expressions as you intend, then you are being denied your opportunity to be a person - you are being degraded and humiliated,"29 needs to be given due recognition. Challenges to subjected personhoods should lead to the possibility of enabling all scheduled com-munity members to craft their identities in order to realize their abilities and interests. Yet, this cannot be an individualized endeavor, and it must be recognized that the formation of personhoods is a dynamic and relational process,³⁰ and it is the larger society and its institutions that must scaffold this process. Some forms of resistance to the system, alternative identities and political mobilization among Dalits are now on the horizon.³¹

This assertion is not only through the political participation in the government, but also through asserting their right to get education and work with dignity. The previous chapters show the rising literacy rates of Scheduled Castes

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²⁸ ibid.

²⁹ ibid., 7.

³⁰ J. Giovanola, "Sibling involvement at the end of life," *Journal of Pediatric Oncology Nursing* 22, no. 4 (2005) 222 - 6.

³¹ Gerad Clark, "Non - Governmental Organisations and The Politics in Developing World" *Political Studies* 46, no. 1 (1998): 36 - 52.

and Scheduled Tribes and their improved role in the job sector both in private and government sphere. Apart from this, Dalit literature and autobiographies play a crucial role in the formation of a Dalit identity and the writing of their histories. Ramanarayana Rawat, and Satyanarayan has captured the essence of the role of these literature,

Dalit vernacular narratives in the twentieth century have conceptualized the category of humiliation not merely as personal but also as informing social and political processes like nationalism and Dalit struggles for personal and political dignity. Drawing from their own individual and collective struggles and activist backgrounds, Prasad and other Dalit authors writing in Indian languages offer an analysis of human dignity, and they echo Charles Taylor by insisting that they are engaged not only in a political project but also in a historiographical one.³²

For instance, the two important Dalit autobiographies are Tulsi Ram's *Murdahiya*, and Om Prakash Valmiki's *Joothan* are not just two different books about individual struggles to lead a peaceful and dignified life, instead they are the voice of the oppressed communities, their everyday problems, and a way to make their voices heard. Autobiographies, in this sense, go beyond the conventional story telling process and reflects a larger phenomenon of writing

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³² Ramnarayan S. Rawat, & Satyanarayana, Eds., *Dalit Studies* (London: Duke Press University, 2016), 2.

historiography from a Dalit perspective. Murdahiya is set in the eastern part of Uttar Pradesh, and is a place where dead bodies of both human and animals arrive and which Tulsi Ram's says, "is the center of Dalit's existence." 33 On a similar platform, Joothan, refers both metaphorically and literally, to the condition of the Dalits being treated as leftovers from a meal. The common ground of both the autobiographies is the struggle which has to be faced to first enter the primary school and then complete the education. Through this journey, a wide range of issues has been encompassed, shown, addressed and negotiated. However, what outshines everything is the resistance meted out by the respective authors in completing their journey to get education and enable themselves to emancipate others from their community. The problems faced, and the struggles and resistance offered as counter measure helps us to understand and realize the harsh reality and the structural power which is at play in the society. And how this hierarchy actually hinders in the implementation of the many welfare policies which are available to the Dalits. In other words, they have been engaging in the critique of a the popular notion of writing and reading history and negotiate to provide their idea of respect and dignity. This has been largely possible with a long overdue recognition of Ambedkar as an icon of the community and his message of "educate, organize and agitate" are now being recognized as a clarion call to emancipation. And, enunciations and calls for recognizing their rights have become most strident. But the challenge remains as to how Dalits can craft identities and personhoods that will draw on their own defiance of inequality, retain the strength

³³ Tulsi Ram, *Murdahiya* (New Delhi: Rajkamal Prakashan, 2010).

and advantages of their own culture and mold this with the ideals of modernity so as to generate a culture that is oppositional to caste culture. It is to enable such possibilities and in understanding and seeking to address these multiple forms of indignities and their impact on the subjected personhoods of dalit youth that institutions must strive towards. Continuing to support this until these subjected personhoods are challenged and a sense of independent identity and personhood for every student has emerged will be the basis of breaking the cycle of reproduction of indignities. This will also ensure the establishment of a genuine modern society that breaks from its past of placing a significant number of people in an oppressive and total institution, that of caste.

5.4 SUMMING UP

Reviewing the role of state in making legislations in favor of Dalits, Sukhadeo Thorat has said,

The government's approaches and interventions towards the uplift of the SCs are primarily based on two major considerations: first, to overcome the multiple deprivations that SCs have inherited due to exclusion in the past and, to the extent possible, bring them at par with others in society; second, to provide them with protection against exclusion and discrimination in the present by encouraging their effective participation in the social, economic and political processes of the

country. To these ends, the government's approach meant a two-fold strategy consisting of anti-discriminatory or protective measures, and development and empowering measures.³⁴

However, as Gopal Guru has argued, state's role in providing social justice to them does not necessarily emanate from any kind of moral responsibility towards the Dalits in India. Rather, this pro - active role must be understood an attempt "to eliminate the possibility of accumulation of social crises that can become quite subversive if left unattended."

Despite all this increasing Dalit assertion and through different legislations provide them the opportunity to move upward through education, and changing occupation and their lifestyle. Indeed, loopholes in the law exists, and those in committing these atrocities must be prosecuted with the right constitutional means, but the new consciousness of Dalits is a sign for social transformation which is combined with the various political and nonpolitical means of asserting their right to live with dignity. What becomes crucial in this understanding is the tirade relationship of state, Dalits and non Dalits and how they negotiate with themselves to fulfill their respective intentions.

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³⁴ Sukhadeo Thorat, *Dalits in India: Search for a Common Destiny* (New Delhi: Sage, 2009), 4.

³⁵ Gopal Guru, "Social Justice," *The Oxford Companion to Politics in India*, eds. Niraja Gopal Jayal, and Pratap Bhanu Mehta (New Delhi: Oxford University Press, 2010), 369.

The different provisions of the state actually highlight the state's intentions to uplift the conditions of Dalits and support their assertion but it is meted out with the subtle ways devised by the caste Hindus. Earlier the means of atrocious attacks were direct, but with the implementation of strict laws they have devised new ways to restrict their movement in public as well political space. For instance, following the spirit of the different legislations caste Hindus cannot stop Dalits to exercise their right to sit in public space. Therefore they try to maintain their exclusive way of commuting from one place to another. Similarly, in counter challenging the hegemony and authority of the caste Hindus the Dalit youth experiment with the new changing culture in the urban sphere and try to bring it out in their community, thus making themselves one hand up from the caste Hindus and asserting for themselves a new social equal space. Understanding the logic of atrocity and Dalit assertion cannot be completed only by studying in isolation the different legislations passed by the state or analyzing the ways of Dalit assertions. These assertions along with the state legislation for protecting the Scheduled Castes and Tribes from atrocities need to be looked in to tirade relation for a better understanding of the process and the logic of Dalit atrocity.

CHAPTER SIX

CONCLUSION

This work attempted to understand the question of Dalit atrocity in Uttar Pradesh by focusing on and relating it with the changing social relations in two districts of Meerut and Mirzapur. The work used both existing literature and field surveys to frame the argument. Atrocity on Dalits has increased over the years. Narrowly Dalit Atrocities can be understood as the occurrence of acts that are put under the category of crime under state's legal discourse. Though the narrow definition is able to provide the meaning in a limited sense, it liquidates Dalit atrocity of its specialty and uniqueness of having a systematic character and logic of its own. Focusing on the case study of Meerut and Mirzapur, this work explained that the issue of Dalit atrocity in Uttar Pradesh is intrinsically attached with the socio – economic and political changes happening at the base of society. The dissertation explained that these changes, despite happening in a limited manner have led to alteration in the structure of caste order that is based on temporal continuance of system of exploitation and suppression of Dalits.

Statistically Dalits have been at the lowest rung in terms of social indicators of development like education, health, literacy and access to other goods. Though, the state's support and social welfare policies, opening of market opportunities have brought some mobility in the "Hindu social order," it has been unable to drastically alter the unequal, inegalitarian, and exploitative social relations. However, forced fixation of Dalits at the lowest level of society is not accompanied by resistance less acceptance of the situation. Rather there have been

multiple forms of resistance with difference in degree that has been followed by different kind of atrocities. Arguably, Dalit assertion has come through different phases of socio - religious and political movements. This can be understood by looking into the way Dalits participated in Bhakti movement, adopted Sanskritization and other ways of material advancement like westernization to locate themselves at par with the social privileged. The second chapter provided a historical and analytical account of these movements and their consequences. It came out that these social and religious reforms were followed by atrocities in the forms of killing, social ostracisation from the Caste Hindus. In other words, the structural changes in society were followed by restraints from caste Hindus to maintain that structure of exploitation.

The process of structural change gained further momentum in post independence period and received a radical turn with fruition of impact of policy of reservation, upcoming of various opportunities with expansion of market, modernization, and development. These helped in building of a stronger base for the emerging political change and assertion in the social profile of Dalits. However, keeping in mind the historical nature of domination, suppression and inhibition by the dominant castes, it was not easy to bring about a radical change. Nevertheless, changes led to both democratization of institutional spaces and development of new form of consciousness among Dalits. This formed the base of rise of BSP in Uttar Pradesh and politicization of Dalits in both material and symbolic terms. This politicization and shattering of earlier order has seen reactionary backlash in form of ritualisation of atrocities over Dalits.

The data derived from field survey reflects this causal relation between changes in the socio economic profile and rise in the level of atrocities over Dalits. It came out from field survey that there has been a change in socio economic profile of Dalits in both the districts of Meerut and Mirzapur with qualitative differences in nature of both change and violence over them. In our field survey Meerut formed an urbanised case in comparative sense, whereas Mirzapur provided a case having rural setup. It came out that these material differences underpin the difference in nature of resistance, change and resultant atrocity. Comparatively, magnitude of atrocity is more intense, brutal, and torturous in the district of Meerut and relatively less severe in former sense in Mirzapur. To put it differently, the nature of atrocity is more brutal in urbanized locality of Meerut and more religious, less physically brutal in case of rural Mirzapur. In addition to the exploration of difference in magnitude of atrocity, the work also explored the multiple ways in which atrocity is practiced over Dalits. The work divided atrocities in four major categories, namely- social, economic, religious and political. Comparatively, the major difference between Meerut and Mirzapur with regard to different atrocities lies in the subtlety of atrocity over Dalits. In Meerut, atrocities had subtle character in terms of specific gendered abuses, non-interaction with Dalits, Mirzapur reflected vocal account of atrocity like not allowing to have access to public spaces, equal placing in terms of sitting on chair etcetera. In other words, Meerut reflected a case of fusion between subtlety and brutality, Mirzapur reflected the case of explicit and vocal account of atrocities that were more religious in nature. The work argued that this prime difference is related with the material changes, nature of assertion, political mobilisation happening at the base of society. It came out in field survey that no regular meeting of Dalits to address the atrocity issue are taking place in both the districts. This falsifies the established discourse of caste meetings happening regularly.

This work in a theoretical manner attempted to provide understanding of atrocity over Dalits in the form of a matrix. Situated in the matrix are three major actors, that is, State, Dalits, and Caste Hindus. They can be referred to as the mediating and legislating body (State), the resistant group (Dalits) and the reactionary group (Caste Hindus) that wants to maintain the culture of exclusion and exploitation. State in India was constitutionally mandated with the task of establishing an egalitarian order based on equality and social justice. This required amelioration of condition of Dalits in India. In case of Uttar Pradesh, it came out that the State has been a late comer in understanding and stopping Dalit atrocities. Instead with every amendment and extension of the SC and ST Prevention of Atrocities act, the caste Hindus have been able to develop new means to bypass the laws and practice atrocity. The analysis of Dalit atrocities in Meerut and Mirzapur districts of Uttar Pradesh reveals the fact that there has been a remarkable change in the nature, magnitude and intensity of atrocity. Old forms are continuing and a new form being invented every day with the changing socio-economic and political conditions of Dalits in these districts.

The changes in the forms of atrocities are contingent upon the level of social economic and political change in the respective districts. The analysis of these changes in

chapter two of the thesis shows that it is an ongoing process which began with Bhakti movement and continuing in the form of political mobilization to capture political power and sometimes spontaneous mobilization against the violence perpetrated upon Dalits in Uttar Pradesh. This chapter analyses five phases of Dalit assertion namely, Bhakti Movement, Sanskritisation, Industrialisation and Westernization (economic uplift), Reservation and political assertion. While Bhakti movement was the second revolt of Dalits against Brahmanism after Buddhism, the process of Sanskritisation and Westernization together brought a significant assertion of Dalits in Socio-Cultural life of Uttar Pradesh. The reservation policy and Industrialization significantly changed the material life of Dalits in Uttar Pradesh. Economically well off Dalits now aspire for equal social status. This is creating a new tension within the old hierarchical structure of Uttar Pradesh. This tension is not evenly distributed across the state, the district like Meerut which has better material conditions for life has higher social tension compared to Mirzapur. This chapter analyses the changing social economic and political life of Dalits in Uttar Pradesh in general and Meerut and Mirzapur in particular.

The **third chapter a**nalyses the atrocities of different natures i.e. atrocities rooted in socio-cultural and religious Practices, atrocities of economic nature, and atrocities arising out of political assertion of the Dalits in Uttar Pradesh. This chapters makes a distinction between the atrocities of high and low intensity and a comparison has been made with the help of in two districts (Meerut and Mirzapur) of eastern and western regions of Uttar Pradesh. To make us understand how Dalits of two regions of different levels of social and economic development experiences atrocities of different nature and intensity.

The **fourth chapter** discusses of Dalits experiences as an important tool to understand the logic of atrocities on Dalits. With the help of Dalit narratives collected during the field work from Meerut and Mirzapur the study makes an attempt to understand various logic behind atrocities and every day humiliations of Dalits , i.e. the principle of pollution and purity, economic and political assertions of Dalits, migrations, and over all social and economic changes in both the districts. It gives a comparison of Dalit experiences in two different social and economic milieus.

The **fifth chapter** analyses the resistance to atrocities on Dalits by the state as well as by Dalits themselves. State in India has proactively acted against the atrocity through successive legislations. The Dalits in Meerut and Mirzapur has also resisted the atrocities through various means i.e. by forming groups, forming political party and controlling political power in the state. The study of 'Dalit atrocities' in the wake of 'political assertion' shows that the more they have asserted politically, the more violently they had been resisted by non Dalits. The perpetrators of the atrocities have also invented new means to escape state actions. This chapter captures the dynamism of the state action and actions of Dalits in collectivity as well as an individual. It compares the process of resistance to atrocities on Dalits in the these two districts of Uttar Pradesh. An overview of entire thesis leads to following generalizations:

- There has been tremendous increase in the magnitude of atrocities on Dalits in Meerut and Mirzapur districts of Uttarpradesh.
- 2. The atrocities of religious nature (ritual based) are going down in its magnitude in Meerut where as it is continuing in Mirzapur.

- 3. There has been an enormous increase in atrocities of Economic and political nature in Meerut compared to Mirzapur district which is relatively underdeveloped.
- 4. The economic development a district has a bearing upon the social relations and nature of social conflicts in the district.
- 5. The atrocities of higher intensity i.e. murder, rape, arson etc have more occurrences in Meerut compared to Mirzapur.
- 6. Dalits own perception about the oppressive social order and the week state has not changed but they do see hope in politics as means to their uplift.
- 7. The changing nature of atrocities and dialectical march of state-society relations has led to the failure of legislative and administrative measures to contain atrocities on Dalits in Uttar Pradesh.

To summarize, atrocities over Dalits have changed with change in material and socio economic profile. The nature, magnitude and intensity of atrocities over Dalits has increased with the structural changes and political assertion of Dalits. It can be understood in the form of a matrix where State, despite its attempts has been unable to address the issue on a holistic and effective sense. The atrocities have also contributed negatively even by the limited benefits reservation policy adopted by the state for betterment of Dalits or Dalits own assertion in social economic and political life of Uttar Pradesh. In such situation, the Dalits who have socially economically and politically mobile in the recent times are more involved in social conflicts, atrocities and collective violence than those who are otherwise. In other words, the form and the magnitude of atrocities are more subtle in case of those Dalits who have

successfully improved their socio-economic or political positions but more crude and naked in those cases where they are backward and yet, with some amount of social consciousness and mobilization. Thus in a conclusive remark, it can be justifiably said that the following two hypotheses of study: **First:** "The rising socio-economic and political consciousness among Dalits has led to the increase in magnitude and intensity of Dalit atrocities," and the **Second:** "The changing nature of Dalit atrocities has led to the failure of the state in Prevention of Dalit atrocities" are tested and verified with the help of the data collected during the extensive field work done in the Meerut and Mirzapur districts of Uttar Pradesh.

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ANNEXURE 1

THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) ACT, 1989

ACT No. 33 OF 1989

[11th September, 1989.]

An Act to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes, to provide for ¹[Special Courts and the Exclusive Special Courts] for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fortieth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

- **1. Short title, extent and commencement.**—(1) This Act may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
 - (2) It extends to the whole of India except the State of Jammu & Kashmir.
- (3) It shall come into force on such date² as the Central Government may, by notification in the Official Gazette, appoint.
 - 2. **Definitions.**—(1) In this Act, unless the context otherwise requires,—
 - (a) "atrocity" means an offence punishable under section 3;
 - (b) "Code" means the Code of Criminal Procedure, 1973 (2 of 1974);
 - ³[(*bb*) "dependent" means the spouse, children, parents, brother and sister of the victim, who are dependent wholly or mainly on such victim for his support and maintenance;
 - (bc) "economic boycott" means-
 - (i) a refusal to deal with, work for hire or do business with other person; or
 - (ii) to deny opportunities including access to services or contractual opportunities for rendering service for consideration; or
 - (iii) to refuse to do anything on the terms on which things would be commonly done in the ordinary course of business; or
 - (*iv*) to abstain from the professional or business relations that one would maintain with other person;
 - (bd) "Exclusive Special Court" means the Exclusive Special Court established under sub-section (1) of section 14 exclusively to try the offences under this Act;
 - (*be*) "forest rights" shall have the meaning assigned to it in sub-section (*1*) of section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007);
 - (bf) "manual scavenger" shall have the meaning assigned to it in clause (g) of sub-section (1) of section 2 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (25 of 2013);
 - (bg) "public servant" means a public servant as defined under section 21 of the Indian Penal Code (45 of 1860), as well as any other person deemed to be a public servant under any other law for the

^{1.} Subs. by Act 1 of 2016, s. 2, for "Special Courts" (w.e.f. 26-1-2016).

^{2. 30}th January, 1990, *vide* notification No. S.O. 106(E), dated 29th January, 1990, *See* Gazette of India, Extraordinary, Part II, sec. 3(ii).

^{3.} Ins. by Act 1 of 2016, s. 3 (w.e.f. 26-1-2016).

time being in force and includes any person acting in his official capacity under the Central Government or the State Government, as the case may be;]

- (c) "Scheduled Castes and Scheduled Tribes" shall have the meanings assigned to them respectively under clause (24) and clause (25) of article 366 of the Constitution;
 - (d) "Special Court" means a Court of Session specified as a Special Court in section 14;
- (e) "Special Public Prosecutor" means a Public Prosecutor specified as a Special Public Prosecutor or an advocate referred to in section 15;
 - ¹[(ea) "Schedule" means the Schedule appended to this Act;
- (eb) "social boycott" means a refusal to permit a person to render to other person or receive from him any customary service or to abstain from social relations that one would maintain with other person or to isolate him from others;
- (ec) "victim" means any individual who falls within the definition of the "Scheduled Castes and Scheduled Tribes" under clause (c) of sub-section (1) of section 2, and who has suffered or experienced physical, mental, psychological, emotional or monetary harm or harm to his property as a result of the commission of any offence under this Act and includes his relatives, legal guardian and legal heirs;
- (ed) "witness" means any person who is acquainted with the facts and circumstances, or is in possession of any information or has knowledge necessary for the purpose of investigation, inquiry or trial of any crime involving an offence under this Act, and who is or may be required to give information or make a statement or produce any document during investigation, inquiry or trial of such case and includes a victim of such offence;]
- ²[(*f*) the words and expressions used but not defined in this Act and defined in the Indian Penal Code (45 of 1860), the Indian Evidence Act, 1872 (1 of 1872) or the Code of Criminal Procedure, 1973 (2 of 1974), as the case may be, shall be deemed to have the meanings respectively assigned to them in those enactments.]
- (2) Any reference in this Act to any enactment or any provision thereof shall, in relation to an area in which such enactment or such provision is not in force, be construed as a reference to the corresponding law, if any, in force in that area.

CHAPTER II

OFFENCES OF ATROCITIES

- **3. Punishments for offences atrocities.**—³[(1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—
 - (a) puts any inedible or obnoxious substance into the mouth of a member of a Scheduled Caste or a Scheduled Tribe or forces such member to drink or eat such inedible or obnoxious substance;
 - (b) dumps excreta, sewage, carcasses or any other obnoxious substance in premises, or at the entrance of the premises, occupied by a member of a Scheduled Caste or a Scheduled Tribe;
 - (c) with intent to cause injury, insult or annoyance to any member of a Scheduled Caste or a Scheduled Tribe, dumps excreta, waste matter, carcasses or any other obnoxious substance in his neighbourhood;
 - (d) garlands with footwear or parades naked or semi-naked a member of a Scheduled Caste or a Scheduled Tribe;

^{1.} Ins. by Act 1 of 2016, s. 3 (w.e.f. 26-1-2016).

^{2.} Subs. by s. 3, *ibid*., for clause (*f*) (w.e.f. 26-1-2016).

^{3.} Subs. by s. 4, *ibid.*, for sub-section (1) (w.e.f. 26-1-2016).

- (e) forcibly commits on a member of a Scheduled Caste or a Scheduled Tribe any act, such as removing clothes from the person, forcible tonsuring of head, removing moustaches, painting face or body or any other similar act, which is derogatory to human dignity;
- (f) wrongfully occupies or cultivates any land, owned by, or in the possession of or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe, or gets such land transferred;
- (g) wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights, including forest rights, over any land or premises or water or irrigation facilities or destroys the crops or takes away the produce therefrom.

Explanation.—For the purposes of clause (f) and this clause, the expression "wrongfully" includes—

- (A) against the person's will;
- (B) without the person's consent;
- (C) with the person's consent, where such consent has been obtained by putting the person, or any other person in whom the person is interested in fear of death or of hurt; or
 - (D) fabricating records of such land;
- (h) makes a member of a Scheduled Caste or a Scheduled Tribe to do "begar" or other forms of forced or bonded labour other than any compulsory service for public purposes imposed by the Government;
- (i) compels a member of a Scheduled Caste or a Scheduled Tribe to dispose or carry human or animal carcasses, or to dig graves;
- (j) makes a member of a Scheduled Caste or a Scheduled Tribe to do manual scavenging or employs or permits the employment of such member for such purpose;
- (k) performs, or promotes dedicating a Scheduled Caste or a Scheduled Tribe woman to a deity, idol, object of worship, temple, or other religious institution as a *devadasi* or any other similar practice or permits aforementioned acts;
 - (1) forces or intimidates or prevents a member of a Scheduled Caste or a Scheduled Tribe—
 - (A) not to vote or to vote for a particular candidate or to vote in a manner other than that provided by law;
 - (B) not to file a nomination as a candidate or to withdraw such nomination; or
 - (C) not to propose or second the nomination of a member of a Scheduled Caste or a Scheduled Tribe as a candidate in any election;
- (m) forces or intimidates or obstructs a member of a Scheduled Caste or a Scheduled Tribe, who is a member or a Chairperson or a holder of any other office of a Panchayat under Part IX of the Constitution or a Municipality under Part IXA of the Constitution, from performing their normal duties and functions;
- (n) after the poll, causes hurt or grievous hurt or assault or imposes or threatens to impose social or economic boycott upon a member of a Scheduled Caste or a Scheduled Tribe or prevents from availing benefits of any public service which is due to him;
- (*o*) commits any offence under this Act against a member of a Scheduled Caste or a Scheduled Tribe for having voted or not having voted for a particular candidate or for having voted in a manner provided by law;
- (p) institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe;

- (q) gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or a Scheduled Tribe:
- (*r*) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;
- (s) abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view;
- (t) destroys, damages or defiles any object generally known to be held sacred or in high esteem by members of the Scheduled Castes or the Scheduled Tribes.

Explanation.—For the purposes of this clause, the expression "object" means and includes statue, photograph and portrait;

- (u) by words either written or spoken or by signs or by visible representation or otherwise promotes or attempts to promote feelings of enmity, hatred or ill-will against members of the Scheduled Castes or the Scheduled Tribes;
- (ν) by words either written or spoken or by any other means disrespects any late person held in high esteem by members of the Scheduled Castes or the Scheduled Tribes;
- (w) (i) intentionally touches a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe, when such act of touching is of a sexual nature and is without the recipient's consent;
- (*ii*) uses words, acts or gestures of a sexual nature towards a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe.

Explanation.—For the purposes of sub-clause (*i*), the expression "consent" means an unequivocal voluntary agreement when the person by words, gestures, or any form of non-verbal communication, communicates willingness to participate in the specific act:

Provided that a woman belonging to a Scheduled Caste or a Scheduled Tribe who does not offer physical resistance to any act of a sexual nature is not by reason only of that fact, is to be regarded as consenting to the sexual activity:

Provided further that a woman's sexual history, including with the offender shall not imply consent or mitigate the offence;

- (x) corrupts or fouls the water of any spring, reservoir or any other source ordinarily used by members of the Scheduled Castes or the Scheduled Tribes so as to render it less fit for the purpose for which it is ordinarily used;
- (y) denies a member of a Scheduled Caste or a Scheduled Tribe any customary right of passage to a place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which other members of public or any other section thereof have a right to use or access to;
- (z) forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence:

Provided that nothing contained in this clause shall apply to any action taken in discharge of a public duty;

- (za) obstructs or prevents a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to—
 - (A) using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing *ghat*, any public conveyance, any road, or passage;

- (B) mounting or riding bicycles or motor cycles or wearing footwear or new clothes in public places or taking out wedding procession, or mounting a horse or any other vehicle during wedding processions;
- (C) entering any place of worship which is open to the public or other persons professing the same religion or taking part in, or taking out, any religious, social or cultural processions including *jatras*;
- (D) entering any educational institution, hospital, dispensary, primary health centre, shop or place of public entertainment or any other public place; or using any utensils or articles meant for public use in any place open to the public; or
- (E) practicing any profession or the carrying on of any occupation, trade or business or employment in any job which other members of the public, or any section thereof, have a right to use or have access to:
- (zb) causes physical harm or mental agony of a member of a Scheduled Caste or a Scheduled Tribe on the allegation of practicing witchcraft or being a witch; or
- (zc) imposes or threatens a social or economic boycott of any person or a family or a group belonging to a Scheduled Caste or a Scheduled Tribe,

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.]

- (2) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—
- (i) gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is capital by the law for the time being in force shall be punished with imprisonment for life and with fine; and if an innocent member of a Scheduled Caste or a Scheduled Tribe be convicted and executed in consequence of such false or fabricated evidence, the person who gives or fabricates such false evidence, shall be punished with death;
- (ii) gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is not capital but punishable with imprisonment for a term of seven years or upwards, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years or upwards and with fine;
- (*iii*) commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause damage to any property belonging to a member of a Scheduled Caste or a Scheduled Tribe, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine;
- (*iv*) commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause destruction of any building which is ordinarily used as a place of worship or as a place for human dwelling or as a place for custody of the property by a member of a Scheduled Caste or a Scheduled Tribe, shall be punishable with imprisonment for life and with fine;
- (v) commits any offence under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more against a person or property ¹[knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member], shall be punishable with imprisonment for life and with fine;
- ²[(va) commits any offence specified in the Schedule, against a person or property, knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such

^{1.} Subs. by Act 1 of 2016, s. 4, for "on the ground that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member" (w.e.f. 26-1-2016).

^{2.} Ins. by s. 4, ibid. (w.e.f. 26-1-2016).

member, shall be punishable with such punishment as specified under the Indian Penal Code (45 of 1860) for such offences and shall also be liable to fine;]

- (vi) knowingly or having reason to believe that an offence has been committed under this Chapter, causes any evidence of the commission of that offence to disappear with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall be punishable with the punishment provided for that offence; or
- (vii) being a public servant, commits any offence under this section, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence.
- ¹[4. Punishment for neglect of duties.—(1) Whoever, being a public servant but not being a member of a Scheduled Caste or a Scheduled Tribe, wilfully neglects his duties required to be performed by him under this Act and the rules made thereunder, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year.
 - (2) The duties of public servant referred to in sub-section (1) shall include—
 - (a) to read out to an informant the information given orally, and reduced to writing by the officer in charge of the police station, before taking the signature of the informant;
 - (b) to register a complaint or a First Information Report under this Act and other relevant provisions and to register it under appropriate sections of this Act;
 - (c) to furnish a copy of the information so recorded forthwith to the informant;
 - (d) to record the statement of the victims or witnesses;
 - (e) to conduct the investigation and file charge sheet in the Special Court or the Exclusive Special Court within a period of sixty days, and to explain the delay if any, in writing;
 - (f) to correctly prepare, frame and translate any document or electronic record;
 - (g) to perform any other duty specified in this Act or the rules made thereunder:

Provided that the charges in this regard against the public servant shall be booked on the recommendation of an administrative enquiry.

- (3) The cognizance in respect of any dereliction of duty referred to in sub-section (2) by a public servant shall be taken by the Special Court or the Exclusive Special Court and shall give direction for penal proceedings against such public servant.]
- **5. Enhanced punishment subsequent conviction.**—Whoever, having already been convicted of an offence under this Chapter is convicted for the second offence or any offence subsequent to the second offence, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence.
- **6. Application of certain provisions of the Indian Penal Code.**—Subject to the other provisions of this Act, the provisions of section 34, Chapter III, Chapter IV, Chapter V, Chapter VA, section 149 and Chapter XXIII of the Indian Penal Code (45 of 1860), shall, so far as may be, apply for the purposes of this Act as they apply for the purposes of the Indian Penal Code.
- **7. Forfeiture of property of certain persons.**—(1) Where a person has been convicted of any offence punishable under this Chapter, the Special Court may, in addition to awarding any punishment, by order in writing, declare that any property, movable or immovable or both, belonging to the person, which has been used for the commission of that offence, shall stand forfeited to Government.
- (2) Where any person is accused of any offence under this Chapter, it shall be open to the Special Court trying him to pass an order that all or any of the properties, movable or immovable or both,

^{1.} Subs. by Act 1 of 2016, s. 5, for section 4 (w.e.f. 26-1-2016).

belonging to him, shall, during the period of such trial, be attached, and where such trial ends in conviction, the property so attached shall be liable to forfeiture to the extent it is required for the purpose of realisation of any fine imposed under this Chapter.

- **8. Presumption as to offences**.—In a prosecution for an offence under this Chapter, if it is proved that—
 - (a) the accused rendered ¹[any financial assistance in relation to the offences committed by a person accused of], or reasonably suspected of, committing, an offence under this Chapter, the Special Court shall presume, unless the contrary is proved, that such person had abetted the offence;
 - (b) a group of persons committed an offence under this Chapter and if it is proved that the offence committed was a sequel to any existing dispute regarding land or any other matter, it shall be presumed that the offence was committed in furtherance of the common intention or in prosecution of the common object;
 - ²[(c) the accused was having personal knowledge of the victim or his family, the Court shall presume that the accused was aware of the caste or tribal identity of the victim, unless the contrary is proved.]
- **9.** Conferment of powers.—(1) Notwithstanding anything contained in the Code or in any other provision of this Act, the State Government may, if it considers it necessary or expedient so to do,—
 - (a) for the prevention of and for coping with any offence under this Act, or
 - (b) for any case or class or group of cases under this Act,

in any district or part thereof, confer, by notification in the Official Gazette, on any officer of the State Government, the powers exercisable by a police officer under the Code in such district or part thereof or, as the case may be, for such case or class or group of cases, and in particular, the powers of arrest, investigation and prosecution of persons before any Special Court.

- (2) All officers of police and all other officers of Government shall assist the officer referred to in sub-section (I) in the execution of the provisions of this Act or any rule, scheme or order made thereunder.
- (3) The provisions of the Code shall, so far as may be, apply to the exercise of the powers by an officer under sub-section (1).

CHAPTER III

EXTERNMENT

- **10. Removal of person likely to commit offence.**—(1) Where the Special Court is satisfied, upon a complaint or a police report that a person is likely to commit an offence under Chapter II of this Act in any area included in 'Scheduled Areas' or 'tribal areas', as referred to in article 244 of the Constitution, ³[or any area identified under the provisions of clause (*vii*) of sub-section (2) of section 21], it may, by order in writing, direct such person to remove himself beyond the limits of such area, by such route and within such time as may be specified in the order, and not to return to that area from which he was directed to remove himself for such period, not exceeding ⁴[three years], as may be specified in the order.
- (2) The Special Court shall, along with the order under sub-section (1), communicate to the person directed under that sub-section the grounds on which such order has been made.
- (3) The Special Court may revoke or modify the order made under sub-section (1), for the reasons to be recorded in writing, on the representation made by the person against whom such order has been made or by any other person on his behalf within thirty days from the date of the order.

^{1.} Subs. by Act 1 of 2016, s. 6, for "any financial assistance to a person accused of" (w.e.f. 26-1-2016).

^{2.} Ins. by s. 6, *ibid*. (w.e.f. 26-1-2016).

^{3.} Ins. by s. 7, *ibid*. (w.e.f. 26-1-2016).

^{4.} Subs. by s. 7, ibid., for "two years" (w.e.f. 26-1-2016).

- 11. Procedure on failure of person to remove himself from area and enter thereon after removal.—(I) If a person to whom a direction has been issued under section 10 to remove himself from any area—
 - (a) fails to remove himself as directed; or
 - (b) having so removed himself enters such area within the period specified in the order,
- otherwise than with the permission in writing of the Special Court under sub-section (2), the Special Court may cause him to be arrested and removed in police custody to such place outside such area as the Special Court may specify.
- (2) The Special Court may, by order in writing, permit any person in respect of whom an order under section 10 has been made, to return to the area from which he was directed to remove himself for such temporary period and subject to such conditions as may be specified in such order and may require him to execute a bond with or without surety for the due observation of the conditions imposed.
 - (3) The Special Court may at any time revoke any such permission.
- (4) Any person who, with such permission, returns to the area from which he was directed to remove himself shall observe the conditions imposed, and at the expiry of the temporary period for which he was permitted to return, or on the revocation of such permission before the expiry of such temporary period, shall remove himself outside such area and shall not return thereto within the unexpired portion specified under section 10 without a fresh permission.
- (5) If a person fails to observe any of the conditions imposed or to remove himself accordingly or having so removed himself enters or returns to such area without fresh permission the Special Court may cause him to be arrested and removed in police custody to such place outside such area as the Special Court may specify.
- 12. Taking measurements and photographs, etc., of persons against whom order under section 10 is made.—(1) Every person against whom an order has been made under section 10 shall, if so required by the Special Court, allow his measurements and photographs to be taken by a police officer.
- (2) If any person referred to in sub-section (1), when required to allow his measurements or photographs to be taken, resists or refuses to allow the taking of such measurements or photographs, it shall be lawful to use all necessary means to secure the taking thereof.
- (3) Resistance to or refusal to allow the taking of measurements or photographs under sub-section (2) shall be deemed to be an offence under section 186 of the Indian Penal Code (45 of 1860).
- (4) Where an order under section 10 is revoked, all measurements and photographs (including negatives) taken under sub-section (2) shall be destroyed or made over to the person against whom such order is made.
- **13. Penalty for non compliance of order under section 10.**—Any person contravening an order of the Special Court made under section 10 shall be punishable with imprisonment for a term which may extend to one year and with fine.

CHAPTER IV

SPECIAL COURTS

¹[14. Special Court and Exclusive Special Court.—(1) For the purpose of providing for speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, establish an Exclusive Special Court for one or more Districts:

Provided that in Districts where less number of cases under this Act is recorded, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, specify for such Districts, the Court of Session to be a Special Court to try the offences under this Act:

^{1.} Subs. by Act 1 of 2016, s. 8, for section 14 (w.e.f. 26-1-2016).

Provided further that the Courts so established or specified shall have power to directly take cognizance of offences under this Act.

- (2) It shall be the duty of the State Government to establish adequate number of Courts to ensure that cases under this Act are disposed of within a period of two months, as far as possible.
- (3) In every trial in the Special Court or the Exclusive Special Court, the proceedings shall be continued from day-to-day until all the witnesses in attendance have been examined, unless the Special Court or the Exclusive Special Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded in writing:

Provided that when the trial relates to an offence under this Act, the trial shall, as far as possible, be completed within a period of two months from the date of filing of the charge sheet.]

- ¹[14A. Appeals.—(1) Notwithstanding anything contained in the Code of Criminal Procedure,1973 (2 of 1974), an appeal shall lie, from any judgment, sentence or order, not being an interlocutory order, of a Special Court or an Exclusive Special Court, to the High Court both on facts and on law.
- (2) Notwithstanding anything contained in sub-section (3) of section 378 of the Code of Criminal Procedure, 1973 (2 of 1974), an appeal shall lie to the High Court against an order of the Special Court or the Exclusive Special Court granting or refusing bail.
- (3) Notwithstanding anything contained in any other law for the time being in force, every appeal under this section shall be preferred within a period of ninety days from the date of the judgment, sentence or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of ninety days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of ninety days:

Provided further that no appeal shall be entertained after the expiry of the period of one hundred and eighty days.

- (4) Every appeal preferred under sub-section (1) shall, as far as possible, be disposed of within a period of three months from the date of admission of the appeal.]
- ²[15. Special Public Prosecutor and Exclusive Public Prosecutor.—(1) For every Special Court, the State Government shall, by notification in the Official Gazette, specify a Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.
- (2) For every Exclusive Special Court, the State Government shall, by notification in the Official Gazette, specify an Exclusive Special Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as an Exclusive Special Public Prosecutor for the purpose of conducting cases in that Court.]

³[CHAPTER IVA

RIGHTS OF VICTIMS AND WITNESSES

- **15A. Rights of victims and witnesses.**—(1) It shall be the duty and responsibility of the State to make arrangements for the protection of victims, their dependents, and witnesses against any kind of intimidation or coercion or inducement or violence or threats of violence.
- (2) A victim shall be treated with fairness, respect and dignity and with due regard to any special need that arises because of the victim's age or gender or educational disadvantage or poverty.

^{1.} Ins. by Act 1 of 2016, s. 9 (w.e.f. 26-1-2016).

^{2.} Subs. by s.10, *ibid.*, for section 15 (w.e.f. 26-1-2016).

^{3.} Ins. by s. 11, *ibid*. (w.e.f. 26-1-2016).

- (3) A victim or his dependent shall have the right to reasonable, accurate, and timely notice of any Court proceeding including any bail proceeding and the Special Public Prosecutor or the State Government shall inform the victim about any proceedings under this Act.
- (4) A victim or his dependent shall have the right to apply to the Special Court or the Exclusive Special Court, as the case may be, to summon parties for production of any documents or material, witnesses or examine the persons present.
- (5) A victim or his dependent shall be entitled to be heard at any proceeding under this Act in respect of bail, discharge, release, parole, conviction or sentence of an accused or any connected proceedings or arguments and file written submission on conviction, acquittal or sentencing.
- (6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the Special Court or the Exclusive Special Court trying a case under this Act shall provide to a victim, his dependent, informant or witnesses—
 - (a) the complete protection to secure the ends of justice;
 - (b) the travelling and maintenance expenses during investigation, inquiry and trial;
 - (c) the social-economic rehabilitation during investigation, inquiry and trial; and
 - (d) relocation.
- (7) The State shall inform the concerned Special Court or the Exclusive Special Court about the protection provided to any victim or his dependent, informant or witnesses and such Court shall periodically review the protection being offered and pass appropriate orders.
- (8) Without prejudice to the generality of the provisions of sub-section (6), the concerned Special Court or the Exclusive Special Court may, on an application made by a victim or his dependent, informant or witness in any proceedings before it or by the Special Public Prosecutor in relation to such victim, informant or witness or on its own motion, take such measures including—
 - (a) concealing the names and addresses of the witnesses in its orders or judgments or in any records of the case accessible to the public;
 - (b) issuing directions for non-disclosure of the identity and addresses of the witnesses;
 - (c) take immediate action in respect of any complaint relating to harassment of a victim, informant or witness and on the same day, if necessary, pass appropriate orders for protection:

Provided that inquiry or investigation into the complaint received under clause (c) shall be tried separately from the main case by such Court and concluded within a period of two months from the date of receipt of the complaint:

Provided further that where the complaint under clause (c) is against any public servant, the Court shall restrain such public servant from interfering with the victim, informant or witness, as the case may be, in any matter related or unrelated to the pending case, except with the permission of the Court.

- (9) It shall be the duty of the Investigating Officer and the Station House Officer to record the complaint of victim, informant or witnesses against any kind of intimidation, coercion or inducement or violence or threats of violence, whether given orally or in writing, and a photocopy of the First Information Report shall be immediately given to them at free of cost.
 - (10) All proceedings relating to offences under this Act shall be video recorded.
- (11) It shall be the duty of the concerned State to specify an appropriate scheme to ensure implementation of the following rights and entitlements of victims and witnesses in accessing justice so as—
 - (a) to provide a copy of the recorded First Information Report at free of cost;
 - (b) to provide immediate relief in cash or in kind to atrocity victims or their dependents;

- (c) to provide necessary protection to the atrocity victims or their dependents, and witnesses;
- (d) to provide relief in respect of death or injury or damage to property;
- (e) to arrange food or water or clothing or shelter or medical aid or transport facilities or daily allowances to victims;
 - (f) to provide the maintenance expenses to the atrocity victims and their dependents;
- (g) to provide the information about the rights of atrocity victims at the time of making complaints and registering the First Information Report;
- (h) to provide the protection to atrocity victims or their dependents and witnesses from intimidation and harassment;
- (i) to provide the information to atrocity victims or their dependents or associated organisations or individuals, on the status of investigation and charge sheet and to provide copy of the charge sheet at free of cost;
 - (j) to take necessary precautions at the time of medical examination;
- (k) to provide information to atrocity victims or their dependents or associated organisations or individuals, regarding the relief amount;
- (*l*) to provide information to atrocity victims or their dependents or associated organisations or individuals, in advance about the dates and place of investigation and trial;
- (m) to give adequate briefing on the case and preparation for trial to atrocity victims or their dependents or associated organisations or individuals and to provide the legal aid for the said purpose;
- (n) to execute the rights of atrocity victims or their dependents or associated organisations or individuals at every stage of the proceedings under this Act and to provide the necessary assistance for the execution of the rights.
- (12) It shall be the right of the atrocity victims or their dependents, to take assistance from the Non-Government Organisations, social workers or advocates.]

CHAPTER V

MISCELLANEOUS

- **16.** Power of State Government to impose collective fine.—The provisions of section 10A of the Protection of Civil Rights Act, 1955 (22 of 1955) shall, so far as may be, apply for the purposes of imposition and realisation of collective fine and for all other matters connected therewith under this Act.
- 17. Preventive action to be taken by the law and order machinery.—(1) A District Magistrate or a Sub-divisional Magistrate or any other Executive Magistrate or any police officer not below the rank of a Deputy Superintendent of Police may, on receiving information and after such inquiry as he may think necessary, has reason to believe that a person or a group of persons not belonging to the Scheduled Castes or the Scheduled Tribes, residing in or frequenting any place within the local limits of his jurisdiction is likely to commit an offence or has threatened to commit any offence under this Act and is of the opinion that there is sufficient ground for proceeding, declare such an area to be an area prone to atrocities and take necessary action for keeping the peace and good behaviour and maintenance of public order and tranquillity and may take preventive action.
- (2) The provisions of Chapters VIII, X and XI of the Code shall, so far as may be, apply for the purposes of sub-section (1).
- (3) The State Government may, by notification in the Official Gazette, make one or more schemes specifying the manner in which the officers referred to in sub-section (1) shall take appropriate action specified in such scheme or schemes to prevent atrocities and to restore the feeling of security amongst the members of the Scheduled Castes and the Scheduled Tribes.

- 18. Section 438 of the Code not to apply to persons committing an offence under the Act.—Nothing in section 438 of the Code shall apply in relation to any case involving the arrest of any person on an accusation of having committed an offence under this Act.
- 19. Section 360 of the Code or the provisions of the Probation of Offenders Act not to apply to persons guilty of an offence under the Act.—The provisions of section 360 of the Code and the provisions of the Probation of Offenders Act, 1958 (20 of 1958) shall not apply to any person above the age of eighteen years who is found guilty of having committed an offence under this Act.
- **20.** Act to override other laws.—Save as otherwise provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any custom or usage or any instrument having effect by virtue of any such law.
- **21.** Duty of Government to ensure effective implementation of the Act.—(1) Subject to such rules as the Central Government may make in this behalf, the State Government shall take such measures as may be necessary for the effective implementation of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing provisions, such measures may include,—
 - (i) the provision for adequate facilities, including legal aid, to the persons subjected to atrocities to enable them to avail themselves of justice;
 - (ii) the provision for travelling and maintenance expenses to witnesses, including the victims of atrocities, during investigation and trial of offences under this Act;
 - (iii) the provision for the economic and social rehabilitation of the victims of the atrocities;
 - (*iv*) the appointment of officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of this Act;
 - (ν) the setting up of committees at such appropriate levels as the State Government may think fit to assist that Government in formulation or implementation of such measures;
 - (vi) provision for a periodic survey of the working of the provisions of this Act with a view to suggesting measures for the better implementation of the provision of this Act;
 - (vii) the identification of the areas where the members of the Scheduled Castes and the Scheduled Tribes are likely to be subjected to atrocities and adoption of such measures so as to ensure safety for such members.
- (3) The Central Government shall take such steps as may be necessary to co-ordinate the measures taken by the State Governments under sub-section (1).
- (4) The Central Government shall, every year, place on the table of each House of Parliament a report on the measures taken by itself and by the State Governments in pursuance of the provisions of this section.
- 22. Protection of action taken in good faith.—No suit, prosecution or other legal proceedings shall lie against the Central Government or against the State Government or any officer or authority of Government or any other person for anything which is in good faith done or intended to be done under this Act.
- **23. Power to make rules.**—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.
- (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

¹[THE SCHEDULE

[See section 3(2)(va)]

Section under the Indian Penal Code	Name of offence and punishment
120A	Definition of criminal conspiracy.
120B	Punishment of criminal conspiracy.
141	Unlawful assembly.
142	Being member of unlawful assembly.
143	Punishment for unlawful assembly.
144	Joining unlawful assembly armed with deadly weapon.
145	Joining or continuing in unlawful assembly, knowing it has been commanded to disperse.
146	Rioting.
147	Punishment for rioting.
148	Rioting, armed with deadly weapon.
217	Public servant disobeying direction of law with intent to save person from punishment or property from forfeiture.
319	Hurt.
320	Grievous hurt.
323	Punishment for voluntarily causing hurt.
324	Voluntarily causing hurt by dangerous weapons or means.
325	Punishment for voluntarily causing grievous hurt.
326B	Voluntarily throwing or attempting to throw acid.
332	Voluntarily causing hurt to deter public servant from his duty.
341	Punishment for wrongful restraint.
354	Assault or criminal force to woman with intent to outrage her modesty.
354A	Sexual harassment and punishment for sexual harassment.
354B	Assault or use of criminal force to woman with intent to disrobe.
354C	Voyeurism.
354D	Stalking.
359	Kidnapping.
363	Punishment for kidnapping
365	Kidnapping or abducting with intent secretly and wrongfully to confine person.

^{1.} Ins. by Act 1 of 2016, s. 12 (w.e.f. 26-1-2016).

Section under the Indian Penal Code	Name of offence and punishment
376B	Sexual intercourse by husband upon his wife during separation.
376C	Sexual intercourse by a person in authority.
447	Punishment for criminal trespass.
506	Punishment for criminal intimidation.
509	Word, gesture or act intended to insult the modesty of a woman.]

रजिस्ट्री सं॰ डी॰ एल॰—(एन)04/0007/2003—16

REGISTERED NO. DL—(N)04/0007/2003—16



असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं॰ 1]

नई दिल्ली, शुक्रवार, जनवरी 1, 2016/पौष 11, 1937 (शक)

No. 1]

NEW DELHI, FRIDAY, JANUARY 1, 2016/PAUSHA 11, 1937 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 1st January, 2016/Pausha 11, 1937 (Saka)

The following Act of Parliament received the assent of the President on the 31st December, 2015, and is hereby published for general information:—

THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) AMENDMENT ACT, 2015

No. 1 of 2016

[31st December, 2015.]

An Act to amend the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015.

Short title and commencement.

- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
- **2.** In the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the principal Act), in the long title, for the words "Special Courts", the words "Special Courts and the Exclusive Special Courts" shall be substituted.

Amendment of long title.

[PART II—

Amendment of section 2.

2

- **3**. In section 2 of the principal Act, in sub-section (1),—
 - (i) after clause (b), the following clauses shall be inserted, namely:—
 - '(bb) "dependent" means the spouse, children, parents, brother and sister of the victim, who are dependent wholly or mainly on such victim for his support and maintenance:
 - (bc) "economic boycott" means-
 - (i) a refusal to deal with, work for hire or do business with other person; or
 - (ii) to deny opportunities including access to services or contractual opportunities for rendering service for consideration; or
 - (iii) to refuse to do anything on the terms on which things would be commonly done in the ordinary course of business; or
 - (*iv*) to abstain from the professional or business relations that one would maintain with other person;
 - (bd) "Exclusive Special Court" means the Exclusive Special Court established under sub-section (I) of section 14 exclusively to try the offences under this Act;
 - (*be*) "forest rights" shall have the meaning assigned to it in sub-section (*I*) of section 3 of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006;

2 of 2007.

(bf) "manual scavenger" shall have the meaning assigned to it in clause (g) of sub-section (1) of section 2 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013;

25 of 2013.

45 of 1860.

- (bg) "public servant" means a public servant as defined under section 21 of the Indian Penal Code, as well as any other person deemed to be a public servant under any other law for the time being in force and includes any person acting in his official capacity under the Central Government or the State Government, as the case may be;";
 - tate
- (ii) after clause (e), the following clauses shall be inserted, namely:—
 - '(ea) "Schedule" means the Schedule appended to this Act;
- (eb) "social boycott" means a refusal to permit a person to render to other person or receive from him any customary service or to abstain from social relations that one would maintain with other person or to isolate him from others:
- (ec) "victim" means any individual who falls within the definition of the "Scheduled Castes and Scheduled Tribes" under clause (c) of sub-section (I) of section 2, and who has suffered or experienced physical, mental, psychological, emotional or monetary harm or harm to his property as a result of the commission of any offence under this Act and includes his relatives, legal guardian and legal heirs:
- (ed) "witness" means any person who is acquainted with the facts and circumstances, or is in possession of any information or has knowledge necessary for the purpose of investigation, inquiry or trial of any crime involving an offence under this Act, and who is or may be required to give information or make a statement or produce any document during investigation, inquiry or trial of such case and includes a victim of such offence;";

(iii) for clause (f), the following clause shall be substituted, namely:—

45 of 1860. 1 of 1872. 2 of 1974. "(f) the words and expressions used but not defined in this Act and defined in the Indian Penal Code, the Indian Evidence Act, 1872 or the Code of Criminal Procedure, 1973, as the case may be, shall be deemed to have the meanings respectively assigned to them in those enactments."

4. In section 3 of the principal Act,—

Amendment of section 3.

- (i) for sub-section (1), the following sub-section shall be substituted, namely:—
- '(1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,—
 - (a) puts any inedible or obnoxious substance into the mouth of a member of a Scheduled Caste or a Scheduled Tribe or forces such member to drink or eat such inedible or obnoxious substance;
 - (b) dumps excreta, sewage, carcasses or any other obnoxious substance in premises, or at the entrance of the premises, occupied by a member of a Scheduled Caste or a Scheduled Tribe;
 - (c) with intent to cause injury, insult or annoyance to any member of a Scheduled Caste or a Scheduled Tribe, dumps excreta, waste matter, carcasses or any other obnoxious substance in his neighbourhood;
 - (d) garlands with footwear or parades naked or semi-naked a member of a Scheduled Caste or a Scheduled Tribe;
 - (e) forcibly commits on a member of a Scheduled Caste or a Scheduled Tribe any act, such as removing clothes from the person, forcible tonsuring of head, removing moustaches, painting face or body or any other similar act, which is derogatory to human dignity;
 - (f) wrongfully occupies or cultivates any land, owned by, or in the possession of or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe, or gets such land transferred;
 - (g) wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights, including forest rights, over any land or premises or water or irrigation facilities or destroys the crops or takes away the produce therefrom.

Explanation.—For the purposes of clause (f) and this clause, the expression "wrongfully" includes—

- (A) against the person's will;
- (B) without the person's consent;
- (C) with the person's consent, where such consent has been obtained by putting the person, or any other person in whom the person is interested in fear of death or of hurt; or
 - (D) fabricating records of such land;
- (h) makes a member of a Scheduled Caste or a Scheduled Tribe to do "begar" or other forms of forced or bonded labour other than any compulsory service for public purposes imposed by the Government;
- (i) compels a member of a Scheduled Caste or a Scheduled Tribe to dispose or carry human or animal carcasses, or to dig graves;

- (*j*) makes a member of a Scheduled Caste or a Scheduled Tribe to do manual scavenging or employs or permits the employment of such member for such purpose;
- (k) performs, or promotes dedicating a Scheduled Caste or a Scheduled Tribe woman to a deity, idol, object of worship, temple, or other religious institution as a *devadasi* or any other similar practice or permits aforementioned acts;
- (l) forces or intimidates or prevents a member of a Scheduled Caste or a Scheduled Tribe—
 - (A) not to vote or to vote for a particular candidate or to vote in a manner other than that provided by law;
 - (B) not to file a nomination as a candidate or to withdraw such nomination; or
 - (C) not to propose or second the nomination of a member of a Scheduled Caste or a Scheduled Tribe as a candidate in any election;
- (*m*) forces or intimidates or obstructs a member of a Scheduled Caste or a Scheduled Tribe, who is a member or a Chairperson or a holder of any other office of a Panchayat under Part IX of the Constitution or a Municipality under Part IXA of the Constitution, from performing their normal duties and functions;
- (n) after the poll, causes hurt or grievous hurt or assault or imposes or threatens to impose social or economic boycott upon a member of a Scheduled Caste or a Scheduled Tribe or prevents from availing benefits of any public service which is due to him;
- (*o*) commits any offence under this Act against a member of a Scheduled Caste or a Scheduled Tribe for having voted or not having voted for a particular candidate or for having voted in a manner provided by law;
- (p) institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe;
- (q) gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or a Scheduled Tribe:
- (r) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;
- (s) abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view;
- (t) destroys, damages or defiles any object generally known to be held sacred or in high esteem by members of the Scheduled Castes or the Scheduled Tribes.

Explanation.—For the purposes of this clause, the expression "object" means and includes statue, photograph and portrait;

(*u*) by words either written or spoken or by signs or by visible representation or otherwise promotes or attempts to promote feelings of enmity, hatred or ill-will against members of the Scheduled Castes or the Scheduled Tribes:

- (v) by words either written or spoken or by any other means disrespects any late person held in high esteem by members of the Scheduled Castes or the Scheduled Tribes;
- (w) (i) intentionally touches a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe, when such act of touching is of a sexual nature and is without the recipient's consent;
- (*ii*) uses words, acts or gestures of a sexual nature towards a woman belonging to a Scheduled Caste or a Scheduled Tribe, knowing that she belongs to a Scheduled Caste or a Scheduled Tribe.

Explanation.—For the purposes of sub-clause (i), the expression "consent" means an unequivocal voluntary agreement when the person by words, gestures, or any form of non-verbal communication, communicates willingness to participate in the specific act:

Provided that a woman belonging to a Scheduled Caste or a Scheduled Tribe who does not offer physical resistance to any act of a sexual nature is not by reason only of that fact, is to be regarded as consenting to the sexual activity:

Provided further that a woman's sexual history, including with the offender shall not imply consent or mitigate the offence;

- (x) corrupts or fouls the water of any spring, reservoir or any other source ordinarily used by members of the Scheduled Castes or the Scheduled Tribes so as to render it less fit for the purpose for which it is ordinarily used;
- (y) denies a member of a Scheduled Caste or a Scheduled Tribe any customary right of passage to a place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which other members of public or any other section thereof have a right to use or access to;
- (z) forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence:

Provided that nothing contained in this clause shall apply to any action taken in discharge of a public duty;

- (za) obstructs or prevents a member of a Scheduled Caste or a Scheduled Tribe in any manner with regard to—
 - (A) using common property resources of an area, or burial or cremation ground equally with others or using any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing *ghat*, any public conveyance, any road, or passage;
 - (B) mounting or riding bicycles or motor cycles or wearing footwear or new clothes in public places or taking out wedding procession, or mounting a horse or any other vehicle during wedding processions;
 - (C) entering any place of worship which is open to the public or other persons professing the same religion or taking part in, or taking out, any religious, social or cultural processions including *jatras*;
 - (D) entering any educational institution, hospital, dispensary, primary health centre, shop or place of public entertainment or any

other public place; or using any utensils or articles meant for public use in any place open to the public; or

- (E) practicing any profession or the carrying on of any occupation, trade or business or employment in any job which other members of the public, or any section thereof, have a right to use or have access to;
- (*zb*) causes physical harm or mental agony of a member of a Scheduled Caste or a Scheduled Tribe on the allegation of practicing witchcraft or being a witch; or
- (zc) imposes or threatens a social or economic boycott of any person or a family or a group belonging to a Scheduled Caste or a Scheduled Tribe.

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.';

- (ii) in sub-section (2),—
- (a) in clause (v), for the words "on the ground that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member", the words "knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member" shall be substituted;
 - (b) after clause (v), the following clause shall be inserted, namely:—
 - "(va) commits any offence specified in the Schedule, against a person or property, knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with such punishment as specified under the Indian Penal Code for such offences and shall also be liable to fine."

45 of 1860.

Substitution of new section for section 4.

Punishment for neglect of duties.

- 5. For section 4 of the principal Act, the following section shall be substituted, namely:—
- "4. (1) Whoever, being a public servant but not being a member of a Scheduled Caste or a Scheduled Tribe, wilfully neglects his duties required to be performed by him under this Act and the rules made thereunder, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year.
 - (2) The duties of public servant referred to in sub-section (1) shall include—
 - (a) to read out to an informant the information given orally, and reduced to writing by the officer in charge of the police station, before taking the signature of the informant:
 - (b) to register a complaint or a First Information Report under this Act and other relevant provisions and to register it under appropriate sections of this Act:
 - (c) to furnish a copy of the information so recorded forthwith to the informant:
 - (d) to record the statement of the victims or witnesses;
 - (e) to conduct the investigation and file charge sheet in the Special Court or the Exclusive Special Court within a period of sixty days, and to explain the delay if any, in writing;
 - (f) to correctly prepare, frame and translate any document or electronic record:

7

(g) to perform any other duty specified in this Act or the rules made thereunder:

Provided that the charges in this regard against the public servant shall be booked on the recommendation of an administrative enquiry.

(3) The cognizance in respect of any dereliction of duty referred to in sub-section (2) by a public servant shall be taken by the Special Court or the Exclusive Special Court and shall give direction for penal proceedings against such public servant."

6. In section 8 of the principal Act,—

Amendment of section 8.

- (i) in clause (a), for the words "any financial assistance to a person accused of", the words "any financial assistance in relation to the offences committed by a person accused of" shall be substituted;
 - (ii) after clause (b), the following clause shall be inserted, namely:—
 - "(c) the accused was having personal knowledge of the victim or his family, the Court shall presume that the accused was aware of the caste or tribal identity of the victim, unless the contrary is proved.".
- 7. In section 10 of the principal Act, in sub-section (1),—

Amendment of section 10.

- (a) after the words and figures "article 244 of the Constitution", the words, brackets and figures "or any area identified under the provisions of clause (vii) of sub-section (2) of section 21" shall be inserted;
 - (b) for the words "two years", the words "three years" shall be substituted.
- **8**. For section 14 of the principal Act, the following section shall be substituted, namely:—

Substitution of new section for section 14.

"14. (1) For the purpose of providing for speedy trial, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, establish an Exclusive Special Court for one or more Districts:

Special Court and Exclusive Special Court.

Provided that in Districts where less number of cases under this Act is recorded, the State Government shall, with the concurrence of the Chief Justice of the High Court, by notification in the Official Gazette, specify for such Districts, the Court of Session to be a Special Court to try the offences under this Act:

Provided further that the Courts so established or specified shall have power to directly take cognizance of offences under this Act.

- (2) It shall be the duty of the State Government to establish adequate number of Courts to ensure that cases under this Act are disposed of within a period of two months, as far as possible.
- (3) In every trial in the Special Court or the Exclusive Special Court, the proceedings shall be continued from day-to-day until all the witnesses in attendance have been examined, unless the Special Court or the Exclusive Special Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded in writing:

Provided that when the trial relates to an offence under this Act, the trial shall, as far as possible, be completed within a period of two months from the date of filing of the charge sheet.".

THE GAZETTE OF INDIA EXTRAORDINARY

[PART II—

8

Insertion of new section 14A.

9. After section 14 of the principal Act, the following section shall be inserted, namely:—

Appeals.

"14A. (1) Notwithstanding anything contained in the Code of Criminal Procedure,1973, an appeal shall lie, from any judgment, sentence or order, not being an interlocutory order, of a Special Court or an Exclusive Special Court, to the High Court both on facts and on law.

2 of 1974.

(2) Notwithstanding anything contained in sub-section (3) of section 378 of the Code of Criminal Procedure, 1973, an appeal shall lie to the High Court against an order of the Special Court or the Exclusive Special Court granting or refusing bail.

2 of 1974.

(3) Notwithstanding anything contained in any other law for the time being in force, every appeal under this section shall be preferred within a period of ninety days from the date of the judgment, sentence or order appealed from:

Provided that the High Court may entertain an appeal after the expiry of the said period of ninety days if it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of ninety days:

Provided further that no appeal shall be entertained after the expiry of the period of one hundred and eighty days.

(4) Every appeal preferred under sub-section (I) shall, as far as possible, be disposed of within a period of three months from the date of admission of the appeal.".

Substitution of new section for section 15.

10. For section 15 of the principal Act, the following section shall be substituted, namely:—

Special Public Prosecutor and Exclusive Public Prosecutor.

- "15. (1) For every Special Court, the State Government shall, by notification in the Official Gazette, specify a Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as a Special Public Prosecutor for the purpose of conducting cases in that Court.
- (2) For every Exclusive Special Court, the State Government shall, by notification in the Official Gazette, specify an Exclusive Special Public Prosecutor or appoint an advocate who has been in practice as an advocate for not less than seven years, as an Exclusive Special Public Prosecutor for the purpose of conducting cases in that Court.".

Insertion of new Chapter IVA.

11. After Chapter IV of the principal Act, the following Chapter shall be inserted, namely:—

"CHAPTER IVA

RIGHTS OF VICTIMS AND WITNESSES

Rights of victims and witnesses.

- 15A. (1) It shall be the duty and responsibility of the State to make arrangements for the protection of victims, their dependents, and witnesses against any kind of intimidation or coercion or inducement or violence or threats of violence.
- (2) A victim shall be treated with fairness, respect and dignity and with due regard to any special need that arises because of the victim's age or gender or educational disadvantage or poverty.
- (3) A victim or his dependent shall have the right to reasonable, accurate, and timely notice of any Court proceeding including any bail proceeding and the Special Public Prosecutor or the State Government shall inform the victim about any proceedings under this Act.
- (4) A victim or his dependent shall have the right to apply to the Special Court or the Exclusive Special Court, as the case may be, to summon parties for production of any documents or material, witnesses or examine the persons present.

- (5) A victim or his dependent shall be entitled to be heard at any proceeding under this Act in respect of bail, discharge, release, parole, conviction or sentence of an accused or any connected proceedings or arguments and file written submission on conviction, acquittal or sentencing.
- (6) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the Special Court or the Exclusive Special Court trying a case under this Act shall provide to a victim, his dependent, informant or witnesses—
 - (a) the complete protection to secure the ends of justice;
 - (b) the travelling and maintenance expenses during investigation, inquiry and trial;
 - (c) the social-economic rehabilitation during investigation, inquiry and trial; and
 - (d) relocation.
- (7) The State shall inform the concerned Special Court or the Exclusive Special Court about the protection provided to any victim or his dependent, informant or witnesses and such Court shall periodically review the protection being offered and pass appropriate orders.
- (8) Without prejudice to the generality of the provisions of sub-section (6), the concerned Special Court or the Exclusive Special Court may, on an application made by a victim or his dependent, informant or witness in any proceedings before it or by the Special Public Prosecutor in relation to such victim, informant or witness or on its own motion, take such measures including—
 - (a) concealing the names and addresses of the witnesses in its orders or judgments or in any records of the case accessible to the public;
 - (b) issuing directions for non-disclosure of the identity and addresses of the witnesses;
 - (c) take immediate action in respect of any complaint relating to harassment of a victim, informant or witness and on the same day, if necessary, pass appropriate orders for protection:

Provided that inquiry or investigation into the complaint received under clause (c) shall be tried separately from the main case by such Court and concluded within a period of two months from the date of receipt of the complaint:

Provided further that where the complaint under clause (c) is against any public servant, the Court shall restrain such public servant from interfering with the victim, informant or witness, as the case may be, in any matter related or unrelated to the pending case, except with the permission of the Court.

- (9) It shall be the duty of the Investigating Officer and the Station House Officer to record the complaint of victim, informant or witnesses against any kind of intimidation, coercion or inducement or violence or threats of violence, whether given orally or in writing, and a photocopy of the First Information Report shall be immediately given to them at free of cost.
 - (10) All proceedings relating to offences under this Act shall be video recorded.
- (11) It shall be the duty of the concerned State to specify an appropriate scheme to ensure implementation of the following rights and entitlements of victims and witnesses in accessing justice so as—
 - (a) to provide a copy of the recorded First Information Report at free of cost;

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THE GAZETTE OF INDIA EXTRAORDINARY

- (b) to provide immediate relief in cash or in kind to atrocity victims or their dependents;
- (c) to provide necessary protection to the atrocity victims or their dependents, and witnesses;
 - (d) to provide relief in respect of death or injury or damage to property;
- (e) to arrange food or water or clothing or shelter or medical aid or transport facilities or daily allowances to victims;
- (f) to provide the maintenance expenses to the atrocity victims and their dependents;
- (g) to provide the information about the rights of atrocity victims at the time of making complaints and registering the First Information Report;
- (h) to provide the protection to atrocity victims or their dependents and witnesses from intimidation and harassment;
- (i) to provide the information to atrocity victims or their dependents or associated organisations or individuals, on the status of investigation and charge sheet and to provide copy of the charge sheet at free of cost;
 - (*j*) to take necessary precautions at the time of medical examination;
- (k) to provide information to atrocity victims or their dependents or associated organisations or individuals, regarding the relief amount;
- (l) to provide information to atrocity victims or their dependents or associated organisations or individuals, in advance about the dates and place of investigation and trial;
- (*m*) to give adequate briefing on the case and preparation for trial to atrocity victims or their dependents or associated organisations or individuals and to provide the legal aid for the said purpose;
- (n) to execute the rights of atrocity victims or their dependents or associated organisations or individuals at every stage of the proceedings under this Act and to provide the necessary assistance for the execution of the rights.
- (12) It shall be the right of the atrocity victims or their dependents, to take assistance from the Non-Government Organisations, social workers or advocates.".

Insertion of new Schedule.

12. After section 23 of the principal Act, the following Schedule shall be inserted, namely:—

"THE SCHEDULE

[See section 3(2)(va)]

120A Definition of criminal conspiracy. 120B Punishment of criminal conspiracy	Section under the Indian Penal Code	Name of offence and punishment
120R Punishment of criminal conspiracy	120A	Definition of criminal conspiracy.
1205 I unishment of eliminal conspiracy.	120B	Punishment of criminal conspiracy.
141 Unlawful assembly.	141	Unlawful assembly.
Being member of unlawful assembly.	142	Being member of unlawful assembly.

Sec. 1]	THE GAZETTE OF INDIA EXTRAORDINARY	11
Section under the Indian Penal Code	Name of offence and punishment	
143	Punishment for unlawful assembly.	
144	Joining unlawful assembly armed with deadly weapon.	
145	Joining or continuing in unlawful assembly, knowing it has to commanded to disperse.	oeen
146	Rioting.	
147	Punishment for rioting.	
148	Rioting, armed with deadly weapon.	
217	Public servant disobeying direction of law with intent to save perfrom punishment or property from forfeiture.	rson
319	Hurt.	
320	Grievous hurt.	
323	Punishment for voluntarily causing hurt.	
324	Voluntarily causing hurt by dangerous weapons or means.	
325	Punishment for voluntarily causing grievous hurt.	
326B	Voluntarily throwing or attempting to throw acid.	
332	Voluntarily causing hurt to deter public servant from his duty.	
341	Punishment for wrongful restraint.	
354	Assault or criminal force to woman with intent to outrage modesty.	her
354A	Sexual harassment and punishment for sexual harassment.	
354B	Assault or use of criminal force to woman with intent to disrob	e.
354C	Voyeurism.	
354D	Stalking.	
359	Kidnapping.	
363	Punishment for kidnapping.	
365	Kidnapping or abducting with intent secretly and wrongfull confine person.	y to
376B	Sexual intercourse by husband upon his wife during separation	n.
376C	Sexual intercourse by a person in authority.	
447	Punishment for criminal trespass.	
506	Punishment for criminal intimidation.	

509

Word, gesture or act intended to insult the modesty of a woman.".

12 THE GAZETTE OF INDIA EXTRAORDINARY [PART II— Sec. 1]

Repeal and saving.

13. (1) The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance, 2014 is hereby repealed.

Ord. 1 of 2014.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act, as amended by this Act.

DR. G. NARAYANA RAJU, Secretary to the Govt. of India.

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Centre for the political studies School of social sciences Jawaharlal Nehru University

INTERVIEW SCHEDULE FOR THE STUDY OF

Changing Socio-Economic Profile and Atrocities on Dalit in Uttar Pradesh

(Questionnaire to be used in the field survey in Meerut and Mirzapur district of Western and Eastern Uttar Pradesh)

1.	Respondent profile
	1.1 Name
	1.2 Agebelow twenty below fourty below sixty sixty
	1.3 Sexmale female trans
	1.4 Village/town name
	1.5 Caste
	1.6 SC ST OBC GEN
	1.7 Religion Hindu Buddhist Christian Muslim
	1.8 Education—illiterate high school graduate
	Post-graduate doctorate technical
	1.9 Occupation (Tick) Before 1990 After 1990
	a. Cultivator
	b. Agriculture labourer
	c. Unskilled manual labourer
	d. Skilled manual labourer
	e. Working on family business
	f. Salaried govt/private
	g. Other
2.	Household information (write a,b,c)
	2.1. What is the house structure?
	1. Floor material—
	a. mud
	b. brick
	c. cement
	d. stone/tiles
	2.2.Wall material
	a. mud
	b. grass

c.

brick concrete

d. stone/tiles		
2.3.Roof material—		
a. grass/bamboo		
b. metal/asbestos		
c. brick		
d. concrete		
e. plastic		<u></u>
2.4.Total number of room in the house		
2.5.Does this house hold any agriculture land?	Yes	no
2.6. How much agriculture land this household	own?(in acres)	
2.7.Out of this how much is irrigated?(in acres	7)	
2.8. What kind of toilet facilities your househol	d have?	
1. Kuchha		
2. pucca		
3. no toilet facility		
2.9.Main souse of energy for cooking?		
1. Firewood		
2. /cowdung/crop resid	lue	
3. LPG/Electricity/		
4. kerosene/biogas /coa	al	
2		
2.10. What is the source of drinking water?		
1. Tap		
2. Hand pump		
3. Well		
4. River/canal/tank/pond		
2.11. Does the household has the following it	tems (Tick):	
a. Chair /cot /bed/table		
b. Radio/transistor		
c. Television		
d. Telephone/mobile		
e. Electric fan		
f. Refrigerator		
g. Washing machine		
h. Bicycle		
i. Motor cycle/scooter	🗂	
j. Car/jeep/other four wheelers		

3. Atrocities of social and religious nature

3.1.Are you invited i	n the marriage and other family functions of non Dalit?			
a.	Invited Yes No.			
b.	Attended			
C.	If yes how often? Always sometimes never			
d.	If no then why?(explain)			
3.2.If ves please tick	the manner in which the invitation is served			
a.	Oral			
b.	Written			
c.	Visit without invitation			
3.3.Do upper castes s	serve you food in the same utensils in which they eat?			
3.4.If no how do the serve?(explain)				
3.5.Sitting arrangement for Dlits in the family and other function of non Dalit.				
a.	Dalitt sit in the same queue.			
b.	Dalit sit in a different queue.			
c.	Dalit sit outside the courtyard			
d.	Dalit throw their plates themselves			
3.6. Are you invited to participate in religious or any other community functions of				
	s please tick the following			
Means if invitation				
Oral	As shrota(hearer)			
Written	Ritual performer(hawan)			
Without invitatio				
As labourer	Bhajan singer			
3.7.Does anybody pr village and its vio	ohibit you in visiting temple or any other sacred place in the cinity?			
3.8.Do you invite no	n-dalit in religious functions?			

	3.10.	If yes then do you make separate arrangement for them?	
	3.11.	Do non-Dalits of the village accept Prasad of worship made in your house?	
	3.12.	Do dalit face still atrocities face atrocities from caste Hindus?	
	3.13.	If yes (please write a,b,cin the box) from the nature of atrocity in the next	
		estion and explain the reason behind these atrocities.	
	3.14.	Are there any inter caste marriage in your area?	
	3.15. an	Do dalit face atrocity due to inter-caste marriage? If yes then please tick nong following nature	
		a. Murder	
		b. Rape	
		c. Abduction	
		d. Dacoity	
		e. Stealing	
		f. Arson	
		g. Scuffle	
		h. Registered under PCR Act 1976	
		i. Registered under SC/ST PA Act1989	
		j. Others	
	3.16.	Do non Dalit force you to carry out your demeaning caste duties such as night	
		il or dead cattle out of the village?	
	3.17.	If yes please mention your Demeaning work you are forced to do	
	3.18.	On social distance between Dalits and non Dalits(tick the following)	
		a. Do you sit on co/chair in front of non Dalit at your house?	
		b. Dou you sit on cot/chair in front of non Dalit at their house?	
		c. Do you sit on cot/chair in front of non dalits in public place?	
		d. Do your children play with children of non Dalit?	
		e. Do you drink water from the same well/tap?	
4.	Atrocities	s of economic nature(if yes please tick the following)	
		you are an agriculture labourer are you forced to work without pay/beggar for on-Dalits of the village?	

3.9.Do they come?

	4.2. If you are a land owner have your land been illegally occupied by non-Dalits of the village?				
	4.3.If own a business/farm any other source of income.				
	 a. Had there been any burning of the property/shops/crops? b. Do non Dalit buy things from your shop/ eat in your hotel/ use your services without any discrimination? c. Has there been any theft of your means of income such as generator set, vehicles, irrigation pump, etc.? 				
	4.4.If you are a government employee do you face discrimination at your workplace?				
	4.5.Does your employer intentionally make economic loss to by any means such as delayed promotion, transfer, posting etc?]			
	4.6.Do you face discrimination in opening bank account and getting loans?]			
	4.7.Are you allowed to buy home or any other properties in the non Dalit localities?	7			
	4.8.Do you receive the government financial benefits specially meant for dalits?	j			
5.	Atrocities of political nature				
	5.1.Do you vote in the elections?]			
	5.2. Have you ever been prevented from voting by non dalits in any election?]			
	5.3. Have you ever been forced to cast your vote in favour of a candidate of non-Dalit choice?]			
	5.4.Are you allowed to participate in village <i>panchayat</i> as member?				
	5.5. Have you participated in the decision making in the <i>panchayat</i> on the matter of caste conflict?				
	5.6.Are you exploited or threatened by <i>mukhiya/ sarpach</i> /MLA/MP of your area?				
	5.7.State police and atrocities on dalit.				
	a. Do the police discriminate you in police station?				
	b. Have you ever faced illegal detention/torture/ or any other form harassment by the police?				

	c.	Does police register your cases of atrocities?	
	d.	Are you aware of the prevention of atrocities on Dalit act 1989?	
	e.	If yes was it registered under prevention of atrocities of ST/ST act 1998?	
	5.8.Are you a	member of any political party?	
	•	n do you feel free and fearless in campaigning or displaying poster of ical party?	
	•	u think that some political parties helps the tormentor in the incident o ity? If yes please mention the name of the political party.	f
	5.11. Does y	your village have statue of Ambedkar?	
	5.12. Has th	is statue been attacked or defaced by non Daits?	
6.	Atrocities on Da	lit women	
		women work outside their own household? If yes then please write he following: As maid Agriculture wage labour In your own field Fodder for animal Traditional caste occupation	
	6.2.Do the Da	alit female get equal treatment from non Dalit Women at the work place	e?
	6.3.Do the Da place?	alit female get equal treatment from the non Dalit male at the work	
	6.4.Has there	been any case of physical atrocities to Dalit women?	
	6.5.What kind	d of kind of atrocities happened ?(explain)	
	6.6.What are	the common abusive words used by the non Dalit for Dalit women?	
	6.7.Do Dalit g	girls go to the school?	
	6.8.What kind a.	d of treatment they get from equal discriminatory non dalit teachers	

	b. non dalit fellow student c. non dalit general public				
	6.9.Has there been any atrocity against dalit women in your village?				
	6.10. Was the case registered in the police station?				
	6.11. What is the state of the case ?(explain)				
	6.12. What was the behaviour of the police in this regard?				
7.	Resistance to atrocities on Dalits				
	7.1. What are the major issue if conflict between dalits and non dalits in your village?				
	7.2. Do you have any association to fight caste oppression in your village?				
7.3.Do the dalit in the village hold weekly/monthly/quarterly /annual meetings and discuss issues if caste conflict in the village?					
	7.4. How do you respond to discrimination at the religious places				
	7.5. How do respond to counter the incident of atrocity against your own family member?				
	7.6.How do you respond to the heinous crime such as rape/arson/murder etc committed on dalits in your village bye non dalit?				
	7.7. What are the modes of protest on the issue of conflict in the village?				
	7.8. Do political parties support you on the matter of atrocities on Dalit?				
	7.9.If yes tick the political parties and their mode of support. Principle mediation administration assembly				
	a. BJP				

7.10. Do you meet village:(Tick the	the following in the case of any incident of atrocity in the following)	
a.	Chowkidar of the village	
b.	Sarpanch of the village	
C.	Mukhiya of the village	
d.	Labour inspector of the area	
e.	In charge of local police station	
f.	B.D.O	
g.	C.O	
h.	SDM	
i.	S.P	
j.	DM	
k.	MLA	
l.	MP	
m.	Minister	
8.2.If yes then specif8.3.Has the migration vulnerable for att8.4.When a migrant	Er of your family work in the city? Ey his/her profile(nature of his/her work) In of male member of the family made women in the village rocities? It comes back in the village does he assert in the village? Inge in his social behaviour?	
8.6.Does the migration village?	on provide more bargaining power the dalit labourer in the	
8.7.Do the workers of village?	lemand for higher status in bargain with scarce work force in the	
8.8.Do you think that village?	t cities are better and give you equal treatment compared to your	
8.9.Do you get better migrant)	r treatment when you return to your village?(to be asked from	

9. Politicisation of Dalits in Merrut amd Mirzapur district of UP. 9.1.Did you vote in the last election? 9.2. Are you a member of any political party?(if yes write the following) attend meetings attend party rally b. hold party office c. display party symbols and poster at my home d. meet people and convince them about my party ideology e. Do you think that the anti discrimination law/measures taken by the f. govt is effectively implemented by the govt officials/police? 9.3.Do you know the election symbols of the following political parties INC/BJP/BSP/SP/and RLD. 9.4. Are you aware that in coming month there is an election taking place in your state? 9.5.Do you think that your vote does make a difference? 9.6.Do you feel safe and protected in a regime headed by Dalit leader? 9.7.Do you feel that your status has improved in the last 20 years? 9.8.Do you think that the behaviour of police towards Dalit have changed favourable under BSP rule? 9.9.Do you know about the national commission for scheduled caste? 9.10. Have you ever reported any case of atrocities to the commission, if yes does the commission effectively redress your case? 9.11. Do you face discrimination of any kind in public offices?

Codes: 1. Yes----2.No----3.Non