

CHAPTER - II

ABOLITION OF UNTOUCHABILITY AND UPLIFTMENT OF THE UNTOUCHABLES

For centuries together India's untouchables have been one of the World's most downtrodden and oppressed minorities. They lived in hamlets segregated from other villagers, were not allowed to use the wells of upper castes or to share food with them. They were forced to do crave labour, were denied the entry to temples, were kept away from acquiring Sanskrit knowledge of Hinduism. They were not allowed to wear good clothes, jewellery and footwear. In short they were denied basic human rights and were treated worst than animals. Throughout India, condition of forth Varna was nearly similar with different degrees of severness.¹ During the British rule some social reformers turned their attention to the problem of untouchability and worked for upliftment of the untouchables.

1. INITIATION OF SOCIAL CHANGES IN INDIA

'The history of backward people in the caste-ridden society in India is a history of their continuous suffering oppression. They suffered from multiple deprivations and were victims of 'Cumulative domination.' In the modern era, the Indian constitution sets forth a programme for the reconstruction and transformation of medieval hierarchical society emphasizing inequality into modern egalitarian society based on individual achievement and equal opportunity for all regardless of one's caste, race or religion. It is rather difficult to change the social pattern of most conservative society like the Indian society. Definitely social changes do not emerge suddenly but they are a culmination of a long process of change in the traditional pattern of our caste ridden society. In India these changes were effected mainly

through the efforts of indigenous reformers, and religious thinkers, national leaders and the intelligentsia of the country, who consistently challenged the dominant values legitimizing inherited inequalities based upon the doctrine of '*Karma* and Rebirth.'²

2. SOCIAL MOVEMENT AND DALIT MOVEMENT

Before going into the details of the efforts made for the removal of untouchability, it is essential to understand the important terms related to it i.e. social movement and Dalit movement.

Different kinds of movements were launched in India by various stalwarts. Social movement is rarely one dimensional, it often tends to be multi-dimensional. That is to say that they may be concerned simultaneously with values, norms, form of organization and material conditions and resources. Ideology is an important component of social movement because it distinguishes any movement from general category of movements. 'Social movement is an organized attempt on the part of a section of society to bring about either partial or total change in society through collective mobilization based on an ideology.'³

Like any other movement, Dalit movement is a social movement. According to Mr. M.S.A. Rao it is a protest movement in the strict sense of the term. Dalit Movement in India is partly religious movement, partly protest movement besides being a campaign for equality. Moreover, each type frequently embraces a wide range of organizational form.⁴

English education, trade and commerce, communication systems and of course a series of administrative reforms, which gave the backward classes and minority groups increased political powers, economic benefits and educational opportunities. British rule in India

brought besides technology, a liberal modern scientific worldview through the introduction of humanistic studies laying emphasis on freedom and equality.⁵

Though, the social reformers, the intelligentsia and the British government made such efforts for the development of the backward classes, it did not produce immediate good results. Because the untouchables lived in very critical conditions. They had no equal rights at many public places such as hotels, wells/ water-tanks, temples etc. In spite of that it is necessary to study the efforts made for the removal of untouchability.

3. EFFORTS MADE FOR THE REMOVAL OF UNTOUCHABILITY

Removal of untouchability and all disabilities from which depressed classes suffered, formed an important item in the programmes of all socio-religious movement that sprang up in India during British period. Prior to British rule the social and religious reformers, the place of pride must be given to Buddha, Mahavir, Saint like Gyaneshwar, Chokhamela, Tukaram and Kabir, made valiant efforts to modify the strictness of old spirit of caste exclusiveness and tried to elevate the position of the untouchables. They gave sanctity to the family relations and raised the status of women. But saints and philosophers in India seldom concerned themselves with the reform of social institutions, hence the position of the scheduled castes continued to be inferior in the society, till the new awakening among the English educated young Indians started a period of social renaissance in India.⁶

Efforts made for the removal of untouchability can be divided into the following two categories :

1. Efforts made by social reformers and
2. Efforts made by politicians or government.

3.1 Efforts made by Social Reformers :

The Western educated Hindus championed the cause of social renaissance in India, pioneered by Raja Ram Mohan Roy who founded the Brahmo Samaj in Bengal. It tried to foster brotherhood wherein man would not be separated from man due to caste. However, the credit of improving the conditions of *Harijans* can rightly be given to the Arya Samaj, which was founded by Swami Dayanand Saraswati. Though Arya Samaj opposed the rigidity of caste distinctions based on birth but it did not oppose the fourfold classification of society. The movements initiated by Brahmo Samaj, Prathana Samaj, Ramkrishna Mission and Theosophical society rendered valuable services in their own way in reforming the behavioural pattern in the Hindu society. Thus in conclusion we can say that India was fortunate enough to have a galaxy of reformers⁷ who dedicated their life for the upliftment of the untouchables. Let us now study in some details the contribution of some eminent social reformers in Maharashtra.

3.1.1 Mahatma Jotirao Phule (1827-1890) :

Though social reform movement aimed at reforming society, they had many programmes on their agenda and uplifting dalits was one of the many programmes. Hence leaders of backward classes were not satisfied with reform movement led by Western educated, urbanized Brahmins and other high caste reformers. Consequently there emerged the backward caste movement organized by backward caste people or the non-Brahmins themselves. The greatest example of this can be the *Satya Shodhak Samaj* (Truth seekers society) founded in 1873 by Jotiba

Phule. It was anti Brahmin in its orientation and worked for the welfare of all non-Brahmins.⁸

Mahatma Jotirao Phule was the person to whom first of all realized the pitiable condition of the untouchables. In 1852, he started school for the untouchables at Pune. In 1868, he opened a water tank of his own to the untouchables.⁹ 1873 was the crucial year, both ideologically and organizationally. It saw the publication of Phule's major book, *Gulamgiri* (Slavery) and the founding of the *Satyashodhak Samaj*. The challenge to caste and Brahmanism was now in the open and increasingly bitter and it was to this cause that Jotiba Phule devoted his efforts untill his death. In 1877 the first newspaper of the movement, '*Din Bandhu*' was started under the editorship of Phule's young Mali colleague Shri Krishnarao Bhalekar (1850-1910), himself an important organizer.¹⁰

It is significant that Phule's first practical social reform efforts were to aid the two groups considered lowest in traditional Brahmin culture -Women and untouchables. He did so not as a liberal paternalistically concerned for the "uplift" of some lower order of being, but as a radical, well aware that a revolution in social relationships had to be founded on community with those most oppressed by the traditional social hierarchy. Untouchables, for example were not seen as a group unique in India but as the most oppressed section of the masses. It may be noted that whole non-Brahmans compared untouchability with Negro slavery, Jotiba Phule in *Gulamgiri* considered peasants and untouchables together as a community of the oppressed, suffering under Brahman slavery.¹¹

According to the historian Prof. G.P. Deshpande "Phule was the first Indian 'system builder'.. (the) first to attempt at transforming plural

categories of history into singular or universal ...(he) talked about knowledge and power much before Foucault did. In fact Foucault's post-Modernist analysis came at a time when Europe has literally seen an 'end of history' whereas Phule's efforts were to change the world/society with the weapon of knowledge."¹²

3.1.2 Gopal Baba Walangkar 1840-1900 :

Shri Gopal Baba Walangkar, a military man from konkan region, was the first to fight for the rights of the *Mahars* in Maharashtra. In 1886 he retired from military service. He mobilized the people and made them conscious of their human rights. He highlighted the grievances of the people by writing in *Dinbandhu* and *Sudharak*, the contemporary Marathi newspapers in which he argued that casteism and untouchability had no religious base and these were the monsters created by the Hindus. To prove his thesis he published a booklet titled "*Vital Vidhavsak*", in 1888. He formed *Anarya Doshpariharak Mandali* (Non-Aryan group for removal of wrong) at Dapoli and opened its branches at other places in Ratnagiri district, where the untouchable castes such as *Chambhar* and *Mahar* were in greater number. Mr. Walangkar encouraged the replacement of Brahmin Joshis with *Mahar* Joshis. Dr. B. R. Ambedkar acknowledged the timely contribution made by *Anarya Doshparihark Mandali* of Gopal Baba Walangkar. With the work of Walangkar, a new era for the untouchables was ushered. He encouraged these people to fight against economic, social and religious disabilities. A Bombay newspaper '*Indu Prakash*' reported 'The disadvantaged are raising their voices' and quoted as evidence a protest addressed to leader of Hindu society by Walangkar. Walangkar was the first social revolutionary, first journalist, first social thinker and the first initiator of untouchables' movement in Maharashtra State.¹⁴

3.1.3 Maharshi Vitthal Ramaji Shinde (1873-1944) :

V.R. Shinde completed his education at London, in 1903 and came back to India. In India he observed that the untouchables lived in very low status in comparison with caste Hindus. So he decided to work for the welfare of untouchables. To improve the status of the untouchables he established 'Depressed Classes Mission' on 18 October, 1906. 'Abolition of Untouchability' was the prominent object of this Mission. To reach this, it insisted upon the measures such as the spread of education, personal development, propaganda of the liberal principles of the Hindu religion, industrial development, awareness of political rights among the untouchables etc. In 1912, he organized the first conference of 'anti-untouchability committee' at Pune. Due to the efforts of V. R. Shinde abolition of untouchability resolution was passed in the Session of Indian National Congress held at Calcutta in 26 Dec. 1917 under the Presidentship of Dr. Annie Beasant.¹⁵ Barr. Mukundarao Jaykar had proposed an abolition of untouchability resolution in the second conference of all India anti-untouchability committee held in Mumbai on 23, 24 March, 1918. For doing so, he had received inspiration from V. R. Shinde.¹⁶

The Conference of All India Anti-Untouchability Committee was held on 25 December, 1920 at Nagpur. And V. R. Shinde declared in it that 'Untouchable has been always honest with the Hindu religion and also with the Hindu nation. Hence, the prohibition on them related to nationality and religion would be abolished.' Besides, under the Presidentship of V. R. Shinde a Conference of '*Wai Taluka Anti-Untouchability Committee*' was held on 25 January, 1933 at Wai. There he entered with the untouchables the temple in Ganapati lane when the Sabha was over.¹⁷

Vaikom Temple Entry *Satyagraha* (1924) :

Vaikom *Satyagraha* was first of its kind in India which was organised in order to secure for the untouchables access to Hindu temple. V. R. Shinde was the only reformer who had participated in that peaceful agitation.

Vaikom temple is situated in north Travancore. It was not only the temple but also the roads around the temple were prohibited to Dalits in Kerala. There was board with inscription which said, Ezhavas and other lower castes were prohibited from using this road. Vaikom temple is dedicated to Lord Siva. Non-Hindus like Christians and Muslims had free access to the roads around it. It was against this injustice that the *Satyagraha* was launched at Vaikom, on 30th March 1924.¹⁸

V.R. Shinde had participated in this *Satyagraha*. As he thought that it was the religious and social right of each and every Hindu to enter in the public temples. He visited the camp of *Satyagrahis* with Sadhu Shivaprasad-an untouchable volunteer of Brahma Samaj. As he was an untouchable he was prohibited to enter in the Vaikom temple and to walk on the road around it. V.R. Shinde raised the voice against this behaviour of caste Hindus but all in vain.¹⁹

V.R. Shinde was the first social thinker who probed deep the problem of 'untouchability' in India. He dealt with the problem of untouchability at social level. He also published an essay in three parts, on the 'Elevation of the Depressed Classes' in December, 1905 in *Subodha-Patrika*. Injustice done to the untouchables and necessity of upliftment of the untouchables were the important points that he stressed in this essay. In 1906 he wrote an essay 'A plea for the mission for depressed classes' in 'Indian Social Reformer' in which he highlighted the obstacles in the path of the untouchables, their population

(regionwise), attempts made to the abolition of untouchability by the upper castes as well as by themselves.²⁰

According to V.R. Shinde, it was like a horrible boycott that India has an existence of untouchability. He described the untouchables as '*Bahiskrit Bharat*' because he observed that their population was 1/6 of the total population of India. Nearly for about 30 years he examined and worked on the problem of untouchability. In 1933 his scholarly work entitled, '*Bharatiya Asprushyatecha Prashna*' was published in a book form. The problem of untouchability was comprehensively analysed by him in this thesis.²¹

3.1.4 Chhatrapati Shahu Maharaj of Kolhapur (1874-1922) :

Next to Jotiba Phule in importance for the non-Brahman movement and upliftment of the untouchables in Maharashtra was Shahu Chhatrapati, the *Maharaja* of Kolhapur the Maratha ruling prince who could claim to be the clearest living descendent of Chh. Shivaji. Chh. Shahu came to the throne of Kolhapur state with full powers in 1894 and was almost immediately recognized throughout Western Maharashtra as being of a great symbolic importance.

He influenced both by his own aristocratic tradition of conservatism and the developing radicalism that grew under his patronage, the *Maharaja's* own concepts of social reform were both ambivalent and changing. His earliest sponsorship of educational reform was in many ways very moderate and involved little challenge to caste separatism. Typical of his style was sponsorship of student hostels for almost all non-Brahman communities, in which the *Maharaja* provided encouragement, sometimes a gift of land and grants where these were necessary, but would appeal to the rich men of respective castes, communities for basic support.²²

These hostels both encouraged and were based upon a theme of separate caste development enlivened with a liberal spirit (for e.g. Muslim students were encouraged to stay in the Maratha hostel until their own was completed). They became crucial in the social life of Maharashtra and like later institutions throughout the districts provided a training ground which produced eminent leaders of all castes. They allowed social uplift without directly attempting to break down barriers between communities. And in fact this seems to have fitted the *Maharaja's* earliest social orientation, which included a sort of organic, cellular vision of society in which each community would maintain its identity and progress under its own leadership. Thus it was consistent for him to give full encouragement to untouchable social progress and to sponsor Dr. B. R. Ambedkar as the pre-eminent untouchable leader.²³

It was immediately after the *Vedokta* controversy had begun that he took the most firm step to bring non-Brahmans into the administration by issuing an order, in 1902, reserving 50% of the vacancies in the administration for members of the 'Backward Communities'.²⁴

What is most significant is that by the end of his life the *Maharaja* was taking position in social matters that were extremely radical by anyone's terms. From 1915 on, Chh. Shahu was accepting food and water openly from the untouchables. Shahu took increasingly radical stands in his later years by supporting intermarriages between different castes within Kolhapur and finally took the step himself of sponsoring a marriage between his own original family of Kagal and the *Dhangar Maharaja* of Indore. Such actions in the crucial areas of interdining and intermarriage provided an atmosphere of public and radical support for anti-caste reformism.²⁵

Much of this must have been inspired by *Satyashodhak* ideology. Thus in the state of Kolhapur between 1900-1920, a mutual influence of a *Kshatriya* oriented aristocratic anti-Brahmanism and the mass-based radicalism of the *Satyashodhak* movement took place. While Chh. Shahu's efforts contributed substantially to social development among all non-Brahman and untouchable castes.²⁶

The work of Chh. Shahu *Maharaja* reflects the influence of V. R. Shinde. In 1907, he established Miss Clark Hostel for the untouchables which was a branch of D.C. Mission in Kolhapur. He had presided over an all India untouchables conference held at Nagpur in 1920. He was also present in the similar conference held at Delhi. Untouchables had free atmosphere in the state as well as in the palace of Chhatrapati Shahu. He opened the well of his palace to the people of 'Mang' caste. He gave all facilities to the untouchables such as educational, social and political in his state.²⁷

3.1.5 Shivaram Janaba Kamble 1875-1940 :

Another acknowledged leader of the untouchables was Shivaram Janaba Kamble. He came from Poona. During the period from 1904-1930, he submitted many letters and memoranda to the British Government on many issues relating to the *Mahars*. He started a Marathi Newspaper '*Somwanshi Mitra*' in Poona in 1909 to educate the masses. He founded the Depressed Classes Committee in 1921. It is to be noted here that since Vidarbha region is backward as compared to Western Maharashtras need for social reforms was greater there. Some of the social reforms were first initiated in Vidarbha. Also there emerged a number of new leaders who worked for uplift of the untouchable masses in that region work of some such leaders of Vidarbha is discussed here. He was a leader in the 'Parvati Temple

Satyagraha’ organized by the untouchables with a few caste Hindus in 1929. He published and distributed *Suchipatra*, a Marathi booklet, among the untouchables to generate a feeling of self respect. He was the first man to organize a conference of the untouchables in India.²⁸

3.1.6 Kisan Fagoji Bansode (1879-1946) :

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“Pre-Ambedkar *Mahar* Movement” saw the emergence of a spokesman like Shri Kisan Fagoji Bansode from Nagpur. He began his mission around 1900. He started a press which enabled him to print various newspapers, brochures and books concerned with the reforms of the untouchables. He not only held various conferences for the untouchables but went from the house to house, preaching self-respect among the low caste people. In spite of all difficulties he established Sanmarg Bodhak Nirashrit Samaj (Depressed class society showing the right path) on 1st October 1901. He further formed *Mahar Sudharak Mandal* in 1910 and *Antaj Samaj* (last born society) in 1919. Like Shri S. J. Kamble, Shri Bansode also focussed upon bringing about internal reforms among the untouchables.

Nevertheless, a notable contribution was made by Shri Bansode by organizing conferences like the *Akhil Bharatiya Bahiskrit Parishad* in 1929 and *Varhad Mahar Parishad* in 1921, in which *Mahars*, *Mangs* and *Dhors* took part and worked out a programme for political rights.



Bansode was in favour of bringing about social reforms without disturbing the Hindu social structure.²⁹

3.1.7 Other Notable Reformers in Vidarbha :

There were some other social reformers in Vidarbha region such as Keshavraoji Khandare, Vithoba Raoji, Moon Santpande, Kalicharan Nanda Gavali, Revaram Kawade, Babu Hardas and many others. Kalicharan Nanda Gavali (1860-1962) was a convener of the *Bhartiya Bahiskrit Parishad* held in Nagpur in 1920. And highlighted the problems of the untouchables to the Simon Commission and the Southborough committee also. A conference of the *Mahars* was held on 18 December 1912 in Nagpur in which '*Mahar Sabha*' was founded informally. Vithoba Raoji was the founder president of the *Mahar Sabha*. It is evident from the composition of this committee that the social movements of the untouchables from various parts of Maharashtra were linked with the movement of the untouchables of Vidarbha. At the same time an organization known as *Matang Samaj* came into being among the *Mangs*. Such leaders as K.K. Sakat, Tatya Sadhu Gaikwad, Bapu Dhondi Vayadande and others played a significant role to mobilise Matang Community for their civil rights.³⁰

However, the leaders of the untouchables were trying to bring about social reforms in their respective communities. Their main aim was to uplift the masses. It is evident from the work of Gopal Baba Walangkar, Shivram Janaba Kamble, Kisan Fagoji Bansode and others that the social reforms movement originated among the untouchables, specially among the *Mahars*, on their own. This enabled the people to organise themselves and fight collectively against their social disabilities. Thus there began a new-era which is considered as pre-Ambedkar era in the *Mahar* Movement in Maharashtra. Pre-Ambedkar

reformers were successful in creating a sense of awareness among the downtrodden people about their pitiable conditions. But they could not unite all the untouchables.³¹

3.1.8 Dr. B. R. Ambedkar (1891-1956) :

Dr. B. R. Ambedkar came back to India after finishing his studies abroad on 6th April, 1923.³² Dr. B. R. Ambedkar is rightly considered to be one of the major spokesmen of the depressed classes in India. He certainly was not the first to have started the movement of social emancipation and political mobilisation of the sixty million people of the depressed strata, but he was perhaps more effective in highlighting the inhuman treatment to which they were subjected in the Hindu society. He was determined to concentrate the force of his protestant and reformist spirit on the age-old abuses and disabilities of the untouchables in our society. His work is qualitatively different from that of his predecessors. He at once stood for social liberation, economic emancipation and political advancement of the downtrodden millions- a task never undertaken by any high castes. Hindu leader with so much vigour and force.³³

Dr. Ambedkar combined in himself the role of a social reformer, a political leader and a spiritual guide of the untouchables. He, therefore, played a unique role in shaping the mind and the political outlook of his community.³⁴

Dr. Ambedkar had testified before South-Borough committee in 1919, which recognised the need for representation of the Depressed classes in political bodies for the first time. He initiated programmes for assertion of their rights of access to public places like tanks, Hindu temples etc. by beginning a fortnightly '*Mook Nayak*' (Leader of Dumb) on 31st January, 1920. '*Bahiskrit Hitkarini Sabha*' (20 July, 1924) was

the first organization established by Dr. B. R. Ambedkar for the uplift of the untouchables. It was through this Sabha that Dr. Ambedkar made representation to the Simon Commission for political safeguards for the untouchables. Dalits in Maharashtra began their struggle, in an organised manner, under the leadership of Dr. Ambedkar from 1924, to gain their legitimate demands.³⁵

Dr. Ambedkar created a wide range of techniques for mobilising the untouchables which in the long run enabled them to organise mass action. After realising that the Hindus would not concede religious rights to the untouchables on equal footing he put forth a radical programme. He made many attempts to gain religious and social rights by using the Gandhian technique of *Satyagraha*, i.e. mass action without violence.³⁶

After Mahad *Satyagraha* (March 1927) the largest and the longest *Satyagraha* took place on 2nd March, 1930 at Nasik, organised by Dr. B. R. Ambedkar and local leaders, the Kala Ram Temple *Satyagraha* which involved thousands of untouchables making efforts to enter the temple.³⁷

It is undoubtedly true that Dr. Ambedkar succeeded in breaking new ground in the social reform movement not only in Maharashtra but also in India.³⁸

Limitations of Social Reform Movement :

All the social reformer from Raja Ram Mohan Roy to Mahatma Gandhi failed to improve the lot of the *Dalits* or to eradicate untouchability as they could not organise mass movement. Only Dr. B. R. Ambedkar could get the *Dalits* organised on a war-footing. Thus, reform movements mostly remained as fringe movements. Social reformers with the exception of Jotirao Phule, Agarkar, V.R. Shinde,

Narayan Guru, Periyar, had a very narrow approach to the burning problems of existing inequality, particularly the inhuman caste structure and the stigma of untouchability.³⁹

3.2 Efforts Made by politicians or Government :

It is easy to understand and study these efforts if it can be divided as :

- a) Efforts in Pre-Independence era
- b) Efforts in Post-Independence era

a) Efforts in Pre-Independence Era :

For nearly two thousand years the practice of untouchability had been rooted in the social and religious life of the country. Untouchability is a complex social and cultural phenomenon. From time to time social and religious reformers had strived to make a dent in the social system in favour of the untouchables. But the impact of these efforts was short lived.⁴⁰

However, the Caste Disabilities Removal Act of 1850, during British rule was first shock received by the caste system but it was absorbed as usual by the Indian society. So it did not serve useful purpose. Also the then British Government declared in 1858 that the schools denying admissions to the untouchables would not receive grants from the Government. Even this declaration failed to loosen invidious control of the caste system on the socio-politico-economic life of the Indian society.⁴¹

However, the problem of untouchability came to prominence in 1909. This year witnessed the passing of the Government of India Act, 1909. The census authorities deliberately or otherwise did not mention the untouchables as Hindus, but as 'Untouchables'. The Hindus who were already disturbed on the conversions of untouchables got one more

jolt. They met in a conference held in Haridwar in 1915 under the Presidentship of Munindra Chandra Nandi where they formed an organisation of the Hindus called '*Sarvadeshik Sabha*', the object of which was, *inter alia*, to eradicate untouchability.⁴²

Dadabhai Nauroji, the grand old man of India moved a resolution in the imperial Legislative Council in 1916 for the upliftment of the untouchables, but in vain. The Indian National Congress in its 1917 session held at Calcutta under the Presidentship of Mrs. Annie Beasant passed a resolution urging the people of India to remove all the disabilities based on untouchability.⁴³ For the social, economic and political emancipation of the depressed classes, Gandhi emphasized in a conference held in 1917 the need for compulsory education. He further stated that their disabilities, social in origin, amount in law and practice to political disabilities and as such legitimately fall within the political mission of the Indian National Congress.⁴⁴

On one occasion Lokmanya Tilak also vehemently opposed untouchability. In 1918 he addressed the All India Depressed Classes Conference in which he stated, "God is for all. Taint finds no room in the eyes of God, why should we then recognise it? It is a sin against God to say that a person is untouchable, who is not so to God Himself and if God were to tolerate untouchability I would not recognise Him God at all. Untouchables must cease to be untouchables. This is a matter only of social usage and the social usage must change." Lokmanya Tilak desired to rally the Hindu masses under one political flag, because he had realized the importance of mass action for political purposes.⁴⁵ Gandhi wrote in 1920, "The Congress represented in its essence the dumb-semi-starved millions, scattered over the length and breadth of the land in seven hundred thousand villages, no matter

whether they came from British India, or what is called Indian India.” He laid special emphasis on non-violence in all pursuits and propagated the cause of *Sarvodaya* - the uplifting of all and gave a very prominent place to the ‘Removal of Untouchability in his constructive programme.’⁴⁶

In 1923, a resolution was passed in Bombay Legislative Council to discontinue the government grants of those schools which deny admissions to the untouchables’ children. But it was ineffective.⁴⁷

Mahatma Gandhi and Dr. Ambedkar :

Under the leadership of Dr. Ambedkar the *Mahars* alongwith untouchables launched a *Satyagraha* in 1927 to establish their right of equality to take water from the public tank known as *Chavadar Tale*, at Mahad in district Kolaba (now Raigad), Maharashtra. Similarly, the *Mahars* were in the forefront of the *Satyagraha* to establish their right of entry in the Kalaram Temple at Nasik on 22nd March, 1930, which continued for five years.⁴⁸

The behaviour dubbed as ‘Untouchability’ is an historical social phenomenon which touched the conscience of the Indian leaders mainly during the freedom struggle. There were sporadic attempts by some leaders at social reform, but as a policy programme for action, it was brought in as a resolution of the Indian National Congress at its Karachi Session in 1931.⁴⁹

In the First Round Table Conference in 1931, Dr. B. R. Ambedkar emphasized on the political rights of the untouchables. It was due to his efforts that the ‘separate electorate’ was granted to the untouchables. And according to its provisions the untouchables could elect their own representatives in the Legislative Council. Gandhiji was

strongly opposed to the provisions of separate electorate for the untouchables, hence he started his fast unto death on 20th September, 1932. Both Gandhiji and Dr. Ambedkar were firm on their decision. But at last, on 25th September, 1932 Dr. Ambedkar signed a Pact at Pune popularly known as 'Poona Pact.' According to this Pact the untouchables were given reservations in all elected bodies and in services.⁵⁰

On 30th September, 1932 Gandhiji started *Harijan Sevak Samaj* (Society of Servants of *Harijans*), but it did not succeed. He dreamt of social change by change of hearts. Though, he believed that untouchability is a snake of 1000 mouths, he did not want to uproot caste system as he believed in *Varna-Shrama-Dharma*. Dr. B. R. Ambedkar started a political party - 'Scheduled Castes Federation' (SCF), in 1941 to awaken the untouchables about their political rights and fight for them. due to its efforts, the Scheduled Castes realised the importance of politics and political parties. Their strength was felt by the Congress Party. Therefore, the Anti-Untouchability (Offences) Act of 1955 was passed by the Parliament of India. But it was neglected by the caste Hindus.⁵¹

Besides, during 1934-1946 several Provincial Governments and states passed the anti-untouchability Acts. Those provinces and states were, the C.P. and Berar, Madras, Bombay, Malbar, Baroda, Mysore and Orissa. Similarly, during 1948-1949 the remaining states including Bihar, East Punjab, United provinces, West Bengal, Hyderabad, Madhya Bharat, Saurashtra, Travancore-Cochin and Coorg passed anti-untouchability Acts in their respective states. All those laws were in force till the passage of the protection of Civil Rights Act, 1955.⁵²



Above discussion makes it amply clear that, both Gandhiji and Dr. B. R. Ambedkar tried to uplift the untouchables by stressing on their political rights. Dr. B. R. Ambedkar gave much importance to their political rights rather than social rights. With that intention he established the political parties of the untouchables and demanded the political power for untouchable masses. To some extent those parties succeeded in securing the political rights for the untouchables. But after Dr. B. R. Ambedkar's death his political outfit lost its influence and consequently the cause of upliftment of the untouchables suffered setback.

In the pre-independence era the condition of the untouchables was not enough improved though many social reformers and politicians made efforts for their uplift.

b) Efforts in Post-Independence Era :

The public opinion regarding the upliftment of scheduled castes and removal of untouchability, had historicity and therefore, after independence, the political elites in the country devised many measures to improve their lot, so that the scheduled castes could become equal citizens of the country.

First of all, even before the adoption of the constitution, the 'Minimum Wages Act' was passed in the year 1948 which helped to safeguard the interests of scheduled castes landless agricultural labourers in the country.⁵³

1. The Constitution of India :

India got independence on 15th August, 1947. The Constituent Assembly which came into existence on December 9, 1946 under the Presidentship of Dr. Rajendra Prasad constituted a Drafting Committee

on August 29, 1947, under the Chairmanship of Dr. B.R. Ambedkar. The draft of the Constitution was ready by 14th November, 1949 and the Constituent Assembly finally approved it on 26th November, 1949. It was introduced on 26th January, 1950. The Constitution of India is the basic and supreme law of our country. It provides, *inter alia*, for the abolition of untouchability, and declares the forbidden practice of untouchability as an offence. Therefore, it may be said that the Constitution is the first and foremost law which, *inter alia*, provides for abolition of untouchability.

The preamble of the Constitution is “an undertaking” or a commitment of the Constituent Assembly in favour of the people of India including the so called untouchables who are legally known as scheduled castes.⁵⁴

In spite of it the Constitution of India provides for some provisions favouring the abolition of untouchability in India. And these are as given below :

1.1 Article 15 of the Constitution :

Article 15(1) prohibits “the state” from discriminating against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them and the remedy is available only to citizens. If “the state discriminates so.”⁵⁵

The Provisions under Article 15(2) :

Article 15(2) states, “No citizen shall on grounds only of religion, race, caste, sex, place of birth or any of them be subjected to any disability, liability, restriction or condition with regard to (a) access to shops, public restaurants, hotels and places of public entertainment or (b) the use of wells, tanks, bathing ghats, roads and places of public

resort maintained wholly or partly out of state funds or dedicated to the use of the general public.”⁵⁶

Under this Article, the remedy is available only against the state and not against the private individuals. In respect of Article 15(2) the Parliament as well as the state legislatures can pass the law for providing punishment for the discriminatory acts contemplated under it. The nature of this Article is merely prohibitive, it does not state that the forbidden acts under it constitute offence as such.⁵⁷

While Article 16 relates to equality of opportunity in matters of public employment.⁵⁸

1.2 Article - 17 - Abolition of Untouchability :

This Article clearly states that, “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.⁵⁹

“Untouchability” is abolished under the Constitution; but the term has nowhere been defined. As per the opinion of Hon’ble Sardar Vallabhbhai Patel, “the removal of untouchability is the main idea and if untouchability is made illegal or an offence it is quite enough.” While attempting to define untouchability, Mr. Justice Sreenivaso Rao observed that “the subject matter of Article 17 is not untouchability in its literal or grammatical sense but the practice as it had developed historically in this country.” Article 17 further states that “the enforcement of any disability arising out of ‘untouchability’ shall be an offence.” The untouchability (offences) Act makes it an offence to molest, injure, annoy, obstruct or attempt to obstruct the exercise of any right accruing to a person by reason of Article - 17.” Even loud words by worshipper frightening an untouchable boy to go out of a temple

have been held to constitute an offence under an Act. Article 17 of the Constitution (Part III) has explicitly abolished the custom of untouchability pertaining to the Hindu society or Hindu 'religion'. Therefore, no Hindu can lawfully defend "Untouchability" on the ground of religious freedom. Now untouchability has no base either in "religion" or in "custom" or in the religious freedom.⁶⁰

1.3 Article 25 :

Article 25 states that, "subject to public order, morality and health and to the other provisions of this part, persons are equally entitled to freedom of conscience and right freely to profess, practice and propagate religion." Article 25(2) removes the general obstacles which otherwise would have been so in providing for 'social welfare' and 'reform' or 'the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.' The constitution contemplates to throw open all the Hindu religious institutions to all the Hindus.

The right protected by Article 25(2)(b) is a right to enter into a temple for purposes of worship. But it does not mean that is absolute and unqualified. No member of the Hindu public could claim by virtue of the Article that he should personally perform those services which the Poojari alone could perform. The so called untouchables can enjoy the right to worship in any temple "in the like manner and to the like extent as any other Hindu."⁶¹

2. Efforts made by Government for the Welfare of Scheduled Castes :

Welfare measures are programmes meant to benefit the weaker or under-privileged sections of the population.⁶² Indian government made

some welfare measures for the development of the Scheduled Castes as given below :

2.1 Reservation in Services :

Article 16(4) permits reservation in favour of Backward Classes, who may not be adequately represented in services. In pursuance of these provisions, the Government has made reservation for SCs and STs in the services under their control.⁶³

Government of India not only permitted reservations in favour of Backward Classes but also provided a financial support to them in the form of scholarships.

2.2 Post-matric Scholarship :

“The scheme of post-matric scholarship to SCs and STs was started in 1944-45 with the object of providing financial assistance to the SC and ST students studying at post-matriculation stages in different schools and colleges in the country, so as to enable them to complete their education. Starting with a mere 114 awards to SC students in 1944-45 and 89 for STs in 1948-49, the year of inception of the scheme for the two categories, the estimated number of awards to SCs and STs had reached 4.90 lakhs in 1979-80, 5.65 lakhs in 1980-81, 6.55 lakhs in 1981-82, 7.78 lakhs in 1982-83 and 8.64 lakhs approximately in 1983-84. Keeping in view the rising cost of living and other factors the rates for all courses and the income limits of parents/ guardians/ wards for eligibility of the scholarship have also been revised with effect from July, 1981.”⁶⁴

2.3 Backward Class Commission :

The Government of India appointed a Backward Class Commission in 1953 under the Chairmanship of Mr. Kaka Kalelkar to

determine the criteria by which any section of the people, in addition to the scheduled castes and the scheduled tribes, could be treated as socially and educationally backward. Even this could not in fact come to any agreed conclusions. At the inauguration of the Backward Classes Commission on March 18, 1953, Jawaharlal Nehru stated that he disliked the term 'backward classes' and remarked that it was basically wrong to label any section of the people as backward even if they were so, particularly when 90% of the people in the country were poor and backward.'⁶⁵

2.4 Educational Facilities at Lower and Upper Primary Stages :

The general progress of literacy in India through the decades has been very slow. In 20 years (1950-71), it has risen from 16.6% to 29.45%. The position among backward classes is still worse. So under the Directive Principles of State Policy in the Constitution, free and compulsory elementary education is to be provided for all children upto the age of 14 years. In conformity with this provision legislation has been enacted in almost all the states accordingly. Free lower primary education (Class I to V; age group 6-10) exist in all the states. Education in upper primary stage (Classes VI, VII, VIII; age group 11-14) is also free in many states.⁶⁶

2.5 Concession in Professional and Technical Educational Institutions :

Apart from the facilities of scholarships, seats, concession in fees etc., in pursuance of Article 15(4) the states are authorised to reserve seats for backward classes in educational institutions. The Backward Classes Commission recommended in this connection that 'upto 70% of the seats ought to be reserved for the best amongst the backward classes.' The Ministry of Education has issued a circular dated 28th

September, 1962 to all State Governments/ Union Territory Administrations and Universities requesting them to allow the concessions to scheduled caste/ scheduled tribe students. The report of the Committee on Untouchability, Economic and Educational Development of the scheduled castes and (connected document 1969) observed that “so far as the institutions controlled by the various Ministries of the Government of India, are concerned most of them have accepted the recommendations of Education Ministry, though many of them have not implemented. But the position is not the same with regard to institutions controlled by the State Governments.”⁶⁷

2.6 Pre-Matric Scholarships :

This scheme started in 1977-78 intended for the educational development of children who are engaged in the so called unclean, occupations, viz. scavenging of dry latrines, training and flying, studying in classes VI to X. A scholarship of Rs. 145/- per month is given to each students under the Scheme.⁶⁸

2.7 Untouchability Offences Act (1955) :

The Constitution provides no definition of untouchability, although it abolishes it and forbids its practice in any form. Under the clear and mandatory injunction of the latter part of Article 17, the Untouchability (offences) Act, 1955 was passed to punish ‘enforcement of any disability arising out of untouchability.’⁶⁹

This Act is a fairly comprehensive piece of legislation and has, as a perusal of the Act, provided for an adequate punishment for enforcing certain religious, social and other disability on the ground of untouchability. Further it has laid down that whoever even abets any offence under this Act is ‘punishable with the punishment provided for

the offence' in the Act. One of the noteworthy aspect of this Act is that it is applicable to all religions and religious denominations throughout India and not merely to Hindus. Section 3 of the Act provides punishment for enforcing religious disabilities- whoever on the ground of untouchability prevents any person - a) from entering any place of public worship which is open to other persons professing the same religion or belonging to the same religious denomination or any section thereof, as such person, or (b) from worshipping or offering prayers or performing any religious service in any place of public worship, or bathing in, or using the waters of, any sacred tank, well spring or watercourse, in the same manner and to the same extent as is permissible to other persons professing the same religion, or belonging to the same religious denomination or any section thereof, as such person; shall be punishable with imprisonment which may extend to six months, or with fine which may extend to Rs. 500 or with both.⁷⁰

The Untouchability Offences Act, 1955 proved ineffective both judicially as well as socially. The Planning Commission has admitted this fact by observing that "there has also been weakness in the implementation of legislative and executive measures for the protection of the interests of member of the scheduled castes and scheduled tribes." Thus the Untouchability (Offences) Act, 1955 was not found effective in the eradication of untouchability and was, therefore, amended in 1976 and is now known as the Protection of Civil Rights Act.⁷¹

2.8 The Protection of Civil Rights Act (1976) :

Features of 1976 Amendment Act are as follows :

- "1. Imprisonment of not less than one month and not more than six months and also a fine ranging from Rs. 100 to Rs. 500 for all offences under the Act except for the unlawful compulsory labour



where the imprisonment shall be from three to six months and also fine ranging from Rs. one hundred to five hundred.

2. Employment in any job cannot be refused on grounds of untouchability.
3. No person shall be compelled on grounds of untouchability to do any scavenging or sweeping or remove carcass or to flay any animal or to remove the umbilical cord or to do any job of a similar nature.
4. No person shall be compelled to do acts mentioned in para (iii) above on the threat of his social or economic boycott.
5. No public officer shall wilfully neglect the investigation of any offence punishable under the Act.
6. There shall be enhanced penalty for subsequent conviction for example, for a second offence the imprisonment may run from six months to one year and also a fine of Rs. 200 to 500/-, for a third or subsequent to the third offence, the imprisonment would be from one year to two years and also a fine of Rs. 500/- to Rs. 1000/-.
7. Imposition of collective fine.
8. No application of the Probation of Offenders Act, 1958 shall be available against conviction under this Act.
9. Duties of State Government : The Act enjoins on the state governments certain duties relating to the enforcement and effectiveness of the Act.”⁷²

2.9 Protection of Civil Rights Act :

The pursuance of the provision made under Section 15A of the Protection of Civil Rights Act, central assistance is given to the state

governments and Union territories. Provisions for legal aid to the SC victims of protection of Civil Rights case have been made by 18 states. By December 1992, 18 states had set up Committees at various levels to make periodical review of the problems of untouchability and cases related to it and suggest various measures for the effective implementation of the PCR Act. Central assistance is provided to the states under the centrally sponsored scheme for implementation of PCR Act. Liberation of scavengers by conversion of existing drylatrines has also been taken up under the centrally sponsored scheme of implementation of PCR Act. The states have so far been assisted under the scheme for selected towns as a whole town approach, with the conditions for providing alternative employment to the liberated scavengers.⁷³

Programmes for Development of Scheduled Castes :

A special component plans envisage identification of schemes under general sections of development which would be of benefit to the SCs. Quantification of funds from all divisible programmes under each sector and determination of specific targets as to the number of families which are to be benefitted from these programmes under each sector. The overall objective is to assist SC families to substantially improve their incomes. The provision of basic service and facilities and of access to opportunities for social and educational development are also to be brought into the special component plans. The central government provides special central assistance to the state special component plans for the SCs. The special central assistance is an additive to the state plan and programmes for SCs. The additionally according to the States, from the assistance is to be used by them only for income-generating economic development schemes in conjunction with the outlay, in their

special component plans so as to assist the economic advancement of the maximum possible number of SCs.⁷⁴

2.10 Scheduled Castes Development Corporation :

The scheduled caste development corporations in the states are envisaged to interface between SCs facilities and financial institutions in respect of bankable schemes of economic development. The corporation provides margin money, loan assistance to these families, thereby helping to increase the flow of funds from financial institutions to SCs families. These corporations have been set up in 17 states. Grants are given by the central government to the state governments for investment in the share capital of the corporation in the ratio of 49.51.⁷⁵

2.11 Other Facilities Provided to the Scheduled Castes :

Housing Scheme : The government has provided the facility of grants for housing to scheduled castes. A scheme of giving subsidies for construction of house for scheduled castes has been taken up under the state sector of the backward classes plan. Central assistance is given in the form of grants every year.⁷⁶

Facility of Drinking Water and Electricity : Under the government welfare schemes, the scheme for drinking water to scheduled caste members is made available. In this connection it may be noted that, "The programme for providing drinking water to the scheduled castes is one of the important schemes. The Government of India gives subsidies for the provision of drinking water wells and pumps and tanks in localities and areas predominantly inhabited by the scheduled castes. All the state governments are aware of the problem and are exerting to solve the drinking water problem within the shortest time by undertaking such schemes. Under the government welfare

scheme; using electricity for residential place to scheduled caste members is made available.⁷⁷

2.12 Voluntary Organizations :

A number of voluntary organizations also promote the welfare of the scheduled castes. Important organizations of all India character are :

1) All India Harijan Sevak Sangh, Delhi; 2) Bharatiya Depressed Classes League, New Delhi; 3) Ishwar Saran Ashram, Allahabad; 4) Indian Red Cross Society, New Delhi; 5) Hind Sweepers Sevak Sangh, New Delhi and 6) Ramkrishna Mission, Narendrapur, West Bengal. Important voluntary organisations for the scheduled tribes are : 1) Bharatiya Adimjati Sevak Sangh, New Delhi; 2) Indian Council for Child Welfare, New Delhi; 3) Andhra Rashtra Adimjati Sevak Sangh, Nellore; 4) Ramkrishna Mission, Cherrapunji, Ranchi, Puri, Silchar, Shillong; 5) Thakkar Bappa Ashram, Nimakhandi, Orissa and 6) The Indian Red Cross Society, New Delhi. The Government of India provides grants to national voluntary organizations against specific schemes for the welfare of backward classes.⁷⁸

The working committee of the Bhartiya Depressed Classes League decided to constitute an all India volunteers organization to be known as *Nirbhay Sevak Dal*. It works for the social, economic, educational and physical betterment of the scheduled castes and other weaker sections of the society. It will also promote a spirit of equality and proximity among them. The *Dal* will also work for the rooting out social disabilities and orthodoxy and instill the spirit of self-reliance among the weaker sections.⁷⁹

From the above discussion we can say that, government of India had provided many programmes for the upliftment of the scheduled castes and scheduled tribes after the Independence of India. But I think

the government has failed to run these programmes successfully. Because the method of implementation of these programmes/ schemes was not so effective. And I think apart from these programmes it is a better way to change the minds of the caste Hindus in urban and especially in the rural areas. It is a need of the century to stop the harassment of the untouchables by the caste Hindus and co-operate for the upliftment of the untouchables. It indirectly results in the progress of our country. In my opinion, it is the best programme rather than any governmental scheme to abolish untouchability and to create equality also. Consequently, it will help to the development of the untouchables in the entire country.

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