

Exclusionary principle of the ‘Constitution [Scheduled Castes] Order 1950’ in the Life of Dalits in Kerala

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Abstract

Untouchables, depressed class people, Chandalas or politically known as Dalits, and officially recognized as Scheduled Castes in India are historically placed in different religions. They share a common history of oppression, economic deprivations and denial of human rights. Though they belong to different religions, their common cultural ancestry is an undeniable reality. The Presidential Order known as ‘ ‘ Constitution [Scheduled Castes] order 1950’ ’ limits the Scheduled Caste Status only to such untouchable people who profess Hinduism, Sikhism or Buddhism. The order excludes Dalit Muslim and Dalit Christian from the ambit of Scheduled caste status. The article problematizes the historical and political contexts in which the exclusion of certain castes happened and the contemporary historical realities that necessitate the inclusion of Dalit Christians and Dalit Muslims into the Scheduled Caste List and how the denial aborts political and cultural unity of Dalits across different religions.

Keywords

Dalit, Caste System, Scheduled Caste, Dalit identity, Dalit Consciousness.

Introduction

Caste has been an integral part of Indian social system since Manusmriti age. Caste system has been evolved and institutionalized around the abstract concept of Varna. According to Varna system people are divided into four categories- Brahmin, Kshatriya, Vaishya and Sudra. As per the legend, Brahmins are born out of the mouth of Virat Purusha or the primordial man, Kshatriyas are born from the hands of the Virat Purusha, Vaishyas are born out of the thighs of the Virat Purusha, and the Sudras are born out of the feet of the Virat Purusha. Varna system maintains an unchanging hierarchy of social power and respect among different Varnas. According to the Varna power structure the Brahmin commands the first place above all, Kshatriya follows the Brahmin, vaishyas follow the Kshatriya and the Sudra occupies the lowest position in the social ladder. Caste has always been a tool for oppressing others and enjoying power and privileges for the so called upper castes. For those poor and hapless lower castes, caste has been a nightmare of denial of

human rights and even human existence. Traditionally only those who fell in any of these Varnas were treated as Hindus. Others were treated as “Avarnas or people not having any Varna.” Manusmriti, the ancient Law Book of India describes those who belong to outside the Varna system as “Chandala” or “Outcastes”. In today’s parlance these people are known as Scheduled Castes, Scheduled Tribes and Other Backward Communities among Hindu castes. There were millions of people outside the ambit of Varna system. They have not belonged to any of these Varnas. These people are not Sudras.

Thousands of years these Avarana people lived outside Hindu villages experiencing casteism and untouchability. Avarna people and Sudras experienced casteism and untouchability from the upper castes but in different intensities. We should differentiate, politically and socially, the casteism and untouchability experienced by the Avarnas and the Sudras. The casteism and untouchability these two categories of people experienced were not same either in intensity or the way they understood them. Sudras, though they experienced and suffered from casteism and untouchability, were integral part of Hindu society dominated by the value system of purity and impurity constructed and maintained by the Brahmins and happily enjoyed by the Kshatriyas and Vaisyas. Sudras, though occasionally rebelled against the social domination of Brahmin supremacy, in general accepted the Brahmin supremacy and caste rules of Varna System. They accepted caste rules and complied with them because that was the minimum price they had to pay for being included in the Hindu fold. Sudras willingly accepted caste system and its associated tyrannies of casteism and untouchability. I am not saying that they have enjoyed their lower caste status or they were not aware of caste inequalities. What I mean is that so long as they themselves define as Hindus, they are morally bound to comply with caste rules that put restrictions upon them. They have no moral right to raise voice against caste system. Social backwardness, the Sudra communities experienced from the upper caste people, was the result of their acceptance of Hindu caste system.

This is not the case with Avarna people. They had no moral responsibility to accept and comply with caste rules that were imposed upon them by sheer socio-political power of the upper caste people. Avarna people were outside the Hindu fold. They had their own gods and rituals and practices. Avarna people were not Hindus so naturally they had no religious responsibility to comply with caste rules. They were forced to accept casteism and untouchability. They complied with casteism and untouchability because of their socio-political powerlessness and economic backwardness. They were aware of their socio-political weaknesses and more than willing to fight against those injustices. They suffered from casteism because of their political helplessness and economic deprivations and surely not because they had any moral duty to bind caste rules like Sudras. Sudras accepted casteism and untouchability as their moral and religious duty but Avarnas were forced to follow caste system against their will. Classic Sudras or the original untouchables of Hindu religion accepted Hinduism and willingly accepted casteism as their moral duty and responsibility. But the Avarana people, though experienced casteism and untouchability, did not consider casteism and untouchability as their moral or religious duty or responsibilities. Here lies the fundamental difference between the way the Sudras and the Avarans experienced and looked upon casteism and untouchability. Upper castes practised casteism and untouchability to the Sudras with their moral support

but lower castes which did not belong to any Varnas were forced to live in accordance with the brutal and inhuman caste rules and practices. What I am trying to establish is that Hindu Sudras voluntarily accepted caste dominance of the upper castes but so called lower castes did not. These two forms of casteism and untouchability, diametrically opposite in essence and content, continued many centuries in India.

Integration of the lower castes into the Caste Hindu fold was not an aim of Upper caste people in any point of Indian history. They thought of such an inclusion only when the British rulers introduced separate communal electorate system in India. No caste Hindu had ever been willing to recognize lower castes as their fellow human beings. When the British awarded separate electorates for depressed classes or untouchables, caste Hindus immediately sensed the political importance of including untouchables into their caste tent. Separate electorate to untouchables, Mahatma Gandhi's fast unto death and the Poona Pact between him and B.R. Ambedkar are now part of history. When the British awarded the untouchables or the depressed classes separate electorate other than Hindu constituency, Gandhi sensed the danger and started a fast unto death declaring that untouchables are integral part of Hindu religion. Thousands of years, the untouchables had been living without having any socio-cultural contacts with the caste Hindus. They were absolutely out of the Hindu social system. Untouchables are the original inhabitants of this country like tribal people. They were forced to experience caste atrocities from the upper castes because they were socially, politically and economically weak to resist those kinds of caste excesses. Poona Pact, withdrawal of separate electorate for the depressed classes temple entry proclamations in different parts of the country, India's independence and the enactment of the constitution all have added weightage to the upper caste Hindu notion that Scheduled castes are Hindus and they have been integral part of Hindu religion since the Vedic ages. It is not only ahistorical but also detrimental to the socio-political interests of the scheduled castes and scheduled tribes or Dalits.

Mahatma Gandhi was shrewd enough to detect the danger of Ambedkar's demand for separate electorates for depressed classes. Gandhi's argument that untouchables are an integral part of Hindu society was later institutionalized by the presidential order called "Constitution [Scheduled Castes] Order 1950". This is a historical order that nailed the possibility for Dalit castes and religions to become a pan-India Dalit community with shared historical oppression, collective consciousness and brotherhood.

The order states'' [2] subject to the provisions of this order, the castes races and tribes or parts of or groups within, castes or tribes, specified in parts I to XVI schedule to this order, shall in relation to the states, to which those parts respectively relate, be deemed to be scheduled castes so far as regards members thereof residents in the localities specified in relation to them in those parts of that schedule.

[3] Notwithstanding anything contained in paragraph 2, no person who professes a religion different from Hinduism shall be deemed to be a member of a scheduled caste.

3) Provided that every member of the Ramdasi, Kabirpanthi, Mazhabi, or Sikligar caste resident in Punjab or Patiala and the East Punjab states Union shall, in relation to that state, be deemed to be a member of the scheduled castes whether he professes a Hindu or Sikh religion''¹.

The above quoted Presidential order limits “scheduled caste status and reservation benefits” only to those untouchable caste people who follow Hinduism and Sikhism. Even though Ambedkar and about five lakhs of his followers embraced Buddhism just before his death, the government of India denied them Scheduled caste status many years. It was only in early 90’s neo Buddhists were given scheduled caste certificates. It is very clear that the government had been ratifying Gandhi’s ahistorical and anti-Dalit View that scheduled castes are integral part of Hinduism when they denied scheduled caste status to untouchable caste people who professed other religions other than Hinduism and Sikhism. The very basic assumption of the presidential order of 1950 that denied large number of Dalits scheduled caste status is Dalits are historically Hindu people. This assumption is not only false but also against the best interests of the Dalit castes who profess different religions other than Hindu religion. Let us see why the basic assumption of the presidential order 1950 is false and against the socio-political interests of Dalits in India.

Today’s scheduled caste people had been living in the outskirts of Hindu villages for centuries as economically “resourceless” socially “rightless” and politically powerless. They were never considered or treated as Hindus by any caste Hindu in any point of history before the British awarded communal electorate. In this backdrop we should question and problematize the very idea of Dalit conversion from Hindu religion to non-Hindu religions. If the Dalits were not Hindus at any point of history, what is the logic of their conversion from Hinduism to Islam, Christianity or Buddhism. Historical evidences clearly prove that Dalits accepted many religions including Hinduism. When untouchable castes accepted Islam or Christianity, they were not Hindus. They were just untouchables lived outside Hindu villages and Hindu caste system. So Dalits’ acceptance of Islam or Christianity cannot be termed as a case of religious conversion. True history will tell us that Dalit Christian and Dalit Muslim were born years before the birth of a Dalit Hindu. Dalits might have a little more proximity towards Hinduism because they had close economic relations and exchanges with the Hindus. They accepted Islam, Christianity and Buddhism and just like that later they accepted Hinduism too. Politically constructed idea of “a born Hindu Dalit” is only an upper caste ruse to maintain their political hegemony and social dominance over the Dalits.

Dalits, depressed castes, untouchables or in today’s parlance the scheduled castes historically accepted different faiths to save themselves from the caste tyranny of the upper caste Hindu people. Dalits accepted Islam, Christianity, Sikhism and Buddhism. After the temple entry proclamation they started to accept Hindu religion too. When Dalits accepted Hinduism, everybody including the Dalits thought of it as completely a natural and the only logically possible legitimate thing. Dalits accepted Hinduism but they were not allowed to enter into the Hindu social world as active participants. They are still just untouchable spectators of what has been happening in the temples. They have not become priestly class and still they bear the burden of casteism and untouchability. What I am trying to convey is that Dalits are legally and constitutionally included in Hindu religion but they have not been socially and culturally accepted by others. Dalits are still living as untouchables not only in economic spaces but also in social spaces. They have accepted different faiths but no religion has offered them a positive socio cultural embrace is the reality. They are still untouchables. Untouchability may be removed by the constitution but it has been, in

practice, as violent as in its Manusmriti days. Caste violence in the form of rape, arson, looting, denying legitimate rights and killing are still national sports in many parts of India. It seems some people are even proud of their caste violence and arrogance. In this contemporary Indian reality we should analyse the pros and cons of Cultural unity of Hindus strongly expounded by ultra-Hindu right wing people.

The presidential order of 1950 that fixed ‘who are scheduled castes and who are not ‘unequivocally on communal line has built not only a legal barrier among former untouchables but also a kind of socio cultural environment that alienated Hindu Dalits poles apart from their fellow brothers in other religions. Let us see the claim of upper castes that untouchables are integral part of Hindu religion and they are born Hindus. Let me present a few quotes from Ambedkar’s writings. He quotes ‘‘The Hindus do not allow the Untouchables to enter the Hindu temples. It would be thought that they would allow the Untouchables to have their own temples and install therein the image of God. That is a mistake. The Hindus will not allow even that. It is enough to quote two instances. One is from the ‘Pratap’ of 12th February 1923: ‘‘In the District of Agra, a Chamar who had seen a Brahmin worshipping the image of Vishnu in his house, began to do the same himself. When the Brahmin came to know of this he was most indignant and with the help of a number of villagers caught hold of the ill-fated Harijan, gave him a sound beating saying, ‘How dare you try to win over the God Vishnu’. Finally, they stuffed his mouth with filth and left him. In sheer desperation the Chamar abandoned the Hindu faith and embraced Islam.’’ The other is from the ‘Hindu’ of 4th July 1939: ‘‘A meeting of the Bellary District Harijan Advisory Board was held on 29th June 1939 at the Collector’s Bungalow. Mr. A. D. Crombie, CIE., ICS., President of the Committee and Collector presided. With regard to the grievances of the Harijans of Narayanadevarakeri including allegations of extraction of forced labour from them and harassment by money-lenders, the Committee decided to call for official report, with a view to taking action, if necessary. The religious disabilities of the Harijans residing in Kudathini village were brought to the notice of the Committee. It was alleged that though the Harijans constructed a temple in their colony as long as twelve years ago, they could not install the image of God which was also ready in the temple, owing to the objections raised by a section of the Caste Hindus in the place to the Harijans taking out the image in procession in the village before the installation.’’

Ambedkar continues ‘‘ ‘‘Mahashaya Chhedi Lalji has reported that a Chamar was going for idol worship, when on the way he felt thirsty. He cast his own iron pail into a well and drew out some water. Upon this he was rebuked by a high caste Hindu and then soundly beaten and locked up in a room. As it happened, I was passing by and when I enquired why this man was being kept under lock and key, the Diwan Sahab replied that this man cast his own pail into our well and wants to profane religion.’’ ‘‘On 19th February 1932, a very tragic incident took place in the village of Pul Bajwan. This happened when Mahashaya Ramlal went to fetch some water from a well, the same well at which on 13th January 1932 some Rajputs had belaboured Mahashaya Ramlal and his companion, Pandit Bansilal. At that time, a crowd of Rajput women came up armed with all sorts of bats and sticks and gave such a sound beating to the Mahashaya that it is difficult to describe. All his body was covered with blood by the time the Rajput women had done with him. At this time, he is admitted in the hospital of Phuklian.’’ ‘‘Some days ago, an

officer of the Canal Department came to the village of Rahian in Tehsil Sabha and he ordered some Megha Untouchables to help in drawing out water from a well. At first they refused but the officer rebuked them sternly and forced them to draw water. The next day the Hindus gathered at the well and sent for the Megha through a Chowkidar and asked them why they dared to climb up to the well. One Megha replied that they were obliged to do so and it was no fault of theirs. For this cheek he was attacked by the Hindus with sticks and hands and until the time of writing this, he is lying unconscious. Although the doctor has declared that the injuries are minor ones, a report of attempted murder and unlawful assembly has been filed with the Police. This however has been ignored and the indifference of the police has created a feeling of great insecurity among the Megha people. The villagers are persecuting the Meghas very much, even their cattle are not allowed to drink water and all wells and ponds have been closed to them''².

The above quoted instances clearly demonstrate the way how and why the untouchables identified themselves as Hindus. The untouchables had been living in the margins of upper caste Hindu villages. So naturally they had been imbibing Hindu religious practices and worshipped Hindu gods besides their own gods and goddesses. Demonstration effect as well as Sanskritisation might have surely shaped their socio cultural life. Distant Cultural proximity with the Hindus might have helped the untouchables to easily meander into their imposed Hindu identity. Transition to Hinduism was smooth, natural and uneventful. That was not the case with Islam or Christianity. Islam and Christianity were portrayed as foreign and alien religions in upper caste narrations. When untouchables accepted Islam or Christianity as their faith, upper castes narrated that event as ''conversion to a new faith rather than accepting a faith''. Actually what Dalits did was only accepting a faith just like they accepted Hinduism. So raising a question of ''converting from Hinduism'' is a naked lie that has now become an established legitimate historical truth by the notorious Presidential Order of 1950. On 26 January 1950 India entered into a new era of constitutional morality and rule of law giving up its Manusmriti value systems of casteism and untouchability. Let us see what happened to caste system and its myriad inhuman practices in this modern India. Caste system in India has still been in existence as strong as it had been during the British or pre British period. Casteism and untouchability have been practiced in different ways in urban and rural India. Untouchability is an integral part of caste system and Hindu religion. Hindu religion with its caste system cannot exist without untouchability.

So long as Dalits are remained in Hindu religion, they cannot escape from the brunt of untouchability that is one of the religious duties of an upper caste. There is no meaning in blaming an upper caste person who practices casteism and untouchability. His very existence of being an upper caste is closely knitted with how much intensively he can practise casteism and untouchability. Untouchability has been pervaded into other religions too. Dalits accepted other religions but they have been experiencing the same untouchability in other religions too. When Dalits chose Christianity, they were known as Dalit Christians or converted Christians. When they accept Islam, they were called Dalit Muslims. When they embrace Buddhism, they were known as Dalit Buddhists. Untouchability has been chasing the Dalits. No religious faiths have helped Dalits to improve their socio-economic positions in the society. Most of the

Dalits are poor landless people. They seek their livelihood exchanging their manual labour. They have nothing other than their body. Poverty has been preventing Dalits from pursuing education. High dropout rate among Dalit children is the direct outcome of their poverty. Poverty and illiteracy prevent Dalits even from availing the benefits of reservation. Socio economic position of Dalits, whichever religions they belong to, remain same. Land reform is just a distant dream in India. Socio economic conditions of Dalits in Kerala are not in any way different from their counterparts in rest of India.

Most of the Dalits in Kerala are belonged to either Hindu religion or Christianity. It is a naked fact that both religions have not helped the Dalits to improve their socio economic positions. Dalit Christians and Dalit Hindus are equally suffering from casteism and untouchability from the upper caste people. Former untouchable castes that belong to contemporary OBC list are also practising casteism and untouchability towards Dalits in Kerala. Dalit Christians and Dalit Hindus in Kerala have been originated from same stock of people who have been experiencing same kind of socio economic oppressions, deprivations and denial of rights. As compared to other states in India, Kerala has achieved commendable progress in land reform initiatives. Unfortunately, land reform in Kerala has not given any tangible gains to Dalits. They were either rehabilitated in caste colonies or given three to five cents as homesteads. They did not get any agricultural land. Majority of the Dalits have still been living in state owned barren lands or ‘Purambokke land.’ Land reform has helped all other communities in Kerala except Dalits and scheduled Tribes. Dalits in Kerala are not in a position to fight against this injustice because of the caste wise and religious wise disunity among them. Even though scheduled caste people in Kerala have been suffering from casteism and untouchability, surprisingly they also have been practising the same kind of caste logics within the Dalit community. Caste and sub caste divisions have divided Dalit population in Kerala politically and communally. Political parties have been exploiting Dalit communities by dividing them caste wise and religious wise and thereby preventing their political consolidations. The presidential order of 1950 that separated Dalit Christians from the schedule caste list is not only a political injustice but also a historical blow to Dalit unity. Upper caste Hindus and Savarna or Forward Christians in Kerala have been using Dalit Hindus and Dalit Christians for their political gains and social dominations dividing those poor Dalits on caste wise and religious wise. In the time of radical militant Hinduism the socio cultural divide between Dalit Hindus and non- Hindu Dalits is increasing. This division is not only detrimental to the larger interests of Hindu Dalits but also weakening Dalit unity that is a crucial need of the hour in India.

Scheduled caste status has been given to Dalits belong to Hinduism, Sikhism and Buddhism. It has been denied to Dalits belong to Islam and Christianity. One of the justifications levelled against this gross injustice is that Islam and Christianity are foreign religions. They may be foreign religions but surely Dalit Muslim and Dalit Christian are not foreigners. They are children of this land. If we assume that Hinduism is a native religion, we should not forget the fact that it has created these several million Dalits, now split in different religions. In the absence of the presidential order 1950, Dalit population including SC's and ST's might be above 50 per cent of India's total population. Here lies the political significance of the presidential order known as ‘Constitution [Scheduled castes] order 1950’ in electoral politics where

number matters. Dalits have miserably failed to understand their socio, economic, political and cultural legacy of casteism and untouchability beyond their caste, class and religious differences. They have been fighting each other without knowing the fact that their fights will gain the upper castes. Dalits must develop a Dalit consciousness above all their caste and religious differences. A consciousness of Dalit unity and brotherhood may help them to overcome the denial of SC status to Dalit Muslims and Dalit Christians. Such an enlightened Dalit consciousness will help them to truly understand the fact that the presidential order 1950 is only a politically constructed bone of contention between the Dalit Hindus and non-Hindu Dalits. This eternal fight has been fuelling the upper caste dominations in socio economic spaces in India. Whoever belong to Dalit castes and whichever their religions are must be given scheduled caste status. This scheduled caste status to Dalit people irrespective of their religion is a powerful political tool to redraw the contours of Indian political power structures. "Constitution [Scheduled Castes] Order 1950 indicates that a single stroke of the pen has halted upward socio political movement of Dalits eternally. No violence and no bloodshed but just a stroke of the pen has brought this magic.

Conclusion

Hindu militancy based on caste supremacy has been revamped in India. It has been gaining social acceptance, legal legitimacy and political support across political parties and Hindu castes. The way the government of India has passed the economic reservation, a pseudonym of upper caste reservation, and how political parties have reacted to it clearly indicate the ugly face of Sanskritisation³ among lower castes. Former untouchable castes now included in the OBC lists have been assimilating upper caste notions of purity and impurity and practicing casteism and untouchability towards Dalits wherever possible. If Dalits politically accept an exclusive Hindu Identity as the Presidential Order mentioned in this article envisioned will not help them to resist the caste oppression. They must understand the historical conditions in which they were trapped in different religions and how their cultural unity and brotherhood was denied by the anti-Dalit Presidential order. Dalit political agendas are to be evolved accepting cultural unity and brotherhood among Dalit people across different religions. Dalits, irrespective of their castes and religions, must sense the economic and political significance of the Presidential Order and the pain and anguish with which B.R. Ambedkar uttered the words "Mr. Gandhi, I have no homeland in this country"⁴ in one of his historical conversations with Gandhi during the Poona Pact discussion.

References

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- 4) Meeting between Gandhi and Ambedkar on August 31 1931 at Manibhavan, Malabar Hill Mumbai. Reproduced in "Dr Ambedkar :- Life and Mission " by Dhananjay Keer, 1971 Edition.