

STATUS OF WOMEN IN INDIA

Unit Structure

- 1.0 Objectives
- 1.1 Introduction
- 1.2 Status of Women in India
- 1.3 Women Achievers in India
- 1.4 Areas of concern for women in India
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1.0 OBJECTIVES

- To introduce students to Social Issues in Contemporary India.
- To shed light on Women's Issues.
- To understand the Status of Women in India.

1.1 INTRODUCTION

“You can tell the condition of a nation by looking at the status of women in it.”

This is a famous quote by Jawaharlal Nehru on women. The status of women depicts the social, economic and mental condition in a nation. Women have been regarded as a symbol of spirituality in our scriptures. Yet, women were denied rights and equality in ancient Indian civilization. They have been treated badly and unequally to men. Social evils such as dowry, sati-system, child marriage, and female infanticide were widely prevalent in the early ages. Spread of education and self-consciousness among women has led to their progress over the period. Women of today are empowered. Also, women are gaining advancements and success in each and every field. True female liberty is only achievable when people shift their restrictive attitudes and mindsets regarding women.

Traditionally India has been a patriarchal society in which men have enjoyed superior status and women have suffered from subordinate status. Men have dominated all aspects of life. The family line continues through the male child. The male child has been considered as an asset and the girl child has been considered as a liability.

- As per Census 2011, India's population was 121.06 Cr and the females constituted 48.5% of it.

- In 2011, the sex ratio (number of females per 1000 males) at all India level was 943 and the same for rural and urban areas are 949 and 929 respectively. The sex ratio for 0 - 19 age group was 908 while that of 60+ age group was 1033. The sex ratio in the economically active age group (15 - 59 As years) was 944.
- Sex ratio in the age group 0 - 6 years has increased in rural from 906 in 2001 to 923 in 2011. However, the ratio has a decline in urban area in the same period.
- The women's mean age at marriage in 2017 at all India level was 22.1 years and the same in rural and urban areas are 21.7 years and 23.1 years respectively.
- As per National Sample Survey (July 2011 - June 2012), 11.5% households in rural areas and 12.4 % households in urban areas are female headed households.

Check your progress:

1] Define India as a patriarchal society.

2] Examine the statistics with regard to males and females in India.

1.2 STATUS OF WOMEN IN INDIA

History of the Status of Women in India:

Going back to our origins, we can see how vital women are to society, not only biologically, but also culturally. Women have been mentioned in our Vedas and ancient books since ancient times, and they have been assigned important positions.

But during the past few centuries, the conditions of women worsen. Previously, women were referred to as housekeepers. It was thought and passed down to others that women are meant to marry, take care of the house and their in-laws, and sacrifice all of their aspirations in order to realise the dreams of their husbands and children. Furthermore, women were kept out of school because families believed that only boys deserved to be educated and follow their aspirations. Women were married off at a young age, and occasionally without their consent. They have also been subjected to a slew of dehumanising practises, societal neglect, and rituals

designed to limit them, and they are frequently considered commodities rather than human beings.

The form and extent of work, political participation, levels of education, state of health, representation in decision making bodies, access to property etc. are some relevant indicators of status of the individual members in a society. However, not all members of a society, especially women, have equal say to the factors which constitute these indicators of status. Patriarchal norms restrict Indian women's education and employment choices. Let us understand where women, who constitute almost half of the country's citizenry, stand today in the fight for freedom, dignity, equality and representation.

The principle of gender equality is enshrined in the Indian Constitution. The Constitution not only guarantees equality to women, but also provides the State with the power to take measures of positive discrimination in favor of women in order to mitigate their cumulative socio-economic and political disadvantages. Women have fundamental rights to not be discriminated on the grounds of sex (Article 15) and get equal protection under the law (Article 14) It also imposes a fundamental duty on every citizen to renounce the practices derogatory to the dignity of women.

In early times, the status of women in India was inferior to man in the practical life. However, they had a higher status in scriptures. They are considered as the perfect homemakers in the world. With their incomparable quality of calmness of mind, they can easily handle the toughest situation. Indian women are completely devoted to their families. They are preached in the name of Saraswati, Durga, Parvati and Kali. As per the last Census carried out by the Government of India, there are 933 females for every 1000 males in our country. We can find superiority of men in every phase of our lives.

Traditionally, women were considered to be caretakers of home. They had to look after the running of the family smoothly, they had to manage the expenses in the most economical way possible, they had to look after aged in-laws, nurture the child, etc. They were expected to obey orders of their husband, the elders of the family, but kept in isolation when it came to major decisions related to the family. The women were deprived of education. They would be married off one day to their in-laws place and hence would not need too much knowledge was the previous thinking. There were certain exception to it well educated women led paths of success in many sphere of life, because of support from their families. They paved paths of change and brought about a transformation in the way people viewed women in the society.

The scenario of women is slowly changing in recent years. We can see a slow and steady rise of women in all fields of importance. Women of today are not just restricted to cooking and taking care of their households, they have to step out their comfort zones to create their own images in the outside world as well. This in short, can be termed as women empowerment. Society has now changed its stand and the way it looks at

women, due to the progress achieved by women in all spheres of life. Men today are more understanding towards the women in their lives, yet we hear many cases of harassment against women.

Women have completely transformed in the modern day, the role of urban women specially has changed from being a mere homemaker to the modern day multitasking women, handling responsibility without fear. Women of today handle their duties and chores at home, manage a career outside their home, nurture their children and balance their family lives with their professions. This is the scene in most of the urban households today. Modern day women are independent, takes right decisions boldly, stands up for their rights and walks the path of success. Kalpana Chawla, Indra Nooyi, Kiran Mazumdar Shaw and many more women achievers are a prime example.

This is the scene in the developing economy today. Women are well educated, they have crossed horizons, and their presence is visible in male dominated areas. Women have been sent on many space missions. We see women have excelled as journalists, politicians, doctors, engineers, lawyers, actors and in many other professional spheres. Women of today, choose the right career paths that determine their future and thus we see them excelling in every walk of life.

The women in rural backgrounds have still to complete a lot in terms of their urban counterparts. Not that the rural women are backward in any aspects, but the change and transformation that the urban women see is definitely a little slower to the rural women. In the modern period, there was a steady development in women's status. There were many women reformers in India, who worked for uplift and betterment of their female counterparts. Women education was elevated and English was introduced during this period. Various female writers emerged in the society. In the modern time, women in India were given freedom and right such as freedom of expression and equality as well as right to be educated. Various prestigious positions at this period were held by women. They are enjoying the 'Ladies first' facility in the different fields. However, some problems such as dowry, domestic violence, sex selective abortion, female infanticide are still prevalent in our society.

Now a days, women are educated about the social benefits including awareness about the existing social problems in the society, good recognition and image in the family and community, plan and promote better education for their children, taking care of health of aged and children. At present, most of the women are given a chance of finishing their education to the degree level. They are discouraged from getting married and raising a family when they are young. There are number of women education grants from the government, that offer assistance to the women from poor background in order to give them a chance to be educated.

There are various scholarships, that benefit women in India to achieve their career by going back to school on various training institutions, where

they can further continue their education. Many NGOs in India also, offer support to women in order to benefit them in education. The government of India as well as state governments are setting aside funds that are used to empower women through various initiatives. Women who have desire to improve their lives are allowed to take grants from the government and NGO's to empower themselves with higher education.

The government of India set aside funds, for women entrepreneurs in order to start their business. The women are encouraged to start / set up small business in order to have their own source of income, thus they became independent. Various NGOs also offer financial support to the women in India and encourage and teach them in various business activities.

Now a days, the status of women in India has greatly improved and there are many women who are holding high and prestigious position in the government offices and private companies. The activities of women are in all sides of present day economy in India. This has proved that, women can be even better than man if they are given an opportunity. Women should be given equal opportunity like their male counterparts by the central and state governments of India.

Women's day is celebrated, not to glorify the beauty and grace of women, but to bring about awareness among the public regarding women's safety. Women need to be strengthen themselves by building up their inner strengths. They should work on increasing their moral strength and face the world without fear. Women are taught to be bold and outgoing in these days of modernism. We should empower the women in our lives to lead independent lives. They should be taught to be self reliant and should not depend on anyone to meet their goal.

Women in Free India:

Gender equality:

Women today are eager to take up professions and work. Thus, they enjoy equal respect and dignity in the family. Women in free India also enjoy equal pay for equal work. Also, there are provisions for maternity leave for them. Furthermore, females are provided equality of opportunity under Article 16 of the Constitution of India.

Educational Status:

Girls in urban areas are almost at par in education with the boys. But there is a less educated female population in rural areas. This has also affected the social and economic development of rural India. The poor (hygienic facilities) facilities at school and lack of female staff have affected education. Kerala and Mizoram have a universal literacy rate.

Women and Politics:

The maximum number of female politicians in the world is from India. Women have occupied significant positions i.e. of President, Prime

Minister, Speaker of the Lok Sabha and other high offices. Indira Gandhi is the first lady who held the office of the Prime Minister for 15 years. Mrs. Pratibha Patil was the first Indian woman to be elected as President of India. Recently Draupadi Murmu has been elected as the President of India.

Evils Against Women:

Violence against women in India includes kitchen fires for want of dowry, sexual assaults, cases of rape, prostitution, throwing of acid. Also, the evils of child marriages are also widespread even today. Female infanticide, indecent behaviour, and honour killings add to the misery of the women. Also, sex-selective abortion is a deep-rooted evil leading to inequality in the sex ratio.

Current Status of Women in India:

Following the development of the freedom movement across the nation, women emerged and burst through their shells. A larger proportion of women were given the opportunity to study and seek education. Currently, India does not have a shortage of women in the medical, technical, teaching, legal, or any other profession. India has seen an increase in the number of empowered women holding higher positions in various offices and organisations.

Women are involved in a variety of occupations and compete alongside males in a variety of disciplines such as technology, law, administration, teaching, and so on. Apart from traditional occupations, we have women who thrive in sports, such as P.T. Usha, Sania Mirza, P.V Sindhu, Mithali Raj, Mary Kom, Saina Nehwal, Dipa Karmakar, and others, who have represented and inspired many aspiring sportswomen in India.

We also have women who have had a significant impact on the art and entertainment industries since their inception, as well as cultural icons in many schools of art. Indira Gandhi, Vijay Lakshmi Pandit, Annie Besant, Mahadevi Verma, Nita Ambani, Sachet Kripalani, Amrita Pritam, Sushma Swaraj, Padmaja Naidu, Kalpana Chawla, Mother Teresa, Subhadra Kumari Chauhan, and others are some of the great Indian women leaders, social reformers, social workers, administrators, and literary personalities who have significantly changed the women's status.

Check your progress:

1] Discuss the status of women in Ancient India.

2] Examine the current status of women India.

1.3 WOMEN ACHIEVERS IN INDIA

For years, women have suffered the injustice and prejudice of society. But today, with the changing times, they have made a name for themselves. They have broken the shackles of gender stereotypes and stood to achieve their dreams and goals. For instance we have the example of Social Activist Sindhutai Sapkal who won the Padma Shri in 2021. She has been contributing to the society by raising orphaned Children. In the field of Environment we have the shining story of Environmentalist Tulsi Godwa who won the Padma Shri in 2021. She is known as the Encyclopaedia of Forest.

In the area of Defence the name of Avani Chaturvedi comes to mind. She is the First Indian Woman to fly a solo fighter aircraft (MiG-21 Bison). In sports we know about Mary Kom. She is the first woman from the country to win a medal in boxing at the Olympics. PV Sindhu was the First Indian woman to claim two Olympic medals (Bronze- Tokyo 2020) and (Silver- Rio 2016). In team sports, we have the Indian Women's Cricket Team which was a Finalist, Commonwealth Games 2022

Indian women are not behind in the area of International Organisations as well. Gita Gopinath has the distinction of being the First Woman Chief Economist at the IMF (International Monetary Fund). In the field of Space Technology Tessy Thomas is known as the Missile Woman of India for her role in the Agni-V missile project. In the field of Education as well we have super women achievers. Shakuntala Devi holds the Guinness World Record for Fastest Human Computation.

Shanan Dhaka was first in AIR 1 National Defence Academy Entrance Examination (1st Women's Batch of NDA). Top 3 All India Ranks were achieved by female candidates in UPSC Civil Services Examination 2021.

Check your progress:

1] Name the women achievers in the field of defense in India.

2] Enumerate the Indian women achievers in the International Organisations.

1.4 AREAS OF CONCERN FOR WOMEN IN INDIA

There are many areas of concern for women in India. Empowerment of all women is still a distant dream. Empowerment is the process that creates power in individuals over their own lives, society, and in their communities. People are empowered when they are able to access the opportunities available to them without limitations and restrictions such as in education, profession, and lifestyle.

Line ancient period in India, women had been deprived of the opportunities which were supposed to be enjoyed by them. They had been confined inside the four walls and were compelled to do household chores. They were neglected whenever any family decision had to be taken and only male members of the family had the right to make a decision. Child marriage, enforced widowhood, sati, Devadasi, purdah, dowry, female infanticide and the practice of polygamy made the Indian society static.

During the British period, some substantial progress was made in eliminating inequalities between men and women in matters of education, employment, social and political rights. Industrialization, urbanization, and the spread of education were some of the important aspects of change that affected the status of women in various ways. Education was identified as the major instrument to raise the social status of women. A girl school was established for the first time in Bombay in 1824. The Hunter commission too emphasized on the need for female education in 1881. Some social reformers like Raja Ram Mohan Ray and Iswar Chandra Vidyasagar also laid stress on women's education. Their zealous endeavors helped to dispel social evils to some extent.

After independence of India many laws like:

- 1) Dowry Prohibition Act 1961
- 2) The Provisions of The Protection of Women from Domestic Violence Act 2005

Have been enacted to protect the rights of the women. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act (2013) provides protection to women from sexual harassment at all workplaces both in public and private sectors, whether organized or unorganized. The Constitution of India also emphasizes on gender equality and empowers the state to adopt measures of positive discrimination in

favor of women under Article 15(3). Article 16 provides equal opportunities for both men and women with regard to employment.

Despite of having so many laws, women in India are still not safe and secure. Various heinous crimes against women are still prevalent in Indian society. As per the annual crime in India Report 2017 released by The National Crime Records Bureau (NCRB) a total of 3, 59, 849 cases were reported against women in India. Gruesome incidents like rape and sexual assaults have made the girls and women so vulnerable. Although we are witnessing a spurt in such heinous crimes, the conviction rate of the perpetrators is abysmally low. Therefore, perpetrators can easily evade the law that emboldens them to repeat those incidents.

Due to continuous increase of crimes like rape and such other incidents women always feel insecure and resist them from taking jobs or business or such other works. In Hyderabad where a veterinary doctor was raped and murdered while returning from her work in November 2019. Such incidents make other women think twice before taking up a job or a career. It's also shameful for a country where a girl is raped and murdered brutally in the capital city and her family members have to struggle for more than seven years to get justice for their daughter. There's a saying that justice delayed is justice denied. The sluggish judicial system has failed drastically to repose the faith of the people in the judiciary. Due to the poor functioning of the judiciary, the number of habitual offenders also have increased in India. Due to such worse situations even the family members also sometimes feel threatened to allow their daughters to leave their home city or town to pursue their dreams and career that makes their path of success more struggling and arduous.

Although some women have gathered the courage to break the glass ceiling despite the worse scenario, India has still a long way to go to achieve women's empowerment in true sense.

Male Female Literacy Proportion:

Despite the government's effort to ensure equality of opportunity for education for both men and women in our society, literacy rate of women in India, especially in rural areas, still remains low. Schools in rural India are at considerable distances and in absence of strong local law and order, women find it unsafe to travel long distances for schooling.

Traditional practices like female infanticide, dowry, and early marriage have also contributed to the problem as many families find it economically unviable to educate the girl child.

Character Typecasting:

Still a large section of our Indian Society considered the roles of men as taking all the financial responsibilities and work outside. Gender role stereotyping attributed to women have generally led to prejudice and discrimination against women. For example, women may be considered to be less reliable as workers because of their child-rearing functions.

Variation in the Socialization Procedure:

In many parts of India, especially in rural regions, there are still different socialization norms for men and women. Women are expected to be soft-spoken, calm, and quiet. They should walk, talk, sit and behave in a certain manner. Whereas men ought to be confident, loud, and could display any behaviour as per their wish.

Representation of Women in Parliament:

The representation of women in different legislative bodies remains low across India. According to the report of Inter-Parliamentary Union (IPU) and UN Women, India ranks 148 out of 193 countries in the number of elected female representatives in parliament.

Safety Concern:

In India, despite of continuous efforts in the field of Safety, women are threatened by various acts via feticides, domestic violence, rape, trafficking, forced prostitution, honour killings, sexual harassment at workplace etc.

Glass Ceiling:

Women not only in India but across the globe face a social barrier preventing women from being promoted to top jobs in management.

Check your progress:

1] Discuss the reason for the low female literacy rate in India.

2] Discuss the situation in India with regard to Representation of Women in Parliament.

1.5 MEASURES TO BE TAKEN

Better Education Opportunities:

Providing education to women means educating the whole family. Education plays an important role in building self-confidence among women. It also enables people to change their status in society. Education enables and builds confidence to make decisions in a better way. The

Education policy needs to be more inclusive to ensure girls' right to education and their right to be free from discrimination within educational institutions. Also, education policy should target young men and boys to positively change their attitudes towards girls and women.

Skilling and Micro Financing:

Skilling and micro financing can get women financial stability and therefore she will no longer be dependent upon others in the society. Training women in non-traditional skills with market demand, creating more public and private sector jobs for women is important for financial empowerment.

Women's Safety:

A multi-sectoral strategy to raise awareness among women about the current government initiatives and mechanisms should be devised to ensure the safety of women throughout the country. Panic Button, Nirbhaya Police Squad are some good steps in the direction of women's safety. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was enacted to ensure safe working spaces for women and to build an enabling environment that respects women's right of equality of status and opportunity.

Specified Actions at the Lowest Level of Governance:

There is a need to devise, support and promote projects at the lowest level of governance, to bring more inclusivity in governance and improve the status of women in India. For instance: Swagatam Nandini (Katni, Madhya Pradesh): This initiative was launched with an objective of celebrating the birth of girls. With a small procession to celebrate the arrival of the daughter, parents of new-born baby girls are felicitated with baby kits under the Ladli Lakshmi Scheme.

Nanhe Chinh (Panchkula, Haryana):

Encouraged by Anganwadi Workers (AWWs), baby girls are brought to local AWCs by their families. Their footprints are outlined on a chart paper and are put up on the wall of the AWC with the mother's and baby girls' names.

Incentives in Education:

In order to curb higher dropout rate among girls, there is a need for providing relatively higher financial incentives for higher education. Reward should be given to villages/districts that achieved equal child sex ratio through education, information and communication campaigns. Emphasis should be laid on e-governance so that there is a timely check on the expenditure released by the centre and various state governments for scholarships for girl students.

Improvement in Basic Amenities at Rural Level:

Improvement in basic infrastructure can reduce domestic work burdens. For instance, domestic work for rural women often includes arduous tasks such as fetching water and fuel wood. Piped drinking water and clean natural gas will reduce this load.

From Women Development to Women Led Development:

Women should be recognized as architects of India's progress and development, rather than being passive recipients of the fruits of development. The ripple effects of Women led Development are undeniable as an educated and empowered woman will ensure education and empowerment for future generations.

The government has adopted numerous regulations and laws in favour of women:

The Indian government has launched a slew of initiatives aimed at empowering women in the country. Each of these plans is created with a focus on women and their needs in mind, so that Indian women, like women all around the world, can achieve all of their goals and enjoy a life of equal status. Among the most well-known schemes are:

- Beti Bachao Beti Padhao
- Women Helpline Scheme
- Nari Shakti Puraskar
- Nirbhaya
- Mahila Police Volunteers
- Mahila Shakti Kendras (MSK)

Check your progress:

1] Describe some measures to improve the status of women in India.

2] Examine the government regulations and laws in favour of women.

1.6 SUMMARY

Women's standing in India has evolved as a result of education and other societal progress. They are also given the freedom to pursue their aims, take an education, and make their job goals a reality. Even in marriage, women are given the liberty to express themselves. Women in India today are well aware of their rights and benefits, and they are no longer politically, socially, economically, or educationally backward. They now have the same opportunities and rights like others. They are capable of achieving any position or status in life.

There has been a steady transformation in the status of women in comparison to earlier periods. Women of today take part in politics, military, economics, service, and technology sectors. Moreover, they have contributed wholly to sports too. Thus, they have occupied a dignified position in family and society.

However, ending crimes against women is still a challenge. Even after significant advancements in women's rights in India, they are still exploited, harassed, and abused. We can prevent ills by ensuring women's autonomy, also increasing participation and decision-making power in the family and public life.

1.7 QUESTIONS

1. Analyze the status of women in India.
2. Discuss the areas of concern for women in India.
3. Examine the measures to be taken to improve the status of women in India.

1.8 REFERENCES

- Barnali Barman, Women Empowerment: A Distant Dream in India, <https://www.sentinelassam.com/north-east-india-news/assam-news/women-empowerment-a-distant-dream-in-india/>
- Gunin Borah, Status of Women in Indian society <https://www.sentinelassam.com/north-east-india-news/assam-news/status-of-women-in-indian-society/>
- <https://vikaspedia.in/social-welfare/women-and-child-development/women-development-1/status-of-women-in-india#:~:text=Related%20resources-,Population,are%20949%20and%20929%20respectively.>
- <https://www.drishtiias.com/daily-updates/daily-news-editorials/status-of-women-in-india>

FORMS OF EXPLOITATION

Unit Structure

- 2.0 Objectives
- 2.1 Introduction
- 2.2 Various forms of exploitation of women in India
- 2.3 The Me Too Movement
- 2.4 Safeguards for Women
- 2.5 Laws for Women in India
- 2.6 Summary
- 2.7 Questions
- 2.8 References

2.0 OBJECTIVES

- To understand the various forms of exploitation of women in India.
- To shed light on Women's Issues.
- To grasp safeguards for women in India.

2.1 INTRODUCTION

The Paradoxical situation of women in India is alarming. On the one hand they are worshipped as Goddess, while on the other hand burnt for dowry. Boys are seen as a big support for parents in old age-are considered necessary in order for the family lineage to continue. Girls on the contrary, are unwanted yet embody the 'honour' of the family. It is a double bind on for the girls or women as they do not only have to preserve family 'honour' in society, but also be silent when various atrocities such as abuse, violence, rape, early marriages happen. In the few cases in which they break their silence, the repercussions are immense. Swami Vivekanand rightly said, 'Just as a bird can not fly with one wing only, a Nation cannot march forward if the women are left behind'. Men and women are the two sides of a same coin. Their unity leads to strength and their separation results in fragility. Each has what the other does not have. Both of them completes each other. Etymologically, the word 'woman' mean - half of man. The relation of the male and female is very well illustrated in our Nyaya Darshan by the analogy of mind and matter, which means that man and woman are closely associated with each other, as the soul and body. Therefore the women ought to be respected.

Women in ancient times were honoured and were given respectable status. They were considered the 'source of power', (shakti swaroopa). Women like Gargi, Anusiya and Maitreyi were the epitome of Goddess Saraswati. The status of women was evident from the shloka from

‘Manusmriti’ which says that where women are honored, divinity blossoms there, and where women are dishonored, all actions no matter how noble remain unfruitful. Women played a very encouraging role in spreading education and in carrying various social obligations with perfection. But this could not carry on for too long, with passage of time women’s social condition started deteriorating. Instead of giving them education and upbringing their status, they were subjected to sufferings under purdah system, child marriage, dowry, female infanticide, female feticide etc. They were mentally and physically exploited. This exploitation still continues and in addition has intensified to the immeasurable.

Check your progress:

1] Examine the status of women in India

2] Discuss the status of women in ancient times.

2.2 VARIOUS FORMS OF EXPLOITATION OF WOMEN IN INDIA

Women are exploited at every sphere of life. From personal security to professional one, from home to workplace, from physical to emotional, at every realm of her life she is made to suffer in every form and in every role, whether she is a daughter, a sister, a wife, or as a mother, or as a colleague. Women are exploited in the following ways:

1. Exploitation at Home: Domestic Violence:

The exploitation of women starts at home, whether physically or mentally. They are beaten up by their husbands and family members after getting drunk and getting involved in drugs. Various reasons and other bad habits among males lead them to abuse women at their home at sometimes beat them up till death also. There are lots and lots of cases reported everyday regarding the domestic violence, and yes, many of them remain unreported as well.

2. Exploitation for Dowry:

Women are exploited for dowry from the very past. But now this dowry has changed into a deal, a family and a business collaboration, now the dowry has upgraded from a car to a luxury car, from fan to an air

conditioner, lots of jewellery and cash. It is hard to believe, but a bitter truth, that the qualification and profession of the groom decides the amount of dowry. More the groom is qualified, heavy is the amount of Dowry. Failing to which or the greed of the in laws make them torture the women physically as well as emotionally, causing mental trauma. Many young married girls are killed or forced to kill themselves for this menace of dowry.

3. Sexual Exploitation:

Everyday we come across news about rape cases and sexual molestation. She is not safe anywhere. They are touched without their consent and are considered to be objects, just the mode of fulfilling sexual pleasure. If not that, after raping they are killed brutally. The Delhi Nirbhaya case is an example of such brutality. Kotkhai rape and murder case in Shimla is also amongst the same. And day by day, this brutality and exploitation is becoming unending.

4. Exploitation at workplace:

Women are also exploited at workplace, by not giving them their due credit and by application of gender biased policies in any workplace concerned. In Vishaka v. State of Rajasthan, The Supreme Court said that the equality and security of a worker is seriously challenged when they are harassed at their workplace. For this purpose, Vishaka guidelines have laid down by the Supreme Court to improve the working conditions of the women and to ensure them safe and comfortable environment. Vishaka, a public interest class-action lawsuit, came before the Supreme Court to deal with the gender based harassment in some workplaces, which involved individual social workers and non-governmental organizations (NGOs). Their allegation was that though there are provisions available for the protection of women but the implementation is not up to the mark, that is why they approached to the Supreme Court for the enforcement of their fundamental rights enshrined by the Constitution of India.

5. Cyber exploitation:

Women are exploited in virtual world as well. There also they women are followed and stalked on social network and undue advantage is taken. Their accounts are hacked and obscene things are published in their names. By hacking their accounts their pictures are used in fake porn stuff. And after that, women are black mailed and harassed, causing a lot of mental harassment.

Check your progress:

1] Examine the issue of Domestic Violence.

2.3 THE ME TOO MOVEMENT

Indian Society intends to protect its culture, and they put it all on the shoulders of women to not be just responsible for their own dignity, but also to the dignity of the family as a whole, and this pressure for too long had been making them stay silent and tolerate and in fact get adaptive with this situation in India.

Generally, in most of the cultures, women are demoralized and are held back from speaking up against harassment. In India, things are even worse. If she dares to come out, the tag of the victim continues to be with her forever. This does not end here, she also has to face victim shaming. But with the advent of Me Too revolution, it became easier for them to tell their stories. Now the women have realized that they are not the only one who have faced such agony. Generally women are made to believe that it is they, who are responsible, or it is their fault that they had to go through such sexual harassment. The thought they are inculcated with is that, it is better to stay quiet and not report such cases and bear such a victim tag for lifetime. But with me too revolution women after listening to each other's stories women have started gathering strength and have started coming out and speak about the grievances. They have started realizing that getting sexually assaulted is not a matter to be ashamed of. It is not their fault.

It signifies towards one thing, that is the failure of the judicial system in our Country. It implies that what so ever provisions are incorporated in law for sexual harassment in India they are not up to the mark. The women who have been silently suffering throughout their lives, they are now angry and this anger is coming out in the form of outrage in the Country, and have started speaking, expressing naming and shaming about their harassers and letting other people know about their painful stories. The Paramountcy of being a woman lies upon the invisible struggle which the women face throughout. The victims or we can say the survivors have to go through various mental and psychological pain. The trepidation of being expelled out of the society always remain in their mind, which leads them to be labeled as a rabble rouser. All this discourages women from naming their harassers. Going into the Court room, reliving the pain is no where less than a torture to the victims.

The main condemnation of Me Too Movement is that, here women instead of going to the Courts or Legal System, prefers to state themselves on Social Media Platforms which implies not trusting and believing our formal Legal system, that guarantees fairness to the accused, otherwise it would lead to the Public Trial only. A Journalist Seema Mustafa has motivated women who have came forward and expressed themselves and

put forth their agony and their bad experiences. This according to her is a big deal for women of India. But on the other hand, there also lies a drawback on the part of this revolution, that it lacks internal criticism, which would have aided in making this revolution more strong. Tavleen Singh of The Indian Express has also put forth her disagreement criticizing this movement saying that the so called broad minded people who are commanding this revolution do not accept any disagreement to their point of view broad mindedly. Govind Krishnan V of First post accorded with the view of Seema Mustafa and in addition to it stated that one of the negative points of this movement is that it lacks the positive disapproval or criticism. He said that for the movement like me too, more of such open communication and richer debates need to be done, so as to make the deep impact of this movement.

Check your progress:

1] Discuss the reasons why women refuse to report exploitation.

2] Examine the ways in which Me Too movement has emboldened women.

2.4 SAFEGUARDS FOR WOMEN

In India every person has right to be protected against every kind of atrocities. Women like any other person are equally protected and safeguarded by Law of the Land. As far as the women are concerned, there are rights placed to protect women as a parent, wife, daughter, employee and most importantly as a woman. There are various Acts providing protection to women in India such as: Special Marriage Act, 1954, Dowry Prohibition Act, 1961, Indian Divorce Act, 1969, Maternity Benefit Act, 1861, Medical Termination of Pregnancy Act, 1971, The Prohibition of Child Marriage Act, 2006. All these laws are there for safeguarding rights of the women. Following are some of them to be taken into consideration:

1. Indecent Representation of Women (Prohibition) Act, 1986:

This Act forbids any kind of obscene depiction of a woman by any kind of advertisement or public reporting, whether be it in the form of writing, printing, figures or in any other way. This law ensures in the preserving and upholding the honor and prestige of the women in the society. As the

technology is getting advanced day by day, with the advancement in the electronic media and Internet access to everyone, the need for such change and revolution was needed.

2. National Commission for Women Act, 1990:

The National Commission for Women or NCW, is a legal body of Indian Government. It was established in January 1992 by the Government of India. This act represents the women's rights in India and provides them a voice for their issues and concerns. It aims to improve the status of Indian women and to work on their financial empowerment. This Act aimed to:

- To analyze the constitutional and Legal Safeguards for women
- To put forward corrective judicial actions
- To ease reparation of injustice and
- To guide the Government on all policy matters relating to women.

3. Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (Vishaka Guidelines):

In 1997 the Supreme Court propagated certain set of recommendations, which came to be known as the Vishaka Guidelines. This was a set of rules which were prescribed for India for the cases of sexual harassment. These guidelines were further amended in 2013, and they came to be known as The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013. This Act intends to prevent women from sexual assault and harassment at the Workplace. This Act also provides protection against the false and malicious charges.

4. Other Human Rights for Women:

Following are the other human rights which are available for women in India. All of these are incorporated in the Constitution of India, either in the form of Directive Principles or in the form of Fundamental Rights.

1) Right to equal pay:

The Equal Remuneration Act, 1976 ensures the equal wages for the women in all sphere. That no discrimination shall be made on sexual basis as far as the equal remuneration for equal job is concerned.

2) Right to dignity and decency:

Women should be treated decently that to with dignity. In case if any such incident happens with the women, what so ever medical examination needs to be done at her should be done with in the presence of another woman.

3) Right against domestic violence:

Women need to be protected against harassment. This harassment may be a sexual harassment or a domestic violence. Section 498 of the Indian Penal Code protects a woman, whether she is someone's wife, mother or sister. Everyone needs to be protected from domestic violence. This violence can be emotional, physical, sexual or of any other kind. The offence is non-bailable and the accused shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

4) Female sexual assault victims have the right to keep their identity anonymous:

A woman sexually assaulted has a right that her privacy be protected. The sexually assaulted woman while recording her statement before District Magistrate has a right to do so in the presence of a female officer.

5) Right to get free legal aid:

The Legal Services Authorities Act provides for the arrangement of free legal aid to the rape victim. They are provided with the lawyer by the Authority if needed.

6) Right not to be arrested at night:

Section 46(4) of Cr.P.C. provides that a woman is not to be arrested after sunset and before sunrise. If such thing happens it should take place if some exceptional case is there. The Law also provides that a woman can only be interrogated in the presence of a woman constable and family or friends.

7) Right to register virtual complaints:

If due to any of the reasons a woman is not able to be physically present at the police station to file the complaint, they have the right to file a virtual complaint. It may be in the form of e-mail, or they can also put in the form of some letter which can be sent to the police station by post.

8) Right against being stalked:

If a woman is being stalked or is being followed or if someone follows her for some kind of interaction and that woman is not interested, then Section 354D of the Indian Penal Code provides for the legal action to be taken against that stalker.

9) Right to Zero FIR:

Section 154 Cr.P.C. provides that the First Information Report (FIR) that can be filed at any police station irrespective of the location where the crime has taken place occurred or a Zero FIR can be instituted to the Police Station in whose jurisdiction the case falls under.

Organisations for women:

There are a number of organisations that work for the upliftment and protection of women such as the National Commission for Women, One Stop Crisis Centres (or) Nirbhaya Centres, National Association of Rural Women India, etc. There are also a number of NGOs working for women's rights. After the enactment of so many laws, the atrocities done to the women have not stopped, rather they are increasing at an alarming pace. Strict actions need to be taken. Justice delivery system needs to be improved. It should be geared up so that justice is not delayed to the people. Penal system needs to be worked upon. At least, the serial offenders and remorseless fellows must be severely punished, may be by awarding death sentence or by other means.

Check your progress:

1] Discuss the laws for women in India.

2] Discuss the provisions of the Vishaka Guidelines.

2.5 LAWS FOR WOMEN IN INDIA

1. Marriage and Family Matters:

- **The Prohibition of Child Marriage Act, 2006:** This Act prescribes a specific age for boy and a girl for getting married. It therefore provides for a fact that if a boy marries under the age of 21 and a girl marries under the age of 18, then it will be considered as a Child Marriage. This Act aims at uplifting a standard of a woman and not letting her get stuck in the marital obligations at a very young age, and rather encouraging the girls to study and make career bright.
- **The Medical Termination of Pregnancy Act, 1971:** This Act provides for the laws regarding abortion in India. It prohibits aborting a child, and there are various set of conditions on the fulfillment of which such an act can be done, otherwise abortion has been made illegal in our country. Though it requires certain amendments, which would help in easing the problems which a woman face during such a set of circumstances.

- **S. 498-A of the Indian Penal Code:** Prohibits the domestic violence and considers it to be a criminal offence.
- **Certain provisions in the Indian Evidence Act and the Criminal Procedure Code also deal with this issue:** Finally, a legislation devoted to this issue was enacted in 2005 – The Protection of Women from Domestic Violence Act.
- Harassment that a woman faces at her in-laws is a cause of concern. the reason for such harassment are numerous, dowry is one of them. Women are tortured and harassed for dowry, they are maltreated, therefore, to overcome this social evil, **the Dowry Prohibition Act, 1961** was enacted for this purpose which makes it an offence. Though this practice still continues to exist.

2. Sexual Abuse and Exploitation:

- “Various forms of sexual harassment such as singing lewd songs, eve-teasing, making sexual advances in spite of refusal, watching, capturing or sharing images and other media of a woman engaging in a private act without prior consent have all been criminalised by the Indian Penal Code. There is an entire legislation dedicated to sexual harassment in the workplace – **Sexual Harassment of Women at Workplace Act, 2013**.
- It is important that parents are aware of their daughters’ activities on the Internet. Today, many crimes against women are committed by sexual predators through online portals. Online harassment of women is prohibited under **S. 67 of the Information Technology Act**.
- Any indecent representation of women is banned by the **Indecent Representation of Women (Prohibition) Act, 1986**. This law, as it is considered to be too narrow for this day and age, has undergone certain changes and an Amendment Bill was drafted in 2012 which broadened its scope.
- **Ss. 375 and 376(2) of The Indian Penal Code** criminalise rape. These sections spell out 7 years and 10 years imprisonment, respectively, as the punishment for rape. The key feature of these sections is the requirement for consent by the woman in question for the act not to be considered as rape. Intercourse with a woman of unsound mind or a girl below 16 years of age is considered to be rape irrespective of consent being given.

3. Property laws:

- While traditionally, the rights of women with regard to succession and inheritance of property in India were next to non-existent, as of now, according to the amendments to the **Hindu Succession Act in 2005**, daughters have been given the same rights as sons with regard to inheritance and succession.

- **The Indian Succession Act** does not differentiate between the heirs of the deceased.
- Muslim women enjoy rights of inheritance though limited to some extent by custom and practice

4. Women in the workplace:

Women in India have the right to earn as much as men and gender discrimination is also prohibited at the time of recruitment. **Ss. 4 and 5 of Equal Remunerations Act, 1976** lay down the law regarding this.

- **The Maternity Benefit (Amendment) Act, 2017** has brought about certain groundbreaking laws which concern working women including the increase of paid maternity leave from 12 weeks to 26 weeks (S.5(3)) and 'work from home' options for new mothers (S.5(5)).

In 2013 after the Nirbhaya incident and the widespread protests that followed, the criminal law dealing with sexual offences was amended and the definition of rape was widened. Also many new offences were included such as stalking, Voyeurism, etc. There are different... **Definitions of 'sexual offence' under the Indian Penal Code (IPC)**, they are as follows:

- **Outraging modesty S. 354** states that if a man assaults or uses criminal force on any woman with the intention of outraging her modesty or knowing that it is likely to outrage her modesty, then he shall be punished under this section.
- **Sexual Harassment S. 354A** states that if a man makes physical contact and advances, demands or requests for sexual favours, shows pornography against the will of a woman or makes sexually coloured remarks, then he shall be punished under this section.
- **Disrobing S. 354B** states that if a man assaults or uses criminal force against a woman with the intention of disrobing her, he shall be punished under this section.
- **Voyeurism S. 354C** states that if a man watches or captures the image of a woman in a private act or disseminates such an image, he shall be punished under this section. A private act includes an act where the victim does not expect to be observed by the man or any other person at his behest. If the victim consents to the capture of the image but not to dissemination, then such dissemination shall be punishable.
- **Stalking S. 354D** states that if a man follows or contacts (or attempts) a woman despite a clear indication of disinterest by her, or monitors the use of internet, email or other electronic communication by her, then he shall be punished under this section.

5. Protection under I.T. Act, 2000:

Information Technology Act, 2000 provides for the protection of women from cyber crime, such as: section 66 punishes the offence of identity theft, punishable by the imprisonment upto 3 years and fine extending upto rupees one lakh. Section 66E deals with the violation of the privacy of a person, taking photos or making videos of a private area of the person without the consent is punishable with imprisonment upto 3 years and /or fine. Section 67A makes the publishing or transferring of sexually obscene material punishable with imprisonment of 5 years extending upto seven years and fine upon second conviction.

Check your progress:

1] Describe the laws for women dealing with marriage and family matters.

2] Examine the Protection under IT Act 2000.

2.6 SUMMARY

We Indians have been blessed with an enriched tradition of protecting our culture. That culture, which provides and emphasizes upon the patriarchal domination and sidelining the significance of women, and were left out from the power as well. Women are carrying the responsibility of protecting the honor and dignity of not only of herself, but of the entire family. She is held responsible for carrying the Honor of her family upon her own shoulders. So that is why she was supposed to be quiet and was expected not to complain about what so ever bad has happened with them. It was thought to be a shame or dishonor to the family if they speak out their pain in the society. But in some cases what was heard and seen was that the women complaining had to face attempts of assault, and intimidation by the accused. Those women were not treated well at the workplace, and moreover they were denied jobs even. They were made subject to ill treatment and were boycotted by the society. Besides the enactment of various laws in India, women are still exploited, implying towards the failure of the current Justice System in India, because of the failure of the implementation of the Laws protecting the women's rights.

2.7 QUESTIONS

Forms of Exploitation

1. Enumerate the various forms of exploitation of women in India.
2. Discuss the Laws and safeguards for women in India.

2.8 REFERENCES

- “Women Exploitation In India: An Invisible Struggle” Kanika Pandit, Dr. Renu Mahajan, University Institute Of Legal Studies (UILS) Chandigarh University, Chandigarh.
- <https://vikaspedia.in/social-welfare/women-and-child-development/women-development-1/status-of-women-in-india#:~:text=Related%20resources-,Population,are%20949%20and%20929%20respectively.>
- <https://www.drishtiias.com/daily-updates/daily-news-editorials/status-of-women-in-india>

ATROCITIES ON WOMEN

Unit Structure

- 3.0 Objectives
- 3.1 Introduction
- 3.2 Rising crimes against Indian women
- 3.3 Forms of atrocities against women
- 3.4 Legal Remedies for Violence against women
- 3.5 Measures taken by Government to prevent crime against women
- 3.6 Summary
- 3.7 Questions
- 3.8 References

3.0 OBJECTIVES

- To introduce students to Social Issues in Contemporary India.
- To shed light on Women's Issues.
- To understand the Various Atrocities on women in India.

3.1 INTRODUCTION

According to Oxford dictionary, the term atrocities against women, refers to "a cruel and wicked act against a woman which causes her emotional or physical injury or both." "The issue of atrocities against women is a deep-seated problem in society that had been accumulating all these days and has found a sudden release", said Buddhadeb Bhattacharjee (Former chief minister of West Bengal). Women in India constitute near about half of its population and it is very common to read news about violation or wrongs committed on women everyday. Although we have entered into a new millennium, women, with patriarchal setup in Indian society, continue to be oppressed and ill-treated. They are prone to atrocity both inside and outside their homes in contemporary India. Our orthodox society is so much prejudiced by age-old habits and customs that a violated woman, whether she is forced or helpless, has no place in the society. To prevent the violence and improve position condition of women in India, many laws have been formulated, some of which are: 1. Hindu Marriage Act, 1955. 2. Immoral Traffic (Prevention) Act, 1956 3. Dowry Prohibition Act, 1961 4. Medical Termination of Pregnancy Act, 1971 5. Equal Remuneration Act, 1976 6. Sati Prevention Act, 1987. 7. Indecent Representation of Women (Prohibition) Act, 1996 8. Protection of Women against Domestic Violence Act, 2005. Even though so many laws are there, the graph of violence against women is increasing day by day.

Check your progress:

1] Define the term 'atrocities against women'.

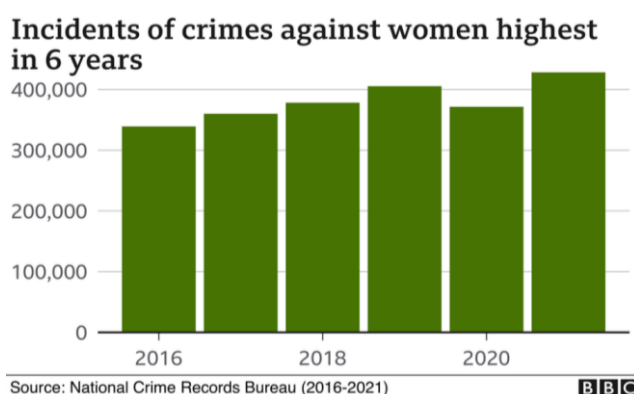
2] Examine some of the laws to improve the condition of women in India.

3.2 RISING CRIMES AGAINST INDIAN WOMEN

In his address to the nation on India's 75th Independence Day, Prime Minister Narendra Modi called for a "change in the mentality" towards women and asked citizens to fight misogyny. "A distortion has crept in our conduct and we at times insult women. Can we take a pledge to get rid of this in our behaviour," he suggested, urging people to "take a pledge to get rid of everything that humiliates women in everyday life". This was not the first time Mr Modi had talked about gender equality and respect for women. In his Independence Day speech in 2014, he had condemned rapes in India saying "when we hear about these rapes, our heads hang in shame". But the data indicates that crimes against women remain persistent.

The numbers show a consistent year-on-year rise, except in 2020 - the year when the Covid-19 pandemic swept India and a strict lockdown forced the country to shut down for months. Experts say it also impacted data collection. In the year 2021 - India recorded the highest number of crimes against women ever. Activists say the rising graph is a matter of serious concern, but authorities say it is because of is a better reporting and more people are registering cases in police station.

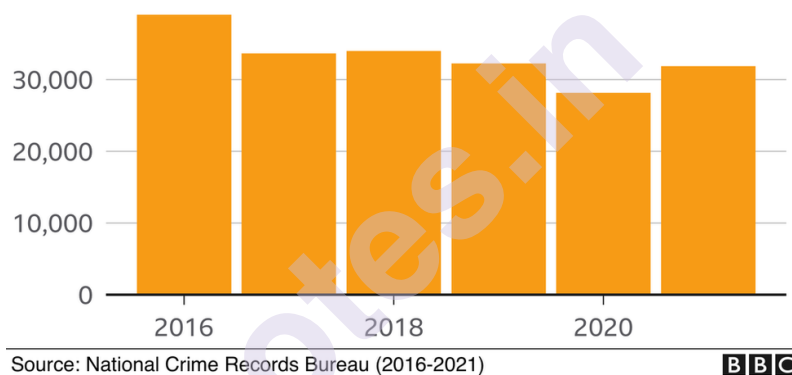
The rising graph:



Of the six million crimes that police have recorded between 1 January and 31 December 2021, 428,278 cases involved crimes against women. A rise of 26.35% over six years was witnessed - from 338,954 cases in 2016. A majority of the cases in 2021, the report said, were of kidnappings and abduction, rapes, domestic violence, dowry deaths and assaults. Also, 107 women faced acid attacks, 1,580 women were trafficked, 15 girls were sold and 2,668 women were victims of cybercrimes. With more than 56,000 cases, the northern state of Uttar Pradesh, which is India's most populous with 240 million people, once again topped the list. It was followed by Rajasthan with 40,738 cases and Maharashtra with 39,526 cases.

The rape capital:

After a drop in 2020, rape cases spike again



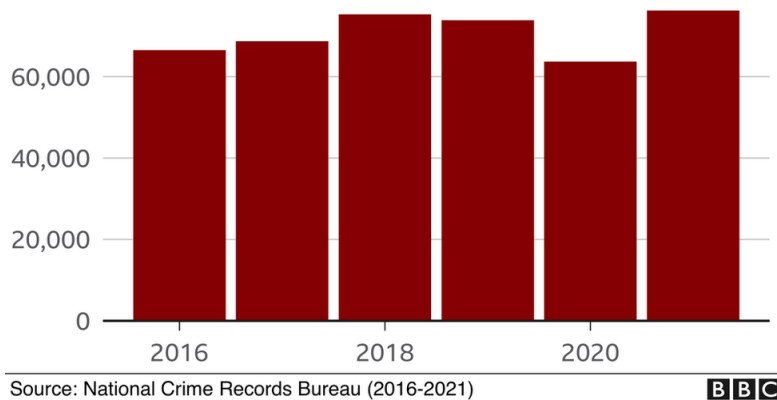
In 2021, police recorded 31,878 rape cases - the numbers show a steep rise from the previous year (28,153), but compared to cases in 2016, (39,068) they show a decline of 18%. With tens of thousands of rape cases reported annually, India has earned the nickname "the rape capital of the world". It's not because India is an exception - many countries report equal or higher numbers of rapes. But critics say the world's largest democracy gets a bad name because of the way the victims and survivors are treated - they are stigmatised by the society, and often shamed by the police and judiciary too.

Most recently, a Muslim woman who was gang-raped and saw 14 members of her family killed by Hindu neighbours during the 2002 Gujarat riots spoke of her "searing pain" after her rapists were freed from jail. The story of the unfair treatment Bilkis Bano received became global headlines, reinforcing the view that India is often unkind to its women.

Kidnappings:

The latest data records 76,263 kidnappings and abductions of women - up 14% from 66,544 in 2016. Some of the crime was linked to murder, ransom and many were trafficked for prostitution and domestic work.

Kidnappings and abductions



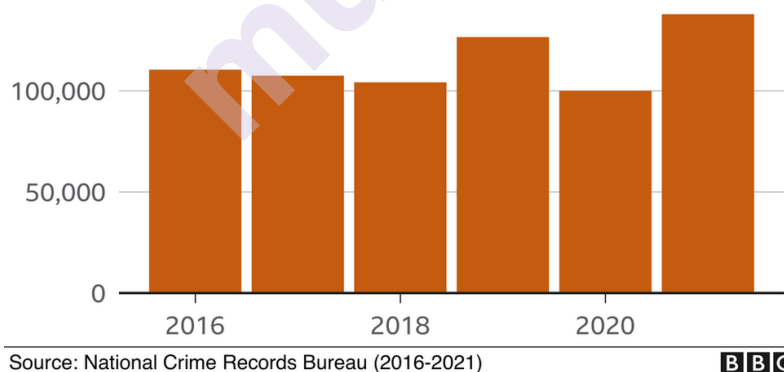
But a large majority of the kidnapped women - 28,222 - were taken away to "compel her for marriage". Experts say many of these cases are false and are filed by families who elope with their lovers despite parental disapproval.

Domestic Violence:

Violence inside the home is mostly recorded under the legal term of "cruelty by husband or his relatives" and it has consistently been the most reported violent crime against women in India.

In 2021, police received complaints from 137,956 women - which breaks down to about one every four minutes. There is an increase of 27% from 2016 when 110,434 women sought police help.

Victims of cruelty by husband or his relatives

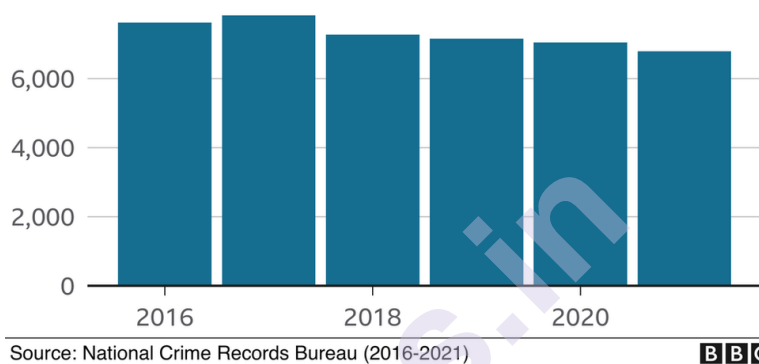


Such violence is not unique to India - the World Health Organization says one in three women globally face gender-based violence and the numbers are similar with that of India. But what sets it apart here is the silence that surrounds to, even consent for violence at home. More than 40% women and 38% men told a recent government survey that it was okay for a man to beat his wife if she disrespect her in-laws, neglect her home or children, roam without informing him, or don't cook properly.

Dowry deaths:

Even though India outlawed dowry in 1961, the centuries-old tradition of the bride's family gifting cash, gold and other expensive items to the groom's family remains apparent. According to a recent World Bank study, dowry was paid in 95% of marriages in rural India. Campaigners say new brides are often harassed for not bringing in sufficient dowry and thousands are killed by their husbands and in-laws every year. Most are burnt to death and the murders are passed off as "kitchen accidents".

Fewer dowry deaths in 2021 compared to previous years



In 1983, India introduced a tough new law - Section 498A - to curb dowry deaths, but thousand of brides continue to be murdered every year. Last year, police recorded 6,795 dowry deaths - or on average, one every 77 minutes.

Check your progress:

1] Examine some of the crimes against women.

2] Examine the problem of dowry deaths.

3.3 FORMS OF ATROCITIES AGAINST WOMEN

The women of India face several types of atrocities, such as rape, murder, kidnapping, dowry related atrocity, eve teasing prostitution, female infanticide, female foeticide and many others as discussed below:

1. Female infanticide and female foeticide:

Female infanticide is a deliberate and intentional act of killing a female child within one year of its birth either directly by using poisonous organic and inorganic chemicals or indirectly either by one of the parent or others family members. On the other hand female foeticide is the termination of a foetus with in the womb on the ground that its sex is female and is also known as sex selective abortion.

These practices have badly affected Indian society. The biggest and most easily measurable effect is the low-female-to male ratios. The Thomas Reuters foundation expert poll in 2011, reported that India is the fourth most dangerous country in the world after Afghanistan, Congo and Pakistan. Female Foeticide, child marriage and high levels of trafficking and domestic servitude make India the World's largest democracy, the fourth most dangerous place for women.

2. Kidnapping and Abduction:

Kidnapping is taking away or enticing a minor female less than 18 years and a male of less than 16 years of age without the consent of the lawful guardian. Abduction is forcibly, fraudulently or deceitfully taking a woman with the intent of her to illicit sex or compelling her to marry a person against her will. The latter is committed only in a minor, while the former in respect of any person. A large number of kidnapping and abduction cases have been reported in last five years. Delhi has shown the highest rate.

3. Rape and Gang Rape:

Rape is one of the most common atrocities against women in India. It is really horrifying that in most of the rape cases, offenders are known to the victims. In India, every 29 minutes a woman is raped.

Rape of an individual by two or more perpetrators is called gang rape which has become a common news in present India. The 2012 Delhi gang rape of a 23 year old girl who died after 13 days has brought a lot of international attention to the issue of gang rape in India.

4. Dowry Deaths:

Despite legislations and large scale spread of education, women of India are facing a great atrocity called Dowry. Women are not always the only primary victims of dowry deaths but the ugly part in some cases is that children are also killed along side their mothers. Sometimes women - mother-in-law and sister-in-law are found involved in such crimes.

5. Women Trafficking:

It is the criminal practice involving trading of women for profit and exploitation. Women and girls are trafficked within the country for the purposes of commercial sexual exploitation and forced marriages. India is

also a destination for women and girls from Nepal and Bangladesh, trafficked for the same purpose.

6. Domestic violence:

Domestic violence is also known as domestic abuse, spousal abuse, battering, family violence, dating abuse and intimate partner violence. It can be physical, emotional, verbal, economic or sexual. It is a pity that 65% of India men believe that women should tolerate violence in order to keep the family together and women sometimes deserve to be beaten. Every 9 minutes, a case of cruelty is committed by either husband or relative of husband in India.

7. Honour Killing:

Honour killing is the killing of a family member by other members due to belief that the victim has brought dishonor or shame to the family or community. Reasons for honour killing include refusal to enter an arranged marriage, committing adultery, choosing a partner that the family disapproves of and becoming a victim of rape. Many such killings are happening with regularity in Punjab, Haryana and Western Uttar Pradesh.

8. Acid Attack:

Acid attack or acid throwing is the deliberate use of acid to attack another human being. It rarely kills but lead to permanent scarring, blindness as well as social, psychological and economic difficulties. Around, 72% of reported acid attack victims are women.

9. Witchcraft murders:

Despite much effort, superstitious beliefs continues to plague parts of India, resulting in witchcraft murders. The Indian government most recent date shows that 119 people were killed due to witchcraft in 2012. National Crime Records Bureau report revealed that more than 1,700 women are murdered for witchcraft between 1991 to 2010. Poor women widows and women from lower castes are most at risk of such killings. The numbers are undoubtedly higher, as many cases go unreported or authorities refuse to register the cases.

10. Eve Teasing:

Eve teasing is simply an expression of a male interest irrespective of how the woman feel about it. Eve teasing is a huge issue in many metropolitan cities of India. A large percentage of women are facing this menace. Whether it is a public transport system or public place or shopping malls or multiplexes, women find themselves vulnerable to the threat of eve teasing everywhere.

Check your progress:

1] Discuss the evils of female foeticide and female infanticide.

2] Examine the problem of Domestic Violence.

3.4 LEGAL REMEDIES FOR VIOLENCE AGAINST WOMEN

Violence against women is a social, economic, developmental, legal, educational, human rights, and health (physical and mental) issue. It is a preventable cause of morbidity and mortality in women. Despite the social and religious sanctions against it in all cultures, it has continued. Responses by communities, religious institutions, government (various commissions), international conventions, stringent legislations and penal measures have failed miserably in containing the menace. Violence against women is on the national agenda. Government is making frantic efforts to find solutions. The Justice JS Varma Commission has been set up.

The world has entered into a new millennium, but from the dawn of civilization till date, the woman due to patriarchal society of India continues to be oppressed and ill-treated. She is dependent, weak, exploited and faces gender discrimination in every sphere of life. The gender-based violence that threatens the well-being, dignity and rights of women, extends across social, cultural, economic and regional boundaries.

1. Communities' response to violence:

A few women-initiated community-level responses to domestic violence are praise worthy. The Nari Adalat and Sahara Sangh initiatives have been organized by the Department of Education's Mahila Samakya Program in two districts of Uttar Pradesh and Gujarat. Action is also being taken by the NGO Shramajibee Mahila Samiti in West Bengal. The ICRW conducted a television program in four channels entitled "Bol". It created awareness among women.

2. Legislative response:

International:

There are a number of international Instruments to curb violence against women. The United Nations General Assembly resolution endorsed the urgent need for the universal application of women's rights of equality, security, liberty integrity and dignity. Article 55 and 56 of United Nations charter cast a legal obligation on United Nations organization to promote respect for equality and human rights.

The Universal Declaration of Human Rights, Article 5, states that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Three United Nations World Conferences on Women. Mexico (1975), Copenhagen (1980), and Nairobi strategies framed to promote gender equality and opportunities for women based on three objectives: Equality, development and peace.

The Vienna Declaration, 1993 calls for an action to integrate the equal status human rights of women. It stresses towards elimination of violence against women in public and private life. The Beijing conference, 1995 provided a platform for concentration on some of the key issues identified as fundamental obstacles to the advancement of majority of women in the world. It focused on issues such as discrimination against women, violence against women, etc.

The Convention on Elimination of all forms of Discrimination against Women (CEDAW), 1981, to which 166 countries are signatories, is a landmark document because it brought violence against women within the framework of human rights. It identified female as the primary risk factor for violence and broadened the definition of gender violence (to include all aspects of women's life).

Domestic legal remedies in India:

The Constitution of India: Article 14 is on equality.

Difference in treatment between men and women by the state is totally prohibited on grounds of religion race, caste, sex or place of birth. Article 21 is on; right to life with human dignity.

The National Commission for Women:

It was set up as a statutory body in January 1992 under the National Commission for Women Act, 1990 to review the constitutional and legal safeguards for women; recommend remedial legislative measures, facilitate redress of grievances and advise the Government on all policy matters affecting women.

The Supreme Court guidelines on sexual harassment at work place:

For the first time, the Court drew upon an international human rights law instrument, the CEDAW to pass a set of guidelines. The Court defined

sexual harassment at work place as any unwelcome gesture, behavior, words or advances that are sexual in nature. “It shall be the duty of the employer or other responsible persons in work places or other institutions to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, settlement or prosecution of acts, of sexual harassment by taking all steps required.”

The legislation relating to violence against women comprises the Indian Penal Code (IPC), civil law and special laws.

Dowry and dowry death:

The Dowry Prohibition Act (DPA), 1961 applies to all people, Hindus, Muslims, Christians, Parsis and Jews. Giving, taking or abetting the givings or taking of dowry is an offence, which is punishable. Several states (Bihar, West Bengal, Orissa, Haryana, Himachal Pradesh, and Punjab) amended the DPA to give it more teeth. The law was found to fail to stall the evil.

Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances, within 7 years of marriage, and if shown that soon before her death, she was subjected to cruelty or harassment by her husband or any relative of her husband for or in connection with any demand of dowry, such death shall be called “dowry death” and such husband or relative shall be deemed to have caused her death (IPC 304-B). 113-B Indian Evidence Act, 1872, was inserted for the presumption as to dowry death.

Abetment of suicide of child or insane person:

If any person under 18 years of age, any insane person, any delirious person, any idiot, or any person in a state of intoxication, commits suicide, whoever abets the commission of such suicide, shall be punished with death or imprisonment for life or imprisonment for a term not exceeding 10 years and shall also be liable for fine (305 IPC). However, the difficulty is that if it is shown the victim has major mental illness, the benefit of doubt is given to the accused and he is acquitted.

Abetment of suicide:

If any person commits suicide, whoever abets the commission of such suicide shall be punished with imprisonment of either description for a term which may extend upto 10 years and shall also be liable for fine (306 IPC). 113-A of Indian Evidence Act, 1872, relates to the presumption as to abetment of suicide. The offences of dowry and abetment of suicide are cognizable, nonbailable and noncompoundable.

Of cruelty by husband and relatives of husband:

The willful conduct of the husband or his relatives that is likely to drive the women to commit suicide or cause physical or mental trauma or harassment of a woman with a view to coercing her or any of her relative to meet any unlawful demand for property would be punishable by

imprisonment for 3 years and fine (498A IPC). This is the most widely used provision against domestic violence.

Other offences mentioned in IPC are:

Causing miscarriage (312 IPC), causing miscarriage without woman's consent (313 IPC), death caused by an act done with intent to cause miscarriage; if act was done without woman's consent (314 IPC), act done with intent to prevent child being born alive or to cause it to die after birth (315 IPC) and causing death of quick unborn child by act not amounting to culpable homicide (316 IPC).

The Family Courts Act, 1984:

The Act was established with a view to promote conciliation in, and secure speedy settlement of disputes relating to marriage and family affairs.

The Indecent Representation of Women (Prohibition) Act, 1986:

This Act prohibits the indecent representation of women through advertisements or in publications, writings, paintings, figures or in any other manner is prohibited.

The Commission of Sati (prevention) Act, 1987:

This Act is for the prevention and glorification of sati.

Protection of Women from Domestic Violence Act, 2005:

The Protection of Women from Domestic Violence Act (PWDVA), 2005 was enacted to provide for more effective protection of the rights of women guaranteed under the constitution who are victims of violence of any kind occurring within the family and for matters connected thereto. It recognizes 4 types of domestic violence: Physical, verbal, and emotional (including not having a child or a male child, marrying without consent), and economic (including violence related to stridhan, dowry, property) and sexual (includes sexual abuse and marital rape).

The aggrieved person (AP) is a woman who has been in a domestic relationship with the respondent. The respondent is any adult male person who is, or has been in a domestic relationship with the AP and against whom the AP has sought relief. The AP or any person can complain directly (verbal), telephonically or via E-mail. There is provision for various orders (protection, residence, maintenance (monetary relief), custody orders and emergency help. There is also provision for assistance (counselor, police, and assistance for initiating criminal proceedings, shelter home, medical facilities, and legal aid).

The PWDVA is better in many ways. It provides voice even to poor and illiterate women; it educates the woman regarding the rights and available assistance; provides many reliefs (which facilitate psychosocial rehabilitation), free legal advice and help to initiate legal proceedings

against respondent; it attempts to restore the family; and last, but not the least, it empowers the woman. The main criticism against PWDVA is that mental illness in AP or respondent is ignored. Apart from this, there are mixed reactions toward few legislations, especially PWDVA, DPA and IPC 498A, because they have been frequently abused and are considered as “anti-men.”

Check your progress:

1] Discuss the international laws for protection of women.

2] Discuss the provisions of the Protection of Women from Domestic Violence Act, 2005.

3.5 MEASURES TAKEN BY GOVERNMENT TO PREVENT CRIME AGAINST WOMEN

Union Minister of State for Home Affairs, Shri G. Kishan Reddy, in a written reply to a question regarding crime against women, in Lok Sabha, said that women safety is a high priority for the Government and several initiatives have been taken for safety of women across the country, which are given below:

- The Criminal Law (Amendment), Act 2013 was enacted for effective deterrence against sexual offences. Further, the **Criminal Law (Amendment) Act, 2018** was enacted to prescribe even more stringent penal provisions including death penalty for rape of a girl below the age of 12 years. The Act also inter-alia mandates completion of investigation and trials within 2 months each.
- **Emergency Response Support System** provides a pan-India, single, internationally recognized number (**112**) based system for all emergencies, with computer aided dispatch of field resources to the location of distress.
- Using technology to aid smart policing and safety management, **Safe City Projects** have been sanctioned in first Phase in 8 cities (Ahmedabad, Bengaluru, Chennai, Delhi, Hyderabad, Kolkata, Lucknow and Mumbai).

- The Ministry of Home Affairs (MHA) has launched a **cyber-crime portal** on 20th September 2018 for citizens to report obscene content.
- MHA has launched the '**National Database on Sexual Offenders' (NDSO)** on 20th September 2018 to facilitate investigation and tracking of sexual offenders across the country by law enforcement agencies.
- In order to facilitate States/UTs, MHA on 19th February 2019 launched an online analytic tool for police called '**Investigation Tracking System for Sexual Offences**' to monitor and track time-bound investigation in sexual assault cases in accordance with the Criminal Law (Amendment) Act 2018.
- **One Stop Centre (OSC) scheme** is being implemented across the country since 1st April 2015 which is exclusively designed to provide integrated services such as medical aid, police assistance, legal counselling/ court case management, psycho-social counselling and temporary shelter to women affected by violence under one roof. As per available information, 728 OSCs have been approved by Government of India, 595 OSCs are operational in the country.
- In addition to the above-mentioned measures, MHA has issued **advisories** from time to time with a view to help the States/UTs to deal with crimes against women, which are available at www.mha.gov.in.

Check your progress:

- 1] Describe the measures taken by government to prevent crime against women.

- 2] Examine the One Stop Centre scheme.

3.6 SUMMARY

No one can deny the fact that women in India have made a considerable progress in the last fifty years but yet they have to struggle against social evils in the male dominated society. The Hindu Code Bill has given the daughter and the son equal share of the property. Marriage Act no longer regards woman as the property of man. Marriage is now considered to be a

personal affair and if a partner feels dissatisfied she or he has the right of divorce. But passing of law is one thing and its absorption in the collective thinking of society is quite a different matter. In order to prove themselves equal to the dignity and status given to them by the Indian Constitution they have to shake off the shackles of slavery and superstitions. They should help the government and the society in eradicating the evils of dowry, illiteracy and ignorance among the eves.

The dowry problem has assumed a dangerous form in this country. The parents of the girls have to pay thousands and lacs to the bridegrooms and their greedy fathers and mothers. If promised articles are not given by the parents of brides, the cruel and greedy members of the bridegrooms' family take recourse to afflicting tortures on the married women. Some women are murdered in such cases. The dowry deaths are really heinous and barbarous crimes committed by the cruel and inhumane persons. The young girls should be bold enough in not marrying the boys who demand dowry through their parents. Grooms should also refuse to marry if their parents demand dowry. But unfortunately the number of such bold and conscientious boys are very few. Even the doctors, engineers, teachers and the administrative officers do not hesitate in allowing themselves to be sold to the wealthy fathers of shy and timid girls. Such persons have really brought disgrace to their cadres in particular and society in general. The government should enact stringent laws to inflict rigorous punishment on dowry seekers, and women's murderers.

Dr. B.R. Ambedkar measured the progress of a community by the degree of progress which woman have achieved. Also, according to Swami Vivekananda, the best thermometer to the progress of a nation is its treatment of its women. So, a systematic effort has to be made to listen to the voices of women. Boys at the young age should be taught to respect females. In a patriarchal set up, violence against women sometimes consider as quite 'Natural', so efforts should be made to change the mindset of society through education and better law enforcement. Government should encourage women friendly programmes to combat atrocities against women. Above all, women themselves should take a stand that they will not tolerate any sort of violence against themselves. Last but not the least, it is important for men to stand up to not only stop men's violence against women but, to teach young men a broader definition of masculinity that includes being empathetic, loving and non-violent.

3.7 QUESTIONS

1. Examine the graph with regard to the rising crimes against women.
2. Discuss the various forms of atrocities against women in India.
3. Explain the legal remedies for violence against women in India.

3.8 REFERENCES

- “Women Exploitation In India: An Invisible Struggle” Kanika Pandit, Dr. Renu Mahajan, University Institute Of Legal Studies (UILS) Chandigarh University, Chandigarh.
- <https://vikaspedia.in/social-welfare/women-and-child-development/women-development-1/status-of-women-in-india#:~:text=Related%20resources-,Population,are%20949%20and%20929%20respectively.>
- <https://www.drishtias.com/daily-updates/daily-news-editorials/status-of-women-in-india>
- Geeta Pandey, Rising crimes against Indian women in five charts, accessed from <https://www.bbc.com/news/world-asia-india-62830634>
- Indira Sharma, Violence against women: Where are the solutions?, Indian Journal of Psychiatry, 2015 Apr-Jun; 57(2): 131–139.doi: 10.4103/0019-5545.158133, accessed on 3rd November 2022
- Press Information Bureau, Government of India, Ministry of Home Affairs,<https://pib.gov.in/newsite/PrintRelease.aspx?relid=195670>
- Dr. (Ms.) Rekha Singh, Status of Women in Indian Society, <https://www.bu.edu/wcp/Papers/Huma/HumaSing.htm>

MINORITIES IN INDIA

Unit Structure

- 4.0 Objectives
- 4.1 Introduction
- 4.2 Who are the Minorities?
- 4.3 Characteristics of Minority
- 4.4 The Dimensions of Minority issues
- 4.5 Approaches to minority issues
- 4.6 Assimilation
- 4.7 Discrimination and Annihilation
- 4.8 Tolerance and Equality: The Indian way
- 4.9 Problems faced by Minorities in India
- 4.10 Constitutional provisions and Safeguards
- 4.11 Other constitutional safeguards
- 4.12 Summary
- 4.13 Questions
- 4.14 References

4.0 OBJECTIVES

- To understand various interpretations of the term Minorities
- To understand the characteristics of Minority.
- To understand the Dimensions of Minority issues.
- To understand the Problems faced by Minorities in India.
- To understand the Constitutional provisions and Safeguards.

4.1 INTRODUCTION

India is a multi-lingual and a multi-religious country and Indian society is pluralistic in character from the religious and other point of view. Almost all States have one or more minority groups within their national territories, characterized by their own ethnic, cultural, linguistic or religious identity which differs from that of the majority population. The minorities, because, of their relatively less numerical strength feel that their rights are persistently ignored. This unit discusses how minorities have emerged and the problems they face and also their rights. We will also talk about the social composition and rights of minorities and the constitutional provisions for them in India.

4.2 WHO ARE THE MINORITIES?

Muslims, Sikhs, Christians, Buddhists, Jain and Zoroastrians (Parsis) have been notified as minority communities under Section 2 (c) of the National Commission for Minorities Act, 1992. As per the Census 2011, the percentage of minorities in the country is about 19.3% of the total population of the country. The population of Muslims are 14.2%; Christians 2.3%; Sikhs 1.7%, Buddhists 0.7%, Jain 0.4% and Parsis 0.006%.

In a very general sense, we can say that when a group of people is divided on any issue or approach or characteristics the difference usually produces a bigger sub-group and a smaller sub-group. The smaller sub-group is called minority whereas the bigger sub-group is called the majority. It is also possible that the two groups could be of equal strength or the smaller group may have control over power and other resources. So, it is not always the numerical strength or non-strength, which is the deciding factor for a group to be called a minority. It is now widely felt that population size is not the only feature of minority status. If a group is discriminated against on the basis of religion, race or culture it can be considered a minority group. The sub-commission on Prevention of Discrimination and Protection of Minorities set up under the Human Rights Commission which drafted the Universal Declaration of Human Rights, has defined minorities as only those non-dominant groups in a population which possess or wish to preserve stable, ethnic, religious or linguistic traditions or characteristics marked differently from those of the most of the population.

In the International Encyclopedia of the Social Science, **Arnold Rose** has defined minority without any quantitative connotations. He defines it as 'a group of people differentiated from others in the same society by race, nationality, religion or language, who think of themselves as differentiated group and are thought of by others as a differentiated group with negative connotations. Further, they are relatively lacking in power and hence are subjected to certain exclusions, discrimination and other differential treatments.' In any country religious groups may now be divided into linguistic groups and vice-versa. This phenomenon is known as cross-cutting cleavage. Accordingly, a person may be a member of a religious minority and yet of a linguistic majority or vice-versa.

According to **LOUIS WIRTH**, who pioneered the study of Minority problems and offered a definition and classification, defines a Minority is defined as, "A group of people who, because of physical or cultural characteristics, are singled out from the others in the society in which they live for differential and unequal treatment and who therefore regards themselves as objects of collective discrimination."

According to **CAPOTORTI'S**, definition for the United Nation "**Minority**" means a community: Compactly or dispersedly settled on the territory of a state, which is smaller in number than the rest of the population of a state whose members are citizens of that state, which have

ethnic, linguistic or cultural features different from those of the rest of the population, whose members are guided by the will to safeguard these features.

The United Nations Commission on Human Rights in 1950 defined minorities as “Only those communities other than the ruling national community can be termed as minorities, who want to have a language, religion or race different from the language, religion and race of the national community. It is essential for being recognized as minorities that they should be sufficient in number and their constituents should be faithful to the nation in which they live.”

4.3 CHARACTERISTICS OF MINORITY

Membership is not voluntary (achieved status) but comes with birth (**ascribed status**) Physical or cultural traits are held in low esteem by the dominant group (prejudice), Members are treated unequally by the dominant group (**discrimination**) Minority members tend to within their group (**endogamy**) There is feeling solidarity among minorities owing to physical or cultural traits.

4.4 THE DIMENSIONS OF MINORITY ISSUES

In the past one hundred years or so the minority problems have occupied a very important place in the politics of countries the world over. Many issues have, however, remained unresolved. Even today minority problems in different forms appear very frequently everywhere in the world. Thus, race riots occur in England and the USA. Chechnya has been an issue for Russia. In erstwhile Yugoslavia the Serbs and the Croats have fought wars of secession. The position of the developing societies or the Third World is the same. Ethnic and communal riots are chronic part of their politics. The Indian case is one of the saddest ones. India has a record of over hundred years of communal issues.

4.5 APPROACHES TO MINORITY ISSUES

We can see that the problem of minorities has assumed importance all over the world. We have already mentioned that a minority issue is not just related to its numerical representation in a society. It is related to its oppression. Besides, it is to be perceived on the basis of language, culture, religion, etc. in relation to that of a dominant group which is, very often, a majority group in a society. A whole lot of theories have been advanced about the nature, causes and implications of the problems of minorities. Many scholars have tried to understand the problems of minorities in various ways. Some consider, that ethnic identity among minority groups is natural and primordial. The scholars who stress the cultural differences say that primordialism and linguistic differences among minority groups tend to generate conflict rather than cooperation among them. Other scholars consider the utilitarian bent of minority groups and state that it is representing a power struggle. They feel that cultural factors are incidental to this process. These scholars feel that the minority identity should be

seen in the context of development, where each group tries to forge an identity in its struggle for scarce resources. Various approaches have been adopted towards a solution of the minority while some suggested assimilation, others suggested protection and for some the way out was to get rid of the minority community itself, by persecution, deportation etc.

4.6 ASSIMILATION

The issue of minority and majority has been going on for centuries. Earlier the problem was seen as one of conflicts of religious and ethnic groups. These days the problem is essentially related to national minorities. The concept of nation assumes that political boundaries must coincide with the characteristic of people living within it. A nation state prefers, if possible a homogenous religion, language, ethnic identity etc. In the words of Clude “The rise of the problem of minorities was a logical consequence of the ascendancy of nationalism. It is injected into politics ... the principle that the state should be nationally homogeneous and a nation should be politically united.” (Clude, 1955. p. 81). This gave rise to unrestricted control over given territory, uniformity of laws, languages, customs etc., irrespective of differences.

Homogeneity is never a reality thus there are constant efforts by the majority to assimilate the minority. The minorities are made to abandon their ethnic, religious cultural and linguistic characteristics which differentiate them from the dominant group. For instance, in the erstwhile Soviet Union, this kind of homogeneity was imposed with the internment of making the national state secure and its institutions stable. The welfare and security of the state were primary consideration. As a result, the minority considerations were sidelined. It was not long before the various minority ethnic groups realised this kind of subjugation and fought for their rights.

The assimilation of heterogeneous groups through coercion is not so bluntly adopted.

4.7 DISCRIMINATION AND ANNIHILATION

While the minority groups are allowed to preserve their distinct characteristics they are also subjected to a great deal of discrimination. The discrimination may be in the form fewer government funds for minority educational institutions etc. Very often they are discriminated in their social life. They are subjected to ridicule and segregation which further compels them to stay away from the majority. That is why we find that minority groups stay together in ghettos away from the majority. This discrimination in fact leads to assimilation among some ambitious members of the minority community. These people in order to advance themselves seek to rid themselves of their identity by deliberately surrendering their typical features. In case assimilation is found to be really difficult, some states resort to the very direct method of annihilation. The members of minority group are eliminated by expulsion

or by massacre. Genocide of the Jews by the Germans is a best example of this kind of problematic state backed policy mechanism.

4.8 TOLERANCE AND EQUALITY: THE INDIAN WAY

The policy of tolerance and fair treatment is adopted by many states when dealing with minority community. A great deal of leeway is given for the preservation and persuance of the minority social and cultural life. Though the state may have in mind the assimilation of various minority groups as the final goal. It will nevertheless adopt a tolerant attitude.

We find this policy of tolerance and fair treatment guiding the provisions in our Indian Constitution. The Constitution establishes no state religion, guarantees equal opportunity to all irrespective of caste, creed and religion. The Constitution was not in favour of forced assimilation to preserve the rich harmony in Indian culture within the framework of national unity. The Constitution forbids discrimination against minorities. Thus, we find that Constitution envisages fair treatment for all. However, the question that has been asked many times is how are the minority groups faring under the Constitution? It is true that there is equality on the paper, but is it really practiced? It is a contention of the many minority groups. Also studies have revealed that these groups suffer a great deal of discrimination in social life.

They are often discriminated in all walks of life, when trying to securing a job, acquiring funds for establishing educational institutions, in their social interaction and so on, in spite of the constitutional guarantees. In any case, a great deal seems to depend on the bargaining power that a particular disadvantaged group has. Some are at disadvantage in their effort to bring to state's notice that certain of their sociocultural rights need protection. For example, the tribals of central India- Santhals, have been unable to get state recognition for their tribal language, in spite of the fact that there are large number of people speaking the language.

4.9 PROBLEMS FACED BY MINORITIES IN INDIA

Being one of the world's largest democracies, India glorifies the principles of secularism and pluralism and the Indian constitution promotes prohibition of discrimination on grounds of religion, race, caste, sex or place of birth but this type of cultural, religious, and social diversity leads to varying forms of intersectional discrimination for the minority communities, for example, Dalit, Muslims, and Christians, or religious minorities who are also linguistic minorities or belong to indigenous communities (Adivasis) and such challenges are intensified when it comes to the minority community.

A few specific problems faced by them are:

a) Problem Relating to Equity:

Minorities are deprived of various opportunities of development as a result of discrimination, based on both religion and gender. Due to the difference

in identity, the minority community develops a sense of inequality. They are forced to miss out on many academic and employment opportunities.

b) Lack of representation:

The Constitution of our country provides for equality and equal opportunities to all its citizens including the religious minorities and through various articles and provisions. But this concept sometimes fails at the level of when it comes to application and the minorities end up lacking proper representation in many spheres, for instance, in civil services and politics.

c) Economic and social backwardness:

Minorities in India are understood to be especially affected by economic and social backwardness because of historical and contemporary reasons.

d) Discrimination against minority's: The Gender perspective:

The act of discrimination against the minority isn't limited to India but is a global problem and Women get the worst of it. Minority women often experience discrimination from both within and outside their communities and suffer disproportionately from the economic, social and political marginalization affecting their communities as a whole. Minority women are often subjected to abuse, discrimination, and stereotypes for instance, manual scavenging is often reserved for Dalit women, in both urban and rural areas and they are paid menial wages for this degrading and unsanitary task. These women are forced into doing undignified and ill-suited jobs and are intimidated if they try to adopt any alternative means of livelihoods. Their daily lives are immersed with hate speeches, anti-minority sentiments, violations, discrimination and they are not able to take any action in spite of having various legal rights because of lack of awareness, poverty, and fear add more gravity to this problem.

Large numbers of people of the minority community belong to the lower strata of the society and results in backwardness for the whole community. They fail to recognise the need for education and proper healthcare facilities for women. Women are abused and are forced to earn by doing odd jobs, in traditional houses, they are even forced to stay inside with little communication with the real world. In rural areas, they fall severely ill due to the absence of health care facilities and basic necessities like proper hygiene, care during childbirth and menstruation.

Women and girls of these communities face several other problems that are often overlooked or that are not considered as important as the above-mentioned problem. They experience severe discrimination in workplaces, educational institutions or even public places because of the way they dress or speak or just on the basis of their religion. They are assumed to be socially, economically or culturally poor even when that's not true. They are often treated with racial slurs, verbal abuse and are often the victims of eve teasing.

For a long time, women in India were in the clutches of patriarchal society and were denied even the basic rights, all of this was intertwined with gender inequality and abuse. Women were subjected to many social evils like child marriages, sati pratha, widow exploitation, devadasi system, etc. But in recent years, the social situation of women has significantly improved, the practice of these social evils have almost vanished and the taint of gender inequality has reduced. These changes were possible because of various social, economic and cultural developments in the country, increase in awareness, educational opportunities and even healthcare facilities but unfortunately these developments and changes didn't seep to the minority communities and plenty of them remained backward and illiterate thus, making the lives of women in their community engrossed with various issues. Women of religious minority face challenges from everywhere and they can't even turn to their own community for help. They are subjected to constant abuse, both physical and mental, they even lack the basic facilities required for a dignified life due to their poverty-ridden background. Belonging from a minority community and being a woman in a male dominant society, puts them in a more vulnerable position which is often taken advantage of by people from both outside and within the community.

They encounter unjust and unfair treatment as compared to their male counterparts in every aspect of life such as: education, job opportunities, security, health care facilities, etc. Women of the minority community are often seen as inferiors by the majority class and are associated to menial jobs, unequal pay, forced labour, etc. it's true that India's religious minorities face many problems related to violence and discrimination, particularly Muslims are targeted, but women of the Muslim community face even more problems. Christians and Sikhs face lesser degree of social, economic, cultural and legal discrimination.

All of these problems take a toll on their physical as well as mental health and they are left to suffer alone with no or very little support. It is necessary for the development and growth of our nation to address this alarming issue of religion and gender-based discrimination against these women, adequate representation should be given to them and their concerns should be addressed accordingly. As this issue is very deep-rooted in the society, greater effort is needed to ensure the same.

Problem of Identity:

A vast difference is seen in socio-cultural practices, history and backgrounds of the minorities and majority communities and thus minorities often struggle to maintain their identity and women experience even more difficulty in doing so. This makes it harder for them to adjust with the majority community. The identity of a female belonging to the minority is often associated with a male in the family and in rural areas they are even considered the property of her father or husband thus failing to create her own concrete identity.

Problem of Security:

The problem of security is common to all women of the country and not just the women belonging to the minority community but these women are often left feeling more insecure, both physical and psychological and are prone to abuse and threats from both their community and the majority community. This feeling of insecurity gets even worse when the relations between the majority and the minority communities in a society are strained or not much cordial, during the time of communal riots, minority women are specifically targeted.

Violence against minority women:

Violence against women is a very old concept in Indian history. In ancient times, women were affected the most during wars, they were taken slaves, raped and killed. The situation is still substandard and violence against women include dowry-related harassment, death, marital rape, wife battering, sexual abuse, deprivation of healthy food, female genital mutilation, etc. A Thomson Reuters story ranked India as the world's most dangerous country for women due to the high risk of sexual violence, human trafficking and slave labour. Women are more prone to violence, both sexual and non-sexual, many researchers have declared India unsafe for women, especially during riots. The crime rate against minority women is as high as ever.

4.10 CONSTITUTIONAL PROVISIONS AND SAFEGUARDS

Article 15 & 16:

Prohibit the State from making any discrimination on the grounds only of religion, race, caste, sex, descent place of birth, residence or every kind of State action in religion to citizens (Article 15) or in matters relating to employment or appointing to any office under the State (Article 16).

Article 29:

Deals with cultural and educational rights of minorities.

Article 30:

A minority-specific provision that protects the right of minorities to establish and administer educational institutions

4.11 OTHER CONSTITUTIONAL SAFEGUARDS

The other measures of protection and safeguards provided by the Constitution in Part III or elsewhere having a bearing on the status and rights of minorities are:

- Freedom of conscience and free profession, practice, and propagation of religion (Article 25)

- Freedom to manage religious affairs (Article 26)
- Freedom from taxation for promotion of any particular religion (Article 27)
- Freedom from alternating any instruction religious without consent or religious worship in certain educational institutions (Article 28)
- Special provision relating to language spoken by a section of the population of State (Article 347)
- Language to be used in representations for the redress of grievances (Article 350)
- Facilities for instruction in mother-tongue at primary stage (Article 350A)
- Special Officer for linguistic minorities (Article 350 B).

4.12 SUMMARY

Minorities are integral part of our population know nation can growth or survive without taking care of it minorities' population. Though the minorities have a different sentiments and cultural belief as compare to majority but the only way to overcome is to provide them constitutional, social, economic, political and emotional safe guards.

4.13 QUESTIONS

1. Discuss the various interpretations of the term Minorities the characteristics of Minority.
2. Bring out the Dimensions of Minority issues.
3. Explain the Problems faced by Minorities in India.
4. Comment on the Constitutional provisions and Safeguards associated with Minorities.

4.14 REFERENCES

- Bipan Chandra – India after independence and others, pengnin Dkia, 2000.
- Ramchandra Guha – India after Gandhi : the History a the world's largest Democracy, Pan Macmillian India, 2017.
- Dharma Kumar (ed.), The Cambridge Economic History of India, col. II C. 1757 – 2003, Orient Langton in associated with UP, New Delhi, 2015.

- Bipan Chandra, Communalism in Modern India, Har-Anand Publication, New Delhi.
- D.D. Basu. An Introduction to the constitution of India.
- M.R. Pylee, Constitutional History of India, S. Chand & Co. Ltd, New Delhi, 2011.
- M.R. Biju, Human Rights in a Developing Society, Mittal Publications, New Delhi, 2015.

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RISE AND GROWTH OF COMMUNALISM

Unit Structure

- 5.0 Objectives
- 5.1 Introduction
- 5.2 What is communalism?
- 5.3 Myths regarding communalism
- 5.4 Emergence of communalism in the Indian context
- 5.5 Communalism in the 20th century
- 5.6 Towards mass communalism
- 5.7 The last phase and partition
- 5.8 Communal politics and communal violence in post Independent India
- 5.9 Summary
- 5.10 Questions
- 5.11 References

5.0 OBJECTIVES

- To understand how communalism emerged in the Indian society and polity.
- To evaluate the role of the various forces which enabled it to grow.
- To trace its development in the early 20th century.
- To understand the nature of communalism in the last decade of British rule.
- To trace the political developments leading up to the partition of India.

5.1 INTRODUCTION

One of the major priorities of any developing country is to maintain a unity of its people. In the history of modern India, such a unity was put to a severe test by growing communalism. Whereas the Indian National Movement aimed at achieving the unity of all Indian people, communalism sought to divide them along religious lines, by creating and spreading false barriers of religious communities, religious interests and ultimately religious nations also. This unit will try to explain that how communalism in India was born and thrived because of a combination of various forces and their development.

For instance, the peculiarity of the socio-economic development of India in the 19th century, the impact of the colonial rule as well as the role of

certain colonial policies, the weakness of the anti-communal nationalist forces and finally the active role played by the communal organizations.

5.2 WHAT IS COMMUNALISM?

Generally speaking, Communalism is a belief that all those who have a common religion also have, as a result, common social, political, cultural and economic interests and identities. In other words, it is the notion that religion forms the base of the society and a basic unit of division in the society: that it is religion that determines all the other interests of man. To understand it better, let us look at it differently. Human being is a multi-faceted social being, who can, at the same time have a number of identities. His / her identity can be based on his / her country, region, gender, occupation, position within the family, caste or religion. A communalist would choose only the religious identity from this wide range and emphasize it out of proportions. As a result, social relationship, political behaviour, and economic struggles might be defined on the basis of the religious identity.

So, briefly put, it is the super-imposition of the religious category over all others, which becomes the starting point of communalism. Briefly, the communal propaganda and arguments had three levels:

- i) That the interests of all the members of a religious community were the same; for example, it was argued that a Muslim Zamindar and a peasant had common interests because both were Muslims, (or Hindus or Sikhs as the case might be);
- ii) That the interests of the members of one religious community were different from the members of another religious community. In other words, this meant that Hindus had different interests from that of Muslims and vice-versa; and
- iii) That not only were these interests different, but also antagonistic and conflicting. This, in other words meant that Hindus and Muslims could not co-exist in peace because of their conflicting interests.

5.3 MYTHS REGARDING COMMUNALISM

Communalism has been a widely misunderstood phenomenon and, as a result, there have been many myths about it. It is therefore very important to know what communalism does not incorporate. And while trying to understand communalism, it is important to keep the myths regarding communalism in mind.

- i) As against popular notions communalism is not merely religion's entry into politics, or politics defined in religious terms. In other word, religion's entry into politics did not necessarily produce communalism. To take an example, two of the greatest secular leaders of the 20th century – Mahatma Gandhi and Maulana Abul Kalam Azad – were also deeply religious people and defined their politics in religious terms.

- ii) Communalism is not the result of religious differences. In other words, religious differences in themselves do not constitute the essence of communalism. For example, religious differences between the Hindus and Muslims had continued for centuries but they assumed the communal form only in the modern period. In fact, communalism is not a religious problem at all.
- iii) Communalism was not inherent in the Indian society, as has often been assumed. It was not a 'hang-over' of India's past. It was a product of certain peculiar circumstances and combination of forces. Communalism is a modern phenomenon, as modern as the emergence of colonial rule. It is to be explained by political and economic developments in the modern period of Indian history.

5.4 EMERGENCE OF COMMUNALISM IN THE INDIAN CONTEXT

What was the starting point of this problem? The genesis of communalism should be seen with the British conquest of India, which had a tremendous impact on the society and economy of India.

i. Socio-Economic Factors:

The British conquest brought about a change in the power structure which generally penetrated down to all the sections of the Indian society. To begin with, the British conquest marked the decadence of the upper class Muslims. It was particularly so in Bengal, where they lost their semi-monopoly in employment in the upper posts of army, administration and judiciary. They were also slowly evicted from their dominant position in land-holding.

Moreover, Muslims adapted later than Hindus to such British novelties as English education, the new professions, posts in the administration, and culture. Consequently, an intellectual awakening, resulting in a re-assessment of the old beliefs, customs and values, was also late among the Muslims, compared to the Hindus.

ii. Role of British Policy:

The British policy holds a very special responsibility for favoring the growth of communalism. If communalism could flourish in India and reach monstrous proportions, which it did in 1947, it was possible largely because of the support it received from the British government. But before we discuss the British policy in detail certain clarifications might be made. The British did not create communalism. We have seen that certain socioeconomic and cultural differences already existed. They were not created but only taken advantage of by the British, to serve their political end. It is, therefore, quite obvious that the British policy of 'divide and rule', that we are going to talk about, could succeed only because something in the internal social, economic, cultural and political conditions of society favored its success. It is important to note that conditions were remarkably favorable for the use and growth of

communalism as well as for the policy of 'divide and rule'. There were two main objectives before the government in Post 1857 Revolt period.

- a) To make some friends in the society, to offer patronage to some sections mainly in order to exercise influence and extend control and thereby strengthen its base in the society.
- b) To prevent unity of the Indian people. If all the sections of the society could unite under any ideological influence, they could threaten the British Empire. Therefore, communal ideology had to be used and spread to deny the oneness of the Indian people. This was done more effectively in the 20th century when the communal demands and organizations were encouraged to negate the legitimacy and credibility of the nationalist demands, ideology and organization. Thus on the one hand, all attempts were made to keep the Muslims away from the Congress, and then the claims of the Congress were run down on the grounds that it did not represent the Muslims.

Communalism served the government in yet another way. Communal deadlock and the worsening communal situation could also be used as a justification for the continuation of the British rule. The argument they gave that the Indian people were divided amongst themselves, and were therefore incapable of governing themselves, if the British rule ended.

iii. Weaknesses in the National Movement:

The growth of communalism in the 20th century could be checked by a nationalist upsurge. The communal ideology could be defeated by the nationalist forces and ideology. But the Indian National Congress, as a representative of the nationalist forces and ideology, failed to prevent the spread of communalism among the people. Although fully committed to secularism and nationalism, and desirous to bring about a unity of the Indian people, the Indian National Movement fought a battle against the communal forces but lost ultimately due to a variety of reasons. To begin with, the Congress could not comprehensively understand the nature of communalism. As a result of this, the Congress did not have a central strategy to combat communalism. Besides, certain Hindu revivalist tendencies entered into the national movement and successfully prevented its attempts to reach out to Muslims and incorporate them into its fold.

Also the use of certain religious symbols acted as a barrier. However, while pointing out the limitations, the complexity of the problems should not be ignored. It became very difficult to solve the communal problem particularly because of the attitude of the Government. The British government did all it could to prevent a settlement between various political groups. No matter what the Congress offered to the Muslim leaders, the Government always offered more, thereby making the arrangement redundant.

In this section, we shall see some of the major developments in the 20th century in relation to the communal problem. We shall discuss them very briefly and see how they affected the communal problem. Some of the points made in the earlier section regarding the British policy and the Congress attitude will also be dealt with in this section.

i. Partition of Bengal and the Formation of the Muslim League:

The partition of Bengal (1905) may have started as an administrative measure, but it was soon transformed into a major political advantage for the government as it intended to convert Bengal into areas of Hindu majority and Muslim majority. It was thus the result of the British desire to weaken nationalism of Bengal and consolidate a Muslim block against it. As the Viceroy Curzon said: “The partition would invest the Muslims of East Bengal with a unity which they had not enjoyed since the days of old Mussalman Viceroys and Kings”. The partition and the subsequent Swadeshi Movement were followed by the formation of the All India Muslim League towards the end of 1906, with official patronage. It consisted of a group of big Zamindars, ex-bureaucrats and other upper class Muslims, like Aga Khan, the Nawab of Dacca and Nawab Mohsin-ul-Mulk. Its motive was to thwart the young Muslims from going over to the Congress, and thereby into the nationalist fold. The Muslim League was formed as purely a loyalist body whose only job was to look up to the government for favor and patronage. Another important feature of this period was the growth of Muslim separatism, because of

- The surfacing of Hindu revivalist tendencies during the Swadeshi movement.
- The British propaganda that the partition of Bengal would benefit the Muslims, and
- Spurts of communal violence: a number of communal riots broke out in Eastern Bengal, in the period following the Swadeshi Movement.

ii. Separate Electorates:

The declaration of separate electorates in the legislative bodies in 1909, as a part of the Morley-Minto reforms is a major landmark in the history of communalism. Separate electorates meant grouping of constituencies, voters and elected candidates on the basis of religion. In practical terms it meant introducing Muslims constituencies, Muslim voters, and Muslim candidates. It also meant that non-Muslim voter could vote for a Muslim candidate. The election campaign and politicisation was thus strictly confined within the walls of each religion. All this was to have disastrous consequences. The introduction of the separate electorates was based on the notion that the Indian society was a mere collection of interests and groups and that it was basically divided between the Hindus and Muslims.

Indian Muslims were on the other hand, regarded as “a separate, distinct and monolithic community”. It was also based on the motive of entrusting power in the hands of potential allies as well as preventing Hindu-Muslim unity. According to these reforms, the Muslims were assured that they would be granted representation in the councils, not merely according to their ‘numerical strength’, but also according to their ‘political importance’. The impact of the separate electorates was as follows: it created the institutional structures containing separatism.

- It was to produce severe constraints on the Congress and to limit its space for nationalist activities,
- It was to activate the communal groups and organizations, and
- It ensured the impossibility of a common agreement among Indian political groups.

iii. Lucknow Pact:

Lucknow Pact (1916) was an attempt made by the Indian organizations, namely the Congress and the Muslim League, to arrive at a settlement. The Congress conceded separate electorates as a temporary arrangement, in order to obtain Muslim League’s support. Two things need to be remembered regarding the Lucknow Pact:

- It was an arrangement between the leaders, not between the people. The Congress League settlement was wrongly equated with a Hindu-Muslim settlement, the assumption being that the Muslim League truly represented the Muslims,
- Soon the Lucknow Pact became redundant because of the Government of India Act, 1919, which granted much more to Muslim leaders than the Lucknow Pact.

iv. Nehru report and the parting of the ways with Jinnah:

The arrival of the Simon Commission and its near unanimous boycott by all sections of political opinion, once again provided an opportunity for unity. A section of the Muslim League, under the leadership of Jinnah, took the initiative and was willing to give up separate electorates in favour of joint electorates, if certain conditions were met. These were:

- 1/3rd representation for the Muslims in the central legislature,
- Separation of Sind from Bombay as a separate province,
- Reform in the North-West Frontier provinces, and
- Muslims representation in the legislative council in proportion to their population in Punjab and Bengal.

These demands were accepted by the Congress, which opened up prospects for unity. But its rejection in uncompromising terms by the Hindu Mahasabha at the All Parties Conference (1928) complicated

matters. The incompatibility between the League and Mahasabha frustrated all attempts at unity.

On February 12, 1928, All Parties Conference called at Delhi attended by the representatives of 29 organizations in response to the appointment of Simon Commission. The All Parties Conference appointed a committee with Motilal Nehru as its chairman. The purpose was to consider and determine the principles of the Constitution for India. Some of the key recommendations of Nehru Report were as follows:

- India should be given Dominion Status with the Parliamentary form of Government with bi-cameral legislature that consists of senate and House of Representatives.
- The senate will comprise of two hundred members elected for seven years, while the House of Representatives should consist of five hundred members elected for five years. Governor-General will act on the advice of executive council. It was to be collectively responsible to the parliament.
- There should be Federal form of Government in India with Residuary powers to be vested in Centre. There will be no separate electorate for minorities because it awakens communal sentiments therefore it should be scrapped and joint electorate should be introduced.
- There will be no reserved seats for communities in Punjab and Bengal. However, reservation of Muslim seats could be possible in the provinces where Muslim population should be at least ten percent.
- Judiciary should be independent from the Executive.
- There should be the Muslim Representation at Centre.
- Sind should be separated from Bombay provided it proves to be financially self-sufficient. The impact of the Nehru Report was significant. It led to the estrangement of Jinnah, who called it a 'Parting of the Ways' with the Congress, went back to the separate electorates, and formulated his famous fourteen points (including separate electorates, reservation of seats in the centre and provinces, reservation of jobs for Muslims, creation of new Muslim majority provinces, etc.) which became the text of the communal demands.

5.6 TOWARDS MASS COMMUNALISM

Muslim League had, hitherto, been an elite organization, dominated by the princes and the Zamindars and had absolutely no base among the masses. In order to succeed in the electoral politics and be in a better bargaining position vis-à-vis other dominant groups, it was important to have a mass base and be a popular organization, much like the Congress. By 1937 all the fourteen points of Jinnah had been granted by the government. And yet he found himself nowhere. He was just not able to carry himself and the League, of which he had become the permanent President, to a position of

political respectability. Therefore, it was important to maximize the league's membership and also to place the demand at a much higher pitch, since all the other demands (like separate electorates, reservation of seat, etc.) had been conceded. In order to achieve these two-fold tasks, Jinnah did the following:

- A massive campaign for the popularisation of the League was launched. The Muslim League actually broke out of its elite shell and began to acquire a mass character (although among Muslim masses only). Membership fee was reduced, provincial committees were formed and the party programme was also transformed so as to acquire a socio-economic content. An equally strong campaign was launched to denounce and condemn the Congress ministries. They were shown to represent Hindu Raj and hostile to Muslim minorities. This was the surest way of creating a Hindu-Muslim divide. The Congress was asked to concentrate only on the Hindus, as it was seen by Jinnah as a Hindu Body.
- In 1940, at the Lahore session, Jinnah came up with the two-nation theory. It said that Muslims were not a minority, they were a nation. Hindus and Muslims, consisted of two nations, as they were different people economically, politically, socially, culturally, and historically. Therefore, the Muslims of India should have a sovereign state for themselves. Hence the demand for Pakistan as a separate homeland for Muslims was born. As a result of all that has been discussed above, communalism began to emerge as a mass force. This led to emergence of Pakistan in 1947.

5.7 THE LAST PHASE AND PARTITION

As mentioned earlier the growth of Muslim communalism was considerably aided by the whole-hearted official backing given to it by the British Government. After the outbreak of the Second World War the Muslim League was assiduously fostered by Viceroy Linlithgow. The Pakistan demand was used to counter the demand of the Congress that the British should promise that Indians would be free after the War and as proof of their sincerity, transfer actual control of the government to Indians immediately. The British pointed out the Hindus and Muslims must come to an agreement on how power was to be transferred before the process could begin. The League was officially recognized as the representative voice of Muslims (even though its performance in the last elections hardly substantiated this claim) and promised that no political settlement would be made unless it was acceptable to the League. This was a blanket power of veto; which Jinnah was to use to good effect after the War had ended. Cripps' proposals gave a fillip to the activities of the Muslim League and provided legitimacy to the Pakistan demand by accommodating it in their provision for provincial autonomy. At a time when the demand had hardly been taken seriously by Indians, its sympathetic consideration by officialdom was a great service to the cause of Pakistan.

The elections were duly held in the winter of 1945-46. By the time the elections took place, the League following the congenial aftermath of the Shimla Conference, and dangling the carrot of Pakistan was in a favorable situation to deal with its separate Muslim electorate. Although the Congress was at the crest of its popularity, especially with the people's anticipations of the coming of independence, it was nevertheless not in a position in such religiously frenzied atmosphere to carry the bulk of Muslim voters with it. The outcome of the elections, particularly the respective positions of the Congress and the League, clearly brought all these out. The Congress won overwhelmingly in the General (non-Muslim) constituencies, securing 91.3 per cent votes, winning 57 out of 102 seats in the Central Legislative Assembly and obtaining majorities in all the provinces except Sind, Punjab and Bengal.

The spectacular Congress victories, however, could not diminish the significance that the Government had already thrust upon the Muslim electorate. From the British point of view, and at the negotiation table to be presided by them, what mattered even more in 1946 than the massive national mandate for the Congress was the League's ability to goad the Muslim voters to its side – by hook or by crook. Apparently in this the League attained remarkable successes by polling 86.6 per cent of the Muslim votes, winning all the 30 Muslim seats in the Central Legislative Assembly and grabbing 442 out of 509 Muslim seats in the provinces. But despite all its achievement, the League could not establish its dominance on those Muslim-majority provinces which it was demanding for Pakistan. It lost NWFP and Assam to the Congress and failed to dislodge the Unionists from Punjab. Even the League ministries that were set up in Bengal and Sind hinged precariously on official and European support. The fact was that the League's claim for Muslim support had hardly ever been tested in undivided India. The elections were held not only on the basis of separate electorate, which had been devised to keep the Muslims away from the national mainstream, but also on the strength of severely restricted franchise – barely 10 per cent of the total population.

Once the main parties emerged from the limited elections in their strength, as anticipated more or less by the British, the Attlee Government lost no time in commencing negotiations with them. A high-powered mission of three British cabinet members (Pethick Lawrence, Secretary of State for India; Stafford Cripps, President of the Board of Trade; and A.V. Alexander, First Lord of Admiralty) was sent to India to find out ways and means of a negotiated, peaceful transfer of power in India. As it had already been sensed in the British circles, time was running out of the British hands for all practical purposes, and India had reached the high point of ferment by March, 1946 with popular unrest finding intermittent expressions throughout the country. There was also the British fear that the disquietude of the people might take shape of another countrywide "mass movement or a revolution", which it was in the power of the Congress to start, and which, the Viceroy felt, "we are not certain that we can control". The Cabinet Mission, therefore, arrived in India to wrest the initiative. Aided by the Viceroy, it held discussion with the Indian leaders

till June 1946 for setting the constitutional future of India, and for deciding upon an interim Indian Government.

Following a series of long-drawn deliberations with the Indian leaders of all kinds, which had often run into stalemates on account of Jinnah's brinkmanship over Pakistan and the Muslim right of self-determination, the Mission eventually came up with a complicated, but somewhat plausible plan for wriggling out of the Indian impasse. Although the Viceroy and one of its members (Alexander) had been sympathetic towards Jinnah, the Mission was unable to accept the League's demand for a full-fledged Pakistan (comprising the whole of all the Muslim majority areas) on the ground that it would not be acceptable to the non-Muslims who formed majorities in West Bengal and Eastern Punjab, as well as in Assam proper. This would necessitate such a bifurcation of Bengal, Punjab and Assam which would go against all regional and linguistic ties, create insurmountable economic and administrative problems, and yet might not satisfy the League. Having thus rejected both the concepts of a larger and a smaller Pakistan, the Mission offered the plan of a very loose union of all the Indian territories under a centre that would control merely the defence, the foreign affairs and the communications, leaving all other subjects to the existing provincial legislatures. The provincial legislatures would then elect a Constituent Assembly, with each province being allotted a specified number of seats proportionate to its population and distributed strength-wise among its various communities. The members so elected "will divide up into three sections" – Section A for the non-Muslim majority provinces (Bombay, the United Provinces, Bihar, the Central Provinces, Orissa and Madras), Section B for the Muslim-majority provinces in the north-west (Sind, NWFP and Punjab) and Section C for the same in the north-east (Bengal and Assam). All these sections would have the authority to draw up provincial constitutions and, if necessary, group constitutions, and setting up thereby provincial and sectional legislatures and executives. As the completion of all these long term arrangements would take considerable time, the Mission proposed a short-term measure the formation immediately of an Interim Government at the Centre, enjoying the support of the major political parties, and with the Indians holding all the portfolios.

The Mission's plan was intended to be a compromise, by placating the Congress through the rejection of the Pakistan scheme and by mollifying the League through the creation of autonomous Muslim-majority areas in some proximity. At the outset, therefore, both the Congress and the League were inclined to accept the plan. But differences soon surfaced over the provisions for forming sections or groups of provinces. The League interpreted the groupings to be compulsory, for that might brighten up the possibility of a future full-fledged Pakistan by bulldozing the Congress-administered Muslim-majority provinces of NWFP (in section B) and Assam (in section C) into it (in their respective sections the Congress majorities from NWFP and Assam would be reduced to helpless minorities). It was precisely because of the opposition of NWFP and Assam to their being dragged into Sections B and C that the Congress wanted the grouping to be optional. The Congress was also critical of the

absence of any provision for the elected members from the princely states in the proposed Constituent Assembly, though it appeared to be willing to swallow the limited and indirect nature of electing the Constituent Assembly, blatantly contrary to its past demand for such an election on adult franchise. By the end of July 1946, the Congress and the League decided against trying out the Cabinet Mission plan any further, mainly on account of their difference over the grouping system, but partly because of the Mission's inability to clarify its intentions.

i. The communal carnage and interim government:

The setback over the Cabinet Mission plan so exasperated the League that it wanted forthwith to force the situation through "Direct Action", or give concrete expression to its postelection slogan, 'Ladke Lenge Pakistan' ("we shall have Pakistan by force"). The outcome was the communal carnage that began first on the Direct Action Day (16th August 1946) in Calcutta, and then in a chain of reactions spread over other areas of the country, notably in Bombay, eastern Bengal and Bihar, a certain part of the U.P., NWFP and Punjab. In Calcutta, the League rowdies, encouraged by the League Premier of Bengal, Suhrawardy, had a field day on 16th August by suddenly resorting to large scale violent attacks on the non-Muslims. Once the element of surprise was over, the Hindus and Sikhs also hit back. The army, stationed at the very heart of the city, took its own time to react, and when it did sluggishly move to restore order 4,000 had already been killed in three days, and 10,000 injured. Riots erupted in Bombay in September 1946, but not so frenziedly as in Calcutta. Even then, more than 300 persons lost their lives in stray incidents there.

In October 1946, communal riots broke out furiously in Noakhali and Tippera, leaving 400 dead and resulting in widespread violation of women, loot and arson. Bihar communal riots towards the end of October left more than 7,000 dead. U.P. was not lagging far behind. The riots in Lahore, Amritsar, Multan, Attock and Rawalpindi, had killed about 5,000 by the middle of 1947. These were, however, the mere beginnings, for the communal riots continued to blaze very high throughout 1947 and the earlier part of 1948, resulting in deaths and injuries to several lakhs of people, immense destruction of personal properties. Millions had to become refugees, and whereas in some localities (like Punjab) a wholesale exchange of population took place, in others (like Bengal) people continued to leave their places in waves for a long time to come. In the sheer extent of human suffering and dehumanization, and in the total upsetting of the country's social and economic fabric, the fratricide in the Indian sub-continent between 1946 and 1948 perhaps had only a few parallels in the annals of civilization.

It was coinciding practically with the outbreak of the communal carnage that an Interim Government at the centre - the one which the Cabinet Mission proposed as a short-term measure in its plan - came into existence in September 1946. To begin with, the Viceroy's attempts at its formation met almost with the same difficulty they faced in the Shimla Conference, namely Jinnah's insistence on parity between 5 Hindu nominees of the

Congress and 5 Muslim nominees of the League in such a Government, apart from 1 Sikh and one Scheduled Caste in it. As anticipated, the Congress rejected such a proposal of “parity”, claimed the right to include any number of Hindus, Muslims and others in its list of nominees and demanded the new Government to function like a cabinet, and not like a mere advisory body to the Viceroy. Wavell would have called off his endeavors on the ground that nothing was likely to be achieved if the main parties continued to differ, which he contentedly did in Shimla in June 1945. But the impending threat of mass-upsurge and worsening law and order necessitated him to go ahead with the idea of an Interim Government. Elated apparently by the gesture of giving them precedence over their League counterparts, and expecting the formation of the Interim Government to be to their advantage, as well as an advance towards the peaceful transfer of power, the Congress leaders opted on 2nd September for the making of a cabinet under the leadership of Jawaharlal Nehru.

Despite all its concern, it was in effect helpless in the face of the communal holocaust-to move the leisurely army, under a British commander in Chief, into the riot-afflicted areas. Being presided over by the Viceroy, the Interim Government was also not able sometimes to withstand his vetoing power. And its position worsened when Wavell persuaded the League leaders to join it on 26th October 1946, overlooking their persistence with the “Direct Action”, and by agreeing to balance the Congress-nominated Scheduled Caste member. Thereafter the Interim Government, obstructed by its League members, and divided sharply into the Congress and the League camps, backed up by their warring followings within the bureaucracy, was reduced for all practical purposes to a figure head. The senior and venerable Congress leaders were no longer hopeful. Rather, they were too keen to come out of the labyrinth at any cost, if necessary by buying freedom at the exorbitant price of partitioning the nation.

The speed with which division was affected and the delay in announcing the awards of the Boundary Commission aggravated the tragedy of partition. These were Mountbatten’s decisions. Mountbatten delayed the announcement of the Boundary Commission Award (even though it was ready by 12th August 1947) to disown responsibility for further complications. This created confusion for ordinary citizens as well as the officials. People living in the villages between Lahore and Amritsar stayed on in their homes in the belief that they were on the right side of the border. Migrations necessarily became a frenzied affair, often culminating in massacres.

5.8 COMMUNAL POLITICS AND COMMUNAL VIOLENCE IN POST INDEPENDENT INDIA

Over the years, as the economic hardships have grown, the politics of the country has turned increasingly towards communal issues for political mobilisation. Most often this has resulted in communal violence. Violence is important for communal politics for it leads to communalization of

society and results in a polarisation, which brings votes and political power. Therefore, communal riots are not sudden outbursts of religious conflicts. As one moves from the 1960s to the first few years of the present century (21st century), one witnesses that increasingly communal riots have been carefully planned and systematically engineered. Material reasons and electoral compulsions form the basis of this politics. Communal politics openly resorts to communal mobilisation for political ends. There is also a politics which opportunistically resorts to communal mobilization for short term electoral gains. In the first category are various Hindu and Muslim right wing political parties and pressure groups etc. In the second are parties like the Congress, the Trinamool Congress, the Telugu Desam, the Samata Party, etc. The political programmes of the first group are openly based upon mobilisation of religious communities. The second group has opportunistically used communal themes or have not taken a categorical stand against communal issues because that would have meant a weakening or loss of power for them. For instance, the Congress pandered to Hindu communalism when passed orders to open Babri mosque to Hindu for prayers. The Congress also tried to please the Muslim communal interests when around the same time (1986) it overturned the Supreme Court Judgement on the Shah Bano case, which had ordered maintenance to be paid to the divorced Shah Bano by her husband. During the Gujarat communal violence in 2002, parties like the Telugu Desam, Samata Party, Janata Dal and DMK confined themselves to verbal criticisms and did not use their parliamentary leverage to force the Government's hand on the issue as it may have led to their losing power.

One community's, rights take precedence over everything else. This is clearly the two-nation theory at work and this politics openly advocates the formation of a nation-state beholden to one religion in India. It is reported that between 1950 and 1960 the number of lives lost in communal riots was 316. This number (over a decade) is very small compared to the death toll in each incident of communal violence from the late 1960s. In 1969 riots in Ranchi-Hatia the number of people killed was 184 and in the Ahmedabad riots the same year, the death toll was 512. In the Bhiwandi-Jalgaon (1970) riots the number was 121 deaths. In the Bhagalpur violence from October 22, 1989 to January 15, 1990 the number of those killed was 960.

What also should be added here is that in communal violence in independent India more minorities have been killed and displaced.

5.9 SUMMARY

The use of religion or religious identity for socio-economic benefits or political power is called communal politics. This politics thrives in a situation of religio-cultural plurality on the one hand and uneven and retarded economic development on the other. Both these conditions are present in India. While communal violence is sporadic and ends up as a problem to be tackled on the spot, communal politics is a long term phenomenon that is based on a monolithic understanding of a religious

community and exaggerates the differences between different religious communities. These differences lead to communalisation of society, which strengthens communal politics. Communal politics in colonial India was a way of competing for government jobs and political positions.

It acquired a much more serious face as a bulwark against the Congress led national movement. It was in colonial India that the two-nation theory was propounded. Communal politics was also a part of the 'divide and rule' policy of the British colonialists. Communal politics interprets the past in a selective and distorted manner to be able to extend its area of influence. It resorts to certain communal stereotypes also for its advantage. Over the years, politics has been increasingly resorting to communal mobilisations. Most often this has resulted in gruesome communal violence. In Indian politics today, Hindutva has acquired a centrality. Majoritarian politics has pushed minority politics to the margins. Minority politics has gradually moved towards communitarian issues in independent India.

5.10 QUESTIONS

1. Discuss the meaning of communalism and elaborate upon the Myths regarding communalism.
2. Explain the emergence of communalism in the Indian context.
3. Elaborate upon the growth of communalism in the 20th century India and the phase of mass communalism.
4. Write a note on the last phase and partition and partition of India.

5.11 REFERENCES

- Bipan Chandra – India after independence and others, Penguin Books, 2000.
- Ramchandra Guha – India after Gandhi : the History of the world's largest Democracy, Pan Macmillan India, 2017.
- Dharma Kumar (ed.), The Cambridge Economic History of India, vol. II C. 1757 – 2003, Orient Longman in association with UP, New Delhi, 2015.
- Bipan Chandra, Communalism in Modern India, Har-Anand Publication, New Delhi.
- D.D. Basu. An Introduction to the constitution of India.
- M.R. Pylee, Constitutional History of India, S. Chand & Co. Ltd, New Delhi, 2011.
- M.R. Biju, Human Rights in a Developing Society, Mittal Publications, New Delhi, 2015.

COMMUNAL VIOLENCE AND HUMAN RIGHTS COMMISSION

Unit Structure

- 6.0 Objectives
- 6.1 Introduction
- 6.2 Establishment of National Human Rights Commission
- 6.3 Constitution of the National Human Rights Commission
- 6.4 Functions and Powers of the Commission
- 6.5 Functional Approach of the Commission
- 6.6 Steps after Inquiry
- 6.7 Role of NHRC with regards to handling cases of communal violence: Illustrative Cases
- 6.8 Summary
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6.0 OBJECTIVES

- To understand the process of the establishment of NHRC and the constitution of the National Human Rights Commission.
- To understand the functions and Powers of the Human Rights Commission.
- To understand the functional Approach of the Commission.
- To understand the role of NHRC with regards to handling cases of communal violence.

6.1 INTRODUCTION

Respect for the dignity of an individual and striving for peace and harmony in society, has been an abiding factor in Indian culture. The Indian culture has been the product of assimilation of diverse cultures and religions that came into contact in the enormous Indian sub-continent over time. The international community has recognised the growing importance of strengthening national human rights institutions. In this context, in the year 1991 a UN-sponsored meeting of representatives of national institutions held in Paris, a detailed set of principles on the status of national institutions was developed, these are commonly known as the Paris Principles. These principles, subsequently endorsed by the UN Commission on Human Rights and the UN General Assembly have become the foundation and reference point for the establishment and operation of national human rights institutions.

6.2 ESTABLISHMENT OF NATIONAL HUMAN RIGHTS COMMISSION

The Government of India did realise the need to establish an independent body for promotion and protection of human rights. The establishment of an autonomous National Human Rights Commission (Commission) by the Government of India reflects its commitment for effective implementation of human rights provisions under national and international instruments. The Commission is the first of its kind among the South Asian countries also few among the National Human Rights institutions, which were established, in early 1990s. The Commission came into effect on 12 October 1993, by virtue of the Protection of Human Rights Act 1993. Fourteen Indian States have also set up their own human rights commissions to deal with violations from within their states. The Act contains broad provisions related with its function and powers, composition and other related aspects.

Section 2 (d) of the Act defines human rights as rights relating to life, equality and dignity of the individual guaranteed by Constitution or embodied in the international covenants and enforceable by Courts in India. The Indian Constitution provides certain rights for individuals in Part III of the Constitution, which are known as the fundamental rights. Part IV sets out the Directive Principles of State Policy. While the former guarantees certain rights to the individual, the latter gives direction to the State to provide economic and social rights to its people in specified manner. The word fundamental means that these rights are inherent in all the human beings and basic and essential for the individual. However, the rights guaranteed in the Constitution are required to be in conformity with the International Covenant on Civil and Political Rights and International Covenant on Economic, Social and Cultural Rights in view of the fact that India has become a party to these Covenants by ratifying them. The justifiability of fundamental rights is itself guaranteed under the Indian Constitution. The responsibility for the enforcement of the fundamental rights lies with the Supreme Court by virtue of Article 32 and by Article 226 to the High Courts.

6.3 CONSTITUTION OF THE NATIONAL HUMAN RIGHTS COMMISSION

- i. The Constitution of the Commission dealt with in Chapter II of the Act. Section 3 of the Act says, “the Central government shall constitute a body to be known to the National Human Rights Commission to exercise the powers conferred upon, and to perform the functions assigned to it, under this Act.
- ii. **The Commission shall consist of:**
 - (a) A Chairperson who has been a Chief Justice of the Supreme Court.
 - (b) One Member who is, or has been a judge of the Supreme Court.

- (c) One Member who is, or has been the Chief Justice of the High Court.
- (d) Two members to be appointed from amongst persons having knowledge of, or practical experience in, matters relating to human rights.
- iii. The Chairpersons of the National Commission for Minorities, the National Commission for the Scheduled Castes and Scheduled Tribes and the National Commission for Women shall be deemed to be Members of the Commission for the discharge of functions specified in clauses (b) to (j) of section 12.
- iv. There shall be a Secretary-General who shall be the Chief Executive Officer of the Commission and shall exercise such powers and discharge such functions of the Commission as it may delegate to him.
- v. The headquarters of the Commission shall be Delhi and the Commission may, with the previous approval of the Central Government, establish offices at other places in India.

The appointment of the Chairperson and other Members are elaborately discussed under Section 4 of the Act. The other provisions relate to the removal of a member of the Commission, the term of office of Members, a member to act as a Chairperson or to discharge his functions in certain circumstances, the terms and conditions of service of members, vacancies, etc., not to invalidate the proceedings of the Commission, the procedure to be regulated by the Commission, the officers and the other staff of the Commission.

6.4 FUNCTIONS AND POWERS OF THE COMMISSION

Wide powers and functions have been given to the Commission under section 12 of the Act. The paragraph (a) of section 12 provides, that the Commission can enquire suo motu action against any public servant against whom a complaint has been registered for violation of human rights. Section 12(b) provides that the Commission can intervene in any proceeding involving any allegation of a violation of human rights pending before a Court with the approval of such Court.

Section 12(c) empowers the Commission to visit any jail or other institution prior intimation to the State Government, for the purpose of mainly monitoring prison or custodial jurisprudence. The Commission can make recommendations to State Governments on the basis of such visits. The Commission found after visiting many jails that pathetic conditions prevailed in jails in which prisoners are forced to live. In its view this is not due to a lack of ideas but due to apathy and lack of priority accorded to prison conditions and the rights of prisoners and under trials. The Commission has already initiated action to improve prison conditions in India, and started studying all prevailing reports related with prisons. The Commission has recommended the preparation of a new All India Jail Manual and also suggested the revision of the old Indian Prison Act of

1894. The Commission sought help from all who believe that human dignity must not be left when a person enters the gates of a prison.

Section 12(d) empowers the Commission to review the safeguards provided under the Constitution or any law for the time being in force for the protection of human rights and also to recommend measures for their effective implementation. Under Section 12(e) there is a separate provision to review the causes of terrorism, which inhibits the enjoyment of human rights, and to recommend appropriate remedial measures. Section 12(f) provides for the study of all treaties related with international human rights instruments and the making of recommendations for their effective implementation. Section 12 (g) provides for promotion of research in the field of human rights. Section 12(h) empowers the Commission to spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publication, the media, seminars and other available means. Section 12(i) empowers the Commission to encourage the efforts of Non- governmental organisations (NGOs) working in the field of human rights. Lastly, Section 12(j) provides, such other functions as it may consider necessary for the promotion of human rights.

6.5 FUNCTIONAL APPROACH OF THE COMMISSION

The responsibility entrusted to the Commission under the Act of 1993 cannot be adequately fulfilled without the development of close ties between the Commission and NGOs. For the Commission, it is not just a matter of Statutory obligation under Section 12(i) of the Act. The Commission recognised that the cause of human rights has much to gain both from the practical help and from the constructive criticism that NGOs and the Commission can bring to bear in their mutual interaction and growing relationship. The Commission from very beginning associated NGOs with the inquiry of complaints. In several places, during visits by the Commission, NGOs have boldly come forward with evidence of wrong-doing in relation to specific complaints addressed to the Commission.

The Commission acknowledged that the promotion and protection of human rights requires the courage and commitment that NGOs bring to bear in their endeavors and that it is for this reason that the country has much to gain by encouraging their efforts, whether the NGOs are national or international.

i. Investigation Division:

There is a well organised investigation division within the Commission. The primary duty of this investigation division is to look into complaints received by the Commission. For this purpose, the investigation team makes on the spot investigations. The Act outlines the investigative role of the Commission. Subsection 1(b) of Section 11 provides, “Such police and investigative staff under and officer not below the rank of a Director

General of Police and such other officers and staff as may be necessary for the efficient performance of the functions of the Commission.”

ii. Inquiry into Complaints:

A considerable increase in public awareness of the work of the Commission has been observed. This is reflected in the vast increase in the number of the complaints of human rights violations received by the Commission over the years. Many of the cases received by the Commission were of great poignancy, but they could not be entertained by the Commission because of the Regulation 8 of the Commission. The Commission broadly divides the cases in these following categories: (1) Custodial deaths; (2) Police excesses (Torture, Illegal detention\ unlawful arrest, false implication etc.; (3) Fake encounters; (4) Cases related to Women and Children; (5) Atrocities on Dalits\Members of Minority community\ Disabled (6) Bonded labour (7) Armed forces\ para military forces and (8) other important cases.

Once the Commission accepts a complaint, it seeks comments from the concerned government or authority regarding complaint. After receiving the comments of the concerned authority a detailed note on the merits of the case is prepared for the consideration of the Commission. After this, directions and recommendations of the Commission are communicated to the concerned government under Sections 18 and 19 of the Act.

Since its establishment in October 1993, the Commission has directed compensation in the amount of Rs. 9,76, 68,634\ be paid in 559 cases. In year 2002-2003 the Commission recommended that compensation amounting to Rs. 31,40,000\ be paid in 39 cases. The Commission during the period beginning from 1st April 2002 to 31 March 2003 registered 68,779 cases and in the same period for 2001 to 2002 the Commission registered 69,083 cases in year 2001-2002. Out 68,779 cases registered in the year 2002 to 2003, 67, 354 complaints were of human rights violations, 1340 related to custodial deaths, 2 concerned custodial rapes and 83 related to police encounters were found. As on 31 March 2003, the total number of cases before the Commission was 43,010, which included 9763 cases awaiting preliminary consideration and 33,247 cases in respect of which reports were either awaited from the authorities concerned or the reports had been received and are pending further consideration within the Commission.

In some of the cases the Commission may opt for a personal hearing with the petitioner or any other person on behalf of petitioner for appropriate disposal of this matter. This personal hearing will provide an opportunity for examining any witnesses, if any, in support of the complaint and hearing evidence in support of the petitioner's stand. Once the Commission or any other person under its authority undertakes an investigation, the report of the investigation should be submitted within a week of its completion. In some cases, the Commission may allow further time for the submission of reports. If the Commission is not satisfied with any report it may direct fresh investigation for ascertaining the truth or

enabling it to properly dispose of the matter. On receipt of the report, the Commission on its own motion, or if moved in the matter, may direct inquiry to be carried out by it and receive evidence in the course of such inquiry.

Lastly under Section 8(12), the Commission or any of its members when requested by the Chairperson may undertake visits for on-the-spot study and where such a study is undertaken by one or members, a report thereon shall be furnished to the Commission as early as possible.

6.6 STEPS AFTER INQUIRY

On the completion of inquiry, the Commission may take any of the following steps under Section 18 of this Act, namely:

- (1) Where the inquiry discloses, the commission of violation of human rights or negligence in the prevention of violation of human rights by a public servant, it may recommend to the concerned Government or authority the initiation of proceedings for prosecution or such other action as the Commission may deem fit against the concerned person or persons.
- (2) Approach the Supreme Court or the High Court concerned for such directions, orders or units as that Court may deem necessary.
- (3) Recommend to the concerned government or authority for the grant of such immediate interim relief to the victim or the members of his family as the Commission may consider necessary;
- (4) Subject to the provisions of clause (5) provide a copy of the inquiry report to the petitioner or his representative.
- (5) The Commission shall send a copy of its inquiry report together with its recommendations to the concerned government or authority who shall, within a period of one month, or such further time as the Commission may allow, forward its comments on the report, including the action taken or proposed to be taken thereon, to the Commission.
- (6) The Commission shall publish its inquiry report together with the comments of the concerned government or authority, if any, and the action taken or proposed to be taken by the concerned government or authority on the recommendations of the Commission

The Commission in several cases recommended prosecution of the public servant responsible for violation of human rights, under section 18(1) of the Act. In the case of violation of human rights, the Commission may recommend under Section 18 (3) of the Act that the concerned State to grant immediate interim relief to the victim or members of the family.

The Commission incorporated elaborate provisions under Section 18(5) of procedural regulations, to make its inquiry more transparent and impartial. After the completion of its inquiry the Commission generally sends report

along with recommendations to the concerned government to report and comment within a period of one month, or such further time as the Commission may allow. This recommendation also includes what action should be taken in a particular case. Lastly, Section 18(6) stipulates that the Commission should publish its report in detail. It must include the comments of the Government or authority. The report should also include what action the concerned government or authority is going to take in a particular case.

However, the Commission has been deprived of the similar power while dealing with armed forces. Section 19 restricts the power of NHRC to initiate investigation on its own in the case of violation of human rights by armed forces. According to Section 19 (a) (1) of the Act the Commission has to seek a report from the Central Government and after receiving of the report from Central Government, it may, either not proceed with the complaint or, as the case may be, make its recommendations to that Government. The power to make recommendations, when necessary, in section 19 must be read along with subsections (1) and (3) of section 18 which deal with the nature of recommendations on conclusion of the inquiry, when closure of the complaint is not considered appropriate. There is nothing restrictive in section 19 to curtail this power of the Commission and the express power to make recommendations leads necessarily to this conclusion. Jurisdiction of the NHRC to deal with the complaints against armed forces is subject only to a restrictive procedure.

It seems from the above provisions that the Commission is fully equipped to handle any situation, but in practice the Commission is powerless, when a State government refuse to comply with its recommendation. The Commission is endowed with only recommendatory power, and recommendations of the Commission are not legally binding. However, in most of the cases recommendations of the Commission have been complied with by the concerned government or authority, as is apparent from the prosecutions of several police officials, and the compensation awarded to victims in various cases.

6.7 ROLE OF NHRC WITH REGARDS TO HANDLING CASES OF COMMUNAL VIOLENCE: ILLUSTRATIVE CASES

i. National Human Rights Commission v. State of Arunachal Pradesh:

The Commission under Article 32 of the Indian Constitution has filed a writ petition as a public interest petition before the Supreme Court of India. The Commission filed this petition mainly for the enforcement of fundamental rights of about 65,000 Chakma \ Hajongtribals under Article 21 of the Constitution. In this case a large number of refugees from erstwhile East Pakistan were displaced in 1964 due to Kaptain Hydell Project. These displaced Chakmas had taken shelter in North-Eastern States of India, namely, in Assam and Tripura. There were two main issues involved in this case; (1) conferring of citizenship; (2) fear of religious persecution and communal violence by certain sections of the

citizens of Arunachal Pradesh. Largely to these two issues NHRC was approached by two different NGOs. In this case the Commission contended before the Court that the Commission found serving of quit notices by All Arunachal Pradesh Students Union (AAPSU) to Chakmas and their attempted enforcement appeared to be supported by the officers of Arunachal Pradesh. The State government deliberately delayed the disposal of the matter by not furnishing the required response to NHRC and instead assisted in the enforcement of eviction of the Chakmas from the State through its agencies.

The Court after hearing the argument directed the government of Arunachal Pradesh to ensure the life and personal liberty of each and every Chakma residing within the State. The significance of this judgement also lies in clearing the doubts regarding the applicability of fundamental rights to refugees. This decision rules that foreigners are entitled to enjoy the protection of right to life and liberty under Article 21 of the Indian Constitution. Timely intervention by the Commission has saved the life of thousands of innocent Chakma refugees from AAPSU.

ii. Punjab Mass Cremation Order:

Two writ petitions were filed before the Supreme Court of India containing serious allegations about large-scale cremations resorted to by the Punjab Police of persons allegedly killed in what were termed as “encounters”. The main thrust of the Writ Petitions was that there were extra-judicial executions and hasty and secret cremations rendering the State liable for action. These petitions were largely relied on a press note of 16th January 1995 by the Human Rights Wing of the Shiromani Akali Dal under the caption “Disappeared” “cremation ground”.

The note alleged that the Punjab Police had cremated a large number of human bodies after labelling them as unidentified. The Supreme Court after examining the report submitted to the Court by Central Bureau of Investigation (CBI), relating to cremation of dead bodies observed that report indicates 585 dead bodies were fully identified, 274 partially identified and 1238 unidentified. The report discloses flagrant violation of human rights on a large scale. On 12 December 1996 the Court requested the Commission to have the matter examined in accordance with law and determine all the issues related with the case. Though matter is still pending before the Commission for final consideration, however, the Commission granted in some cases compensation amounting of Rupees Two Lakh Fifty thousand (Rs. 2,50,000/-) to the next of kin of the 89 deceased persons. While granting the compensation the Commission relied on the laws developed by the Courts in India in the field of evolving legal standards for remedial, reparatory, punitive and exemplary damages for violation of Human Rights. The Commission observed, it is now a well-accepted proposition in most of the jurisdictions, that monetary or pecuniary compensation is an appropriate and indeed an effective and sometimes perhaps the only suitable remedy for redressal of the established infringement of the fundamental right of life of a citizen by the public servants and the State. The claim of the citizen is based on the

principle of strict liability to which the defense of sovereign immunity is not available and the citizen must receive the amount of compensation.

iii. Gujarat Communal Riots:

The commission took suo motu action on communal riot which took place in Gujarat in early 2002, the decision to take action was based on media reports, both print and electronic. The Commission also received an e-mail communication requesting the Commission to intervene. A team of the Commission had visited Gujarat between 19 to 22 March 2002 and prepared a confidential report, which was later made public. The release of the confidential report was initially withheld to provide an opportunity to the Gujarat government to comment on its contents, given the sensitivity of the allegations contained in it. Unfortunately, the State government did not bother much about this report. The Commission observed that the State has failed to discharge its primary and inescapable responsibility to protect the rights to life, liberty, equality and dignity of all of those who constitute it. The principle of *res ipsa loquitur* (the affair speaking for itself) applies in this case in assessing the degree of State responsibility in the failure to protect the Constitutional rights of the people of Gujarat. The responsibility of the State extended not only to the acts of its own agents, but also to those of non-State players within its jurisdiction and to any action that may cause or facilitate the violation of human rights.

iv. Muzaffarnagar Riots 2013:

The National Human Rights Commission is deeply concerned over the riots in district Muzaffarnagar and adjoining areas of Uttar Pradesh. It appeals to all sections of society to maintain calm and harmony to overcome this unfortunate situation. The common man is the worst sufferer of the riots as people face various hardships including in getting basic amenities like food, water, health etc. The Commission is keeping a watch on the developments even as the Government agencies are making their efforts to control the situation and restore normalcy.

It would urge the Government agencies to ensure that human rights of the people are not violated in this process. The Commission's heart goes out to the bereaved families who have lost their near and dear ones in the violent clashes. It hopes that the State Government would take appropriate measures to duly compensate the victims and their families and bring the guilty to justice. The State Government should also take strict measures so that no further damage occurs to life and property by controlling the situation and restoring communal harmony and peace in society."

6.8 SUMMARY

From its inception the Commission attracted much suspicion because of its status as a government institution. However, in twelve years' period it was able to establish its integrity and commitment. The Commission was able to demonstrate its ability to work independently and impartially, which is

borne out by its recommendations. Even if the Commission is a very small step in the daunting task of the implementation of human rights at the national level, it remains a very significant step. Considering India's extensive territorial domain, the vastness of its population and the complexity of social structure, cases of violation of rights, whether attributable to the agencies of the State or to the private individuals or groups, may occur despite its best efforts.

6.9 QUESTIONS

1. Discuss the establishment of National Human Rights Commission and the constitution of the National Human Rights Commission.
2. Elaborate upon the functions and Powers of the Human Rights Commission.
3. Describe the functional Approach of the Commission.
4. Write a note on the role of NHRC with regards to cases of communal violence.

6.10 REFERENCES

- Bipan Chandra – India after independence and others, Penguin Books, 2000.
- Ramchandra Guha – India after Gandhi : the History of the world's largest Democracy, Pan Macmillan India, 2017.
- Dharma Kumar (ed.), The Cambridge Economic History of India, vol. II C. 1757 – 2003, Orient Longman in association with UP, New Delhi, 2015.
- Bipan Chandra, Communalism in Modern India, Har-Anand Publication, New Delhi.
- D.D. Basu. An Introduction to the constitution of India.
- M.R. Pylee, Constitutional History of India, S. Chand & Co. Ltd, New Delhi, 2011.
- M.R. Biju, Human Rights in a Developing Society, Mittal Publications, New Delhi, 2015.

FEATURES OF CASTE SYSTEM

Unit Structure

- 7.0 Objectives
- 7.1 Introduction
- 7.2 Conceptualizing Caste
- 7.3 The Origin and Antiquity of Caste System
- 7.4 Features of Caste System
- 7.5 Summary
- 7.6 Questions
- 7.7 References

7.0 OBJECTIVE

- To study concept of caste.
- To understand the origin and antiquity of caste system.
- To know the various features of caste system

7.1 INTRODUCTION

Caste is the real life of Indian society without which society cannot function. The Indian society has been divided into thousands of castes and the sub-castes alike. These castes and sub-castes are looking at each other in a manner where they are sometimes following the commensal rule together but when the question of religion or inter-caste marriage arise the relations of commensality are forgotten and they rise to riots and honour killings. These days many caste groups wanted reservations and for that they have conducted many times kinds of agitations to the government. Even these groups have given ultimatums and threatened to take law and order situation into their own hands.

Recently, the castes groups asking for reservation in employment in Maharashtra, Gujarat, Rajasthan, Haryana etc. but don't want to leave their castes or do not want to get themselves looked down upon being the reserved category and so the backwards castes. Some recent trends are leaning towards reservations on the basis of economic backwardness as they interpret reservations as the programme of poverty amelioration. But they don't think that in Indian corrupt system anybody can get the certificate of the economically backwardness. One can be economically backward by his bankrupt habits and will get certificate of the same. Anybody can be backward and forward many numbers of times in their generations. But social backwardness is perpetual in Indian society though the socially backward, now have become economically forward but in India they will remains socially backward in perpetuity. Therefore, I want

to argue what is the system of caste understood by Dr.B.R.Ambedkar which keeps this perpetuity? What is the mechanism of caste? How did it originate? How did it transform into the fighting for Dalit rights? We as Indians, can we annihilate this caste system from India? In this unit, we will discuss all these questions.

7.2 CONCEPTUALIZING CASTE

According to Dr. B. R. Ambedkar, “Caste is mainly the custom of endogamy that has preserved the castes and prevented one caste from fusing into another.” The well-known historian Suvira Jaiswal says that caste endogamy was not a borrowing or survival of aboriginal practice. It evolved and consolidated in the process of regulating hierarchical subordination of groups and reproduction of patriarchy. Hierarchy defined as separation and superiority of the pure over the impure.

The caste system may be defined as a form of differentiation in which the constituent units justify endogamy, on the basis of putative biological difference which are semaphored by the realization of multiple social practices. The Indian society has always been an unchanging society, based on caste structure, which in turn made it oppressive and averse to any change, or alternatively, that it was an idyllic society characterized by harmony and an absence of social tension---a utopian society---these beliefs are still with us. History has often been used in the search for an identity. Each contemporary group seeks its own identity in the past. In the process of abolishing caste; the war of nerves needs to be fought at two levels---one at the level of one’s own mind, one’s family and one’s caste, and the other at the level of spiritual democracy versus spiritual fascism.

7.3 THE ORIGIN AND ANTIQUITY OF CASTE SYSTEM

Dr. R. C. Majumdar compares the origin of caste system with Iranians and says, “The earliest Iranian society was divided into four classes (pishtras) corresponding to those described in the Purusha Sukta. Thus, the Athravas (Priests) would correspond to the Brahmans, the Rathasthas (warriors) to the Kshatriyas, the Vastriyas-Fshouyants (chief of family) to the Vaisyas and the Huitis (labourers) to the Sudras. There is some force in Ludwig’s argument that as the religious ideas contained in the Rig-Veda reach back to the time when the Iranians and the ARYANS lived together, we have a right to take the social ideas also as representative of the same period; that if we admit the absence of similar class distinctions in the age of Rig-Veda, we are bound to presume that the Aryans originally had the distinctions in their society, subsequently lost them and had built them up again at some future period.

Mahatma Jotirao Phule says, “The Aryan Brahmans invented the pernicious fiction of the caste system, compiled (learned) treatises to serve their own self-interest and indoctrinated the pliable minds of the ignorant Shudras.”

Dr. Ambedkar says, “Brahmans were the originators of this ‘unnatural institution’ founded and maintained through these unnatural means.” At some time in the history of the Hindus, the priestly class (Brahmans) socially detached itself from the rest of the body of people and through a closed-door policy became a caste by itself. Brahman class first raised the structure of caste. While making themselves into a caste, the Brahmans by virtue of this, created non-Brahman caste. Dr. Ambedkar clarifies that before the Brahmans invented caste system, what we had in India was a tribal society similar to today’s African continent where thousands of tribal units co-exists with their respective customs, manners, languages, rituals and religions. What existed in India then, was a perfect democratic system based on the principle of ‘equal but separate’ i.e. Horizontal social system. The Brahmans twisted this horizontal society into a vertical one, placing one caste above the other and placing themselves at the apex of this caste pyramid. Eminent Sociologist G.S. Ghurye reviews, “It may be taken to be an historical fact that the people calling themselves ‘Arya’ poured into India through the North-West somewhere about 2000 B.C.” Ghurye also admits that Brahmans were the moral guides and legislators of the immigrant Aryans. Caste is very often mentioned in their Sanskrit books. He also says, “The Vedic Indians and Iranians lived together as one community, designating themselves by the term Arya.” Ghurye says, “Caste in India is a Brahmanic child and that ‘endogamy’, the outstanding feature of caste, was first developed by the Brahmans...”

Dr. Ambedkar says, “By the Hindu social system the communities are placed in an ascending scale of reverence and a descending scale of contempt.” The system of caste, with its alleged basis in religion and ritual, was regarded as traditional, and was seen as functioning in conjunction with the integrated, ‘self-sufficient’ village community.

7.4 FEATURES OF CASTE SYSTEM

The caste as an endogamous system had and even today it has its features by which the society should know that it is following the precepts of the Dharma Shastras. Because Dharmashastras have compelled the society to follow these social systems such as casteism and it also provide for the punishments that may be during and post life the human being. Following is some of the significant features of caste system in India. These may be different from some scholars.

1. Stratification of the Society

As there have been hundreds of castes and thousands of subcastes in Indian society, the features of these caste groups are different from each other and to extent varied from region to region. The members are supposed to follow the traditions and local customs on the basis of their birth in that particular caste and accordingly, they are treated in the society and supposed to follow certain provisions assigned to them. This feature is also termed by some scholars as Segmental Division of society so far as the caste system is concerned.

One can observe in our society that the people are behaving and treating their caste brethren as per the stratification. To mention, whenever there is any spiritual festival or any kind of ritual from birth, initiation ceremony, marriage, or a death of a person in the society, only a member from a Brahman caste or a Brahman Pandit is invited to perform the rituals and religious rites. So, far festivals like Satyanarayana Pooja, Ganpati festival, Kali Pooja or any kind of Pooja, only a Brahman Pandit is required to be available at the host of the Pooja or sacrifice. Even today, people believe that by doing certain sacrifice, will get them prosperity, children, success, love affairs, marriages and even ward off the evil spirits and all this in consultation of the said Pandits. It is very much then make it clear the position of the Brahman in the society is well stratified and they are regarded as pre-eminent caste in the society.

So, far other group of castes like Kshatriyas, the texts like great epic Mahabharata and the Puranas, mentions that Parashuram, a tenth incarnations of Vishnu was a son of great Seer Jamdagni (called as short tempered) who was a Brahman and Parshurama's mother Renuka was a Kshatriya Princess. Sometime, Jamdagni suspected Renuka of her Chastity and ordered his son Parshuram to get Renuka's head cut off. The obedient son, without any thought, obeyed the orders of his father, Jamdagni and cut off the head of his own mother. Later on, when Jamdagni was murdered by the Kshatriyas, he vengefully, killed all the male Kshatriyas from the earth successively twenty-one times and there left No Kshatriya on the earth. What this mythological story resulted into? It resulted that the Indian society started believing that there is no group of Kshatriyas caste and if anyone boast about the same is to be regarded as from Shudra caste. This can be well suited with the example of the Vedokta Episode of the Rajarshi Chhatrapati Shahu Maharaj of Kolhapur Princely State elaborated in the content.

The third group of caste i.e. Vaishyas, we can come to know that a particular castes are engaged into the trade and merchandise. There can have the exception in some cases due to the changes in the economics of the modern world. We can cite the examples of certain Gujarati castes which, Marwari castes etc. which have been engaged into these activities generation together.

So far as the last group of castes like Shudras is concerned, the British government and the independent government of India after Constitution enforcement have made provisions to alleviate the social conditions of these castes by reservations in the education, services and in the legislatures. But even today, we find that the due to indirect imitation of the stratification in society certain lower status services are rendered by these castes only. Nonetheless, it is by default taken for granted that the Shudra castes in general and the Valmiki castes in particular are supposed to engage into the Housekeeping and scavenging. We can have a well-defined survey of the MCGM/BMC sanitary staff, popularly known as Safai Kamgar, definitely the result would be found that the majority in this profession belongs to lower castes. So, called upper castes never accept to

engage into this profession. It encourages the castes system and perpetuity of it.

2. The concept of Purity and Impurity:

This feature says that certain castes have been categorized based on their birth in their castes as Pure and Impure castes as well and accordingly, the kind of restrictions have been imposed on them by the local traditions of the society in that particular region or state. As these members of the caste have been assigned certain occupations and based on that the occupations themselves are categorized into pure and impure and to mention, the Housekeeping or Valmiki castes are traditionally forced scavenging activities exclusively. So, they are treated lowest among the other castes.

The purity is also acknowledged from the ritual Initiation Ceremony performed by the members of certain castes and that is why they are regarded as twice-born or 'Dwij'. They are supposed to wear the sacred thread but certain castes are not allowed to do so and hence are considered as impure than that of these castes. Some texts of religion and Grihyasutras also say that there had been eight forms of marriages in Vedic society and when last four forms were not approved by the society and so the progeny born to such married couple regarded as impure. One can refer in details the Vedic society and institution of marriage to get more information. e.g., Asura, Gandharva, Rakshasa and Paishach Vivahas were not approved by the Vedic society as we can find its relevance with the present-day Inter-caste marriages and the behavior of the society with that couple and their parents. There comes also some forms of purity and impurity due to caste system. Many readers may misunderstand about the Varna system and caste system. But one can observe that it is Varna System has been followed by the society as a caste system in a little modified and mild form.

3. Religious Taboos:

One of the significant features of the caste system is that there have been religious taboos imposed on the members of the caste system although all these caste members are born in Hinduism. Various castes have their own religious taboos like Vedic Mantras or Puranic Mantras or No Mantras at all. These provisions have been made so that the members should know that they would be entitled to have the Moksha only if they follow these taboos. e.g., not to enter the house of the upper caste, not have meals at the house of upper and lower castes, not to touch, not to participate, no access to public wells and places, not to argue with the upper castes, not to wear upper part of clothes or only torn clothes and so on. The example of Rajarshi Chhatrapati Shahu Maharaj of Kolhapur Princely State(Vedokta Episode in history of Modern Maharashtra) has been very much relevant when he was not allowed to be performed Vedic Mantras but was treated as Shudra by his own Purohit and was chanted only Puranic Mantras. Because Shudras will have to perform religious rites but with Puranic Mantras and not by Vedic Mantras as it was regarded that only Brahmans will chant Vedic Mantras for their own religious rites. Some Shudra castes

were restricted to enter the temples of gods and goddesses and treated as untouchables based on the concept of purity and impurity. Even all other Vedic rituals were categorized as per the caste system and Dharmashastras were regarded as a basis for the same.

This Vedokta Controversy needs to be elaborated in detail to make the students understand how religious taboos that plays its role in the caste system. Very first time this controversy started in 1837 at Satara Princely State when Chhatrapati Pratap Sing was ruler there. He invited the prominent Purohits and some of the experts from Kshatriya communities in a meeting to discuss whether these communities be allowed or not to perform the Vedic rituals and rites. The Brahmins argued that they are the only to be allowed to perform their rites and rituals by Vedic Mantras and none others. Even those who were such an orthodox, further argued that the Kshatriyas have not been existed on the earth at all in this Kaliyuga as only two Varnas i.e. the Brahmin and the Shudra. Accordingly, the Kshatriya status of the Marathas was denied by the Brahmins. Instead, they assigned Mantras from the Puranas to the Marathas and regarded them the Shudras as like all other Shudras. The meeting called by Chhatrapati Pratap Singh of Satara, resulted that the Maratha dynasties like Bhonsles, Ghatges, Mahadiks etc. won over the Brahmin purohits and the Marathas took themselves as the Kshatriyas and so the right to perform the rituals by Vedic Mantras only.

Another episode of this controversy again came to a debate at Baroda Princely State of Maharaja Sayajirao Gaikwad in 1896 when the rituals were performed previously with 'Puranokta Mantras'. Mahatma Jotirao Phule had already written about the Brahmins and their looking down upon towards the others as castes as inferior to them through his Satyashodhak Samaj and his book 'Brahmananche Kasab'. Maharaja Sayajirao was under influence of Mahatma Phule's writings and hence resolved to perform all his rituals with Vedic Mantras only like his neighboring states of Rajputana. Accordingly, he issued the order with effect from 15th October 1896 which was strongly opposed by the orthodox Brahmins. The then popular paper 'Kesari' published by Bal Gangadhar Tilak also criticized the decision of Maharaja Sayajirao Gaikwad.

The third episode of this Vedokta controversy came to be happened at Kolhapur Princely State of Rajarshi Chhatrapati Shahu Maharaj in 1899. This controversy was much serious than previous two. One of the Purohit refused to perform Vedokta Mantras at the Kartik-Snan of Shahu Maharaj and justified it as Maharaj belongs to Shudra and this can be performed with Puranic Mantras. It is said this was brought to the notice of Maharaj by another Brahmin Rajaram Shastri Bhagwat and later on that Purohit was removed from the service. A well-known historian Y.D. Phadke has also supported this view in his book that the principal purohit of Maharaj, Appasaheb Rajyopadhye was not in favour of Vedokta Mantras to be performed for the Maharaja's rituals. Consequently, the Inam lands of the Purohita were confiscated. When Shankaracharya advocated the argument of Rajyopadhye, then the Inami lands inherited by Shankaracharya were

also confiscated. Some scholars have also been giving other views on this episode that the Vedokta rituals which were discontinued were to be restarted again and accordingly, Shahu Maharaj had issued an order in 1901.

Thus, it is very much clear that caste has its feature in religious taboos on certain castes and elasticity of the Vedokta Mantras to certain castes.

4. The Practice of Endogamy over Exogamy:

In the above narrative of conceptualizing caste we have referred, Dr. B.R.Ambedkar and other scholars define the caste system based on the concept of Endogamy. This system of compartmentalized marriages was strictly imposed by the upper varnas within their own, just to prevent their own women from being married to lower castes. They propounded that this system will not spoil or corrupt their community and will remain pure as well. Therefore, the custom of Sati and Child marriages came to an existence. Dr. Ambedkar has well coined this custom of sati as resolution for the problem of Surplus Woman in the community. Then other immediate lower castes started following the Brahman community of their system and they also maintained the custom of endogamy and vice versa. So, thousands of years and even in the modern Indian society we find that Inter-caste marriages are not happily accepted, instead they are taken a damage to honour and hence the cases of Honour Killings are taken place in certain states and certain castes of India.

If we want to elaborate more on this feature, Dr. Babasaheb Ambedkar's deliberations and his inference and scientific answer that what was the social implications this system of endogamy resulted in the ancient Indian society. It resulted three evil practices such as custom of Sati, forced widowhood and Child marriages.

Origin of Sati:

The custom of sati has been in Indian society since thousands of years that was one of the worst and inhuman practices. Why there existed the custom of Sati? Who needs that the woman now having no partner must be killed? Was there have been no other alternatives? If we try to find the answers to this, we must read the paper of Dr. B.R.Ambedkar titled 'Castes in India. Their Mechanism, Genesis and Development' before the Anthropology seminar of Dr. A.A. Goldenweiser at Columbia University, on 9th May, 1916.

The origin of sati found in the ideology and structural arrangements of endogamy over exogamy. Generally, there should be one woman for one man so as to maintain parity and endogamy. Even today, we calculate the sex ratio in the Census and if it is not at par, then various schemes for the survival of girl child are launched and to inculcate among the people, slogans like 'Beti Bachao-Beti Padhao' are popularized and prohibition of sex determination tests are passed into the Acts. But what about the period when sati, forced widowhood and child marriages existed? Is it possible that the husband and the wife can die simultaneously? Naturally, it is a

rare contingency. When any of the partners dies early, then the natural impulse cannot be controlled and so the sexuality. Now, either of the partner can be surplus man or surplus wife. Then how this question of surplus is resolved? Dr. Ambedkar has answered this question that surplus partner must be disposed off in whatever the ways. The patriarchal society conceptualized by the Manu, found solution to dispose of the female partner by introducing the custom of Sati.

When husband dies before wife, creates a surplus woman who must be disposed off; else through intermarriage she will violate the endogamy of the group. In like manner the husband may survive his wife and be a surplus man, whom the group, while it may sympathize with him for the sad bereavement, has to dispose off; else he will marry outside the caste and will break the endogamy. Thus the surplus man and surplus woman constitute a menace to the caste if not taken care of, for not finding suitable partners inside their prescribed circle.

The problem of Surplus Woman:

The solution to this problem was two way. One way was that the provision of Sati and second was imposition of forced widowhood. But second option was the double danger as the widow may marry outside the caste and violate endogamy or she may marry within the caste and through competition encroach upon the chances of marriage that must be reserved for the potential brides in the caste. She was therefore menace in any case and something must be done to her if she cannot be burned along with her husband.

Forced Widowhood for Life:

The problem of maintaining endogamy is to be resolved by the means of idealizing the practices which the followers adopt it as natural phenomenon. Such kind of provisions to be made that the one whom the restrictions are imposed will not question by reasoning and follow it as a duty prescribed by infallible Dharmashastras. The imposers tried to work out the resolutions and future results. So far as the objective results are concerned, burning was a better solution than enforcing widowhood. As it eliminates all the three evils that a surplus woman is fraught with. The violation of endogamy does not then exist. But forced widowhood is more practicable and comparatively humane to burning. Then further to avoid the immoral conduct, the widow was degraded to such a condition that she is no longer a source of allurements.

The problem of Surplus Man:

The question of surplus woman and the Sati and forced widowhood cannot be addressed without discussing the question of surplus man. The violation of endogamy is possible by both the surplus male and surplus female. It is much more difficult for the surplus man to remain in the endogamy than the surplus woman. In the patriarchal society, man has been the founder of all social laws. Hence, the man has been biased towards the surplus woman and for the surplus man. Therefore, the

treatment to surplus man was different than of the surplus woman. If he was supposed to be undergone burning on the funeral pyre of his wife, it might generate two problems: i.e. i) it cannot be done as he is a man. ii) If done, a sturdy soul lost to the caste. The group conveniently considers the surplus man as an asset to the group. Therefore, it provided two solutions to dispose off the surplus man.

The surplus man could be the danger to the morals of the group. Therefore, he can be controlled by two ways. One that was self-imposed celibacy for remaining life and second that was renunciation and go to forest as an ascetic. Thus, remaining celibate and lead ascetic life honestly, it was considered as equal to the burning of widow.

Child (Girl) Marriages:

It is in the interest of the caste to keep that surplus man as grihastha. But the problem is to provide him with a wife from within the caste. At the outset this is not possible, for the ruling ratio in a caste has to be one man to one woman and none can have two chances of marriage, for in a caste thoroughly self-enclosed there are always just enough marriageable women to go round for the marriageable men. Under these circumstances the surplus man can be provided with a wife only by recruiting a bride from the ranks of those not yet marriageable in order to tie him down to the group. This is certainly the best possible solution in the case of the surplus man. By this, he is kept within the caste. By this means, numerical depletion through constant outflow is guarded against, and by this, endogamy and morals are preserved. They create and perpetuate endogamy, while caste and endogamy are one and same thing. Thus, the existence of these means is identical with caste and caste involves these means.

Is there any justification or scientific explanation of these practices in the Hindu Dharmashastras? No, there is no scientific explanation of the origin of these customs in Hindu society. A.K. Coomaraswamy states that Sati has been honoured because it is a 'proof of the perfect unity of body and soul' between husband and wife and of 'devotion beyond the grave'. Dr. Shridhar Vyankatesh Ketkar who wrote his book titled 'History of Castes in India' in 1909, seems that he eulogizes of the girl marriage saying "A really faithful man or woman ought not to feel affection for a woman or a man other than the one with whom he or she is united.....as she does not know to whom she is going to be married, she must not feel affection for any man at all before marriage. If she does so, it is a sin. So, it is better for a girl to know whom she has to love before any sexual consciousness has been awakened in her. Thus, even today, the people in Indian society are restricting marriages among their own castes although the purity of the race cannot be maintained for which this system was conceptualized by the upper Varnas.

5. Practice of Untouchability:

One of the feature of the caste system in India was called as Ostracism of the lower castes by the upper castes. The upper castes as per the Dharma

Shastras were given every right of preeminence and particularly the Brahmins which even today enjoy by each and every house and religious ritual is to be performed by them only. Unlikely, the lower castes were looked down upon and were called as Untouchables. We must have known that four Varnas had been prevalent in Vedic society of which fourth Varna was the Shudras but even some communities were regarded as out varnas or Untouchables. It has been found today and to the modern generation how a person can become impure only by touching another person. But it has been even today prevalent and practiced by certain communities and states in India. Some, 20 years back one survey was conducted by the scholar in all over Indian religious holy places and the states. He had made a film on that which clearly exhibited that still in the end of 20th century and the quarter of 21st century certain so called seers and rishis are emphasizing the creation of untouchability to the God and we cannot change. Some so-called scholars also say that it was the proper division of labour that the person who is able to do certain profession and hence he was categorized in the particular caste. How ridiculous that the caste of scavengers will remain to be in the same profession generation to generation and no members of other caste will opt for this profession even the unemployed is given employment. Many of the Municipal corporation and its particularly the sector of Sweepers and housekeeper will show that majority of the castes that have been engaged into this profession by generation to generation. So called upper caste will remain unemployed yet and cry of the same but will not opt for such professions. In India, due to the practice of untouchability, the social, economic, mental exploitation of this communities had been reached to such an extent that all the while human rights were denied to them. The practice of untouchability led to the concept of pollution of the upper castes.

6. Manual Scavenging:

The caste system led the human being to bear the treatment even lesser than the animals. Therefore, some of the castes in India have been forcefully imposed to engage into the profession of manual scavenging. One can imagine how the untreated human excreta can be carried away manually by the other human beings. Even these communities have been forced to carry it on their heads to be thrown away outside the city or the places designated for the purpose. In western countries these professional communities have been received quite a good status as those countries have been understanding enough to look at the profession with dignity of labour and not as the lower what in Indian society the professions are looked down upon. One can also think of the upside down that the people who are in this profession cleaning those who are the generators of the dirt and the we should look down with dignity at the people who are cleaning our dirt. Although the Honorable Supreme Court of India has banned the Manual Scavenging and made punishable offence still these communities are forced to follow it.

This feature of caste system in Indian society is all pervading that the lower castes communities are treated inhumanly and if they by mistake found little guilty, they are beaten, nakedly paraded, women and girls publicly raped, mob lynchings, boycott etc. atrocities are held against them. Many states and the rural areas, the lower castes people are not equally treated at par with the so-called upper caste. Each and every caste as per their hierarchy looks down upon their immediate lower caste. Recently, a Film titled 'Jai Bhim' from South India had depicted a story of the tribal families and how they were exploited by their so-called upper caste men. Finally, the constitutional provisions and the Indian Penal Code provisions got them justice with the help of a Advocate Chandru (Cast by Surya Sivakumar) who was picturized as an hero of the film. In Maharashtra, the atrocities and the number of violent incidents is to be taken for instances. The inhuman massacre was executed by the so-called upper caste people against one of the Dalit families named Bhotmange in Bhandara district, Mohadi taluka and village Khairlanji on 29th September, 2006. The brutality was such an heinous that the villagers told the brother of a girl of Bhotmange family who had been meritorious at SSC to rape in front and when refused, both were beaten to death. Even their private parts were also pierced with the sharp objects. The four of the family members like were brutally murdered by the villagers as the mother of the children Surekha gave testimony against the villagers who had attacked Sidharth Gajbhiye who fled for his life. Only head of the family Bhaiyyalal Bhotmange was saved as he was out for work on the day of massacre. Here we come to know, the people look down upon and they are of the opinion that they can do any kind of atrocities against the Dalits as being from lower castes. Even, there are cases where we find that if a Dalit boy marries an upper caste girl, he has been beaten to death. Nonetheless, the boy who had set a ringtone on his mobile phone that played the eulogical song of Dr. Babasaheb Ambedkar, was beaten to death. So, these kinds of atrocities are all pervasive in Indian states. Another example one can refer of the Hathras rape case.

There can have a scope to add more features of the caste but for this unit it is enough to understand the features.

7.5 SUMMARY

There can be many more features of caste system apart from which are discussed above. The discrimination has been banned by the law and constitutional safeguards have been provided to protect the human rights of the weaker sections. So, the forms of atrocities and discrimination have been changed and they are in a modified forms with silent tactics. Many examples of medical, engineering, IIT and IIM like institutions have been evident that the professors are giving very less marks to the Dalit students in the internal evaluations. Even many times in the open lectures they are taunted of their reservation and so on. The people talking in the public speeches of equality are marrying their children only within their caste and if they want in have inter-caste marriage, they specify of the caste of

higher category only with the remarks 'No SC/ST Please'. The forms of discrimination are discussed in next unit.

7.6 QUESTIONS

1. Explain the origin of growth of caste system in India.
2. Examine the features of caste system.

7.6 REFERENCES

- Dr. Babasaheb Ambedkar Writing and Speeches (Hereinafter DBAWS), Vol.9, Maharashtra Govt, 1990.
- Jaiswal Suvira, Caste, Gender and Ideology in the making of India, General Presidential Address, 68th Session of Indian History Congress, Delhi University, 2007.
- Gupta Dipankar, Continuous Hierarchies and Discrete Castes, Economic and Political Weekly, ,No.46, 17 November ,1984.
- Thapar Romila, The Past and Prejudice, National Book Trust, New Delhi,1972.
- IlaiahKancha, Post-Hindu India, A Discourse on Dalit-Bahujan, Socio-spiritual and Scientific Revolution, Sage Publications, New Delhi,2009.
- Rajshekhar V.T, Caste a Nation within the Nation, recipe for bloodless revolution, Books for Change, Bangalore, 2004.
- Ghurye G.S., Caste and Race in India, Popular Prakashan, 1996.
- Ishita Banergee-Dubey,(ed.), Oxford in India, Themes in Indian History, Caste in History OUP, New Delhi, 2008, p. xxvi.
- Nadkarni V. 'Broad basing Process in India and Dalits', Economic and Political Weekly, Aug.16, 1997.
- Chakravarti Uma, Gendering Caste: Through a Feminist Lens, Stree, Kolkata, 2013.
- Rege Sharmila, Against the Madness of Manu: B.R.Ambedkar's Writings on Brahmanical Patriarchy-Navayana, 2016.
- Ketkar S.V., History of Castes in India, Low Price Publication, Delhi, 2015
- Gore M.S., The Social Context of an Ideology, Sage Publication, New Delhi, 1994.

NATURE AND FORMS OF CASTE DISCRIMINATION

Unit Structure

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8.0 OBJECTIVES

- To study the nature of caste.

- To understand the attributes of caste system.
- To analyze various forms of the caste discrimination.

8.1 INTRODUCTION

The caste has its various forms but its nature is that certain common things has been very much popular about it. To cite an example, the marriages are held and restricted to have within the caste. It's the modern period and development of science and technology that have led the people to embrace to some extent the other caste people. Therefore, we come to know certain inter-caste marriages. Nonetheless, the couple has been only happy with this situation and that the patriarchal nature of the male of the bridegroom does not allow him to continue the relationship with the beginning that he had started. Otherwise, the members of the family are wholeheartedly happy with the inter-caste marriages of their kith and kin. The society in India has been of such a nature that their Dharmashastras do not allow them to follow the new changes in the society. Therefore, the restricted marriages are nothing but the Endogamy which has been termed by many scholars and held the principal reason for the caste system and the restricted marriage system.

8.2 NATURE OF CASTE SYSTEM

8.2.1 Caste is a result of an Endogamy:

The modern generation always raises question that why this caste system has been followed. They are most probably told that it their religion that follows. Truly, but it is the religion in general and the concept of endogamy in particular that allows the people in the Indian society to follow the caste system. It is the practice of the society to about compartmentalized marriages. Again, the question is who does follow or impose the same in the society? It is the upper varnas that wanted to maintain their purity of race and hence they were only responsible to introduce such practices by which they prevent their own women to marry the so-called lower caste men.

8.2.2 The Caste System led to rise the Sati Custom, Restrictions on the Widow Remarriages and practice of Child Marriages:

The caste system was followed due to the endogamy by the upper castes. So, there had been no strict natural phenomenon that it can never happen that the woman can not marry outside her own caste. The upper caste men also thought each and every way by which they can prevent their women to marry outside their own castes. But nature is not under the control of human beings even though sometimes it can do. The husband of the woman may die prematurely and in such situations the widow of the deceased had to commit herself as a Sati and go on a funeral pyre of her deceased husband. Although, it was not all the times voluntarily, but sometimes she was thrown forcefully on the pyre in a created conditions suitable for the practice. How these cruel customs continued for centuries

together? When the Britishers came in India, they tried their level best to remove this custom by enacting the rules and providing the punishments to the culprits.

The sati custom was sometimes not followed may be due to the conditions prevailed those days and at the time of the death of the deceased husband. The protectorates of the religion and the race with endogamy, again provided that the widow should not be allowed to be remarried. Instead, she had to remain in the four walls of the house with only white clothes, tonsured hair and never to be in the sight of the public view. She was restricted to talk with other male members from within and outside family.

The caste system also led to the rise of child marriages. The nature all the times did not allow only the husband to die early or prematurely. Many times, the wife also died prematurely or early and the husband became a widower. Here, we find the discrimination that widow was provided with the options of Sati custom and remaining widow forever her life. But husband was not asked to remain widower for remaining life. So, he wanted another woman and not the woman but the girl only, for his remarriage. But how can he get the woman? So, he was provided with the prospective bride that was a girl child and thus, the child marriages were also came to rise in the Indian society.

8.2.3 Caste has been a Hereditary Transmission of the Customs:

The caste system led the human being of the Indian society to transmit the caste from parents to their offspring. Even, the occupation the father followed was inherited by the sons. The living style, customs, practices, usages were also inherited by their children from time to time. Even, the concepts of purity and pollution were also inherited as we see, some caste men are superior by birth and some caste men are inferior by birth irrespective of their dint of merits or traits within them. We may find even today, in our Indian society that certain castes have got the preeminence by birth and the right to perform the religious rites of all the others caste men. We can say the hundred percent reservation to this caste so far ecclesiastical matters are concerned. Many other castes who call themselves as Kshatriyas or Thakurs also by birth behaves like influential in the villages of their residence and treat the so-called lower castes as inferior to them for generation together and the time immemorial. The mindset of these so-called upper castes is made up by birth as superior to other castes.

8.2.4 The Caste has divided the People about their Food Habits:

Due to caste system certain castes are following a particular diet and certain are restricted to a particular food habit. Since ancient times, certain castes were engaged into eating of Carrion which has been now they have given up, but certain castes do not consume non veg food although, the geographical condition leads the people to modify their diet. Here, we see due to caste system also the food habits or the diet has been regulated accordingly.

8.2.5 Untouchability:

The caste system in India had led to follow the people of untouchability. The Varna system in the Vedic period had led strict restrictions on women and the Shudras. The Rigvedic Purushsukta hymns have described the generation of the four Varnas in the Indian society. The Varna system gradually converted into caste system and then out of these four Varnas thousands of castes and subcastes were created. Accordingly, there had been certain castes which had been looked down upon as Atishudras and the untouchables. This concept of untouchability meant that the members of certain castes should not be touched upon by the upper castes and they were also supposed not to touch upon the upper caste members in a way like bodily or even from little distance. The restrictions were such strict that they were not allowed to enter the house of their masters on which field they had been employed as tenants. The untouchable caste people were not allowed to enter the temples of gods and goddesses although the Indian philosophy especially the spiritualism says that all the human being are the children of these gods and goddesses. They were not allowed because the concept of pollution and impurity was propounded amongst the common masses by the shastras. The modern Indian society is not discriminatory as per the Constitution of India, but we have multiple examples to cite wherein all over the states in India the untouchability is followed in some cases.

8.2.6 Restricted Vertical Mobility:

The ancient Rigvedic references are found somewhere else that there had been upward and even downward mobility in the Varna System. Later Vedic period completely discontinued the same and when this Varna system was got converted into rigid caste system, then the upward mobility was prohibited. The members of a particular caste will have to remain in his caste only and it was attached to as by birth the caste was stuck to that member of his future generations together. So, the members were getting the status of their caste by birth and even today is the same thing in our Indian society.

8.2.7 Reinforcement by Religious Beliefs:

The Vedic literature has been regarded as a sacred literature of religion in India. The origin of the Varna system and accordingly the caste hierarchy has been set up in Indian society. The origin of Varna system has been found in the Rigveda and it continued to be followed by the society like Brahman Varna being the supreme and the Shudras were at the last of all four Varnas. There had been certain communities even not included in the four Varnas and many a times were termed as Atishudras or Antyajas. When the Varnas were got converted into caste system, the religious literature in regard to it also were compiled by the members who wanted to keep their position on the upper space forever. To mention, Manusmriti, Mitakshara, Puranas, Epics and other religious literature always advocated the caste system in the society. Manusmriti restricts Shudras and women equally and it is also followed by the people as a Vedic religious text. In

epic like Ramayana, we found that the Shambuka was beheaded by Rama as being Shudra, he should not have been tried for education and attain religious heights by self-mortification, Tapascharya and cannot try to attain Moksha. There can be much more examples to cite for the same. There one can find many social media content which mentions that at the Kashi like sacred temple, the lower caste people are not allowed. Our Indian society has been the basically religion-based society and hence, the caste system which still prevailed and also will be prevailed for centuries together because of the reinforcement by the religious provisions.

8.2.8 Occupations and the Caste System:

The caste system has led the fixed occupations to the castes by birth. In the modern day and due to the Constitution of India, each and every one has right to choose his occupation. But if we go to history, we find the fixed occupations to the castes by birth only. They were not allowed to change their hereditary occupation as well such as potter's occupation will be inherited by his son/s and that would be their survival occupation. What we notice today, the performance of religious rites and rituals has still been the monopoly of the Brahman caste which leads to 100% reservation in that particular profession. About this reservation nobody talks of in any form. Some occupations like scavenging are still continued to be followed by the Valmiki and other low caste people. In the Municipal Corporations and other local self-governments these services are compulsorily rendered by the members of these low castes only as so-called upper caste people look down upon them as inferior to their status and honour.

8.2.9 Food habit taboos as a Symbol of Caste System:

In Indian society we have found that certain caste eats certain food and consuming such food has been taken negative from the religious point of view. The Brahman community have discontinued eating non-vegetarian food and taken themselves as very pure caste than that of the others. The people which were eating Carrion due to their poverty were looked down upon as the impure and untouchable castes. Even today this concept has been more inculcated amongst the Indian society that eating only vegetarian food are the people of pure race and religion. Certain religious community people like Jain communities are not allowing the non-vegetarian people to occupy the residences near them and the buildings to buildings are dedicated to a vegetarian community. So, castes which eats flesh and non-vegetarian food are not much taken as sankritised people than that of those who do not.

8.2.10 Caste and Right to Religious Rituals:

According to Varna system the religious rites and rituals were also allotted to particular castes. The Vedic rituals were only performed for the Brahman caste and sometime for the Kshatriya people. Other caste people will have to follow Puranic rituals. This was come to light in modern India when Maharaja Sayajirao Gaikwad and Rajarshi Chhatrapati Shahu Maharaja of Kolhapur were not allowed to perform their rituals with Vedic Mantras. e.g. Vedokta Episode has been one of the famous example

to mention in the princely state of Karveer (Kolhapur) of Shahu Maharaja. At the places of some of the castes when they want to perform the ritual rites, the Brahman purohit hesitate to attend or even do not go at such places.

8.3 FORMS OF DISCRIMINATION

8.3.1 Multiple forms of Discrimination:

Caste discrimination is a highly politicized and sensitive issue in India. Despite constitutional safeguards and special legislation for the protection of the country's 200 million 'scheduled castes' (the official term for Hindu, Sikh and Buddhist Dalits), violations of their fundamental human rights continue on a massive scale. Key issues include access to justice and rising violence against Dalits, multiple discrimination against Dalit women, slavery and child labour, discrimination in education, untouchability and access to basic services including humanitarian aid, social and economic rights and shrinking space for Dalit human rights defenders.

8.3.2 Violence against Dalits and Reports with Legal Provisions:

The enduring failure of justice when it comes to protecting the rights of India's 200 million Dalits is a key obstacle to ending caste discrimination and the structural hierarchies underpinning an entrenched discriminatory mind-set. A number of reports have been issued on the failure of the administration of justice to protect Dalits in India. Most recently the 2015 Equity Watch report "Access to Justice for Dalits in India". The report, released by the National Campaign on Dalit Human Rights (NCDHR), supported by Christian Aid and the European Union, finds that violence and atrocities against Dalits are rising in India and there is an urgent need to step up efforts to ensure justice for victims.

8.3.3 Statistics of Injustice and Atrocities against the Dalits:

According to National Crimes Statistics presented in the report there has been a 19.4% increase in crimes against Dalits from the previous year. The number of cases registered under the Scheduled Caste (Dalits) and Scheduled Tribes (Adivasis) Prevention of Atrocities act has also risen every year since 2011, taking a leap in 2014 to 47,064 cases against 13,975 cases in 2013. The report concludes that dominant castes in India are using violence against Dalits to reinforce the hierarchical caste related power structures and suppress Dalit rights assertions and claims. Two other key reports "Justice under Trial" and "Claiming Justice", from 2014, also find serious obstacles to Dalits obtaining justice in crimes against them. One example is the dismal conviction rate found in a sub-study cited in the reports of 2% in cases where rape victims are Dalits - in comparison to a national conviction rate for rape of 25%.

The amendment in terms of legislation, following years of advocacy by Dalit groups, a landmark amendment to India's key caste legislation - the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act - was

passed by the Indian Parliament in January 2016. It is hoped that the amendment will increase the scope for justice for India's Dalits.

8.3.4 Brutalities against the Lower Castes in India:

The atrocities and violence against Dalits have been rising is true but the brutality of the crimes is also getting worse. For example, in October 2015, the burning to death of two small Dalit children, asleep in their house in Faridabad, grabbed international headlines. The children were reportedly victims of a dispute between Dalits and members of the dominant caste. This horrific incident is unfortunately by no means unique. The violence and atrocities are often directly related to Dalit assertion of basic rights including land rights, freedom of expression, access to justice, access to education, water, food, decent work and other services and equal participation in cultural and religious activities, to name a few.

8.3.5 Testimonies of the Atrocities:

Many a times the Dalits try to resist the injustice and seemingly minor signs of their resistance have resulted in brutal retaliation by the dominant castes such as a Dalit boy's wrist being chopped off because he was wearing a watch; another was killed as he had a song on (social reformer) B.R. Ambedkar as his ringtone. Human rights defenders working on these types of cases report that it is very difficult to get the police to cooperate with them and that they often have to resort to protests to even get a chargesheet filed.

Also in October 2015, a young Dalit boy died while in police custody, police torture is blamed. His crime, allegedly stealing two pigeons from dominant castes. A Dalit family including three small children were also stripped and put in jail for allegedly encroaching on the land of dominant castes. These are again not above incidents of police negligence in India but everyday tales of the utter disregard for justice when it comes to Dalits in India. Very often Dalit women are seen to bear the brunt of violence as they are used as a way to punish Dalit communities. At the same time, they are very vulnerable due to multiple discrimination on the basis of caste and gender.

8.3.6 Dalit Women and Multiple Discrimination:

The Indian society have been male dominated society since years together. The Dalit women in India live in both a highly patriarchal society and a society divided along caste lines. The severe discrimination they face from being both a Dalit and a woman, makes them a key target of violence and systematically denies them choices and freedoms in all spheres of life. This endemic intersection of gender and caste discrimination is the outcome of severely imbalanced social, economic and political power equations.

Due to the severe limitations in access to justice for Dalits and also women, and the widespread impunity in cases where the perpetrator is a

member of a dominant caste, Dalit women are considered easy targets for sexual violence and other crimes, because the perpetrators are likely to get away with it. Statistics cited in the 2015 Equity Watch report also show that according to official national crime statistics, rape cases registered against Dalit women have increased with over 47% since the previous decade. Dalit women are also very vulnerable to caste-based slavery and forced prostitution, discriminate against on multiple grounds in education and face serious obstacles in access to basic services.

8.3.7 Forced and Bonded Labour:

Multiple studies have found that Dalits in India have a significantly increased risk of ending in modern slavery including in forced and bonded labour and child labour. In India there are specific forms of forced labour that certain castes (Dalits) are expected to perform including for example the practice of manual scavenging and the Devadasi practice of forced prostitution. Beyond this the exploitation of Dalits in bonded labour in agriculture, mining, textile and other industries, as well as in the informal sector, is widespread.

Latest documentation includes the report from the IDSUN UN side-event on caste and gender based forced and bonded labour, the IDSUN overview of recommendations from UN institutions on caste and forced and bonded labour, ILO Resource Handbook for ending manual scavenging (2014), the 2014 Human Rights Watch report *Cleaning Human Waste: Manual Scavenging, Caste, and Discrimination in India* and the ICN 2014 report *Flawed Fabrics*. The abuse of girls and women workers in the South Indian textile industry.

8.3.8 Dalit Child Labour:

Dalit children are also particularly at risk for child labour and child slavery as they are born into marginalization and often discriminated against at school. Key reports from Harvard and many others, and statements by Nobel prize winner and child rights activists Kailash Satyarthi, find that most child labourers in India are either lower caste or minorities and that discrimination play a key part in sustaining slavery and child labour in the country. For more documentation links specific to caste and child labour please see links in the IDSUN documentation database.

8.3.9 Discrimination in Education:

Discrimination against Dalits in the educational system is a widespread problem in caste-affected countries. Alienation, social exclusion, and physical abuse transcend all levels of education, from primary education to university. Illiteracy and drop-out rates among Dalits are very high due to a number of social and physical factors. Legislation and measures that have been taken to combat this are often inadequately implemented. The forms of structural discrimination and abuse that Dalit children face in schools are often so stigmatizing that they are forced to drop out of school. One of the main issues is the discriminatory practices conducted by teachers, which may include corporal punishment, denial of access to

school water supplies, segregation in class rooms and Dalits being made to eat separately, and forcing Dalit children to perform manual scavenging on and around school.

In addition, Dalit children face discriminatory attitudes from fellow students and the community as a whole, in particular from dominant caste members who perceive education for Dalits as a threat to village hierarchies and power relations. Intolerance, prejudice and harassment towards Dalits are equally prevalent in institutions of higher education where discrimination is practiced by dominant caste students, teachers, faculties, and administrations. The caste bias manifests itself in the way teachers ignore Dalit students and unjustly fail them in exams, in social exclusion and physical abuse, and in the unwillingness of the university administration to assist Dalits and support them.

As a grave consequence of this harassment, a disproportionate number of Dalit and Adivasi students have committed suicide in India. A tragic recent example of this was the suicide of Dalit student Rohith Vemula, following his exclusion from the hostel and dining hall as well as cut off of finances, by Hyderabad University. Key recent reports on caste discrimination in education in India include the Human Rights Watch Report "They say we're dirty" - Denying an Education to India's Marginalized" and documentation in the Global Initiative on Out-of-School Children-South Asia Regional Study, published by UNICEF and UNESCO in 2014 finding Dalit girls most excluded from primary education in India.

8.3.10 Untouchability and Access to Basic Services:

The basis of discrimination in education and in most other spheres of life is often the notion of untouchability and stigmatization, where Dalits are perceived as being 'polluting' to castes above them in the caste system, which continue to be practiced. Widespread discrimination and untouchability in India is also as severe obstacle for Dalits in access to basic services including water and sanitation, housing, health care and food. For more information on caste discrimination and access to services please see IDS's documentation links on caste discrimination in access to services.

Report findings released in 2014 in the India Human Development Survey and the India Exclusion Report document that caste discrimination is very far from being history. In almost all aspects of every-day life statistics indicate that caste discrimination is deep-rooted and widespread and caste discrimination across sectors in health, housing and equal access to goods is addressed.

According to the Human Development survey merely five percent of Indians said they had married a person from a different caste, and 27 percent of households self-reported engaging in untouchability practices. When Brahmins (dominant caste) were asked, 52% self-reported to not allow a Dalit to use their kitchen utensils, a common practice of untouchability. The survey findings on untouchability were particularly

stark in some states where untouchability across castes was found to be almost 50%.

8.3.11 Caste Discrimination in the Delivery of Humanitarian Aid:

Even in the face of disasters such as floodings, droughts or earthquakes Dalits continue to face exclusion and discrimination in access to services. This includes relief materials, shelter and rehabilitation following disasters. This has been documented in numerous reports including in the IDSN EU funded "Equality in Aid" report and most recently the discrimination has been documented following serious flooding in the state of Tamil Nadu in December 2015.

8.3.12 Social and Economic Rights including Land Rights:

Access to social and economic rights, including land rights, continues to be restricted by deeply ingrained discrimination. Generally, land rights are an area of conflict and dispute between Dalits and dominant castes as dominant castes may try to seize Dalit land using force, threats and violence. The fact that Dalits often do not own land also makes them vulnerable to exploitation by those who do.

In India there are special budgets in place (Scheduled Castes and Scheduled Tribes sub-plans SCSP & TSP) meant to support the welfare of these marginalized groups. However, it is repeatedly documented that the money budgeted for Dalits and Adivasi (SC and ST) is diverted to other unrelated posts with as much as 60% being diverted in 2014. In addition to this the Indian Government in 2015, cut the Dalit and Adivasi budgets by 60%. Dalit rights groups in India have been campaigning for giving the Dalits and Adivasis their fair share of the budget and are trying to put pressure on the Government to stop cutting these already misappropriated allocations. Shrinking space for civil society IDSN members and associates report that space for civil society in India is shrinking with tight regulations of foreign contributions for organizations working on Dalit rights and the harassment of Dalit human rights activists and leaders, including them facing false charges from police and facing torture and custodial murder. Some Dalit organizations have faced having their funding frozen, without just cause, severely hampering their work. Censorship of films dealing with the issue of caste discrimination and blocking of Dalit events have also been witnessed.

While the Indian Prime Minister, Narendra Modi, has made several national level statements against caste discrimination, these statements appear to be contradictory to the stance taken by India at the International level. This became ever more evident when the UN Special Rapporteur on Freedom of Assembly and Association called out India at the UN General Assembly in 2014, for unjustly blocking the UN ECOSOC accreditation of IDSN. A block which unfortunately continues into 2015.

8.4 SUMMARY

The nature of the caste has many types of meanings and accordingly, we have understood how caste can be looked at in the Indian society since ancient times. Many people try to struggle to know how caste system came to rise. But they will have to know the meaning of endogamy and then resultant the customs of sati, child marriages and restrictions on widow remarriages. The caste system has let to stop the vertical mobility and the religious beliefs are also varied for caste to caste. The person born in a particular caste was assigned to follow the occupation of his ancestors hereditary. The nature of castes also led the society to follow the religious rituals as per their caste.

The caste has been recalled in may forms like violence on minor issues, discrimination in schools and colleges, boycotting the low caste, brutalities against them etc. are faced on a day-to-day basis.

8.5 QUESTIONS

1. Explain the nature of caste system in Contemporary India.
2. Critical examine the various forms of caste discrimination in contemporary times.

8.6 REFERENCES

- International Dalit Solidarity Network, <https://idsn.org/>
- Dr. Babasaheb Ambedkar Writing and Speeches, Vol. of, Education Dept., Govt. of Maharashtra, 1990.
- Jaiswal Suvira, Caste, Gender and Ideology in the making of India, General Presidential Address, 68th Session of Indian History Congress, Delhi University, 2007.
- Gupta Dipankar, Continuous Hierarchies and Discrete Castes, Economic and Political Weekly, No.46, 17 November, 1984.
- Thapar Romila, The Past and Prejudice, National Book Trust, New Delhi, 1972.
- Ilaiah Kancha, Post-Hindu India, A Discourse on Dalit-Bahujan, Socio-spiritual and Scientific Revolution, Sage Publications, New Delhi, 2009.
- Rajshekhar V.T, Caste a Nation within the Nation, recipe for bloodless revolution, Books for Change, Bangalore, 2004.
- Ghurye G.S., Caste and Race in India, Popular Prakashan, 1996.
- Ishita Banergee-Dubey, (ed.), Themes in Indian History, Caste in History OUP, New Delhi, 2008, p. xxvi.

- Nadkarni V. 'Broad basing Process in India and Dalits', Economic and Political Weekly, Aug.16, 1997.
- Chakravarti Uma, Gendering Caste: Through a Feminist Lens, Stree, Kolkata, 2013.
- Rege Sharmila, Against the Madness of Manu: B.R.Ambedkar's Writings on Brahmanical Patriarchy- Navayana, 2016.
- Ketkar S.V., History of Castes in India, Low Price Publication, Delhi, 2015
- Gore M.S., The Social Context of an Ideology, Sage Publication, New Delhi, 1994.

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CASE STUDIES OF ATROCITIES

Unit Structure

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9.0 OBJECTIVES

- To make the students understand the caste atrocities.
- To analyse various situations in which the atrocities have been taken place.
- To discuss about the caste atrocities all over India

9.1 INTRODUCTION

We have discussed in previous units on this module how the features of caste system in Indian society have been prevailed for centuries together and based on that there have been people are very much content with whatever the caste enables them to follow. The very much name that they call it as a following religion and so as spiritualism. Along with features the caste has its nature and accordingly, the various forms of discriminations have been continuously followed that every caste wants to defend their superiority by asserting that they are proud to be born and son or daughter of that particular caste. Many of the persons carry their caste identity which makes them proud with their houses and vehicles. But what

about the so-called lower castes who are looked down upon by the so-called upper castes and hence have to face atrocities at the hands of these proud castes?

The atrocities have been in many kinds from abusing to beating and from beating to brutal murder and burning. They are also of social boycott and persecution at the hands of upper castes. Many a times the lower caste women are gangraped, nakedly paraded and killed. Brutalities are such at high point that mere modifying the lifestyle that dishonours the upper castes and they compel the member of the lower caste to give up that lifestyle and ask to behave at the direction of the upper caste member. Some of the disputes are being of land disputes as caste system had imposed the restrictions on the untouchable caste not earn money and take education but when they are doing so, they are then harassed by the members of the upper caste. The atrocities depend from village to village and area to area.

This feature of caste system in Indian society is all pervading that the lower castes communities are treated inhumanly and if they by mistake found little guilty, they are beaten, nakedly paraded, women and girls publicly raped, mob lynchings, boycott etc. atrocities are held against them. Many states and the rural areas, the lower castes people are not equally treated at par with the so-called upper caste. Each and every caste as per their hierarchy looks down upon their immediate lower caste. Recently, a Film titled 'Jai Bhim' from South India had depicted a story of the tribal families and how they were exploited by their so-called upper caste men. Finally, the constitutional provisions and the Indian Penal Code provisions got them justice with the help of a Advocate Chandru (Cast by Surya Sivakumar) who was picturized as an hero of the film.

In this chapter we will look into some of the important case studies of atrocities in to Low caste members in India.

9.2 KARAMCHEDU MASSACRE, ANDHRA PRADESH, 1985

The village Karamchedu, in Bapatla district of Andhra Pradesh had Kamma, the landlord and dominant community. They had economic power and political influence as against the Dalit villagers were working as agricultural labourers for meagre wages, were oppressed socially and economically. Due to the fertile soil and good irrigation facilities developed since the British rule in the previous century (through Krishna River canals) and also during the post-independence era (through Nagarjuna Sagar canals), the Kamma peasantry in the village was quite prosperous. Dalits, on the other hand, comprised much of the agricultural labour. The annual income of a paleru (agricultural labourer) was just ₹ 2000. The daily wages paid to male and female agricultural workers (who worked for 16 hours a day) was ₹ 10-12 and ₹ 6-8 respectively, which was quite lower than the minimum wage rates that were legally prescribed for that region. The Kamma landlords also used force to ensure loyalty from Dalit labourers. If the labourers were absent from work for

some reason, it was reported that the landlords of the village would personally go to their houses to beat them up and sometimes the landlords would further punish the workers by suspending them from work for up to nine months. Dalits of the village supported the traditional congress party. Kammas saw this resistance of Dalits, particularly Madigas, to vote for the TDP as a sign of revolt, since their "economic bondage" did not translate into "political loyalty". Scholar K. Srinivasulu writes that it caused "sufficient injury" to the collective pride of the dominant Kamma caste, "which only waited for a pretext for retaliation".

On 16 July 1985, a Kamma boy was washing his buffalo near a water tank where Dalits drew their drinking water, letting out the soiled water into the tank. A Madiga boy objected to this, angering the Kamma boy who reacted violently by beating the former with his cattle whip. A Madiga girl who came to fetch water was also whipped and kicked for protesting against the beating. She then retaliated with her vessel, and an elderly Dalit intervened and tried to calm the situation. The Kamma boy left the scene after issuing a warning.

This episode provoked the Kammas to plan an organized attack against the Madigas of the village to 'teach them a lesson'. To catch the Madigas by surprise, they sent a team for compromise which was accepted by a section of Madigas. And on the morning of 17 July, hundreds of Kammas armed with axes, spears and clubs, launched an unanticipated attack on the residents of Madiga wada (settlement), damaging the entire colony, not even sparing pregnant women and mothers with small children. They tortured and chased the Dalits and burnt their houses.

Srinivasulu notes: 'What followed was an attack, well planned and executed, that went on for hours in which the Madigas regardless of age and sex were chased from their hovels, the Kammas used all likely forms of transport, scooters, tractors, etc., and the Madigas ran helter-skelter for their lives in all directions. The more likely place to hide was the gaddi vamulu (fodder heaps) in the fields. Even there they were not spared. The gory details of this are amply recorded by the various fact-finding committees and in the sympathetic accounts reported in the press. But what is important to note is the fact that finally this left six Dalits murdered, three Dalit women raped and many more wounded, some of them very seriously and the huts burnt, whatever little was with them looted.'

The police in Karamchedu did not protect the victims and Dalits fled the village in large numbers and arrived in the neighboring town of Chirala which was about 8 kilometers away, where many of them were hospitalized, following which some of them died of injuries. The local police of Chirala initially hit and arrested some Dalits who reached the town in panic, instead of helping them. Later the local Dalit activists and leaders accompanied the victims who sought shelter in a church in the town, and organized a refugee camp to help them. The camp consisted of about 500 Dalits, who never returned to Karamchedu, preferring to settle in Chirala.

Karamchedu massacre was seen as a significant incident which broke the myth that caste-discrimination was a "thing of the past". Dag-Erik Berg writes that it depicted the intensification of caste in the modern agrarian economy, emphasizing the role of "status" and "honor" in the system of stratification, the significance of economic and political power, and the deep-rooted notions of untouchability that could lead to brutality in the Indian society.

Berg refers to M.N. Srinivas's conception of 'dominant caste' for explaining the caste hierarchies in the modern society. After a significant shift in landownership in the post-colonial era from Brahmin to non-Brahmin castes (like Reddys, Kammas and Kapus), Kammas, who already constituted an affluent and politically powerful group before the twentieth century and were classified as Shudras in the traditional Varna System, gained increased social dominance through their economic and political power. Berg says that their claim to caste superiority was dependent on relation to Dalits who were 'excluded' in the traditional ritual classification in which they are treated as "untouchables". M. N. Srinivas says that "any caste that achieved political power at the local level could advance a claim to be Kshatriyas ". Accordingly, in this case, the local Kamma historians engaged in providing 'evidence' to claim their Kshatriya status, which coincided with the early 1900s colonial census that categorized people. However, since this ritual superiority of Kammas was not entirely self-evident and was open to dispute, Berg says, they had to enforce it through violence. "Their everyday dominance involved material exploitation and the use of force." The essential difference between "touchables" and "untouchables" supposedly justifies this violence since the 'untouchables' are seen as "nobodies". Berg notes that Dalit expressions of self-assertion and egalitarianism further intensify this conflict.

So, the massacre in Karamchedu is seen as the result of Dalits trying to 'correct' the unfair behavior of Kammas. Both Berg and K Srinivasulu state that Kammas wanted to 'teach a lesson' to the Dalits since their superiority was challenged.

Karamchedu incident also posed an intellectual challenge to the classic Marxist perspective which saw caste-oppression as a mere consequence of class struggle between the capitalist farmers and agricultural workers. Although the class dimension is closely related to the caste-oppression, the Dalit movement in the state post-Karamchedu emphasized the need to address the issue of caste in its specificity since it plays a predominant role in the underlying social conflict. The Dalit movement also made Dr. Ambedkar a powerful symbol for emancipation. Following his ideas of Annihilation, Dalit leaders and activists fought against untouchability and exclusion, and strove for self-assertion, dignity and legal protection from the state.

9.3 PANKHAN VILLAGE BRUTALITIES IN GUJARAT, 1999

The Hati Darbars, that is, the upper caste Rajputs of Pankhan village of Junagadh district of Gujarat carried out a ghastly attack on the Dalits of the village on 27th November 1999. On this day over 500 Hati Darbars surrounded and attacked the 100 Dalits who were clearing the thorny bushes to make the land cultivable. Even after seven months about 10 of them needed assistance to move around. Many of the young men and women managed to escape to nearby villages and thus were saved from being beaten up and raped. But all of them were not lucky enough to escape the wrath of the upper caste Darbars. Jayaben Sondarva was gang raped by thirteen men and she was thoroughly bashed up. The impact of the atrocity was so serious that even for days she continued to scream with pain and agony. The marks of the wound inflicted with a crow bar and an axe are still fresh on her body. The Darbars were armed to their teeth. They not only carried conventional weapons like spears, woodcutters, swords, choppers, and axes but also modern firearms with them. The Dalits of Pankhan suffered not only humiliation and physical torture due to this organized vandalism but now they are forced to undergo economic deprivation. Muljibhai Govindbhai was the only breadwinner of a family of 8 members. But for the last seven months, he was bedridden and he needed extensive medical care. His minor son who was studying, had to abandon his studies to earn a living for the family. Three of the victims had to be admitted in Jamnagar hospital for treatment and one was hospitalized there for three months. For daily wage earners to take care of someone in a faraway place is beyond their means. Hence, they were forced to borrow money for a high interest rate and thus putting themselves in greater hardships. Amrabhai Sondarva was brutally battered. He clearly remembers that Kara Sisodia pelted a stone at his eye and thus he lost his left eye. Even after seven months of agony he can vividly remember that Vasur Lakha fired at him with his gun. When his wife tried to prevent the attackers from assaulting him, they let loose a reign of terror on her and fractured her hands and legs.

Pankhan village had about 325 acres of pasture land. Out of this the Darbars had grabbed 200 acres of land and are cultivating it for ages. Significantly, it is not the landless Darbars who have seized the land, but the landlords among them who also have captured the land. For the last 5 years, the Dalits were trying to occupy the land and cultivate it. Last year they had sown millet in the land but the rain gods failed them. This year they attempted to clear the thorny bushes so that it can be made cultivable. They had even demarcated the plots for the 40 landless Dalit families. The Darbars could not tolerate this feeble attempt by the Dalits. Ramabai submitted that, "For generations we have been toiling as the bonded labourers of the Darbars. Since we were economically dependent upon them, they ill-treated us in numerous ways. To escape from this bondage, we were clearing the pasture land so that we can become somewhat independent. But even this attempt is thwarted by the Darbars". A former member of the panchayat maintained that since the disposal of the

Goucher zamin legally rests with the panchayat, the Dalits had represented the matter in the panchayat to allot the land to them so that they too can cultivate the land and provide for their families. But this request was constantly turned down by the panchayat which was dominated by the upper caste Darbars.

Since the Dalits were denied justice in the panchayat, they had petitioned to the district administration to look into the matter. But no one paid any attention to the supplication of the Dalits. But when the Dalits began to occupy the land, the Darbars filed a case in the court and the court in its usual style decreed section 144 without going into the root of the problem. Interestingly, a highly placed official in the district administration boasted, “We have taken serious note of the incident that took place in Pankhan. Hence, we have prepared a detailed report about the entire issue and have recommended to the state government to allot the pasture land to the Dalits”.

The village with about 3,000 population had not witnessed any serious clashes in the past. The Dalits who were also the landless agricultural labourers of the village worked for the upper caste Hati Darbars and thus eked out of their living. Govindbhai recollected, “For more than five generations we have lived in harmony here. We never disobeyed the dictates of the Darbars. Even if the Darbars humiliated us we suffered in silence. But when we began to work on the pastureland, the Darbars got threatened. They have carried out this horrendous crime to terrorize us”.

Not many children used to go to school, since they had to help their parents in the agricultural and other household chores. After the incident even the few children who used to go to school had stopped going. Two months after the incident the State Reserve Policy used to accompany the children going to school so that they are not harassed by the Darbars. The November 27th incident was still dreadful to them and they do not dare to step into the area where the Darbars reside. In a situation surrounded by total darkness, the support and strength provided by some of the Dalit organizations lifted the drooping morale of the victims. The Dalit Yuva Vikas Sanghathan founded in 1991 to expose the atrocities heaped upon the Dalits in the district played a major role in bringing the wounded to the hospital and getting prompt medical help. They are mobilizing the Dalits in more than 300 villages to resist these types of oppression and humiliation suffered under the upper castes. The BAMCEF, another Dalit organization of the government employees garnered all strength to move the ill-equipped hospital staff to attend to the victims screaming with excruciating pain. K.N. Rathore declared, “We had to literally force the civil surgeon to make adequate arrangements to attend to the sufferings of the wounded. Since the Junagadh hospital did not have an orthopaedician, we requested the hospital authorities to shift the injured to Jamnagar. But the civil surgeon expressed his inability since the hospital did not have an ambulance in condition. Hence, we got the help of some good Samaritans to take the seriously injured victims to Jamnagar hospital”. If not for their timely help some of the victims would have died. Like the men, the women folk of these officers, daily visited the hospital and provided

solace and comfort to the suffering people. The leaders of Pankhan too moved all the forces to come to the service of the victims.

Various Dalit organizations presented the following demands to the Governor of Gujarat on the 13th of December, 1999.

1. They demanded land allotment policy to be changed, especially with regard to the "Goucher zamin". There should be new policy drafted by the state and land should be redistributed to the landless Dalits of Gujarat so that they can have source of income and can live with self-respect and dignity. The argument behind this demand was that even the cattle is allotted land by the state, while the landless Dalits are not. This seems to mean that the Dalits are inferior to cattle. If the Dalits are inferior to cattle in the eyes of the state, then consider the Dalits as equal to the livestock and allot 2-3 acres of land to them.
2. Since the Sarpanch Rawat Sisodia himself was the main accused in the attack, the power of Pankhan Gram Panchayat should be superseded by an implementing agency of Government and within one month every Dalit should be allotted 2-3 acres of land.
3. The Government should at least now accept that there was "social boycott" in Pankhan village and should penalize the Hati Darbars for imposing social boycott. The Government should also release cash dole immediately from the Social Welfare Department to every Dalits of Pankhan village.
4. The main accused in this heinous crime should be arrested under TADA Act. The accused in gang rape should be taken before the public so that in future such people would think twice before committing such atrocious acts. Looking at the socio-economic structure of Gujarat, it becomes imperative that the legal provisions about Goucher zamin and other common property land resources be regulated and made available to the Dalits and the downtrodden. Sudarshan Iyengar who made a comprehensive study in the year 1989 also had recommended this as the primary task.

The Dalits of Pankhan still live under the shadow of the crime committed against them. Since they are determined to carry on the struggle in the legal arena, they are threatened by the Darbars. Hence, they are contemplating of the need to protect themselves in self-defense. An official in the district headquarters confirmed to the fact that six of the Dalits have applied for possessing firearms. This once again indicates the socio-political crisis that has taken deep roots in rural Gujarat. The Gujarat State has made great stride in the field of economic reforms but its socio-political edifice remains untouched. It is this social reality that will determine even the economic wellbeing of the state in the future. The atrocities heaped on the Dalits in Pankhan is only a sign of the much severe socio-political crisis that is haunting the very social fabric of Gujarat. In this process the Dalits are not going to take things lying low

but will assert their legitimate rights constitutionally and extra-constitutionally.

9.4 KHAIRLANJI HEINOUS MASSACRE, MAHARASHTRA, 2006

In Maharashtra, the atrocities and the number of violent incidents is to be taken for instances. The inhuman massacre was executed by the so-called upper caste people against one of the Dalit families named Bhotmange in Bhandara district, Mohadi taluka and village Khairlanji on 29th September, 2006. The brutality was such a heinous that the villagers told the brother of a girl of Bhotmange family who had been meritorious at SSC to rape in front and when refused, both were beaten to death. Even their private parts were also pierced with the sharp objects. The four of the family members were brutally murdered by the villagers as the mother of the children Surekha gave testimony against the villagers who had attacked Sidharth Gajbhiye who fled for his life. Only head of the family Bhaiyyalal Bhotmange was survived as he was out for work on the day of massacre. Here we come to know, the people look down upon and they are of the opinion that they can do any kind of atrocities against the Dalits as being from lower castes. Even, there are cases where we find that if a Dalit boy marries an upper caste girl, he has been beaten to death.

One of the reports mentions how the “dominant castes dragged her, her daughter, and two sons out of their home, paraded them naked, raped the woman and her daughter, and lynched all of them in public.” But the media took more than a week to report this. Eventually, “a rape charge was never brought by the government claiming lack of evidence”.

A special court tried the case and held 8 persons guilty of murder in 2008; however, it noted that the murder was based on revenge and not motivated by caste. The lone survivor of the attack was provided the job of a peon as “compensation”.

This case, the report notes, is an apt example of “the institutional failure to recognize the rape of the victims, the invisibilisation of caste by courts and government authorities raises the question of whether justice was in fact achieved.”

Thus, the atrocities on the Dalits due to caste system and caste privileges have resulted in the heinous crimes as such and they are still going on in the Indian society.

9.5 MURDER OF A DALIT YOUTH, CHHATTARPUR, MADHYA PRADESH, 8TH DECEMBER 2020

A day earlier, a 25-year-old Dalit youth was thrashed to death by upper-caste men in Madhya Pradesh's Chhatarpur because he touched the food served at a feast. The deceased, Devraj Anuragi was called to clean up after the party held by the accused. The accused Bhura Soni and Santosh Pal had called the youth to clean up after the party was over at village

Kishanganj. On seeing Anuragi serve food for himself, the accused flew into rage and beat him to death with sticks.

9.6 FORCEFUL RESTRICTIONS ON GROOM NOT TO RIDE A HORSE, SHIVPUR, RAJASTHAN, 2020

The caste system has led the suppressive and oppressive acts against the lower caste people. Even economically, they are affording to ride a horse in the marriage with their own money, they are not allowed to enjoy their rights.

Incident of caste atrocity was reported from Bhilwara district in Rajasthan on 9th December, 2020 where a groom belonging to a Dalit community was forced to get down from the horse at Shivpur village in Karera. The police registered a case in the matter but the groom and the Dalits have been to remain in pressure and grave tension that how they are so educated and economically sound, the caste is not getting them rid of the upper caste people and their own pride and hatred against the Dalits and that is in 21st century. So, here one thing to be noted that by reservation in education and services, the Dalits are becoming economically sound which does not mean their caste taboos are over.

Not only the youth was forcefully asked to get down from the horse but the people participating in marriage procession were thrashed. Case was registered and Karera police station in-charge, said that many incidents of attacks on Dalits have been reported in various parts of the country in the past few years for defying the social norms imposed by the upper castes by riding the horse at their weddings.

So far as Gujarat state is concerned, the wedding procession of a Dalit riding a horse has allegedly led to social boycott of the community at Lhor village of Mehsana district in Gujarat in May 2019. In February, 2020, the wedding procession of a Dalit man had to be taken out under police protection in Gujarat's Banaskantha district.

9.7 A THRASHING TO DEATH OF A DALIT MAN, SHRIKOT, TEHRI- UTTARAKHAND, 2019

The caste ridden people also takes it dishonored if a Dalit man eats before them in a function. Jeetendra, a Dalit, 23, was thrashed up by the upper caste men who lost their temper as they found him seated and eating in front of them at a wedding function "despite being from a lower caste" on 26th April, 2019 at Shrikot village of Tehri District in Uttarakhand. The man was critically injured and died at a hospital in Dehradun after nine days of treatment.

9.8 DALIT MINOR BEATEN FOR ENTRY INTO TEMPLE, RAJASTHAN

When the country is celebrating 75th year of independence, such an incident forces us to think where we are standing. A society is made up of unity and harmony, and for us society is paramount.

A Dalit minor was tied up and thrashed by the members of upper caste for entering a temple in Rajasthan's Pali village. The minor was tied up with a rope and thrashed by the perpetrators. As per the report, the incident took place on June 1, 2019.

The casteism has been instilled among the school going children since their childhood that they also do not look equally to their school friends from the Dalit castes.

In an earlier incident, a group of five children allegedly beat a 12-year-old Dalit boy to death for touching the balloons that were used as decorations on the occasion of Janmashtami at Chamanda temple in Nadroi village, Aligarh. The victim's friend, Suraj was present at the spot when his friend was allegedly beaten by the suspects. The violent thrashing happened when the victim touched the balloon at the temple.

Suraj added that the five boys began to thrash his friend when the balloon burst. All five suspects involved in the crime belong to the same age group. One of them held his arms and two of them tightly held his legs and the other two started punching him in his stomach. Suraj immediately ran to his house and informed his mother. Suraj who escaped from the place out of fear.

9.9 A BEATING TO DEATH OF A DALIT BOY BY A TEACHER FOR DRINKING WATER, SURAN, RAJASTHAN, 2022

Indra Meghwal, a student of nine years of the private school, Saraswati Vidhya Mandir, in Surana village, Rajasthan's Jalore district, was beaten up badly by his teacher on Saturday July 20, 2022 and that for the reason — touching a drinking water pot. The boy suffered injuries in his face and ear and was almost unconscious due to the beating from the teacher.

Protests were broken out in on Sunday, a day after a boy died allegedly after he was beaten up by a teacher for touching a drinking water pot in a private school. The teacher, Chail Singh, 40, was arrested and booked for murder under Section 302 of the Indian Penal Code and under sections of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

On Sunday, police used mild force to disburse protesters, who pelted stones at officials and refused to cremate the body till their demands of a government job and compensation to the deceased boy's family are not met. It is very painful to know that the teachers who are taught child

psychology and equality, they are making distinction among their own students based on the casteism.

In June the same year, a horrific incident was reported, where a Dalit minor was tied with a rope and beaten up allegedly by a group of upper-caste men after he tried to enter a temple in Rajasthan's Pali district.

9.10 THE HARASSMENT AND ATROCITIES IN TAKWIKI VILLAGE, MAHARASHTRA

The right to own property is systematically denied to Dalits. Landlessness – encompassing a lack of access to land, inability to own land, and forced evictions – constitutes a crucial element in the subordination of Dalits. When Dalits do acquire land, elements of the right to own property – including the right to access and enjoy it – are routinely infringed.

In 1996, a nongovernmental organization undertook a door-to-door survey of 250 villages in the state of Gujarat and found that, in almost all villages, those who had title to land had no possession, and those who had possession had not had their land measured or faced illegal encroachments from upper castes.

Caste discrimination has also acquired the status of an ideology. The conception and practice of caste as an ideology implies that a person is primarily perceived by another not on the basis of his or her capabilities, but on the basis of the caste that he or she is born into. In this context, it is no surprise that the efforts of upper caste groups to sustain “cultural differentiations” transgress into the non-cultural spheres, including the economic sphere.

The Takwiki village in Usmanabad District of Maharashtra has been an atrocity a case study undertaken by Prof. R. Ramakumar of TISS and Tushar Kamble. This whole episode has been made available online by the authors and so with courtesy we humbly produce here as and what had happened. The authors have visited the village frequently and collected authentic information from the persons who suffered the atrocities.

Takwiki is a village in the Osmanabad taluka of the Osmanabad district of Maharashtra. The district belongs to the larger Marathwada region, which is a drought-prone region and relatively backward in social and economic indicators.

This is a case study of a household headed by Dhondiba Raut. The authors learned of the predicament of this household when a household member approached one of the authors (Ramakumar) of this article for help.

The Raut household, belonging to the Chambhar caste, has been living in Takwiki village for more than a century. Until recently, Takwiki and the surrounding villages were dominated by Muslim landlords. The Marathwada drought of 1971-72, and the acute squeeze on incomes that it inflicted on peasants at large, forced some Muslim landlords in the region to sell a part of their land. In consequence, Tulsiram Raut (Dhondiba's

father) purchased 7.5 acres of land in 1972 from Taher Khan Lal Khan Pathan, who owned a large area of land in Takwiki. Tulsiram was a cobbler; he used keep his savings and a loan to purchase the plot at the relatively low cost of Rs 250-500 per acre. While the transfer of land had taken place in 1972 itself, the official transfer of land in the village land records (fer far nondani) took place only in 1979. The 7.5 acres of land were part of Block Number (gut kramank) 133 in the land records. In Block Number 133 in the village map, Tulsiram's plot formed three pieces of about 4 acres each.

Tulsiram had three sons when he purchased the land: Kondiba Tulsiram Raut, Dhondiba Tulsiram Raut, and Vithoba Tulsiram Raut. The land that he purchased was equally divided among the three sons, with one rectangular piece of land going to each. In 2012, all these plots were irrigated by a well dug at the western side of Block Number 133. The Rauts grew sugar cane in these plots.

In 1988, Dhondiba and his brother Vithoba pooled savings and purchased some more land in Takwiki. The plots of land newly purchased were geographically fragmented, and a one-acre plot was located just across the eastern bund of Block Number 133. At the time of purchase, this one-acre plot, belonging to Block Number 132, was registered in the name of Vithoba. In 2007, Vithoba transferred the ownership of this one-acre plot to Dhondiba, in exchange (no extra cash was paid) for another one-acre plot owned by Dhondiba located elsewhere. Thus, Dhondiba came to own the one-acre plot in Block Number 132 from 2007. This plot was valued at between Rs 6 and 8 lakhs in 2012, and was registered in the name of Dhondiba's wife, Hirabai Raut.

Much of the land in Block Number 132 belonged to the Kedar household, a large landowning upper caste (Maratha) household from Patoda, the village adjacent to Takwiki. According to the residents of Takwiki, the Kedar household owned more than 120 acres of land in 2012. They also leased in large areas of land from others on a long-term basis, about which no estimate was available. Before the 1970s, according to the village people we interviewed, the Kedar household owned only about 10-15 acres of land. In those days, the household mainly ran a tempo-transport business. Being the only tempo-owning household in the region allowed the Kedars to accumulate substantial savings, which were channeled into purchasing land after the 1972 drought. According to some accounts, since the Kedar household members were also the local moneylenders in the 1970s, the widespread default on loans during and after the 1972 drought enabled them to attach additional areas of land. However, it was not possible independently to verify these accounts.

In 2011-12, the Kedar household enjoyed considerable economic clout. They were the largest landowners in Takwiki and Patoda. They owned two tractors, which were partly rented out, a dairy farm, a jaggery-making unit, a timber agency, and an electrical rewinding shop in Patoda and Takwiki. They continued to own tempo vans, which plied on rent, and involve themselves in moneylending. Many Takwiki villagers assert that with all

this clout, the Kedar household effectively had the right of first refusal in any land transaction that took place in the region. They cited a number of cases where the Kedar household bid up the land price to such high levels that no one else stood a chance of buying the land going on sale.

Politically, the Kedar household attached itself to the Nationalist Congress Party (NCP) in the region and generally enjoyed a close relationship with the party's district leadership. Members of the Kedar household were also regularly chosen as members on the gram panchayat as well as the boards of the local credit societies in Patoda.

The one-acre plot that Dhondiba had swapped with Vithoba in 2007 was located within a series of land plots owned by the Kedar household beyond the eastern bund of Block Number 133. If the Kedar household were to annex the one-acre plot owned by Dhondiba, the advantages would be many. First, they would get to own a large piece of contiguous land area totally under their possession on the eastern side of the bund. In fact, the Kedar household had made an offer to Dhondiba in 2011 to buy out all his land, including the one-acre plot, but Dhondiba had refused; the convenience of owning all his land at one place was paramount for him too. Secondly, the newly established dairy farm and the jaggery-making unit of Kedar household were situated close to Dhondiba's plot. If the Kedars possessed this plot, they could build a direct approach road to these units; in the absence of it, they were obliged to reach these units over a longer route from the Patoda village.

While the economic advantages of taking Dhondiba's land were substantial for the Kedars, another dimension was too evident to be missed. Dhondiba was a Chambhar, who owned an irrigated plot cultivated with sugar cane right under the nose of the powerful Maratha household. Apparently, the Kedars believed that their social prestige was lowered by the Dalit ownership of the plot in their midst. Getting rid of the Dalit from the plot would thus raise the social prestige of the Kedar household.

When efforts to persuade Dhondiba to sell the plot failed, encroachment began. From the beginning of 2011, the Kedars began to drive tractors and tempos through Dhondiba's plot to travel to their dairy farm and jaggery-making unit. The objective, according to the Raut household, was constantly to harass them to the point of forcing them to sell the land to the Kedars and move out.

After tolerating the encroachment for a few days, Dhondiba's son, Bharat Raut, confronted some of the Kedars and asked them to stop driving through their plot. However, Bharat was greeted with a flurry of abuse, including the use of caste names. The caste dimension of the encroachment now came out into the open. According to Bharat, some of the abusive language went like this:

“हे चाम्भारड्या, तुम्हाला शेताची काय गरज आहे? खेटर शिवून खाणारी जात तुमची” (You Chambhar, what business do you have in farming? Your caste is to work with animal skin).

“हे चाम्भारड्या, मस्ती चढली आहे का तुला? तुम्ही चांभार हे शेत कसे कसता आम्ही पाहून घेऊ” (You Chambhars appear to be enjoying [cultivation]. We will see how you Chambhars cultivate this land).

Bharat says he was afraid to approach the police at this stage. The encroachment continued on a regular basis after this incident. A few days later, while the Kedars were driving through the plot, they ran the tractor over the irrigation pipeline on the eastern side of Kondiba Raut's plot. The pipeline was destroyed. Kondiba confronted the Kedars over this action. The reaction from members of the dominant household, according to a police complaint filed by Kondiba, was to hurl abuse at him with caste names and severely assault him with wooden sticks.

Deciding that enough was enough, Kondiba and Bharat approached the Bembili police station to file a complaint under The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989 (henceforth, Atrocities Act). In the beginning, the Head Constable at the police station (the exact date is not available) refused even to accept the complaint from Kondiba and Bharat. However, forced by Bharat's insistence, the police accepted their complaint on a piece of paper. Kondiba's statement was recorded and he was asked to leave. Bharat insisted on filing the case under the Atrocities Act. But the Head Constable at the police station refused and told him: “All that cannot be done. You do not know what the Atrocities Act is. This incident does not fall under its purview.”

The next day, Bharat went to the police station and demanded to be shown the statements recorded the previous day. The demand was first refused, but eventually he was given a duplicate copy of the FIR. To his surprise, Bharat found that Kondiba's statement was recorded incompletely: only the instance of physical attack was recorded, and there was no mention of the verbal abuse using caste names. Evidently, the statement was recorded in such a way that no complaint could be filed under the Atrocities Act. Kondiba's complaint was being considered a non-cognizable offence.

For more than two weeks after the attack, no action was taken on the complaint filed by Bharat. No arrests were made, and there was no questioning of the Kedars. On the 29th of January 2011, Dhondiba's younger son, Karan Raut, approached the police station to press for lodging the complaint under the Atrocities Act. Karan was also told that no case under the Atrocities Act could be registered against the Kedars for several reasons. First, he was told, land encroachment issues did not fall under the purview of the Atrocities Act: “this is a civil case, we cannot register the case as a criminal offence.” Secondly, special permission was required from the Superintendent of Police (SP) of the district to file such a case. Thirdly, a person from the caste of the accused persons (that is, a person from the Maratha caste) was to present himself as a witness for such a case to be filed under the Atrocities Act.

The absence of police actions further encouraged the Kedar household to proceed with aggressive encroachment. On the 18th of January 2011, according to a complaint filed by Bharat Raut at the Bembili police station, four brothers of the Kedar household reached Dhondiba's plot with a bulldozer, they first leveled the bund on the eastern side of Block Number 133. After leveling the bund, they encroached about 10 feet into Dhondiba's plot and cleared the land for a road on its western side. The levelling ended once the encroached pathway reached Kedar household's jaggery-making unit. During the encroachment, the Kedars broke Dhondiba's irrigation pipeline and threw it away to one side. A tree that stood on the bund was also felled.

That very night, Bharat went to the Kedars to question their latest act of violent and lawless encroachment. However, according to Bharat, he was again abused with caste names and threatened with dire consequences if he resisted further.

Faced with encroachment and regular threats to life, Dhondiba and Bharat approached the court of the Taluk Judicial Magistrate (First Class) for justice. The court, on March 10, 2011, stayed the encroachment and restrained the Kedar household from using the newly built pathway. Dhondiba Raut was to collect the official stay order after two days.

Confident of their rights over the plot, Hirabai and Bharat went to work on the land on the morning of March 11, 2011. What greeted them was a shower of abuse and a violent physical attack. Angry over Dhondiba's victory in the court of the Taluk Judicial Magistrate (First Class), members of the Kedar household came in with wooden poles and began to hit Hirabai and Bharat. Hirabai was hit on the back of her head, leaving her bleeding. Bharat was beaten up by more than one person for over 10 minutes, and suffered a fracture of his left arm and bruises all over his body.

Throughout the physical attack, the Kedars also abused Hirabai and Bharat severely, using caste names. For instance, Bharat was told through the attack: "हे चाम्भारड्या, असले स्टे मी बांधून हिंडतो" ("You Chambhar, we wear such stay orders like a garland and roam around").

Bleeding profusely, Hirabai and Bharat rushed to the Bembili police station to file a complaint. However, the Assistant Police Inspector refused to accept a formal complaint against the Kedar household. Instead, they asked Hirabai and Bharat to go to the hospital and get treated. Bharat had no choice but to agree, as his mother was bleeding. They went to the Primary Health Centre at Bembili village, from where they were referred to the Civil Hospital, Osmanabad. At the Civil Hospital, they were admitted the same day.

The next day Bharat got himself discharged, went to the court of the Taluk Judicial Magistrate (First Class), and obtained an official copy of the order staying the encroachment. Armed with a copy of the court order, Bharat approached the Bembili police station once again. Once again, the police

refused to consider Bharat's complaint under the Atrocities Act. Just as Kondiba was told in January 2011, Bharat was informed that the attack on him did not come under the purview of the Atrocities Act. His complaint too was being treated as a normal case of alleged assault.

The attack on Hirabai and Bharat was not without witnesses. Razak Pathan, a middle peasant who owned a plot of land close to Dhondiba's, was a witness to the attack on Hirabai and Bharat on March 11th. Razak Pathan's name was specifically cited in Bharat's police complaint at a witness, and he personally appeared at the police station to give a statement against the Kedars. Razak Pathan's son, Imran Pathan, was the police patil of Takwiki village. Yet the Pathan family faced a severe backlash from the Kedar household. According to Imran, his father was first asked by the Kedars to withdraw the statement given to the police: "Why are you interfering in favour of the Chambhars?" Razak Pathan was asked. Imran told us in an interview that his family decided to stick to their statement because "If it is the Rauts today, tomorrow it may be us. So we have to unitedly move against this big landlord. Otherwise, he will eat us all one day."

When Razak Pathan refused to withdraw his statement, it was his family's turn to face harassment. First, according to Imran, the Kedars arranged to send a complaint to the District Collector demanding the removal of Imran as the police patil. When Imran came to know of the complaint, he approached every village person whose signature appeared in the complaint. All of them denied having ever signed such a complaint; it turned out that the complaint contained forged signatures. But that was not all. The approach to Razak Pathan's plot of land passed through the bunds of a few plots owned by the Kedar household. Razak Pathan used to take a tractor and other implements to his field through this rather wide bund. Soon after the incident, the Kedars closed down this path by fencing it off. The Pathans had to travel to their field by taking another road, which meant a detour of about one km. "What to do?" Imran said dejectedly when we spoke to him.

With the matter reaching a dead end, Karan Raut decided to take external help. He brought the matter to the notice of a few leaders of the All-India Kisan Sabha in Solapur and a leading journalist based in Mumbai. The journalist spoke personally to the District Collector, who promised swift action on the case. Karan sent a direct complaint to the Collector by email, of which we have a copy. Based on the email, the Collector, a Dalit himself, instructed the Superintendent of Police of the district to file a case under the Atrocities Act. On the Superintendent's orders, a case was finally filed under the Atrocities Act at the Bembili police station. A Deputy Superintendent of Police visited the village and the encroached land, as per the requirements, and took the statements of all concerned. Further, two officials from the State Social Welfare department visited Dhondiba's house and recorded their statements.

Just as it appeared that some positive action was forthcoming, the Assistant Police Inspector and the Head Constable at the local police

station began to intervene again in favour of the Kedars. According to a complaint letter written by Karan to the District Collector, The day after the visit of the Deputy Superintendent to the village,...my brother and mother were called to the Police Station. At the Police Station, a constable, in the absence of an officer, tried to record a statement of my mother that suggested that we would appeal in the court, though in the meantime would allow the Kedar family to use the road illegally constructed across our field. We refused to sign the statement.”

Even after the visit of the Deputy Superintendent and the government officials to the village, no arrests were made. Dhondiba Raut’s family sent another complaint to the Collector, and managed to get the supporting journalist to speak to the Collector once again. Finally, on repeated orders from the Collector and the Superintendent of Police, an arrest warrant was issued in the names of the four accused members of the Kedar household. Now facing heat, the four accused members of the Kedar household absconded. After about 20 days in hiding, they appeared in the court of the Taluk Judicial Magistrate (First Class) to surrender, but the police recorded their arrest before they could surrender. The accused remained in custody for about 18 days. After 18 days in custody, the court granted them bail. At the time of writing this note, the arrested members of the Kedar family were in Takwiki village itself. No further action was taken from the side of the police, and it appeared that the case would drag on. There has been no further hearing in the case.

But if anyone thought that the arrests would restrain the Kedars from harassing the Raut family any further, they were mistaken. According to Bharat, there was no end to the harassment even after the arrests. In fact, the acts of distressing oppression extended from farm to home, and were continuing at the time of writing this note.

First, according to Bharat, there were continuing efforts to harass him on the farm by trying to divert surplus water into his field. Topographically, the fields of the Kedar household were at an elevation from where excess water drained down through a canal by the side of Dhondiba’s fields. After the arrests, the Kedars had reduced the height of the bund that separated the plots of the Kedars and the Rauts. As a result, excess water, instead of flowing into the canal by the side, spilled over the bund and flowed into the plots owned by the Rauts. According to Bharat, this presented a constant threat to their standing crop of sugar cane.

Secondly, going by informally laid-out village rules, all plots of land lying within the boundaries of one village should be reachable by a pathway that originates from the same village. According to Bharat, there was constant tension in the field after this act by the Kedars.

The Rauts were also subjected to new forms of harassment inside the village residential area. Bharat alleged that a tough, with criminal antecedents, had been contracted to harass his family inside the village. Widely known and feared for his thuggish acts, including his alleged recent involvement in a case of burning the house of a Pardhi

household, this man, who had no locus standi in the matter, had begun to threaten Dhondiba and Bharat and ask them to vacate the concerned plot to the Kedars.

The threats aside, according to Bharat, the tough was harassing the Raut family in less direct ways. First, there was a common village plot that the Raut family has used for many years as a dumping ground for garbage. However, according to Bharat, the tough had recently fenced off that land for himself, and prevented the Rauts from dropping garbage there. Secondly, there was a well in a vacant and commonly held plot that the Rauts used to draw water. More recently, according to Bharat, the tough had fenced off that plot of land too, claiming he had leased it in from the government.

The nature and pattern of these acts led the Raut household to conclude that the tough was unleashed on them by some members of the Kedar household. According to Bharat, a member of the Kedar household had told him, in a recent threatening conversation, that “10 एक्कर जमीन गेली तरी हरकत नाही, पण तुला जीवंत सोडणार नाही” (“even if we lose 10 acres of land, it does not matter; we will not leave you till you die”). Bharat and other villagers have reasonably interpreted this threat as implying an instruction to the tough not to worry about the consequences of physically harming Dhondiba or Bharat, and that they were ready to spend an equivalent of the value of 10 acres of land (about Rs 30-40 lakhs) on the cases that might follow.

9.11 OTHER CASES OF ATROCITIES

In July 2020, a Dalit man was allegedly stripped and beaten up in Karnataka's Vijayapura district – located near capital Bengaluru -for touching an upper-caste man's motorbike.

In October, 2020 a 22-year-old Dalit woman was gang-raped on gunpoint by two men, including a former village head in Uttar Pradesh. According to the report, the two barged into her house and raped her, taking turns at it, at gunpoint.

In November, two Dalit brothers were beaten up, and their house was set on fire by a group of 15 men in Madhya Pradesh's Datia district, for objecting to withdraw a two-year old case against an upper-caste man. We will not get sufficient space to discuss the cases hereinafter.

9.12 SUMMARY

The number cases cited above are the representative in nature that in all over India the Dalits are facing the harassment by the so-called upper castes. They know that these Dalits are Hindus and Buddhists and are our own Bretherens as an Indians. Even though, they are constantly had to face such injustice at the hands of the people of their own. How can one expect that the foreigner will look after them? We have selected cases from Rajasthan, Tamilnadu, Gujarat, Karnataka, Uttar Pradesh, Madhya

Pradesh, Maharashtra and so on as they are not all the times reported to police stations. How can India will work towards Egalitarian society? Why not the solution to the Annihilation of Caste proposed by Dr. B. R. Ambedkar be followed by the government of India and the Indian society at large? It's the chain that has to be broken somewhere and start from new by sacrificing the emotional religious feelings. Are we going to look into within that who are there in Indian society that wanted to perpetuate the caste system by which they can be benefitted forever? Therefore, it is the duty of every Indian citizen to work towards the egalitarian society.

9.13 QUESTIONS

1. Examine the caste atrocities in Maharashtra with special reference to Khairlanji Massacre.
2. Explain in detail the caste atrocities in Rajasthan.
3. Discuss the case studies of caste atrocities in Gujarat.

9.14 REFERENCES

- https://en.wikipedia.org/wiki/Karamchedu_massacre
- INDIAUpdateCollective
- Times of India, December, 9, 2020
- The New Indian Express, 10th December, 2020
- May, 07,2019, NDTV
- India.com, 5th June, 2019
- Dr. Wagh Sandesh, A study of Atrocities against Scheduled Caste and Scheduled Tribes in Maharashtra, Indian Council of Social Science Research.
- Ghurye G.S., Caste and Race in India, Popular Prakashan, Mumbai, 1996.

LABOUR IN ORGANIZED AND UNORGANIZED SECTOR

Unit Structure

- 10.0 Objective
- 10.1 Introduction
- 10.2 What is labour?
- 10.3 Organized sectors Vs. Unorganized sectors in Market/Employment
- 10.4 Labours in Organized Sectors
- 10.5 Some Organized Sectors of India
- 10.6 Labours in Unorganized Sectors
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10.0 OBJECTIVES

- To overview the labour market
- To know the condition of labour in organized sectors
- To understand socio economic condition of the labour of unorganized sectors
- To understand the condition of labours in major organized and unorganized sectors

10.1 INTRODUCTION

In the world of industrialization, globalization, and commercialization the term 'resources' has been applied to denote to all the powers that, run the economy. We have been come across with natural resources, capital resources, energy resources and so on. In this series of resources, a unique resource perpetuates and remain omnipresent with all the resources. In fact, all the resources may become meaningless without it. The economy of any country is dependent on it. This is what we called – Human resource or labour of any kind.

The labour is the most indispensable resource in any sector and at the same time it is the most complicated resources to manage. Because it is influential, emotional, heterogeneous, perishable than any other resources, and rational in nature. Due to too many complicacies in labour resource, this area has been widely researched for seeking the substitute and enhancing the capacity building.

The use of machines, human intelligence, robotic engineering, training program, capacity building courses are some of the good examples of making the labour resources more error proof and efficient. In recent years due to globalization, the labour resources are under immense pressure because a gap between the supply of desired labour and demand. However, there are certain very specific features of labour resources that lead to a hopeful situation. Like, the productivity of labour can increase, mobility of labour and, multifarious work nature etc.

A labour can be understood in terms of an intangible aspect of human being that come to be known as physical effort, skill, intellectual power, expertise, mental, and physical capacity. All together these intangible features are important in the production system. In subject discipline the concept of labour can be understood in two ways: first is its applied form, which is deeply studied in Economics and second is the social form that talks about rights, welfare, goodness of labour, and behaviour pattern. In the broad categorization of labour i.e., organized sector and unorganized sector the study mainly focuses on the social aspect of labour resources. It is to be noted that organized and unorganized sectors of labour are the two opposite faces of labour resource. Therefore, it is desirable to understand, both the components of labour from socio-economic and political angles.

10.2 WHAT IS LABOUR?

In the introduction it is mentioned that labour is the intangible aspect of human being. It is any type of mental and physical exertion, performed, for the sake of various kind of production and services. In economics the labour is define in terms of money that it says it is the human capacity that can be performed either physically or mentally and sometimes both ways, for the purpose of providing services or for producing goods for earning. Thus, in economics, there comes three components: physical or mental efforts, for the sole purpose of wealth production through services or goods and for the labour itself that helps in the process of wealth production.

In precise way a labour contains two main characteristics:

1. labour implies an effort performed for the reward of something. And if there is no earning out of physical or mental performance then in economics it cannot be treated as labour. For example, a nurse takes care of patient in hospital, her service is a labour but if she looks after her sick child at home that is not count as a labour. Therefore, for making any physical and mental effort in the status of labour compulsorily needed the involvement of earning.
2. Labour solely aims to generate wealth that's something having a monetary exchange value. Here it should be noted that, the reward of labour is the objective aspect of labour that should be equal to the amount of fulfilment of work.

For understanding the term 'labour', it is desirable to go through the salient characteristics of labour:

1. It cannot be stored:

The labour is the result of human effort that is intangible in nature that's why once it is not used it simply waste. It can't be stored and easily moveable.

2. It is inseparable from the labourer:

Human is the source of labour, but he does not sell himself but his labour. However, he must be present at the workplace for selling his labour. As a human the labour force within him, is influenced by many factors like, education, health condition, economic condition, climate, culture (moral, ethics, belief system etc.). all these factors are called conditional efficiency of the labour that can be improved.

3. It is a unique innate of human being:

Since labour is the possession of labourer and we cannot treat labour the way we treat other resources of production. Because labour and labourer are inseparable. Thus, ultimately the whole treatment falls on labourer. For better work outcome, it is very necessary to provide good working condition, wage, fair behaviour with the labourer.

4. It is diverse in nature:

The nature or feature of labour is depended on the labourer. Since labourers belong to different geographical area, culture and society. Further the education, health, mentalities, skills, also varies from person to person so are the labour.

5. It is available at most insecure condition:

This is one of the most relevant features of labour so far, the social aspect of the labourer is concerned. Since, the demerit in labour is its non-storability, at the same time labour is a means of earning livelihood. So labour is the means of production and the end goal of production, as a consumer. At this backdrop, a very vital question comes that is related with the bargaining power of labour. It is seen that, in most of the cases, the labour supply is done at unreasonable wage. This feature of labour indicates towards the insecure condition of labour. Whereas the trade union/labour union are the unit of collective bargain that tries to impose the demand on the employer.

6. Supply of labour cannot grow instantly:

The strength of labour is dependent of the population that cannot increase at once. Therefore, the supply of the labour is conditioned at the increase in population.

7. It is the most indispensable resource for production:

Labour in Organized and
Unorganized Sector

The two most compulsory resources of production are nature and labour. For any production, labour is the compulsory resource without which production is not possible.

10.3 ORGANIZED SECTORS VS. UNORGANIZED SECTORS IN LABOUR MARKET/EMPLOYMENT

The labour market run by two main sectors i.e., organized sector and unorganized sector. Labour market is something that pertains to the demand and supply of the work force. It is a huge and most complex area in economics. Further it is closely related with the social issues. Before going to discuss the social aspects of labour in the organized and unorganized sectors it is desirable to understand how a labour market functions, and difference between organized sector and unorganized sector.

In today's world when globalization and development of capitalism have put an ever-increasing portion of the world population in the role of job seekers at some point in their lifetime. Therefore, in social prospective, the labour issues are quite imminent and has proximity with the labour economy. The demand and supply are the two determining force that, regulates labour power in the market. The demand for labour like the demand for any other factors of production (capital, raw materials, fuel etc.), cannot be treated in same manner. Because labour is the derived demand that the producer get in the form of labourer's physical and mental effort. Whereas the supply of labour is comprising of the individual or households of different age group, sex, skills, motivation who offer their labour at some price.

In between the two regulating factors i.e., demand and supply of the labour, one vital concern arises that is related with the social issues of labour power. In fact, the social issue is related with the purchase power of the producer, for labour supply, which depends on two aspects

1. The contribution of the physical output (labour)
2. Out of physical output, how much revenue it generates in the production. Thus, the wage, working culture, safety issues, are fixed by the amount of revenue generated through the physical output.

It is seen that the labour due to poor bargaining power don't demand much for their efforts.

In social ground the labour is the subject of welfare because it is related with the labourer. It is the prime duty of the government to ensure the right, welfare and safety of the labourer. Therefore, Government makes laws, policies and schemes to protect the right of the labourer. However, it is not possible to bring each labourer under the Government's protection coverage. Due to this reason, the labour market is divided into two sectors

i.e., organized sector and unorganized sector. Let's see what unorganized and organized sectors in labour market are.

The organized sectors are those sectors which are regulated by the Government's labour norms, laws and who are provided with guaranteed, secure and regular employment. The organized sectors comprised of those institutions, establishments and enterprises that are governed by certain rule and regulation. These rules and regulations are certainly formulated by Government bodies. Broadly the organized sectors are divided into:

1. Public sector- that encompasses occupation and service sectors run under central Government, State government and local government.
2. Private sectors which are abide by the Government rules and regulation of CSWI 1974.

Whereas the unorganized sectors comprise small groups, which are scattered and less noticeable. They are not regulated under the government control in relation to their employees. The jobs are insecure, and low paid. The main differences between the organized and unorganized sectors are given below

Organized Sectors:

1. It comprises enterprises, companies, government undertaking, where the employments are secured and regular.
2. The sector runs under the government rules and regulations. These rules and regulations are subject to secure the right of the employees.
3. The employees in organized sectors are having fixed working hours and they get extra money, incentives, bonus for their overtime work and good performance.
4. The employees also get social security's like pension, medical facilities, paid leave, compassionate jobs etc.
5. There is the provision for fixed salary for different kinds of jobs.

Unorganized Sectors:

1. It comprises small units of production, where the employments are not secured and regular.
2. They are regulated outside the government control.
3. The employees work in unfixed working hours and do not get extra salary for overtime.
4. The employees are not entitled for social security benefits.
5. There is no fixed salary for the job. There is no provision for the promotion.

Check your progress:

1. How does the labour issues are related with the social affairs?

2. What are the differences between organized and unorganized sectors in labour market?

10.4 LABOUR IN ORGANIZED SECTORS

In recent years the labour market operates in different condition. Take the example of covid situation in which the whole work force has shown radical change. So are the ways in which markets are organized and regulated by the Government. For example, the pension schemes, nature of work that is shifting to contractual jobs rather than regular jobs. In Indian context, increase in population, surge in unproductive liabilities due to facilitating social security like pension etc. has influenced the Government to take drastic action towards labour market in order to ensure labour rights. We can also see that how the globalization, and industrialization have precluded immense opportunities in the private sectors.

At this background, the government labour policies and laws for controlling the private sector in the matter of its employees is quite challenging. In present context, the labour in organized sectors can be understood in two ways:

1. Government's planning for formal economy:

Government rules and regulations works at the base in organized sector. As it is already mentioned that Government controls the organized sectors. However, a basic change has been noticed, in the execution of Government's planning for organized sectors, Like, increase in contractual services, decline in patron- client labour relation, pension reforms, privatization of Government undertakings etc. These are some of the examples of Government's crucial decisions, which has been taken up, to strengthen the formal economy. The increased competition between the government sectors and private sectors for better performance has created immense pressure on Government. It simply means that, there is a radical shift in Government planning to ensure better productivity with less burden of unproductive liabilities. Further, increase in population,

government social liabilities like education, health, are also influencing the recent change in the planning of informal economy.

2. Government's role in informal economy:

The predominance of the informal economy that awfully restructuring due to growing commercialization in urban and rural economy, increasing petty businesses, establishment of small-scale industries, globalization, increase in E-commerce have opened unlimited areas for the informal economy. At the same time, it has put tough challenge before Government to ensure the benefits of the labourers. In response to that, government has changed its policies to that of inclusive and sustainable development strategies. But that is not enough, and government must take fundamentally major decisions to build a strong, forceful controlling base to establish a firm formal economy country wide.

In recent years the government's responsibility has increased a lot to establish formal economic environment in both the sectors. The challenges are going to be furthermore in coming years because predominance of informal economy will grow in rapid rate. So, we must prepare and ready to accept drastic changes, going to happen in the Government's planning.

10.5 SOME ORGANIZED SECTORS OF INDIA

The organized sector of India can be divided into two categories

1. The public sector and
2. Private sector.

However, in comparison to the unorganized sector the organized sector of India is not that much diverse and complex. In recent year, Government's policies in organized sectors have changes. Government has not only winded up the area of organized sectors, but also introduce new policies like more strict recruitment rules, pension schemes, expansion of the benefit of the reservation, etc. In view of the changing steps taken by the Government it is essential to look at some of the important organized sectors of India, for better understanding of the work culture and government's role in the organized sectors.

1. Women's contribution in organized sectors:

It is desirable to discuss women's part in organized sector. Before detail discussion it is worthy to mention that how the organized sector is giving extra care to the women employee. Although, male and female employees in any organized sectors are not discriminated at the ground of sex so they are treated equally in recruitment, promotion, salary etc. But there are some provisions for the female employees that have been executed due to their special placemat workplace. The Maternity leave for six months, provision for childcare leave, creches etc. Laws are enacted like the Sexual harassment of Women at Workplace (Prevention, prohibition and

Redressal), Act 2013 for ensuring a healthy and secured working environment for women staffs.

As of now, Women's participation in all the organized sectors have been growing continuously over a decade. In some of the sectors they are the most preferred employees like education, nursing, banking, hospitality, manufacturing, community, personal and social services etc.

Although, Government has taken exclusive steps for providing comfortable working environment for the women, yet it failed in some areas like:

1. Unequal salary
2. Lack of training, skill development program for the women
3. Lack of facilities for the women, like creches, common room.
4. Sexual harassment
5. Lack of awareness about the laws and regulation related to women.
6. Job insecurity.

2. Employment in Organized Sectors:

For some years the employment in organized sectors is gradually declining. It is seen that the employment in public sectors is lesser in number than in the private sectors. The public sectors comprise of all sectors that is controlled either by the state government or central government. Thus, the public sectors comprise of four different parts i.e., the state government, the central government, quasi government and local bodies. Whereas the private sectors encompass all the legally entitled industries, firms and companies which are duly follow the rules and regulation, enacted by the Government. Further, they take responsibility of welfare, safety and benefits of their workers under the strong hold of labour union. The labour union play vital role in collective bargain and building up a cordial environment and confidence among the workers. In fact, the employment in organized sectors goes parallelly with the private sectors and public sectors. And the public sector is more preferred than the private sector, yet the private sectors are more promising to the job seekers than the public sectors.

In nutshell the overall employment generation in organised sectors is very poor. The poor performance of the organized sectors can be understood by looking at the contribution of this sectors in GDP, social change, job trend among youth.

Regretfully, the organized sectors could not meet the aspirations of the unemployed people of the country. Even the development policies of the Government never took the organized sectors very seriously. Instead of making effective policies for the organized sector, the government is influenced by the outer factors like privatization, globalization, and

commercialization. Consequently, within the organized sectors, some elements of unorganized sectors are slowing penetrating.

10.6 LABOUR IN UNORGANIZED SECTORS

In recent years we have been seeing that how decline in the government patronaged labour market (privatization of the government sectors), increase in the commercialization in rural economy, increase in the small-scale industries, private companies, increase in monetization, and negative employment elasticity in organized sector, altogether, led to a progressive casualization of labour force. Even in the private sector there is too much competition, along with increase in market opportunities, but at the same time limited resources have resulted into informal economy.

Thus, the ground reasons for the expansion of the unorganized area have incorporated a long list of sectors like, home-based workers, unincorporated private enterprises, self-employed workers, waged workers, it also includes the labourers, working on organized sectors but are not coming under the effects of labour laws like payment of Gratuity Act, 1972, Maternity Benefit Act 1961, Employees Compensation Act, 1923, Employees Provident Funds and Miscellaneous Provision Act, 1952.

Even though it has a wide coverage area in the labour market yet, it is treated as the most trivial resource in the economy. That's why it does not get proper attention from the public authorities. Ultimately such ignorance becomes the reason of socio-economic problems of the mass. It should always be taken into consideration that the unorganized sector generates a large size of employment and take part in a big proportion of the total Net Domestic product (NDP) in Indian economy.

The unorganized sector really needs proper concern because:

1. The socio-economic condition of the workers of unorganized sector is not good. They are deprived of social security benefits, basic employment benefits (medical leave, fixed working hours, promotion etc.), with uncertain and low wage.
2. The unorganized sectors are witnessing the casualization of workforce and it is increasing in rapid rate. The term casualization means the workers are hired in a casual way in which their working hours, wages, leave are uncertain.
3. Women's contributions are more than the male in the unorganized sectors. The children are also engaged in unorganized sector.
4. The greater share of workers in India are working in unorganized sectors. And they play important role in the Indian economy.
5. For better social and economic condition of the country it is necessary to frame protective policies for the worker of unorganized sector.

6. It is also seen that over a period the condition of the workers gets deteriorated due to, long working hours, unhealthy working environment, poverty and indebtedness.
7. Majority of the scheduled tribes, scheduled caste, and backward class workers are engaged in the unorganized sector. The workers of these classes also face social discrimination.

10.7 SOME UNORGANIZED SECTORS OF INDIA

Based on number of worker's engagement in various industries, the important unorganized sectors are- agriculture, mining, manufacturing, construction, wholesale and retail trade. Some of the sectors like household workers, hotel and restaurant, construction and agriculture are important from the social point of view because in these sectors female contribution are more than the male. Not only that the children are also engaged in these sectors. The unorganized sectors are too much growing due to demand of the work force in the small industries, firms, enterprises etc. due to commercialization and globalization. Government is also concern about the protection of unorganized workers. Since this sector cover a huge area that's why on 26th August 2021 'eSharam' has been launched, for the registration of the unorganized workers across the country for developing the National Database of the country. This Database will be helpful for delivering welfare program to the workers of unorganized sectors. The Aam Admi BeemaYojna is implemented by the Government of India to provide social security to the unorganized workers. The senior citizens of the unorganized sectors are entitled for Pradhan Mantri Shram Yogi MaanDhaanYojna, MGNREGA, Swarn Jayanti Shahri Rozgar Yojna, Atal pension Yojna. However, the helping amount is miniscule, but will give long reaching result. Here are some of the sectors under unorganized sector that, are important to discuss for deeper understanding of the condition of work force.

1. Women and child workers in unorganized sector:

There are many noticeable areas like mining, agriculture, construction, petty business houses where bulk of workforce are required and that too at least wages. In these areas the employers try to hire women and children because they are negotiable at low wage, easily controllable and these areas do not require skilled workers. Profit making is another interest of the employers where they give less wage to the women and children than to the men for the same work. Even the urbanization pushes the women and children into unorganized sectors. The women and girls work as domestic helper in township, the boys work in hotels, garage, small firms and industries, brick kilning etc.

2. Unorganized Manufacturing Industries:

The wave of industrialization has hit to India long back. With few industries reserved for the public sector, a long list of industries has opened in unorganized sector. In India the regional manufacturing

industries are concentrated in few states like, Maharashtra, Delhi, Gujarat, Tamil Nadu and West Bengal. Secondly, these manufacturing industries require enough work force. Thus, imbalanced regional growth of manufacturing industries and bulk need of work force create a viscous network of unorganized sector that pull the mass labour force at certain geographical area. Due to globalization and commercialization the manufacturing industries are showing variation in quantity and types. Therefore, there are more than two manufacturing units are established for one item and that too at same state. As a result, labour migration is the major concern in manufacturing sector. Secondly people migrate from rural areas and live at the mercy of the employers. Their vulnerability further exposed because they belong to poor economic states and show poor bargaining status both. Child labour in these manufacturing units is not exceptional.

3. Agriculture:

India is an agriculturist country. More than half of the population of the country is living in the villages where the chief livelihood is agriculture. The area of agriculture needs enough labour. Some of the states like Panjab, Hariyana, Uttar Pradesh hire labourers from states like Jharkhand, Bihar, Orissa, etc. because the requirements of worker do not fulfil locally. This is the most unchecked informal sectors of India because the migrant labourers go with their family and the whole family including children work as a labour. They work day and night and get the final payment when the work finishes. So, they work on contract.

Check your progress:

1. Why do social and economic protection in needed in unorganized sectors?

10.8 SUMMARY

The organized and unorganized sectors are the two main poles of labour market. On one hand the organized sector gives security, safety, good salary and ensures labour rights of their employees. Whereas the unorganized sectors earn the profits at the coast of exploitation of their labour. They are treated as a commodity. Due to globalization, privatization, commercialization the areas of organized sectors are reducing and at double speed the areas of unorganized sectors are expanding. This unequal growth of both the sectors are disturbing the economic growth of the country as well as disturbing the social harmony. We cannot stop the wave of globalization and privatization but through strict regulations and welfare planning's the government can mitigate the harmful effects of unorganized sectors.

10.9 QUESTIONS

1. What steps a Government can take to check the freewill activities of informal sectors?
2. Describe the factors of the prevalence of informal sectors despite having uncertainties, and unprotected working conditions?
3. Why do the organized sectors are preferred in labour market?
4. Why the agriculture sector could not be overcome from the periphery of unorganized labour market condition?

10.10 REFERENCES

- K. Pushpangadan, V.N. Balasubramanyam, Growth, Development and Diversity: India's Record Since Liberalization, OUP, New Delhi, 2012
- Mark Holmstrom, Industry and Inequality: Social Anthropology of India Labour, Oriental Longman, New Delhi, 1985
- Arjun K Sengupta, Report on Conditions of Work and promotion of Livelihoods in the Unorganized Sectors, Academic Foundation, New Delhi, 2008
- Dipak Majumdar and Sandip Sarkar, Globalization, Labour Market and Inequality in India, Routledge Publication, 2000
- Shujit Uchikawa, Labour Market and Institution in India: 1990s and Beyond, Manohar Press, New Delhi, 2003.

ISSUES OF WOMAN AND CHILD LABOUR

Unit Structure

- 11.0 Objectives
- 11.1 Introduction
- 11.2 Women at Work in Twentieth and Twenty First Century
- 11.3 Women in Urban Labour Market
- 11.4 Women in Rural Labour Market
- 11.5 Women Labour Issues and Remedial Measures
- 11.6 Child Labour and Informal Sector
- 11.7 Child Labour, Some Issues and Remedies
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- 11.10 References

11.0 OBJECTIVES

- To Overview of the working condition of vulnerable and minor section of the society.
- To know the contribution of women in the labour market.
- To understand child labour.
- To understanding the working condition of women and child in labour market.

11.1 INTRODUCTION

The women and child are the two very vulnerable section of the society. On one hand the women are the social and cultural base of domestic affairs, on the other hand a child has a minority position in the family. Both the sections of the society hold sensitive place in any social structure. That's why they are more exposed to outer world and needed extra care and protection. Due to male dominant society the women around the world, easily get exploited. In very worse situation women don't feel safe even at their homes. The same is in the case with children because they are physically and mentally too young to understand the dark realities of outer world and an easy prey in the hands of exploitative people. Owing to minor position at their abode, they face psychological issues, physical violence etc. For maintaining the positive environment of the society, the position of the women and children must ensure in safe and respectful manner. It is also necessary for the development of a country to make a society as a high valued civilized society.

At this background, the data reveal by the UNICEF regarding the position of children in India is quite alarming. The data says, over half the children in India are victim of abuse. Leave the puzzling figures of data for a minute and look at the surrounding that is horrendous so far the children are concern because one must have noticed exploited and unsafe children (in respect of their health, education, nutrition, shelter, and emotional development) at home, school, park, railway station, hotels, garage, footpath, slum areas, road signals etc. The most concerned issue of children today is related with their treatment as a labour. Due to urbanization and commercialization, they are forced by their family member as a labour where they live at greater risk of human right violation.

The women also face similar problems. Even after so many efforts for women empowerment, the women are still in the devalued position in the society. This bitter reality is easily noticeable through newspaper headlines, domestic violence, sexual and physical harassment, sexual harassment at workplace, identity-based gender violence etc. Similarly, there is a general perception about a women that the condition of the unemployed women is awful because they are dependent on their male relatives for protection and support. Whereas the position of the working women is better. But it is half-truth because employment is not the only cure for the problem of the women because the condition of the working women is worse because they face many gender relation problems at workplace and at home too.

11.2 WOMEN IN THE ROLE OF LABOUR IN TWEINTH CENTURY AND THWEINTY FIRST CENTURY

After the independence, India had undergone fundamental structural alternations, which targeted at being liberated from decades of colonial despotism. The need to speed up country economic growth at the level of developed world, emphasised on appropriate macroeconomic policies, and institutions for the promotion of eminent sectors, that would enable overall growth of the economy. At the background of decolonization, India had come up with twofold economic structure- first, a backward and traditional agriculture-based subsistence economy and second, industrial based economy.

In comparison to economic growth the women contribution was trifling and remain below the actual strength. it was the time when India had to resolve problem of many important things that a country require for its development like economy, education, living standard, defence etc. in such situation woman's role was limited to household affairs only. Woman's role was seen as a mother and wife who should perform domestic duties. And if situation permits then she could play the role of unskilled and low paid labour. During twentieth century the woman was prevented from fundamental rights like education, equality, etc. Apart from that, the society was facing social evils of child marriage, gender

discrimination, sati system, gender-based violence. The country has experienced woman's role in the economy especially in the mid-seventies that too in the selective sectors like health care industries, education, agriculture, manufacturing industries, construction, government jobs. Entry of the woman in the labour market has initiated without any renegotiation with the domestic role. So, they were fully responsible for most of the household works. The dual role of the women has constrained the time and energy and discouraged them to be the part of active labour market. However, they could perform the new role very successfully. This has also become the reason of their backwardness and vulnerability in near future.

The Indian Government launched various programs to encourage women to participate in labour economy. In this regard the education in women play significant role. Despite government efforts, women's contribution in labour market could not give satisfactory result. Society's gender-based culture and perception are far more influential factors that supersede the external factors such as government promotional programs in the case of women's engagement in labour market. In fact, during twentieth century women's contribution in labour market was more related to the social issue than the gender issue.

The main features of the women labour in twentieth century are as follows:

1. Participation in the selective sectors only.
2. Very low participation
3. The slow rate of industrialization and absence of globalization, resulted into less participation
4. Women's participation in traditional economy is more than in non-traditional economy, like in agriculture, there was a customary acceptance by the society.
5. Unequal wages in the informal labour market

With the advent of twenty first century, the attitude towards woman's earning and their employment prospective have changed. It was due to two main reasons: - first, globalization, industrialization, commercialization, and structural economic reforms. Second overall changed perception of society towards women, education and need of women's contribution in family economy. The women's own choice for their future has tremendously changed. They go to higher education and professional courses with expectation of earning at the same time preference for marriage and family has become secondary. These changes in attitude and expectation are supported by other factors like, positive social environment, workplace protection, major government laws for working women etc.

In comparison to the twentieth century the gap in labour force between the women and the men have reduced. No doubt that women get jobs nearly equal to men, but it is also true that very few of them reached to higher position. Secondly, they are mostly engaged in unorganized sector because most of them are unskilled and untrained. Due to male dominant society, parents give preference to boys than to girls for jobs. It is seen that the enrolment number of the girls in schools and colleges have excessively increased but so far, the participation in work force is concerned it is very less. Because of two main reasons: -first, those sectors that could provide women centric jobs are less in number. Second, social norms that determines the role of a woman continues to affect the desirable outcome. In private organized sector, there is a clear-cut gap of employment between man and woman, no matter both show same experience, and background. Although, a good sign of progress appears, in the quality of works, that is increase in number from casual worker to salaried worker. This progress is because of education (basic and professional both) that shows self-confidence and self-reliance.

Here are some striking points of the women workforce in the twenty first century:

1. The number of women participations has increased.
2. The women participation rate is slow in comparison to increase in job opportunities
3. The family responsibility is important factor of slow rate of participation
4. Very few women succeed to get the top rank in the job.
5. The women labour force is mostly untrained and unskilled.
6. High-rate growth in literacy and professional knowledge increase the women participation in salaried employment, making them economically free.

11.3 WOMEN IN URBAN LABOUR MARKET

The gender gap in labour market is universal. The status of women participation in labour market in urban areas is quite diversified because different types of jobs are available in urban area. Based on nature of work, the women workforce in urban area can be divided into organized sector (public and private sectors), and unorganized sector, Full time, and part time, regular and irregular.

In urban areas, it is seen that women participation are more in the informal sector that too in a low income, and low productivity. This is because they are comparatively physically weak, less educated, and low skilled than the male. The social biasness against women and family and cultural restrictions are some reasons behind that. The second thing about the urban women workers are their participation in the big firm or big

manufacturing companies as a subcontractor. Working in lower position denies the minimum wages, job security etc. the large firms purposely recruit women to avoid the extra burden, that for minimising additional cost. Surprisingly most of the women obliged towards the employers because they have the responsibility to supplement the family earning and because they have no better option since they are unskilled. Quite often, women are the only earning member of their family.

Two trends are crucial to highlight in present context first, industrialization is the backbone of urban economy. second, urbanization emerged around huge migrant population that create viscous network of services, jobs, predominantly of informal economy. The women in this economic structure engaged in two distinguished strata first, casual worker in domestic services, retailing and manufacturing sectors, second, professional and skilled, employed and self employed like doctors, engineers, lawyers, teachers, IT experts, government servants.

11.4 WOMEN IN RURAL LABOUR MARKET

The rural economy of India has come under various changes, due to shifting from traditional sectors (agriculture) to the modern sectors (industrial). There are several factors that have brought changes in rural economy. For the past five six decades, the industrial and commercial based economy are engulfing the rural areas. No doubt, the commercialization of rural regions, globalization and industrialization play big role in shaping the rural economy. Keeping the major factors at the back of the analysis for deciphering the responsible reasons for changing paradigm of the rural economy, two things are important to note down.

1. Outer factors: The globalization, industrialization and commercialization that influence the rural economy. The surge in migration, urbanization is the result of outer factors.
2. Inner factors: increasing pressure in agriculture, expansion of market in rural area, rise in literacy, is some of the examples of inner factor.

Both these factors collectively cause structural changes in rural economy. For the past one decade it is noticed that the male member of the family does not want to stay at home and do their traditional work i.e., agriculture. The rate of migration of the males to urban areas, has created a women centric agriculture sector. Apparently, the women in rural labour market can be understood through agriculture because farming sector is the base of all the economic activities of rural economy. The women are mostly engaged in agriculture, and it has further increased because men are less keen towards agriculture. According to National Survey Sample Office (NSSO), there has been an increase of women in agriculture sector in 15 major states of India. The women in this sector engaged in all the works related to agriculture like unpaid family worker, casual worker, farmer. The impact of women's engagement in agriculture sector is affecting to their wellbeing. Agriculture is the poor and least productive sector of India. Not only that, the increase in wage in agriculture is very

low in compared to any other non-agriculture sector. Altogether, these factors give deep negative impact on the economic condition of rural women.

The change in economic activities also suggests that less women are engaged in the employment sector. The factors that are affecting the women's involvement in labour market are: education and feminization of agriculture. Most of the women in rural areas are illiterate and unskilled therefore they don't get job in service sector. The flip side of the women's condition in the market is that, educated women are less employed than the uneducated women since they don't want to work on low wage and agriculture sector. So, more poor who are less educated too, are more inclined towards labour market than the women from good income earner family. Because they could bargain for better salary due to their sound economic position. However, in rural areas, after the agriculture sector, the illiterate, less educated, poor and unskilled women give preference to construction sector due to higher wage than the agriculture sector. whereas, the literate and skilled women go to service sectors. One more tendency have been seen in the unskilled rural women that, in the off-peak months they tend to engage as a wage labourer to nearby towns and within village.

Overall, the women of rural labour market are more vulnerable towards low wage, and various kinds of exploitation. In this regard, MGNREGA program works like a life saver to the rural people specially to the rural women.

11.5 WOMEN LABOUR ISSUES AND REMEDIAL MEASURES

In current time the women employment challenges are tougher because of huge growth in industrialization and globalization, the unable the government body to control over labour market. The serious concern over the women labour is laying on the fact that, gender disparities both in nature of work and reward of work is continue. As it is already discussed that how women in labour market are discriminately taken. According to the report of Initiative for What Works Advance Women and Girls in the Economy (IWWAGE) gives an disturbing data which says that approximately 71% women in urban area and 58% women in rural area are casually involved in economy which simply means that they are engaged in work without written contract. Further, the case of salaried women is devastating because half of them do not get paid leave and any social security.

With all the above discussion, women labour issues can broadly be categories into twofold:

1. It is related with social issues
2. It is pertaining to economic issues.

For last few decades, India has overcome from the major women centric social problems. So far, the woman labour is concerned, rise in women literacy rate has brought multiple changes, like people's non-conventional perception towards women, increased women's opportunities in labour market, late marriage is acceptable. However, the problems from the economic sector like unequal salary, uncomfortable working place for women, lack of gender sensitization, lack of social security are persistently present in labour market. Thus, even though the society's attitude has changed a lot but the view of labour market towards women has remained the same. Therefore, although society is very positive on gender equality, but the economic atmosphere is not reciprocating at same wavelength. As a result, we see low rate of women participation in labour market, despite high rate of growth in industrialization and commercialization.

Let us, discuss on the economic and social loss caused owing to low rate of women participation in labour market. The role of a women in economic growth cannot be ignored because their presence in urban and rural economy is irreplaceable. Women participation in labour market is crucial because it gives economic freedom that is essential for women empowerment. Further, inclusive gender participation in labour market will fill the gap of unequal economic growth of man and woman. The policy maker must design a policy that would solve gender-based issue of labour market. Secondly, it is very necessary to give relaxation and flexibility in working hours or working days along with facilities at workplace. Such measures are helpful in raising the participation rate of women in labour market. Thirdly, Government shall strictly implement minimum wage policy in informal sector. Apart from that, Government shall also ensure minimum social security for their employee.

In recent years the Government of India has taken some initiative in view of providing social safety for the informal labourers. First, the mention of e-SHRAM, a government portal is important to note. It has initiated in the year 2019-2020, with an aim to know the number of workers working in informal sector. This portal will enable government machinery to understand the quantitative condition of informal sector of the labour market. 'Working women' centric policies are limited to social problems only. like prevention of sexual harassment at workplace, restriction on night duty to women worker, etc. In this regard the reference of MGNREGA (Mahatma Gandhi National Rural Employment Guarantee Act, 2005) program is mentioned worthy. This program is launched to give a guaranteed employment for 100 days in a year to the very poor or dire needy rural population. This Act, backups the framework of right to work. This program is important for the unskilled manual labourer, mandating that work is provided locally. It reserves at least one third of the workdays to women workers, also give childcare provision to women who having kids under 6 years of age. Thus, MGNREGA reduces gender disparity in labour market, and empower rural women.

Check your progress:

1. Why the women's participation in the rural labour market is reducing despite increase in the economic growth rates of India?

2. Describe the deference between women in labour market in 21st century and 20th century.

11.6 CHILD LABOUR AND INFORMAL SECTOR

Child labour is the inhuman act against civilized world, and a most pathetic example of the violation of human rights. As the term suggest child labour means child is hired for work. Child labour means children who are hired for work at the age of 15 years or below 15 years, deprived them from education and opportunity to mental physical development is called child labour. Thus, the minimum age at which a child can start work is decided at 15 so that the compulsory schooling age would be maintained. According to ILO (1983), "Child labour includes children prematurely leading adulteries, working long hours for low wages under condition damaging to their health and to their physical and mental development, sometimes separated from their families frequently deprived of meaningful education and training opportunities that would open for them a better future." Hence, child labour in any work within or outside the purview of the family that threatens the physical and mental development of the child by denying him or her fundamental and non-fundamental rights. It is important to mention here that though the nomenclature of 'child labour' and 'child worker' used interchangeably but there is a slight difference in the meaning of both. The term child labour purely applied in the case of earning whereas child work denotes to work that child perform without any earning purpose.

Child labour is an absolute criminal act towards a child because, he is working beyond his physical capacity, and at a developmental period of his life, which preventing him from education, creativity, recreation, and affection. In India child labour exists due to poverty, illiteracy, large family, death of bread earner, unemployment, globalization, expansion of informal sector, ignorance, lack of social protection, low income of the family, child as a cheap labour, bad habits of a family's beard earner, inequality, cultural expectation etc. In India there are some specific

characteristics that determines the structure of child labour like the caste, religion, sex, ethnicity etc.

In economic sphere child labour is the product of informal sector. Since the formal sector is abide by government rule and regulations. Child labour is not a new problem and is a universal phenomenon but in recent years, the problem has severely worsened because of globalization, commercialization of rural areas, privatization, and industrialization. Since this economic revolution has caused huge demand for workforce that could not fulfil by the adult labourers only. The employers also find child labour as a profitable business. Above all, the government surveillance over the unregistered and unorganized sectors is poor. Most of the time the employers hide the actual age of children. In this way the child labour is flourishing and accepted popular in labour market.

This is true that child labour is accommodated in the agriculture and informal sector, but not all the sectors of informal economy recruit child as a labour. There are certain basic conditions that favour child labour like industries that require less physical work, unskilled labour and completely manual works like brick kiln, fireworks, garment industries, agriculture, unorganized sectors like tea shop, dhabas, small shops, carpet industries, construction, stone quarries, personal servants etc. The structural configuration of the child labour in rural and urban areas are different. In rural areas the children are mostly engaged in the agriculture sector as a labour, and cultivator. Whereas in urban area the children are contributing to various household industries. According to census 2011, the child labour in rural area has decrease but increased in urban areas. This simply indicates that, demand of labour in informal sectors have increased. Further, it uncovers the very fact of proximity between the informal sector and child labour.

11.7 CHILD LABOUR, SOME ISSUES AND REMEDIES

Child labour is a deep-rooted economic problem of India. The ‘deep rooted problem’ simply means, it is socially and culturally accepted in the society due to poverty. As per census report 2011, Uttar Pradesh has the largest number of child labour which is followed by Bihar, Rajasthan, and Maharashtra.

This is vital issue for a healthy social environment because child labour damages the mental and physical growth of one generation who will create a dark side of a society if they live. Here are some important issues that are the consequences of the child labour:

1. Child labour and adult unemployment:

Children contribution in labour market is always at the cost of adult unemployment. This drives the labour market into unstable status and unequal growth. unemployed youth is a big socio-economic problem of any country. In such case improper and illegal recruitment of children for

vested interest of the employee disturbed the economic and social condition of a country.

2. The health hazardous condition:

Child labour adversely affect the physical growth of a child. Sometime too much physical labour led to physically disabled growth. This also reduce their life span. It is also noticed that the health problems persist in psychological level too.

3. Female working child:

This is another issue of child labour. No doubt child labour equally affects the mental and physical growth of the girl and boy. But female working child are more exploited than the boys. In the Indian social background, where the boys are preferred more than the girls, invariably led gender biasness.

4. Illiterate society:

Education is compulsory for children upbringing. It develops cognition power, logic, common sense, and mental ability of a child. Child labour strongly prevent them from right to education. It is also a violation of human right.

5. Juvenile crime:

The child labour provides favourable condition for the criminal activities. During working hours, they don't get love and care rather they are treated inhumanly. This kind of atmosphere induce them towards criminal activities. Sometimes they are provoked by their adult co-worker to commit crime.

6. Human trafficking:

This is one of the most severe consequences of child labour. Children are trafficked for human organ, prostitution, child soldier, drugs trafficking, beggaring, bounded labour etc.

7. Encourage social issues like drug abuse, violence:

The children are working in socially and economically unprotected atmosphere. They learn many things which is self-destructive for them. For vested interest adult easily make them their prey and indulge them into violence, and addiction of drugs.

8. Psychological problem:

Children sometimes work in violence atmosphere. They also suffer from physically and mentally harassment which develop mental illness like nyctophobia, lack of confidence, trauma, depression, guilt, anxiety, insomnia, etc.

The stable economic growth, universal education, social security, welfare state, standard labour laws, public sensitiveness, are some of the important measures that would help in the curtailment of child labour. In this regard the Government show serious concern on the child labour through Acts and convergence and programs

1. Child Labour Amendment (Prohibition and Regulation) Act, 1986,
2. the Right to Education Act 2009
3. National Child Labour Scheme that provides educational rehabilitation for the rescued child labour,
4. Convergence of scheme of different Ministries so that child labour and their family get the benefits from the ministries, like Women and Child Development, Urban Housing and Poverty Alleviation, Rural Development, Human Resource Development etc.

Check your progress:

1. What is child labour? Why do the informal sector suffer from child labour?

11.8 SUMMARY

Woman and child are the two important and most sensitive part of a society. They form a vulnerable part in labour market. On one hand the child labour is illegal and most devastating crime against a humanity. On the other hand, the women play vital role in economy. But both these human resources are highly prone to exploitation. It is not only the Government concern but for the society it is matter of high attention. A true economic growth can only be achieved when a fair means of earning prevail in the nation in which profit should be gain at the price of human values and human welfare.

11.9 QUESTIONS

1. What are the economic and social issues drive from the child labour?
2. What is the condition of women in urban labour market?
3. Why is agriculture sector of India becoming women centric?
4. What are the consequences of unequal gender participation in labour market?

11.10 REFERENCES

- Deepita Chakravarty and Isita Chakravarty, Women, Labour and the Economy in India, Routledge, New Delhi, 2016
- Asha Bajpai, Child Rights in India: Law, Policy and Practice, OUP, New Delhi, 2006
- S. Sundari, Migrant Women and Urban Labour Market: Concepts and Case Studies, Problems, Gains and Losses, Deep & Deep Publication, 2007
- Balwant Singh Mehta & Ishwar Chandra Awasthi, Women and Labour Market Dynamics: New Insights and Evidence, Springer, New Delhi, 2019
- Usha Sharma, Child Labour in India, Mittal Publication, 2006

IMPACT OF LIBERALIZATION, PRIVATIZATION AND GLOBALIZATION

Unit Structure

- 12.0 Objectives
- 12.1 Introduction
- 12.2 Concept of Liberalization and its Salient Features
- 12.3 Impact of Liberalization
- 12.4 Concept of Privatization and its Important Characteristics
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12.0 OBJECTIVES

- To Overview the liberalization, privatization, and globalization
- To understand the impact of liberalization, privatization, and globalization
- To understand the salient features of liberalization, privatization, and globalization

12.1 INTRODUCTION

The term liberalization, privatization and globalization are telling the different phases of economic ideological growth of a country. The economy is the exchange of money, through the transactions of goods and services between various sectors, abide by Government policies and programs. In fact, the liberalization, privatization, and globalization inform about Government's stand on economy. It simply means how does the Government want its economy should run. While making any decision on which an economy pursue its activities need great care. Since before taking any such policy decision, Government studies the strength and weakness of its resources, capabilities and so on. Thus, liberalization, privatization and globalization are various conceptual policy designs that exclusively guide and direct the economic structure of a country. On that basis, Government run the economy of a country.

The economic policies could be understood through the economic history of the world that can be divided into two major periods viz. colonial

period and post-colonial period. The colonial period denotes to the era of new world, that had witnessed, industrialization, long maritime trade, renaissance, and establishment of colonies by the European countries. After the colonial period the third world has entered post-colonial period that brought political, social, and economic changes in these countries. Several transformations have taken place in the post-colonial period that too at the pace of pre-colonial economic structure.

We could also notice the transformative waves in independent India. Just after the independence the country's leaders have given more stress on the establishment of self-reliant economy. However, the growth of industries was not compromised at the cost of traditional and sustainable agriculture sector. The post-colonial economy emerged as a modern global economy that advocated establishment of huge industries, mining, and manufacturing. The agriculture, small scale industries, and cottage industries are some of the traditional economic sectors, that equally promoted paralleled to the modern economic sectors. The equal weightage was purposely given in the beginning of the economic planning of independent India since more than half of the Indian population are living in the rural areas and are depended on agriculture. It was also a bitter fact about the economy of independent India that, the British economic policies were created a headwind atmosphere for India. Thus, it has become next to impossible for the newly elected Government to take hawkish policy decision.

Although, major investments were done in the field of industries, but it could not give desirable result. On the other hand, the slow response of the agriculture sector, altogether brought low GDP, and per capita income. Consequently, in the 80s and 90s various policies were precluded for the sake of modernization, diversification of the industries (capital goods industries and consumer goods industries), attractive atmosphere for public investment domestic and foreign both, reduction of extra load on agriculture sector, self-reliance, etc. It has opened doors to private sectors, gave flexibility to foreign investment etc. This reforming step has reckoned the era of liberalization. In the history of India this basic reforming policies has divided the post-colonial economy into pre-liberalization (1947 to 1990) and liberalization period (1991 onwards). Through the lens of major reform policy, we can see basic changes in Indian economy like:

1. Increased foreign investment
2. Increased job opportunities
3. Created competitive atmosphere among domestic and international production houses

The process of liberalization implemented with the three reformation policies viz. Liberalization, privatization, and globalization (LPG). It enabled Indian economy to get easy access to world economy and vice-versa.

Before detail discussion on the LPG, it is pertinent to look at the characteristics of Indian economy which is as follows:

1. Agriculture is the backbone of Indian economy:

Most of the Indian population live in village and agriculture is their staple livelihood. Even after passing of more than 75 years of independence the main source of livelihood of Indians are agriculture. Counting few of the states of India as a rich agricultural producers and technically advanced cultivators, rest of the states have poor production record. After the green revolution in India in the year 1980 registered good result but it was slow in progression rate. However still Indian economy is an agriculturist economy.

2. The huge human resource and land:

India is the second most populated country in the world that give favourable condition to the Indian economy. However, lack of trained and skill labours are the problem of Indian human resource. Same is the case with land which are either unused or improperly used.

3. Urbanization:

In recent years two trends are very clearly visible in the urbanization process of India. First-new areas are coming in the periphery of urbanization and second- already urbanized areas are overly getting population and creating too much human pressure on the settlement pattern and expansion of the area of urbanized locality. It is also seen that urbanization are very much area centric, so some areas are more desirable than the other which make unequal urbanization process.

4. Insecure and huge informal sector:

From the beginning of the independent India there had hardly any change occurred in Indian economy. The bulk population had indulged in the agriculture sector which forms the huge informal sector. Due to large population the government of India technically unable to give the employment in formal sector. Thus, the major share in the labour market is of informal sector.

5. Low per capita income:

The unemployment, hidden unemployment, education, low health, etc. are responsible for the low per capita income of India.

6. The public and private sectors as well as the features of capitalist and socialist economy co-exist:

This a unique feature of Indian economy. on one hand Government policies due to liberalization works under the pressure of international organizations like International Monetary Fund, World Bank etc. as a result Government must follow policies, conditioned by the international

organizations as a result economy favours capitalist mode of economy. However, since Indian government as a socialist country tries to way out place for mass welfare at the cost of profit making. Thus, Indian economy make balance between the two extreme economic dogmas.

7. Unequal distribution of wealth:

The Indian economy can broadly be divided into two main compartments one is the rural economy and other is the urban economy. In these economy there is a huge gap that inevitably shows unequal distribution of wealth.

12.2 CONCEPT OF LIBERALIZATION AND ITS SALIENT FEATURES

Independent India came up with various socio-economic challenges like, low agriculture production, slow economic growth, low literacy rate, high mortality rate, absence of huge industries, poverty etc. Therefore, the then Government executed the major economic activities on its own behalf. We can see how the government invested in industries, public sectors, railways, to push the country on development track without calculating the problem in deeper sense. As a result, India faced acute economic recession. In simple words, imbalance growth, mismanagement of foreign exchange reserve, lack of sound economic infrastructure which have collectively created infallible gap between expenditure and revenue. Added to that, Government's over protection, and unnecessary control over the public sectors made the it handicapped and low performer. Therefore, the fiscal, and payment problems, current account deficit, depreciation of money value forced the Government to take financial help from World Bank and International Monetary Fund.

By this time India has also realized about the shortcomings of restricted economic policies. After the international financial support from the World Bank and International Monetary Fund, India was expected by them to follow the path of liberalization. The step towards liberalization termed as "New Economic Policy" because it was the first time India introduce comprehensive liberal measures by reducing the barriers on foreign trade and investment and removing restrictions on private sector participation in the economy. Liberalization means to create an, flexible economic environment through removing tariff, heavy excise duty, on the flow of goods and services between two countries and removing restrictions on private sectors.

Thus, liberalization is a reformative economic policy that brought radical changes in the economic activities. Country like India, which was suffering from acute economic crisis got immediate help from the liberalization in two ways: first was a short-term reform which tried to stable the balance of payment of foreign debts, and inflation rate. Such reforms under liberalization gave quick boost to the deteriorated economy by controlling the price, and market, and improving purchasing power, as well as flow of money. Second is the long-term reforms, which target to

strengthen infrastructural economic setups. It brings positive change through removing restrictions on trade, service, and investment. This kind of reform generates healthy competitive environment among the stakeholders of private sectors from within India and out of India.

12.3 IMPACT OF LIBERALIZATION

Liberalization is not new to India. In the 80s some of the economic policies related with foreign investment, foreign trading, fiscal transaction, and modern technologies were given relaxation at minimal rate. However, it was not liberalization in true sense. The economic reforms initiated in the year 1991, abruptly, brought comprehensive flexibility in various sectors. To understand the impact of liberalization it is necessary to discuss it through different sectors.

1. Agriculture sector:

Before 1991 agriculture sector suffered from low productivity, poor technology, primitive farming methods, excessive population pressure. The very first influence of the liberalization appeared in technology, scientific and modern methods. Improvement in Irrigation facility, use of fertilizer, increasing in the farming of cash crops, are some other outcomes of liberalization in agriculture sector.

2. Industrial sectors:

Since the independence, industrial sector has been kept in priority list. But it was done with controlled hands. Not only that it has given extra protection to improve even the most hopeless condition. As a result, money and energy has been invested with zero return. Industrialization was initiated under Government strict control through - strict licensing rules, earmark to some of the industries to public sector only, fixation of price, fixation of distribution of the product, restriction on import and export. These restrictions have been removed except in the energy industry, railways etc. Many of the product's price is now determined by market like petroleum.

3. Finance sector:

It is a most prominent sector in economy which provides financial help and service on interest. Many foreign finance companies, commercial banks, foreign investment companies, and private banks now entered in finance area. It increased flow of money in the market, that further accelerated commercialization rate and job opportunities.

4. Taxation reforms:

Government levied various taxes on individuals, services, trade, and commerce. After liberalization, direct taxes which comprise of income tax impose on individuals, institutions, business etc. are reduced. It is also realized to attract foreign investment therefore, it became important to give relaxation, consequently the corporate taxes are lowered down. The

indirect taxes which are related with the commodities are also minimised. On essential commodities indirect taxes are excepted. In recent years the taxes on commodities and services are brought under VAT. Which means uniform tax percentage is applied to wider population. This way tax become easier.

5. Foreign investment and trade:

liberalization open the door to foreign investors and traders. So not only commodities but technologies, industries could freely move in India. The import as well as the export has become quite easy and cheap. Thus, the consumer got cheap, and quality products at the same time, it created competition in market and in production sector too.

12.4 CONCEPT OF PRIVATIZATION AND ITS IMPORTANT CHARACTERISTICS

Privatization is very close to liberalization and sometimes taken interchangeably. Privatization widened the scope of liberalization. We can say it is a part of liberalization because it gives favourable condition and sometimes force privatization to grow. Thus, both go hand in hand. When most of the economic sectors are run by different forms of private institutions then it is called privatization. Privatization also mean when the government has least control over the regulative machinery of production. Further when the Government shifts the managerial and ownership of economic activities to private sectors. Government follows two ways of privatization processes either by selling out the government undertaking to the private companies or shifting the government's controlling (financial, administrative) power to the private sectors.

There are various factors that force a country to shift in the system of privatization. As it is already mentioned that the liberalization pushes economy towards privatization. Thus, when a country due to the influence of liberalization opens door for free trade, investment then it automatically enters into privatization economy. Because a country cannot accommodate foreign investors, traders without giving some freedom. So, privatization is a prerequisite of liberalization. In Indian context, dissatisfactory performance of public sector, increasing liabilities of public sector, and demand for more production have become the genuine ground for choosing privatization. We can also see that Government overloaded by many other responsibilities related to social issues, political issues etc. that directly influences its performance in economic area. As a result, government undertakings were privatized.

Instead of complete selling out of the whole equity, bond capital, securitization of loan capital of the public sector enterprise, Government sometimes sells part of it (more than 51%) to the private sector, it is called disinvestment. Under disinvestment, Government take back capital investment or reduce capital expenditure. It is one of the most preferred options of privatization because the Government not only enjoys managerial control over the private sector but also improves its

performance in production, employment, marketing, profit etc. However, the disinvestment based on the degree of equity sell, categories into (1) minor disinvestment (2) major disinvestment. And when the whole equity sells out then it is termed as privatization.

The selection of PSEs for disinvestments also depending on the condition of the PSEs. The sick PSEs are either opt for closedown or restructuring. Based on performance Government has divided the PSEs into Navratnas, Maharatnas, Miniratnas. These divisions have enabled the Government to check and help to decide the methods on which public sectors could undergo for privatization. Like these ratnas have given more freedom on decision making, foreign investment, and autonomy to enter in joint venture, alteration of administrative structure etc. This kind of categorization indicates that, Government is serious about its role in economic development and retain its sharing with those PSEs which are withstood in the challenging wave of globalization and privatization.

There are certain government sectors that kept aside from privatization. These areas needed full control of Government because they are related with country's defence, securities, and ground-based economy, like atomic energy, space industry, minerals related to atomic energy, railways, major Banking sectors etc. By doing this, Government secures its entity and power over those economic activities which are important for nation's sovereignty and interest.

12.5 IMPACT OF PRIVATIZATION

The major reason of privatization is non-performance or poor performance of public sectors. Therefore, the impact of privatization rotates around the circle of performance building of the public sectors. The impact of the privatization also triggered at those aspects that held responsible for the non-performance of the public sectors. It simply means to understand the impact of privatization it is important to look it through the reasons of non-performance of the public sectors. However, privatization has always been criticized on social and public ground. Here are some major impacts, covering the demerit and merit of privatization:

1. Private sector is more profit orientated and competitive. So, the sick public sector after privatization improves due to well management, responsible work culture, exposure in global production and market, best business practises and technology.
2. The Government get profit after selling out the nonperforming sectors. Instead of closing the poor performer sectors, the government through privatization make scope for the betterment of such units.
3. The private sector controlled by the market condition. Thus, it prevents political and bureaucratic interference.
4. Opens job opportunities, maximise profit and ultimately contributes to economic growth.

5. Privatization creates informal labour market in which social security is less favoured.
6. The selling price offered by the public sectors are always lesser than its value. Sometimes the public sector doesn't show interest in purchasing the poor performer public sector.
7. Private sectors are profit oriented, so it ignores employee's benefits, and sometimes customer's interest too.

Check your progress:

1. Why liberalization is important for the fast growth of economy?

2. Describe the difference between liberalization and privatization.

12.6 CONCEPT OF GLOBALIZATION AND ITS IMPORTANT FEATURES

Globalization is something that usually comes in all the socio-political and economic discussions. Globalization has no precise definition or meaning but it is a state in which a country makes a network around the world for economic gain. Globalization is a world-based phenomena that works globally in which countries join for common aims and objectives that is not limited to economy only. Well this is an interesting fact of globalization which engulfed other important spheres of interactions like political, cultural, social and educational too. Countries are coming together to help each other for better outcomes. Due to advance technology, cheap, easy, and speedy transportation facilities, liberalized economy, relaxed foreign policies and above all globalized dependency propensity accelerate the rate of globalization.

In simple term the globalization is an integration and cooperation with countries for common goals. According to International Monetary Fund globalization means, "the growing economic interdependence of countries worldwide through increasing volume and verity of cross border transaction of goods and services and of international capital flows and also through the more rapid and widespread diffusion of technology." Globalization made possible the following things:

1. International organizations, associations:

There are many global forums and organization that work together based on socio-cultural and economic cooperation's. In such forums the respective member countries make policies, conventions, and agreements for better sharing of their resources. it is the most important aspect of globalization that integrate the countries for common goals.

2. Outsourcing:

Every country face scarcity of human resources and technologies. Through globalization a country easily fulfils those shortage like expert advice, ideas, knowledge, technologies. Due to advancement of information technology, outsourcing has unexpectedly become convenient and expanded. Country outsources services of various nature like education, learning, editing, software, hardware, animation, etc.

3. United Nations, World Trade Organization, International Labour Organization:

there are some prominent organizations where member countries work unitedly for economic growth. These organizations are not only helping the member countries to grow but also became vital agents in the process of globalization. Some of the major policies of the world have been guided by these organizations. Thus, these organization also helps in making uniform policies for its member countries at the same time a country cannot ignore the minimum requirement of the membership. It simply means that, the country cannot run its economy at freewill. The world trade organization (WTO), looking after the issues related to international trading (bilateral and multilateral). It provides greater market opportunities, help to manage tariff charges, and try to maintain fair trading between the member countries through rules and regulations. Similarly international labour organization has drafted conventions in relation to human resources issues. It gives pressure to its member countries to follow the rules to safeguard the rights of labour. Equal pay, gender equality in labour market, social security's, prevention of child labour are some of the crucial issues that ILO specially intervene. However United Nations is political in nature, but its working area is very broad, and it profoundly raise issues pertaining to deforestation, global warming, unequal economic growth, poverty, child labour, safeguards the interest of the third world etc.

4. International Monetary Fund and World Bank:

It is an amazing effect of the globalization that ensure foreign aid and monetary support. The international funding agencies that grant loan to countries with some conditions that promotes globalization. For example, in the year 1991 when India seeks monetary help from these agencies than loan had been granted to India on the condition of providing liberal economy. As a result, India has followed liberalization. These funding agencies work on global interest. They promote international trading, investment, and marketing.

12.7 IMPACT OF GLOBALIZATION

The globalization has wider impact because it does not confine to economy only but influence other areas too. In today's world, due to globalization countries are coming closer. We can also see that many of the issues which have turned as a global concern like global warming, unemployment, poverty, deforestation etc., are effectively solved through the means of globalization. At this background globalization has become universal phenomena for certain areas. Let's check the impact of globalization through the points mentioned below:

Advantage of globalization:

- 1. Tremendous employment options:** It has increased the employment opportunities. A deserving candidates get recruited according to their efficiencies around the world. The globalization creates special economic zones, open new market, eventually open new job opportunities. The barriers of job opportunity has ended owing to globalization.
- 2. International goods and services:** The consumers get bulk of choices in market. Not only that the market provided services and plenty of consumer items as per the purchase capacity. The international brands are easily available to them. The commercial items are reachable to rural market. Many international companies are investing in service sectors. The international companies are giving their services in medical, education, technological fields.
- 3. It delimits the economic activities:** Demand and supply are the two main components of economy. increase in demand and supply directly affect the condition of production, trade, business, employment, and commerce. globalization gives a boom atmosphere to the economy through, increase in demand and supply.
- 4. Healthy Competition:** Globalization makes competitive environment between the countries. The competition gives quality production, large choices, advance technology, price range etc. The domestic industries improve its production quality and maintains cost price in the presence of international brands.
- 5. Improves standard of living and infrastructure:** The globalization extend market, opens job opportunities, increase production, attracts investment. All these things ultimately increase per capita income. Foreign investment needs commercial areas, good transportation, uninterrupted electricity, etc. that eventually improve infrastructure.
- 6. Acculturation, Non-conventional Social Setups:** Globalization is not limited to monetary, and goods movement. It also channelizes people's movement and settlement that cause mixed cultural environment and society. At social ground, people's behaviours are influenced by global issues. The people give apt concern for global problems.

Disadvantage of globalization:

The globalization also has dark side that, are visible in following points:

1. **Threat to the nature:** due to huge demand of natural resources, land etc. irreversibly and a. The quick economic growth doesn't give enough time to make suitable planning for save development. Global warming, change in weather, are some of the issues of unplanned development.
2. **Unequal economic development:** Globalization led to accumulation of money to some hands. Consequently, creates a big monetary gap in a society. Globalization gives a rural and urban society that indicates unequal distribution of wealth.
3. **Urbanization:** Multi-manufacturing units, industrialization encourages urbanization. People from rural areas come to the town in search of jobs. The informal sector however offers tremendous job opportunities but that too at the risk of social insecurities and monetary loss. Population exodus at certain place not only led to unequal economic growth but it also prone to misbalanced ecosystem, unhealthy and improper human settlement etc., which further maximize the changes of pollution (air, water, soil and noise), and diseases.
4. **Global economic insecurities:** Since globalization is also an economic dependency in which countries get support and cooperation from each other. In times of war, natural calamities, pandemic situation, countries get unfavourable economic condition ultimately affect other country's economy.
5. **Imbalance trade and commerce:** A developed countries take greater share of the trade and commerce. They possess money and political powers both that they use for their own growth. Sometimes, high demand items are stored by few advance countries and make the developing counties in shortage of those items consequently lead to imbalance trade and commerce.
6. **Hampered the traditional, and Cottage industries:** the traditional and cottage industries production cost is usually higher than the modern industries. High-cost traditional production get severe setback at the face of cheap multinational items. It destroys the traditional livelihood of the communities as well as the knowledge system.

Check your progress:

1. What is globalization? What are the impacts of globalization?

2. Why globalization is important for the economic growth of a country?

12.8 IMPACT OF LPG ON INDIA

The overall joint impact of LPG on India is very much relevant topic to understand the influence of liberalization, privatization and globalization. In early discussions we have discussed the impact of all the three components separately i.e., liberalization, privatization, and globalization. However, these three revolutionary economic reforms have given radical changes in the Indian economy which have deep impacts on society, agriculture, industries and labour too. Thus the triple economic reforms has brought catastrophic change in the Indian economy. Here it is also worthy to understand that these three reforms are interdependent on each other. Not only that, the greater result could only be possible by the application of the three. Therefore, it is very much important to discuss that how LPG jointly brought impact on the following areas of Indian economy in general and in particular areas.

1. Agriculture:

India is predominantly an agriculture-based economy. Hence, the impact of LPG in agriculture is quite obvious. The impact of LPG can be understood in two ways- (1) investment by the private sectors in the fertilizer industries, production of seeds, and other agriculture equipment, and technology. (2) international market for the agriculture products. In both the ways one can see that how the area of agriculture has been booted because due to availability of international technology, global investors in fertilizers and seeds resulted into high increase in production. Whereas easy access to global market due to globalization and liberalization.

However, one could also feel some sort of adverse effect in the agriculture sector due to unhealthy and imbalanced strategies of the multinational companies. These companies target to achieve more profit by encouraging certain sectors only. most of the times these companies' policies do not match with the nations requirements. As a result, imbalance growth is registered in agriculture.

India is second largest populated nation of the world which means agriculture play vital role in the matter of livelihood, and employment. In such special case the components of LPG are giving better results in fertilizer, seed, and technology matters. But so far, the market is concerning the farmers do not get sufficient global market share. The Indian agriculture sector is still lacking sufficient contribution in global market. In domestic market too the farmers do not get proper price of their harvestings. Consequently, a huge disparity could be seen in the

agriculture sector. The alarming data of occupation shifting from agriculture to other sectors give noticeable indication towards this reality.

2. Economy:

The history of Indian economy can be divided into two broad phases-one that cover the period before the early 1991 and second a long period after 1991. Basically, the implementation of LPG has brought tremendous impact in Indian economy. it has not only opened a gateway for direct foreign investment, but it allowed freedom from Government's restrictions. Therefore, the New Economic Policy (NEP) in the form of liberalization, globalization and privatization made structural change in the Indian economy. To greater extent through NEP India got easy access to foreign investment in all respect. But the actual challenge appears in the grass root reality of India's capacity to handle the foreign investment for its own benefit. The NEP has been implemented at the time when Indian economy was struggling with basing economic problems like poor agriculture sector, poor industrial sector, unemployment, illiteracy, underperforming rural economy etc. Therefore, the Indian economy was not ready for getting into the cut throat competition of international economic sphere. It was sheer immature and unprepared move towards economic change. Because we were not ready for it.

However, the LPG has brought certain positive gifts for us like direct foreign investment in industrial sector, science, and technology at the same time the unreadiness, undeserving labour market (due to illiteracy, unskilled population) could not give appropriate result. Therefore, it took lots of time to get the fruit of LPG. The imbalance economic growth, unsustainable economic growth is the noticeable outcome of LPG. It seems that the foreign investment through LPG has looked at Indian economy as a best marketplace. The unrestricted foreign investment at the immature economic stage also caused ecological problems. whereas imbalanced economic growth has created huge gap in rural and urban economy. The domestic investors specially the small industries are facing tremendous challenge in the presence of foreign investors.

3. Society:

The economic consequences always come up with social impact. The LPG has created great opportunities in market, industries, agriculture, health, and education. To certain extent LPG has brought positive social impact yet with some negative outcomes. There is no doubt that the LPG has created good amount of employment opportunities. But it hampered the traditional employment sectors specially the in the agriculture sector. Unorganized labour market is another crucial impact of LPG. One can see the graph of unorganized labour market increasing day by day. Such bad impact of LPG give deep impact to the society. The larger population settlement if India is living in rural areas. The imbalanced economic growth, has increased the rate of migration of the rural population to urban areas. Overpopulation in the urban area is a big social problem. Large number of population in urban areas are deprive from basic amenities.

Although per capita income of India has increased but that too at the cost of uncertainty of job. Greater part of Indian society is forced to live in stressful condition.

12.9 SUMMARY

The three basic policy ideologies of economy, i.e., liberalization, privatization and globalization are the key components of the growth of a nation. They have certain advantages and disadvantages that India suffers like any other countries of the world. But looking at the present scenario where globalization has become the essential part of requirement for the development of the country. One cannot imagine a country without the elements of globalization. Through the liberalization and privatization, the process of globalization touching other areas too along with its core area i.e., economy. Therefore, globalization along with liberalization and privatization are expanding in other fields like social, cultural and political. However, these additional areas are grounded at economic give and take policies.

Some scholars favour the LPG for the reason because it gives greater opportunities for economic growth. whereas some criticize it because it increases dependency syndrome, handicapped government bodies, limits the power of the government. Some blatantly disfavours LPG because it provides easy opportunity to the developed countries to economically rule over the underdeveloped countries. With this critical analysis, it is also true that, one cannot out rightly able to ignore the necessity of LPG because it has expanded its effective role in the field of other areas like education and learning, cultural cooperation, health, charitable services.

12.10 QUESTIONS

1. Describe the liberalization policy of India that has implemented in the year 1991.
2. Why globalization is not good for cottage industries?
3. How does privatization is responsible for the cause of informal labour market?
4. What are the impacts of liberalization?

12.11 REFERENCES

- Ramesh Chandra (editor), Liberalization, Privatization, Globalization and Indian Polity, Isha publication, New Delhi, 2004
- B. N. P Singh, (editor), Economic Liberalization in India, Ashish publishing house, New Delhi, 1995
- K R Gupta, (editor), Liberalization and Globalization of India Economy, Atlantic Publication, New Delhi 2005

- Joseph Stiglitz, Globalization and Its Discontents, Penguin publication, Delhi, 2001
- James H. Mittelman, The Globalization Syndrome: Transformation and Resistance, Princeton University Press, Princeton, 2000.

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