

HUMAN RIGHTS, DALITS AND THE POLITICS OF EXCLUSION

Goldy M. George

Researcher at Tata Institute of Social Sciences, Mumbai, India

ABSTRACT

Untouchability and caste discrimination are the fundamentals of Dalit Human Rights violations. This paper investigates the institutional shift in Human Rights violations from untouchability - the most powerful operational institution until the pre-independence period - to the new emergent institution of exclusion in post-independence era. Despite the constitutional safeguards and affirmative action under reservation, it emerged as an unavoidable institution, which is further aggravated by globalisation. The connecting link of denial of land rights and social power in itself is a classical study of the same.

1. THE BACKDROP OF THE DISCUSSION

Human rights are more critically conversed in the wake of growing atrocities against the historically deprived group. Dalit human rights has become an international issue and organisations like Human Rights Watch, Amnesty International, Minority Rights Group and Anti-Slavery International are making Dalit Human Rights a priority issue and are concerned to raise the issue internationally in UN bodies, governments and the public-at-large. For the most part, the international community, particularly the general public residing outside of India, is unaware that untouchability and daily/routine forms of caste discrimination are still practised in India. However, in recent years an increasing number of human rights organisations and bodies are coming to recognise untouchability and caste discrimination as a gross human rights violation.

Since caste still operates as a definite pre-condition in establishing marriages, social relations and access to employment, millions of Dalits and other former low-caste people remain behind in education, employment and access to wealth. Although untouchability and casteism is banned in India, discrimination is widely practiced, and statistics draws the logical conclusion that there is a broad correlation between one's economic state and one's position within the caste hierarchy. The government may boast of economic progress and grand new development schemes, such as highways joining major cities or plans to interlink major rivers, but it has failed to address issues like education, caste and gender discrimination and the rural-urban gap. The result is continued upper-caste dominance in professions, business, and culture. Dalits continue to face the wrath of the caste lords and denial of human dignity and their rights including a just share in the resources like land, water, mines, aqua resources, etc.

In this paper, I ponder the means, methods and modus through which social exclusion as a human rights violation programmes runs through the nerves of this nation. If untouchability was the most powerful operational institution of caste system until the pre-independence period, the post-independence era witness the latest incarnation of anew and afresh institution in form of exclusion.

2. PLACING SOCIAL EXCLUSION AND HUMAN RIGHTS

For some reasons the question of social exclusion has become the buzzword around all debates on development for the past two decades. Such aspects need closer and scientific study to evolve a better systemic process. It is understood as a systematic practice to neglect, boycott, or refuse both individuals as well as groups from manifold aspects of society; power, education, trade, privilege, opportunities and resources being the key features. Interwoven with poverty, deprivation and marginalisation, social exclusion pushes the group or individual to the worst extents of periphery.

Although exclusion is a relatively newer terminology in the political lexicon, it is not difficult to trace its root in world history. The implying addition of late has been the

significant extension of the realm to other similar forms of discrimination and its application. According to Piron & Curran (2005), “exclusion is defined with reference to groups of people who are excluded from social, political and economic processes and institutions on the basis of their social identity and who experience to a greater or lesser degree significant poverty impacts as a result of their exclusion.” Thus, exclusion has not only the conceptual connection with social inequality, but also it challenges the non-cooperation of logically integrating the entire group/s into the socio-economic and political life.

Social exclusion describes a process by which certain groups are systematically disadvantaged and discriminated on the basis of caste, ethnicity, race, religion, sexual orientation, descent, gender, age, language, regional identity, migrant status, etc. However, the degrees of suppression and subjugation vary from one nation to another or from one society to another. People who suffer discrimination on various fronts – for instance disabled older women from ethnic minorities – are often the poorest. While both exclusion and discriminations are inter-exchangeable in most of the cases, there seems to be a clear distinction between the terms ‘exclusion’ and ‘discrimination’.

Lee and Thorat (2008) in the following words: “exclusion” means prohibition from participation, whereas “discrimination” denotes participation with negative distinction. Louis (2003: 39) says that it is an institutionalised attempt to keep out or to ‘outcast’ a segment of the population from the social order. Significantly, this social system becomes highly resistant to change and transformation.

3. “POSITIVE DISCRIMINATION VIS-À-VIS SOCIAL EXCLUSION” IN INDEPENDENT INDIA

a) Constitutional Safeguards and Legal measures

The early years of independence were marked by a certain optimism about the problems of the untouchables, which was viewed as the larger project of modernisation (Mendelsohn & Vicziany 1998: 118). The constitutional safeguards rouse new rays of hopes of liberation, development and prosperity among the untouchables. It provided

them the strongest weapon to fight against their caste lords, enjoyed the prospects reservation as a principle of positive or compensatory discrimination and affirmative.

The government introduced several constitutional and legal measures as part of its policy towards anti-discrimination and compensatory discrimination. Article 14 of the constitution provides right to equality before law, whereas Articles 15, 16, 29, deal with specific rights to equality to the citizens. Article 15 (1) prohibits the state from discriminating against any citizen on the grounds of religion, race, caste, sex or place of birth. Article 17 proscribes untouchability practices as an offence and abolishes it completely. The Untouchability Abolition Act 1955 exemplified these proscriptions and brought the direct and indirect forms of discrimination and untouchability practices as cognisable offences punishable under this law. However, one could hardly trace any case being punished under this act as it had several deficiencies and was weakly interpreted by superior courts (Galanter 1972: 254-61).

Later it was amended as Protection of Civil Rights Act 1976 in order to stiffen the provisions. The act abolished untouchability and prevention of access to temples, shops, restaurants, water sources and such other places were made punishable offences (Fact Sheet 2005: 2-3). One could still not be able to draw the success rate in bringing the crimes against Dalits. The main reason behind was that imprisonment was compulsory under PCRA and the accused often arrives at a compromise with the complainant because of which the witnesses turn hostile and do not support the prosecution. In several cases, the Scheduled Castes work under the non-SCs and as such they are pressurised not to support the prosecution.

A much stringent legislation superseding the previous ones came in the form of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act in 1989. This Act clearly drew the lines against discrimination, economic subjugation, subjugation of Dalit women, political subjugation, direct atrocities against Dalits, and violation of Human Rights (Fact Sheet 2005: 3-8). With the advent of this Act, a few cases were exposed, yet

it could not change the untouchability practises and discriminatory behaviour. Despite the legal preventions and prohibitions, discrimination and exclusion continue until today, which also remained an impediment in the sovereign execution of compensatory discrimination.

b) Reservation and its impact

Regardless of these fallacies in the realisation of the anti discriminatory laws, the provisions of positive discrimination through reservation benefited hundreds of thousands of Dalits and other disadvantaged sections. It provided Dalits with many safeguards such as (a) social, educational, cultural and religious safeguards, (b) economic safeguards, (c) political safeguards and (d) safeguards for employment. Reservation in the educational institutions and the financial assistance in the form of scholarships and freeships constitute perhaps the most important aspect of this scheme. It is primarily an attempt to make the basic input of education available to them. Without education, all the constitutional safeguards including the reservation in services would be infructuous (George 2004: 90). Under this scheme the Dalit students whose parental income is below a specified level, get freeship, reservation in admissions to all the colleges getting grants-in-aid from the government, and scholarships. Without this assistance, even today, it would be difficult for Dalits to send their children to school (Teltumbde 1996: 16).

c) Reservation and Dalit Education

There are over 300 million illiterate persons according to the 2001 Census. Of these, SCs constitute about 62 million approximately or about 20 %. This is far in excess of their share in population. First striking feature in terms of the literacy is that there is a significant gap between the Dalits in comparison to non-Dalits (excluding Adivasis). The non-Dalits and non-Adivasis include the OBCs historically deprived of education by the upper castes. The gap would be much higher if the OBC population are also included. Compared to the 1961 data Dalits seem to be catching up a little bit by 2000. This can be observed from for Census data (Census 1961-2001). One feature common to both the Dalits and Adivasis literacy is the internal gap between genders. In case of Dalits, the

gender gap is more than 24 %, while the gap between the Dalit women and the non-SC/ST women is 16.3 % (Census 2001).

Very few people manage to get literacy by informal means. The 2001 census shows that the figure for Dalit literates through informal means of all ages is only 4.10 %. When it comes to technical education, the figure shows almost negligible level of achievement. In continuance with the general education, those who become graduates are strikingly less in percentage. The contrast between the non-SC/ST populations may not necessarily seem to be striking because a huge chunk of population of OBC category gets dissolved into a much more visible contrast of the non-OBC upper caste population in terms of education.

At the graduate and above, the non-SC/ST availing this level of education is 7.64 %, while the Dalit lag is a paltry 3.1 %. Since technical degrees are undoubtedly the prime determinant deciding social as well as business opportunities, the difference between the SC/ST and the non SC/ST becomes so crucial a matter to be taken note of. Performance in attending educational institution, being an overall general figure, shows the irreconcilable difference between the Dalit-Adivasi and non-SC/ST population. As check the age groups from 7-9 to 15-19 the difference increases in a linear progression. Although the age group of 20-24 does not fall into the same sequence, the difference is substantially high (Census 2001).

As regards the sex ratio of school attendance, the national average of the non-SC population in the year 1987-88 is 17.6 % whereas the Dalit population is 16.7 %. However, an opposite trend has been observed in 1993-94. The considerably advantageous position of Dalits in terms of attendance of females dwindled significantly. While the ratio among the non-SC population reduced to 13.9 %, among the Dalits it widened as much as 18.1 % (NSS Report No. 412). In state wise comparison, Kerala consistently shows the highest record of accomplishment of achievement during both the periods under consideration. However, states like Rajasthan do not show any positive

sign of growth; either in the achievement of Dalits in general or regarding the sex ratio among those who attended school (NSS, Report No. 412).

The non-SCs had substantially reduced the dropout rates over a period of 20 year, while in the case of Dalits the improvement is relatively less. In 1981, among Dalits, the drop out rate of those between classes 1-10 was 86.9 %, it has come down to 72.1 % in 2001 – a reduction of 14.8 % (Selected Educational Statistics 2001). This reduction in drop out rate has been consistent during the 20-year period. Between 1991 and 2001, the Dalits educational growth index has consistently improved in every domain, except technical education. In the statewise scrutiny of Dalits, Bihar and Orissa lag behind other states, both in Higher Education and Technical Education.

Reservation of scheduled castes in schools remains largely unfilled. Several fact-findings and researches had repeatedly established the existence of segregation of Dalit students at all levels of institutionalised education. The upper caste teachers mistreat and portray a demeaning image, resulting in a very low self-esteem on the part of Dalit students. Calling caste names and verbal abuse is a common practice in these schools. This is one of the major reasons for high drop-out rates among Dalits. Therefore, despite reservation their educational status remained subdued.

d) Reservation and Employment

Dalits in India have been the historically marginalised in all forms of employment due to caste system. The Constitutional provision of reservation policy is believed to be the antidote to the age-old system of caste. Reservation was one of the means of upward mobility introduced by Ambedkar (Biswas 1998: 41). Louis says that reservation per se was part of affirmative action and envisaged to build an egalitarian society instead of the maintenance of a stratified caste social order, as argued by a few (Louis 2003: 96-97).

With the policy of reservation, many Dalits could make their way into the public sector jobs. This includes both central and state Government jobs. Both Dalits and Adivasis

together have a share of 22.3 % jobs reservation in all Government concerns except judiciary and defense services. The Dalits get 16% and Adivasis around 7.5 %. The reservation ratio for Dalits is 15 % in case of direct recruitment and in the case of open competition, it is 16.6 % (Fact Sheet 2007b: 1).

Reservation in employment has opened up representative space for the ex-untouchables in Central Government departments. Initially there were several hitches and hesitation on part of the government, which took a few years to execute the plans of reservation. Hence the first data on reservation is from the year 1960 The Dalits were roughly about 228 thousand in the year 1960 in the Central Government jobs. Within the next 9 years the number rouse to 359 thousand, which is an increase of 131446 persons. It was a 2 % increase in relation to the general population from 12.24 % to 15.24 %. There was a sharp fall by 68 thousand roughly and a decrease by 3 % in just one year. The reasons for this decline are not known. In the next nine years (1970-1979), one could observe an increase of 176338 persons, which restores of 15 % roughly. The next 10 years (1979-1989) show an increase of 1 % of their share compared to the general population. 100888 persons were added in this decade, which is less compared to the previous decade. With the addition of 21508 persons in the year 1990, it reached the all time highest with 16.97 % in relation to the general population. During the next 9 years (1990-1999), the number of Dalit employees increased only by 1731; almost negligible in comparison to the previous decade (Annual Reports MPPGP 1985-86, 1989-1990, 2004-05).

A closer study of the category of employment level would unfold the types of employment that Dalit were able to avail through these processes. In the category of group A services, Dalits constituted only 1.64 % of the total percentage of employees in 1965, and by 2003 they have reached only 11.93 % much below the stipulated 15 % mark. There seems to be a steady rise from 1965 onwards in this category with some minor ebb and flow. This has increased roughly 10 % in 43 years. In group B category they faired better during the same period with 2.82 % in 1965 and 14.32 % by 2003. Group C category, they began with 8.88 % in 1965 and reach 16.29 % in 43 years. This

level is a direct recruitment one not based on competitive exams, where they almost doubled their strength and also met the target of 16 %. In Group D, the Dalits from 1965 onwards gone ahead of stipulated 16% with 17.75% and by 1983 they have reached they highest of 23.41 %. From then onwards, they show a slow decline to 17%, which is still 1 % higher than their required share. This data has excluded the sweepers who also constitute part of the same group (Annual Reports MPPGP 1985-86, 1989-1990, 2004-05).

Public Sector Enterprises was as much a part as the Central Government departments in terms of providing compensatory employment. In 1971, there were 40640 Dalits in public sector enterprises, which makes 7.42 %. By 1979, this number increased more than eight fold with a figure of 317401 employees. In term of percentage, it was double with 17.44. The next ten years the Dalits added one lac more to their numbers with a figure of 428491 with an increase of 2 % touching 19.58 (Annual Reports MPPGP 1985-86, 1989-1990, 2004-05).

The third major area of employment is the Public Sector Banks, which are managed by the Government. In 1969, all the major banks in India were nationalised by the Government. For almost a decade, there was not much of data available about the Dalit access to jobs in the nationalised banks, although the process was on. The annual report of the Ministry of Finance (1978) provides the number as 55957, which is 10.19 % of the total employees, which rose to 11.61 % in 1980. During the next ten years, it went as high as 14.39 %, a clear 4 % increase. By 2000 the SC quota was completely full without any gap at 16.12 %. However, if we notice the numbers there has been a decline in number from 143499 to 133685 (Annual Report MoF 2004-05), which seems to be the impact of privatisation of bank, outsourcing of job as well as retrenchment policy.

e) The Dilemma of Exclusion

A rigorous scrutiny of anti-discriminatory action and positive discrimination – which altogether makes the space for the establishment of human rights of Dalits, Adivasis and

other marginalised groups – draws a few crucial aspects. Several of the centrally sponsored schemes and programmes could not take off at the state and district level mainly due to the indifferent and tardy attitude of the bureaucracy, reluctance and unwillingness of political sections as well as ignorance on behalf of the Dalits. For example the centrally sponsored post-matric and pre-matric scholarship schemes has remained unknown to most of the rural Dalit students. Providing reservation to the weaker section has not been without its controversies. Some argue that the policies and programmes geared towards reserved preferences are in line of distributive justice. Against this view, others argue that reservation would only perpetuate the caste system. They would also pose the problem that reservation reduces the importance of merit (Panandiker 1997).

The patterns of graduate and post-graduate enrolment in technical field have been very disturbing. Scheduled Caste students enrolled for postgraduate medicine courses has been less than 4 % in 1978-79. Efforts to redress such under representation have met with some of the worst opposition to educational reservation. The worst of a number of violent incidents surrounding access to medical education was the Gujarat riot of 1981. This was sparked by the failure of a high-caste student to gain admission to a postgraduate course in pathology, allegedly because the one available seat was reserved for someone from the Dalit community (Gavai 1981: 17; Wood 1986: 10; Mendelsohn and Vicziany 1998: 143).

Similarly the concept of Special Component Plan (SCP) was adopted from 1979-80 onwards for the development and welfare of Dalits. The SCP was designed to channelise the flow of outlays and benefits from the general sectors in the plans of the state and the central ministries for the development of the scheduled caste with the support of special central assistance provided by the central government (Louis 2003: 98).

However, this plan remained laid under the table for over a decade and half. In most of these cases, the state governments had the least idea of carrying forth these plans. It was

for this reason that until the National Scheduled Caste and Scheduled Tribe Finance and Development Corporation (NSFDC) was established in 1989, many of these aspects could not take place. While it is certain that reservation in services and posts could be utilised only when the Dalits get access to educational opportunities, it is observed that the social system that handled these were actively engaged in obstructing such possibilities.

Segregation of Dalits could be observed even in the jobs in Central Government, public sector enterprises, public sector banks and public insurance companies. In some sectors the overall representation of Dalits reached the earmarked stage. The over representation of Dalits at the lower level jobs and the under representation at the higher level jobs has actually defeated the very purpose of reservation, which according to Ambedkar is to fasten and improve the representation of Dalits in bureaucracy. Reservation for him is not a job giving enterprise to improve their economic status but to improve their representation, which, further will change the character of the bureaucracy and other central Government services by the inclusion of Dalits.

In order to contain with the upper caste domination in bureaucracy such changes were inevitable. Such dominant bureaucracy has been unproductive and unjust to Dalits. Despite Constitutional guarantees, and state level packages for Dalit advancement, overall results have been unsatisfactory. Census figures show that half the Dalit work force is still landless agricultural labourers compared to 20 % of the non-Dalit work force (Census 2001). Several sociological researches have shown that women make up a large number of professional sex workers, and 90 % of those who die of starvation and disease are Dalits. Even where reservation has been implemented, it is not uniformly across grades (Fact Sheet 2005: 3). According to the data on reservation of Dalits in Group A and B category in government offices is between 9.7 % and 11.6 % and between 15.8 % and 20.9 % for the C and D category. In public sector undertakings, for A and B category it is 6.69 and 9.92 %, and 16.82 % and 23.25 % for C and D. In nationalised banks, the percentage of Dalit officers is 11.12 %, while clerks constitute 14.31 % and junior staffs

are 21.97 %. This data is paradoxical to the claims as the state policy envisages proportionate representation of Dalits at all levels, this means due to discriminatory exclusion at the policy level itself, there remains huge backlog of posts that have not been filled.

Over representation of Dalits at the lower levels also reinforces the view that Dalits are suitable for jobs that need no intelligence and creativity. They are suited for doing menial jobs or drudgery. It also flashes the outgrown position that jobs requiring quality, skill, intelligence and good communication are not suitable for Dalits or only the upper castes are suitable for such kind of jobs. It also indicates that the majority of position within groups A and B do not come to Dalit naturally or unaffectedly rather the non-Dalits occupy them based on social cohesion. Another important fact that emerges is that the time taken to fill the group A and group B jobs shows that the development of educated Dalits take long time and may need a much longer time for them to gain confidence and self-reliance. Further a much longer time would be required to change the character of the bureaucracy. Dalits at the higher levels are minuscule in numbers and have no significant say in the decision making process at the top levels.

Sowell (1990) says the preferential policy benefits only 6 % of the Dalit families in India. According to him, Dalits continue to be absent from the white-collar jobs. “SCs and STs have not received as much as 3 % of the degrees in engineering or medicine though they together add up to nearly one-fourth of the population in India”. The live register of SC job seekers has increased from 41.6 lakh in 1989 to 58 lakh in 1998, an increase of 39.4 %. SC job seekers were 14.58 % of total job seekers at the end of 1998. Placement of SC job seekers has declined from 47.4 thousand in 1989 to 26.5 thousand in 1998. The progress of the Special Recruitment Drive launched by the Government to fill up reserved vacancies show that they are largely unfilled.

4. GLOBALISATION AGGRAVATES SOCIAL EXCLUSION

Principally globalisation aggravates any form of social divide in any society. Globalisation emerged as the cannon fodder of capitalism in the mid-eighties and early nineties. Practically globalisation is nothing new, it is the establishment of the territory of the mighty across the globe through establishing the dictums of political and economic power centres and its controlling systems. In many ways, the world economy in the late 20th century resembles the world economy in the late 19th century (George 2009: 35).

The fundamental attribute of globalisation, then and now, is the increasing degree of openness in most countries. The openness is not simply confined to trade flows, investment flows and financial flows; it also extends to flows of services, technology, information, ideas and persons across national boundaries. There can be no doubt, however, that trade, investment and finance constitute the cutting edge of globalisation. The past two decades have witnessed an explosive growth in international finance, so much so that, in terms of magnitude, trade and investment and now dwarfed by finance (Singh 1998: 5). The political stability or instability has a direct bearing on the process, pace and intensity of the globalisation and reforms, which admittedly have been slow and inadequate (Tripathi:1)

Under the growing power and effect of global capitalists over third world nations like India, the state has become an easy tool to facilitate the corporate agenda (George 2008: 7) – thus escalating the existing dynamics of segregation. It pushes the state as a feasible instrument to facilitate the corporate agenda by making favourable changes in the policies and laws, forcing the state to bring in laws limiting the space for democratic dissent. Pragmatically it opens up the land, forests and other resource zones for the corporate sectors, primarily the private ones. The entire state machinery assists the industrialization through single window operations, tax relaxation, forceful land acquisition, bypasses all norms of environmental clearances applying corrupt procedures. This actually bypasses the agenda of inclusive policy and inducts a new

status for the historically battered groups; even their limited space through positive discrimination measures shrinks.

Whatever may be the costs, the government policy of reservations has undoubtedly played an indivisible role in the upward mobility of Dalits. Howsoever, unsatisfactory the results of the implementation may be, the importance of reservations from the Dalit viewpoint cannot be under emphasised. As could be evident from the current private sector rush, it would be difficult to find a Dalit employee (save of course in scavenging and lowliest jobs) to find some jobs and positions in the corporate sector, an open invite of the doomsday for Dalits. Thus, the importance of reservations could only be assessed in relation to situations where they do not exist. Whatever be their defects and deficiencies, they have given certain space for education, economic means of livelihood and some social prestige to the sons and daughters of over 1.5 million landless labourers. Whether they get real power or not, over 50,000 Dalits could enter the sphere of bureaucratic authority with the help of reservations (Teltumbde 1996: 17). Besides these tangible benefits promised by the policy it has also instilled a hope in Dalit community towards a caste-free future. This hope predominantly manifests in the form of spread of education among them. Their emotional bond with the nation and its Constitution despite heaps of injustice and ignominy they bear every moment of their life may also be significantly attributable to the Reservation Policy.

Even the sphere of primary education the coverage of which has been so miserably inadequate as to leave out multitude of children in villages as illiterate, could not remain unaffected, notwithstanding its already existing divide between the vernacular and English schools. Corporatisation has entered this arena, transforming the education into an enterprise for profits. Today educational institutions are more commonly known as education industry. The quality of input these expensive schools provide will benchmark the products in the contracting job markets. Even today, because of preponderance of the English language in business circles, the divide between village and towns is almost complete in the field of education. It is so difficult for a village student, educated in

vernacular medium to compete with his convent educated counterpart in cities and towns. If this is the situation of general village population, the plight of Dalits who besides being the poorest of the village population carry additional burden of social discrimination, is indeed a worrisome matter. Despite several kinds of State assistance, Dalit children are plagued with alarming rate of school dropouts. This may be explained as the need for Dalit family to supplement their meagre incomes for meeting the two ends as also the erosion of their faith that education could be the instrument to change the pathetic course of their lives. This variation in the fundamental understanding of reforms has already permeated in the rural areas (George 2004: 91-92).

The ethos of free market reforms neither confirm to the democratic spirit of the Indian Constitution of 'one vote, one value', nor coexist with the system of positive discrimination embodied in these safeguards. For, the market grants moneyed person more value, and overtly believes in the law of 'might is right'. Largely, the primary motivation behind these Constitutional provisions was liberal democratic aspirations that characterised the freedom movement. However, these aspirations and the initial ideological zeal of the founding fathers withered away in no time and what survived was its utilitarian dimension for the electoral politics. The sorry state of the executive compliance with these Constitutional provisions amply bears out the fangs of the Indian society. The reforms will bring a kind of legitimacy to this attitudinal resistance. These safeguards will stand eroded as the reforms gain in momentum (Teltumbde 1996: 15).

Ironically, the post-independence era witness a formidable process of omission and marginalisation of Dalits in various ways and many times it was executed in the name of development. The steady economic growth of industries with active support from the state has been directly proportional to the unchecked exploitation of masses. Several instances of eviction, evacuation etc. puts a long array of questions on the very edifice of development policies. Undoubtedly, Dalits, Adivasis, women, working class, etc. are the first victims of this. Resultant displacement, migration, repercussion of workers, loss of

land and livelihood, pilfering state revenue, forest resources, etc. has outgrown to monstrous magnitude (George 1999-2000: 1).

Decolonisation of erstwhile colonies invariably saw the elite take control of political power. Naturally, they were inclined to capitalism preferring to inherit the colonial state – its laws, structure and character – rather than to transform it fundamentally in ways to respond to the most urgent needs of the oppressed sections. The development process initiated by the organs of the ‘state’ built on the edifice of the colonial structure, while evolving into a full blown neocolony, had to content with political threats of fundamental nature (Bijoy and Sebastian 1996). The political compulsions, when confronted by the state and ruling classes, evoked invariably responses to manage and control the threats themselves. These took the form of cooption, diversion, fragmentation, outright suppression or combination of these, depending on the extent that these challenges posed. The state provided a semblance of mitigating problems without actually having to resolve them in fundamental ways (George 1999-2000: 1).

While the challenges could be contained, at least for the time being, the system was constantly being legitimised by its actions of acknowledging its responsibility for changes in the required directions. While keeping these pretensions alive and flourishing in ever so many ways, the political upheavals and movements were constantly being undermined. These pretensions were constantly kept alive by concessions, which were often only marginal or nominal and constituted populist issues of the entrenched political system. While these marginal gains and proposed gains were kept alive, the system continued, efficiently and with sophistication, the further marginalisation of the oppressed. Thus while reservations were rendered as concessions at one end, there was not any change in the attitude of the upper caste who obviously constituted the ruling class too.

The neo-liberal doctrines aimed at also destroying collective structures, which stay on the way of unhampered pursuits of exploitation and expropriation of resources. The expansion and development of the neocolonial state in its structures and functions naturally meant dismantling or modified changes. Fuelled by capitalist development, these significant changes constituted change nevertheless, but what was not apparent was that these changes constituted new ways for the continuance of the order, nationally and globally. The reaffirmation of the primacy of the democratic political process in symbolic terms helped the system to command legitimacy (Bijoy and Sebastian 1996).

The state over the past two decades has been closely designing exclusion and segregation in different forms at the policy level. It is essential to have a look at the continuity of exclusion despite affirmative action, compensatory discrimination and anti-poverty programmes.

5. LAND, POWER AND THE DENIAL OF LAND RIGHTS

Land is a productive asset but in several cases, people are more emotionally attached with it in many ways. For many it is the symbol of their freedom. To some it is the image of their fight against the upper caste. To many it represents the mark of reiterating the lost identity. To many it is the icon of self-determination, co-existence and community feeling. Nevertheless, to the corporates and agents of development it is a commodity to be purchased, acquired, sold and consumed. The state also takes side with these so-called think tanks. The common man of the country sacrifices himself for the relish and enjoyment of the elite (George 2001: 5).

Land issue has been never free from debates, which continues to this day. In India this debate has taken different forms in different places based on the specific character of the locality. One of the major questions related with the whole issue is the manner in which the state has approached or responded to it. Almost 64 years of independence – despite the fact in change of governments under the auspices of different political parties – has

almost failed to address this issue in an absolute way. This raises an array of question on the very character of the state and ruling class towards the poor and the proletariats of the country. Land is largely related with the production and distribution of resources on earth. Thus, the character of control and management of resources is closely linked with the development of a social system. As relation of property in the means of production drifts, for example land, the nature of relations among people in this process also alters (George 2001: 1).

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This exclusion was affected through social engineering via the Manu Law Code, which discounted any Dalit claim on land. In the case of Dalits, there was a clear correlation between land holding and social and economic status. Colonial economic dispensations further complicated the situation. The British administration introduced different kinds of land revenue structures under the permanent land settlement policy. The peasantry had till then relate to the state – principally in payments of its dues and taxes – through feudatory principals (zamindari), semi-feudatory appointees (mahalwari), or directly (ryotwari). The colonial land regulations never granted Dalit even the status of an occupancy tenant, though in several places they cultivated land as tenants and sharecroppers (Fact Sheet 2006: 1).

Dalits never enjoyed any permanent right over any land or territory has only compounded that matter by making them completely dependent upon the owners and controllers of the means of production and livelihood. The Dalits have suffered

displacement from land through the ages. The land occupied by them has always been seized at the flimsiest excuse, forcibly or through economic strangling. The right to hold land - even homestead land - of these groups has always been tenuous at best.

The continuous process of expropriation of resources, particularly land, from these sections takes on a new dimension today. The pasture and fallow lands were developed by the labour of particularly the Dalit toilers in the hope that they would at last acquire a piece of land to call their own. However, once the land is developed and made cultivable, however, they are forced off it through various measures, covert and overt, legal and illegal, economic and extra-economic. Debts and mortgages, denial of other vital resources like water and agricultural implements and inputs, social boycotts, upper caste violence, rapes, mutilations and killings throw them off the land. Their labour invested in the development of land is expropriated, at best at a pittance (Fact Sheet 2006: 1). The upper caste capitalised with the apparently upper hold on the social fabric. Further, they started deciding the fate of each Dalits and thus the dispossession or removal of the common people became more easy and feasible. The real owners of the land were ousted (George 2001: 2).

During the freedom movement the Indian National Congress in particular had to confront the question on the issue of land. The mass character of the movement also gave content beyond 'expulsion of the foreign ruler', by including land or agricultural reforms. There was however no consensus on any of the economic measures in the Congress, with furious controversies ranging over land reforms. Concerns for the rural poor, pressure of peasant movements, ideological pressures by the left for modernisation, forced a stand in favour of agrarian reforms. The social and political influence of the landlords sought to maintain their traditional hold over the agrarian system and structure. As a result, even after independence there were no radical agrarian reforms. In the post independence period, government did abolish the zamindari system and also enacted the Tenancy Regulation Act to be implemented by the various states, it failed to address the question

of land-to-the tiller whereby large sections of the rural poor especially Dalits were deprived of land (Fact Sheet 2006: 3-4).

The government attempted tenancy regulation under the programme, which was unevenly implemented. Karnataka and Maharashtra implemented abolition of tenancy. It provided surplus land to the tiller i.e. the sharecropper, some of whom were Dalits. Except for Kerala and West Bengal, the other state governments completely neglected land reforms. The states through separate legislation and other measures widely differing from each other regularised tenancy and in some cases abolished absentee landlordism and extortionate tenancy. The tenancy reforms gave an impetus to agricultural development (Fact Sheet 2006: 4).

The failure of the land reforms can be judged by the fact that 86 % of owned small tracks of land, not enough for sustenance, forcing Dalits to work as agricultural labourers. Besides, there was the so-called Dakathia system, in Central Bihar, that had evolved by the upper caste to perpetuate their control over the Dalits. According to this system, a landlord gave 10 katha (a little less than half acre) of land to a labourer who cultivated it and keep the harvest. In return, he had to be ready to work for the landlord at a standard rate of 2 kgs of rice and half a kg of sattu (flour of Bengal gram). Often 10-15 persons in the rural areas depend on such land for survival. If the Dalits wish to migrate the land is confiscated along with the standing crop and if harvested he is forced to pay the rent for the whole year which the Dalits cannot afford. Hence, they are bound to that system and the land for generations (Fact Sheet 2006: 4).

The redistribution of surplus land was initially a voluntary step through the Bhoodan movement, which arose in response to the revolutionary uprising of the peasantry in Telangana. Distribution of 'surplus' land donated by the landlords to the landless to prevent a revolutionary uprising was the driving impetus for this campaign. With the adoption of land ceiling, redistribution of land found acceptance in some states. The implementation of this measure was however, haphazard. The redistribution was

extremely conditional. Commercialisation of agriculture necessitated intensive cultivation of food grains. This was in direct contradiction with the policy of assisting a subsistence level of existence to the rural poor who had been distributed wasteland. The land distributed under the land reforms as well as the bhoodan movement was economically nonviable and largely of inferior quality. The land less labourers got on an average one acre of land per household insufficient for their sustenance, which forced them to seek opportunities for work as labour elsewhere. They also did not possess the required capital for seeds and fertilisers. In certain areas where the co-operative movement was strong they were able to sustain by taking loans. To convert a landless agricultural labourer into a subsistence farmer in an age when subsistence farming is non-viable due to rise in the cost of production and marketing is problematic. This has given rise to the sale of lands (Fact Sheet 2006: 5).

The Bhoodan movement did not reduce the landlessness among the Dalits, instead a diametrically opposite trend rose very fast in rural areas. The percentage of households holding land increased and percentage of literal landless decreased during the same period. The land reforms and the Bhoodan movement were necessarily limited in their scope. They promoted further commercialisation, and capitalisation of agriculture, paving the way for the creation of a relatively new class of surplus producing owner-cultivators relating to the market, the potential capitalist peasantry in the country. In caste terms, the measure immensely aided the middle castes economically and hence socially and politically to dominate the Dalits agricultural labourers. The agricultural labourers were left untouched in these reforms. The percentage of rural Dalit labour households with land declined from 44.38% in 1974-75 to 35.05% in 1993-94. On the other hand, the percentage of rural labour households without land increased from 55.65% in 1974-75 to 64.95% in 1993-94. Many of those displaced have ended up as daily wage labourers

In the current phase, there has been, particularly in the neo-liberalisation era, a noticeable shift both in the tenor and in the content of the debate (Sinha & Pushpendra 2000: 17). On one side the sheer persistence of monumental social,

economic and political problems of India, provides attestation to the clear exploitative interests of her ruling class and on the other, perhaps tragically, to the seldom-realised goals of its social justice movements. Currently there is a great euphoria among the upper segments of Indian society regarding the wondrous opportunities being made available by "liberalising" her domestic economy. This opening up of the economy to mostly western capital is nothing but the slow and sure surrender of her economic and political sovereignty (Jha: 1).

6. TO SUM-UP

The question of Dalit Human Right is not just a matter of addressing the atrocities, but at large it corroborates to the affirmation of land rights of Dalits, resisting the forces of globalisation, communalism, casteism, patriarchy, violence, peacelessness, injustice and so on. This paves the way for collective action. This is the ethical course of addressing Dalit human rights.

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