Dr Bhimrao Ramji Ambedkar and the Re-Interpretation of 'Untouchability': Legislating Against Caste Violence in Rural India, 1930-1975

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This paper examines the efforts of Dr B.R. Ambedkar to legislate against the violence of caste in India during the colonial and immediate post-colonial period. Born into an untouchable family in western India in 1891, Ambedkar was soon confronted by the discrimination his maligned community experienced at the hands of the higher castes. In response, he formulated a theory which surmised that the system of caste, and untouchability in particular, rested upon a naturalisation of inherent violence. In order to overcome this, Ambedkar re-interpreted untouchability into identifiable, material and surmountable disadvantages that allowed him to use his position as Law Minister within the post-colonial government to legislate against it. While his efforts have had variable success in rural India, their enduring impact has been the nationalisation of the caste question and official recognition of the violence of untouchability.

Dr B.R. Ambedkar is widely acknowledged as the leader and emancipator of the untouchables in India.[1] Untouchables occupy the lowest position in the social system of caste in South Asia that stratifies often endogamous communities into occupationally-defined *jatis*, which are then grouped into the more rigid hierarchical *varna* castes based on ritual purity. While caste is traditionally identified with Hinduism, it is replicated across religions and cultures in much of the Indian subcontinent. Untouchables, while encompassing many hundreds of *jati* castes, are excluded from the *varna*

system and as such are ostracised by the higher castes and forced to perform menial labour and tasks considered 'unclean'. Born in 1891 into an untouchable Mahar family in western India, Ambedkar was soon confronted by the widespread societal impediments that were humiliatingly and often violently forced onto his community. Consequently, he dedicated his life to fighting untouchability and its inherent violence.

In this paper I will address Ambedkar's attempts to understand, and consequently overcome, the discrimination of caste and particularly the violence of untouchability. Ambedkar's divergent, and sometimes contradictory, strategies for translating his theory of caste violence into practice during the colonial and immediate post-colonial period have been well explored; these efforts included assimilation with the higher castes, political mobilisation of the lower castes (*Shudras*[2] and untouchables), and conversion to Buddhism, although their impact was largely confined to his home province of Bombay.[3] Drawing on work by Anupama Rao, Rochana Bajpai and Jesús Cháirez-Garza, who have all explored Ambedkar's re-interpretation of untouchability in terms of its material disadvantages, I will examine his most effective and enduring strategy: legislating against the violence of caste. I argue that it was his ability to transform the predetermined, socio-religious, and almost imperceptible violence of caste into specific, surmountable afflictions that enabled him to legislate against it. I will, therefore, initially explore Ambedkar's theory regarding caste violence before addressing how he translated this theory into action, primarily through his role in the Constituent Assembly. Subsequently, I will analyse the variable success of his efforts to legislate against caste violence in the context of rural India between independence in 1947 and the Emergency (1975-77), as it was within the village that Ambedkar saw caste as most embedded.

Ambedkar's Theory of Caste Violence

The two principles that formed the cornerstone of Ambedkar's theory of caste violence were 'graded inequality' and naturalisation of the caste system. In 1916, Ambedkar claimed during his seminal lecture on caste that, 'There is no such thing as caste. There are only castes.'[4] This simple statement sums up the

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[2] The *varna* caste order includes, in hierarchical order: Brahmins, Kshatriyas, Vaishyas and Shudras. Outside of the caste system are the untouchables.

[3] M.G. Chitkara, *Dr. Ambedkar: Towards Buddhism* (New Delhi: APH Publishing Corporation, 1997); Christophe Jaffrelot, *Dr Ambedkar and Untouchability: Analysing and Fighting Caste.* (London: Hurst, 2005); Christophe Jaffrelot, *India's Silent Revolution: The Rise of the Lower Castes in North India* (London: Hurst & Company, 2003); Anupama Rao, *The Caste Question: Dalits and the Politics of Modern India.* (Ranikhet: Permanent Black, 2010; Eleanor Zelliot, *Dr. Babasaheb Ambedkar and the Untouchable Movement* (New Delhi: Blumoon Books, 2004).

[4] B.R. Ambedkar, "Castes in India: Their Mechanism, Genesis and Development." Paper presented at the Anthropology Seminar, Columbia University, New York, May 9, 1916. In

founding principle of Ambedkar's understanding of caste: that it was inherently pluralistic in nature. The hierarchical structure of caste was based upon exclusion and inequality which could not function without multiple castes who could be defined against each other in terms of ritual purity. From this perspective, the untouchable became the linchpin of the entire caste system as it was their manifest impurity against which other castes were defined and ranked. In this way, Ambedkar presupposed the Dumontian analysis of caste, in which the untouchables were kept in a permanently 'unclean' state, thereby allowing higher castes to maintain their purity.[5] The term Ambedkar employed to theorise this pluralistic and hierarchical system was 'graded inequality':

> whereby the Brahmin is above everybody, the Shudra is below the
> Brahmin and above the Untouchable... the Shudra while he is
> anxious to pull down the Brahmin, he is not prepared to see the
> Untouchable raised to his level. He prefers to suffer the indignities
> heaped upon him by the Brahmins [than] join the Untouchables for
> a general levelling down of the social order.[6]

Ambedkar argued that this system had unparalleled resistance to social change because the lower castes would not unite to overthrow the Brahmins as they were too concerned with defending their own privilege in comparison to the degraded untouchable.

An interrelated aspect of 'graded inequality' was the naturalisation of caste violence across society, as each of the lower castes internalised the hierarchy in an attempt to defend their own precarious position within it. Ambedkar argued that this system was not imposed by the Brahmins but that the 'infection of imitation', whereby each caste sought to model themselves on Brahmin tradition, ensured the practice of exclusion permeated across society.[7] This complicity was the most important aspect in upholding the violence of caste. Anupama Rao has argued that Ambedkar's repeated use of the phrase 'illegal laws of the Hindus' was a form of Walter Benjamin's 'law-preserving violence', in which regularised structural violence passes for legitimate law; the violence of untouchability, therefore, took on the appearance of something other than itself, a legitimate social order.[8] To take Rao's argument further,

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Dr. Babasaheb Ambedkar Writings and Speeches, compiled by Vasant Moon. Vol. 1, 3-22 (Bombay: Education Department, Government of Maharashtra, 1979) p. 20.
[5] Susan Bayly, *Caste, Society and Politics in India from the Eighteenth Century to the Modern Age.* (Cambridge: Cambridge University Press, 1999), p. 20.
[6] B. R. Ambedkar, *Untouchables, or the Children of India's Ghettos.* <http://www.ambedkar.org/ambcd/22A.Untouchables%20or%20the%20children%20of%20India%27s%20Ghetto%20PART%20I.htm> [Accessed December 30, 2013].
[7] Ambedkar, "Castes in India," pp. 18-20.
[8] Rao, *The Caste* Question, p. 166.

the naturalisation of Brahminical ideology was, as Slavoj Žižek argued in reference to Hegelian theory, 'ideology at its purest and most effective' as it neutralised the features of a radical theory into an accepted background.[9]

Ambedkar argued that 'graded inequality' and its naturalisation was universal across India but he saw these features as most embedded within the village, which he described as 'a working plant of the Hindu social order'.[10] In *Untouchables, or the Children of India's Ghettos* he argued that:

> the Indian village is not a single social unit... [it] is divided into two sections – Touchables and Untouchables... Touchables live inside the village and Untouchables live outside the village... Untouchables occupy the position of a subject race of hereditary bondsmen... [who] must conform to the status of an inferior [by wearing] the marks of his inferiority.[11]

It is therefore the impact of Ambedkar's strategies at the village level that will be primarily assessed, as it was here that he saw the violence of untouchability as most entrenched.

Ambedkar's theory on caste allowed him to specify the mechanisms that resulted in the violence of untouchability; these, however, were self-perpetuating. In response to this limitation, he redefined untouchability in terms of its specific material disadvantages. Jesús Cháirez-Garza has used Žižek's theory of 'systemic' violence to argue that Ambedkar re-interpreted untouchability as acts of violence, therefore rejecting the notion that untouchability was fixed.[12] Rochana Bajpai has similarly argued that Ambedkar redefined untouchability as socio-economic deprivation.[13] Violence and deprivation, unlike the idea of caste, could be overcome. In 1933, Ambedkar argued that 'Through political action, through appropriate law... you can make government provide for you what you are now denied – food, clothing, shelter, education.'[14] Here he attempted to secularise the violence of untouchability into material forms of discrimination that could, unlike religious notions, be solved. This reflected his legal training and pragmatism, preferring to attack untouchability from a material basis as opposed to a religious one. During the late colonial period and particularly during the

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[9] Slavoj Žižek, *Violence: Six Sideways Reflections.* (London: Profile, 2009), p. 31.
[10] Ambedkar, *Untouchables, or the Children of India's Ghettos.*
[11] *Ibid.*
[12] Jesús Cháirez Garza, "Violence, nationalism and untouchability: B.R. Ambedkar and the conception of untouchability as systemic violence." (Paper presented to M.Phil South Asian Studies Option 3 class, Cambridge University, Cambridge, UK, November 11, 2013.)
[13] Rochana Bajpai, *Debating Difference: Group Rights and Liberal Democracy in India.* (Oxford: Oxford University Press, 2011), p. 116.
[14] Quoted in Jaffrelot, *Dr Ambedkar and Untouchability*, p. 52.

framing of the legal and constitutional framework of the post-colonial state, Ambedkar worked to alleviate the specific afflictions that defined untouchability.

Ambedkar's strategies for containing caste violence

By identifying quantifiable elements of caste violence, Ambedkar believed that the seemingly insurmountable structural violence of caste could be overcome. In an attempt to counteract these specific elements, Ambedkar devised three distinct strategies: political and physical separation; uplift to overcome socio-economic deprivation; and, officially legislating against violence, both symbolic and physical. His initial attempts in the 1920s had centred on the separation of untouchables from Hinduism, which he saw as resting upon a pillar of inequality.[15] On facing determined opposition, he instead emphasised the socio-economic deprivation and acts of violence that characterised the plight of the untouchables.

Influenced by his legal background, Ambedkar perceived the gaining of separate political rights for untouchables as the key instrument for overcoming caste violence. As Anupama Rao has argued, one of Ambedkar's key strategies was his reinterpretation of 'minority', in which he redefined untouchables as a political minority structurally similar to Muslims: a distinct community whose rights would be overshadowed by the Hindu majority despite their numerical strength.[16] However, although claiming affinity with religious minorities, Ambedkar was keen to emphasise that the untouchables occupied the lowest position in the hierarchy of minorities in India due to their specific disadvantages. During the Second Round Table Conference in 1931, Ambedkar analogised that 'the minorities are all in the same boat... [but] they are not all in the same class... some are travelling in "A" Class, some in "B" Class... I have not the slightest doubt... that the Depressed Classes... are not even in "C" or "D" Class but are actually in the hold'.[17] He had hoped to highlight that while all minorities feared being subject to the 'shifting sands of the sympathy and goodwill of the rulers of the future', untouchables were in the greatest need for safeguards due to the specific 'civic disabilities' that were forced upon them by the majority.[18]

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[15] *Ibid*, p. 31.

[16] Rao, *The Caste Question,* p. 124.

[17] B. R. Ambedkar, "Sub-Committee No. III (Minorities) Second Sitting." At the Round Table Conferences, London, December 31, 1930. In *Dr. Babasaheb Ambedkar Writings and Speeches,* compiled by Vasant Moon. Vol. 2. (Bombay: Education Department, Government of Maharashtra, 1982), p. 529.

[18] B. R. Ambedkar, "In the Plenary Session Fifth Sitting." At the Round Table Conferences, London, November 20, 1930. In *Dr. Babasaheb Ambedkar Writings and Speeches,* compiled by Vasant Moon. Vol. 2. (Bombay: Education Department, Government of Maharashtra, 1982), p. 507, 530.

Ambedkar was able to capitalise on his consultative positions in the Southborough Committee (1919), the Simon Commission (1928) and the Round Table Conferences (1930-31), which were appointed to shape constitutional reform, to delineate the untouchables' need for political separation. He argued that the primary division in Hindu society was between touchables and untouchables, meaning that territorially-based electoral constituencies would always marginalise the untouchable minority.[19] Ambedkar demanded that some form of protection of untouchable interests was imperative, although he was undecided whether this should take the shape of separate electorates or reserved seats within the legislatures. During the Second Round Table Conference, Ambedkar forged close links with the Muslim, Anglo-Indian and Christian representatives on the Minorities Committee and together they put forward a memorandum demanding a separate electorate with reserved seats for untouchables.[20] The argument found favour with the colonial administration and in 1932 the British government announced the Communal Award, recognising the right of untouchables to separate electorates.

Ambedkar had, therefore, decidedly reshaped the question of untouchable violence in terms of their 'minority' status. This, however, brought him into conflict with Mohandas Gandhi who perceived the violence of untouchability to be a perverse corruption of the harmonious nature of caste and therefore grounded his efforts to relieve the suffering of untouchables in religious principles and particularly the problem of temple entry.[21] Gandhi strongly denounced the granting of separate electorates through the Communal Award as he claimed that they would deny caste Hindus the opportunity to reform and would 'create division among Hindus so much that it will lead to bloodshed'.[22] In response, he launched a fast to the death, generating a vast emotional response throughout India. Realising the repercussions that untouchables would face if Gandhi died, Ambedkar negotiated the Poona Pact in 1932 which established reserved seats in the legislatures for untouchables. The consequence, however, was the failure in establishing untouchables as a separate political minority; Gandhi, in a comment highlighting this fact, argued that 'in accepting the Poona Pact you accept the position that you are Hindus'.[23] Gandhi's own efforts to alleviate the suffering of untouchables were renewed in the subsequent days through the establishment of the All India Untouchability League and the creation of his

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[19] Jaffrelot, *Dr Ambedkar and Untouchability*, p. 53.
[20] *Ibid*, pp. 60-3.
[21] *Ibid*, pp. 60-1.
[22] Quoted in Eleanor Zelliot, "Gandhi and Ambedkar: A Study in Leadership." In *The Untouchables in Contemporary India,* edited by Michael Mahar. (Tuscon: University of Arizona Press, 1972), p. 85.
[23] Jaffrelot, *Dr Ambedkar and Untouchability*, p. 67.

weekly newspaper, *Harijan* (children of God).[24] Ambedkar tried to work together with Gandhi through the League but their profound differences, primarily Gandhi's insistence on a paternalistic approach that centred on untouchability as a necessary, albeit perverted, aspect of caste, resulted in Ambedkar's departure from the organisation.

Ambedkar's hopes of establishing the untouchables as a separate community had therefore been stalled in the 1930s due to the persona and political manoeuvring of Gandhi, but he continued to face strong opposition even after independence in the Constituent Assembly, despite the shift in ideology from Gandhian idealism to Nehruvian modernity. Within Ambedkar's *Memorandum on the Safeguards for the Scheduled Castes*, which he submitted to the Fundamental Rights Sub-Committee in 1947, he delineated his strategy for codifying the separate position of untouchables within the Constitution. He demanded that 'the system of election introduced by the Poona Pact... be abolished' and 'in its place, the system of Separate Electorate shall be submitted'.[25] He also requested a provision to 'hold uncultivated lands belonging to the State in trust for Settlement of the Scheduled Castes in separate villages'.[26] This built upon the demands of regional and Muslim minorities during the 1940s for territorial homelands; by establishing separate villages, Ambedkar sought not only to ensure a voice for untouchables through the forming of a political majority but it also provided a physical escape from the violence of caste.

Within the Constituent Assembly, however, Ambedkar's demands were not welcomed. The demand for Pakistan and the eventual Partition of India in August 1947 marked the debates on minority issues, with separate electorates in particular viewed with suspicion as they were considered to be the root of Muslim separatism. Jawaharlal Nehru, the first Prime Minister of India, articulated the mood of the Constituent Assembly when, in January 1947, he claimed 'there is no group in India... If India goes down, we go down, all of us... whether we get a slight advantage or we do not'.[27] This advocacy of national unity became more pronounced following Partition and Ambedkar's demands for separate electorates were opposed within the Minority Sub-Committee by 26 votes to 3.[28] This vocabulary of national unity was a recurring theme in the

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[24] *Ibid.*

[25] B. R. Ambedkar, "Memorandum on the Safeguards for the Scheduled Castes Submitted to the Constituent Assembly on Behalf of the All India Scheduled Castes Federation." March 24, 1947. <http://www.ambedkar.org/ambcd/10A.%20Statesand%20Minorities%20Preface.htm> [Accessed 20 December, 2013]

[26] Ambedkar, "Memorandum on the Safeguards for the Scheduled Castes."

[27] Jawaharlal Nehru, "Constituent Assembly of India: Vol. II." January 22, 1947. <http://parliamentofindia.nic.in/ls/debates/debates.htm> [Accessed December 30, 2013]

[28] Granville Austin, *The Indian Constitution: Cornerstone of a Nation.* (Oxford: Clarendon Press, 1966), p. 150.

Constituent Assembly and forced Ambedkar to seek an alternative strategy. Rochana Bajpai has argued that this 'legitimating vocabulary' allowed the Indian National Congress (hereafter Congress) representatives to translate their numerical dominance in the Constituent Assembly into hegemony by effectively establishing a new ideological consensus.[29] This consensus opposed group rights as framed by the 'minority' debate, as we can see with the containment of rights previously endowed to minorities by the British.[30] This forced Ambedkar to frame the untouchable question more decidedly in terms of violence and socio-economic deprivation, thereby appealing to the concerns of Nehruvian modernity.

Acknowledging that separate electorates were an impossibility, Ambedkar shifted his demand to positive discrimination, namely reserved seats in legislatures and posts within state institutions and educational establishments. Ambedkar again reiterated that untouchables deserved specific safeguards because,

> any protection given to the citizens and to the minorities will not be adequate for the Scheduled Castes... their social, economic and educational condition is so much worse than that of other citizens and minorities... [they] would require special safeguards against the tyranny and discrimination of the majority.[31]

While safeguards were seen as antithetical to the Nehruvian vision of modernity, Ambedkar argued that the deprivation of untouchables was an even greater impediment to this goal.[32] The debates culminated in the passing of Article 46, wherein the Indian states were obliged to promote the 'educational and economic interests' of untouchables, and Articles 330 and 332, which provided 'reservation of seats' in the House of the People and Legislative Assembles of the States.[33] Alistair McMillan has argued that the entrenchment of electoral reservation was primarily due to Ambedkar's presence at the centre of minority negotiations.[34] However, while he did play a key role, Ambedkar was not alone in his efforts. Jagjivan Ram, another prominent untouchable leader but from within Congress, similarly argued for reservations; however, he emphasised that these would 'accelerate the assimilation of the other minorities... in the parent body by bringing them to an equal level'.[35]

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[29] Bajpai, *Debating Difference,* p. 15.

[30] Bajpai, *Debating Difference,* p. 15.

[31] Ambedkar, "Memorandum on the Safeguards for the Scheduled Castes."

[32] Bajpai, *Debating Difference,* p. 81.

[33] "Constitution of India: Articles 46; 330; 332." <http://lawmin.nic.in/olwing/coi/coi-english/coi-indexenglish.htm> [Accessed December 30, 2013]

[34] Alistair McMillan, *Standing at the Margins: Representation and Electoral Reservation in India.* (Oxford: Oxford University Press, 2005), p. 63.

[35] Jagjivan Ram, "Reply to the Questionnaire Received from Jagjivan Ram." Submitted to the Minorities Sub-Committee, April 3, 1947. In *The Framing of India's Constitution: Select*

This was the key difference between the approaches of Ambedkar and Jagjivan Ram, as Ram saw assimilation as the end goal whereas Ambedkar foresaw a more subtle form of separation. Anupama Rao has argued that by redefining untouchability as a civic disability, the reservations regime inaugurated a specific form of legal exception, that of, as Marc Galanter coined, 'compensatory discrimination'.[36] This marked out a separate sphere for untouchables in the Constitution; while the majority of the population, and significantly caste Hindus, would be governed by market principles of competition, untouchables would be governed by social intervention to facilitate their equalisation.[37] Ambedkar's speech to the Constituent Assembly in November 1948 demonstrated this, as he welcomed the system of reserved seats and positive discrimination as it would 'enable majorities and minorities to merge someday into one' but he carefully also noted that 'it is for the majority to realise its duty not to discriminate against minorities. Whether the minorities will continue or will vanish must depend upon this habit of the majority'.[38] Therefore, while not as manifest as political or physical separation, Ambedkar had politically manoeuvred a separate identity for untouchables that was defined by their socio-economic weakness.

While Ambedkar's efforts sought to establish socio-economic deprivation as one indicator of the violence of untouchability, what was more manifest was the physical and symbolic violence that separated them from other deprived communities. Ambedkar's involvement with the temple entry *satyagrahas*[39] at Parvati (1929) and Kalaram (1930-35) illustrate this point. The *satyagrahas* were launched in an effort to open up caste temples to untouchables, who were denied access, but acts of violence by the upper castes towards the demonstrators broke out. Both consequently failed to facilitate access but, importantly for Ambedkar, they acted as mechanisms to mobilise untouchables by forcing recognition of the violence that characterised their existence. Anupama Rao has argued that Ambedkar used the heightened violent antagonism of the *satyagrahas* - namely the physical violence that untouchables suffered from caste Hindus as a result - as a reminder of the invisible forms of violence they were subjected to everyday.[40]

Ambedkar's early attempts to force recognition of the violence of caste had some success but it was during the Constituent Assembly that he formally

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Documents, compiled by B. Shiva Rao. Vol. 2. (New Delhi: Indian Institute of Public Administration, 1967), p. 331.

[36] Rao, *The Caste Question,* p. 169.

[37] *Ibid.*

[38] Ambedkar, "Constituent Assembly of India: Vol. VII." November 4, 1948. <http://parliamentofindia.nic.in/ls/debates/debates.htm> [Accessed December 30, 2013]

[39] Coined by Mohandas Gandhi, *Satyagraha* loosely translates as 'truth force' and was an important practice in non-violent resistance.

[40] Rao, *The Caste Question,* p. 165.

codified the manifestation of violent acts as inherent to untouchability. By the late 1940s, most provinces and princely states had passed acts criminalising the enforcement of untouchability, primarily through temple entry acts and access to public facilities.[41] However, these had only limited impact and Ambedkar himself had opposed a 1932 Bill to abolish untouchability as he thought it would be futile while caste remained.[42] Nevertheless, Ambedkar saw the Constitution and the founding of the modern state as a new period of opportunity. He supported the implementation of Article 17, which criminalised 'the enforcement of any disability arising out of "Untouchability"', but emphasised the need to guard against the 'menace' of discrimination.[43]

To destabilise the structural violence upholding caste, Ambedkar argued that the symbolic acts of violence also needed to be criminalised. Arguing the case by using his *Memorandum,* Ambedkar stressed the need for the abolition of the practices upon which 'graded inequality' rested. The Constituent Assembly concurred and as a result passed Article 23, prohibiting '*begar*' (forced labour), and Article 25, which enforced the 'throwing open of Hindu religious institutions'.[44] The intended result of the prohibition of untouchable violence was twofold: it forced recognition that untouchability rested upon enforced 'disability', beginning the process of unmasking the neutralised Brahminical ideology; and, it placed an obligation on the state to enforce criminalisation.

To a lesser extent, Ambedkar also used his position as Law Minister in the first independent government to try and reform Hindu practices. He saw caste as perpetuated not only through the naturalisation of 'graded inequality' but also through the control of female reproduction. As early as 1916, Ambedkar had claimed that caste was a mechanism for 'repairing the disparity between the marriageable units of the two sexes'.[45] This disparity was largely caused by a surplus of women, the remedy to which was threefold: *sati*;[46] enforced widowhood; and, girl marriage. The result of this was endogamy, which, according to Ambedkar, was 'one and the same thing' with caste.[47] Once he became Law Minister, Ambedkar sought to overcome these customs which ensured the preservation of caste.

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[41] Marc Galanter, "The Abolition of Disabilities: Untouchability and the Law." In *The Untouchables in Contemporary India,* edited by Michael Mahar. (Tuscon: University of Arizona Press, 1972), p. 240.
[42] Jaffrelot, *Dr Ambedkar and Untouchability*, p. 68.
[43] "Constitution of India: Article 17."; B. R. Ambedkar, "Ambedkar's Memorandum and Draft Articles on the Rights of States and Minorities." March 24, 1947. In *The Framing of India's Constitution: Select Documents,* compiled by B. Shiva Rao. Vol. 2. (New Delhi: Indian Institute of Public Administration, 1967), pp. 98-9.
[44] "Constitution of India: Articles 23; 25."
[45] Ambedkar, "Castes in India," p. 10.
[46] *Sati* refers to the burning of the widow on the funeral pyre of her deceased husband.
[47] Ambedkar, "Castes in India," p. 13.

The British had implemented a number of *ad hoc* laws that reformed Hindu social customs, such as the Abolition of Sati (1829) and the Hindu Women's Right to Property Act (1937).[48] An attempt to consolidate these laws began in 1941 and culminated in 1951 with the Hindu Code Bill. Ambedkar was entrusted with the revision of its principles before its submission to the Constituent Assembly. His key aims were to reform the role of women and to remove the caste restriction in marriage, which he saw as the principal route to eradicating caste.[49] While Jawaharlal Nehru saw reform as the foundation for modernising India, the Bill provoked much opposition within the Constituent Assembly, particularly among traditional Hindus in Congress.[50] The Bill was finally passed in 1951 but was subject to a number of major amendments, to which Nehru had made no protest. In response, Ambedkar resigned from government, therefore making this his last attempt to eradicate caste through legislation.

Containing Caste Violence: Success or Failure?

By redefining untouchability into physical manifestations of discrimination – violence and socio-economic deprivation – Ambedkar established legal precedents designed to overturn caste. Following his resignation from government in 1951, Ambedkar's saw that the only possible means of escape from untouchability lay in its abandonment. In October 1956, shortly before his death, he renounced Hinduism for Buddhism, together with several hundred thousand of his fellow untouchables in Nagpur. While his attempts to legislate against the violence of caste were therefore confined to the immediate post-independence period, the consequences of his efforts have had a much longer history. Analysing these consequences in the period preceding the Emergency (1975-77) will determine the success of Ambedkar's theory for containing caste violence in rural India.

Following Ambedkar's redefinition of untouchability as violence and its codification into the Constitution a state obligation was set for legislating against caste violence. The first major instances of this were the Temple Entry Act (1948) and the Untouchability (Offences) Act (1955). There was wide debate in the Lok Sabha (House of the People) over the passing of these Acts, particularly the Untouchability (Offences) Act, as many felt that by inscribing untouchability into law it would risk perpetuating the stigma.[51] However, by codifying the stigma within the Constitution, Ambedkar had ensured that the state was perpetually obliged to alleviate the violence of untouchability. Its official criminalisation, however, has had mixed success. An extract from a

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[48] Jaffrelot, *Dr Ambedkar and Untouchability*, p. 115.
[49] Rao, *The Caste Question*, p. 232.
[50] Jaffrelot, *Dr Ambedkar and Untouchability*, pp. 115-6.
[51] Rao, *The Caste Question*, p. 173.

Times of India report in early 1976 is useful for highlighting the variable impact of redefining untouchability as violence in rural India, although it is only one of many similar instances:

> The sarpanch and the deputy sarpanch of village Sarkolia in Pandharpur... were arrested for having abused and threatened two Harijans because they entered the village temple and offered a coconut to the deity. What was more, the sarpanch... fined the two Harijans Rs. 500 each for their 'offence'. The incident had occurred on February 15. However, no complaint was made to the Pandharpur police. The Dalit Panthers of Bombay took up the matter.[52]

In the Lok Sabha in 1954, V.G. Deshpande perceptively foresaw the key problem in enforcing the legislation: 'the only thing that will be required is to see that the entire State machinery... is behind this law'.[53] It was precisely this state machinery and the collaboration of officials that has been repeatedly cited as the key reason for the ineffectual implementation of the laws. In the above case, it was the *sarpanch*, the elected head of the village panchayat, and his deputy who were the perpetrators of physical and symbolic violence. In October 1932, Ambedkar unsuccessfully opposed the Village Panchayats Bill in the Bombay Legislature, emphasising the 'pitiable position' of untouchables who were 'never looked upon as part and parcel of the village'.[54] During the Constituent Assembly he had more success and, whilst the Draft Constitution faced some criticism for failing to represent the 'ancient polity of India', the Constitution took the individual as the unit of society.[55] However, his efforts to reduce the power of the village were defeated in 1957 when the Mehta Committee recommended governmental decentralisation, which resulted in the adoption of *Panchayati Raj* across all states in India by 1965.[56] This consolidated power in the village, which, as Ambedkar had foreseen, heightened the likelihood of caste violence as the very perpetrators of crimes were established in positions of power.

In N.D. Kamble's compilation of instances of untouchable violence, reported in the local and national press between 1947-79, this likelihood was

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[52] *The Times of India,* April 4 1976. For similar cases see: *The Times of India,* June 14 1973, April 8 1962, July 6 1974.
[53] Quoted in Rao, *The Caste Question,* p. 175.
[54] B. R. Ambedkar, "On Village Panchayats Bill: 1." During the Bombay Legislature, Bombay, October 6, 1932. In *Dr. Babasaheb Ambedkar Writings and Speeches,* compiled by Vasant Moon. Vol. 2. (Bombay: Education Department, Government of Maharashtra, 1982), pp. 110-12.
[55] Ambedkar, "Constituent Assembly of India: Vol. VII."
[56] Henry Maddick, *Panchayati Raj: A Study of Rural Local Government in India.* (Harlow: Longmans, 1970), pp. 68-9.

borne out; repeatedly, the police were found to be the perpetrators of crimes.[57] The Elayaperumal Report (1969) further demonstrated this, as the state administration was indicted for its 'gross failure' to effectively implement the Untouchability (Offences) Act.[58] The Report stated that between 1955 and 1969 there were less than 1,000 offences reported and most resulted in acquittals.[59] It also noted that the police were doing little to enforce the law and that untouchables were still regularly suffering exclusion from water sources, services and housing.[60] It was this very lack of correspondence between the laws themselves and the everyday actions of those who were responsible for fulfilling them – the police, magistrates and lawyers at the local level – which was a key issue in the failure to contain violence.[61]

The *Times of India* report also demonstrates the disjuncture between the urban and rural in India. The incident took place in Sarkolia village, in the Pandharpur district. The Pandharpur temple was one of the temples which was symbolically declared open to untouchables following the Temple Entry Act in 1948.[62] However, it was only in the surrounding region that the effectiveness of legislation had failed to take hold. Marc Galanter has noted the limited impact of the Untouchability (Offences) Act in rural India through his study of the offences registered under the legislation in ten states in which he found that the majority (64.1%) were for exclusion from public places such as hotels, restaurants and places of public entertainment.[63] He argued that these places were more likely to have been found in urban centres and that the registration of an offence would have rested upon an outsider. However, in urban centres the traditional structure and untouchable dependence on caste Hindus had been eroded to a much greater extent, therefore untouchables themselves would have been more likely to have disputed exclusion as well.

It was this pervasiveness of the caste hierarchy in rural India that is the final point of the *Times of India* report, as it stated that the victims were only moved to bring an offence by the involvement of the Dalit Panthers. The Dalit Panthers have been arguably the most influential of militant untouchable movements, bringing cases to justice and encouraging untouchable antagonism. Their impact, however, has been largely confined to Maharashtra.[64] Their involvement suggests that at the village level traditional structures often barred untouchables from making full use of the legislation available because

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[57] N. D. Kamble, *Atrocities on Scheduled Castes in Post-Independence India, 1947-1979.* (New Delhi: Ashish Pub. House, 1981). For just some examples see: p. 19, 51, 70, 71.
[58] *The Times of India,* January 18 1969.
[59] *Ibid.*
[60] *Ibid.*
[61] Galanter, "The Abolition of Disabilities", p. 228.
[62] Bayly, *Caste, Society and Politics,* p. 273.
[63] Galanter, "The Abolition of Disabilities", p. 264.
[64] Rao, *The Caste Question,* p. 185.

they tended to accept the violence and exclusion placed upon them. Anthropological studies of the post-independence period support this to an extent, as they demonstrate that untouchables were still excluded from caste Hindu temples, occupied separate settlements and were subject to traditional practices of servitude, all symbolic instances of caste violence.[65] However, some studies did highlight a more defiant attitude taking hold among untouchables. In the 1960s in Rampura village, Mysore, M. Srinivas found that untouchables were beginning to refuse to perform degrading tasks, such as removing carcasses.[66] It was this change in attitude, fostered largely by the official recognition of the violence of caste, that, paradoxically, exacerbated caste conflict because, as Srininvas states, 'there is friction... [as] the upper castes want them to continue performing' the tasks.[67]

Overall, this would suggest that caste violence was not contained despite the official abolition of untouchability and the criminalisation of its practices, and the heightened awareness among untouchables may, in fact, have contributed to an increase in conflict. Anupama Rao has further argued that officially legislating against caste violence heightened its salience, with the period from the implementation of the Untouchability (Offences) Act to its second successor, the Prevention of Atrocities (Against Scheduled Castes and Scheduled Tribes) Act (1989), being a process of legally codifying the 'caste atrocity'.[68] This is one way to explain the seemingly dramatic increase in caste violence from the mid-1960s onwards, which is evident in the proliferation of caste violence in the press.[69] However, instances of violence did witness an increase from the mid-1960s, largely due to the changing political economy of rural India and the impact of the system of reservations that Ambedkar had sought to establish.

The Nehru period (1947-64) witnessed efforts to overhaul agrarian structures of dominance by equalising landholdings through agricultural policies based on land reforms and co-operatives. These reforms, however, were only partially implemented and little progress was made.[70] In contrast, the post-Nehru government implemented a new agricultural policy based upon incentives for farmers and investment in technology, epitomised by the Green Revolution of 1967-8.[71] This resulted in the disappearance of the large estates

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[65] André Béteille, *Caste, Class and Power: Changing Patterns of Stratification in a Tanjore Village.* (Berkeley: California University Press, 1965), p. 268; McKim Marriot, *Village India: Studies in the Little Community.* (Chicago: University of Chicago Press, 1955), p. 49; M. Srinivas, *India's Villages.* (London: Asia Publishing House, 1963), pp. 93-4.
[66] Srinivas, *India's Villages*, p. 28.
[67] *Ibid.*
[68] Rao, *The Caste Question,* p. 177.
[69] *The Times of India* ProQuest Search Engine
[70] Ashutosh Varshney, *Democracy, Development and the Countryside: Urban-Rural Struggles in India.* (Cambridge: Cambridge University Press, 1995), p. 6.
[71] *Ibid.*

of great landholders by the late 1960s and in their place emerged the landed castes whose holdings had avoided the land ceiling reforms.[72]

It was in this context that major changes also took place in the political arena. During Jawaharlal Nehru's rule the Congress government enjoyed clear majorities in elections and largely avoided intervening in regional conflicts.[73] This changed during the succession struggles after 1965 and the decline in Congress hegemony. In attempts to mobilise the untouchable electorate, Congress displaced a number of upper caste leaders in regional organisations and replaced them with untouchable leaders.[74] Contemporaneously, the decline in Congress power at the regional level saw rivals scramble for power, most notably in Uttar Pradesh in 1969 where the Bharatiya Kranti Dal coalition ousted Congress through its populist appeal to the agrarian, clean-caste masses.[75]

It was due to these changes in the political and rural economy that Ambedkar's efforts to legislate against untouchability through the system of 'compensatory discrimination' actually led to exacerbated, rather than contained, caste violence. Reservations did have a positive effect during the first couple of decades following independence by facilitating the educational, employment and political integration of untouchables; 15% of seats were reserved in Central and State assemblies, as well as 15% of all jobs in state and state-aided employment.[76] Ramachandra Guha estimates that while the overall school population doubled in the first decade after independence, the population of untouchables attending school multiplied by at least eight times.[77] However, the figures are not as positive as they initially appear. A press report from 1975 stated that Mehtars, the 'lowliest among Harijans', were 'subjected to segregation in certain villages', often being seated separately on the floor by 'caste-conscious teachers'.[78] Similarly, while reserved positions within state institutions were in theory available at all levels, in reality only the lower levels tended to be filled. As late as 1966, only 1.77% of senior administration posts were occupied by untouchables, as compared to 8.86% of clerical jobs and 17.94% of attendants.[79]

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[72] Walter Neale, "Progress and Insecurity: Class and Conflict in Rural India." *Journal of Economic Issues* 17 (1983), p. 400; Paul Brass, "Caste, Class and the Congress in the North Indian Countryside, 1962-82." In *The Indian National Congress and Indian Society, 1885-1985: Ideology, Social Structure and Political Dominance,* edited by Paul Brass and Francis Robinson. (New Delhi: Chanakya, 1987), p. 331.

[73] Paul Brass, *The Politics of India since Independence.* (Cambridge: Cambridge University Press, 1994), p. 154.

[74] *Ibid.*

[75] Bayly, *Caste, Society and Politics,* p. 283.

[76] Ramachandra Guha, *India After Gandhi: The History of the World's Largest Democracy.* (London: Pan, 2008), p. 376.

[77] *Ibid.*

[78] *The Times of India,* December 26 1975.

[79] Guha, *India After Gandhi,* p. 376.

While reservations did have some success in integrating untouchables within wider society they also fostered antagonism between and within castes. The issue over reservations for the 'backward classes' goes back to Articles 15 and 16 of the Constitution, which encouraged the adoption of 'preferential treatment for backward class peoples'.[80] It also had roots in the anti-Brahmin movements of the colonial period which sought to remove Brahmin privileges; however, these movements were confined to southern India pre-independence.[81] In 1950 the All-India Backward Classes Federation was formed and in 1953 a Backward Classes Commission was set up, pressing for a sweeping version of 'compensatory discrimination'. Reservations soon became an instrument of political power, exemplified by Indira Gandhi's *Gharibo Hateo* (Eradicate Poverty) campaign of 1970 in which economic benefits for untouchables were promised.[82] Lucia Michelutti has argued that it was this system of reservations, alongside the competitive process of electoral politics and land reforms, which transformed rural structures of dominance.[83]

It was this transformation which resulted in the greater occurrence of caste conflict from the mid-1960s. André Béteille's study of Sripuram village, Tanjore, in 1961-2 demonstrated how the traditional cleavages of caste, class and power had come to be undermined by agricultural reform and party politics, resulting in the distribution of power shifting from Brahmins to small landholding castes.[84] Paul Brass has argued that much of the conflict for finite resources and government jobs therefore took place either within the newly-dominant land-controlling castes, or between backward classes and previous elites who demanded greater access to these resources.[85] However, reservations also led to an increase in violence towards, and sometimes initiated by, untouchables. In 1974, an untouchable colony in Ramanapally village, Hyderabad, was burnt down by landlords following a dispute over wages; similarly, the much-publicised Kilvenmani killings of 1969 were reported to be the result of untouchables organising themselves into a Marxist-led union.[86] These incidents reveal that the transformed socio-economic structures, largely shaped by reservation policies, land reform and politics, fundamentally politicised and antagonised existing caste divisions, resulting in an exacerbation of caste violence.

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[80] "Constitution of India: Articles 15; 16."

[81] Bayly, *Caste, Society and Politics,* p. 288.

[82] *Ibid,* p. 285.

[83] Lucia Michelutti, *The Vernacularisation of Democracy: Politics, Caste, and Religion in India.* (New Delhi: Routledge, 2008), p. 21.

[84] Béteille, *Caste, Class and Power,* p. 4, 8, 209.

[85] Brass, *The Politics of India since Independence,* p. 332; Brass, "Caste, Class and the Congress in the North Indian Countryside," p. 315.

[86] *The Times of India,* April 4 1976; *The Times of India,* June 14 1973.

Conclusion

This paper has demonstrated how there was an overall increase in violence against untouchables, particularly from the mid-1960s, which would suggest that the implementation of Ambedkar's theory of caste violence has been unsuccessful in rural India. However, two points must be noted. First, Ambedkar's efforts had a variable impact across rural India during this period. Regional differences in caste populations, for example whether there were larger than average Brahmin, low caste or untouchable numbers, affected the rate of violence and those perpetrating the crimes.[87] Also, Ambedkar's home state of Maharashtra had an arguably higher rate of untouchable mobilisation, which addressed the violence of untouchability more determinedly than in other states. Second, Ambedkar's theory largely rested upon the *varna* castes as opposed to *jati*, therefore his strategies were primarily aimed at overcoming untouchable violence perpetrated by higher castes. His strategies did not encompass *jati* divisions and instances of intra-untouchable violence, which increased as a result of reservation competition. However, by nationalising the untouchable question and raising awareness of the violence that underpinned untouchability, Ambedkar transformed every day, structural violence into recognised forms that the state was obligated to overcome.

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[87] Bayly, *Caste, Society and Politics,* p. 306