

## Conceptualising Dalits in Contemporary India

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### Abstract

The historical significance of caste is ensconced in the enduring forms of social stratification and discriminations it has engendered in the Indian society. A large section of caste society comprises of the former untouchables (the Dalit caste) who continue to be at the receiving end of caste discrimination and violence. In 1949, the government of India adopted the policy of positive discrimination in favour of Dalits to improve their socio-economic conditions. In the last few decades, both the numerical and political presence of Dalits in educational institutes and government offices has increased. The purpose of this paper is to investigate how upward mobility among the Dalits breeds insecurities among the high-ranking landed castes who have started caste-based movements demanding reservations. Further, it aims to understand how caste stigma continues to be produced and experienced by Dalits especially in the urban contexts of contemporary India.

This paper analyses autobiographies by Dalit protagonists to understand how different dimensions of caste evolve with urbanization. Theoretical understanding of identity formation among marginalized communities in the context of race, class, and gender is used to grasp how Dalit identity is perceived and experienced in contemporary India. There are still occurrences of caste discrimination in the form of public humiliation, exclusion, or violence against Dalits in the urban public sphere. Caste based violence is traced through major cases reported by the media in the last decade.

I argue that Dalits have not been able to get rid of the stigma associated with their caste identity, even under the conditions of urban anonymity and modernity. The hold of caste ideology of pollution is so deeply entrenched in Hindu society that the assertion of their political right to lead a stigma-free life is often frustrated. I will highlight how the recently acquired middle-class status of Dalits, which is in opposition to their low-caste status, perpetuates violence, reinforces

marginalization and stigmatization by the upper castes. In the analysis of media reports, three forms of violence are found: physical, cultural and symbolical.

## **Introduction**

Gupta (1991) aptly suggests in his book *Social Stratification* that ‘differences in language, religion, race, or sex are differences that in themselves do not contain the property of inequality’. Nevertheless, social stratification is the reality of every society and it divides people into groups, communities, classes, and castes that are arranged in a vertical, hierarchical manner. Societies compartmentalise, stigmatise, and perpetuate violence towards people who are placed lower on the hierarchical ladder based on any of the differences mentioned above.

The historical significance of caste is ensconced in the enduring forms of social stratification and discriminations it has engendered in the Indian society. According to the 2011 Census of India, 16 percent of the Indian society comprises the Dalit caste who were formerly ‘untouchables’. Even after untouchability was abolished in India in 1955, Dalits continued to be at the receiving end of caste discrimination and violence. In 1949, the Government of India adopted a policy of positive discrimination in favour of Dalits to improve their socio-economic conditions. In the last few decades, both the numerical and political presence of Dalits in educational institutes and government offices has increased. Although a few Dalits have migrated to the urban sector after attaining jobs and financial security, caste stigma continues to haunt them as well. This paper highlights how caste stigma continues to be produced and experienced by Dalits differently in the urban context of contemporary India. Further, it elucidates how the recently acquired middle-class status of Dalits, which is in opposition to their low-caste identity, perpetuates violence, reinforces marginalization and stigmatization by the upper castes. Caste-based violence is traced through major cases reported by the media in the last decade.

## **Historical Background**

Caste has always played an important role in the Indian history. It is also taken as a reference point to study social power in the Indian society. The Hindu religious theory is based on the Shashtras, the sacred work of scripture, which were historically accessible only to the Brahmins. According to the Shahstras, Brahma, the creator of the universe, had created the caste system

and dictates that everyone should follow the caste hierarchy. The caste system divides Hindus in four *varnas* (social castes), namely, Brahmin, Kshatriya, Vashiya and Shudra. Shudras come last in the hierarchy of caste (*jati*), and are also known as ‘untouchables’. This population of the so-called untouchables was devoid of basic human rights because of their caste for centuries. The Dalit movement first gained cohesion during the freedom movement led by the Congress. Gandhi was in favour of re-conceptualising caste identity for the ‘untouchables’ and believed that the caste system could be reformed and hence named the ‘untouchables’ ‘*Harijans*’<sup>1</sup>, regardless of caste hierarchy. This view was severely criticised by Dr. B.R. Ambedkar, one of the prominent leaders of the Dalit movement, who believed that the caste system should be strategically annihilated instead of being reconfigured. He wrote in his book, *Annihilation of Caste*, ‘There is no question of reform in Hindu social order. Only question is, How to abolish caste?’ (Ambedkar 1936: 39). He believed that moving away from the grasp of Brahmanical Hinduism was the sole way for the untouchables’ emancipation from caste oppression.

Leaders of the Dalit movement demanded separate electorates for the former untouchables in 1932 and the British Government was prepared to concede to their demands until Gandhi went on a hunger strike to protest against such a provision for the Dalits. Ambedkar and Gandhi signed an agreement later that year that came to be known as the Poona Pact, according to which special provisions were provided for Dalits in government jobs and educational institutes. However, affirmative action did not ensure the annihilation of caste, as Ambedkar had imagined, because ultimately Dalits remained under the Brahmanical social order. This has been noted by Bhabri (1999: 2619-2620) who suggests that ‘the consequences have been that the oppressed castes even in the process of political change continue to remain under the influence of Hindu priests and ritual practices’.

Later, when the decolonized Republic of India adopted its constitution in 1949, untouchability was abolished under Article 17. The former untouchable castes were termed Dalits<sup>2</sup>, which transmuted them from being merely a social minority into political subjects. Under the Constitution of India, they were categorized as a Scheduled Caste<sup>3</sup> for the implementation of socio-economic welfare schemes. The Indian government adopted a policy of positive discrimination in favour of Dalits who were historically discriminated against and oppressed based on their caste. Seventy-two years of this reservation policy adopted by India has helped part of the Dalit population to achieve socio-economic betterment.

## **Locating Caste in Contemporary India**

Scholars have attempted to delineate and theorise caste through numerous perspectives. The occupation theory given by Nesfield suggests that ‘castes in India are functional or occupational in nature’ (Ambedkar 1917). While this might have been true historically, this theory is outdated in the context of contemporary India where caste is more complex and not always based on occupation, especially after significant changes in the employment sector post affirmative action. Dubais believed that Brahmins propagated the theory of caste to further their socio-political interests and maintain their hegemony (Teli & Sonkar 2017). However, this theory too is not completely valid in the present scenario, given that the upper castes are demanding affirmative actions by claiming that they are oppressed or underrepresented.

Given that many of the theoretical works on caste are outdated or relevant only in few contexts, a thorough analysis of caste in contemporary India is required. In this section, I use autobiographies and media reports to outline how caste works differently in rural and urban areas of India. Further, I reflect on the differences in how the caste-based discrimination works differently in rural and urban areas.

In rural India, where the majority of Dalits reside, people still justify caste hierarchies and the practice of untouchability via the ‘Hindu religious belief system’. In Indian villages, residential patterns index the differences between Dalits and non-dalits. Dalits’ homes are on the periphery of the village, surrounded by the village cremation grounds, defecation places, or the agricultural fields. Beth (2007: 560) explains that ‘Caste identities are openly acknowledged in the villages and thus caste oppression is inescapable’. The village represents a more severe form of caste oppression and discrimination that are visible in the daily routine of people as well as in the caste-based settlements (Pawar 2015). Another Dalit writer, Bama (1992), described the structure of the village in her autobiography, ‘I don’t know how it came about that the upper-caste communities and the lower caste communities were separated like this into different parts of the village. However, they (upper castes) kept themselves to their part of the village, and we stayed in ours. We only went to their side if we had work to do there, but they never, ever, came to our parts’.

Dalits who have attained financial capability usually migrate to urban areas seeking jobs and a better lifestyle. In addition, Bhambri (1999) notes that the migration of Dalits to urban areas for better lifestyles is changing the dynamics of caste in contemporary urban India. Urban area housing settlements are mixed with respect to caste and are made on basis of class defined by

the kind of jobs and salary. In such a space, caste comes to the fore differently than in rural areas. Beth (2017: 560) suggests that the 'urban is seen as space of modernity, anonymity and an escape from caste'. In urban India, it is commonplace to hear people claim that caste is absent in all its possible forms. However, given that last names are indicators of castes in India, the presence of caste is felt in everyday activities, the most basic of which is the display of caste names on the entrance of upper caste houses. Upper castes are able to conveniently claim or be 'unaware' of caste at will, which is not the case with Dalits, who are doomed to 'die in the same caste they were born with'. Therefore, while the caste system may not be physically visible, like in the structure of the village, it can be seen, felt, and experienced in everyday routine. Urban middle-class Dalits does not experience caste inequality and stigma in the same way as their rural counterparts. Nonetheless, there are still occurrences of caste discrimination in form of public humiliation, exclusion, or violence against the Dalits in the urban public sphere. Violence is experienced physically, culturally, and symbolically. Cultural and symbolic violence are most difficult to get rid of because they are difficult to locate (Channa & Mencher 2013). As Valmiki (1997) notes that Dalits entering the new middle-class status in urban areas often reconcile with their low-caste identity. Although many Dalits have gained upward mobility in terms of the class hierarchy and attained middle class status, they are still struggling to receive social acceptability among the high-ranking castes dominating the Indian middle-class (Ibid.).

Ketkar and Ambedkar gave the theory of the genesis of caste and its mechanisms, which still hold true in contemporary India. Ketkar talked about two main features of caste: the prohibition of intermarriage and membership by birth. Ambedkar (1917: 10) viewed endogamy as the basis of the caste system and believed that the 'superposition of endogamy on exogamy means the genesis of caste'. Ambedkar (1936: 40) firmly believed that 'the real remedy for breaking caste is inter-marriage. Nothing else will serve as the solvent of caste'. However, even in contemporary India, the rules of endogamy and exogamy based on caste are strictly observed and enforced in marriage practices, and the penalties for violating these rules are rigorous. However, inter-caste marriages continue to witness the wrath of society, especially when one of the partners belongs to the Dalit caste. Recently, a video went viral in which an inter-caste couple alleged that they were receiving death threats from the woman's family and associates. The woman belongs to an affluent Brahmin family with political connections and the man was a Dalit. While in urban areas, upper castes and Dalits often interact with each other, the rules of caste hierarchy become most visible when it comes to marriage. Upper castes families rarely form marital alliances with Dalit families. Numerous cases of inter-caste marriage have resulted in 'honour killings' by the family. In the rare cases where inter-caste marriage takes place, the

couple and their family is ostracised. Matrimonial advertisements in daily newspapers reflect this mentality: at a brief glance at them reveals that most people write 'caste no bar (SC/ST please excuse)'. This clearly reveals the subtle prejudices that continue to exist in the everyday lives of Dalits in urban India. In the next section, I discuss the representation of Dalits in literature and the genre of Dalit autobiographies

### **Dalit Identity and Literature**

Upper caste Hindus have the privilege to either remain in denial about the existence of the caste system in urban India or oblivious to it. However, as briefly outlined earlier, subtle forms of caste discrimination are invisible to the upper castes, whereas Dalits are reminded of it in every interaction. This oblivion is boosted by the Brahmanical social order that has systemically dominated the field of education and historically denied access to Dalits in educational institutions. Even contemporary curricula are designed so that students rarely read literature by Dalit leaders, such as Dr. Ambedkar, or the multitude of Dalit authors that have emerged post-Independence. Numerous Dalit authors state in their autobiographies that they only read Ambedkar in the latter part of their youth. The historical achievements of upper caste leaders are naturalised as the history of 'India' to the extent that Dalit histories are obliterated, which is often experienced as shameful by Dalit students. Even when Dalit histories are taught, they are most often tales of how they were bonded labourers who were routinely humiliated and oppressed for centuries and denied basic human rights. As Perkins (2000: 30) wrote, quoting Morgan, 'to be marginalized to a dominant culture is also to have had little or no say in the construction of one's socially acknowledged identity'. Dalit autobiographies contest the institutional claim that caste does not function as a social force in modern India. This genre of Dalit autobiography allowed Dalits to control the narrative of their identity. The word 'Dalit' refers to the people who have been oppressed and marginalised, and writing their autobiographies have allowed them to turn the table and become empowered and enriched. Dalit autobiographies in the 1970s and 1980s speak vividly of Dalit protagonists' experiences of fear and threat from upper castes.

Dalit autobiographies as a discourse of Dalit literature began in the late 1960s. The first few autobiographies were started in Maharashtra, which was also one of the focal points of the Dalit social movement started by leaders like Dr. Ambedkar. These books were written in the regional language, Marathi, and were later translated into other languages. Subsequently, Dalit authors from all over India began to write autobiographies to narrate their experiences. These

autobiographies are conventionally not about an individual, and often stand as testimonials to the community's suffering. Dalit autobiographies have played a vital role in the larger movement of Dalits' assertions. Like how the *testimonies* written by blacks in America represent the suffering and atrocities on a large population, Dalit writings are narratives of trauma, pain, resistance, protest and social change not in an individual but in a community as whole (Nayar 2006). Autobiographies record new dilemmas and elucidate newer and subtle forms of violence against Dalits in a rapidly liberalizing economy (Koppikar 2015). These narratives help reclaim authorship of Dalit self-hood and offer a more empowering counter-narrative for Dalits. They demonstrate the resilience of Dalits under extremely exploitative conditions as opposed to the hegemonic narratives that describe Dalits as polluted and inferior. Although many autobiographies describe the inability of Dalits to resist exploitation and discrimination, these are conditions where Dalits are in heavy debts and could not afford to protest or they are threatened and controlled on everyday basis.

In contrast, contemporary writers are coming up with more assertive narratives and present a cohesive sense of identity. The political presence of Dalits and their assertion of identity has found space in Dalit literary fests that are organised by students to generate awareness and enable easy access to Dalit literature, which was previously inaccessible. Social media has enabled Dalit activists to transverse linguistic and regional barriers and mobilise Dalit movements. However, access to digital media is limited (41% for Dalits, 64% for upper castes) because of economic barriers. Further, most Dalits are well-versed in their vernacular languages and lack fluency in English, which hinders their social media presence.

Although Dalit presence on social media has increased, the social media space continues to be dominated by the upper castes. These days, social media is flooded with various movements against the increasing presence of Dalits in the public sphere. Social media often enhances the biases and negative image of Dalits regarding their inclusion through reservation presented by mainstream media. A few years ago, a Dalit student topped one of the toughest exams for Indian Administrative Services. This became a huge scandal on social media where reservations were mocked and the Dalit student was humiliated and trolled. The relatively anonymity and ability to voice opinions offered by social media often boosts anti-reservation sentiments. Further, there are various memes and pictures circulating in social media that offer insights into the symbolic discrimination faced by Dalits. For example, a recent viral image depicts three generations of a Dalit family in high bureaucratic posts. I have attached some of the images

circulating in social media in Appendix 1. The anti-reservation sentiment is now stronger towards second- or third-generation Dalits whose families have already received reservations (Appendix 2). However, this denies the reality that many Dalit students are the first in their village, community, or family to pursue higher studies, so such cases are extremely rare.

All the autobiographies highlight the importance of education and its social implications, and advocate education as the means to social empowerment (Bama 2000; Pawar 2015; Valmiki 1997). The importance of education was strongly advocated by Dr. Ambedkar, who believed that all citizens should be educated for the actual growth and development of any nation. He advocated education as the singular weapon that could break the shackles of caste discrimination and poverty for Dalits. Indeed, education has played a significant role in the upward mobility of Dalits and in strengthening the struggle against the caste system. The next section describes the complexities of Dalit experiences vis-à-vis education to understand how this vision of Dalit activists and authors has taken shape in contemporary India.

### **Education and Dalits**

The last two decades have witnessed a tremendous increase in Dalit students in educational institutions; however, this does not indicate the absence of caste prejudice. Dalit authors talk in detail about their experiences of being treated as untouchables in the schools they studied. They write about the humiliation of not being allowed to drink water from the shared vessel and being made to sit at a distance from other students (Bama 2000; Pawar 2015; Valmiki 1997). While this was in the rural context, the form of discrimination in institutions has changed in the urban context. Dalits continue to be discriminated, harassed, and abused at educational institutions across the country.

There are numerous cases of Dalit students committing suicide in the past decade that have received media attention. Two very recent and prominent cases include those of Rohith Vemula and Muthukrishna, who were both pursuing their higher education in different metropolitan cities of India: Hyderabad and Delhi respectively. Rohith Vemula, a PhD scholar at the University of Hyderabad, committed suicide in January 2016 and cited institutional discrimination based on caste as the reason. The authorities promptly denied the alleged discrimination instead of finding a solution to the alarming rate at which Dalit suicides are recorded in higher institutions. Further, the institute attempted to falsify Vemula's narrative and challenge his caste by claiming that he was not from the Dalit community. The institutional



discrimination against him was primarily because of his Dalit activism. Student activism in itself is looked down upon in contemporary India and considered 'antinational', which makes Dalit activism even more subversive.

The same year, a couple of months after Vemula's suicide, Muthukrishna, a doctoral fellow of the Jawaharlal Nehru University, hanged himself in the university hostel. His last status on the Facebook social media website was, 'When equality is denied, everything is denied' (Muthukrishna 2016). These universities are situated at the heart of metropolitan cities, and are considered leading intellectual breeding grounds in the country. The statistics show that crimes against Dalits have increased. These cases received immense media attention, especially that of Vemula's, because he was strongly involved in activism. However, this is not usually the case as this is not a 'new' phenomenon, and the vast majority of Dalit scholars continue to suffocate under institutional discrimination. Chandran (2019) accurately writes about the changing codes of discrimination and suggests, 'When discrimination is institutionalised, it kills upliftment'. Although reservation has helped Dalits in attaining education, it also 'promotes a sense of second-class citizenship and accomplishment' (Dirks 2002: 279). Rudolph indicates this as well and argues that in return for access to opportunity and power, the untouchables are asked to incriminate themselves socially. Constitutional provisions for the reservations of seats for Dalits in government jobs and educational institutes often become the basis on which equality is denied. The question of meritocracy keeps lingering over the heads of Dalit students and they have to repeatedly prove their merit. The upper-caste discourse, which is represented as the 'public' discourse in India, views caste-based reservations negatively. There have been several protests and debates by upper castes to end this system of affirmative action. The demand for a 'merit' based system reveals how merit itself is conceived of as a characteristic of the upper castes. Their narratives also reveal the new codes of caste discrimination where reservation is viewed as a policy to appease Dalit, so consequently, according to them, Dalit students are seen as usurping the seats of upper caste students. Consequently, Dalit students often feel humiliated in these institutions. A Dalit student stated, 'my existence in that university was an anomaly, and I had taken up their space. The assault to my dignity was the price I had to pay for the privilege of studying at such an eminent institution.' Interestingly, upper caste groups often demand reservations based on economic criteria, which ignores the sociohistorical context of caste and the fact that the caste hierarchy remains intact even with upward class-based mobility.

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was framed to convict people who were harassing or discriminating people from these castes. The details in which these offences are mentioned in the Act demonstrate how commonplace discrimination was. I have attached the link to the act in Appendix 3; the offences mentioned show the pitiful conditions of Dalits in Indian society. In 2018, the Supreme Court has now diluted this Act by citing increasing ‘false cases’ as the rationale behind it; however, that logic is flawed because there has been a subsequent increase in cases of caste abuse and discrimination. In 2007, the Indian government formed a committee, headed by Sukhdeo Thorat, to find cases of caste discrimination in the All India Institute of Medical Sciences (AIIMS). In its survey, the committee found that 84% of the Dalit students reported that their teachers asked them about their caste either directly or indirectly during evaluations. The committee gave a set of recommendations, which are not followed by many universities. The University Grants Commission has regulations in place to address caste-based discrimination, but they are rarely implemented by the universities and generally ignored. Most of the institutes claim that they have dedicated webpages for Dalit and tribal students’ grievance redressal. However, these webpages are rare and seldom function smoothly. Further, there is lack of information and awareness about redressal mechanisms. It is the responsibility of the state and society to make the educational environment conducive for people who have been historically excluded. However, as this section shows, rampant discrimination exists in educational institutes, varying from physical violence to more subtle forms of discrimination and exclusion.

### **Dalits in the Workplace**

The experiences of Dalits in the workplace resonate with the experiences discussed in the previous section. Dalits are viewed as undeserving, inefficient, and alien in the workplace. Even when Dalits strive to climb the social hierarchy, the caste system poses hurdles in their struggle to attain recognition. In the 1930s, when Dr. Ambedkar was working in the Baroda state service, his colleagues treated him as an untouchable; the other staff members would not touch the files touched by him. He was never treated as a human being but ‘was reduced to his immediate identity and nearest possibility’ (Vemula’s 2016 suicide note).

Dalits are mostly employed in jobs that are placed low on the hierarchy. They are hindered by unethical aides in reaching the upper echelons of bureaucracy, and are often tortured and abused if they try to do so. Muraleedharan, a 23-year old man, was appointed the Deputy Collector of a state and has not been promoted in the past 30 years. Moreover, he has been transferred 105 times and continues to be denied an official government vehicle. This case indicates that

bureaucratic procedures, often handled by upper castes that resent Dalits, frequently avoid promoting Dalits.

Bureaucracy aside, the resentment that reservation has caused among the upper castes can be seen in specialised fields more starkly. In 2019, the media widely covered the suicide of a doctor, Payal Tadvi, in a government hospital. In the four months leading to her death, she told her family that she was being harassed and discriminated by senior doctors in the hospital. Specifically, the senior doctors told her that she was only suited to clean the toilets in the hospital. This remark displays blatant discrimination as she belonged to a caste whose traditional occupation was sweeping. This case best personifies the anti-reservation resentment because one of the major points of concern for the upper castes was related to the medical field. Given that reservation is seen as an appeasement and not as 'meritorious', the discourse of unqualified Dalit doctors was central to the upper castes in their anti-reservation protests. Upper castes tried to argue that Dalit doctors (and professionals) would pose a threat to society because they would be underqualified. Various anti-reservation hashtags have been viral on Twitter and Instagram, such as #DeathOfMerit, and #TheDoctorYouDeserve, in which upper caste doctors were arguing that reservation is producing poor quality doctors in India.

While the experiences of Dalits in government institutions are traumatic, private institutions and organisations have a completely different story. In the private sector, Dalits are extremely under-represented. B.N. Uniyal (1996), a journalist, stated that, 'In all the 30 years I had worked as a journalist, I had never met a fellow journalist who was a Dalit; no not one' This demonstrates that upper castes dominate professional fields, and given a choice, they almost never hire Dalits, thus indicating how Brahmanical hegemony continues to function. This also indicates that upper caste work ethics are normalised as 'hard work' and the Dalit identity is either considered 'lazy' or only fit for certain jobs that are laid down by the Shastras. Finally, this under-representation of Dalits in the private sector only shows the significance of reservations in government jobs, without which Dalits would continue to be under-represented in the government sector as well.

## **Conclusion**

The introductory section of this paper outlined the historical context of the caste system in India. It discussed the theoretical frameworks from which caste has been analysed by scholars. These theories are unable to fully explain the structure and workings of caste in contemporary urban India, which has changed over the last two decades. Therefore, I have used Dalit

autobiographies and media reports of violence against Dalits to highlight the experience of Dalits in contemporary India. These sources provide rich insight into the complexities of Dalit identity and experiences.

I have discussed Dalits' experiences vis-à-vis reservations in the government education and employment sectors. Through these, I argue that discrimination and violence against Dalits remains pervasive, but in a changed form. From the point of view of the upper castes, inequality is further enforced through reservations. The subsequent violence faced by Dalits in these institutions, as described above, are subtle and symbolic. Finally, I assert that reservations in themselves are not enough to end the systemic discrimination faced by Dalits over centuries. Dr. Ambedkar's words, although written in a different era, still hold true: 'In spite of the advance of time and civilization caste operates in all its pristine vigour even today'.

There are several aspects of Dalit identity in contemporary India that are not discussed in this paper due to its limited focus. First, the experiences of Dalit women, who are doubly oppressed by patriarchy as well as the Brahmanical systems, are not discussed in this paper. Further, new movements by upper-castes demanding reservations in the name of equality and the insecurities that they face have not been included. Finally, the paper is based on secondary literature since empirical work is limited in the field, and is unable to provide rich insights into the lived experiences of Dalits in contemporary India.

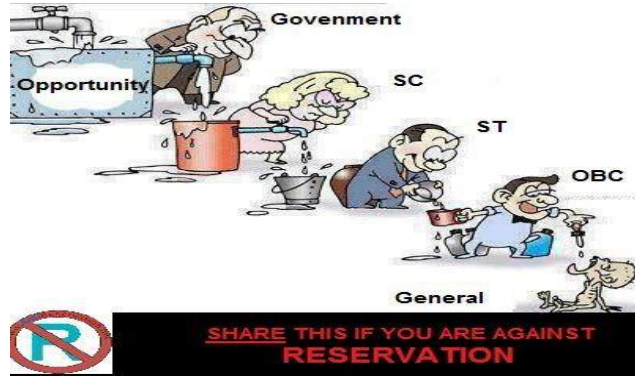
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**Appendix 1**

**Images 1-3** represent the anti-reservation sentiment of the unreserved, upper caste groups, sourced from social media.



**Image 1**



**Image 2**



**Image 3**

## Appendix 2



**Image 4** depicts the reserved category (left side of the image) and the unreserved, upper-caste sentiment (right side of the image)

**Translation:** How does it matter that three generations of my family are placed in high positions in the government service? I am a Dalit and I have been oppressed for centuries. Do not take away my right to reservation (the tone is sarcastic).

## Appendix 3

According to The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act (1989):

Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe:

- i. gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is capital by the law for the time being in force shall be punished with imprisonment for life and with fine; and if an innocent member of a Scheduled Caste or a Scheduled Tribe be convicted and executed in consequence of such false or fabricated evidence, the person who gives or fabricates such false evidence, shall be punished with death
- ii. gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe

to be convicted of an offence which is not capital but punishable with imprisonment for a term of seven years or upwards, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years or upwards and with fine

- iii. commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause damage to any property belonging to a member of a Scheduled Caste or a Scheduled Tribe, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine
- iv. commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause destruction of any building which is ordinarily used as a place of worship or as a place for human dwelling or as a place for custody of the property by a member of a Scheduled Caste or a Scheduled Tribe, shall be punishable with imprisonment for life and with fine
- v. commits any offence under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more against a person or property on the ground that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with imprisonment for life and with fine
- vi. knowingly or having reason to believe that an offence has been committed under this Chapter, causes any evidence of the commission of that offence to disappear with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall be punishable with the punishment provided for that offence; or
- vii. being a public servant, commits any offence under this section, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence

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<sup>1</sup> The term '*harijan*' means 'children of God'. Gandhi did not like using the colonial term 'depressed classes' because he saw it being linked with slavery. He used the term '*harijan*' meaning 'children of God' to attempt to emancipate Dalits and remove the stigma of untouchability.

<sup>2</sup> The word 'Dalit' means grounded to the pieces and referred to the groups earlier recognized as untouchables in Indian society as according to the caste system.



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<sup>3</sup> The colonial government used the term 'Schedule Caste' to refer to these communities. Schedule Caste is a blanket term used for Dalits/Untouchables such as Valmiki, Chamar/Ramdasi/Ravidasi, Chanal, Dhanak, Doom, Khati, Sansi, etc.