

## CRITICAL ANALYSIS OF UNTOUCHABILITY IN INDIA

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### ABSTRACT

*Untouchability, a deeply entrenched social ill in India, has perpetuated inequality and denied equal opportunities to the Dalits for centuries. This study critically assesses the contemporary condition of the untouchables, aiming to analyse the effectiveness of various legislations in improving their social status. It seeks to challenge prevailing attitudes and question the logic behind the practice of untouchability. The research also delves into the historical origins of untouchability and how it has evolved over time. Notably, it acknowledges the significant role of the judiciary in reshaping societal perceptions through landmark judgments. The study further investigates the role of religious texts in either promoting or misinterpreting the practice of untouchability. By examining the challenges faced by the Dalits, this study aims to provide insights into their real-life struggles and suggests ways to enhance their living conditions. In India, inequality has persisted throughout history, particularly due to the caste-based discrimination faced by certain sections of society. The Indian constitution was framed to rectify this imbalance, and this research analyses the provisions and legal precedents that have contributed to reducing inequality and fostering equality in the country.*

**Keywords:** Untouchability, Dalits, Caste-Based Discrimination, Indian Constitution, Inequality, Equality, Social Justice, Judiciary, Landmark Judgments, Religious Texts, Social Change.

### INTRODUCTION

Dr. B.R. Ambedkar, in his seminal work "Annihilation of Caste," provided profound insights into the deeply ingrained issue of caste in Indian society. He aptly described caste as a "disease of the mind" perpetuated by religious dogmas. This deep-seated problem has manifested itself most starkly in the deplorable practice of untouchability, which subjects a substantial portion of the Indian population to humiliation and discrimination. Untouchability is a stark

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manifestation of caste-based discrimination enforced by higher castes, who believe that even a simple touch from so-called "untouchables" can contaminate them.

The term "Dalit," first coined by Jyotiba Phule, has been used to describe the outcasts and the lowest social classes in Hindu society. In 1919, the British government referred to them as the "Oppressed Classes." The origins of untouchability are complex and multifaceted, with various theories suggesting connections to the decline of the Indus Valley Civilization and the Aryans' notions of racial superiority. While these theories provide historical context, untouchability remains a pressing issue in modern India.

Caste-based oppression has persisted in India since the Vedic era. Despite constitutional efforts to abolish untouchability, it continues to be woven into the cultural fabric of the nation. Historically, those engaged in physically labour-intensive occupations such as sweeping, fishing, and laundry were stigmatized and excluded from mainstream society. In contemporary India, they are referred to as Dalits and Scheduled Castes, as defined by Article 366, clauses 25 and 26 of the Indian Constitution.

One crucial aspect to note is that Dalits are not limited to the Hindu community. They are also present among followers of various religions, including Islam, Christianity, and Buddhism. This underscores the widespread nature of the issue, cutting across religious lines and highlighting the urgent need for collective action.

Untouchability and caste-based discrimination have had far-reaching and devastating consequences on the lives of Dalits. They have been denied access to education, economic opportunities, and social mobility due to the deeply entrenched biases that have persisted for centuries. These practices have perpetuated a vicious cycle of poverty and social exclusion, making it incredibly challenging for Dalits to break free from the chains of discrimination.

Despite the progress made since India gained independence and the enactment of laws aimed at eradicating untouchability, the deeply rooted nature of caste-based discrimination continues to present obstacles to genuine equality. It is not merely a matter of legal reform; it is a societal transformation that is required.

Efforts to address this issue involve promoting awareness, education, and affirmative action programs to uplift Dalits and Scheduled Castes. Social reform movements and civil society

organizations have played a significant role in challenging the status quo and advocating for the rights of marginalized communities.

In conclusion, the issue of untouchability and caste-based discrimination in India is deeply complex, with historical, cultural, and social roots. It continues to be a pressing problem in modern times, affecting the lives of millions of Dalits and Scheduled Castes across various religious communities. Achieving true equality and justice for these marginalized groups requires not only legal reforms but also a fundamental shift in societal attitudes and a commitment to eradicating prejudices that have persisted for generations. Only through comprehensive efforts can India hope to break free from the shackles of caste-based discrimination and fulfill its promise of being a more inclusive and equal society.

### **CRITICAL ANALYSIS**

The roots of untouchability in India can be traced back to its socio-religious structure and the entrenched caste-based social hierarchy. The ideology of highness and lowness that evolved among people from different castes has perpetuated the practice of untouchability. To combat this discrimination, the Constitution of India, adopted in 1950, contains a comprehensive set of articles aimed at ensuring the equal treatment of all individuals. Among these, Article 17 holds a special place as it specifically addresses the abolition of untouchability.

Article 17 of the Indian Constitution declares that untouchability is abolished in all its forms and forbids its practice. This article arose from a resolution passed in 1932, promising Dalits the same rights as other Hindus, including access to public facilities. It pledged statutory recognition of these rights, making it an offense to violate them once recognized. Furthermore, the resolution aimed to eliminate hardships imposed on untouchables, which included inaccessibility to temples, water sources, and social sanctions based on caste.

The term "untouchability" is not precisely defined in the Constitution, but it is understood as the historical practice of caste-based discrimination. This practice includes treating individuals as untouchables temporarily or permanently for various reasons, such as disease, social observances, or disputes. The primary goal of Article 17 is to eradicate untouchability in all its forms.

To give effect to Article 17, the Indian Parliament enacted the Untouchability (Offences) Act, 1955, which was later renamed the "Protection of Civil Rights Act, 1955." This legislation

prescribes penalties for practicing untouchability in various forms. While Article 17 mainly addresses state actions, this act extends to acts or omissions by individuals, institutions, or juristic bodies of persons.

Article 15(2) of the Indian Constitution complements Article 17 by prohibiting discrimination based on factors such as religion, race, caste, sex, and place of birth. Notably, Article 15(2) not only restricts government actions but also private individuals in certain situations. The Supreme Court has emphasized that when any fundamental right, like Article 17, is violated by a private individual, it becomes the constitutional obligation of the State to take action to prevent such violations.

The legal provisions in the Indian Constitution, including Article 17 and Article 15(2), aim to create an egalitarian society where merit and effort are the primary determinants of success rather than one's social background. These provisions challenge discriminatory conduct not only by the State but also by private individuals.

The Indian Constitution's provisions addressing untouchability have their roots in the historical context of post-independence India. The country had just gained freedom, and the scars of partition were still fresh. Leaders like Mahatma Gandhi and B.R. Ambedkar advocated for the eradication of discrimination based on caste and religion, making it a fundamental goal for the newly formed nation.

While significant progress has been made, the issue of caste-based discrimination persists in India. Legal provisions, such as Article 15(4), provide for affirmative action through reservations to uplift disadvantaged communities. Reservations have increased the representation of marginalized groups in positions of authority and have contributed to a more equitable society. However, challenges remain. Caste-based oppression is still prevalent, especially in rural areas, and social and economic disparities persist. Achieving true social equality is an ongoing process, and the Indian government continues to work towards the ideals enshrined in the Constitution.

In conclusion, the Indian Constitution contains several provisions aimed at promoting equality and eradicating the practice of untouchability. Article 17 is central to this endeavor, along with complementary provisions like Article 15(2). These constitutional provisions have made significant strides in addressing historical discrimination, but the journey toward achieving full social equality in India is ongoing.

## RECENT INCIDENTS IN HOMETOWN

Uttarakhand, nestled in the central Himalayan region, is a state known for its stunning natural beauty and diverse cultural heritage. However, it is also marred by the persistence of caste-based discrimination, particularly in remote villages such as those in Pithoragarh. The two distinct regions of Kumaon and Garhwal in Uttarakhand have their own rich cultural traditions, but they share a common problem: untouchability and casteism.

In many of these villages, Dalits comprise most of the population, yet they continue facing systemic discrimination. Caste occupations, which have been historically assigned to certain Dalit castes, contribute to their segregation from the upper-caste communities. Castes such as Ordh (stone masons), Lohar (blacksmiths), Tamta (coppersmiths), Dholi (musicians), Chamars (tanners), and Jamadars (cleaners) have been traditionally labeled as untouchables.

Chanchal, the sole mason in the village, reveals the persistent discrimination faced by Dalits, highlighting that they are rarely extended invitations to events hosted by the Devlals (Brahmins) and the Sethis (Rajputs).

Gangadevi, a member of the Lohar community, shares the painful reality that even when Dalits are invited to such functions, they are not permitted to partake in meals. The social and cultural divide is evident as she says, "They don't drink water at our houses, nor do we drink at theirs." This pervasive discrimination underscores the deep-seated nature of casteism in these remote villages.

In addition to social ostracism, caste-based discrimination has far-reaching consequences, such as the unequal distribution of resources. In many villages, Dalits are denied access to essential resources like water due to caste politics within the local administration. Regrettably, atrocities committed by upper-caste individuals against Dalits often go unpunished, and the state has witnessed a rise in caste violence. The impunity with which these acts are committed further exacerbates the discrimination faced by Dalits. There are disturbing instances of Dalit individuals being brutally attacked and even killed for exercising their basic rights, such as choosing their political affiliations.

Karthik, a witness to the growing casteism in the region, emphasizes the role of divisive ideologies and political polarization, notably invoking Hindutva as a source of tension. The state has a history of caste violence, including the tragic 1980 Kafalta massacre in which 14

Dalits were burned alive by Thakurs for daring to conduct a wedding procession that did not conform to the wishes of the upper-caste villagers.

In conclusion, the haunting specter of caste-based discrimination continues to persist in Uttarakhand's remote villages. The Dalits in these areas bear the brunt of social and economic disparities. Urgent action is required to address this deeply entrenched issue and eliminate the social divisions that continue to plague the state, hindering the true realization of social equality and justice.

## CONCLUSION

The law, as a vehicle for achieving social change, has, in many respects, fallen short of fulfilling its promise of ensuring true equality. Even in environments that explicitly forbid de jure discrimination and actively work to ensure non-discrimination and substantive equality through constitutional remedies, protective legislation, and social welfare programs, discrimination and inequality persist, adapt, and at times, even thrive.

In the Indian context, the practice of untouchability and the existence of caste-based titles have been explicitly abolished and made punishable by law under the Protection of Civil Rights Act of 1955. Moreover, the Indian Constitution has put in place Articles 330 to 335 to protect the interests of Scheduled Castes, Scheduled Tribes, Anglo-Indians, and lower castes. Despite these legal measures, discrimination remains a harsh reality, undermining the vision of a rights-based society.

Access to education has played a pivotal role in the upliftment of historically marginalized communities, particularly Dalits. Education empowers them with knowledge of their rights and opens economic opportunities. Over the years, it has been a catalyst for social change and a pathway to breaking the cycle of discrimination. The shift in mindset and the evolving societal landscape provide hope for a future free from the practice of untouchability.

However, it is crucial to recognize that the change required extends beyond the realm of the law. To achieve genuine social equality, social justice, and the rule of law, this transformation must penetrate the very fabric of society. It necessitates challenging deep-seated prejudices and stereotypes that have perpetuated discrimination for centuries.

In conclusion, while the legal framework has made significant strides in abolishing untouchability and addressing caste-based discrimination, the fact that discrimination persists demonstrates the need for more comprehensive societal reform. True progress can only be achieved through a concerted effort to eradicate ingrained prejudices and stereotypes. Comprehensive education and a fundamental shift in the societal mindset are essential to realize India's potential as a thriving, inclusive, and equal society.



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