**REPARTITION TO THE HARIJANS**

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**ABSTRACT**

This paper focuses on the journey of development of the people belonging to the Harijans/Dalits community and discusses their position in the society before independence as well as after independence. It also analyses the laws and provisions provided under the Constitution of India which are making their life better and protecting them from evils of the society from any kind of discrimination. This paper also includes accounts from books and cases which depicts various situations that the Dalits were made to suffer and are still suffering. This paper also focuses on the reasons why reservation is provided to the people belonging to the Scheduled Castes and Scheduled Tribes for educational and employment purposes. Education and employment are the key essentials for anyone to uplift themselves and hence, in order to bring up the weaker section and ensure that the society accepts them as one of their own and not treat them as they have treated them for hundreds of years. The author concludes that even after the efforts of the government, discrimination still exists. Even after getting educated and holding good posts in office, the respect is given only on the faces and not behind their backs. The purpose of these laws was to provide respect to the Dalits in the eyes of society which is still lacking. It has been 73 years since India has got independence, but discrimination still exists in the hearts and minds of the society.

***Keywords:*** *Harijans, Discrimination, Mahatma Gandhi, Depressed Classes, Scheduled Caste/Scheduled Tribes*

**INTRODUCTION**

The literal meaning of the word Harijans is children of God. In India, people who belong to the bottom of the Hindu Caste system, are called Harijans. They are also referred as the Dalits. The people belonging to this community are usually engaged in sweeping, washing clothes, leather work, animal husbandry. Because they belong to the bottom of the Hindu Caste system, the other communities in the Hindu Caste system who are above them, consider them unclean and also due to the kind of work they are involved in.[[1]](#footnote-2) They are also considered untouchable and unclean because they consume beef which is a strict no in the Hindu religion. The beef meat comes from cow and cow is worshipped in the Hindu religion. It was considered that whomever will come into contact of such a person, will become impure. Hence, they were subjected to discrimination, social restrictions and inhuman treatment.[[2]](#footnote-3)

The name Harijans was given by the father of our nation Mahatma Gandhi[[3]](#footnote-4) who devoted many years of his life in getting independence from the British rulers. Originally, the Harijans were called the Dalits which means broken in Marathi language. They were called so to indicate that their position is oppressed in the society. Later the government of India grouped the people of this community and named them “Scheduled Castes” and “Scheduled Tribes”. Now people belonging to the SC/ST category has been entitled to education, employment, representation in parliament under the Constitution of India. In fact, it is our fundamental right to not to discriminate among people based on caste, creed, colour, race, region, place of birth, etc.[[4]](#footnote-5) Even though we have come so far since these laws have been enforced and the perspective of the society has broadened, we still get to know about events which proves that discrimination still exists.

**HISTORY OF THE HARIJANS**

The Harijans or the Dalits have a long history behind them. All of us are quite aware of what position they held in the society before independence took place. At that time, discrimination existed in all parts of the country. Most of the times, they were not allowed to live in the village and therefore they had to live outside the village which caused them a lot of problems in surviving the daily life. They were also not allowed to enter the temple. It was believed that they are impure and hence they will impure the temple as well.[[5]](#footnote-6) In order to gain some knowledge and get educated, the children wanted to go to school, but they are turn down and were not allowed to enter the school premises in most of the schools. Even if they were allowed, they were made to sit in a corner, separate from the other students and not between them in the class. The students belonging to the Dalit community were often humiliated and were treated inhumanly. There have been instances where they were made to sit on the floor while everyone is sitting on benches, they were to clean the school premises and washrooms, they were not allowed to drink water from the vessels in the school. Many a times, there was no separate facility for water as well. There have been instances where the fellow students have torn their books and notebooks, threw their food and water and humiliated them and discouraged them for coming to school.[[6]](#footnote-7) The villagers also did not allow them to draw water from the same well which was used by the entire village as it would become impure. The Dalits had to find other ways to help themselves as they were being deprived of the basic needs of human survival. There have been instances where if a Harijan has drawn water from the common well, the villagers either leave that well, or beat them to death. Due to the status of unacceptability in the Hindu religion, many people from the Dalit community converted from Hinduism to other religions such as Christianity, Islam and Buddhism.[[7]](#footnote-8)

**AN ACCOUNT IN A BOOK: ORIGIN OF NAME ‘HARIJAN’**

The name ‘Harijans’ was given by Mahatma Gandhi which means children of Lord Vishnu. The purpose of giving this name was to give respects to the Dalits or Untouchables as we are quite aware that not only, they were never respected by the society but also treated inhumanly. It was the year 1993 when Gandhiji visited Madras where a Harijan leader met him and told him that the community dislikes the word ‘harijan’. To which Gandhiji responded: “You say that the Depressed Classes were not consulted. They consulted me. That is the point. I have visited all parts of India. ‘Why are we called Harijans?’ I am asked. Why should they not have a better name? That is the generality of the feeling. ‘For heaven’s sake do not call us coolies,’ they pleaded. At one time this word had a particular significance. A whole race was called by that name. If it was not now used, it does not mean there has come about a change of heart. The offence to the ear has been removed. That is what the new name has achieved. It is not, as I said, my coining. An untouchable pleaded with me not to be known by ‘Suppressed’ reminds me of slavery,” he very rightly said. ‘I have no name to suggest; will you suggest?’ I asked. Then the man suggested ‘Harijan’. He quoted in support from Narasimha Mehta, the Gujarati poet, who had used it in his works. I jumped at it. I knew also the Tamil saying ‘Thikkatravanukku Deivamay Thunai’. Is not ‘Harijan’ a paraphrase of it? They are God's chosen who are outcastes. That is what ‘Harijan’ signifies as applied to suppressed classes.”[[8]](#footnote-9)

This account quite clearly shows how and why the name ‘Harijan’ was given to the Dalits. It was given to respect them, but due to the social backwardness and illiteracy of the people, it was also taken in the wrong way. In the beginning of the account there is the Harijan leader who comes to Gandhi ji where he has taken the new name as an offence even though it did not mean anything rather than respect and an attempt to uplift this weak section of the society.

**CRUELTY AGAINST THE HARIJANS**

Before independence the inhuman treatment of the Harijans was very ordinary to the people belonging to the upper caste. As the cruelty was taking place from hundreds of years, that is what they have seen and that is what they are passing on to the generations which came up. Well, when certain things take place again and again over a long period of time, it tends to become normal. On one hand, the upper caste people believed that the lower caste people are supposed to be treated like this and on the other hand the lower caste people accepted the treatment and did not raise their voice against it for a long time. It was only when the political leaders of the freedom struggle noticed that such cruel behaviour is taking place on the basis of caste which was actually not limited to a particular area or state, but throughout the country.

We are quite aware of the events which took place before independence, but even after implementation of so many laws, the discrimination is still quite prevalent. In the year 2019, the Dalits of Narayanapuram Adi Dravidar Colony in Tamil Nadu were restricted by local people from going to the cremation. It was happening for the last four years. The Dalits have to lower the dead body from a bridge to the cremation ground because the upper caste land-owners blocked their way to the ground. Such events of Dalit humiliation are normal/ordinary, against law and humanity. For an immediate solution, the collector of Vellore ordered that a portion of government land shall be allotted to the Dalit group for the purpose of cremation of their own.[[9]](#footnote-10) This incident is not the only one. Many such incidents have been taking place in our country as if it is completely normal. The upper caste people have become habitual to cruelty against the Dalits.

The issue of caste-based manual scavenging has been quite popular over time. The media has covered such issues over the past to draw attention of the government. But the real question is, is implementation of laws enough to get rid of caste biasness? Well the implementation and enforcement of laws have definitely brought a good change in the conditions of the Harijans, but the feeling which people held in their hearts have still not changed. If there were only rights for education and employment and no punishment for the person who exercised untouchability, we never know that people would still be very much into practicing it. In a country like India, which believes and is really into customs and traditions, untouchability would have become a solid part of it. In a lot of parts of the country it is still believed that manual scavenging should be done by Harijans and this mentality is not leaving their minds. In the year 2014, an old woman in a village of Uttar Pradesh told that she walks through the village to manually clean human excrement from dry toilets.[[10]](#footnote-11) Dry toilets are those which do not flush. The excreta are collected in a hole, which is later taken out by the manual scavenging. This old woman collects to in her basket and has to carry it to the outskirts of the village for disposal. The job is as disgusting as it sounds and the Dalit community people are forced into doing it.

The National Crime Records Bureau (NCRB) registers at least six to eight crime cases every year committed against Dalits. In last five years, 1,93,000 crimes have been committed against the Dalits which included heinous crimes like murder, rape and assault.[[11]](#footnote-12) The numbers are increasing every year to which one of the reasons can be that the Dalits are becoming literate and getting aware of their rights and hence they are reporting the crimes which are taking place against them. So, it is difficult to spot that either the crimes are increasing against them or they have just become more aware and report it. Earlier, that is before independence and even for some time after it, crimes committed against the Dalits were not even recognised as crimes, that is how ordinary the society made it.

In Telangana, two Dalit Community men were attacked and killed in their own small plot of land for which they were fighting case in the High Court and finally got the judgement in their favour. Devaiah, a member of the dominant Mudiraja community, had illegally laid claim to the land. The police and local revenue officials had colluded with him to try and defraud the Dalit family of the plot that rightfully belonged to them.[[12]](#footnote-13)

One of the most horrifying case will be of the two teenage boys, who were stripped and beaten in public for swimming in a well that belonged to a Non-Dalit. It was pointed out by the social activist and Dalit leader Sushil Gautam. This incident took place on 2nd April, 2018 in Maharashtra. The police had arrested the accused and later released them due to some pressure of an influential man. The upper caste boys were released and the Dalits boys were sent behind the bars for two months. According to social activist and Dalit leader Sushil Gautam this only shows the two-faced nature of the administration. All this is being done to break the social and political movement of Dalits.[[13]](#footnote-14)

Anger and disgust are seen more often in the younger generation of upper caste people towards the Dalit community. One of the reasons could be reservation of schools, colleges and government jobs. They often look down upon them and make them realise that whatever education or employment they have achieved is because of reservation and not because of their own qualifications and talent. It is important to make them understand that why such provisions were made and why Constitution protects them.

The conviction rates of atrocities committed against the Dalits are shameful. An NGO based in Madurai has monitored the sate of the human rights of Dalits in southern Tamil Nadu. The NGO also helps in hearing of cases of violence against Dalit women in Tamil Nadu.

These incidents make it clear to us that only government’s support is not enough, the society has to change from within. Well it will be wrong to say that all the people hold hard feelings but the majority does. The executive director of the NGO has noticed that in every rape case, or murder case, or any other act of torturing and mutilation, there were two common threads like inactive police, law and order machinery and administration on one hand and the woman or her family's struggle for access to land or livelihood. It is often seen that the oppressors who committed the crime will either be grated a quick bail or will never be arrested.[[14]](#footnote-15) The police often do not act up to the mark due to the political pressure which is put by some influential political leaders. These leaders not just only protect these offenders, but also committed crimes through them. The crime of mob lynching is very much a result of political influence. Dalit women and girls are often the targets of such crimes. Because they are already suppressed, people belonging to other communities have a notion that they can crime any crime against them. A question is often raised that even after having so many laws to protect this supressed classes are made, then why is there no change in the behaviour of the society towards them? Harijans have the same rights as any other citizens of the country, in fact they have little more advantage due to reservations. But even after that, accessing justice has been extremely difficult for them.

**RESERVATION**

Reservation has always been a hot topic for discusses. There are always two sides. Some are in support of reservation while some are against it. People supporting reservation often have argued that there is a section in the society which has been supressed for centuries only because they belong to the lower caste, hence in order to uplift them there should be some provisions which will help them to stand in the society and become equal in the eyes of society. People who are against it often put forward that reservation should not be provided just on the basis of caste, but the economic background of the person. There point is basically that as the Harijans are weak, similarly the poor people of upper caste are also weak and hence they should be entitled to reservation. They also blame reservation for the country not growing and developing as it should be.

Reservation in India is divided into three sections. These three are the weaker sections of the society: Scheduled Caste (SC), Scheduled Tribes (ST), and Other Backward Classes (OBC). The reason to provide reservation is to uplift them, protect them from discriminatory behaviour of the society and to help them in gaining respect in the eyes of the society. The Constitution of India provides reservation schemes towards the betterment of these three sections. These schemes focus on reservation in employment sector and education sector.

In employment sector, for the Scheduled Caste and the Scheduled Tribes 22% of the positions reserved. That means, in case there are 100 positions available, 22 seats will be allotted to the people belonging to the Scheduled Caste and Scheduled Tribes. Similarly, in education sector, 22% of the seats are reserved for the Scheduled Caste and Scheduled Tribes. Initially, when reservation was introduced and implemented, it was supposed to be functional only for a period of 10 years. It was aimed that within 10 years the Harijans and the society will overcome the differences and then the reservation can be dropped off. It was planned that in 10 years if not all but some Harijans would get educated and later, after the reservation is not there, they will help each other in upliftment. But things did not turn out as planned and that is one of the reasons why reservation schemes are still continued in India. In the popular Indra Sawhney case, the reservation in job promotions was challenged and called “unconstitutional”. In 1995, in the 77th amendment of the Constitution of India in Article 16 before the five-year period expired to continue with reservations for SC/STs in promotions.

A question is always raised that why isn’t the concept of creamy layer been introduced in the Scheduled Caste and Scheduled Tribes as it is there in the OBC. The OBC are divided into two categories, first is creamy layer and second is non-creamy layer. The term creamy layer is used for the people who are highly advanced socially, economically and educationally. They are the people who have taken advantage of the provision and have uplifted themselves. A person who earns more than 8 lakhs in a year is included in the creamy layer category. A person who does not earn more than 8 lakhs in a year is included in the non-creamy layer category. Only the people who belong in the non-creamy layer category can take advantage of the provision of reservation. Such a concept is not there in SC/STs. Hence, a person who earns any amount of money in a year can take advantage of the provision of reservation. The reason why such a concept is not introduced is that the OBC was not as supressed as the SC/STs. The history of their sufferings is open. Most of the OBCs are just economically backward, while the SC/STs are more of socially backward. The bridge of financial difference can be mend, but the bridge of social difference is very difficult to mend. The reservation has been there for years. Time and again there have been discussions to remove it but considering the circumstances, the government decides to continue.

**PROVISIONS UNDER LAW TO PROTECT THE SCHEDULED CASTE/SCHEDULED TRIBE**

1. Article 14 of the Constitution of India – It ensures equality before law. It states that the state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.[[15]](#footnote-16)
2. Article 15 of the Constitution of India – It prohibits discrimination on grounds of religion, race, caste, sex or place of birth. According to the Article 15(1), the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. Article 15(2) states that no citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels and palaces of public entertainment; or the use of wells, tanks, bathing Ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public. And mostly importantly Article 15(4) of the Constitution states that nothing in this article or in Article 29(2) shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.[[16]](#footnote-17)
3. Article 16 of the Constitution of India – It ensures that equal opportunity shall be provided to the citizens in matters relating to employment or appointment to any office under the State.[[17]](#footnote-18) There shall be no discrimination on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them.[[18]](#footnote-19) The Article also states that nothing can prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.[[19]](#footnote-20)
4. Article 17 of the Constitution of India – This Article abolishes “Untouchability” and its practice. According to this Article, the Constitution guarantees that untouchability in any form is forbidden and enforcement of any disability arising out of Untouchability shall be an offence punishable in accordance with law.[[20]](#footnote-21)
5. Article 46 of the Constitution of India – According to this article, it is the responsibility of the State to promote the educational and economic interests of the Scheduled Castes, Scheduled Tribes and other weaker sections of the society. The State shall provide special care and shall protect them from any social or cultural injustice which may exploit them.[[21]](#footnote-22)
6. Article 330 of the Constitution of India – This article provides for reservation of seats in the Lok Sabha for Scheduled Castes and Scheduled Tribes with some exceptions for the Scheduled Tribes. Article 330(2) clearly states that the reservation shall be done in the proportion to the total number of seats allotted to that State or Union territory in the House of the People as the population of the Scheduled Castes in the State or Union territory or of the Scheduled Tribes in the State.[[22]](#footnote-23)
7. Article 332 of the Constitution of India - This article provides for reservation of seats in the Legislative Assemblies of the States for Scheduled Castes and Scheduled Tribes with some exceptions for the Scheduled Tribes. Similar to Article 330(2), Article 332(2) also states that the proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or part of the State.[[23]](#footnote-24)
8. Article 338 of the Constitution of India – This article states that there shall be special officers appointed by the President for the Scheduled Castes and Scheduled Tribes. The duty of such officers will be to investigate and look into all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes. Their duty also requires them to report to the President.[[24]](#footnote-25)
9. National Commission for Scheduled Castes and Scheduled Tribes – National Commissions have been formed to protect the rights and the interests of the unprivileged.[[25]](#footnote-26)
10. Civil Rights Act, 1955 – Under this Act, untouchability and its practice has been made a punishable offence. The Act protects the Scheduled Castes and Scheduled Tribes.[[26]](#footnote-27)
11. Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989– This act was brought into action to prevent the commission of atrocities against people belonging to the Scheduled Castes and the Scheduled Tribes for Constitution of special courts for trial of such offenses, and to provide relief and rehabilitation to the victims.[[27]](#footnote-28) Any person who is not a member of a scheduled caste or a scheduled tribe and commits an offence listed in the Act against a member of a scheduled caste or a scheduled tribe is an offender. The victim is a member of a scheduled caste or a scheduled tribe against whom any of the following offences is committed by the offender. All offences listed in the Act are cognizable. The police can arrest the offender without warrant and start investigation into the case without taking any orders from the court. The minimum punishment in most cases is six months imprisonment while the maximum is five years sentence and with fine.[[28]](#footnote-29)
12. Human Rights Act, 1993 – This act protects the interests of all the citizens and provides for basic human rights which are exercised by all the people and are necessary for survival. The basic human rights are Right to Equality,[[29]](#footnote-30)Freedom from Discrimination,[[30]](#footnote-31) Right to Life, Liberty, Personal Security,[[31]](#footnote-32) Freedom from Slavery,[[32]](#footnote-33)Freedom from Torture and Degrading Treatment,[[33]](#footnote-34) Right to Equality before the Law[[34]](#footnote-35)and many more. The act also provides for the Constitution of a National Human Rights Commission, State Human Rights Commission, and Human Rights Courts for better protection of Human Rights.

**CONCLUSION**

The Harijans had a dark past. The word dark is used because inhuman treatment of any individual puts him or her in a suppressed state. The Dalit community was treated worse than animals. Even animals are given food, water, sometimes shelter. They would not be beaten to death if committed a mistake. If nothing, the animals at least had freedom to live wherever they want, unlike Harijans who were forced to live on the outskirts of the villages. In the history of India, there are many people belonging to the Dalit community who have worked their way up. Powerful Indian politician Shri Jagjivan Ram was one of the first of his caste to receive a formal education. He also held cabinet posts in the Indira Gandhi government. Shri Kocheril Raman Narayanan was the President of India in the year 1977-2002. Srimati Meira Kumar was the first woman speaker of the Lok Sabha (2009). But the person who is responsible for most of the change which has come in the status of the Dalits, is Dr. Bhimrao Ramji Ambedkar. Dr. Ambedkar is the father of our Constitution. He played an active role in the freedom struggle of India with Gandhiji and many others. He himself belonged to the Dalit community and has faced many social restrictions and discrimination in the society while he was growing up. As a social activist, he put a lot of efforts in getting rid of any kind of discrimination. He launched a slogan: Educate, Organise and Agitate, which means oneself should educate themselves, organise themselves towards the correct path and work their way up.

73 years of independence, and we still could not set off the discrimination in the minds of the people. Were Harijans mistreated before independence? Yes. Have measures been taken to make their life better? Yes. Are they being implemented and enforced? Yes. But, are they respected by the society as any person of the upper caste? No. And that is all where all the efforts of years of the leaders and government come down. To change the society, first we have to educate them and then change their mindset. Having a conservative mindset is not going to help in the growth and development of the country.

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